



DEBATES OF THE SENATE

1st SESSION



44th PARLIAMENT



VOLUME 153



NUMBER 182

OFFICIAL REPORT
(HANSARD)

Tuesday, February 27, 2024

The Honourable RAYMONDE GAGNÉ,
Speaker

CONTENTS

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

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

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

THE SENATE

Tuesday, February 27, 2024

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

Prayers.

[*Translation*]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, there have been consultations and there is an agreement to allow a photographer in the Senate Chamber to photograph the introduction of a new senator.

Is it agreed, honourable senators?

Hon. Senators: Agreed.

NEW SENATOR

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the Clerk of the Senate has received a certificate from the Registrar General of Canada showing that Manuelle Oudar has been summoned to the Senate.

[*English*]

INTRODUCTION

The Hon. the Speaker having informed the Senate that there was a senator without waiting to be introduced:

The following honourable senator was introduced; presented His Majesty's writ of summons; took the solemn affirmation, which was administered by the Clerk of the Senate; and was seated:

Hon. Manuelle Oudar, of Quebec City, Quebec, introduced between Hon. Marc Gold, P.C., and Hon. Clément Gignac.

[*Translation*]

The Hon. the Speaker informed the Senate that the honourable senator named above had made and subscribed the Declaration of Qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

• (1410)

CONGRATULATIONS ON APPOINTMENT

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I rise today to welcome our new colleague to the Red Chamber.

Senator Manuelle Oudar represents the province of Quebec. She holds a bachelor's and a master's degree in law from Université Laval. She is a member of the Barreau du Québec, the Ordre des conseillers en ressources humaines agréés du Québec and the Ordre des administrateurs agréés du Québec. She is a respected lawyer and advocate for justice who has devoted her entire career to serving the public.

Senator Oudar spent 30 years in legal affairs management positions in Quebec's Ministry of Culture, Communications and Status of Women, Ministry of Employment and Social Solidarity, and Ministry of Family. She also served as deputy minister at the province's Ministry of Labour and Ministry of Education.

For the past eight years, Senator Oudar served as the president and CEO of the Commission des normes, de l'équité, de la santé et de la sécurité au travail, the CNESST, whose mission is to promote workplace health and safety management and to protect workers' rights, while ensuring compliance with the applicable laws and regulations.

Senator Oudar has shared her experience and expertise with youth and served as a mentor to young professionals. Her contributions and achievements were recognized in 2017 when she was named one of the 100 most influential women in Canada by the Women's Executive Network, or WXN, and again in 2023 when she was awarded the Prix Femmes de mérite 2023 by the Women's Y Foundation of Montréal.

We are indeed fortunate to welcome Senator Oudar, who has a wealth of experience. Senator Oudar, I look forward to working with you. Congratulations.

Hon. Senators: Hear, hear!

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, on behalf of the opposition and the Senate Conservative caucus, I am pleased to rise today to welcome our newest colleague, Senator Manuelle Oudar, representing the senatorial division of La Salle, in Quebec.

[*English*]

Senator Oudar, we are all looking forward to working with you in your new role as a senator.

Colleagues, as I was preparing these remarks, I was pleased to find an interesting link between Senator Oudar and her predecessor, the Honourable Pierre-Hugues Boisvenu. Both have been actively outspoken about combatting violence against women. The recent retirement of Senator Boisvenu has left big shoes to fill here in the Senate on this issue. I find solace in knowing that Senator Oudar will be a voice in our chamber and on Parliament Hill for this very important cause.

Senator Oudar is a respected lawyer, leader and advocate for justice. She has spent more than three decades in the Quebec public service, serving her community through her involvement with various organizations, mentorship programs and initiatives.

Senator Oudar, I wish you well in the upper chamber. I look forward to hearing your perspective in the context of your experiences and background. These are very interesting times, in which our role of due diligence is crucial, as it may offer hope to the good people across our country.

Please know that members of the Conservative caucus look forward to working in collaboration with you on ways to improve the lives of Canadians by working and fighting for their best interests.

[*Translation*]

Once again, on behalf of the opposition and the Conservative caucus, I wish you a warm welcome to the Senate of Canada and to the Senate family.

Some Hon. Senators: Hear, hear!

Hon. Raymonde Saint-Germain: Honourable senators, I am deeply moved today to welcome a colleague from Quebec, the Honourable Manuelle Oudar. Her career, especially in the Quebec public service, has been no less impressive than her engagements and experience outside her work, which will serve her well as she performs her parliamentary duties.

Throughout her career, Senator Oudar has shown her talent for statecraft and public service. Whether as head of the Commission des normes, de l'équité, de la santé et de la Sécurité du travail, the Quebec regulatory body responsible for promoting labour rights and obligations, or within the various ministries where she worked, she successfully managed to meet the high demands of governance and to deliver quality services to the public, while respecting their rights, needs and dignity.

She has always respected and promoted social justice, especially when it comes to reducing economic and identity-related inequalities, fighting violence against women, and ensuring that young people have access to the most inclusive workforce possible. Her sensitivity to the changing nature of the labour market has directly influenced many young women, future leaders, whom she guided as a mentor.

[*English*]

Senator Oudar also proved herself to be a woman of action. In 2020, then the CEO of Quebec Labour Standards, Equity, Health and Safety in the Workplace Commission, or CNESST, she successfully led the organization of more than 5,000 employees through the biggest health crisis of the early part of this century.

Committed to helping the public, she embodied the importance of social dialogue, notably by overseeing the production of the first practical guide to labour standards in the Quebec construction industry. This guide became a cornerstone, not only for the protection of workers, but also for supporting the industry's economic activity. Testifying to its success, 26 evolving guides have been produced in a very short duration of time, allowing Quebec to avoid economic paralysis while protecting its workers.

Under Senator Oudar's leadership, the commission was awarded the United Nations Public Service Award in 2022.

[Senator Martin]

Considering her past achievements, Senator Oudar's values, skills, expertise and accomplishments, as well as her keen understanding of the constitutional responsibilities enshrined in our institutions, are outstanding assets for her tenure as a parliamentarian.

I have no doubt that the continuation of her public service from the executive branch to the legislative one will be as smooth and successful as her career has been so far, and to that I can personally speak as well.

Senator Oudar, I speak for all members of the Independent Senators Group as I congratulate you on your appointment and express how delighted we are to have you as a colleague.

[*Translation*]

Welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

[*English*]

Senator Tannas: On behalf of my colleagues in the Canadian Senators Group, I welcome Senator Oudar to the Senate as the fourteenth senator from the senatorial division of La Salle. For over three decades, Senator Oudar has been a notable public sector leader and lawyer with an expertise in labour laws in Quebec.

We now have 17 lawyers or legal scholars in the Senate, with a range of expertise from constitutional to corporate to administrative and from human rights to now labour law with Senator Oudar's arrival. If the Senate ever wanted to form its own law firm, it would likely have one of the most diverse ranges of legal fields, legal scholars and notables in Canada.

Senator Oudar, your expertise, which was a missing piece of our firm, will be of great benefit to us as senators. I look forward to the contributions that you will make in our debates.

We in the CSG are paying close attention to the appointment process. It is just like watching the time go down on the scoreboard. We see the number of vacancies also go down towards the ultimate goal of a full chamber where each region has its full complement of senators with no provinces left behind. We are encouraged, and we look forward to more appointments.

• (1420)

To our new senator — Senator Oudar — and to those who have arrived here recently, I have a few pieces of advice.

Number one: You know that feeling of awe and wonderment the first time you walk into this place? Hold on to it for as long as you can, since it will help you during the long sittings. To sit in this place is not only a privilege, but a responsibility.

Number two: Pace yourselves. Legislative and policy changes are marathons, not sprints. All good things take time. Our system is designed for thorough review and debate so that good ideas can be refined into better ideas.

Number three: Find good staff. Surrounding yourself with bright minds will help you achieve your goals. Your challenge is balancing experience with bringing in fresh perspectives and youthful enthusiasm.

Number four: Never disregard sleep. Contrary to the opinions of some outside this chamber, we work very long hours. Emotions can run high, and a sound mind is a must to navigate numerous political obstacles that will be put in front of you. A good night's sleep is the cure to a cluttered mind full of burdens.

Finally, number five: Always be wary of long-time senators offering unsolicited advice.

Some Hon. Senators: Oh, oh!

Senator Tannas: Senator Oudar, your skills and perspectives are both needed and wanted here, and we — in the Canadian Senators Group — look forward to working with you.

Hon. Senators: Hear, hear.

[*Translation*]

Hon. Pierre J. Dalphond: Honourable senators, as the new representative of the Progressive Senate Group, I am pleased to join the other leaders in welcoming Senator Manuelle Oudar. What is more, the first welcome I am extending in this new position is to a colleague with a remarkable career in my province's public service.

An accomplished jurist, she held legal affairs management positions at various Quebec ministries, including the Ministry of Employment and Social Solidarity, the Ministry of Family, the Ministry of Education, Recreation and Sport, and the Ministry of Culture, Communications and Status of Women. In Quebec, we like ministries with long names. Over the years, she also demonstrated management skills that earned her positions such as Assistant Deputy Minister of Networks at the Ministry of Education, Recreation and Sport and Deputy Minister at the Ministry of Labour.

In 2016, she became the president and CEO of the Commission de la santé et de la sécurité du travail du Québec. She then oversaw its merger with two other commissions, when it became the Commission des normes, de l'équité, de la santé et de la sécurité du travail, or CNESST, an organization made up of about 5,000 people.

In 2022, CNESST received a United Nations award for its efforts in favour of gender equality, economic justice, equity in the labour market, empowering women and reducing inequality and wage gaps.

It's no surprise, then, that last year our colleague was awarded the Prix Femmes de mérite by the Women's Y Foundation of Montréal, in the public service sector. I should also point out that

our colleague is an accredited mediator, which is likely to prove a very useful quality when it comes to building consensus in committee.

On a personal note, she is also the co-CEO of a family of seven children, along with Pierre Reid, who is here with us today and who is also a Quebec lawyer and senior civil servant.

[*English*]

In conclusion, our new colleague brings a wealth of experience that we will soon have the opportunity to share.

Welcome, Senator Oudar, to your new home — the upper house of Parliament — where you will work for the well-being of Canadians along with talented colleagues representing the rich diversity of our country.

[*Translation*]

Welcome, senator.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Pierre Reid, spouse of the Honourable Senator Oudar, her children Yarie Oudar Conte Reid and Samuel Reid, her parents Simone Pietri and Gérard Oudar, and her sisters Elisabeth and Valérie. They are accompanied by other members of the Honourable Senator Oudar's family.

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

Hon. Senators: Hear, hear!

[*English*]

SENATORS' STATEMENTS

BLACKNORTH INITIATIVE

Hon. Tony Loffreda: Honourable senators, February is Black History Month.

As we look back to appreciate the countless contributions of Black Canadians in shaping our country, February is also a critical time for us to remember the social injustices they continue to face, and to examine the state of equity in Canada and the work that lies ahead to achieve fairness and address inequality.

Equality is all about providing equal rights and equal opportunities to all. Equity, however, is really what we should all be aspiring to. It is about recognizing that we all have different circumstances and realities, and it is about offering opportunities to reach equal outcomes.

Among those working to attain this objective is the BlackNorth Initiative. Launched in 2020 under the leadership of Wes Hall, the BlackNorth Initiative has been providing support and guidance to members of the Black community across Canada with much success and high praise.

In just three short years, BlackNorth has already made massive strides for the Black community. Some of its achievements include offering mentorship to Black talent and engaging with more than 400 Black-led businesses across Canada; helping Black families in the Greater Toronto Area, or GTA, become homeowners through its Homeownership Bridge Program; sharing more than 1,700 job opportunities through its BlackNorth Connect Program; raising funds to support African refugees in the Toronto area; and offering bursaries and scholarships to bright young students.

BlackNorth recently launched its Black Entrepreneurship Growth and Innovation Network — a digital support program for entrepreneurs that offers educational services and mentorship programs to grow and expand their business.

What initially started in Toronto has now expanded to Alberta with its first new chapter in 2023. Chapters in Nova Scotia and Quebec will soon be launched, further expanding BlackNorth's footprint across the country.

With a board of directors that includes business executives, doctors, academics, a former Governor General and our former colleague the Honourable Don Oliver, the BlackNorth Initiative is destined for much greater success, expansion and impact in the coming years. It is an organization with its eyes set on empowering as many Black Canadians as possible in achieving their goals, and making sure corporate Canada becomes more diverse and inclusive.

Honourable senators, please join me in acknowledging the outstanding work of the BlackNorth Initiative and its commitment to supporting Canada's more than 1.5 million Black Canadians. It is important that we support and honour such great organizations as they seek to achieve greater equality, fairness and justice.

Thank you. *Meegwetch.*

Hon. Senators: Hear, hear.

NATIONAL RIBBON SKIRT DAY

Hon. Judy A. White: Honourable senators, I rise today to express my happiness that this year marked the first National Ribbon Skirt Day.

January 4 now holds this important commemoration, thanks to the dedication and hard work of my colleagues here at the Senate and the House of Commons who passed Bill S-219 with unanimous consent.

To Senator McCallum, who sponsored the bill, I extend my heartfelt thanks for your dedication to ensuring that we are making Canada a space for all of our cultures.

[Senator Loffreda]

Ribbon skirts are tremendously significant in the lives of Indigenous women from various groups and nations across this country. They signify the strength and resilience of Indigenous women. Having this symbol of womanhood for Indigenous people nationally recognized is a step in the right direction for the reconciliation of this country. Indigenous women deserve to feel understood and be understood, and I hope to continue these efforts during my time here in the Senate.

Ribbon skirts are often gifted to individuals. They are prepared upon reflection — through prayer — and smudged through ceremony by the crafter. They are gifted to express a multitude of emotions, such as gratitude, congratulations and love.

Personally, I have the honour of holding several ribbon skirts that have been gifted to me for various reasons, at various stages in my life, and they all hold their own special story. My skirt, which I wear today, commemorates strength of our grandmothers — Nukumij, as we say in my Mi'kmaq language — and it has its very own story. It was made and given to me by one of my cousins, who at the time was strengthening her own mental health wellness. She found comfort and solace in making ribbon skirts. She took great pride in every stitch and prayed, and when I wear this skirt, I can actually feel the strength of her prayers for grandmothers everywhere.

• (1430)

In 2018, I was invited by then lieutenant-governor for Newfoundland and Labrador Judy Foote to her inaugural swearing-in ceremony at the province's House of Assembly. This was not a regular day; not only was it the first time I wore a ribbon skirt to work, it was the first day that we had a land acknowledgment in the provincial legislature. It was also the first time an Indigenous water ceremony was conducted on the floor of the House of Assembly. A water ceremony is specifically tied to women's responsibilities and spiritual connections to water. It was amazing to be part of a ceremony that maintained the role and importance of the Indigenous women and to share that ceremony with the Newfoundland and Labrador legislature.

Ribbon skirts are now a fashion statement. I am thankful to wear mine today. One day, I hope to make my own ribbon skirt along with my granddaughters, but for today, I am thankful to have the chance to share what this day means to me and celebrate it with you and all Canadians.

Wela'lin, 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 Erika Alexander and Kwabeno Neale. They are the guests of the Honourable Senator Housakos.

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

Hon. Senators: Hear, hear!

LINCOLN ALEXANDER, P.C., O.C., O.ONT.

Hon. Leo Housakos: Honourable colleagues, as we near the end of Black History Month, I'd like to pay tribute to a Canadian parliamentarian, and a man of many firsts, for his commitment to upholding the values we so cherish and his service to the people of this great nation. From humble beginnings as the son of Caribbean immigrants who exemplified and passed on the honour in hard work and perseverance, a former officer in the Royal Canadian Air Force and a prestigious lawyer who was bestowed the title of Queen's Counsel.

In 1965, as a candidate for the Conservative Party, Lincoln Alexander won the riding of Hamilton West, thus becoming the first Black Canadian to take a seat in the Parliament of Canada. It is said that it remained one of his proudest moments until his passing in 2012.

To say he left an indelible mark on this country he so loved would be an understatement. He won the seat at a time when it obviously wasn't easy getting elected as a Black man or, for that matter, as a Conservative in an urban Ontario riding. The fact that Conservatives were considered a party of and for outsiders was said to be part of its appeal for the man who was known to friends as "Linc."

Re-elected four times and serving for 12 years, Alexander also became the first Black Canadian appointed to cabinet. During his maiden speech as an MP, Mr. Alexander noted that he was not a spokesman for the Black man, stating:

... that honour has not been given to me. Do not let me ever give anyone that impression. However, I want the record to show that I accept the responsibility of speaking for him and all others in this great nation who feel that they are the subjects of discrimination because of race, creed or colour.

This would remain a guiding principle throughout Lincoln Alexander's career and, indeed, his whole life. He didn't claim that discrimination didn't exist in Canada, and he certainly faced it himself, but he also stated that Canada, in its imperfection, was still the greatest country to live and prosper for people from all walks of life and all backgrounds.

In 1985, Alexander became the first Black Canadian named to a vice-regal position when the Right Honourable Brian Mulroney appointed him Lieutenant Governor of Ontario. As Lieutenant Governor, he took an active role in multicultural affairs, combatting racism and advocating for youth and seniors. He later served an unprecedented five terms as chancellor of the University of Guelph — succeeded by our own Senator Wallin — before going on to chair the Canadian Race Relations Board.

Known for his sound judgment, compassion and humanity, perhaps the word I most often hear to describe Lincoln Alexander is "integrity." Alexander's legacy lives on in his published memoir, the numerous schools, law school and even an expressway that bears his name, and on Lincoln Alexander Day, which is observed across Canada every year on January 21. More importantly, his legacy lives on in his family. We are so fortunate to have some of them here with us today, and I hope, colleagues,

you will all make time to come to the third floor between 3:30 p.m. and 5:30 p.m. to say hello to that chip off the old block. Thank you, colleagues.

[Translation]

THE HONOURABLE MADAM JUSTICE CORRINE SPARKS

Hon. Sharon Burey: Honourable colleagues, I rise today to pay tribute to a great Canadian, Justice Corrine Sparks, a pioneer and a shining example of courage who has overcome barriers, a leader in the service of others, a legal educator and a mentor.

[English]

Justice Sparks' historic appointment to the Nova Scotia Family Court judiciary in 1987 marked a significant milestone for Black representation in the Canadian legal system, and one of many firsts. She was the first in her family to attend university, the first Black judge in Nova Scotia, the first woman Black judge in Canada, and she co-created the first all-woman law firm in Nova Scotia. It was the start of a legal journey that would change the course of Canadian legal history in the 1995 *R v. S (R.D.)* case.

Her journey began in Lake Loon — a small, segregated community in rural Nova Scotia — where she experienced the challenges of an underfunded and segregated education system. Despite these obstacles, Justice Sparks forged ahead, graduating from Mount Saint Vincent University with a degree in economics, and later earning from Dalhousie University a Bachelor of Law degree, followed by a Master of Law degree in 2001.

She served on the Canadian Bar Association's Gender Equity Task Force and was the 2020 recipient of the Weldon Award for Unselfish Public Service. She was instrumental in launching the judicial mentorship initiative at Dalhousie to support African Nova Scotians and Indigenous lawyers in applying to become a judge. She lectures globally, teaching with the Commonwealth Judicial Education Institute.

In her own words, Justice Sparks eloquently captures the essence of her judicial philosophy, stating:

You are dealing with human beings. In order to be an effective judge you need to employ many skills on a daily basis. You need knowledge of the law, human compassion, and empathy. . . .

This commitment to balancing legal expertise, a deep understanding of servant leadership and the social context of the law defined her career and made her a respected figure in the legal community.

After 34 years of dedicated service, she retired from the bench, but continues her service as a commissioner with the Nova Scotia Land Titles Initiative, adjudicating land claims for clear title over land in five historic African-Nova Scotian communities.

In closing, colleagues, although I stand to recognize Justice Corrine Sparks' achievements during Black History Month, let us realize that this is Canadian history, and that as we share our stories with each other, we can become what we imagine — a truly equitable and inclusive society.

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 Brenda Read and Jeraldine Marshall, Indigenous women leaders with the Nuu-chah-nulth Community Futures Development Corporation. They are the guests of the Honourable Senator McPhedran.

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

Hon. Senators: Hear, hear!

BLACK HISTORY MONTH

Hon. Mary Coyle: Honourable colleagues, I rise today in celebration of Black History Month. Last night, the Ottawa community joined Parliamentarians to an event hosted by Speaker Greg Fergus and the Parliamentary Black Caucus — co-emceed by José Aggrey and myself — to celebrate the life and legacy of former MP, Dr. Howard McCurdy, and to launch his autobiography edited by his former parliamentary staffer, former Parliamentary Poet Laureate and fellow Nova Scotian George Elliott Clarke.

In the book's preface, Dr. Clarke says:

Howard McCurdy was amazing:

First Black Canadian to become a tenured professor

The man who named the New Democratic Party

The founder of the anti segregation Guardian Club in Windsor

A founder of the Canadian Civil Liberties Association

The founder of the National Black Coalition of Canada

The second Black Member of Parliament

And the second African Canadian to seek to head a national party.

• (1440)

Last evening, we heard from Speaker Fergus, NDP leader Jagmeet Singh, MPs Matthew Green and Irek Kusmierczyk, Dr. Mrs. McCurdy and George Elliott Clarke himself.

[Senator Burey]

MP McCurdy was described as a role model, a caring and exacting teacher, a scientist, a man who broke down barriers at home and against apartheid in South Africa — a leader who shone the light for others on the road to triumph.

In his book's epilogue, MP McCurdy says:

My political engagement was undertaken for the achievement of social and economic justice and equality for all — regardless of race, ethnicity, gender, sexual orientation, or religious belief. I credit that politics — in all its forms — legislative and civil society — is a transcendent, civilizing, and justice-realizing pursuit.

Now, Canada considers diversity a strength. Even our constitution defines Canada as a multi cultural nation. But the old "Dominion" is not Utopia yet.

George Elliott Clarke concludes the book's preface, speaking of his mentor's passing in 2018:

Nor was I the only one to recognize that a giant had fallen, that a library had been torched. A trio of Prime Ministers sang Howard's praises for the official Globe obit — Brian Mulroney, Joe Clark and Paul Martin . . .

Study Howard McCurdy's life story and you will know why even these potentates had to stand in awe of that singular Black, and radical dignitary — as if they were honorary pallbearers.

Honourable senators, let's join these three prime ministers and the luminaries gathered last evening in celebrating the life and enduring legacy of Dr. Howard D. McCurdy, our fellow parliamentarian and a remarkable trailblazer.

Thank you, *wela'liog*.

[*Translation*]

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

ELEVENTH REPORT OF COMMITTEE TABLED

Hon. Lucie Moncion: Honourable senators, I have the honour to table, in both official languages, the eleventh report of the Standing Committee on Internal Economy, Budgets and Administration entitled *Financial Statements of the Senate of Canada for the year ended March 31, 2023*.

[English]

**COURAGE, BRAVERY AND SACRIFICE OF
ALEXEI NAVALNY**

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

NOTICE OF INQUIRY

BILATERAL MEETING WITH JAPAN-CANADA DIET FRIENDSHIP
LEAGUE, AUGUST 27-30, 2023—REPORT TABLED

Hon. Ratna Omidvar: Honourable senators, I give notice that, two days hence:

Hon. Stan Kutcher: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Japan Inter-Parliamentary Group concerning the Twenty-first Bilateral Meeting with the Japan-Canada Diet Friendship League, held in Ottawa, Ontario, Canada, from August 27 to 30, 2023.

I will call the attention of the Senate to the courage, bravery and sacrifice of Alexei Navalny and other political prisoners persecuted by Putin's Russia.

**CANADA-CHINA LEGISLATIVE ASSOCIATION
CANADA-JAPAN INTER-PARLIAMENTARY GROUP**

QUESTION PERIOD

GENERAL ASSEMBLY OF THE ASSOCIATION OF SOUTHEAST
ASIAN NATIONS INTER-PARLIAMENTARY ASSEMBLY,
AUGUST 6-10, 2023—REPORT TABLED

PUBLIC SAFETY

CANADA BORDER SERVICES AGENCY

Hon. Stan Kutcher: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group concerning the Forty-fourth General Assembly of the Association of Southeast Asian Nations Inter-Parliamentary Assembly, held in Jakarta, Indonesia, from August 6 to 10, 2023.

Hon. Donald Neil Plett (Leader of the Opposition): Leader, yesterday, the head of the Customs and Immigration Union testified before a House committee about auto theft at the Port of Montreal. Mr. Mark Weber told the committee that customs officers have only six parking spots at the port where they can park the stolen cars they find. Once they find six vehicles, they wait for days until the cars are taken away so they can do more inspections.

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND
DATE OF FINAL REPORT ON STUDY OF SEAL
POPULATIONS AND DEPOSIT REPORT WITH CLERK DURING
ADJOURNMENT OF THE SENATE

The Port of Montreal's only X-ray scanner is broken. The scanner currently being used was borrowed from Windsor. The scanner currently doesn't have one. He also said the Canada Border Services Agency, or CBSA, has eight inspectors at the Port of Montreal to handle 580,000 containers per year.

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

Leader, instead of wasting \$60 million on "ArriveScam," why wasn't that money used to stop crime?

That, notwithstanding the order of the Senate adopted on Tuesday, November 7, 2023, the date for the final report of the Standing Senate Committee on Fisheries and Oceans in relation to its study on Canada's seal populations be extended from March 31, 2024, to June 30, 2024; and

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. As I stated in this chamber some weeks ago, the Government of Canada has convened all relevant stakeholders to address the serious question of the rising rate of car thefts in this country. I will not repeat all the measures that have been taken or have been contemplated nor remind senators that this government has continued to invest in the human resources necessary to address this particular challenge.

That the committee be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate its report relating to this study, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

The Port of Montreal is an important port and, unfortunately, also a vulnerable port for all kinds of illegal activities. The government will do everything that it can within its jurisdiction with its partners as well in the administration of justice provincially to address this serious problem.

Senator Plett: The \$60 million the Trudeau government wasted on “ArriveScam” is more than double what was promised at your recent summit to fight auto theft: \$28 million. Three weeks ago, the Prime Minister said he’s looking at strengthening penalties for anyone who participates in auto theft.

Leader, how much longer is he going to look at making changes? Will the Trudeau government support a private member’s bill from Conservative MP Randy Hoback to bring in penalties for repeat car thieves? Yes or no?

Senator Gold: I’m not in a position to comment on the government’s position on the private member’s bill but only to repeat that the government is addressing this issue seriously and will continue to do so.

GLOBAL AFFAIRS

ISLAMIC REVOLUTIONARY GUARD CORPS

Hon. Leo Housakos: Senator Gold, a recent article in *The Hill* stated Canada lacks the political will to tackle transnational organized crime and other foreign influence, citing a report by the International Coalition Against Illicit Economies, a Washington-based national security non-governmental organization, that referred to Canada as a “safe zone” and a “money laundering safe haven” for terror groups and their criminal networks.

The report took particular issue with Canada as a crime hub for Iranian-backed proxies to finance terrorism in the Middle East and around the world, highlighting the ties between Iran, Russia and Beijing.

Our allies are also getting fed up, Senator Gold. Frankly, I’m getting fed up. I have been asking this question for years. What will it take for your government to take this question seriously? Don’t tell me your government is taking this seriously, because you haven’t even done the bare minimum, which is to list the Islamic Revolutionary Guard Corps, the IRGC, as a terrorist group. Will you finally, please, list the IRGC as a terrorist group, as per the wishes of this Parliament and the people of Canada?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. Canada has a robust sanctions regime in place with regard to many individuals and entities associated not only with the Government of Iran but, indeed, with other countries whose actors and, in some cases, institutions have taken steps that are contrary to our national interest. It will continue to be a robust regime. There is always an ongoing evaluation and re-evaluation of additional steps which may be appropriate.

Senator Housakos: That is the same mumbo-jumbo I’ve been hearing for years. Senator Gold, the IRGC shot down Ukraine International Airlines Flight 752 in 2020, killing everyone on board, including 55 Canadian citizens and 30 permanent residents. Senior members of the IRGC are running around Canada, working out in gyms and giving lectures in Canadian universities.

• (1450)

How do you think it makes Iranian Canadians feel? They came here to escape this tyrannical regime. How do you think it makes the families of victims of Flight PS752 feel? What will you say to them, Senator Gold? They don’t believe your government is doing enough to deal with this crisis.

Senator Gold: I’m sure I speak on behalf of all senators when I say that our thoughts remain with the victims of that tragic airline attack, their families and with all those who are suffering intimidation by foreign governments seeking to interfere with the quality of our life here.

TRANSPORT

AVIATION SAFETY

Hon. Donna Dasko: My question is directed to Senator Gold.

December 7, 2023, *The Globe and Mail* reported details of a draft report by the International Civil Aviation Organization, the ICAO, which is a United Nations agency, highlighting significant lapses in Transport Canada’s oversight of the safety of this country’s civil aviation system. The audit found a notable decrease in Canada’s overall score from 95, in 2005, down to 64, which means Canada’s score ranks with countries in the developing world.

The ICAO judged the country’s safety regime on hundreds of criteria within eight areas, and Canada scored below the global average in six out of eight categories.

What is the government’s response to this report? What specific actions and measures does the Minister of Transport plan to take to address the critical issues identified in this report and to improve the safety standards of Canada’s aviation industry?

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

Let me be clear that while Transport Canada is confident in the safety of Canada’s aviation system, it very much welcomes the opportunity to further improve their processes and framework so as to be better aligned with ICAO standards and recommended practice.

However, it is important to remember that Canada is a unique country, particularly when it comes to aviation. Many remote and Northern communities rely heavily on local and regional airports. Aviation services are literally lifelines for transportation, emergency services and food and water. This means that Canada’s regulatory framework — developed for a Canadian reality — which, very safe though it is, does not always completely align with global ICAO standards.

Senator Dasko: Senator Gold, I'm really asking about what the response of the government is to the ICAO report and whether that report will prompt any particular actions on the part of the government, specifically in response to what they have said. They have ranked us. Our score has gone down from what it was to what it is now, so something has changed in our system. Thank you.

Senator Gold: Thank you for the question. My understanding is that Transport Canada, in its continuing efforts to improve and to further align with ICAO standards, is doing a new audit in that regard. My understanding is that it will be carried out in 2025.

FINANCE

CANADA DISABILITY BENEFIT

Hon. Mary Coyle: Senator Gold, the Canada disability benefit was promised in the 2020 Speech from the Throne, and Bill C-22 received Royal Assent last June. I spoke in debate at both second and third reading.

Canadian disability advocacy organizations, such as Disability Without Poverty, have been calling on the federal government to allocate significant funding toward this benefit in the upcoming budget.

Senator Gold, should we expect significant funding to be announced for the Canada disability benefit in the upcoming federal budget?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator, and for your continued advocacy on this important issue.

Unfortunately, I really do not have an answer for you, as I cannot speculate as to what may or may not be in the budget. We look forward to it being made public, and, when it is, I would be happy to answer any follow-up questions.

Senator Coyle: I know you can't answer this, but I'm going to ask it anyway.

Senator Gold, given the long anticipation, the long period of consultation and the dire need for this benefit, will this benefit be accessible to Canadians — who so desperately need it in order to live their lives with dignity — by this summer, by Thanksgiving or this year for sure?

Senator Gold: Thank you. Again, you're quite right: I don't have an updated timeline for you. However, I do want to assure you that strengthening the financial security of Canadians living with disabilities and removing the barriers to entry remain priorities for the government. They are key pillars of Canada's first-ever Disability Inclusion Action Plan and the Accessible Canada Act. The government is focused on getting this right.

HEALTH

POLICY DEVELOPMENT

Hon. Flordeliz (Gigi) Osler: Senator Gold, since 1995, the Government of Canada has used GBA Plus to assess how different women, men and gender-diverse people experience policies, programs and initiatives. GBA Plus is then applied to the development of policies, programs and legislation.

Health is determined by a broad range of personal, social, economic and environmental determinants. Has the government ever considered using a specific health lens or health tool similar to GBA Plus during the development of policies, programs and legislation?

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

I've been advised that the Treasury Board employs what is called the Quality of Life Framework for Canada, which brings together key economic, social and environmental datasets to support the measurement of Canadians' quality of life and help drive evidence-based budgeting and decision making at the federal level. Specifically, the Quality of Life Framework for Canada consists of a set of 84 indicators, organized into a series of domains, including health, society, prosperity, environment and good governance.

That is a lens through which the Treasury Board does evaluate policies and decision making within its ambit.

Senator Osler: Health is complex, and the health care crisis has been called a "wicked" problem, meaning that there are multiple interdependencies, multiple causes and no single, clear solution. While I'm pleased to see that the federal government now has bilateral health care agreements signed with seven provinces and territories, I'm concerned that, once all the agreements are in place, the federal government will simply sit back and say, "job done." Money alone will not fix Canada's antiquated health care system.

Beyond the funding agreements, what is the federal government's vision and long-term plan for health care?

Senator Gold: Thank you for the question.

There is a money component: There is more than \$200 billion over 10 years to support the Working Together to Improve Health Care for Canadians Plan. There are four basic pillars in terms of the work with provinces and territories: expanding access to family health care services; supporting health care workers in reducing backlogs; improving access to quality mental health, substance use and addictions services; and modernizing the health care system.

JUSTICE

ONLINE HARMS BILL

Hon. Andrew Cardozo: My question is for the Government Representative in the Senate and regards Bill C-63, the online harms act.

I had a meeting recently with members of the Canadian Jewish community, and one of their top concerns was online hate, which has grown exponentially in recent months. Indeed, hate, threats and bullying online have been off the charts, and they are faced by many groups. Yet, there are others who say that freedom of speech must be paramount.

Senator Gold, can you tell us how this bill will strike a balance between dealing with this scourge of hate and bullying, on the one hand, and ensuring freedom of speech on the other?

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

The bill, which was just introduced, will be studied seriously in the other place and here. These will be questions at the heart of some of that study.

Our laws have always made an effort to balance protection from harm, such as hate speech and actions, with freedom of assembly and freedom of speech. Those balances have been litigated and reviewed by our courts. I have confidence in this Parliament to strike the right balance between those competing social values, and I have every confidence that our study of Bill C-63 will explore those issues. Any improvements, if necessary, will be addressed in our study, I'm sure.

Senator Cardozo: Senator Gold, Amanda Todd's mother, Carol Todd, said yesterday that if legislation like this had been in place when her daughter was alive, it could have saved her daughter's life.

What are the main aspects of the bill that deal with the dreadful problem of "sextortion"?

Senator Gold: Thank you for your question.

I'm really not in a position to comment on the details of the bill. I know no more about it than you do, frankly, or that most of us do from reading it. We will have opportunities over the course of the days, weeks and months ahead to dive in more deeply. I look forward to that, as I'm sure we all do.

• (1500)

[Translation]

PUBLIC SAFETY

ARRIVECAN APPLICATION

Hon. Claude Carignan: My question is for the government leader. Yesterday, I asked you some questions about the Dalian company. The company consists of two people and it qualified

for the Procurement Strategy for Indigenous Business. We've also learned that this two-person company received no less than \$95.5 million in contracts in just seven years. When he is asked what his company does, the president apparently finds it very difficult to explain.

Leader, you're the Government Representative; you're the one who awards contracts. What does this company do under its government contracts?

Hon. Marc Gold (Government Representative in the Senate): I may have a lot of power, but awarding contracts is not in my purview. Dalian Enterprises is one of the companies whose contracts were all suspended because of questions that were asked and that continue to be asked. Again, an investigation is ongoing, and we eagerly await its outcome.

Senator Carignan: We learned that GC Strategies participated in drafting the RFP for the ArriveCAN contract. Today we learned that Dalian, too, helped form the Indigenous procurement policy, a policy that it applies or tries to circumvent. What's going on in your government? Does the public service not have the ability to draw up RFP documents or establish policies?

Senator Gold: The government's position is that our public service is capable of meeting our expectations. That doesn't mean there aren't things that weren't done properly, and there are probably procedures that could be improved. My time is up. Generally speaking, I always have confidence in the public service.

[English]

PUBLIC SERVICES AND PROCUREMENT

PROCUREMENT PROCESS

Hon. Yonah Martin (Deputy Leader of the Opposition): Leader, the outsourcing of Canada Emergency Business Account, or CEBA, programs to Accenture was revealed a year ago. Ever since, the Trudeau government has provided incorrect information about these secret contracts. The Trudeau government originally said that the contracts were worth \$61 million, but that was incorrect. It was actually \$208 million.

The Trudeau government originally said that the Accenture employees working on CEBA were mostly based in Canada with just four in the U.S., but that was incorrect. They now admit that 46 people are based in Brazil with the Accenture subsidiary.

Leader, the Trudeau government currently claims the workforce in Brazil won't have access to the financial information of Canadian small businesses. Given your track record, why should Canadians believe this claim is accurate?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I did my best to answer the questions raised the other day on this and I have nothing further to add.

It is important that the work done by Canadian companies, regardless of who else they employ in this increasingly globalized work, be done properly and that Canadians' privacy and rights to their data are fully protected. The government expects that to be the case in each and every contract that it awards.

Senator Martin: If proper oversight of these contracts existed, Canadians would have been given accurate and reliable information on how \$208 million was spent.

The Trudeau government now claims that only workers at Export Development Canada and Accenture handle the data of Canadian small businesses. Leader, could you confirm that all of the workers handling this sensitive information have security clearances?

Senator Gold: I am certainly not in a position to confirm that. I don't have information in that respect, but I will certainly raise this with the appropriate minister.

GLOBAL AFFAIRS

CANADA-RUSSIA RELATIONS

Hon. Stan Kutcher: Senator Gold, after Russia's full-scale invasion of Ukraine in February of 2022, Canada banned all Russian state media from our public airwaves to prevent the Kremlin from spreading its propaganda and disinformation here. Canada also placed all Russian state-controlled media on our sanctions list. However, it seems that Russian state media is still being beamed to many homes in Canada through streaming devices offered by companies in Canada: eTVnet and Kartina.

Will the Canadian government ask the RCMP to investigate these companies who may be profiting from the spread of Russian disinformation in Canada? Will it act to prevent Russia's hateful propaganda, disinformation and conspiracies from being sent into the homes of Canadians?

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

Senator, while I cannot speak to any possible Royal Canadian Mounted Police, or RCMP, investigation, I can tell you that the government continues to condemn in the strongest possible terms Russia's use of war propagandists to justify its full-scale invasion of Ukraine.

Together with international partners, the government will continue to stand up to the Russian regime and address Russian disinformation. To that end, the government announced late last year further sanctions against persons and entities who, by their role in the Kremlin-backed orchestration of disinformation and war propaganda, directly promote Russia's war of aggression against Ukraine.

Senator Kutcher: Thank you, Senator Gold.

Is there a role for the Canadian Radio-television and Telecommunications Commission, or CRTC, in addressing this Russian propaganda, particularly as we see an increase in

pro-Russia sentiment percolating in some sectors of our community and an uptick in the amount of politically destabilizing disinformation being spread by the Russian media here in Canada?

Senator Gold: I'm not in a position to comment on the role of the CRTC, which is independent from the government in that regard.

However, Canada is also — and I wanted to add this response to my earlier answer — sanctioning disinformation entities that are directly funded by the state as federally owned entities or receive funding in the form of state grants distributed by Kremlin agents. The Government of Canada continues to do what it can to fight back against this disinformation.

AGRICULTURE AND AGRI-FOOD

AFRICAN SWINE FEVER

Hon. Robert Black: Senator Gold, African swine fever, or ASF, is a viral disease that impacts pigs. Responsible for massive losses in pig populations and drastic economic consequences, ASF has become a major crisis for the pork industry in recent years.

Currently affecting several regions around the world, the disease is not only impeding animal health and welfare but also has significant detrimental impacts on biodiversity and the livelihoods of farmers. The ASF virus is highly resistant in the environment and can spread through direct and indirect contact with infected pigs, pig products as well as contaminated farm equipment, feed and clothing. The good news is that ASF is not currently in Canada.

Senator Gold, my question to you is this: What is the government doing to prepare in the event ASF reaches this country and the Canadian pork industry, and what plans are in place to ensure the security of the industry?

Hon. Marc Gold (Government Representative in the Senate): Thank you for that important question. African swine fever is a real risk and threat. Thank goodness it has not arrived.

To prevent the introduction of swine diseases concerned — including African swine fever — into our country, Canada has had rigorous import restrictions in place for live swine and swine-related products and by-products for some time now. In addition, the Canadian Food Inspection Agency is monitoring the global situation and is taking a proactive and collaborative approach to prevent ASF from being introduced in Canada.

The government has also initiated additional preparedness planning through a national response team that is dedicated to ensuring appropriate laboratory and field response capacity are maintained in Canada.

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

SUSTAINABLE DEVELOPMENT TECHNOLOGY CANADA

Hon. Donald Neil Plett (Leader of the Opposition): Leader, the former president and CEO of Sustainable Development Technology Canada, Leah Lawrence, recently appeared before a House of Commons committee. She testified that a Liberal insider who was chair of this green slush fund was warned back in 2019 about her direct conflict of interest.

The chair disregarded the warning and sent taxpayer dollars from the slush fund to her own company. The Trudeau government was also warned about her conflicts in June of 2019, before her appointment was finalized. The Liberals went ahead and made their friend the chair.

• (1510)

Leader, what is the Trudeau government doing to get back millions in taxpayers' dollars? I suspect they're doing nothing, but can you shed some light on what they are doing about this?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. Senator, I don't know what steps, if any, are being taken in that regard. Please don't take this the wrong way — it is not a shot — but I'm just not in a position to comment on how you have characterized this particular situation. I will certainly bring it to the attention of the appropriate minister.

Senator Plett: It is unfortunate that we cannot obtain answers in this place. Canadians struggling to pay their bills will see all of this for what it is: a culture of corruption, plain and simple.

On November 20, Minister Champagne announced a law firm would look into allegations of misconduct at the green slush fund.

Leader, what is the current status of that investigation? Can you shed some light on that? Is it still ongoing? If not, has Minister Champagne received a report?

Senator Gold: Again, thank you for the question.

I am not aware of the status of that particular investigation. Certainly, any ongoing investigation is not a subject upon which I would comment. When the investigation is finished, I have every confidence that appropriate action will be taken.

PUBLIC SAFETY

ARRIVECAN APPLICATION

Hon. Leo Housakos: Senator Gold, I know that doing your job on behalf of this government as a representative is not easy these days, but it is incumbent upon us, as senators, to defend taxpayers, so I have to return to the "ArriveScam" issue.

Right now, we have a company that was given a mandate with a contract that was supposed to be \$80,000; it ended up being over \$60 million. It might be more according to the Auditor

General. That same company — GC Strategies — self-admittedly has only two employees, and self-admittedly has no expertise in the IT industry. We find out recently that \$250 million in other contracts has been received by the same firm since 2015 when the Trudeau government came into power. This should be concerning to every single taxpayer in this country.

We cannot get any straight answers from the government. The question I ask is this: Who is ultimately responsible for procurement under this government? Can you give us a name, a department or a minister? Where does the buck stop?

Hon. Marc Gold (Government Representative in the Senate): Thank you. All Canadians should be concerned about procurement processes being done in a proper way. That is why, when this issue came to light, a series of steps were taken by the government: both internal investigations which are ongoing; RCMP investigations; a suspension of contracts with that company and others, as I have mentioned; as well as putting into place a series of measures to address and improve our procurement process.

Colleagues, you know as well as I do — and I have said it in this chamber — that the procurement processes within the system of the federal government are shared with various ministries; there is a certain degree of autonomy that is given to different ministries. That is one of the areas that is being reviewed as a result of these particular revelations.

Senator Housakos: Having this government ask Public Services and Procurement Canada to investigate themselves is laughable. The reason why we're in this mess is because Public Services and Procurement Canada and your government didn't do an adequate job. That is why the Auditor General had to come in. That is why the Auditor General is saying they have no answers to this day. Now the file has gone to the RCMP because they think something nefarious is going on. It would be very simple if you told us where the buck stops.

My next question is the following: Will you waive all of these ridiculous fines that tens of thousands of Canadians are facing in court because of this "ArriveScam" app? Waive those fees.

Senator Gold: I have answered this question so many times. I will simply say again, Senator Housakos, that it is not the position of the government. I am not in a position to comment on what plans, if any, are being contemplated with regard to fines that were levied during the pandemic.

NATURAL RESOURCES

TRANS MOUNTAIN PIPELINE

Hon. Yonah Martin (Deputy Leader of the Opposition): My next question concerns the Trudeau government's mismanagement of the Trans Mountain Expansion Project. This project would not have cost Canadian taxpayers anything if the Trudeau government had been able to give Kinder Morgan the regulatory certainty they were seeking. Instead, it provided anti-energy policies and rhetoric.

In February of 2022, Minister Freeland announced Trans Mountain would receive no further funding from taxpayers. However, a few days before Christmas, the Trudeau government revealed it had backed loans for Trans Mountain, provided by commercial lenders, worth up to \$2 billion.

Leader, doesn't this go against what Minister Freeland promised Canadian taxpayers two years ago?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The decision to go ahead with the Trans Mountain Pipeline, and to support it, over the objections of many sectors of our society, was a reflection of this government's attempt to do the right thing for Canada, for its energy sector and for the environment by finding a balanced approach to respecting the energy needs and resources of our country — in particular, resource-producing provinces who need better access to world markets — while seeking ways to transport petroleum products in a safe way, which includes pipelines as compared to other measures. It is — and remains — a responsible, balanced and prudent approach.

Senator Martin: This government has been anti-energy more than anything else.

Having said that, we also learned that Trans Mountain wrote off \$888 million out of the \$4.7 billion taxpayers' dollars that the Trudeau government spent to purchase it in 2018. This writeoff was called a "goodwill impairment expense."

Leader, once again, doesn't this go against what Minister Freeland promised taxpayers just two years ago?

Senator Gold: I'm not in a position to comment on what the accountant or the writeoffs refer to or mean. In that regard, I stand by my answer in support for the ongoing development of our resource industry. It is an important aspect of an overall energy and environmental plan for this country, which this government is pursuing and will continue to pursue.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

TRANSPORT—ATLANTIC PILOTAGE AUTHORITY

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the reply to Question No. 270, dated November 2, 2023, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Atlantic Pilotage Authority.

FISHERIES, OCEANS AND THE CANADIAN COAST GUARD— FRESHWATER FISH MARKETING CORPORATION

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the reply to Question No. 292, dated February 6, 2024, appearing on the

Order Paper and Notice Paper in the name of the Honourable Senator Plett, regarding the Freshwater Fish Marketing Corporation.

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 May 4, 2023, by the Honourable Senator Ataullahjan, concerning visa applications.

Response to the oral question asked in the Senate on June 20, 2023, by the Honourable Senator McPhedran, concerning workplace harassment and violence.

Response to the oral question asked in the Senate on December 15, 2023, by the Honourable Senator Osler, concerning the Wehwehneh Bahgahkinahgoohn Project.

IMMIGRATION, REFUGEES AND CITIZENSHIP

VISA APPLICATIONS

(Response to question raised by the Honourable Salma Ataullahjan on May 4, 2023)

Insofar as Immigration, Refugees and Citizenship Canada (IRCC) is concerned:

Visitor visa applications from Pakistan nearly tripled from 2022 to 2023, from 39,000 received from January to September 2022 compared to 109,000 for the same period in 2023. The Department has been managing this increase by finalizing old applications in the backlog. Between October 1, 2022, and August 31, 2023, Canada processed over 107,000 Pakistan visitor visa applications, leaving an inventory of approximately 43,000 as of September 12, 2023.

Processing times are calculated by the age of applications that have been finalized in the preceding weeks. Thus processing times have increased in the short term due to the Department finalizing a significant volume of older cases, many submitted during pandemic border closures.

The processing of an application may involve more than one office, and can be shifted across IRCC's global processing network to make processing as efficient as possible. This is part of Canada's ongoing efforts to improve processing times and client service to Pakistan and other regions. These efforts include additional capacity at the IRCC office in Islamabad.

EMPLOYMENT AND SOCIAL DEVELOPMENT

WORKPLACE HARASSMENT AND VIOLENCE

(Response to question raised by the Honourable Marilou McPhedran on June 20, 2023)

Before 2021, the *Canada Labour Code* (Code) featured separate regimes that dealt with workplace violence and sexual harassment, which created an imbalance in the treatment of these issues. Bill C-65 and the *Work Place Harassment and Violence Prevention Regulations* (the Regulations) came into force January 1, 2021, and created one regime under Part II of the Code.

The Government supported implementation of the Regulations with the Harassment and Violence Hub (1-800-641-4049) and guidance materials, tools, and resources available through Canada.ca.

Training and resources were also developed through the Workplace Harassment and Violence Prevention Fund projects, and the Government established a Roster of Investigators.

The Minister of Labour's annual report — Taking action against harassment and violence in work places under Canadian federal jurisdiction contains statistical information from the 2021 reporting cycle. The annual report for the 2022 reporting cycle will be available in July 2024.

The report only covers occurrences of harassment and violence that were reported in the employers' annual reports. Employers must report on the number of occurrences that were related to sexual harassment and violence, and non-sexual harassment and violence.

INFRASTRUCTURE AND COMMUNITIES

WEHWEHNEH BAHGAHKINAHGOHN PROJECT

(Response to question raised by the Honourable Flordeliz (Gigi) Osler on December 15, 2023)

Canada Mortgage and Housing Corporation (CMHC):

CMHC's commitment to the Wehwehneh Bahgahkinahgohn Project, often referred to as the Hudson Bay project, remains strong and the corporation has provided \$500,000 in Seed funding into the predevelopment of the project. Since the CMHC financial commitment through the Affordable Housing Fund (formerly the National Housing Co-investment Fund) was first made, the construction industry and housing market conditions have changed significantly and CMHC staff continue to work side-by-side with its partners to structure the financing of a project that is not only viable but will prove successful for years to come.

Additional work is anticipated in early 2024 to further finalize the expected costs of the project. Once this work is complete, both the Southern Chiefs' Organization and CMHC will determine the next steps in realizing this important project.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Marc Gold (Government Representative in the Senate) moved third reading of Bill C-62, An Act to amend An Act to amend the Criminal Code (medical assistance in dying), No. 2.

He said: Honourable senators, I'm very pleased to rise at third reading debate on this bill. I will not repeat or reiterate all the points that I raised previously as part of my second reading remarks.

• (1520)

Honourable senators, permit me to briefly address certain elements we've been hearing in debate so far.

First, colleagues, there is no court decision pronouncing on our current medical assistance in dying, or MAID, regime or requiring Parliament to expand eligibility. The courts have not declared that there is a constitutional right to MAID based solely on mental illness. There is no pre-existing constitutional declaration by a court.

From 2015 to 2016, once the Supreme Court of Canada in *Carter* had declared that the Criminal Code prohibition on assisted death infringed on the Canadian Charter of Rights and Freedoms, but while the court had suspended its declaration of invalidity for one year, applicants had to petition courts for access to MAID because a legislative solution had not yet been adopted. During that year, applicants were not seeking to establish a constitutional right to MAID based upon their specific illness. Rather, the courts were applying the constitutional decision that the Supreme Court had already issued in *Carter*.

In *Canada (Attorney General) v E.F., 2016* — the Alberta Court of Appeal decision to which Senator Simons referred in her remarks yesterday — the Alberta Court of Appeal granted assisted death to applicant E.F., who suffered primarily, as was noted, from a psychiatric illness and whose condition was arguably not terminal. While some may claim that the case supports the right to MAID based primarily on a mental illness, the Alberta Court of Appeal was narrowly dealing with how to apply the *Carter* ruling while awaiting government legislation.

The court specifically declined to rule on the constitutionality of the eventual legislative framework, and I quote from the court:

. . . Moreover, although draft legislation, in the form of Bill C-14, is currently in the legislative process, there is no legislation that is the subject of constitutional review. Issues that might arise regarding the interpretation and constitutionality of eventual legislation should obviously wait until the legislation has been enacted.

[*Translation*]

Colleagues, the Government of Canada committed to expanding MAID eligibility to individuals with mental illness as the sole underlying medical condition because it believes that's the right thing to do. Nevertheless, I want to make it clear that the government does not believe this is the only option available under the Charter. It does not believe that there is a constitutional basis on which the courts should be able to exempt individuals from the prohibition on MAID under those circumstances. Nor are the courts in a better position than practitioners to carry out assessments under the complex circumstances that may surround a request for MAID based solely on mental illness.

I firmly believe that the existing MAID regime — which we passed over time in this chamber — is consistent with the Charter, and I think it will continue to be so with Bill C-62.

Canada's MAID framework seeks to balance a number of competing interests and societal values protected by the Charter, such as the right of individuals to make end-of-life decisions, the protection of vulnerable people and the necessity of viewing suicide as a mental health issue.

[*English*]

The Supreme Court of Canada has acknowledged the difficulty of Parliament's task in legislating in this area and has indicated that Parliament's choices on how to balance the competing interests would be given a high degree of deference were it to arise before a court. The difficult question of whether to permit MAID for mental illness is one that can be answered in different ways in conformity with the Charter. The Charter does not mandate or require one specific response.

However, in the case of Bill C-62, I strongly believe that the government has selected a precise policy response that would receive a particularly high degree of deference from the courts. The premise of Bill C-62, colleagues, is not that MAID will be denied for Canadians suffering from mental illness as a sole underlying condition. The premise is that MAID will be permitted, but that the implementation of the exemption must be governed by principles of prudence, precaution and good health care governance in close consultation and collaboration with provinces, territories and stakeholders. In this context, I am strongly of the view that the courts would endorse Bill C-62 as a valid and reasonable choice by Parliament for all of the legitimate reasons that have been given.

Second, Bill C-62 did not come into existence arbitrarily. This bill reflects the practical need for time to ensure the safe and secure implementation and oversight of MAID where mental

illness is the sole underlying condition. None of the objections are ideological in nature, and suggestions to the contrary are simply, with respect, inaccurate.

Colleagues, it bears repeating that not one provincial or territorial government says that they are ready. These are duly elected representatives from across ideological spectrums, including Liberal, New Democratic and Conservative governments that are best positioned to make decisions on the adequacy of their health care system. They are accountable and responsible for the decisions that they make in the delivery and implementation of health care service. They support the need for an extension. The Government of Canada said that it would work in a collaborative way, as it has done throughout this process, and will continue to do so.

Cooperative federalism is not just a phrase that we trot out to embellish an argument. It means something, especially in a federation with divided responsibilities — as we have in this one — between criminal law, which is exclusively federal, and provincial law, which has exclusive jurisdiction over health.

Cooperative federalism requires governments and stakeholders to come together to develop a path forward in this particular area, as in many others. With the deadline looming, the House of Commons introduced and passed Bill C-62 with a significant majority in order to provide the time requested so that provinces, territories and stakeholders could be ready. Colleagues, I have every confidence that the government will be held to account on this.

Bill C-62 also provides for the re-establishment of a special joint committee with special consideration on the issue of readiness and preparedness within two years of Royal Assent. This means, if I may just open up the paragraph, that we don't have to necessarily wait two years to strike the joint committee. It could be struck earlier than that, but no later than two years from Royal Assent so that there is a full year, at least, for the work to be done, the responses to be submitted and considered by both houses of Parliament.

Again, in this process, the government will have to speak, explain itself and be accountable for the state of readiness when the time comes for the committee to be reconstituted, and it will be up to Parliament — including the Senate — to resume this work.

[*Translation*]

Once again, Bill C-62 is about process, prudence and good governance.

It is not meant to relitigate the merits of MAID where mental illness is the sole underlying medical condition. This bill is about giving the health care system the time requested by the provinces, territories and trained professionals to be able to provide the service safely, across the country.

The three years proposed in Bill C-62 are meant to help ensure that practitioners are prepared to appropriately assess MAID requests in cases where the person's sole underlying medical condition is a mental illness.

The Government of Canada has been working closely with the provinces and territories and with stakeholders to support health system readiness in preparation for the lifting of the temporary exclusion of MAID eligibility for persons suffering solely from a mental illness.

[*English*]

Among the \$200 billion announced by the government to improve health care for Canadians, \$25 billion over ten years in new funding is notably set aside to increasing mental health and to address substance abuse issues. The Minister of Health has already signed bilateral agreements with British Columbia, Alberta, Ontario, Nova Scotia, Prince Edward Island and the Northwest Territories. These agreements include targeted and very specific measures with regard to mental health.

• (1530)

The federal government is committed to a measured, thoughtful and compassionate approach to ensure Canada's MAID system meets the needs of people in Canada, protects those who may be vulnerable and supports autonomy and freedom of choice of individuals. The government will continue to work with the provinces and territories, with medical professionals, with people with lived experiences and other stakeholders to support the safe implementation of MAID, with appropriate safeguards in place to affirm and protect the inherent and equal value of every person's life.

Honourable senators, the divergence of views that we hear in this chamber reflect the divergence and polarized views amongst Canadians. There are individuals who are experiencing intolerable suffering, with years or possibly decades of failed treatment attempts and no apparent means for relief. All of us know someone in that situation, and our hearts go out to those who are in these situations. Yet, more regrettable is refusing delivery of care, not because their suffering isn't real but because the system and the subset of supports are simply not adequately equipped.

As has been pointed out by colleagues, this bill affects a marginalized group of Canadians. I agree. Allow me to point out that should Bill C-62 not pass, we'll be responsible for pitting one group of marginalized people against another group of marginalized people based on geography. Jurisdictions that are ready for the expansion will accept MAID applications. Those suffering in other jurisdictions may not have an opportunity to even submit an application. That creates a significant inconsistency within the system and in the context of a criminal law that is supposed to grant rights and protections to all Canadians across the country. We are not the United States. Criminal law is not a state responsibility; it's a national responsibility.

It's essential, colleagues, that there is confidence and consensus amongst mental health professionals that MAID, in these circumstances, can be assessed and delivered safely across this country. The consequences are enormous. The consequences can be permanent.

[Senator Gold]

As Senator Dalphond legitimately pointed out during our debates a few weeks ago, failure to pass Bill C-62 before March 17 would generate a real legal limbo. It's not an abstraction. On March 17, if the bill isn't passed, access to MAID will be legal, whether or not the systems are in place to support those seeking it, support those charged with assessing the cases. In such a case, it is the most vulnerable who will pay the price.

I hope that these remarks provide further clarity for the position that the government has taken in support of this. I would again respectfully ask for your support in passing Bill C-62. Thank you so much.

Hon. Paula Simons: Would the Government Representative take a question?

Senator Gold: Of course.

Senator Simons: I'm refreshing my memory of the *E.F.* case, and I want to quote from the judges' unanimous decision. This is a different quote than I used last night:

As can be seen, in *Carter 2015* the issue of whether psychiatric conditions should be excluded from the declaration . . . was squarely before the court; nevertheless the court declined to make such an express exclusion as part of its carefully crafted criteria. . . . Persons with a psychiatric illness are not explicitly or inferentially excluded if they fit the criteria.

With the understanding that this was a decision in that legal limbo time before Bill C-14 was passed, do you not find the Court of Appeal's unanimous decision to be any kind of precedent in terms of establishing a constitutional right, a Charter right, to medical aid in dying?

Senator Gold: Thank you for the question. I appreciate the care you've taken in analyzing the opinion.

[*Translation*]

It is to your credit.

[*English*]

The short answer is that it doesn't establish a constitutional right.

I'm going to get pedagogical, and I apologize. It is a basic principle of legal interpretation, much less constitutional interpretation, that cases have to be understood in the context of the factual and other circumstances before it, and the Alberta Court of Appeal, properly so, was clear that it was dealing with this period of time when what had been established was the right to have access to MAID notwithstanding that death was not imminent. That was the issue. Everything else was less material to their decision.

They granted an exception in this case. The case happened to be one where the person suffered primarily from a psychiatric illness, but it did not establish a constitutional right for the very simple reason that Parliament subsequently enacted legislation that excluded it.

We have subsequently amended that legislation in the Senate to include a legal right, as I said in my remarks, because we think it's the right thing to do — not everyone does, but this government does and the Senate did — with a period of time to get ready. So, until such time as that period lapses, there is neither a court nor Parliament that said there is a constitutional right for access on mental illness.

I'm sorry. That was a bit of a long explanation, but I hope it clarifies things.

Senator Simons: Both in your speech and just now in your answer to my question, you stressed the fact that E.F.'s medical condition was primarily psychiatric. I'm a bit confused by your wording here because I've never seen anything — and I covered the case as it happened in Alberta — that suggested there was anything other than a psychiatric condition.

Senator Gold: Thank you. I wasn't trying to muddy the waters. What I'm saying is that, in a way, the actual nature of the condition before the court in *E.F.* was not relevant to the decision they had to make. All they had to work with was the fact that the court in *Carter* had said it is unconstitutional to limit access to only those whose death was reasonably foreseeable, or imminent, to use the Quebec language.

In the framework of that, while there was this period of time where a constitutional right had been recognized by the Supreme Court, there was no legislation. Therefore, strictly speaking, the law that had been declared unconstitutional was still in effect. The court was seized with the challenge of giving effect for the individual applicant of the right that *Carter* recognized that you don't have to be at death's bed in order to qualify. But everything else was — if you pardon the Latinism — *obiter dicta*. It was not part of the fundamental decision.

The fact remains that they were deciding whether or not someone, in the context of the *Carter*-recognized right, which had no limitations on what kinds of illnesses — and they made their decision, but it does not stand for the proposition that the court has recognized a constitutional right of access to MAID solely on the basis of mental illness. That is just not how the Supreme Court or any court jurisprudence actually works.

I hope that answers your question.

Hon. Stan Kutcher: Will Senator Gold take another question?

Senator Gold: Yes, of course.

Senator Kutcher: Thank you. Senator Gold, this bill promotes inequality in access to medical care through its blanket exclusion, which allows any province to deny access to this medical intervention to people living in another province, even if that province is already ready to provide it. Now, equality cannot depend on other people being ready to accept it.

Could you explain to us why the government created a blanket clause that can be used to delay some Canadians' access to this health care simply because someone else says they're not ready, as opposed to putting in a different frame of reference which

would allow provinces to move ahead when they're ready? Because there are provinces that have already said that they're ready.

• (1540)

Senator Gold: Thank you for the question. Let me make a few points.

The prohibition against medical assistance in dying for those whose sole underlying condition is mental illness is one found in the Criminal Code of Canada, which applies to all Canadians from coast to coast to coast. Therefore, exemptions or changes to the Criminal Code will necessarily have the effect of changing the circumstances, the legal rights, the legal obligations and, indeed, the legal protections for Canadian citizens, and that is not something that you typically find in the Criminal Code when you're dealing in areas of exclusive jurisdiction — which is the criminal law — and in the face of a situation like this of such a moment.

The first point is that a national criminal law in Canada means a national criminal law, and it is not one that is to be opted into or opted out of in circumstances such as what we're dealing with.

The second point is that I know, Senator Kutcher, that you believe and have asserted strongly that some provinces say they're ready, but there is no health minister in any province or territory who does not support this extension. There are clinicians who say they're ready. There may be regulators. I know there are academics, and there are certainly senators, but there is not one province or territory whose health minister says they are ready.

With all due respect, senator, it is not the case that some provinces are ready. All the provinces, perhaps for different reasons — including the most progressive provinces who have done the most to be ready in many regards — still say they need more time to do it safely, securely and properly.

Finally, there are many different ways in which parliaments can choose to legislate in matters of policy, so long as they respect the contours of the Constitution, which Bill C-62 fundamentally does, colleagues. Parliament then has a choice as to how to proceed. It proceeded on the basis of the integrity of the criminal law, respect for the provinces and territories and their exclusive jurisdiction and accountability to their citizens for the administration of health care.

I could go on at much greater length on the meaning of equality in our Constitution. If I had any reputation as an academic, it was for my research on equality rights and my training of judges on equality rights, and I continue to teach that subject. I will be giving a lecture on it next week at the University of Ottawa Faculty of Law. That is in my capacity as a senator or as an academic. As Government Representative, I recognize that when I speak, it is on behalf of the government, and I'm not going to trade on that.

No matter what hat I wear, I am convinced that this is not an unconstitutional bill, and in that regard, I believe it's important for us as senators to have some respect for the policy choice this government has made in light of the reasons I've given.

I'm sorry for the length of my answer.

Senator Kutcher: Please don't be sorry for the length of your answer, Senator Gold. Speaking as a physician and a professor, it's an occupational hazard. We're all in the same boat.

Let me get back to one of the points you just made. Your memory may be better than mine, but it is different than my memory regarding the letter that has been bandied about. We've been told that all the provinces support this. I'm going to speak on my own behalf as a senator from Nova Scotia.

My reading of that was that Nova Scotia did not say it wasn't ready. It said it didn't object to others being given more time. That's a really important nuance. It is a very important nuance.

The regulator for Nova Scotia, Dr. Gus Grant, testified at the Special Joint Committee on Medical Assistance in Dying that the regulators are ready and also that Nova Scotia was ready. The people that run the MAID service in Nova Scotia, Dr. Gubitze and Dr. Holland, testified — and Dr. Holland actually spoke to the CBC about this. The brief that came from the psychiatric community that does this work in Nova Scotia was clear that they were ready. The issue wasn't that Nova Scotia said it wasn't ready; it was just that it didn't object to others being given more time.

I'm curious, did the Government of Canada let the Government of Nova Scotia know that they were going to implement a blanket clause, a blanket exclusion, thereby denying Nova Scotia citizens their right to access this kind of medical intervention?

Senator Gold: Thank you for the question and for the elaboration of the situation in your province. I'm not privy to all the discussions that took place with the ministers of health, in particular with Minister Holland and his counterpart in your province, over the course of their discussions.

But what is before us, colleagues — if I might remind us — is that we're not debating the joint committee report, and we're not debating the letter that was submitted by many of the provinces. Nor are we debating the position that the Province of Quebec took when it legislated against expanding medical assistance in dying, nor are we debating the positions of Newfoundland or British Columbia, which didn't sign onto the letter but have expressed their support.

We're debating Bill C-62, which is a government bill proposing a three-year extension so the provinces and territories can do what they feel they need to do to be ready to offer it safely and consistently across the country.

Again, the removal of the criminal prohibition has to be done on a national basis; otherwise, the integrity of our Criminal Code is compromised. It's not simply the abstract question of the integrity of the Criminal Code. It will have real-life consequences across this country.

[Senator Gold]

Yes, Senator Kutcher, it's impossible not to always remind ourselves that there are consequences for this extension. For those who are suffering and who are waiting for the ability to be assessed for MAID, that is going to be terribly disappointing, and those words don't come close to it.

I'm not indifferent. None of us are indifferent to the consequences of this decision. On balance, the Government of Canada, supported by all provinces and territories — and supported by many in the medical profession and in the institutions responsible for delivering medical care to Canadians — believes for all of those reasons that the prudent, responsible path forward is to extend the sunset clause for this period of time with the parliamentary review in place so that governments can be held to account for the work that they are required to do so that the system is ready.

Hon. Denise Batters: Thanks very much for your speech today, Senator Gold.

First of all, on *E.F.*, every time I've seen this case referenced and in dealing with that case being referenced for several years, I have consistently seen it referred to as the patient in that case having a rare illness that was both physical and psychiatric in nature. It is often referred to as that.

As to my question, Senator Gold, I'm asking you to put your constitutional law professor hat on right now, because maybe it would be helpful for senators in this chamber to have just a little explanation of the difference between a ratio of a case, the binding principles of the case, and the obiter dicta of the case.

You briefly referenced it, but I think it would be helpful for senators to understand that, because there are certain parts of the case that are just obiter dicta. It's interesting. That's what the court said, but it doesn't have the same precedential value as the ratio, the binding principles of the case. I would ask you to explain that.

Thank you.

Senator Gold: Senator Batters, be careful what you ask for.

I'll be brief. In the common law tradition — and this goes back hundreds of years — law was not typically made through statutes. It was through the accretion of cases that would decide things and out of which one might distill after the fact — often after the fact — some animating principle. That is distinct from the civilian tradition, which is also an important legal tradition, where things tend to be codified and then results are said to follow from the laws.

• (1550)

This approach required judges, in looking back at the precedents, to understand what was actually decided because, after all, a case where John and Bob argued over a tree on their property and Bob was awarded damages has to apply to people who aren't named Bob and John and perhaps even to things other than trees. So there was a process of trying to separate the actual *ratio decidendi* — the reason for the decision; the kernel of

principle that would survive the factual differences of the case — and all the other discussions, helpful and interesting though they may be, which were said to be incidental to the actual decision.

When you translate that into the Constitution and making due allowances for the fact that our courts have treated our Constitution as an evolving, living tree — so courts change their minds — it is still the case that cases only stand for the basis of their decision. In so many cases, you will find judges — especially in the Supreme Court, but lower courts as well — venturing opinions that are important to take into consideration and may very well prove to be illuminating in subsequent cases but, strictly speaking, are not the decision.

Lower courts in Canada — whether provincial courts, superior courts or courts of appeal — also have rules about what binds them and what they are not. So when the Supreme Court decides a case, it binds all lower courts. The question is what did they decide?

It's true, by the way, for the Court of Appeal. When the Alberta Court of Appeal decided that case, it would bind the court of first instance in Alberta. But in every case you have to decide what the actual basis was for the decision and what was incidental to it.

In that regard, in my reading of this case, what was fundamental was that the person was suffering terribly from an irremediable — or at least judged to be by the judges — condition, but death was not imminent, and that was the framework within which the decision was made. The rest of it was not unimportant, but, strictly speaking, not the decision.

I hope that explains it. I'm rusty on this stuff, but that's the best I can do. Thanks for the question.

Hon. Andrew Cardozo: My question is for Senator Gold. One of the arguments you put forward in your speech talked about how much money the government was spending on mental health issues and services. I'm wondering if that's probably not relevant to the argument here — if not counterproductive to the argument — because my understanding about MAID, especially with regard to those whose sole condition is mental illness, is that we're talking about it being irremediable. So it's not about how much money we spend on it, how much on the person or how many services they receive — that's irrelevant.

It sounded to me — and correct me if I heard you wrong — we can delay this part of MAID because we're going to spend more money and provide more services to people in the next three years. Did I understand you wrong on that?

Senator Gold: Thank you for the question. Let me simply say that no, it is not part of the argument for extending the sunset clause that more money is going to be spent. It is simply in response to legitimate concerns that have been expressed here and that we all share that, frankly, the supports to people who are suffering from mental illness are not fully available to many Canadians. We focus — properly so — on Indigenous communities, for example, or on rural communities. But it's true in my city of Montreal, and it's true in your city of Toronto and elsewhere.

As I said yesterday in response to a question, our system will never be perfect. We're not waiting for a perfect system. That's utopian. My reference to the money was simply to show that the federal government is doing its part by working with the provinces to provide support to the provinces for the provinces to do what they feel is necessary before they'll feel ready to provide whether it's suicide prevention resources for people.

Look, we heard yesterday in one of the speeches that in one of the countries in Europe, there were — I think it was from Senator Miville-Dechêne, and correct me if I'm wrong — 1,500 applicants, of whom only 5% to 10% — of 1,500 people, over 1,000 people are going to be told they don't qualify. Yet by definition, they have presented themselves by saying, "I have suffered so intolerably; I want to end my life." I know people like this, and I know they don't qualify.

I have very first-hand experience of telling somebody having dealt with — I didn't mean to get personal here. Fortunately, that person had support in family, resources and the means to cope with the decision that their hope to end their suffering would be alleviated. But provinces are saying, "We're worried about how we handle these people whose hopes will be dashed — that's not the right word — who will be ineligible."

I'm sorry, it's again a long answer.

More resources need to be placed, whether we're talking about MAID for mental illness or not, in mental health. The government is doing its part. I hope the provinces are doing their part. That's just part of the supports we as a society need so that people can make the decisions, fully supported in all respects.

Senator Cardozo: Briefly, as I see it, the money that you mentioned is really a separate thing from MAID unless provinces could use that money to help them prepare for being able to provide MAID?

Senator Gold: The money that typically the federal government gives to the provinces is without conditions because it is exclusive of federal jurisdiction. The provinces are free to invest the money as they do. Some provinces, quite frankly, take health money and don't spend it on health. That's not right.

In the bilateral agreements with the Government of Canada, there are areas that are targeted and negotiated, and they include mental health support in some of those bilateral agreements. In that regard, the provinces have committed to spending a certain amount of what they get in these bilateral arrangements on mental health, but they are free to spend the rest of the money they get — if it's not the subject of a contractual obligation that they've undertaken, the money they get each and every year in federal health transfers or in equalization payments, they can spend it on health care, on education, on roads or whatever their priorities are within their jurisdiction.

[Translation]

Hon. Chantal Petitclerc: Senator Gold, will you take another question?

Senator Gold: Yes, of course, senator.

[English]

Senator Petitclerc: Senator Gold, you have talked about it already in your speeches and the ministers already did provide some answers on it, but I would like you to elaborate. I need to better understand what the rationale was for the choice of three years? Why not two? Why not one? Why not two and a half? I know for us in Parliament that three years may not seem like a long time, but for individuals living with mental illness — and some of them have been counting the months until March 17 — they want to know more details. Why exactly do you think that we need three years, and what will be done? I need to have actionables, quantifiables. What is the plan? Why does it take three years?

Senator Gold: Thank you. That's a very good question. I tried — and perhaps I wasn't as clear in my second reading speech, and I don't have it in front of me and I would not take time, so let me try to be brief in my response.

The three years were chosen for several reasons. Provinces are at different stages of readiness, as the minister acknowledged. It was thought prudent to choose a period of time when we could be reasonably sure that there is enough time for the provinces to get ready and enough time to evaluate that with the re-establishment of the joint committee. There are more particular reasons as well.

• (1600)

I spoke yesterday about the take-up of the clinical program and how 1,100 clinicians across the country have enrolled, but only some dozens have yet been fully trained. More will come, of course, in some time.

I have talked about the need for proper oversight. I have talked about the need for guidelines that are more granular to ensure there is consistency within and across jurisdictions. We also talked about Indigenous communities that, as I mentioned yesterday, are beginning engagements, consultation and discussions — not all of them yet — with the federal government on this very sensitive issue in their communities. Indigenous-led projects are under way.

I also talked about data. We have only recently gotten 2023 data on MAID generally. Typically, these are Track 1 cases. It is being analyzed — or it is at least in the process of being analyzed. We have been advised that additional data on Track 2 and how the system is responding will be very helpful to understand the impact of MAID and the differential impact on different communities. This is disaggregated data. Colleagues, it was not that long ago that we bemoaned the lack of disaggregated data anywhere. We also know that one of the challenges in this area of divided jurisdiction has always been that the provinces are responsible for providing the data, and it doesn't always come in at all or in the same form, and it's hard to translate between that.

There are many reasons, senator, that the three-year period seemed like the safe and prudent one to ensure, and it runs the gamut for all of the reasons that the provinces, territories and clinicians have told us they need more time. I hope that is the beginning of an answer to you.

[Translation]

Hon. Marie-Françoise Mégie: Honourable senators, I'm rising today at third reading of Bill C-62. It is important to note that this bill did not have the support of any of the Bloc Québécois members in the other place.

As we all know, this subject is of the utmost importance and it raises many issues. It is an emotionally charged subject for everyone. I won't repeat everything that was so eloquently expressed by our colleagues yesterday, but I'll just highlight a few points.

Incidentally, not only did I work in palliative and end-of-life care for 35 years, but I was also part of Quebec's MAID implementation committee in 2015-16.

Bill C-62 seeks to extend by three years the exclusion from eligibility for medical assistance in dying for people whose sole underlying medical condition is a mental illness. In other words, this bill would deny people with mental disorders access to end-of-life care.

The government gave three reasons for this. The first is that we're not ready. The second is that there are not enough psychiatrists who are trained in MAID, and the third is that there is no consensus among health care professionals.

With regard to the first reason, that we are not ready, in her brief to the Special Joint Committee on Medical Assistance in Dying, Dr. Stefanie Green stated the following:

There is readiness at the federal level, there are provincial, territorial and regional initiatives that have occurred and continue, and there is preparedness of the medical and nursing regulatory bodies as well as professional associations.

Let's look at the second reason, which is that not enough psychiatrists — only 2% — have received MAID training. According to a previous report by the commission on end-of-life care, there were 350 physicians practising MAID in Quebec in 2017-18. That's 1.7% of all doctors in Quebec. If we have 1.7% of the physicians and 2% of the psychiatrists, do we need more?

Let's look at the third reason, which is the lack of consensus among health care professionals. I would say there is no consensus on quite a few medical practices. Hormone replacement therapy for post-menopausal women and organ transplants are just two examples of that. Lack of consensus does not mean those practices are banned, though.

Looking back to 2015 and 2016, governments were so eager to institute MAID that they did so despite clear disagreement among health care professionals. Where's the consensus? At the time, directors of professional services in health care settings struggled to find doctors willing to practise MAID in their communities. Doctors were trained as needed. MAID was instituted anyway.

The number of physicians providing MAID has increased over the years. Successive annual reports by Quebec's commission on end-of-life care show that the number of physicians providing MAID and even the number of MAID cases per professional have been growing.

I don't want to bombard you with facts and figures. It wouldn't be very relevant today, since these professionals have incorporated this practice into their daily routine. They choose to give it one, two or three days a week of their time. Since physicians have three or four areas of practice, it amounts to intermittent half-days. It's highly variable. Very few doctors work exclusively in MAID full-time. Therefore, the argument of too few psychiatrists does not hold water.

Honourable senators, there's no need to give you a rundown of the MAID eligibility criteria in general. You know them all. However, we can't forget that a request for MAID does not automatically make a person eligible for it.

[English]

In other words, making a request for MAID does not automatically guarantee eligibility to obtain MAID.

[Translation]

All these criteria for MAID in general also apply to people whose sole reason for applying is mental illness. During our debates on MAID, one gets the impression that broadening the scope is seen as a rubber band stretched to encompass a new group, namely people whose only medical problem is mental illness. These people have the same rights as the rest of the population. They were simply excluded.

I'm not saying that we should proceed as we did in 2015-16, and it is all well and good to ensure that professionals are ready. However, they are ready now. The training received by professionals addresses some of the legitimate concerns raised by mental illness. We understand that assessing mental illness is more complex and requires better supervision and stricter, more robust guidelines.

Depending on the underlying mental illness, we may be faced with acute situations, such as a suicidal crisis or a psychotic break, associated or not with a state of structural vulnerability because of precarious housing or poverty.

In that regard, as I said earlier, the health regulatory bodies have done their job as requested by the Government of Canada by developing training modules for professionals and establishing standards of practice, in short, everything needed to ensure that care providers are ready to ensure safe end-of-life care.

I know that all of us are afraid of any excesses, of the slippery slope, when it comes to MAID in general, but that fear is even more pronounced when it comes to mental illness. This is why even more robust criteria are needed.

• (1610)

That being the case, I want to share some testimony from the Collège des médecins du Québec, outlining benchmarks that reflect just how robust the criteria must be.

There are five criteria to ensure safe delivery of MAID. First, the decision to grant MAID to someone with a mental disorder should not be viewed solely as an episode of care. Rather, the decision should be made following a fair and comprehensive assessment of the patient's situation.

Second, the patient must not exhibit suicidal ideation, as with major depressive disorders.

Third, the patient must experience intense and prolonged psychological suffering, as confirmed by severe symptoms and overall functional impairment, over a long period of time, leaving them with no hope that the burden of their situation will ease. This prevents them from being fulfilled and causes them to see their existence as devoid of meaning. This element must be assessed by the assessors.

Fourth, the patient must have been receiving care and appropriate follow-up over an extensive period of time, have tried multiple available therapies that are recognized to be effective, and have received ongoing and proven psychosocial support.

Fifth, requests must undergo a multidisciplinary assessment, including by the physician or specialized nurse practitioner in the field of mental health who has treated the individual as well as by a consulting psychiatrist in the specific case of the MAID request. Dr. Stefanie Green's comments are also highly relevant to many of our concerns. Dr. Green is the founding president of the Canadian Association of MAiD Assessors and Providers. In the brief she submitted to the Special Joint Committee on Medical Assistance in Dying, she listed the criteria for which people are not eligible for MAID.

These criteria are as follows: A person in a suicidal or psychotic crisis is not eligible to receive MAID; a person newly taken into care and newly diagnosed is not eligible to receive MAID; a person whose request is based on structural vulnerabilities such as precarious housing or poverty — this has made the headlines, but always for the same three people — is not eligible to receive MAID; a person who refuses, without rationale, all treatments that could improve his or her condition is not eligible for MAID; a person for whom accessible and effective treatments exist is not eligible for MAID.

If the assessors cannot decide on all or some of the criteria already cited, the person is not eligible for MAID. These individuals will be directed to the resources appropriate to their situation.

I would point out that during the meetings of the Special Joint Committee on Medical Assistance in Dying, one psychiatrist was asked how many people, based on her professional experience, would be eligible for MAID. She said that after reviewing records from her many years of practice, she'd identified only

two individuals who would be eligible to receive MAID. While a lot of people may request it, assessments are what ultimately determine eligibility for MAID.

Colleagues, extending eligibility for MAID to include people whose sole reported problem is a mental illness is not a free-for-all. Our system is governed by laws, protections and strict standards of practice. If you haven't already, please review the joint committee's main report, the two supplementary reports by MPs and the two dissenting reports written by the majority of senators who sat on the Special Joint Committee on Medical Assistance in Dying. Personally, I'm not prepared to support Bill C-62 in its current form.

Thank you for your attention.

[*English*]

Hon. Marilou McPhedran: Honourable colleagues, three years ago during the final debates on Bill C-7, I acknowledged that disability rights organizations would lose that round when Bill C-7 became law, but it would not be the last time that senators would be tasked with addressing the discriminatory impact of medical assistance in dying, or MAID, and here we are.

Every senator is paying close attention to our responsibility to carefully consider this bill, appreciating the complex and profound issues raised by Bill C-62. The expertise and resources available to us in our readings of this bill are also complex, diverse and often divergent.

I want to thank Senator Gold for his helpful review of the reasons to support Bill C-62 at this time, and I want to thank every senator who has spoken thoughtfully and sincerely to this debate.

Almost 50 years ago, I graduated from Osgoode Hall Law School, and in the early days of litigating with Canada's new constitutional Charter rights, I was a lawyer with the ARCH Disability Law Centre, the first legal clinic in Canada to specialize in disability law and advocacy. I welcome this opportunity to add to this debate, and I want to offer analysis derived from experts on disability rights.

Last Friday, I sponsored a media conference of these experts where Krista Carr, Executive Vice-President of Inclusion Canada, noted:

Fundamentally, we know that providing MAID to persons with disabilities not at the end of their life, as opposed to suicide prevention and other social and economic supports, is unequivocally discriminatory. Disability organizations across this country have been clear about this and predicted that if we expanded MAID to people with a disability not at the end of life people would die who desperately wanted merely to be able to live a life of dignity with the support needed to do so, and right we were.

If you look at the data on MAID deaths in Canada, we have already outpaced countries who have had some form of legalized medical assistance in dying for years longer than

we have. We are being seen as having the most permissive MAID regime in the world. The bodies are literally piling up, and we are now talking about expanding it further?

In *The Hill Times* some weeks ago, law professor Daphne Gilbert, a proponent of MAID expansion, called on the Senate to reject Bill C-62 in the name of defending human rights, comparing access to MAID to the fight to defend the reproductive health rights of women. I would like to explore this point further.

MAID advocates who argue from a rights perspective are correct that an understanding of human rights is key to this debate, but in effect, some of their arguments actually discount disability rights.

Also in *The Hill Times* law professors Isabel Grant and Trudo Lemmens questioned appropriation of feminist arguments on bodily autonomy and reproductive choice as a sleight of hand in attempting to persuade the Senate to overturn the decision of the Special Joint Committee on Medical Assistance in Dying where senators have been fully engaged members making substantive contributions.

The UN Convention on the Rights of Persons with Disabilities, which Canada ratified and is obligated under international law to uphold, defines a social model of disability, which requires states to recognize the disabling nature of attitudinal and environmental barriers that hinder a person's full participation in society on an equal basis with others — in other words, substantive equality.

Colleagues, some of you may be aware of my decades of human rights work and my contributions to drafting equality provisions in the Canadian Charter of Rights and Freedoms entrenched in the Constitution of Canada. I will be sharing more resources from a range of experts in my speech. However, I wish to state that, based on the social model of disability rights and my own experience, I find no equivalence.

MAID, for someone with a disability who is not at the end of their life — for example, someone with a mental illness — is not a disability right, and it is not equivalent to the right to reproductive choice.

• (1620)

To quote Professors Grant and Lemmens:

. . . Abortion rights enable women to thrive in a society where they have historically faced social, political, and economic inequality, just as disability rights are crucial for people with disabilities to thrive in an ableist society that often degrades the value of their lives.

In light of the stark data we are now starting to collect on MAID and its impacts on socially marginalized people — particularly those living with disability — let us be reminded of the cautions raised by the three independent United Nations experts when Bill C-7 was before us: the Special Rapporteur on the rights of persons with disabilities; the Independent Expert on the enjoyment of all human rights by older persons; and the

Special Rapporteur on extreme poverty and human rights. They all alerted that human rights violations were likely to occur under Bill C-7's expanded Track 2 access.

We here are charged to uphold the rule of law in Canada, including the rights in our Charter and international human rights treaties ratified by Canada such as the international Convention on the Rights of Persons with Disabilities and the international covenants on social, economic, civil and political rights — all accepted by Canada as essential treaties in our adherence to human rights law.

In their joint advisory to Canada, the three UN experts conveyed that MAID legislation, “. . . appears irremediably entangled in ableist assumptions about persons with disabilities.” They elaborated further:

. . . the eligibility criteria set out . . . may be of a discriminatory nature, or have a discriminatory impact, as by singling out the suffering associated with disability as being of a different quality and kind than any other suffering, they potentially subject persons with disabilities to discrimination on account of such disability.

The alarms they raised then are sadly proving prescient. Last week, disability community advocates from across Canada came to Ottawa to provide testimony to the Canadian Human Rights Commission on key issues facing people with disabilities. Their list was long, but their top concern was the impact of MAID criteria for eligibility on persons with disabilities.

Colleagues, when we welcomed the UN Special Rapporteur on freedom of religion or belief to this chamber recently, you will recall how I emphasized that these human rights special rapporteurs are chosen for their internationally recognized expertise and that their independence is reinforced because they work pro bono. I hope you agree that it is significant that three of these experts took the extraordinary step of warning Canada about the likelihood of disability rights contraventions in our MAID laws, sending a joint advisory letter to Canada.

Today, the new UN Special Rapporteur on the rights of persons with disabilities conveyed her concern and intention to monitor what evolves in Canada.

Let us also be reminded that expertise comes in many forms, not just from one professional discipline. UN and Canadian disability rights experts continue to try to alert Canada that dangerous and discriminatory situations happen to people living with disabilities far from the notice of this chamber and far from our being able to do anything about their situations in real time. The joint advisory from the UN experts specifically warned that expanding MAID to those whose sole condition is a mental disorder will lead to even more people applying for and receiving MAID due to socio-economic deprivation — also known as being poor. They are justifiably concerned that MAID expansion

is being viewed as an easy answer and that it is caused by the economic and social inequality that many people with disabilities are forced to live with.

In my remaining time, I wish to bring more expert voices from a number of disciplines and their arguments to your attention for your respectful consideration.

The experts at the ARCH Disability Law Centre have a long and distinguished track record of defending the rights of persons with disabilities. If there is a “cacophony” — as disparaged by Senator Kutcher — these expert voices are not in that category.

ARCH lawyers report staggering increases in the number of clients who have applied for or who are seeking to apply for MAID Track 2 not because of the disability but because of suffering related to barriers in society, including living in poverty and lack of accessible, safe housing.

ARCH lawyers have testified that they have clients who cannot get the services they need such as attendant services to assist with the basic activities of daily living. Instead of getting services to support them to live with dignity in the community, they are often given the impossible and false choice of living in the community in unsafe conditions or moving into a hospital or long-term care institution where they may get some services, but they are required to give up their independence, work and relationships.

These are not people who are dying. These are not people who want to die. They are people living with disability who need and are entitled to a level of support that provinces do not offer — a choice that is being made.

To quote ARCH Executive Director Roberto Lattanzio:

. . . people with disabilities are dying by MAiD not because they want to end their lives, but because they are suffering due to dehumanizing social and economic conditions. Expanding MAiD to people whose only condition is a “mental disorder” will exacerbate this. . . .

Senator Kutcher repeatedly referred to the cacophony of “. . . erroneous, inflammatory . . .” anti-MAID activists who have “. . . drowned out . . .” voices and “. . . fed us fear and falsehoods.” Colleagues, that may be how the senator perceives those who have a different view from his, but the experts that I am bringing to your attention are not cacophony. They deserve respect and acknowledgment of their skills and their direct, current testimony about real people living with disability whom they know and who are in such deep crisis that they are choosing death because they cannot live in dignity. These experts are reporting on direct experiences in good faith and for good reason, and I ask you to consider the human rights analysis they offer, with respect.

More than 100 Canadian disability support organizations came together to oppose Track 2 and Bill C-7 because they all have clients who cannot get the mental health services they need to live their lives with agency and dignity.

Statistics Canada 2022 data indicates that wait-list times for community health counselling are increasing year over year.

In a national poll conducted by the Ontario Psychiatric Association with analysis based upon data collected from December 7, 2023, to January 23, 2024, 61% of psychiatrists stated that MAID for mental illness should not be allowed, and 81% said the medical system is not prepared for MAID for mental disorders.

The disability community has been articulate in asserting that MAID violates Canada's international human rights obligations to people with disabilities under the UN Convention on the Rights of Persons with Disabilities in certain respects.

One of those rights is the right to life. Genuine choice is a central pillar of the right to life as it applies to assisted dying. Exercise of this right requires that assisted death is chosen without any outside coercion or pressure. Deprivation is outside pressure, and it is more than a moral question. When social, economic and ableist obstacles and pressures impede the provision of full rights to persons with disability, then their autonomy and ability to make free choices are compromised.

Social isolation, lack of supports, persistent poverty, lack of safe, accessible housing — all face social and economic pressure. They are often not in a position to exercise free and unconstrained choice. UN disability experts have been clear that economic and social rights are key to affording genuine autonomy instead of the myth that is currently in the law at the moment.

Your Honour, I would ask the chamber if I might be allowed a little more time.

The Hon. the Speaker: I have heard a “no.” I’m sorry, Senator McPhedran.

• (1630)

Hon. Mary Jane McCallum: Honourable senators, I rise today to enter debate at third reading of Bill C-62 regarding the delay in expanding medical assistance in dying, or MAID, to include mental illness as a sole criterion.

I am concerned about the expansion to mental illness as a sole criterion, and I have had conversations about assisted dying with many doctors, organizations and First Nations, including many who are former students of residential schools. At their request, the perspective that I will share with you today is from former residential school students. I will speak our truth from our hearts with sincerity.

Colleagues, through research and documented history, it has become widely known as truth that sustained contact with Europeans fundamentally altered the lives of First Nations. Documentation exists that representatives from the churches and

government would change the bodies, minds and spirituality of First Nations, intimating that those changes would make First Nations better able to deal with the supposed civilized world.

In the book *Colonizing Bodies*, Mary-Ellen Kelm states that medical portrayals consistently presented First Nations as essentially pathetic, pathological and powerless. She states that infectious diseases continued to affect Aboriginal people well into the 20th century — not because they were genetically ill-equipped to fight disease, but because of decisions made by the governments in British Columbia and Canada. In her book, the author states:

In examining the shaping of Aboriginal bodies [and minds] through the processes of colonization, this study argues that Aboriginal ill-health was created not just by faceless pathogens but by the colonial policies and practices of the Canadian government. . . .

Mary-Ellen Kelm argues that the body and mind are social constructions because they are unfinished — always under construction by the forces of society, culture and legislation, including to this present day — and that Aboriginal bodies and minds are made.

Honourable senators, I agree with this characterization because I realize that the person I thought I was after I left residential school has been a farce and a lie. I am 71 today, and I am still dealing with the effects of that social experiment on my life, with its deleterious effects extending to my community, immediate family and extended family, including my grandchildren. It has been a life's journey to go back to that little girl who entered residential school at the age of five as a success story, and who came out as a lost soul. I try to understand that story and the ongoing impacts it has had on my own mental health, while trying not to be too hard on myself.

Colleagues, at a residential school gathering held in Vancouver two weeks ago, an intergenerational woman said that we are learning to find our place in our own country and on this earth in order to understand who we are and that our parents — residential school students — weren't bad people. Another expressed that he couldn't understand why his father was the way he was. Many shared that they never got to hear their parents' story. One person told me, “Now I know why he did what he did,” essentially parenting the way we were raised at residential school, as that cold, callous and punitive treatment was the only way we knew — as it was the only modelling we had been exposed to.

Yet, why do we, as First Nations, continue to allow ourselves to think that we're the problem when we're not?

I speak of these experiences, honourable senators, because it is an important foundation on which to anchor and situate the mental health crises and illnesses that are running rampant in First Nations communities right across this country.

Being in residential school is a story that few of us have shared with our children because it has taken us a lifetime to start to understand the horrendous situation that we were placed in. We were denied our own history, and our strong sense of Cree, Dene and Anishinaabe identities were removed, to be replaced by a racial journey into personhood — literally the recreation of colonial bodies. We still have a lot of hard questions to ask ourselves and our country. What makes you think it's your responsibility to tell us how to heal ourselves, or to help kill us as a solution to the mental illness that this country injected into our people and our communities?

This unfinished colonialism today is, indeed, always under construction and undermines First Nations' efforts toward our healing. We have not dealt with the sexual abuse that occurred in these buildings. Many former students continue to deal with this silently; they have nightmares on a daily basis.

Sexual abuse is the hardest abuse to deal with. These are difficult conversations, colleagues, but they cannot be hidden. Imagine yourself as a child who is sexually abused, then informed by these same abuser priests and nuns that you are a sinner and a savage, and that God doesn't like bad children like you. What would you be like today? How would your mental condition be?

Imagine having to go to confession as an innocent child to confess "sins" to your abusers. Imagine that you are looking out the window one night, and you see the priest carrying a little body into the bush and coming out empty-handed. Imagine that you don't know when it will be your turn to face that abuse again, and whether — the next time — that abuse will ultimately lead or not lead to your death.

Now imagine carrying the weight of this trauma with you for your entire life. And people chastise us for living on the streets, for not being able to trust anyone and for drinking and doing drugs to chase away memories and shame. We blame ourselves for then bringing sexual abuse and other forms of violence back into our communities, with a resultant increasing number of suicides every year. With underfunded and ad hoc resources that are checked with a fine-tooth comb by colonial minds, others actually tell us how we should heal.

Colleagues, for the reasons I named above, First Nations are facing a mental health epidemic that far outstrips that of the Canadian public. I know this, and you know this. We need to be offered the chance to heal and live our lives unencumbered by the burden that the government and church have placed on us.

Instead, Canada has now informed the former students of residential schools that the words "residential school" will not be used anymore, but that the wording "trauma-informed" will be used, erasing the unique trauma that residential school resulted in.

In a letter dated January 31, 2024, from representatives of Indigenous Services Canada, it states:

Dear agreement holder, As you may know, the current funding for the Trauma-Informed Health and Cultural Support Programs is currently set to end on March 31, 2024. We understand the uncertainty this may cause when future

planning around staffing and service delivery. While a Budget 2024 announcement is still pending, in order to assist you in your organizational planning beyond April 1, 2024, the department will be extending the current funding for the Trauma-Informed Health and Cultural Support Program until June 30, 2024.

• (1640)

Honourable senators, what we need is permanent funding for residential school healing supports, which will be required beyond our lifetime, as intergenerational trauma is just that — intergenerational. This approach needs to be acknowledged and supported by government as arduously as the answers and policies around medically assisted death.

Honourable senators, in a media release, Prime Minister Trudeau accepted the conclusion of the 2019 National Inquiry into Missing and Murdered Indigenous Women that ". . . what happened amounts to genocide."

He said:

To truly heal these wounds, we must first acknowledge the truth. And not only about residential schools, but about so many injustices, both past and present, that Indigenous peoples face.

In the same article, Guelph University political science professor David MacDonald states:

The Canadian government would be admitting that the genocide occurred by the hands of institutions that still function more or less now as they did before.

The earlier versions of their parties, the earlier versions of their Parliament, the earlier versions of the RCMP, the earlier versions of the Department of Indian Affairs . . . committed genocide.

The attitudes have changed and all the personnel are different, but there's institutional continuity in Canada, which doesn't happen in Germany.

As First Nations, we have ever-evolving, new challenges that add to the mental burden we already carry, including the denialism of unmarked graves, individual and collective identity theft and fraud, unresolved land claims and citizenship issues. First Nations have the burden of knowing that our numbers are decreasing through the government's discriminatory rules around membership.

My grandson applied for status and was denied it. He cannot self-identify because of their rules. Yet the government simultaneously accepts an extraordinary number of Canadians claiming unverified Métis status. Our scholars call this "the last bounty" — identity theft and fraud of our bodies, ownership of our history, our residential school experience, our intellectual property and now our languages. What will Canada look like in the future? You will have White and not-so-Brown bodies running around claiming to be Indigenous while those few of us who are status remain by the wayside.

Canada's original peoples have survived an intentional, sustained, well-financed and executed program of genocide perpetrated by the Government of Canada for centuries. However, we are tired and we need help. But the help we need from the government is not the extended hand of death; no. What we need is proper support and resources so we can rebuild our nation based on our traditional values. We will continue to assert and defend our sovereignty every single day, knowing that it will help the generations yet to come.

I support this bill and I hope you do too. It will give us much-needed time. *Kinanāskomitin*, thank you.

(On motion of Senator Clement, debate adjourned.)

[*Translation*]

**DEPARTMENT OF EMPLOYMENT AND SOCIAL
DEVELOPMENT ACT
EMPLOYMENT INSURANCE ACT**

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Diane Bellemare moved third reading of Bill S-244, An Act to amend the Department of Employment and Social Development Act and the Employment Insurance Act (Employment Insurance Council), as amended.

She said: Honourable senators, I would like to begin by acknowledging that I am delivering this speech on the unceded traditional territories of the Algonquin Anishinaabe people.

[*English*]

It is my pleasure today to introduce third reading of Bill S-244, An Act to amend the Department of Employment and Social Development Act and the Employment Insurance Act (Employment Insurance Council). The bill aims to create an Employment Insurance council to strengthen social dialogue within the EI Commission.

[*Translation*]

In my previous speech, I spoke at length about the foundation of social dialogue and its merits. I also talked about the International Labour Organization's international conventions on social dialogue practices in employment insurance programs that Canada endorses.

At the risk of repeating myself, I want to remind you of the following facts: Employment insurance came late to Canada relative to England, in 1911, and to other European countries. According to the Constitution of 1867, employment insurance was considered a provincial responsibility. The Constitution had to be amended in 1940 to give the federal government the exclusive responsibility of this jurisdiction.

[*English*]

Unemployment insurance was originally managed by a tripartite agency representing business, labour and government. This agency was independent of ministerial powers until the

mid-1970s, when the Unemployment Insurance Commission became part of the then Department of Employment and Social Development. It was not the same name, but it was the same department.

Until 1998, the commission relied on the advice of joint advisory councils made up of an equal number of business and labour representatives — the main four being the National Employment Committee, until 1965; the UI Advisory Committee, until 1976; Canada Employment and Immigration Advisory Committee, until 1992; and the Canadian Labour Force Development Board, until 1998.

[*Translation*]

From then on, unemployment insurance, which was renamed employment insurance in 1994, has been managed by the department. The Employment Insurance Commission includes a commissioner for unions and a commissioner for employers, so the influence of social partners, while recognized in principle, differs from the social dialogue best practices recommended by the Organisation for Economic Co-operation and Development and the International Labour Organization's international conventions.

• (1650)

This bill seeks to create, within the Employment Insurance Act, an advisory council for the Employment Insurance Commission, which would be co-chaired by the two commissioners representing the labour market, the commissioner for workers and the commissioner for employers. This bill has the support of representatives of the major employer and worker associations in Canada.

[*English*]

Why this bill? In a nutshell, it's to improve the commission's effectiveness in its role as an adviser to the government by informing it of the needs and approaches favoured by labour market players, proposing mutually beneficial public strategies and facilitating the implementation of public strategies and policies in the Employment Insurance sector.

[*Translation*]

The current Employment Insurance Commission is made up of four people, namely, the Deputy Minister and the Associate Deputy Minister of Employment and Social Development Canada plus two commissioners, who are appointed after consultations with labour organizations or business associations. It is chaired by the deputy minister or, in his absence, by the associate deputy minister.

This commission plays an advisory role. Typically, the commission chairperson, the deputy minister, speaks on behalf of the commission. The deputy minister is appointed by the Governor in Council and reports to the minister. The commissioners consult the communities they represent, but they cannot arbitrate between differing opinions to present common advice.

[English]

The purpose of this bill is to create a permanent round table that will bring clarity to the various consultations undertaken by the government by making the necessary arbitrations to produce clear and common advice. Bill S-244 aims to create an advisory council to the Canada Employment Insurance Commission so as to facilitate the commission's task of providing consensus advice based on experience in the field, as well as the experiences of businesses and the workforce.

[Translation]

National, provincial, sectoral and local unions and business associations are anchored in the real world, gathering qualitative information that is essential for policy development and that complements and gives meaning to statistical data.

[English]

I would like to share a quote from the late Professor Donna Wood, who spoke at a round table organized by the Atkinson Foundation. I spoke about a lot of her work during second reading. She said:

All governments need a high-quality knowledge infrastructure to support evidence-based policy design and implementation. This includes advisory bodies — permanent and ad hoc — that provide governments with information, facts, and evidence-based analysis and advice along all phases of the policy cycle.

Permanent advisory bodies tend to have broad and long-term expertise, while ad hoc bodies often serve as a 'fast-track' option for governments seeking more specialized advice on short notice. . . .

[Translation]

Also, EI also has an impact on companies' human resources management and influences workers' human capital investment decisions. Any change to the EI program will have positive or negative consequences for business and workforce decisions. That is why it is so important to take into account the needs of businesses and of the workforce. After all, their contributions are financing the entire program, which spends about \$30 billion, according to 2021 statistics.

What are the needs of the workforce and businesses?

The economic context has changed since the program was created in 1940 and since the last major reform in 1994. Factors such as the aging population and associated labour shortages, the climate crisis and the technological challenges related to the use of artificial intelligence, to name but a few, require major investments in skills development, which falls largely under provincial jurisdiction. In addition to the need to support workers' incomes during involuntary job interruptions, the reason why unemployment insurance was created in the first place, Canadians also need to improve their skills.

The issue of skills development is often underestimated in public debates and election campaigns. In my experience, politicians often think that Canadians don't want to train and so they do not include that issue in their election platforms, since they do not think it will win them votes.

How do Canadians perceive their training needs? Ultimately, Canadians themselves are the ones who have to deal with the challenges they face. They are the ones who have to get training. How do they perceive their training needs?

In an attempt to answer that question, I conducted a survey with Nanos in December 2019. In 2023, I asked the same firm to update the survey results to see if the pandemic and the subsequent economic slowdown had changed Canadians' perceptions of their training needs and how technological change and climate change threatened their jobs and occupations. The results of the two surveys are similar and may surprise Canada's politicians. Here are some results.

The first question was about the impact of technological change and climate change on employment.

We asked the following question:

According to experts, technological changes such as automation, artificial intelligence, online shopping and the sharing economy . . . could have significant impacts on the job market.

We asked participants to what extent these changes threatened their job.

Twenty per cent of employed persons think these changes threaten their jobs. That represents four million Canadians. More young people between the ages of 18 and 34 believe that their jobs are threatened, and people from British Columbia worry the most about their jobs.

We then asked the respondents how these changes might affect their work tasks and need for training.

Thirty-seven per cent of employed respondents think that their work tasks will be affected and that they will require training. That amounts to eight million Canadians. Again, more young people, 42%, responded in the affirmative. These results are consistent with the 2019 survey.

We then asked about their perception of their skills deficit and their specific training needs. We asked them to say which of the following statements best described their situation.

(1) I have all the training I need.

(2) I would be interested in taking training.

(3) I would be interested in taking training, but I do not have time for it.

(4) I would be interested in taking training, but I cannot afford it.

(5) I do not want training.

(6) I don't know.

The answer may surprise sceptics. Nearly half of Canadians, 49%, are interested in training. That's roughly 16 million Canadians. Among those in full-time employment, more than three out of five people want to take training. Young people aged 18 to 34 are even more interested in training, at 66%, than Canadians aged 55 and over, who account for three quarters of those who are not interested in training. Interest in training is high in the Prairies, where 51% of respondents say they are interested in it.

We also asked Canadians about their preferred training content. We asked whether they agreed or disagreed with the following statements: I should take training to improve

1) my reading ability;

2) my math skills;

3) my computer skills, such as using Internet tools;

(4) my occupational skills.

The training courses that arouse the most interest are computer-related, where 45% of Canadians expressed interest, and professional skills where 40% of Canadians expressed interest. This means that about 15 million Canadians want to improve their computer skills and 13 million want to improve their occupational skills.

• (1700)

[English]

These data indicate that the need for skills development is immense and that Canadians are aware of the challenges and want to learn. Canada must capitalize on the willingness of Canadians to train and on the willingness of labour market players to commit to skills development.

[Translation]

The EI program is already being used to strengthen workers' skills. It provides income support and covers workforce adjustment training expenses. However, the employers and workers who fund EI and are its only contributors want EI to do more and do better in light of the major challenges ahead.

In the context of EI Part II, where over \$2.5 billion is invested annually through labour agreements, EI is actually the cornerstone of funding for workforce training in Canada. It is becoming increasingly clear that skills development is a strategic lever for Canada's economic future. That is the issue that this bill, which has the support of the main unions and business associations, seeks to address.

[Senator Bellemare]

Now let's take a closer look at Bill S-244.

Clause 1 of the bill creates an employment insurance council under the Department of Employment and Social Development Act.

Clause 2 amends that same act to set out, in a single section, the existing powers, duties and functions of the EI Commission, which are currently described here and there in various sections of the act. The wording of this provision is taken from the department's website.

I'll briefly summarize the details of the commission's powers, duties and functions. They are as follows:

(a) monitoring and assessing the assistance provided under the *Employment Insurance Act* and reporting annually on its assessment to the Minister, who must table it in Parliament;

(b) reviewing and approving policies related to the administration of employment benefits or support measures under the *Employment Insurance Act*;

(c) making regulations under this Act and the *Employment Insurance Act*, subject to the approval of the Governor in Council;

(d) engaging the services of an actuary, as described in subsection 28(4) of this Act, to perform actuarial forecasts and estimates under section 66.3 of the *Employment Insurance Act*;

(e) setting the employment insurance premium rate for each year, in accordance with section 66 of the *Employment Insurance Act*; and

(f) working in concert with the government of each province in designing and implementing benefits and measures related to employment insurance.

The commission could benefit from the support of an advisory council to carry out its functions, including monitoring, assessment, review and approval of policies and regulations, and liaison with the provinces. This is very important.

[English]

Clause 4 constitutes the body of this bill. It amends the Department of Employment and Social Development Act by creating Part 3.1 in the act, concerning the employment insurance council. This proposed subsection reads as follows:

. . . the Employment Insurance Council, is established to provide advice and make recommendations to the Commission, on its own initiative or at the Commission's request, on any matter related to the powers, duties and functions of the Commission, subject to any limits that the Commission may establish

Indeed, clause 3 of the bill provides that the commission may limit the matters on which the council may give advice. In this way, the advisory council has the power of initiative within the

remit of the commission. In other words, the bill strikes a balance between ministerial power and power of the labour market partners sitting on the council.

As for the composition of the council, the bill sets a minimum of 12 members while ensuring equal representation between labour and management organizations. It is co-chaired by commissioners representing the business community and labour organizations. The co-chairs may invite representatives of the provinces and territories designated by the Forum of Labour Market Ministers as well as Indigenous representatives to better fulfill their mandate.

[Translation]

This bill will undoubtedly improve the employment insurance program.

This measure will make it possible to get reliable information and take into account the realities that businesses and workers face. That will make it easier to implement new skill development strategies.

In Canada, we practise social dialogue at the provincial and sectoral levels around health, security and training, but it is woefully inadequate when it comes to employment insurance. In Quebec, for example, the Commission des partenaires du marché du travail, which I discussed at length at second reading, is involved in managing those public funds, including money for training, which is mainly funded by employment insurance. Canadian mining and tourism industry committees, largely funded by employment insurance, are also successful examples of social dialogue across Canada.

By passing Bill S-244, Canada will honour its prior commitments, including Co88, the Employment Service Convention, as well as its commitment to support the implementation of the Sustainable Development Goals and the Global Deal. Most importantly, Canada would have one more tool, social dialogue, that may help us deal with major economic trends, such as an aging population, labour shortage, the climate crisis and AI-related technological challenges. These major trends call for rapid workforce adaptation and the ongoing acquisition of new skills.

I'm not the only one who's convinced that we need a permanent round table for social dialogue about these issues so business and labour can develop a common vision.

[English]

Indeed, the Job Skills Round Table, initiated by my office in 2019 with the participation of the Canadian Chamber of Commerce, the Canadian Labour Congress and Colleges and Institutes Canada, came into being precisely because many economic players wanted to be able to develop a common vision of skills development and lifelong learning, while respecting federal and provincial jurisdictions. It was thanks to this round table that Bill S-244 came into being.

[Translation]

The round table held several meetings. The first was in January 2020. Others were held virtually during the COVID-19 pandemic and were organized by the commissioners representing employers and employees. The last meeting, which I organized with the commissioners and in which Senator Cardozo and Senator Yussuff participated, was held on February 12.

[English]

The February 12 round table was held in the Senate. The following organizations took part in the discussion, which aimed to provide an update on Bill S-244. For the business community, participants included the Canadian Chamber of Commerce, the Canadian Federation of Independent Business, *Conseil du patronat du Québec*, the Business Council of Canada, the Canadian Home Builders' Association and Canadian Manufacturers & Exporters. For the labour associations, there was the Canadian Labour Congress, Unifor, Canada's Building Trades Unions and *Confédération des syndicats nationaux*. Tourism HR Canada and the Mining Industry Human Resources Council have also participated in this event.

[Translation]

Senators Hassan Yussuff, Andrew Cardozo and Krista Ross also participated in the round table.

Participants representing the labour market, businesses and workers reaffirmed the need to create a permanent round table as part of the Canada Employment Insurance Commission, or CEIC, and they expressed a desire for the Senate to quickly pass this bill so that it can be sent to the other place.

[English]

In closing, I would like to thank everyone who contributed to this bill. In addition to those mentioned earlier, I would particularly like to thank the Honourable Perrin Beatty, Diana Palmerin-Velasco and Leah Nord of the Canadian Chamber of Commerce; Bea Bruske of the Canadian Labour Congress, as well as its former chairman Senator Hassan Yussuff and Chris Roberts. I would also like to thank Jasmin Guénette of the Canadian Federation of Independent Business and Erin Harrison of Unifor.

I thank my team who worked on this project from near and far: Ermioni Tomaras, Julie Labelle-Morissette, Anne Allard, Jérémie Soucy and Alexandre Mattard-Michaud. Also, I thank long-time teammate Michel Cournoyer, economist and former founding director of the *Commission des partenaires du marché du travail au Québec*. Last but not least, a special thank you to the two EI commissioners, Pierre Laliberté for the labour organizations and Nancy Healey for the employer organizations wishing to pursue the social dialogue undertaken.

[Translation]

In closing, I hope I have convinced you that the practice of social dialogue is a powerful tool for better understanding the needs of the labour market and for implementing the best possible solutions in a context where stakeholder buy-in is essential to achieving shared prosperity.

I also hope I have convinced you that the creation of an advisory council to the EI Commission is a step in the right direction.

Thank you. *Meegwetch.*

• (1710)

[English]

Hon. Percy E. Downe: Thank you not only for your work on this but also for bringing your expertise in your career to this discussion.

Listening carefully to your speech, I'm concerned that the regional sensitivities of EI are not reflected in either the council or the advisory committee. We, of course, have labour workers and businesses in Prince Edward Island, but we don't have national labour organizations and national business groups. How would you reflect in this council and advisory committee the regional importance of EI to our seasonal economy?

Senator Bellemare: Thank you for the question, Senator Downe.

This round table of 12 in the bill has the power to invite representatives from any of the provinces in order to hear from them. They also have the power to invite Indigenous groups to know more about their needs in the labour market. This way, it is focused on the needs within the region. If the organization in your province is not organized provincially and nationally within the CLC, the chamber of commerce or other groups, it will provide a time and a place to meet with the different provinces.

The beauty of this bill is that EI is an exclusive federal jurisdiction. It was provincial before, but now it is federal. As the needs and the delivery system is within the province, we need to make connections between the federal government, which has the money, and the provinces that spend the money. Otherwise, there is nothing. The commission and the government conduct consultations. They hear about one thing or another.

As you know, EI reform has not been done. It has not been progressing at all. This advisory board is mainly focused on training in the beginning, with part two. However, in time, it could give advice on other issues that the commission has regarding the strategy of EI. This is an opportunity for the government to be able to propose a strategy in manpower development. That is my answer.

Senator Downe: Thank you for that answer, senator.

[Senator Bellemare]

I think this bill would be much stronger if there was a requirement for every province and every region to have representation as opposed to saying that they may appoint people from the regions.

For example, in Prince Edward Island, it would be far more important to have agricultural voices and people from the fishing community given the seasonal nature of the EI work. My seatmate Senator Black would know more about agriculture than I do, or Senator Robinson, the former national president. Not many farmers are plowing the fields today in Prince Edward Island. They are depending upon EI to carry them over.

The same is true for the fishing industry. In 2021, Ernst & Young did a report that the fisheries value in exports to Prince Edward Island is \$1 billion. That is a significant employer of people and an important part of the economy, but very little fishing happens this time of year. Those voices would have to be heard on this advisory committee and council. They may be heard, but they are likely not to be heard.

I think there are areas where you could improve this bill to represent those regional concerns on EI. Do you agree?

Senator Bellemare: No, Senator Downe, I don't agree, because we have juggled this bill around on those issues.

This is not my bill. This bill was built with the employers and the union organizations. We worked on it for a long time. Many scenarios were put before us, but this was the proper, workable scenario in order to get something done. This is how it was proposed.

The link with the provinces is made through this council, which can invite sectoral and regional industries. In fact, they can invite any observer they want to discuss any specific issue. The board is a permanent board. They deal with the same people. They build trust together and they know how to spend the money efficiently for the needs of the enterprises and for manpower.

Your concern is legitimate. It will be taken into account through invitations made by the council to the groups that can write their concerns to the council and they will be heard.

Senator Downe: I will make this final question, and add a concern. As a regional chamber, it is part of our responsibility to take in those regional views. I suspect the concerns of Maritimers hearing about changes to EI is that it has a national focus that is central Canada and the West, and maybe not the North or Atlantic Canada. The way to solidify this concern and to address it is to make these not optional but a requirement that these voices from the regions be heard in this bill. I think you would find much more support for it, given the importance of EI in the region, as I said earlier, because of the seasonal nature to our economy. Our economy is doing well, but you cannot work 12 months, unfortunately, in some of these industries.

Who did you consult in the Maritimes about this bill?

Senator Bellemare: The EI program is financed through workers and businesses from different parts of the country.

We didn't do a specific regional consultation for that. We consulted the business community and the workers' community at the organizational level. It would be very difficult to organize if we had to have a big board.

We thought that organizing it this way, where it is linked with the Forum of Labour Market Ministers, we could have input from regional or sectoral organizations about the needs of those agencies.

(On motion of Senator Patterson, debate adjourned.)

• (1720)

INTERNATIONAL TAX JUSTICE AND COOPERATION DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dalphond, seconded by the Honourable Senator Bernard, for the second reading of Bill S-264, An Act to establish International Tax Justice and Cooperation Day.

Hon. Yonah Martin (Deputy Leader of the Opposition): With leave of the Senate, I would like to take adjournment of the debate for the remainder of my time.

Hon. René Cormier (The Hon. the Acting Speaker): Is leave granted, honourable senators?

Hon. Senators: Agreed.

(Debate adjourned.)

CRIMINAL CODE SEX OFFENDER INFORMATION REGISTRATION ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Seidman, for the second reading of Bill S-266, An Act to amend the Criminal Code and the Sex Offender Information Registration Act.

Hon. Yonah Martin (Deputy Leader of the Opposition): With leave of the Senate, I would like to adjourn for the remainder of the time in the name of Senator Boisvenu.

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

Hon. Senators: Agreed.

(Debate adjourned.)

COPYRIGHT ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Deacon (*Nova Scotia*), seconded by the Honourable Senator Tannas, for the second reading of Bill C-244, An Act to amend the Copyright Act (diagnosis, maintenance and repair).

Hon. David M. Wells: Honourable senators, I rise today to speak as the critic of Bill C-244, An Act to amend the Copyright Act (diagnosis, maintenance and repair). Bill C-244 is a short but significant piece of legislation as a response to a rapidly evolving digital landscape where the intersection of technology, consumer rights and environmental consciousness has become increasingly prominent, and we need to get it right.

The genesis of Bill C-244 can be traced back to the early 2000s when the right-to-repair movement began to emerge. In 2009, MP Brian Masse proposed right-to-repair legislation, but the legislation did not proceed after automakers agreed to give independent garages access to key software and training needed to repair newer model cars.

In 2019, Ontario MPP Michael Coteau introduced Bill 72 which would have provided the right to repair electronic products, but the bill was defeated at second reading.

In 2021, MP Bryan May introduced Bill C-272, an act to amend the Copyright Act for diagnosis, maintenance or repair. It passed second reading, but then died when the 2021 federal election was called that year.

The bill before us today is not an isolated legislative effort here in Canada but is reflective of a growing global conversation on the right to repair that seeks to recalibrate the balance between consumers and manufacturers in the digital age. It reflects similar initiatives that have been gaining momentum worldwide, responding to a growing awareness of the need for both greater consumer empowerment and environmental responsibility.

In the United States, several states have enacted right-to-repair laws, particularly in the automotive sector. This has not only empowered consumers but has also nurtured a thriving independent repair industry, something that the Senate sponsor of the bill, our colleague Senator Colin Deacon, referenced in his second reading speech.

In the European Union, similar legislation has led to a noticeable increase in the longevity of electronic products. Manufacturers are now required to make spare parts available, facilitating repairs and reducing waste. This may also lead to a growing business opportunity for remote diagnostics which would reduce travel time for technicians in rural areas and allow the correct parts and repair instructions to be used by authorized third-party repair technicians.

Australia has been making progress towards implementing right-to-repair policies as well, particularly focusing on the automotive and agricultural sectors. The Australian government has recognized the need for consumers and independent repairers to have fair access to the information, tools and parts necessary to repair and maintain vehicles and equipment.

Competition is a good thing for the consumer and for the free market system.

Here at home, Quebec passed Bill 29 last October, a bill designed “. . . to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods.”

Bill C-244 proposes to amend the Copyright Act by updating the definition of “technological protection measure,” known as TPM, and applying it to the software and computer programs embedded within a product. It would allow the circumvention of a TPM for the purpose of diagnosis, maintenance and repair.

As written, the Copyright Act prevents the circumvention of digital TPMs — or digital keys — to repair electronic goods. This change aims to foster what we might call a more equitable and sustainable digital ecosystem. Our current reality often leaves consumers at a disadvantage, bound by respective policies that limit their ability to repair, diagnose or maintain their electronic device.

This not only curtails consumer freedom but also contributes to a culture of disposability, exacerbating the environmental impact of electronic waste. If you cannot repair it, the consumer is left with no option but to dispose of the device and purchase a new one.

The significance of this bill is underscored by precedents such as the notable *Nintendo* case, which brought to light the restrictive nature of anti-circumvention provisions in our current copyright laws. The *Nintendo* case in Canada — formerly known as *Nintendo of America Inc. v. King* — was a pivotal Federal Court decision that significantly influenced Canadian public policy regarding technological protection measures. The case resulted in Nintendo being awarded damages of over \$12 million. This substantial award was based on the application of anti-circumvention provisions within the existing copyright framework. The impact of this decision was far-reaching in terms of how TPMs were viewed and handled in Canadian law.

In June 2019, in the other place during statutory review of the Copyright Act by the Standing Committee on Industry, Science and Technology, the *Nintendo* decision was specifically mentioned. The committee noted the following:

The Federal Court ultimately provided a large and liberal interpretation of the “digital lock” provisions: so long as a component is effective in controlling access to or controlling use of the work, it is a TPM under the Act. Moreover, the Court determined that even the physical configuration of a work could be a TPM — in this case, the shape of a Nintendo game cartridge, which, in corresponding to the shape of a slot on a Nintendo game console, “operate[s] much like a lock and key.”

The case served as a critical example and was cited as the basis for recommending that the Government of Canada should re-examine its copyright policies. The committee’s report said the following:

The Committee recognizes that the effective use of TPMs remains important in at least some creative industries and that Canada has international obligations in the matter. However, it agrees that the circumvention of TPMs should be allowed for non-infringing purposes, especially given the fact that the Nintendo case provided such a broad interpretation of TPMs. In other words, while anti-circumvention rules should support the use of TPMs to enable the remuneration of rights-holders and prevent copyright infringement, they should generally not prevent someone from committing an act otherwise authorized under the Act. The Committee therefore recommends:

. . . That the Government of Canada examine measures to modernize copyright policy with digital technologies affecting Canadians and Canadian institutions, including the relevance of technological protection measures within copyright law, notably to facilitate the maintenance, repair or adaptation of a lawfully-acquired device for non-infringing purposes.

This recommendation reflected a growing recognition of the need to balance copyright protection with consumer rights and the practical realities of technology use in everyday life.

Similarly, the challenges faced by our agricultural sector, where farmers find themselves unable to repair their own equipment, illustrate the need for reform. Farmers typically rely on original equipment manufacturer, known as OEM, dealers to unlock equipment, provide parts and diagnose and repair issues. This dependence can lead to delays and additional costs as there are often few centralized dealers servicing a large area. The need to wait for OEM services can be critical, especially considering the time-sensitive nature of agricultural work. This limitation has

been a significant issue, prompting the need for specific exceptions to circumvent digital locks to allow the repair of software-enabled devices.

• (1730)

The amendments to the Copyright Act contained in Bill C-244 would mean circumventing TPMs would no longer be an infringement when the sole purpose is the diagnosis, maintenance or repair of a product. This means that consumers and independent repair shops could legally repair a product without facing legal repercussions from copyright holders.

As the critic of Bill C-244, I support the bill in principle but hope the questions and concerns that its opponents have raised are examined closely at committee; they were not addressed in the other place, and they do warrant a closer look. Allow me to list a number of these questions and concerns for your consideration.

First of all, there is the question of intellectual property. Manufacturers often argue that right-to-repair laws could compromise their intellectual property. They are concerned about sensitive information like proprietary design and manufacturing details becoming accessible, potentially leading to counterfeiting or intellectual property theft.

Second, regarding safety and liability, there is a concern that allowing consumers or unauthorized repair shops to fix devices could lead to safety issues. Improper repairs might result in devices that are unsafe or fail to meet regulatory standards, and manufacturers worry about being held liable for any accidents or issues arising from such repairs.

Third, concerning quality and performance standards, manufacturers claim that repairs done by unauthorized persons might not meet the quality and performance standards set by the original equipment manufacturer. This could lead to devices that don't function as intended, have reduced lifespans or no longer meet emissions requirements.

Fourth, there are security concerns. For devices that store or transmit sensitive data, such as smartphones and computers, there is a concern that third-party repairs could introduce security vulnerabilities, potentially leading to data breaches or other security incidents. This is particularly pronounced in the automotive sector. What happens if TPMs of key operational functions are erroneously circumvented on a self-driving car, resulting in a data breach, critical malfunction or physical harm? What protections are in place for both the consumer and the manufacturer?

Fifth, regarding the economic impact on manufacturers, some manufacturers argue that the right to repair could negatively impact their business models, which often include revenue from after-sales services and repairs. There's also a concern about the potential impact on innovation and investment in new products.

Sixth, on the issue of complexity of modern technology, opponents argue that modern electronic devices are often highly complex and require specialized knowledge and tools for repair. They suggest that without proper training and equipment, repairs might be ineffective or further damage the device.

Seventh, concerning warranty and brand reputation, there's a worry that repairs done outside the manufacturer's network could void warranties or lead to a decrease in brand reputation if consumers associate poor repair quality with the original product.

How far can permission to repair or the right to repair go when you don't own the equipment? I own a fridge and a 16-year-old truck, but if I were a farmer, I would not own my combine-baler; I'd be leasing that. What protections are in place to get my specialized equipment repaired at a low cost with a local technician as soon as possible, rather than waiting several weeks for an OEM repair technician to arrive at my rural farm located hours or days away?

Colleagues, timing of harvest is a delicate dance, juggling weather forecast, labour, available storage, readiness of the product and equipment.

Next, there are regulatory and legal challenges. Implementing right-to-repair legislation is seen as a regulatory challenge, with manufacturers concerned about the potential for a patchwork of laws that vary by region, complicating compliance.

Regarding resource and compliance costs, the requirement to provide repair manuals, parts and tools to the public or third-party repairers can be seen as a significant resource burden, especially for smaller manufacturers. Complying with these regulations could increase costs, potentially impacting product prices and the thin margins.

And finally, on the issue of trade secrets and competitive edge, there is a concern that making repair information publicly available could inadvertently reveal trade secrets or give competitors insights into proprietary technology and processes.

Colleagues, concerns regarding right-to-repair legislation centre on the potential negative impacts on safety, security, intellectual property, economic viability and the overall integrity of products and services. They underscore the need for a balanced approach that protects consumers, while also safeguarding the interests and responsibilities of manufacturers.

Colleagues, let me be clear. In principle, I support the spirit and intent of Bill C-244. This bill seeks to strengthen consumer rights, foster environmental responsibility and competition and nurture economic growth. It represents a shift toward a more sustainable and equitable future where technology serves the needs of the people, not the other way around. However, it is imperative that it be considered carefully, with a view to identifying and addressing the concerns which have been raised regarding its implementation.

In principle, there are numerous benefits to Bill C-244, including providing autonomy and a legal right to consumers to repair their own products; correcting a power imbalance between the consumer and the manufacturer; discouraging a consumerist, throwaway culture in an era of escalating environmental concerns; and promoting competitiveness and innovation.

It seeks to shift the power from manufacturers to consumers, ensuring that individuals have the freedom and flexibility to fix their own property. This empowerment could lead to significant cost savings for consumers, who will no longer be compelled to replace or pay for costly or inaccessible repairs for the products they own.

By promoting the repair and reuse of products, we significantly reduce electronic waste, one of the planet's fastest-growing waste streams. The bill aligns with our national environmental goals, fostering a circular economy that values responsible resource utilization and environmental stewardship.

Colleagues, I encourage you to support this bill at second reading so it can be thoughtfully and carefully studied at committee. We need to get this right. Thank you.

Hon. Colin Deacon: Senator Wells, would you take a question?

Senator Wells: Yes.

Senator C. Deacon: Senator Wells, you did a far better job than I in concisely expressing the intention of this bill. I commend you for that. I went on longer and told a few more anecdotes, and I'm really grateful for the time you took to boil it down.

In your discussions with those who have come to see you with concerns about the bill, have you explored how those concerns could be addressed through means other than amending the bill? Most came with an amendment to protect it and carve out something around their sector. When I pushed back, it seemed that the issue was that other regulations, other areas of responsibility — like health and safety controls, transportation regulations and other areas — were not keeping up with the concerns that they were raising, and they were really relying on TPMs to do the protection for them, and not as optimally as if the regulations were keeping up.

I wanted to know if you had discussions along those lines because I found those to be a common theme in each area where someone was looking for a carve-out.

Senator Wells: Thank you for your question, Senator Deacon. In my presentation, while I'm supportive in principle of the bill, there are some sharp edges that we really do have to look at. I haven't had many come to me to say, "I'm not supportive of this bill." This is where it's going. This is where Europe is going. This is where many states in our southern neighbour are going. I think it's inevitable. What it looks like is not yet inevitable.

[Senator Wells]

I've had a lot of organizations, mostly industry associations, come to me and say, "Look, we're supportive of this." And I ask these questions, and there are some answers, but I don't know how applicable they are on the broadest spectrum. It's a good question. I don't know. I hope to have them at committee, where we can all pose the questions on what's wrong with this bill.

You will recall, in your second-reading speech just a short while ago, I said, "This is so good. Who would dare put their hand up and say, 'Hang on a second?'" They haven't put their hand up yet in my office, but I'm sure we will see them at committee.

Senator C. Deacon: I agree. I'm glad to have this quick conversation and your highlighting of these concerns so they can be explored in committee and come back to the chamber with some really good thoughts. Thank you, Senator Wells.

• (1740)

Senator Wells: Thank you. I agree with you on that question.

(On motion of Senator Martin, debate adjourned.)

[Translation]

STUDY ON ISSUES RELATING TO SECURITY AND DEFENCE IN THE ARCTIC

SIXTH REPORT OF NATIONAL SECURITY, DEFENCE AND VETERANS AFFAIRS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Dean, seconded by the Honourable Senator Boniface:

That the sixth report of the Standing Senate Committee on National Security, Defence and Veterans Affairs, entitled *Arctic Security Under Threat: Urgent needs in a changing geopolitical and environmental landscape*, deposited with the Clerk of the Senate on June 28, 2023, be adopted and that, pursuant to rule 12-23(1), the Senate request a complete and detailed response from the government, with the Minister of National Defence being identified as minister responsible for responding to the report, in consultation with the Minister of Northern Affairs, the Minister of Foreign Affairs, the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs and the Minister of Fisheries, Oceans and the Canadian Coast Guard.

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

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

BUSINESS OF THE SENATE

Hon. Lucie Moncion: Your Honour, you quickly skipped over Item No. 53 and went to a vote. I don't think people were expecting that, because Senator Dean was supposed to speak.

Perhaps we could check that?

[English]

Item 53 — you're fine with that, Senator Dean, to revert? I thought Senator Housakos was supposed to take the adjournment.

Hon. Tony Dean: I would like to move the motion standing in my name.

The Hon. the Acting Speaker: It has already been moved and adopted.

Senator Dean: Has it been adopted?

The Hon. the Acting Speaker: Yes, it has been adopted.

Senator Dean: Thank you. It went very quickly.

[Translation]

THE SENATE

MOTION TO CALL UPON THE GOVERNMENT TO IMPLEMENT THE EIGHTH RECOMMENDATION OF THE FIRST REPORT OF THE SPECIAL SENATE COMMITTEE ON THE CHARITABLE SECTOR—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Dasko:

That the Senate call upon the Government of Canada to implement the eighth recommendation of the first report of the Special Senate Committee on the Charitable Sector, entitled *Catalyst for Change: A Roadmap to a Stronger Charitable Sector*, adopted by the Senate on November 3, 2020, during the Second Session of the Forty-third Parliament, which proposed that the Canada Revenue Agency include questions on both the T3010 (for registered charities) and the T1044 (for federally incorporated not-for-profit corporations) on diversity representation on boards of directors based on existing employment equity guidelines.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

MOTION TO CALL ON THE GOVERNMENT TO ADOPT ANTI-RACISM AS THE SIXTH PILLAR OF THE CANADA HEALTH ACT—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator LaBoucane-Benson:

That the Senate of Canada call on the federal government to adopt anti-racism as the sixth pillar of the *Canada Health Act*, prohibiting discrimination based on race and affording everyone the equal right to the protection and benefit of the law.

Hon. Bernadette Clement: Honourable senators, I note that this item is at day 15. I'm not ready to speak at this time. With leave of the Senate and notwithstanding rule 4-15(3), I move the adjournment of the debate for the balance of my time.

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

Hon. Senators: Agreed.

(Debate adjourned.)

NET-ZERO EMISSIONS FUTURE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Coyle, calling the attention of the Senate to the importance of finding solutions to transition Canada's society, economy and resource use in pursuit of a fair, prosperous, sustainable and peaceful net-zero emissions future for our country and the planet.

Hon. Tony Loffreda: Honourable senators, this item is adjourned in the name of Senator Clement, and I ask for leave of the Senate that following my intervention, the balance of her time to speak to this item be reserved.

The Hon. the Acting Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Acting Speaker: So ordered.

Senator Loffreda: Honourable senators, I rise to speak to Senator Coyle's inquiry on the importance of finding solutions to transition Canada's society, economy and resource use in pursuit of a fair, prosperous, sustainable and peaceful net-zero emissions future for our country and the planet.

Extreme weather events in recent years serve as a troubling reminder of the impact of climate change. I was in Italy last summer, where major heat waves kept people indoors. Year after year, the world is breaking heat records. This is a global problem that needs an all-hands-on-deck, international approach. And yet, not long ago, many would have dismissed calls for greater environmental stewardship.

Fast-forward to 2024 and most Canadians would agree that climate change is real and that we must work together to meet the pledge Canada and 194 other nations made in Paris to limit the rise in global temperature.

Polls continue to show that Canadians are increasingly concerned about the environment. In September, a poll by Leger found that 72% of Canadians are worried or very worried about climate change.

However, this same poll revealed that climate change is the top issue of concern for only 7% of Canadians. Inflation was top of mind for 33% of respondents, followed by housing affordability at 16% and rising interest rates at 8%, which indicates that Canadians are more concerned about their pocketbooks than they are about climate change.

We can't hold that against them. Many Canadians, perhaps even most, have yet to be directly or severely impacted by climate change in a way that affects their lives or their wallets in a life-changing or disastrous way.

The financial consequences of not dealing with climate change now and more resolutely over time increases the more we delay. The risks of ignoring it are dangerous as temperatures rise and costs escalate. We can achieve meaningful results by reducing greenhouse gas, or GHG, emissions.

But how do we get there? For Canada, it won't be easy.

As a fossil-fuel-rich country, Canada is often at the forefront of discussions related to GHG emissions. In 2020, Canada was the second-highest emitter per capita in the world, just behind Saudi Arabia, although we only represent 1.5% of global emissions.

And yet, in my humble opinion, Canada is a global leader thanks, in part, to the government's commitment to fighting climate change and mitigating its impact on our communities. Our track record isn't perfect, but we should be proud of Canada's leadership. As reported by RBC, and I share its views, "Canada's starting position on climate policy is strong, with robust carbon pricing, regulations, and existing spending."

I know we need to do more, but we've made great strides so far.

Thankfully, and to our credit, Canada has one of the cleanest electricity grids in the world. Achieving our GHG targets starts with greening our electricity.

The government agrees that the clean economy will depend almost entirely on clean electricity. Canada is already in an envious position, with 83% of its electricity coming from non-emitting sources such as hydroelectricity, wind, solar and nuclear. And the good news is that solar and wind are increasingly more appealing to investors and can produce electricity at cheaper rates.

As a senator from Quebec, I am especially proud of our status as a clean electricity superpower thanks to our renewable, reliable and affordable hydroelectricity, which accounts for 94% of our mix.

Canada is also widely considered a leader because of its price on carbon. Although controversial in some circles — and understandably so — the price on pollution remains one of our best tools to reduce emissions by switching to cleaner fuels and using energy more efficiently.

• (1750)

I recognize many households are struggling financially, and the carbon tax is an additional burden on them, but we know that the newly rebranded Canada Carbon Rebate helps individuals and families offset the cost of the federal pollution pricing.

As we were recently reminded by Dale Beugin and Chris Ragan:

... most households—especially low-income households—get more money back than they spend on carbon costs. And contrary to popular opinion, these rebates do not undermine the effectiveness of the carbon price: households that take actions to reduce emissions can avoid the carbon price *and* get the rebate.

The cost of meeting our climate targets will be expensive, but we cannot afford to remain complacent. As Senator Galvez often reminds us, the cost of recovering from natural disasters and severe weather events is skyrocketing. According to the Insurance Bureau of Canada, severe weather caused about \$3.1 billion in insured damages in Canada in 2022 — the third-worst year on record.

What can Canada do beyond putting a price on carbon? A couple of years ago, *The Wall Street Journal* published a great series of articles that laid out ways the world can cut its use of fossil fuels and reduce emissions. First, it proposed that government action force owners of coal, oil and natural gas to leave the fuel in the ground. Personally, I do not think this is feasible or realistic currently, as the world still needs fossil fuels, and I believe Canada has a leading role to play. As the Prime Minister once said, "As the world transitions to a cleaner economy, there will be demand for our existing resources. . . ."

The Prime Minister continued:

. . . we should take advantage of what we have, and invest the profits in what comes next, building the clean energy future that is already at our doorstep.

I agree with him.

The Wall Street Journal also advances that new technology will help solve the problem. I concur; R&D will help lead the way. Canada is at the forefront of R&D in many sectors, and has invested billions of dollars in clean energy and green companies. For example, we are a world leader in nuclear energy, and we should capitalize on this expertise.

Finally, the news outlet *The Wall Street Journal* reminds us that perhaps the most obvious option is to consume less. Companies and households need to be incentivized in reducing their overall energy consumption while shifting toward cleaner alternatives. As it suggests:

The simplest route to this is to use taxes to force companies to internalize the cost of carbon. Clean energy would become more attractive, not because clean energy gets cheaper, as we should all want, but because fossil fuels get more expensive. Overall, a higher cost should mean lower consumption.

I am reminded of this anecdote where a politician asks an audience of supporters, “Who wants change?” Everyone raises their hands and cheers loudly. When asked, “Who wants to change?” — there’s radio silence. Changing our behaviours and our relationship with energy will require collective and individual effort and sacrifice. Of course, we often forget that the cleanest and cheapest electron is the one we don’t use, so where does this leave Canada?

We are the fourth-largest oil producer and fifth-largest gas producer in the world. Canada’s oil and gas industries have generated billions of dollars that have been reinjected into our economy, our health care and our schools. In 2021, the sector was responsible for 7.2% of Canada’s nominal GDP, which represents \$168.2 billion and employed over 440,000 Canadians, including over 10,000 Indigenous people.

Set against this backdrop, Canada remains committed to facing this global crisis head-on. And the pressure is mounting, particularly as we try to keep pace with the United States, which has made low-carbon investments a top priority. Thanks to its Inflation Reduction Act, “. . . the U.S. has not only restored its climate credibility, but also changed the rules,” according to an RBC report.

The report also states:

. . . America is now a big investor in the global low-emissions sector. Canada will need to raise its game to compete for climate dollars.

If Canada wants to come out as a winner in the post-Inflation Reduction Act economy, RBC believes that we must be more strategic. We need an industrial policy where we choose

high-value economic activities where we enjoy sectoral advantages. One such example is carbon capture. The authors advocate:

Through support for domestic deployment of carbon capture technology, Canada can cut emissions, further improve the technology, and develop a domestic industry that exports carbon capture equipment and expertise globally.

We must exploit our talents and our strengths. I was pleased to see the government propose a refundable investment tax credit for qualifying businesses for eligible carbon capture, utilization and storage equipment in Bill C-59.

We know the transition to net zero will be costly. RBC’s modelling suggests that it would cost Canada \$2 trillion from now until 2050. Based on its estimates, governments, businesses and communities would have to spend at least \$60 billion a year to cut Canada’s emissions by 75% from current levels. That’s a significant jump from the estimated \$15 billion a year we currently spend in Canada.

Globally, projections vary. Barclays’ estimates range from \$100 trillion to \$300 trillion between now and 2050. To put that in context, the current annual global GDP is about \$100 trillion. McKinsey suggests \$275 trillion will be needed in the net-zero transition between 2021 and 2050, which represents an average of \$9.2 trillion a year, while the International Energy Agency annual estimates are about \$4.5 trillion.

Whether we rely on the more conservative estimates or the more ambitious ones, the amount of money is monumental. Let’s look at the electricity sector only.

The Public Policy Forum published a blueprint last summer on how to grow Canada’s clean electricity supply at an accelerated rate. It reminded us that electricity demand is forecast to double by 2050, so not only do we need to clean the current grid, but we must also ensure that the growing supply is non-emitting. The cost of the clean electricity transformation ranges between \$1.1 trillion and \$1.7 trillion, which was nearly the size of the entire Canadian economy in 2023.

As I indicated earlier, we also face a post-pandemic reality where our citizens are struggling financially, and many expect the government to support them. To say there are competing interests is an understatement. As senators, we regularly meet with stakeholders and hear from them in committee. They represent various worthy causes, and they usually have one thing in common: They want more financial support from the government.

The reality is that the government has limited financial resources. Despite these limitations, and all things considered, I really do believe that governments and Canadians in general are committed to the fight against climate change.

In conclusion, I will come back to what I said at the outset. Canada is a global leader, and we should be proud of our track record. Personally, I find that we are too often critical of our shortcomings. Rather, we should recognize our achievements and actions in fighting climate change and mitigating its impacts. Sure, we can do more and even accelerate the pace, but we must be smart about it.

I appreciate the urgency of the matter, but this is a just transition, which implies this is a process — it won't happen overnight. Some want us to put the pedal to the metal, while others caution us to transition smoothly and incrementally without too many disruptions. Finding the right balance is the biggest challenge that we are faced with as a global community.

We must never lose sight of the fact that we are a rich, industrialized country, while many developing nations have limited access to electricity, and they remain in a state of energy poverty.

Greenhouse gas emissions have no borders, so we need a global action plan. The challenge before us is daunting, but the opportunities are massive. Canada is uniquely positioned to lead the way in many sectors to help reduce global emissions. LNG from B.C. comes to mind. We must act decisively.

I am reminded of an excerpt from the 2017 report from our Energy Committee entitled *Positioning Canada's Electricity Sector in a Carbon Constrained Future*:

... every nation's effort to address climate change adds up and collective action will be the only way to meet this challenge. If Canada does not make a concerted effort to meet its own targets then how can we, as an advanced economy, ask other nations to meet theirs? Canada's global reputation and credibility would be damaged if we failed to act.

I, for one, believe that our credibility is intact. The world knows we are committed to climate change, and our track record proves that.

I thank my colleagues for their attention, and I thank Senator Coyle for her inquiry. I hope other senators will take part in this important debate. Thank you. *Meegwetch*.

(Debate adjourned.)

• (1800)

The Hon. the Speaker: Honourable senators, it is now six o'clock and pursuant to rule 3-3(1), I am obliged to leave the chair until eight o'clock, when we will resume, unless it is your wish, honourable senators, to not see the clock.

Is it agreed to not see the clock?

Hon. Senators: Agreed.

THE SENATE

MOTION CONCERNING POSSIBLE EXIT OF ALBERTA FROM THE CANADA PENSION PLAN—DEBATE ADJOURNED

Hon. Paula Simons, pursuant to notice of December 12, 2023, moved:

That the Senate of Canada:

1. call on the Chief Actuary within the Office of the Superintendent of Financial Institutions to publish an actuarial study that reports on:
 - (a) a possible exit of Alberta from the Canada Pension Plan (CPP), including an analysis of the viability of the CPP after such an exit by Alberta;
 - (b) a reasonable estimate of an exit cost of Alberta's share of the Canada Pension Plan fund; and
 - (c) any other information that the Chief Actuary deems to be relevant in the study of this issue; and
2. call on the Office of the Parliamentary Budget Officer to study a possible exit of Alberta from the CPP, including any fiscal and/or economic impacts of such an exit from the CPP on Canadians.

She said: Honourable senators, I move that debate be adjourned until the next sitting of the Senate.

(On motion of Senator Simons, debate adjourned.)

(At 6:02 p.m., the Senate was continued until tomorrow at 2 p.m.)

CONTENTS

Tuesday, February 27, 2024

	PAGE		PAGE
Business of the Senate		Fisheries and Oceans	
The Hon. the Speaker	5627	Notice of Motion to Authorize Committee to Extend Date of Final Report on Study of Seal Populations and Deposit Report with Clerk During Adjournment of the Senate	
New Senator		Hon. Bev Busson	5633
Introduction	5627	Courage, Bravery and Sacrifice of Alexei Navalny	
Congratulations on Appointment		Notice of Inquiry	
Hon. Marc Gold	5627	Hon. Ratna Omidvar	5633
Hon. Yonah Martin	5627		
Hon. Raymonde Saint-Germain	5628		
Hon. Pierre J. Dalphond	5629		
Visitors in the Gallery			
The Hon. the Speaker	5629		
SENATORS' STATEMENTS			
BlackNorth Initiative		QUESTION PERIOD	
Hon. Tony Loffreda	5629	Public Safety	
National Ribbon Skirt Day		Canada Border Services Agency	
Hon. Judy A. White	5630	Hon. Donald Neil Plett	5633
Visitors in the Gallery		Hon. Marc Gold	5633
The Hon. the Speaker	5630	Global Affairs	
Lincoln Alexander, P.C., O.C., O.Ont.		Islamic Revolutionary Guard Corps	
Hon. Leo Housakos	5631	Hon. Leo Housakos	5634
The Honourable Madam Justice Corrine Sparks		Hon. Marc Gold	5634
Hon. Sharon Burey	5631	Transport	
Visitors in the Gallery		Aviation Safety	
The Hon. the Speaker	5632	Hon. Donna Dasko	5634
Black History Month		Hon. Marc Gold	5634
Hon. Mary Coyle	5632	Finance	
		Canada Disability Benefit	
		Hon. Mary Coyle	5635
		Hon. Marc Gold	5635
		Health	
		Policy Development	
		Hon. Flordeliz (Gigi) Osler	5635
		Hon. Marc Gold	5635
		Justice	
		Online Harms Bill	
		Hon. Andrew Cardozo	5636
		Hon. Marc Gold	5636
		Public Safety	
		ArriveCAN Application	
		Hon. Claude Carignan	5636
		Hon. Marc Gold	5636
		Public Services and Procurement	
		Procurement Process	
		Hon. Yonah Martin	5636
		Hon. Marc Gold	5636
		Global Affairs	
		Canada-Russia Relations	
		Hon. Stan Kutcher	5637
		Hon. Marc Gold	5637
ROUTINE PROCEEDINGS			
Internal Economy, Budgets and Administration			
Eleventh Report of Committee Tabled			
Hon. Lucie Moncion	5632		
Canada-Japan Inter-Parliamentary Group			
Bilateral Meeting with Japan-Canada Diet Friendship League, August 27-30, 2023—Report Tabled			
Hon. Stan Kutcher	5633		
Canada-China Legislative Association			
Canada-Japan Inter-Parliamentary Group			
General Assembly of the Association of Southeast Asian Nations Inter-Parliamentary Assembly, August 6-10, 2023 —Report Tabled			
Hon. Stan Kutcher	5633		

CONTENTS

Tuesday, February 27, 2024

	PAGE		PAGE
Agriculture and Agri-Food		Hon. Marilou McPhedran	5648
African Swine Fever		Hon. Mary Jane McCallum	5650
Hon. Robert Black	5637		
Hon. Marc Gold	5638		
Innovation, Science and Economic Development		Department of Employment and Social Development Act	
Sustainable Development Technology Canada		Employment Insurance Act (Bill S-244)	
Hon. Donald Neil Plett	5638	Bill to Amend—Third Reading—Debate Adjourned	
Hon. Marc Gold	5638	Hon. Diane Bellemare	5652
		Hon. Percy E. Downe	5656
Public Safety		International Tax Justice and Cooperation Day Bill	
ArriveCAN Application		(Bill S-264)	
Hon. Leo Housakos	5638	Second Reading—Debate Continued	
Hon. Marc Gold	5638	Hon. Yonah Martin	5657
Natural Resources		Criminal Code	
Trans Mountain Pipeline		Sex Offender Information Registration Act (Bill S-266)	
Hon. Yonah Martin	5638	Bill to Amend—Second Reading—Debate Continued	
Hon. Marc Gold	5639	Hon. Yonah Martin	5657
Answers to Order Paper Questions Tabled		Copyright Act (Bill C-244)	
Transport—Atlantic Pilotage Authority		Bill to Amend—Second Reading—Debate Continued	
Hon. Patti LaBoucane-Benson	5639	Hon. David M. Wells	5657
Fisheries, Oceans and the Canadian Coast Guard—		Hon. Colin Deacon	5660
Freshwater Fish Marketing Corporation		Study on Issues Relating to Security and Defence in the	
Hon. Patti LaBoucane-Benson	5639	Arctic	
Delayed Answers to Oral Questions		Sixth Report of National Security, Defence and Veterans	
Hon. Patti LaBoucane-Benson	5639	Affairs Committee and Request for Government Response	
Immigration, Refugees and Citizenship		Adopted	5660
Visa Applications	5639	Business of the Senate	
Employment and Social Development		Hon. Lucie Moncion	5661
Workplace Harassment and Violence	5640	Hon. Tony Dean	5661
Infrastructure and Communities		The Senate	
Wehwehneh Bahgahkinahgohn Project	5640	Motion to Call Upon the Government to Implement the	
		Eighth Recommendation of the First Report of the Special	
		Senate Committee on the Charitable Sector—Debate	
		Continued	5661
		Motion to Call on the Government to Adopt Anti-racism as	
		the Sixth Pillar of the Canada Health Act—Debate	
		Continued	
		Hon. Bernadette Clement	5661
		Net-zero Emissions Future	
		Inquiry—Debate Continued	
		Hon. Tony Loffreda	5661
		The Senate	
		Motion Concerning Possible Exit of Alberta from the Canada	
		Pension Plan—Debate Adjourned	
		Hon. Paula Simons	5664

ORDERS OF THE DAY

Criminal Code (Bill C-62)	
Bill to Amend—Third Reading—Debate Adjourned	
Hon. Marc Gold	5640
Hon. Paula Simons	5642
Hon. Stan Kutcher	5643
Hon. Denise Batters	5644
Hon. Andrew Cardozo	5645
Hon. Chantal Petitclerc	5645
Hon. Marie-Françoise Mégie	5646