SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION • 44th PARLIAMENT • VOLUME 153 • NUMBER 206

OFFICIAL REPORT
(HANSARD)

Thursday, May 30, 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

Thursday, May 30, 2024

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

Prayers.

SENATORS' STATEMENTS

PRIDE MONTH

Hon. Marnie McBean: Honourable senators, my wife and I are blessed with a daughter. Our family's journey, like that of many families, has been lifted by the support of our friends and loved ones. As we all know, it takes a village to raise good humans.

Simply saying "my wife and I have a daughter" is risky. In saying "my wife," I am coming out to you as queer, gay, a lesbian. I need to trust you, or be brave and risk that our relationship isn't going to change and that you value my family unit in the same way that you value yours. Coming out isn't easy or even safe for everyone.

I am lucky, though. When I finally took the time to figure out that I was gay, I was an adult. I hadn't been hiding; I was just too busy and passionate about being the best rower I could be to think about who and how I wanted to love. That was my journey: fast in rowing, slow in self-understanding.

When I came out to my parents, I was financially independent, but I still worried about their reactions. When I told my mom, she was sad for me. She worried that I wouldn't be able to have a family of my own. However, I am lucky because she loved and supported me.

A year later, when I finally had the courage to tell my dad — like I said, it feels risky to tell people — he asked, "What am I supposed to tell my friends?" I replied, "I'm happy," and that was enough for him. That makes me lucky.

Their love and support for me, my wife and my daughter help me to be brave so I can use clear language such as "wife," "gay" and "queer" so as to normalize it.

I am an advocate, an ally and a member of the queer community, but it breaks my heart to know that many 2SLGBTQ + youths have a different experience. Nearly one out of three homeless youth in Canada identifies as 2SLGBTQ+. Many face homelessness because they can't be themselves around their families or are kicked out for simply expressing who they are.

While we respect the rights of parents, we can't ignore the fundamental right of children to explore and embrace who they are without the fear of rejection or harm. We must strive to create environments where all people, regardless of their sexual orientation or gender identity, feel safer and supported for who they are.

Senator Bellemare recently shared her loving experience as the parent of a transgender child. Hers was a story for us to remember that love is love.

Throughout June, Pride Month, I look forward to hearing more stories in this chamber. Please share as you can. Let's use this inspiration to recommit ourselves to the ongoing fight for equality and inclusion for all.

Happy Pride.

WORLD MILK DAY

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, June 1 will be World Milk Day, and I would like to take the opportunity to recognize the invaluable contributions of all our Canadian dairy farmers.

Every morning, day after day, thousands of dairy farming families rise at the crack of dawn and work tirelessly from sunrise to sundown to provide Canadians with high-quality and nutritious milk. It is because of those hard-working families that we can enjoy fresh milk by the glass or in our everyday foods, confident in the knowledge that Canadian milk is both nutritious and of the highest quality.

A typical day in the life of a Canadian dairy farmer begins long before sunrise, with the first milking session. Farmers carefully clean and prepare the cows for milking, ensuring that each cow is comfortable and healthy. Milking itself is a meticulous process, requiring attention to detail and care to maintain the highest quality standards.

Farmers then tend to the feeding and care of their cows. A balanced diet is essential for the health and productivity of the herd, and farmers work closely with nutrition experts to provide the best possible feed.

Throughout the day, farmers manage the cleanliness and maintenance of their barns. They invest significant time and resources into ensuring the safety and quality of the milk they produce. They use advanced technology to monitor the health of each cow. Detailed health records are kept, and health protocols are implemented to maintain the highest standards.

Colleagues, I haven't even touched upon the daily tasks in the fields, maintaining their machinery and all of the paperwork that comes with the business. Being a farmer is not easy, which is why I am happy to raise their perspective and input at every opportunity I get in Parliament.

High-quality milk starts with high-quality farming practices and healthy well-cared-for cows. In Canada, it only takes two to three days from when a cow is milked to when the milk ends up on the shelf of your local grocery store.

On World Milk Day, we celebrate the crucial role that dairy products play in a healthy, balanced diet. Milk is a vital source of nutrients for all stages in life.

The dairy industry not only plays a vital role in feeding our nation but also in strengthening our economy. It supports about 195,000 jobs across Canada and contributes approximately $19.9 billion annually to Canada's total economic output. In 2022 alone, the sector exported $508.9 million worth of products and $143.1 million in dairy genetics.

This World Milk Day, let's raise a glass of milk and toast our Canadian dairy farmers. Their unparalleled dedication to keeping our nation fed, especially in challenging times, is truly remarkable. Thank you for your commitment, resilience and unwavering support in providing us with one of nature's most perfect foods.

Happy World Milk Day to all. 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 Sergeant Jennifer Collins, who is accompanied by her daughter, Olivia Collins. They are the guests of the Honourable Senator Busson.

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

Hon. Senators: Hear, hear!

WOMEN OFFICERS IN THE ROYAL CANADIAN MOUNTED POLICE

FIFTIETH ANNIVERSARY

Hon. Bev Busson: Honourable senators, in the early days of 1974, the Royal Canadian Mounted Police, like today, was seeking applicants for the force. To apply, you had to be White, male, single, straight and Christian.

The Royal Commission on the Status of Women in Canada was not impressed. Fifty years ago this month, following the example of the OPP — which already had a class in training and which later appointed our esteemed colleague Senator Gwen Boniface as their first female commissioner — the paradigm shifted. With little warning to the public, let alone the serving members, the force announced they were accepting female recruits. For those serving, it was a radical shift that was celebrated by some and mourned by others. One thing is certain: The RCMP would never be the same again and neither would I.

• (1410)

I applied on the very day the announcement was made. I and 31 other women, ages 19 to 29, were accepted into Troop 17, the first class of female RCMP recruits. But enough about me. The force was unprepared. The uniform was hurriedly designed by the same company that designed Air Canada attire. It was very fashionable — I have to tell you — but incredibly impractical, with a skirt, high-heeled shoes, a triangle tie and the worst fashion faux pas: a shoulder purse housing a snub-nosed Smith & Wesson revolver. No iconic red serge or stetson would be permitted for 16 long years.

Six months later, 30 of the 32 of us graduated and were posted across Canada. What we had in common was that we all wanted to be RCMP officers, and we wanted to make a difference. We had little idea of the significance of this groundbreaking change. Some, like myself, had a career marked by investigational successes and firsts. Others, not so much; they found pushback and downright hostility to their presence. Nevertheless, everyone served with dedication and professionalism.

In 1974, portable radios had not yet been invented. When you left your vehicle, there was no way to communicate until you returned to your car. There was no GPS and often no backup. Technology has been a great benefit, but one thing has sadly changed. On occasion, if I was having trouble making an arrest, a bystander would — without hesitation — stop to help me. Fast forward 50 years later, and members tell me that onlookers usually just take a photo or video to post on social media.

Women now account for one fifth of the force, working proudly and courageously side by side with their male counterparts, who, together, have made this social experiment a success. Today, women proudly occupy every rank in the force and now serve in every specialty, from investigating child exploitation to SWAT.

As an example, my guest, Sergeant Collins, a rock star RCMP member from British Columbia, made many outstanding and courageous choices in her life. She has had an amazing career of service. She has served in general duties, Indigenous policing in remote coastal communities and plainclothes duties. She presently leads an 11-member team investigating major crimes in the northern district of British Columbia and has travelled internationally, teaching the interviewing of vulnerable children victims, among other specialties.

The fiftieth anniversary of women in the force is not about Troop 17. It is a celebration of both female and male members who have served from that historic date in 1974 to the present and into the future, bringing to life a legacy of which we could only have dreamt.

Thank you very much.

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Pierre Donais and Tony Cannavino, who are accompanied by their spouses. They are the guests of the Honourable Senator Dagenais.

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

Hon. Senators: Hear, hear!

PIERRE DONAIS

CONGRATULATIONS ON RETIREMENT

Hon. Jean-Guy Dagenais: Honourable senators, I want to take a few moments today to recognize the retirement — perhaps — of journalist and television and radio host Pierre Donais, who has been the news anchor for TVA Gatineau-Ottawa since 2018.

Pierre Donais has been part of the media landscape for over 50 years, and very few politicians on Parliament Hill do not know him. For 15 years, he hosted daily public affairs shows on CPAC, where he interviewed over 400 Canadian politicians.

Pierre Donais has had a rather unique career path. I say that because, while working in the media, Pierre also trained as a notary at the University of Ottawa. However, let's go back a little further in time.

Pierre Donais got his start as a radio host in his home town of Drummondville before becoming a journalist at CJMS in Montreal and then the news editor at Radio CJRC in Ottawa. From 1984 to 1988, he worked as the director of Montreal's NTR broadcast news network. From 1988 to 1989, he hosted ICI Ottawa-Gatineau's *Ce Soir* newscast, as well as a weekly show that, at the time, was called *La Semaine parlementaire*.

Over the course of his lengthy news media career, Pierre Donais was a morning show host on Rouge Gatineau-Ottawa, CIMF-FM, a news anchor on TQS Gatineau-Ottawa, and a host for Canal VOX and the Rogers channel in Ottawa. As you can imagine, Pierre Donais became a fixture in the Outaouais region over the years.

His interests ranged well beyond politics. He was the sports director at CJMS and a play-by-play announcer for the Montreal Manic soccer club. He even did the radio play-by-play for New England Patriots NFL games in 1987.

A 50-year media career makes for lots and lots of memories.

At the end of his career, as if to prove that technology doesn't scare him, Pierre started hosting a podcast available on numerous platforms, including Spotify, in late 2023. Let's not forget that, outside the media sphere, Pierre was actively involved in the greater Ottawa community. He chaired the National Capital Marathon board of directors from 1990 to 1997 and was a member of the Montfort Hospital board of directors and the CHEO Foundation board of directors.

There's one thing that stands out from my encounters with Pierre Donais. He always seemed to enjoy what he was doing. That's actually what I've been preaching ever since I joined the workforce.

Mr. Donais, I congratulate you on a wonderful career, and I hope that leaving behind the day-to-day hustle and bustle of the news world won't be too painful. Now you have your profession as a notary and legal adviser to keep you busy. I'm sure that, however dry your work gets, your clients will find you anything but dull.

Pierre Donais, I wish you all the best.

Hon. Senators: Hear, hear!

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Aby-Gaëlle Jérôme. She is the guest of the Honourable Senator Audette.

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

Hon. Senators: Hear, hear!

ABY-GAËLLE JÉRÔME

Hon. Michèle Audette: *Tshinashkumitin*, honourable senators, and thank you to the Anishinaabe people for hosting us again on their beautiful territory.

Colleagues, I rise today to talk to you about a magnificent, incredible young Innu woman who came to spend the week with me here in Ottawa for an introduction to our wonderful chamber, the Senate.

It all started with her mother, Jackie Bizeau, whom I met at a Tshakapesh Institute awards ceremony held one evening in Uashat mak Mani-Utenam.

We got talking about her daughter Aby-Gaëlle, and her mom's eyes lit up with pride. We had one goal: to figure out how to make Aby a junior senator for a week, so that she could experience the Senate and learn how this fantastic space functions.

She shadowed me all week, from morning to night. She listened to you, heard you and attended committee meetings and Senate sittings. She even participated in two SENgage activities this week and met with Vote16 Summit representatives. Well done. Let me just remind you that she is 18 years old and comes from Uashat. Mani-Utenam is my home, and Uashat is beside it. Together, they form one community.

Exactly one year ago today, on May 30, 2023, she was awarded the Quebec Lieutenant Governor's medal. Aby, today is your last day, and I'm sure you're getting lots of love from senators. Aby was awarded this medal because of her involvement in her community and her school, but also because her academic performance only proves her perseverance, dedication and commitment.

Beyond all these commitments, Aby is deeply interested in politics. Apparently she was even told she might one day replace Senator Audette. She also served as prime minister of her high school, a first for a young Innu. Congratulations!

Her involvement continues this year at CEGEP. Her mandate from our office this summer will be to listen to First Nations youth and explore whether or not voting should be allowed from the age of 16. She will also be preparing my speeches. Thank you. To her mom, I say "mission accomplished," and to Aby, thank you for joining us at the Senate.

Tshinashkumitnau.

Some Hon. Senators: Hear, hear!

• (1420)

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Senator Cotter's sister, Maureen Bowerman, and his bother-in-law, Colin Bowerman. They are accompanied by other family members of Senator Cotter.

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

Hon. Senators: Hear, hear!

VIRTUAL HEALTH HUB

Hon. Brent Cotter: I had asked colleagues not to withhold their applause just because they were my relatives. Thank you.

Honourable senators, there are days in this place when we are highly critical of just about everything — cursing the darkness, as it were. My preference is to light candles, as in the phrase "better to light a candle than curse the darkness."

I want to share with you one such candle, which was lit last week in Saskatchewan.

As many of you know, much of Saskatchewan is large in geography and possesses a sparse and widely distributed population in rural and remote areas. As well, many Indigenous communities are distant from major population centres in our province. This presents enormous challenges in the provision of all kinds of services to our citizens, particularly regarding health care.

As many of you will recall, almost exactly a year ago today, we gave approval to a piece of legislation providing self-government to the Whitecap Dakota First Nation in Saskatchewan. Not only is this visionary First Nation taking steps to exercise governmental authorities, it is also working to address some of the great challenges in our province for rural and remote citizens — Indigenous and non-Indigenous alike.

Last week, after some years of work and planning, Whitecap was able to announce a major remote health care initiative. Building on a successful pilot, this initiative — Virtual Health Hub — based on the Whitecap Dakota First Nation will use proven technology to deliver leading-edge virtual health services to tens of thousands of Indigenous and non-Indigenous citizens in Saskatchewan and beyond. Once fully operational, it will provide services seven days a week, saving hundreds of millions of dollars in the cost of transporting patients to more urban locations for diagnosis and treatment. As well, it will save as much as $175 million in health care costs and create training programs and positions for 90 health care staff, many in-community — all done in partnership.

The cost to establish the Virtual Health Hub is $36 million. Ottawa is providing two thirds of the capital funding. In partnership, the Province of Saskatchewan is providing the other third. The training and expertise are provided by partners: the University of Saskatchewan College of Medicine and the Saskatchewan Indian Institute of Technologies, or SIIT. This is all led by Riel Bellegarde and Dr. Ivar Mendez, a world-renowned expert in the delivery of virtual medicine.

This is what reconciliation and partnership are all about: one more candle lit — or, as I prefer to say, fixing the problem, not the blame.

Thank you. *Hiy hiy*.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Young Taek Kim and Yong-Yeol Park. They are the guests of the Honourable Senator MacDonald.

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

Hon. Senators: Hear, hear!

[*Translation*]

ROUTINE PROCEEDINGS

CANADA—NEWFOUNDLAND AND LABRADOR ATLANTIC ACCORD IMPLEMENTATION ACT
CANADA-NOVA SCOTIA OFFSHORE PETROLEUM RESOURCES ACCORD IMPLEMENTATION ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-49, An Act to amend the Canada—Newfoundland and Labrador Atlantic

Accord Implementation Act and the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act and to make consequential amendments to other Acts.

(Bill read first time.)

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

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

[*English*]

QUESTION PERIOD

ENVIRONMENT AND CLIMATE CHANGE

PARKS CANADA

Hon. Donald Neil Plett (Leader of the Opposition): Leader, in March, Senator Martin and I asked you a series of questions related to a deer cull on Sidney Island, British Columbia. This incompetent Trudeau government paid foreign marksmen to fly around in helicopters and shoot invasive deer with restricted firearms, all the while taking firearms away from Canadian hunters. The cost to taxpayers was about $800,000. However, documents provided to the Canadian Taxpayers Federation through access to information show this program has a total budget of about $12 million.

Leader, the cull cost Canadians about $10,000 per deer last fall. How much does that work out to per deer now? Is there anyone in the Trudeau government with common sense who will put a stop to this waste?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. My understanding is that the decision was made to proceed this way out of the necessity to deal with the issue in a timely fashion, and the government acted accordingly.

Senator Plett: Even this truly incompetent Trudeau government should have figured out how much this will cost taxpayers per deer. After all, the documents show they're spending $1.5 million on analyses and studies related to this lunacy.

Leader, local hunters would do this work at no cost, for the meat to feed their families. Why is this hunt costing taxpayers anything?

Senator Gold: I'm sure the Government of Canada along with provincial and territorial governments will explore ways to work with local hunting communities to see if there is a better way to do things in the future.

Hon. Yonah Martin (Deputy Leader of the Opposition): Related to the question our leader asked, the *Vancouver Sun* reported that residents of Sidney Island organized their own deer hunt in October and November of 2023. They killed 54 of the correct species of fallow deer, and it cost taxpayers nothing. In contrast, 20% of the deer killed by foreign sharpshooters last fall were the wrong species of deer.

We've also since learned that the helicopter rental cost Canadians over $67,000, and taxpayers are also on the hook for $84,000 just for insurance.

Leader, in March, I asked you why local B.C. hunters weren't asked to participate, but there was no answer. Why is your government still ignoring local B.C. hunters who would do this work at no cost to taxpayers?

Senator Gold: Thank you for the question. Again, there is no question that things can always be done differently, and I look forward to fruitful discussions between various levels of government and local communities to see where that may lead us.

Senator Martin: Leader, documents provided to the Canadian Taxpayers Federation show that the Trudeau government is spending over $137,000 from taxpayers just on firearms certification for international workers. Leader, how is this possible? Will you commit to providing us with the detailed breakdown of that specific spending?

• (1430)

Senator Gold: Thank you for the question. This government is proud of the measures it has taken to ensure that firearm use is properly regulated in a responsible way. It will continue to follow that path, despite views to the contrary from the opposition.

EMPLOYMENT AND SOCIAL DEVELOPMENT

LABOUR SHORTAGE

Hon. Tony Loffreda: Senator Gold, earlier this week, Statistics Canada released its latest results from its quarterly survey on business conditions in Canada. To no surprise, businesses listed rising inflation as their top obstacle over the next three months. Two in five businesses also have major labour-related concerns associated with recruiting and retaining skilled employees, and a quarter of businesses are worried about a shortage of labour.

What is the federal government doing to help businesses address these labour shortages? Does the government have the ability, desire or willingness to use certain tools at its disposal to incentivize workers to remain in jobs longer and delay their retirement plans? With our aging population, we know this problem will only become worse in the coming years.

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. As you know, colleagues, the government has taken several steps to address the labour shortages across the country within its areas of jurisdiction. I don't have time to list all the various programs, but let me

highlight the new economic pathway: The Economic Mobility Pathways Pilot helps employers hire skilled refugees and other displaced individuals. I should also add that the tools open to the federal government are somewhat limited only because the regulation of labour, including the years of retirement, is within provincial jurisdiction, and it's often a matter of whether it's collective agreements between workers who are unionized or other provincial statutes. Nonetheless, the federal government, within its jurisdiction, is doing what it can to address this serious problem.

Senator Loffreda: Thank you for that answer. The construction sector is a good example. Is the government considering expanding the Federal Skilled Trades Program to address this shortage — perhaps by allocating more points to candidates based on labour market needs, or even fast-tracking candidates endorsed by employers?

Labour shortages are contributing to longer housing construction times, and 22% of residential construction workers will be retiring in the next decade.

Senator Gold: Thank you, senator. Immigration, Refugees and Citizenship Canada is working with its federal partners, like Infrastructure Canada and the Canada Mortgage and Housing Corporation, to develop a whole-of-government approach to immigration levels planning, with a particular focus on Canada's infrastructure and housing capacity. Immigration, Refugees and Citizenship Canada is acutely aware of the challenges relating to housing supply, and will continue to support — and pursue strategies that support — our need for continued immigration while addressing our current housing situation.

[*Translation*]

CANADIAN HERITAGE

BILINGUAL PROFICIENCY REQUIREMENTS

Hon. René Cormier: Senator Gold, on May 13, the Minister of Canadian Heritage announced the appointment of a seven-member advisory committee to modernize CBC/Radio-Canada. These experts will be tasked with providing the minister with policy advice on the public broadcaster's governance, funding and mandate. I was very startled to see that this committee does not include any experts from francophone minority communities.

Senator Gold, in keeping with her linguistic commitments to enhance the vitality of official language minority communities, or OLMCs, and considering the essential role that Radio-Canada plays for francophone minority cultures, how can the Minister of Canadian Heritage explain this omission, and how does she intend to ensure fair representation for these communities?

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

The members of the advisory committee have decades of diverse experience in the media sector. Multiple perspectives and experiences will be essential to inform the next steps in transforming the public broadcaster in order to address the challenges of today's media market. For example, I believe that Loc Dao lives in British Columbia, has lived there for over 10 years and is fluent in French.

The board of directors can also consult Canadians and advisers from all of the regions. The group, including the minister, is at least 50% francophone.

The advisory committee on the future of CBC/Radio-Canada is an important vehicle for helping the government evaluate the many ideas that have been put forward over the years. The government looks forward to strengthening the public broadcaster, because Canadians need to hear Canadian news, information and stories that unite them.

Senator Cormier: Thank you for that answer, Senator Gold.

Speaking of commitments to enhance the vitality of francophone minorities, as you know, Senator Gold, the federal government has pledged that the next Lieutenant Governor of New Brunswick will be proficient in both official languages.

Given that the incumbent is generally appointed for a five-year term and that the current Lieutenant Governor was appointed in 2019, does the government intend to honour its pledge before the next federal election in 2025?

Senator Gold: Thank you for your question.

Unfortunately, I'm unable to comment on potential future appointments.

[*English*]

FINANCE

CAPITAL GAINS INCLUSION RATE

Hon. Colin Deacon: My question is for the government leader regarding the Canadian entrepreneurs' incentive announced in Budget 2024. According to official government documents, entrepreneurs with eligible capital gains of up to $6.25 million will be better off under the government's changes because of this incentive. This is, in effect, an admission that companies that scale beyond this level will be penalized under the new regime. These are the scale-up companies that Canada so desperately needs to grow our economy.

Senator Gold, Canada is dead last in the G7 when it comes to private non-residential business investment. If the new capital gains inclusion rate — by the government's own admission — will adversely impact business investment, why have they decided that now is the right time to implement this policy?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The measures in the budget — and the measures that will be forthcoming in separate legislation that we expect with regard to capital gains — are being studied, and will continue to be studied, by the Senate. We are currently engaged in pre-studies, as you know, and most colleagues are participating in one form or another in those pre-studies. Ministers and officials have been, and will continue to

be, available to answer questions. I'm going to defer to the process that is under way, and to the relevant ministers and officials in order to answer those questions with greater precision.

Senator C. Deacon: Thank you, Senator Gold, but could you elaborate on consultations or studies undertaken by the government prior to making this announcement on altering the capital gains tax inclusion rate for business investment? In particular, was there consideration on how this measure may impact founders from establishing businesses in Canada by imposing extra taxes on potential business assets?

Senator Gold: I'm not in a position to comment on the consultations or considerations, although the government certainly considers, to the best of its ability, all the potential impacts — positive and negative — of any measure that it introduces. Again, I encourage these questions to continue to be asked to those officials and ministers, where appropriate, who will continue to be available to us.

[*Translation*]

GLOBAL AFFAIRS

SUPPORT FOR UKRAINE

Hon. Clément Gignac: Last weekend, I had the opportunity to participate in the spring session of the NATO Parliamentary Assembly in Sofia, Bulgaria, along with my colleagues, Senators Dasko, Patterson and Carignan. As members of the Economics and Security Committee, we had the opportunity to be updated on Russia's economic and budgetary situation. It seems that the G7 sanctions are essentially ineffectual and that the Russian economy is doing very well thanks to high oil prices and growing trade with China and India.

Clearly, Russia has the military capability to sustain this war for several years, if necessary. However, according to the NATO Secretary General, Ukraine needs more ammunition and shells to defend itself adequately. Even if Canada were to send its entire stock, that would last for about three days of combat.

What is Canada doing to speed up artillery and shell production to help Ukraine?

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

As part of *Our North, Strong and Free: A Renewed Vision for Canada's Defence*, the government has invested $9.5 billion over 20 years to accelerate the establishment of new artillery ammunition production capacity in Canada and invest in a strategic munitions reserve. Artillery ammunition is becoming increasingly difficult to procure abroad, and this production capacity will enable us to meet the ammunition demands of Canada and our closest allies, creating skilled jobs for Canadian workers for the long term and generating economic benefits for Canadian communities.

• (1440)

Senator Gignac: NATO member countries will be meeting in Washington this July. Government Representative in the Senate, Canada is one of the countries that isn't meeting the 2% target, unlike two thirds of NATO member countries. Is Prime Minister Justin Trudeau going to reiterate his intention of meeting the 2% of GDP target and give a specific time frame?

Senator Gold: Thank you for the question. Canadians can rest assured that our government will continue to make the necessary smart investments to support our armed forces for generations to come. The government will continue to work with its allies to protect the safety and security of Canadians while respecting our fiscal capacity and our international obligations.

FINANCE

FEDERAL DEFICIT

Hon. Claude Carignan: Government Representative, before the budget was tabled, the Parliamentary Budget Officer was projecting a deficit of $47 billion. When the budget was tabled a month ago, there was a big announcement: The deficit wasn't $47 billion, but rather $39.8 billion. The government patted itself on the back, but we learned a month later in Supplementary Estimates (A) about some new spending that had not been provided for, specifically $7.8 billion for settlements under the Indigenous Affairs portfolio and $3 billion in interest due to rising interest rates. Curiously, this exceeds the PBO's figure of $47 billion. Is this government incompetent, or is it cooking the books?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The answer is neither, because circumstances change. The responsible, prudent and transparent thing for the government to do is to ensure that, when the numbers change, the new data is disclosed to Canadians.

Senator Carignan: We have a government that can't even predict a rise in interest rates, when all Canadians know that interest rates are going up and that this represents a difference of $3 billion in just one month. That is the amount requested in Supplementary Estimates (A). This shows incompetence and a loss of control.

Senator Gold: I didn't hear a question there, so I don't need to respond to that comment.

Senator Carignan: You don't think so?

Senator Gold: No.

[*English*]

PRIME MINISTER'S OFFICE

SUPPORT FOR PRIME MINISTER

Hon. Donald Neil Plett (Leader of the Opposition): Leader, last week I asked you a question about the fact that even Liberals are running away from Justin Trudeau. I provided the example that the Liberal candidate in a provincial by-election in Newfoundland and Labrador was a Pierre Poilievre supporter.

At the risk of again being accused of wasting a colossal amount of your precious time, leader, I want to provide an update. The two Pierre Poilievre supporters who ran in the by-election received a combined 98% of the vote — sadly for the Liberals. The Conservative candidate received close to 80% of the vote in this traditionally Liberal riding. The ballot box question, leader, was Justin Trudeau.

Senator Gold, when will the Prime Minister get the message? When will he resign?

Hon. Marc Gold (Government Representative in the Senate): Let me first correct the record. When you asked me the question last time, I was not talking about wasting my time. As I said, my time is your time. I have as much time to answer the question, or perhaps more, as you had to ask it. The fact is that I continue to believe it is not the — how to put this — highest and best use of the Senate's time for us to be answering partisan questions in a non-elected chamber, dealing with speculations about how our elected Prime Minister decides or does not decide to manage his political future. I stand by that answer.

Senator Plett: Well, whether you want this to be a non-partisan chamber or not, that's wishful thinking. It is not. A new Leger poll shows half of Canadians think Prime Minister Justin Trudeau is staying on as the Liberal leader simply because he likes being the Prime Minister, not because he has anything new to offer, but because he likes the perks of the job. If he won't resign, will Justin Trudeau finally bring hope to Canadians and call a carbon tax election so they can vote him out?

Senator Gold: I admire your optimism. I guess hope springs eternal in some hearts and minds and quarters. Again, I'm not in a position to speculate on what the decision of the Prime Minister is or will be, nor am I in his cabinet. Facts matter here, colleagues, at least to some of us. Thank you.

EMPLOYMENT AND SOCIAL DEVELOPMENT

CANADA DISABILITY BENEFIT

Hon. Kim Pate: Senator Gold and all our colleagues, I would like to start by recognizing that this is National AccessAbility Week. Pursuant to section 36(1)(c) of the Constitution Act Canada has a constitutional obligation to provide ". . . essential public services of reasonable quality to all Canadians." For this reason and given that reality, by only providing a Canada disability benefit amount of $200 per month in this year's budget, does the government honestly believe that it is meeting its constitutional obligations to persons with disabilities?

Hon. Marc Gold (Government Representative in the Senate): Thank you for that question and for pointing to that section of our Constitution Act, section 36(1)(c), in which the language appears. For the benefit of colleagues — because this is not a section that is much discussed, even amongst jurists and courts — it reads as follows:

> Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the government of Canada and the provincial governments, are committed to . . . .

And then those words.

It is clear that this commitment, which is how it has been described in the very few cases in which it has been referred to in the courts, is a recognition of the legislative jurisdictions of both the Government of Canada and the provinces. That's my first point.

Second, this is a supplement to other disability benefits provided by the provinces and territories. Third, the federal government has measures —

The Hon. the Speaker: Senator Pate.

Senator Pate: Thank you, Senator Gold. While the Canada disability legislation was before Parliament last year, the minister repeatedly told Canadians that the Canada disability benefit would lift hundreds of thousands of people with disabilities out of poverty. Does the government believe that the $200 per month the Canada disability benefit budgeted for some but not all people with disabilities will end poverty for persons with disabilities in Canada?

Senator Gold: The short answer is no, but let me explain. This is the first step of a historic program introduced for the first time at the federal level to supplement those disability benefits that are constitutionally required, or are at least within the jurisdiction of provinces to provide. It's the first step and, we understand, a modest step in terms of financial benefits that will flow in the first stage. The government is committed to working, developing and improving it, so it is a step in the right direction.

IMMIGRATION, REFUGEES AND CITIZENSHIP

VISA APPLICATIONS

Hon. Percy E. Downe: Senator Gold, on April 17 of this year, I asked you what the policy of the Government of Canada was with regard to the change made by the Canadian Hockey League, which will again allow them to start drafting players from Russia and Belarus. They imposed a ban after the invasion of Ukraine by Russia. I asked what the position of the government was. Would you award visas to these hockey players? Do you happen to have an answer?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question, Senator Downe, and thank you for following up, but I regret that I do not have an answer at this time.

Senator Downe: Senator Gold, you may have an answer to my second question. I asked you what the policy of the Government of Canada is with regard to awarding visas to anyone from Russia or Belarus who wants to come to Canada. Do you have that answer?

Senator Gold: I don't have an answer. This may not answer the specific question, but I think we would all agree that we need to draw a distinction between the actions of the governments and those responsible — in the case of Russia, for an illegal invasion of a sovereign country — and those citizens within that country. In that regard, I suspect that informs, in part, the policies to which you refer.

• (1450)

PUBLIC SAFETY

EXTORTION OFFENCES

Hon. Yonah Martin (Deputy Leader of the Opposition): Leader, my question concerns your answer to Senator Ataullahjan's question yesterday about the surge of extortion offences under the Trudeau government.

In my province of British Columbia, extortion has increased by an unbelievable 386% in the last decade. Your answer yesterday indicated you thought extortion was a provincial problem, not federal; however, the Criminal Code is federal, and the RCMP is federal. Both Bill C-5 and Bill C-75 were brought in by the Trudeau government.

Leader, you represent a government in this place whose members, including the entire cabinet, voted to kill a private bill which, for example, recognized arson as an aggravating factor in extortion charges. Why? If you still don't know, will you find out?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, Senator Martin, but what I said in my answer — and I believe Hansard will bear this out — is that we have robust laws in the Criminal Code to deal with extortion, but the enforcement of these laws, whether it's by the RCMP, which operates at arm's length from this government — as it should and, I hope, will continue without political interference — or provincial or municipal police services, the application of our laws, whatever the content of the laws, is typically in the hands of prosecutors in most cases and, certainly, police forces in all cases, which are and should remain independent of the government. That was the thrust of my answer — not to minimize the significance of the extortion and the harm that it causes to individual Canadians or the like. It was simply to try to give an accurate picture of where the responsibilities lie and are shared.

Senator Martin: The fact is, instead of addressing the rise in extortion, the Trudeau government has brought in laws that made it easier for gang members and extortionists to avoid jail, get back on the streets and reoffend.

Leader, why can't the Trudeau government acknowledge that Bill C-5 and Bill C-75 are a big part of the problem?

Senator Gold: The short answer is that the government does not agree with your characterization, nor does it agree, typically, with the decades-long repetition of a criminal law policy that all research and evidence — not only here but even by earlier proponents of it, whether in Canada or in other jurisdictions — have admitted is a failure. That's where the government stands in response to your question.

CANADA FINANCIAL CRIMES AGENCY

Hon. Donald Neil Plett (Leader of the Opposition): Leader, the NDP-Trudeau government budget promised $1.7 million over two years to finalize the design and legal framework of the Canada financial crimes agency. In March, I received a response to a written question of mine about the status of this agency. It says the Trudeau government didn't know when it would be operational, where it would be located, how many employees it would have, or even what its role or authorities would be.

Leader, this agency was a Liberal election promise in 2021, but, clearly, nothing has been accomplished since then. Why did the Trudeau government drag its feet?

Hon. Marc Gold (Government Representative in the Senate): Senator, I cannot comment on and won't accept the premise that it's dragging its feet, nor do I know exactly the particular status of the work that is being done on this, but I think you can be assured — and if you're not assured, Canadians should be assured — that work is under way and will be completed in a responsible and diligent way.

Senator Plett: The written response I received said, "As the Canada Financial Crimes Agency is not yet established, it has not incurred any expenses."

Funny thing, I also found out that the Trudeau government's gun confiscation program has already cost taxpayers $42 million, yet it hasn't been established yet. How do you explain the difference?

Senator Gold: There's a quip — and it's not very good advice, whether for sportsmen or hunters — which is, "Shoot first, aim later." The fact is that money needs to be spent to plan things, and if one wants to do things properly and responsibly, as any government should want to do, then it takes time to get things right before a program is put into place.

PROGRESS OF LEGISLATION

Hon. Marilou McPhedran: Senator Gold, Bill C-41 became law last June, creating a framework for Canadian humanitarian aid to be delivered to people in need in terrorist-controlled environments. Under this law, Canada was to create an authorization regime to enable Canadian agencies to deliver aid and shield them from criminal prosecution under anti-terrorism laws. The 2023 annual report of the Minister of Public Safety indicates that no authorizations have been issued.

Knowing how much women are suffering under gender apartheid and under Taliban oppression, how can the government justify such delay in the implementation of Bill C-41?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for reminding us of the horrible circumstances that many, but especially women in Afghanistan, are facing.

I don't know the answer to your question in terms of the implementation. There is a process that needs to be put into place — an approval process, as such. I will certainly raise this issue with the minister in response to your question, and I thank you for the question.

Senator McPhedran: Last week, the Canadian Feminist Forum on Afghanistan brought together civil society, leaders, academics and parliamentarians to support the codification of gender apartheid through the UN's draft treaty on crimes against humanity because gender apartheid is not yet forbidden under international law. Joining other senators who have spoken against gender apartheid, I have a question for this government: The Taliban forces Afghan women into silence, but why is the Canadian government choosing to remain silent?

Senator Gold: Thank you for your question. This government, more than any other government in Canadian history, has put the rights of women at the forefront of its foreign policy and will continue to do that. There are many examples of that, which need not be cited here.

The position of the Canadian government on recognizing the situation as gender apartheid is a separate matter. Again, I will raise that issue with the minister when I have the occasion.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

PUBLIC SAFETY, DEMOCRATIC INSTITUTIONS AND INTERGOVERNMENTAL AFFAIRS—CANADIAN INTERGOVERNMENTAL CONFERENCE SECRETARIAT—PRIVACY RIGHTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 126, dated February 8, 2022, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the privacy rights of Canadians — Canadian Intergovernmental Conference Secretariat.

IMMIGRATION, REFUGEES AND CITIZENSHIP—IRAN SOCCER MATCH

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 166, dated June 2, 2022, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding Immigration, Refugees and Citizenship Canada.

PRIVY COUNCIL OFFICE—COMMENTS MADE BY THE PRIME MINISTER

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 230, dated May 30, 2023, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding comments made by the Prime Minister — Privy Council Office.

TRANSPORT—COMMENTS MADE BY THE PRIME MINISTER

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 230, dated May 30, 2023, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding comments made by the Prime Minister — Transport Canada.

PUBLIC SAFETY, DEMOCRATIC INSTITUTIONS AND INTERGOVERNMENTAL AFFAIRS—ROYAL CANADIAN MOUNTED POLICE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 308, dated February 6, 2024, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Royal Canadian Mounted Police.

PUBLIC SERVICES AND PROCUREMENT—24 SUSSEX DRIVE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 317, dated April 9, 2024, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding 24 Sussex Drive.

INNOVATION, SCIENCE AND INDUSTRY—HANDGUNS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 318, dated April 9, 2024, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding handguns — Innovation, Science and Economic Development Canada.

PUBLIC SAFETY, DEMOCRATIC INSTITUTIONS AND INTERGOVERNMENTAL AFFAIRS—HANDGUNS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 318, dated April 9, 2024, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding handguns — Public Safety Canada.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-12(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: second reading of Bill C-58, followed by second reading of Bill C-59, followed by second reading of Bill S-17, followed by all remaining items in the order that they appear on the Order Paper.

• (1500)

CANADA LABOUR CODE CANADA INDUSTRIAL RELATIONS BOARD REGULATIONS, 2012

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Frances Lankin moved second reading of Bill C-58, An Act to amend the Canada Labour Code and the Canada Industrial Relations Board Regulations, 2012.

She said: Honourable senators, I am pleased to kick off this second reading debate on Bill C-58, An Act to amend the Canada Labour Code and the Canada Industrial Relations Board Regulations, 2012, in order to bring about a regime of balance with respect to banning replacement workers during federally regulated industry strikes or lockouts, and to put in place a provision that governs the timing and the steps with respect to determining maintenance-of-activities agreements or decisions of the Canada Industrial Relations Board, or CIRB, which would affect what work continues to be done during a strike, as well as the situations that I've referred to.

Colleagues, in the late 1970s, I joined the Ontario Public Service as a worker in the Ministry of Corrections. It didn't take me long to become involved in my union local at that place, or to become a member of the executive of that union local, or to become a delegate to the province-wide Corrections Division of the Ontario Public Service Employees Union, which I will refer to as the OPSEU as I go forward with my remarks.

A few years later, in the midst of a rancorous round of bargaining — which was actually not contract bargaining; it was bargaining to establish a new collective bargaining unit for correctional officers separate from other divisions within the Ontario Public Service — I found myself at a microphone at an emergency Corrections Division meeting, moving a motion for a province-wide illegal strike. Yes, I said it: illegal. In those days, Ontario Public Service workers did not have the right to strike, and disputes in contract bargaining were sent to binding arbitration.

Little did I know that a decade later, I would be an elected MPP and a cabinet minister, and I would introduce, carry and see passed legislation creating the right to strike for unionized workers in the Ontario Public Service.

In the early 1980s, I left the Ontario Public Service and I went to work for the union which I've referred to — the OPSEU — eventually becoming a negotiator, with a number of province-wide bargaining unit contracts that I had carriage of. Negotiations, disputes, arbitrations, strikes, settlements, and restoration of workplace relationships between employers and employees post-disputes — it's in my DNA, you could say.

Today, 40-plus years later, I'm honoured to be the Senate sponsor of this long-awaited legislation — Bill C-58 — banning the use of replacement workers during a strike in the federally regulated private sector, and requiring the parties to determine a maintenance-of-activities agreement prior to a strike or lockout commencing.

Let me start with a description of the legislation. I'm going to, first of all, set out whom it applies to and whom it does not apply to.

Bill C-58 pertains to federally regulated private sector organizations contained within Parts I, II, III and IV of the Canada Labour Code.

Let me just give you some examples: There is a long list, but you'll quickly get the sense of whom we're talking about. It includes air transportation, banks, port services, railways, radio and television broadcasting, road transportation services, telecommunication systems, and some First Nations governance bodies. There are a number of industrial sectors that are covered, but remember we're talking about federally regulated sectors.

There are about 22,000 employers involved in this sector. I was actually surprised by that number. There are over 300,000 unionized employees. There are more employees than that, but I'm talking about the unionized employees who would be involved in the application of this legislation.

This is whom it does not apply to: It does not apply to the federally regulated public service — for example, the federal public service that we see in the various departments of government. It doesn't apply to Parliament; it doesn't apply to either the House of Commons — the other place, as it's referred to here — or the Senate.

To explain why — because I think it's a question that a lot of people ask — these are amendments to the Canada Labour Code and to the regulations that govern the CIRB. The legislative framework for federal public servants and Parliament is an entirely different piece of legislation. We're focused on the Canada Labour Code amendments at this point in time. Whether

those matters are addressed in the future by any kind of government bill or private bill coming forward, we will see; at this point in time, we're dealing with the Canada Labour Code.

In short, there are two major aspects of what this bill does. It prohibits employers from using replacement workers during strikes, which are actions taken by workers, or lockouts, which are actions taken by employers.

The rationale for this is to establish a more balanced relationship between employees and employers — employers and their workers — in a strike or lockout situation. I want to return to that point, but keep in mind that what we're talking about and seeking here is a question of balance. With changes, this legislation rebalances the relationship. Of course, there will be people who have differing opinions on what the right balance is, and that's ever thus as we deal with legislation and as we listen to proponents and opponents of legislation.

In 2015, the Supreme Court of Canada affirmed that freedom of association provisions in our Canadian Charter of Rights and Freedoms protect the right to strike. Within the text of the Supreme Court decision, Justice Abella — one of my favourite people in the world — writes:

> The conclusion that the right to strike is an essential part of a meaningful collective bargaining process in our system of labour relations is supported by history, by jurisprudence, and by Canada's international obligations.

She then pursues this issue by quoting Otto Kahn-Freund and Bob Hepple, and this is a quote from them:

> The power to withdraw their labour is for . . . workers what for management is [the] power to shut down production, to switch it to different purposes, to transfer it to [a] different [place]. A legal system which suppresses the freedom to strike puts the workers at the mercy of their employers. This — in all its simplicity — is the essence of the matter.

That's the end of the quote from those two individuals.

It is argued the use of replacement workers can undermine the right to strike.

Colleagues, in all the years of my engagement in the trade union movement, and as a negotiator and having been on picket lines, as well as having negotiated settlements to disputes and having contracts in arbitration — a whole range of those experiences — I have to tell you that the very last option for workers is to consider going on strike.

Sometimes I think if people have not experienced or been in that situation, there is a failure to understand, and there is the belief that this is just — all of a sudden, it becomes impersonal — the unions flexing their muscles and pulling away the ability for ongoing production from an employer.

Let's come down to the personal: Those workers lose pay. They lose their benefits. It has a direct impact on the lives of their families and their communities. It is a last option, and it is not an easy one.

As we consider what the correct balance is, as well as what's being proposed by this legislation, I hope we keep that in mind. Let's not paint employers or unions at some global level. Let's remember that these are people. These are people who are working for a purpose, and these are people who are supporting themselves, their families and their communities.

The second matter that is addressed in Bill C-58 sets out — and this is a new regime that's being established; it's a process — its provisions and timelines to arrive at an agreement of the parties or an adjudicated decision by the CIRB to determine the work activities that must be maintained during the strike or lockout. These are activities that are often just referred to as activities necessary to prevent immediate and serious danger to the safety or health of the public.

• (1510)

Section 84 has a number of provisions, but the Canada Labour Code already mandates that maintenance of activity arrangements or agreements must be developed by the parties. But what experience has shown is that when the parties are involved in the process of negotiations and are focused on the back and forth and trying to get to a point of settlement, these issues of maintenance of work activities often don't get addressed until it is very clear that this is ending in a dispute and that no settlement is going to be obviously apparent. So it can then take a long time for these agreements to come into place, or where there is a dispute about maintenance of activities, so that perspectives of the employer and the workers for the application or referral to the Canada Industrial Relations Board, or CIRB, to make a determination and a declaration about what activities must be maintained.

That CIRB process, if you look back over the years, takes an extraordinarily long time. Why is a good question. In essence, I think it boils down to the amount of resources. Sometimes it is the complexity and the nature of the investigation that has to be done, but often it is just the person power to be able to accomplish that. Those delays ranged in some years, a couple years back, an average of 250 days from the application to the issuance of a directive by the CIRB. In another year, it was much less than that, but it was 150 days. This is still an extraordinary length of time at the end of what can be a very protracted set of rancorous negotiations.

One of the things that happens in strikes, lockouts and unsuccessful attempts at bargaining a collective agreement are the difficult and hard feelings that get baked in. The longer the process goes on, the more time there is for that kind of acrimony to grow and to poison a workplace.

We have to remember that at the end of the day, these parties have to come back together and continue on the enterprise that they're both committed to — they're obviously different, but common reasons.

Employers, workers and their unions have made the case over the years that there needs to be a process that sets out the appropriate time limits, and there has been lots of discussion about what those time limits should look like. This bill answers that call and puts in place for the first time a series of steps and

the number of days that are available to the steps. The parties must begin to negotiate an agreement within 15 days of notice to bargain and getting started.

If there is a dispute and it's referred to the CIRB, either by a complaint or if the minister is pressed to come in and to make a referral, which he or she has the power to do under the legislation, there is then a time frame for how long the CIRB can take. There are details in there, and I'm happy to answer questions if people want more detail on that.

The bill also, in an attempt to set out a balance, provides for exceptions that would allow employers to use replacement workers. This will now be spelled out better than it has been in the past. There was a one statement line. It was very difficult for that to be adjudicated because it was very subjective. Now this legislation puts forward some very clear provisions about when exemptions to the ban on the use of replacement workers would be allowed, and it's to prevent threats to life, safety or health of any person, serious damage to the employer's properties or premises and serious environmental damage affecting the employer property or premises.

Employees in the bargaining unit with a replacement worker ban are not allowed to cross the picket line. You have to remember the bargaining unit. But in some circumstances, again, there is an exception for this in this new legislation, and employees in the bargaining unit would be allowed to cross during the full strike or lockout if necessary to ensure that the work stoppage does not pose an immediate and serious danger to the health and safety of the public.

So in striking a balance, this legislation attempts to put health and safety of the public as a foremost consideration, and with the detail that I already spelled out for you in terms of the actual provisions where there would be exceptions to the use of replacement workers.

Over the years, the CIRB has received applications or referrals from a minister and a range of a number of industries to resolve disagreements concerning a maintenance of activity agreement. I gave you some examples earlier.

I want to give you an example just so you know what we're talking about here. On July 22, 2014, The Professional Institute of the Public Service of Canada, which is a union representing technical professional workers in federally regulated industries, applied to the Canada Industrial Relations Board under section 87.4 of the Canada Labour Code. They were asking for an order to determine outstanding issues between the union and Atomic Energy Canada Limited, or AECL — we refer to it by acronym — who are the employer in this situation.

The maintenance of activities agreement's acronym is MOAA. I don't need to learn any more acronyms at this point in my life, but to do this job we have to sometimes.

Historically, there was a shutdown for routine maintenance. This was not a labour dispute. It was routine maintenance in November 2007 at the Chalk River nuclear facility. That's under the governance of the AECL and the Canadian Nuclear Safety Commission above that. You may remember this. As a former minister of health, I was following this as it went on. It resulted in a worldwide shortage of radioisotopes. The stakes were really high. It wasn't just Canada, but Canada was experiencing this. It was a worldwide shortage, which speaks to the importance of this industry, not just to our own country but beyond.

In this 2014 case, the board determined that the public interest aspect of section 87.4 of the Canada Labour Code — and this is an important interpretation and precedent — mandates that the party asserting that there is no danger to public health or safety should bear the burden of proof. Now we're talking about the process of how issues are determined, what the due process is and where the burden of proof lies.

I, as an aside, find that a very interesting ruling that there is actually a burden of proof. If you're saying that there is no danger or threat to public safety, your party — whichever party, and it has been argued by both sides in different circumstances — has the burden of proof to bring forward the evidence and to make the case.

That for me is another part of the overall regime that puts public safety and public interest first before either the employer, the union or unionized workforce's particular points of view with respect to the dispute that they are incurring at that point in time.

There are a lot of other examples. Thankfully, my office went through the CIRB website trying to dig out examples. It's not easy, but you can find them there if you're interested. They involve decisions with respect to NAV CANADA, Canadian National Railway and Greater Moncton International Airport Authority. There are a number you can look to.

I'd like to turn now to the process which saw the development of the legislation and its passage in the other place.

Under the government's Supply and Confidence Agreement with the New Democratic Party, the government committed to introduce:

> . . . legislation by the end of 2023 to prohibit the use of replacement workers, "scabs," when a union employer in a federally regulated industry has locked out employees or is in a strike.

Budget 2023 reiterated this commitment to improving the maintenance of activities process.

• (1520)

Consultation on the bill overall occurred between October 2022 and January 2023. During that period, there was a series of round tables. There was involvement of employers, unions and other interested parties that came forward. As a result of those consultations, a "What We Heard" report summarizing the results was published in September of 2023.

Sometimes when you're a party to these kinds of consultations or policy and legislative development, you step back, look at the consultation report and feel that your voice wasn't strong enough or wasn't heard. I heard those complaints from both parties with respect to that, but the consultations were conducted and a report was issued.

I spent time talking with one of the leading advocates in the business association and employer community — a very thoughtful person. We both approached these discussions knowing that we come from different backgrounds and hold different perspectives on how to approach things. For me, these are always the richest conversations because you have an opportunity to learn, listen and understand where they are coming from.

I wanted to understand this. You will remember that I said both employers and unions seem to be generally supportive of the new provisions with respect to the process of maintenance of activities agreements and/or adjudication of disputes. There is no such agreement with respect to the bold issue of banning replacement workers, even with the provision of exceptions and those sorts of things.

This doesn't surprise me, and I don't think it should surprise anyone. We're talking about a bill attempting to establish a balance in terms of creating free and fair collective bargaining. The employer representative with whom I spoke was clear that many employers think it is a carefully constructed balance as the law is today, prior to any changes that may come as a result of this bill, if and when it is passed.

It won't surprise you to know that if you speak to representatives of unionized workers, unions and advocates, they will tell you that the balance isn't there today — that the balance is weighted toward employers and leaves workers out in the cold, sometimes for long periods of time when replacements workers are brought in.

For example, workers at the Port of Québec have been on strike for 18 or 19 months. Full replacement workers are being used and the strike goes on.

In other cases where there are provincial regulations — I'm not talking about the Canada Labour Code provisions — there are strikes. A small telecommunications firm in B.C. unionized, and that process was challenged by the employer. The workers went on strike for three years to get an initial collective agreement, while the business continued to operate. In the end, the workers won the case because of a Labour Relations Board ruling — I would have to check before citing which one — which determined that the steps that had been taken were illegal in terms of the employer's obligations.

That was a provincial case, but it gives you an example. There are many examples of strikes that have been protracted indeterminately as a result of the employer using replacement workers.

On balance, when I hear both sides come forward, it reminds me of the anti-poverty and workers' rights work that I've done over the years in terms of the argument around increasing the minimum wage. When anyone talks about increasing the minimum wage at a government level, you immediately hear from one side that this will kill jobs and put small businesses out of business; on the other side, you hear that this is needed to protect workers with respect to inflation and cost of living so they can sustain themselves and their families and contribute to the economy in terms of their purchasing power.

Every time this comes up, whether in a province or wherever else, the arguments never change. It would be nice if at some point we could stop the polarization of rhetorical positioning and come to an understanding of what the impacts and challenges are.

All of these things are occurring in the context of our current economy. When there is a dispute around this, you must look at the economic conditions that are driving it. You can't take the same canned arguments from either side and apply them to every situation because they're not all the same, although sometimes the debate makes it seem as if they are.

I use that as an example. I'm not using the phrase "canned rhetorical positions" with respect to the positions of employers and unionized workers in the context of this bill. I'm very respectful of the position put forward by the employer community. However, from my first-hand experience in looking at the evidence brought forward by unionized workers, the argument that the current system isn't balanced — and needs to be rebalanced — has great merit. That is why I'm happy to be sponsoring this bill.

To understand how people bolster their arguments, you have to look at what the empirical data says. Well, folks, like with many things we study, there isn't much empirical data on this. Both sides will bring forward reports. I've read the reports that unions brought forward — what they cite and what they've looked at — and I've looked at the reports that employers rely on, such as the one from the Fraser Institute. They focus on the questions of whether there will be more strikes and whether the strikes will last longer, with more days lost to work stoppage. Both have different interpretations supported by evidence, but we're talking about a very small number of studies.

The other thing that is important to keep in mind is that these studies are looking at provincial jurisdictions in this country where similar legislation has been brought to bear. There are only two: B.C. and Quebec. Quebec has had this legislation since about 1977, and British Columbia brought it forward in the early 1990s.

In trying to make sense of data that I believe is not persuasive on either side of this, I caution you to remember that the frequency of strikes is affected much more by economic conditions that the parties are facing at that point in time and the length of work stoppage. As I've said, if you look at situations where replacement workers were used, work stoppage goes on much longer; however, it's not of concern to employers because they have workers and their business is chugging along pretty much as normal. That is perhaps an overgeneralization, because each case is unique.

The cases that have been studied are all provincial jurisdiction; they are not what we see here. Therefore, none of this data can apply to federally regulated sectors because there has not been a replacement worker ban in the federal jurisdiction. These employers are very different from those that are provincially regulated, if you think back to the examples of Canada Industrial Relations Board, or CIRB, decisions that I provided.

Before I leave the issue of balance, I want us all to remember that in the federal sectors we're talking about, the government always has the ability to bring in back-to-work legislation. In the eight-plus years that I've been here, I've seen it happen twice.

There are measures that dictate when that is allowed. It is important to remember that the Charter protects freedom of association, the right to strike and when one can strike. During those debates, we held a few Committees of the Whole. If I remember correctly, Canada Post and the Port of Montreal appeared. Senator Gold and I really differed in terms of our constitutional interpretation. I'm not a mighty player. I'm not a lawyer or constitutional expert; he is. The court challenges are ongoing and we'll see what comes out of that. However, I believe that in those two cases, the government was premature and didn't meet the conditions that would allow them to bring in back-to-work legislation. It was an infringement of Charter rights, in my opinion.

• (1530)

It's important for us to realize that, with time, we see court rulings, jurisprudence and a greater certainty brought from those to the parties' understanding of what is and what is not permissible.

Going back to the process, Bill C-58 was introduced in the House of Commons in November 2023. Second reading took place during six sittings of the House of Commons between November 2023 and February 2024.

The House heard from over 20 MPs contributing their thoughts and views about the legislation. There were 53 question-and-answer exchanges after MPs stood when multiple other MPs asked questions of them. This came to an end on February 27, 2024.

The bill passed second reading — I want you to listen to this vote — with 318 MPs in favour and 0 opposed. At second reading, let me repeat, zero opposed. The bill was then sent for study.

I see the smirk across the aisle, senator. I understand from whence it comes.

The bill was studied at HUMA, which is the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities in the other place, from March 21, 2024, to May 2, 2024. There were six committee sessions. They heard from 37 witnesses and received 20 briefs from other interested parties.

During clause-by-clause consideration, the committee passed a small handful of amendments — a couple of important ones, but not large in number. In other words, I would argue that the bill is not very complex. You're going to either support it or not support it. There are reasons for some of the amendments. Again, in answers to questions, I can explain those.

Third reading of Bill C-58 saw debate from five speakers with 22 question-and-answer interventions. On May 27, 2024 — Monday this week — the bill was passed in the other place by a vote of 316 for and, once again, 0 opposed.

I highlight the process for a reason. Often when we hear of something in this chamber that passed unanimously by all parties in a minority government — all of those things stack up to be a little monumental — some here wonder what happened there. Was it a political accommodation? Was it rushed through? Did it receive adequate study? Those are the questions that we, rightly, should be asking.

I set out that process so you can see there was extensive discourse — I'm not commenting on quality or anything like that. I am saying there was extensive debate, extensive study and conclusive third-reading discussion.

Now, we're at this point. It's our turn. It's our turn to consider this, send this to committee and, hopefully, have a good review of the legislation. At second reading, where we are now, we consider the bill in principle. I have to tell you I wholeheartedly support this bill in principle. I look forward to the committee's consideration of the bill.

When I began my remarks today, I did a walk down memory lane. As I wind up my remarks, please indulge me for a moment more.

In 1992, I was a member of the cabinet in the Government of Ontario. It was not my portfolio, but I was very happy as a cabinet member to support the introduction and passage of anti-scab legislation for the provincially regulated workforce in the province of Ontario. In 1992 that happened.

Unfortunately, in 1995, as one of the first acts of the newly elected Conservative government led by premier Mike Harris with an agenda that he called the "Common Sense Revolution" — every time I hear the regurgitated campaign slogan of common sense in the other place or here, it's almost a traumatic response going back to that point in time — he repealed that legislation. With respect to sloganeering, sometimes I think — what is that saying? — plus ça change. You can carry it on from there.

In undertaking the sponsorship of this bill, I am honoured and happy to do it. I was pleased to be asked. I have to tell you, personally, I feel like it's a bit of closure and a bit of coming full circle for me on this. It also underscores for me something I have known all of my life in public service and which I get frustrated by, but it is what it is: I recognize how long things can take in the world of public policy, politics and legislative development.

We're at a historic moment with this bill and the potential for a bill that has been long awaited and long lobbied for to re establish balance towards fair and free collective bargaining in accordance with the ability to exercise the right to strike, which is Charter-protected. We're at a historic moment.

I don't know who the critic of this bill is yet, but I look forward to hearing from them. I look forward to this being sent to committee for its consideration and discussion, something our committees do so well. I don't know, but I suspect it might go to the Social Affairs Committee. I know they do a good job of being thorough. I am heartened the bill will get appropriate treatment.

This is important legislation. I look forward to others' contributions to the debate and then to moving this to committee.

Your Honour, thank you. *Meegwetch*.

[*Translation*]

Hon. Claude Carignan: I have a question for Senator Lankin. Will she take a question?

Senator Lankin: Yes.

Senator Carignan: My leader seems to think that I still have some free time, despite the fact that I serve on eight committees, so I will be the critic for this bill.

I have not yet had the privilege of getting the briefing from public servants, as is customary, but I still have a question. An amendment was made regarding the coming into force of this bill. It was supposed to come into force after 18 months, but now it will come into force after 12 months. Do you know the reason for that amendment? Why will the bill now come into force after 12 months?

[*English*]

Senator Lankin: Thank you. Yes, there was pressure within the committee stage to consider such an amendment, primarily brought forward by the Bloc Québécois, I think, because of the experience in Quebec since 1977 with back-to-work legislation and the fact that there is broad public support for that labour relations regime in Quebec. They felt that 18 months was too long to reach this point of rebalancing the fairness.

On the other side, the Canada Industrial Relations Board was saying, "We need time to build the capacities and train more staff. We need increased resources to be able to deliver on a time frame for implementing our work on this that is shorter than 18 months."

In the back-and-forth discussions that went on, the CIRB was told 12 months would be what they had, but the government made a commitment to provide the resources so they could hire, train and get the systems up and going. That wasn't completely acceptable to those members of the committee who wanted to see it be, essentially, upon Royal Assent. That's what the other side was.

As in negotiations around these things, as often happens, a cut-off date was determined somewhere in the middle of 12 months, but 12 months with a commitment from the government to fund the resources to make sure the CIRB could build its capacity to implement this at that point in time.

[*Translation*]

Senator Carignan: I have a supplementary question about maintaining essential services. I see that the bill provides for a parallel negotiation process, shortly after the notice to bargain is issued, to determine which services are essential in the event of a strike or a lockout.

• (1540)

Did the parties express any concerns about the parallel process? That could go on for some time if there are negotiations under way for both a collective agreement and essential services.

[*English*]

Senator Lankin: I think the answer to that is "no," from my perspective. It's a good point because you will note that one of the amendments in the legislation addresses the time limit. The legislation had set out 90 days for the Canada Industrial Relations Board, or CIRB, to act after receiving a complaint application or a referral from the minister. They had 90 days to issue a response.

As I said earlier in my remarks, we've had years where responses averaged 250 days or 150 days — much more in any event than the 90 days that had been set out. That was worked out in development with the CIRB and department officials, and then the cabinet accepted it and put it into the legislation.

Some members of Parliament felt that period of time was way too long, and that the potential for delaying strikes or lockouts was detrimental to the process, as it should happen in a more efficient and more timely way. They proposed 45 days.

The 90-day provision was amended to 82 days. You look at that, and you say, "What? It's an eight-day difference? What is it?"

Here is the thing that I learned during this process, which I think is important to understand, and you alluded to it when you talked about the collective bargaining process.

The first thing that happens is the party issues a notice to bargain. From that, bargaining could go on as long as the parties allow it, until they come to a point where they either have a settlement or they've decided it's a dispute that can't be resolved at the bargaining table. Then, they have to issue a notice of dispute.

At that point in time, the minister has up to 15 days — but they would rarely take that long — to decide to appoint conciliation/mediation services from the federal public service. This point has been made over and over again during remarks in the other place: We have very successful federal mediation and conciliation services. Essentially, 96% of all disputes are solved through that process. Only 4% of disputes — which is a subset of all the agreements that are settled — end up going to the next step, which is considering a strike vote and/or an employer making the lockout provision a reality.

The conciliation process takes 60 days unless the parties mutually extend it. Then, mediation can be the next step, depending on how far apart the parties are. When mediation comes in, that can go on for as long as the parties are willing to continue, if they're making progress. It's always best to have a negotiated collective agreement; I think we would all agree with that. That avoids work stoppages, whether by strike or by lockout, and the acrimony of that. The best settlements are the ones the parties can reach themselves.

While that can go on, there is a 21-day period where it must go on before either party can issue a notice of strike or lockout. I'm sure you are well aware that, once they do that, a 72-hour period must pass after the notice before a strike or a lockout can take place. Sometimes the parties will take longer. Sometimes it drives them back to the table. There's all of that, but there must be at least 72 hours.

If you add all of that up, Senator Carignan, it comes to a minimum requirement of 97 days for the parties to proceed through all of that and reach a point where there may be a strike or a lockout.

Now let's flip to your possible concern about a separate bargaining process. That is the process of determining an agreement for the maintenance of activities. Once the notice to bargain is issued under this new legislation, there's now a 15-day time limit, whether the parties reach an agreement or not. It's not that the parties don't know what the issues will be, or that they haven't gone through this before. Sometimes there are just standard agreements, if nothing has changed, which they will adopt; many times, that is agreed to between the parties. But if it's not, then there is an application or, again, the possibility of a ministerial referral.

That process, from beginning to end — I see the Speaker is standing — will take less than the 82 days that is now set out in the legislation. It's often done at a separate side table. I don't think there's any duplication —

The Hon. the Speaker: The time for debate has expired.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

FALL ECONOMIC STATEMENT IMPLEMENTATION BILL, 2023

SECOND READING—DEBATE ADJOURNED

Hon. Lucie Moncion moved second reading of Bill C-59, An Act to implement certain provisions of the fall economic statement tabled in Parliament on November 21, 2023 and certain provisions of the budget tabled in Parliament on March 28, 2023.

She said: Honourable senators, I can assure you that my speech won't be either as eloquent or as interesting as the one we just heard from my colleague, Senator Lankin.

[*English*]

It is my privilege to rise as the sponsor of Bill C-59, the fall economic statement implementation act, 2023.

I begin by acknowledging the foundational work carried out by our Standing Senate Committee on National Finance, which dedicated four meetings to delve into the subject matter of this legislation, while hearing from 59 witnesses.

Your efforts are crucial in guiding the legislative process and ensuring proactive oversight.

Bill C-59 would implement key measures from the *2023 Fall Economic Statement* to support the government's stated efforts to build more homes, make life more affordable and create more good jobs. The bill is divided into five parts.

The first part makes amendments to the Income Tax Act and other pieces of legislation; there are 17 measures included in this first part. The second part of Bill C-59 brings forward the new digital services tax act. The third part amends the Excise Tax Act and related legislation; there are 12 measures included in this third part. The fourth part makes amendments to the Excise Act, 2001 and related legislation; four measures are included in this fourth part. Finally, the fifth part comprises various measures, from amending the Tobacco and Vaping Products Act to enacting the new Canada water agency act; there are 12 new measures included in the fifth part of Bill C-59.

Considering that Bill C-59 includes 48 different measures, with not all of them being significant, I will focus my remarks in this second reading speech on some of Bill C-59's more noteworthy measures — the ones that I anticipate will draw the most interest from stakeholders.

We'll start with Part 1, which is the doubling of the Canada Carbon Rebate rural supplement. Colleagues, I'll begin my remarks with the amendment — proposed in the Bill C-59 Summary in Part 1(f) — to the Canada Carbon Rebate, which returns most proceeds from the federal fuel charge directly to individuals and families in provinces where the fuel charge applies.

The proposed amendment would double the rural top-up to the base amount of the Canada Carbon Rebate from 10% to 20% to better support Canadians in small and rural communities who face higher energy costs and more limited access to clean transportation options. The rate increase to the rural supplement would take effect as of April 2024.

When speaking on the enhancement of these payments, it is important to highlight that currently 8 out of 10 families in provinces where the federal backstop applies receive more money back than they pay, with low-income families benefiting the most.

Next is the carbon capture, utilization and storage investment tax credit. The government is also using the bill to deliver the first two of its refundable clean economy investment tax credits. The tax credits are designed to boost investments while supporting Canada's goal of net-zero emissions by 2050. Let me start with Part 1(g) of this bill, the investment tax credit for carbon capture, utilization and storage for taxable Canadian corporations that incur eligible expenses for projects in this field.

• (1550)

This measure would encourage investments in carbon capture utilization and storage technologies to reduce carbon dioxide emissions. These technologies are important tools for hard-to-abate sectors such as concrete, plastics and fuels. Projects are eligible to the extent that they permanently store captured CO_2 through an eligible use, which includes dedicated geological

storage and storage of CO_2 in concrete. The investment tax credit would be available for expenditures incurred on or after January 1, 2022, and would no longer be available after 2040.

From 2022 through 2030, the investment tax credit rates would be set at 60% for investment in equipment to capture CO_2 in direct air capture projects; 50% for investments in equipment to capture CO_2 in all other carbon capture, utilization and storage, or CCUS, projects; and 37.5% for investments in equipment for transportation, storage and use.

These rates would be reduced by half for the period from 2031 through 2040.

[*Translation*]

With respect to the investments in clean tech, Part 1(h) of the bill describes a measure to introduce a 30% clean technology investment tax credit. This measure would encourage investment in clean technology assets in Canada, helping to ensure that Canadian companies remain globally competitive.

The refundable tax credit would be available to taxable Canadian corporations and real estate investment trusts for assets such as certain clean electricity generation equipment, low-carbon heating equipment and geothermal energy systems, excluding any equipment that is part of a system that extracts fossil fuel for sale.

The clean technology investment tax credit would be available retroactively for eligible investments in property acquired and available for use on or after budget day 2023, which was March 28, 2023.

The credit rate would be reduced from 30% to 15% in 2034, and the credit would no longer be available after 2034.

With respect to labour requirements for the investment tax credits, Part 1(i) of Bill C-59 would impose labour requirements for access to the investment tax credits. To qualify for the higher tax credit rates, companies would have to pay workers prevailing wages and create apprenticeship opportunities.

The labour requirements seek to guarantee that when businesses receive financial support to invest in green energy, workers benefit as well.

[*English*]

I will now move to Part 2, which sets out the proposed digital services tax act. The government first announced plans for a digital services tax in the *2020 Fall Economic Statement*. It was announced as an interim measure that would apply from January 1, 2022, until a multilateral approach comes into effect. In October 2021, the government agreed to temporarily pause the digital services tax until the end of 2023 to allow time for a treaty to be brought into force under Pillar One of the two-pillar plan on international tax reform. A harmonized multilateral approach to digital taxation is the preferred avenue, and the government has been actively engaged with international partners to that end since 2017 and remains committed to that objective.

However, in the absence at present of a feasible path to a multilateral approach and to safeguard Canadian interests, the digital services tax is now deemed essential. This approach aligns with international best practices with regard to tax equity and seeks to ensure that companies profiting from data and content generated by Canadian users contribute their fair share of taxes.

The digital services tax would be levied at a rate of 3% on revenue from digital businesses, whether Canadian or foreign-owned, in which data and content from Canadian users is a key input and value driver. This includes online marketplaces, targeted online advertising, social media, as well as certain sales and licences of user data.

The digital services tax would apply to an entity or a group of companies that meets the following two thresholds: global revenue from all sources from a given fiscal year equal to or exceeding €750 million — which is C$1.1 billion — and revenue from users in a given calendar year exceeding $20 million. In introducing this measure, Canada will be joining such countries as Austria, France, India, Italy, Spain, Turkey and the United Kingdom, which have all had a digital services tax since 2021 or earlier.

The digital services tax act would come into force through an order of the Governor-in-Council. Budget 2024 reiterated that the government's plan originally outlined in October 2021 is that the DST would begin to apply for calendar year 2024. As provided in this bill, the first year of application will cover taxable revenues since January 1, 2022, the start date originally proposed in 2020. Businesses were informed of this tax through Budget 2021, where the details were published, and the draft legislation was first released in December of the same year, providing sufficient time for preparation. The DST is expected to raise between $800 million and $900 million per year.

[*Translation*]

I will now talk about Part 3 on affordable mental health services.

Honourable colleagues, Part 3(h) of this bill will also help guarantee that Canadians receive the support they need by making mental health services more affordable and by increasing access to practitioners.

The bill amends the Excise Tax Act to add psychotherapists and counselling therapists to the list of health care practitioners whose professional services are exempt from the GST/HST.

To improve access to affordable housing, the government has taken various measures under the recently published Canada's Housing Plan and Budget 2024, including measures to increase Canada's housing supply in order to address the high costs people must pay for shelter.

Part 3(l) of the bill seeks to improve access to affordable housing by helping to boost the supply of housing in Canada, particularly rental housing. To do so, the government will ensure that eligible cooperative housing corporations can access the 100% GST rebate for rental housing, which was recently implemented in Bill C-56.

Bill C-56, the Affordable Housing and Groceries Act, received Royal Assent on December 15, 2023. It implemented a temporary 100% rebate of the GST and the federal portion of the HST on the cost of new purpose-built rental housing projects. This measure will apply to projects where construction begins after September 13, 2023, but before 2031 and is substantially completed before 2036.

Bill C-59 would extend eligibility for the GST rebate on new rental housing to cooperative housing corporations that provide long-term rental accommodation. This unique housing model promotes personal development and long-term stability by giving people access to affordable housing in a welcoming community.

Let's now move on to Part 4 of the bill, which includes several measures related to the taxation of vaping and cannabis products.

• (1600)

While these measures are technical in nature, they implement the new excise duty framework for vaping products that is coordinated with the frameworks of participating provinces and territories in respect of product stamping.

In addition, vaping product licensees would be allowed to import unstamped finished products for stamping in Canada and specify the net volume in a given unit of measurement, which is used to determine the excise duty.

The amendment related to licensed cannabis product producers would give them the option to remit excise duties quarterly to accommodate certain cash flow problems.

Moving on, Part 5 of the bill contains a host of measures, including support in the event of a pregnancy loss. Division 2 of Part 5 of the bill would amend the Canada Labour Code and An Act to amend the Criminal Code and the Canada Labour Code to give federally regulated private sector employees a three-day leave of absence in the event of a pregnancy loss, or eight weeks in the event of a stillbirth.

A pregnancy loss can be a harrowing experience, and people dealing with this type of situation often need time off work to recover.

The new leave will offer employees greater job and income security during their recovery.

Division 3 of Part 5 enacts the proposed Canada water agency act. This measure establishes the Canada water agency, which would have the mandate to improve freshwater management in Canada by collaborating with the provinces, territories, Indigenous communities, local authorities, scientists and other stakeholders.

The Canada water agency would deliver on key elements of the strengthened Freshwater Action Plan to improve freshwater outcomes, restore, protect and manage water bodies of national significance, and improve freshwater quality. The Freshwater Action Plan would deliver regionally responsive initiatives in the Great Lakes, Lake Winnipeg, Lake of the Woods, the St. Lawrence River, the Fraser River, the Wolastoq/Saint John River, the Mackenzie River and Lake Simcoe.

One of the main roles of the Canada water agency would be to strengthen coordination among the more than 20 federal departments and agencies that have water responsibilities.

Water is Canada's most precious natural resource. With 20% of the world's freshwater reserves, it is essential to our well-being and our economy.

To guide the development of this legislation, public consultations were launched in 2020. More than 2,700 Canadians shared their views, as did over 750 Indigenous communities, including First Nations, Inuit and Métis settlements and locals. There was also bilateral engagement with the provinces and territories.

It is also important to note that the preamble to the bill reaffirms the Government of Canada's commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples.

Division 4 of Part 5 of the bill would establish a tobacco cost recovery framework. This would be a key step in increasing industry accountability by ensuring that tobacco manufacturers contribute to the government's costs of responding to the tobacco epidemic.

The total public health costs of tobacco use in Canada, including direct and indirect costs, are estimated at over $11 billion per year. In 2021, the tobacco industry's reported revenue was approximately $4.6 billion.

Taxpayers currently bear the full cost — $66 million a year — of federal activities to address the national public health problem of tobacco use and to prevent vaping.

The bill would amend the Tobacco and Vaping Products Act to enable the establishment of fees or charges and related administration and enforcement measures to implement a tobacco cost recovery framework. If adopted, the amendments would help reduce the financial burden on taxpayers.

[*English*]

Division 6 of Part 5 has been crafted to provide more relief on Canada's strained household budgets.

For several years, stakeholders and the public have voiced serious concern over growing corporate concentration, rising prices and the power of corporate giants.

Complementing the changes introduced in Bill C-56, which I discussed with you a few minutes ago, Bill C-59's package of amendments would provide Canadians with a more modern and effective competition law. Together, these amendments represent generational changes to Canada's competition regime. More competition means lower prices, more innovative products and services and more choices for Canadians in where they take their business.

The bill's amendments are designed to improve many aspects of the country's competition regime, empowering the Competition Bureau to better serve the public in its role as a watchdog and advocate of dynamic markets and allowing the country to reap their well-documented benefits.

The proposed package comprises carefully selected areas that can directly contribute to addressing long-standing issues, delivering on the government's commitment to significantly update competition legislation. The bill would further modernize merger reviews and position the Competition Bureau to better detect and address "killer acquisitions" and other anti-competitive mergers. The changes would also enhance protections for consumers, workers and the environment, including improving the focus on worker impacts in competition analysis.

The amendments would strengthen the Competition Act's enforcement framework, including empowering the Commissioner of Competition to review a wider selection of anti-competitive collaborations and seek meaningful remedies to ensure that harmful conduct is not repeated. It would also deter greenwashing by prohibiting environmental benefit claims that are not based on proper testing.

The bill is drafted to go further with support for Canadians' right to repair by preventing manufacturers from refusing to provide the means of repair of devices and products in an anti-competitive manner. Right to repair is clearly an area of focus.

In the recently released Budget 2024, the government announced it would launch consultations this June to develop a right-to-repair framework, which will focus on durability, repairability and interoperability. The competition-related measures are informed by the comprehensive review of the Competition Act undertaken by the government over the past two years.

With regard to establishing the department of housing, infrastructure and communities, Canadian communities require affordable homes as well as key infrastructure like public transit, modern water systems and community centres. In recognition of this link, Division 11 of Part 5 would establish the department of housing, infrastructure and communities and clarify its powers, duties and functions as the federal lead for improving housing outcomes and enhancing public infrastructure.

The change would establish two statutory ministers, a minister of infrastructure and communities and a minister of housing, both supported by one department. The implementation of the department of housing, infrastructure and communities act would be effective immediately upon Bill C-59's Royal Assent.

• (1610)

Regarding support for parents of children through adoptions and surrogacy, I will briefly speak on an equity measure aimed at Canadian families.

In Division 12 of Part 5, the bill proposes to amend the Employment Insurance Act to introduce a new, shareable, 15-week benefit for parents who qualify for Employment Insurance and become parents of a child or children through adoption or surrogacy. Qualifying parents could combine benefits, making their total number of weeks of income support the same as that of birth parents, who can combine maternity and parental benefits. The change would support approximately 1,700 Canadian families each year.

With respect to amendments adopted at committee, before I conclude, I would like to touch on the 10 amendments that were adopted at the Standing Committee on Finance at the other place. All of these amendments are part of the bill we received on Tuesday, and no additional amendments were adopted during third reading.

First, an amendment was adopted regarding the provisions that relate to the dividend received deduction, as in paragraph (e) of the summary's outline of Part 1. The amendment modifies clause 28 to clarify that Canadians with certain types of life insurance policies that offer variable returns who were not the target of this change will not be affected by it.

The other amendments are aimed to improve the measures relating to the Competition Act by clarifying the language and closing potential loopholes. Most were proposed by the NDP.

An amendment to clause 234 was adopted to close a potential loophole regarding "drip pricing" and prevent the unintended proliferation of junk fees. This amendment specifies that charges can be listed separately only if they are imposed directly on the purchaser of the product by an act of Parliament or the legislature of a province. Consequential amendments were adopted to ensure consistency of this approach in the whole regime.

Another amendment was adopted with respect to the broadening of the Competition Act's "refusal to deal" provision to include refusal to provide means of diagnosis or repair other than trade secrets. The amendment modifies clause 244 to clarify that the tribunal can require the manufacturer to give access to any person. This was supported by stakeholders, such as the Automotive Industries Association, or AIA, of Canada.

Also supported by AIA Canada was an amendment proposed by the Bloc Québécois to strengthen the definition of ". . . means of diagnosis and repair . . ." at clause 244, by including ". . . maintenance . . ." and ". . . calibration . . ." given that these services and activities are central to proper repair in the aftermarket.

Finally, clause 249 was amended, as proposed by the Commissioner of Competition, to enable the tribunal to order remedies that fully restore competition as it would be but for the merger. Currently, only mergers that are likely to substantially lessen or prevent competition can be challenged by the commissioner in front of the Competition Tribunal.

[*Translation*]

Honourable senators, Bill C-59 advances key components of the government's economic plan by delivering on the main elements of the 2023 Fall Economic Statement. You may have noticed that in this speech at second reading, I only touched on half of the measures in Bill C-59. In my speech at third reading, I will address other interesting measures in this bill that advance the work of some of our colleagues in this chamber. In the meantime, I invite my colleagues on the Standing Senate Committee on National Finance to continue diligently studying this bill.

Thank you for listening.

(On motion of Senator Martin, debate adjourned.)

MISCELLANEOUS STATUTE LAW AMENDMENT ACT, 2023

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Cotter, seconded by the Honourable Senator Petitclerc, for the second reading of Bill S-17, An Act to correct certain anomalies, inconsistencies, out-dated terminology and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes and Regulations of Canada and to repeal certain provisions that have expired, lapsed or otherwise ceased to have effect.

Hon. Claude Carignan: Dear colleagues, I rise today to speak at second reading of Bill S-17, whose short title is the Miscellaneous Statute Law Amendment Act, 2023. As the Library of Parliament summary indicates, Bill S-17 is:

> . . . the 13th in a series of bills introduced under the Miscellaneous Statute Law Amendment (MSLA) Program. It amends 58 Acts and three related regulations to correct errors in grammar, spelling, terminology and punctuation, erroneous cross-references, archaic wording and discrepancies between the English version and the French versions.

The Miscellaneous Statute Law Amendment Program has an important feature. Unlike the other government bills we study, in the case of a miscellaneous statute law amendment bill, the Minister of Justice must submit a draft bill to the Senate Legal Affairs Committee and the House of Commons Standing Committee on Justice for their consideration. Accordingly, the committees studied the measures now contained in Bill S-17 before it was tabled on March 19. During their study of the draft bill, the Senate committee heard from public servants on October 19, 2023, and the House of Commons committee did likewise on February 8 and 12, 2024.

On concluding their examination of the draft legislation, these committees asked to have eight of its provisions stricken. The Department of Justice complied with this request. Accordingly, Bill S-17 contains the same text as the draft bill, except that the eight clauses the committees asked to have stricken were removed.

That said, Bill S-17 contains 165 clauses and is still massive.

I support this omnibus bill at second reading and the consensual measures it contains. Here are two examples. First, Bill S-17 replaces the French word "vérificateurs" with "auditeurs" in certain sections of acts to reflect the internationally accepted linguistic standards of professional organizations. Second, Bill S-17 replaces the names of certain organizations used in acts to reflect their new names. For example, Bill S-17 amends sections of acts to henceforward refer to the Court of Appeal of Newfoundland and Labrador, which became an independent institution in 2018 and is no longer a division of the Supreme Court of Newfoundland and Labrador.

While I support Bill S-17 at second reading, I think it needs to be referred to a Senate committee for study. As Senator Cotter told the Senate committee on October 19, the committee had only one meeting to study the draft bill, with the result that, and I quote:

> We are studying it in kind of a short period of time, so I think we're not giving it necessarily due diligence but some diligence.

Oddly enough, however, in my colleague's speech at second reading of Bill S-17 on March 21, 2024, he suggested that the Senate not refer Bill S-17 to the Senate committee for study, since that wasn't necessary given that the draft bill had already been studied by that committee.

I don't share his point of view. Personally, I would have some important questions to ask the public servants when they appear before the committee, if need be, on aspects of Bill S-17 that could not be explored because of the very short duration of the committee's study of the draft bill. Let me give you three examples.

First, clause 141 of Bill S-17 proposes to amend subsection 48(3) of the Pest Control Products Act by replacing the term "dwelling house," or "maison d'habitation" in French, with the term "dwelling-place," or "local d'habitation" in French. However, a document from the Library of Parliament analysts, dated September 13, 2023, states that the term "dwelling-place" does not seem to be a term that is used in English for "local d'habitation" in other statues. That is the case for section 109 of the Canada Marine Act and section 46.13 of the Pilotage Act, which are two provisions that are not included in Bill S-17. I am also wondering what the difference is between a "dwelling house" or "maison d'habitation" and a "dwelling-place" or "local d'habitation," since the term "dwelling-house" or "maison d'habitation" is used in 23 provisions of the Criminal Code and is even defined in section 2. This is an important question to ask

public servants, to ensure that Bill S-17 does not cause confusion by using the term “dwelling-place” or “local d’habitation” rather than “dwelling-house” or “maison d’habitation.”

• (1620)

My second example concerns clause 18 of Bill S-17, which proposes to amend paragraph of 27(1)(c.1) of the Citizenship Act to empower the Governor in Council to make regulations. According to the explanatory notes in Bill S-17, clause 18:

> . . . adds cross-references that should have been included in paragraph 27(1)c.1) when it was added to the *Citizenship Act* by the *Strengthening Canadian Citizenship Act*.

If Bill S-17 is referred to committee, I would like to ask the public servants to explain how, in their opinion, clause 18, which is intended to correct the omission of cross-references, is not in itself a substantive amendment to the regulatory power provided under paragraph 27(1)(c.1), given that the Governor in Council cannot exercise regulatory authority in any matter where cross-references were not included.

Third, clause 44 of Bill S-17 proposes to amend the French version of subsection 8(5) of the Public Service Superannuation Act. The explanatory notes state that clause 44:

> . . . corrects an error in the French version to make it consistent with the English version. The English version creates a coherent legal fiction while the French version creates one that is nonsensical.

I am of the opinion that the public servants need to give us more details to assure us that this measure in Bill S-17 will not change the substance or scope of subsection 8(5), which would be prohibited under the conditions of the Miscellaneous Statute Law Amendment Program. I note that the House and Senate committees did not ask any questions about clause 44 during their brief study of the draft bill, perhaps because they were short on time.

On another note, I would like to remind senators that the Senate committee has examined many miscellaneous statute law amendment bills after examining the draft versions. In fact, the Standing Senate Committee on Legal and Constitutional Affairs examined Bill C-60, the Miscellaneous Statute Law Amendment Bill, 2017, on November 29, 2017, Bill C-47, the Miscellaneous Statute Law Amendment Bill, 2014, on February 18, 2015, Bill C-40, the Miscellaneous Statute Law Amendment Bill, 2001, on December 5, 2001, Bill C-125, the Miscellaneous Statute Law Amendment Act, 1993, on June 9, 1993, Bill C-35, the Miscellaneous Statute Law Amendment Act, 1991, on February 12, 20 and 26, 1992, and Bill C-53, the Miscellaneous Statute Law Amendment Act, 1977, on June 16, 1977.

These many precedents show that there would be nothing unusual about Bill S-17 being sent to the Senate committee for an in-depth examination, even though the committee already examined the draft bill.

For all these reasons, I invite you, honourable colleagues, to vote in favour of the principle of the bill and refer it to the Standing Senate Committee on Legal and Constitutional Affairs.

Some Hon. Senators: Hear, hear.

[*English*]

Hon. Brent Cotter: Will Senator Carignan take a brief question?

Senator Carignan: Yes.

Senator Cotter: Thank you.

I want to begin by saying that I appreciate the fact that you read my speeches more closely than I do. I’m flattered by that.

I thought your arguments persuaded me that I was correct in one of my positions, which was the position that suggested expeditious consideration by the Legal Committee. I’m just asking whether you would agree with that as the approach — expeditious and timely consideration of it at the committee.

[*Translation*]

Senator Carignan: Yes, obviously, given the nature of the bill, I think that we must act rather quickly, but with all the depth that is possible at the Standing Senate Committee on Legal and Constitutional Affairs.

[*English*]

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Cotter, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of May 29, 2024, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, June 4, 2024, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

CRIMINAL RECORDS ACT

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Moodie, for the third reading of Bill S-212, An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation, as amended.
>
> And on the motion in amendment of the Honourable Senator Housakos, seconded by the Honourable Senator Martin:
>
> That Bill S-212, as amended, be not now read a third time, but that it be further amended, in clause 5, on page 3,
>
> (a) by replacing line 5 with the following:
>
> "**(a)** ten years, in the case of an offence that is prose-";
>
> (b) by replacing line 14 with the following:
>
> "**(b)** five years, in the case of an offence that is punish-".

Hon. Kim Pate: Honourable senators, this item stands adjourned in the name of the Honourable Senator McBean, and after my intervention today, I ask for leave that it stand adjourned in her name.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Senator Pate: Honourable senators, the amendment proposed by Senator Housakos to Bill S-212 on criminal record expiry would represent a return to increased wait times for criminal record relief of between 5 and 10 years, which, for the past decade, have failed to improve public safety. Instead, by throwing more barriers in the way of stable housing, jobs and other necessary tools for success for people working to move on from a criminal record and contribute to their communities, longer wait times for record expiry risk undermining, not improving, public safety.

Bill S-212 builds upon incremental steps by the government toward its commitment to roll back Conservative changes that increased the costs, complexity, wait times and, consequently, the barriers associated with accessing criminal record relief.

As debate on this and previous bills has already revealed, discussions of the criminal legal system often generate genuine fear and concerns that contribute to harmful myths and stereotypes, fed by political point-scoring about who is soft or who is tough on crime. I urge that we look clearly at the facts and work together to cut through what too often feels like a game of "True or False" because this is most definitely not a game. There are far too significant and potentially horrific consequences.

Decades of research and evidence make clear that the 2-year and 5-year wait times proposed by Bill S-212 will create both a more just and a safer system. These wait times require people to stay crime-free following the end of any and all sentences, not — as Senator Housakos suggested — that they run two and five years from the date of conviction or sentencing. Depending on prison time, parole or other components of the sentence, there are often many years — even multiple decades — between dates of conviction and end of sentence and then eventual eligibility for record expiry. This alone negates the perceived risk of recidivism. As research and government data reveal, after relatively few years of offence-free time in the community, those with records are no more likely than anyone else — even you or me — to commit crime.

• (1630)

From witnesses at committee — including Public Safety Canada — we heard that:

> It is true that the recidivism rates do decline over time. There are a number of studies that show that to be the case.

And:

> That's true of all different categories —

— of offence.

> . . . it's not the case that, for instance, all violent —

— or sexual —

> — offences have higher risks of recidivism.

When people are able to move on to find a safe place to stay and a job to support themselves and to build meaningful connections in their communities, time and again, they do incredibly well.

The Parole Board of Canada testified at committee that since 1970, almost 500,000 Canadians have received pardons and record suspensions, and 95% have remained crime-free. For the other 5%, according to Public Safety Canada, the majority of reconvictions were for liquor and traffic violations as well as property crimes. Perhaps most significantly, there was also a clear correlation between reconviction and unemployment.

When the previous Conservative government increased wait times to 5 and 10 years — measures that Senator Housakos proposes to recreate within Bill S-212 with his amendment — these wait times and other restrictions had no impact on the already very high, 95% success rate in the pardon system. People who obtained record relief continued to do well. The difference was that fewer people — especially from marginalized communities — were able to afford and access this record relief, and they had to wait longer to do so.

The importance of removing barriers to criminal record relief was underscored during public consultations on the Federal Framework to Reduce Recidivism in 2021-22, which, instead of focusing on further punitive consequences, emphasized social determinants of health that are shown to reduce recidivism, such as housing, education, employment, health and positive support networks.

It is not being able to integrate into society rather than having a criminal record that is most determinative of whether a person will be criminalized and convicted again. An expired record under Bill S-212 will improve chances of individuals' obtaining financial security, housing and social connections, thereby improving their chances of successful integration and decreasing their likelihood of engaging in criminal activity in order to survive.

In one study, out of a random sample of 401 people released from prison, those who were able to find employment were almost half as likely to be re-arrested. A five-year study of 6,000 people found that no matter the type of conviction, employment was the most significant factor in determining whether an individual would be successful in the community.

Removing barriers to employment and other means of finding meaning, a place in society and a means of supporting oneself and one's family is what Bill S-212 and its proposed wait times aim to support.

But what about the data cited by Senator Housakos? He raised concerns about record expiry for convictions related to child abuse, noting that offences relating to child pornography and trafficking have increased in recent years.

This increase has occurred over more than a decade, unaffected by changes to make criminal record relief less accessible. Changes to the law to exclude these convictions from being eligible for relief did not prevent or deter the harms Senator Housakos has raised, nor did they result in other positive effects.

The former critic of Bill S-212 argued that records relating to child sexual abuse should not be eligible for record expiry. There is no reason, however, for a distinction between offences in a record expiry regime. The sentencing system already provides a sentence that reflects and is proportionate to the type of conviction and circumstances of an individual. A two-tiered system for record expiry would create a secondary punitive sentence for those who have already served their time and been crime-free in the community.

I worked with men convicted of sexual offences before I had children. Most were racialized. Some had intellectual disabilities. Many had histories of past abuse and trauma. All were poor.

At the same time, I volunteered with women and children who were victimized and abused, particularly child victims of incestuous rape and abuse. Most perpetrators who were wealthy or privileged were never reported to police, let alone charged, prosecuted or convicted. Most perpetrators were men or boys related to or otherwise known to victims. For the few who might end up in court, sexual assault charges were the first to be plea bargained away. If the accused had the means, a phalanx of lawyers and professionals — psychiatrists, social workers and treatment providers — they would work to construct or twist creative legal arguments that excused the accused and silenced the victims.

Once you know these truths, you can't pretend that an alternate reality exists, nor can you subscribe to or perpetuate myths and stereotypes. So, what does this mean?

Colleagues, it goes without saying that I live in the same communities as you do. So, why would I promote anything that would put my children or yours at greater risk?

When I had children, knowing that most child sexual abuse is committed by those who have planned as well as opportunistic access to children, despite the nearly unbearable cost, I secured child care spots in professional child care centres with multiple staff. When others insisted on criminal record checks for workers, I pointed out that not all records should be an impediment and advocated instead for a staffing policy that ensured that no child was left alone with only one adult in the toilet or sleep areas.

According to Noni Classen, Director of Education at the Canadian Centre for Child Protection, criminal record and child abuse registry checks alone are ineffective in catching child abusers. She emphasized the reality that "most people who are problematic . . . will not come with a criminal record."

Why do I speak out against longer sentences and more punitive approaches to addressing violence and abuse? Because those approaches simply do not work. What does work is demanding that people walk their talk and demonstrate the behaviours and approaches we need and want to end harmful ideas, words and actions — be it in child rearing, relations between men and women, bullying or any other forms of abuse.

Courts are clear that "our society has no place for double punishment or discrimination on the basis of criminal record . . . ." As underscored by the Supreme Court of Canada:

> Individuals who have paid their debt to society are entitled to resume their place in society and to live in it without running the risk of being devalued and unfairly stigmatized.

Politicians and policy-makers often present carve-outs of certain types of convictions as inevitable or obvious, but these concessions and compromises serve only to prolong punishment. The data shows that they do not make people or communities safer.

Even under Bill S-212, however, not all offences are necessarily treated the same. Child abuse and sexual assault convictions would still appear as part of vulnerable sector checks, required when people apply to work or volunteer with children, seniors or others deemed vulnerable. Unlike other records, these types of convictions would also remain subject to revocation and cessation in limited situations, to account for barriers to reporting abuse and assault that may mean that relevant information is not available until after a record expiry has already occurred.

Under Bill S-212, police would also still be able to access expired records for legitimate investigative purposes. This access is as a result of an amendment I proposed in response to concerns from some Conservative colleagues and police.

Bill S-212 seeks to restore the original Criminal Records Act wait times of two and five years. When this act was legislated in 1970, the Honourable Robert McCleave, Conservative critic to the Solicitor General, offered the unanimous support of his party for the bill and for amendments that made pardons available for summary convictions sooner — after two years — which he called "most important."

As recently as 2017, the House Standing Committee on Public Safety and National Security called unanimously and across parties to review the accessibility of the criminal record system. Four out of five Canadians support some form of automatic record expiry, and the majority agree that current wait times are too long, with most suggesting wait times between one and five years for indictable offences.

• (1640)

More punishment may make us and some members of the public feel like we're accomplishing something. In reality, if we don't change behaviour and the conditions that give rise to inequities that have allowed mass criminalization and incarceration of those most marginalized, then we are not going to meet the expectations of Canadians in terms of improving community safety.

In short, punitive legislative changes do not make us safer. The negative consequences of restricting access to record relief and leaving people marginalized without safe housing or employment for longer periods is precisely why a former federal ombudsperson for victims of crime described the 2010 and 2012 restrictions on access to record relief as, ". . . a stupid thing to do."

Honourable colleagues, please join me in insisting on the wait times of two and five years proposed in Bill S-212 and on returning to the original intent of the Criminal Records Act and the cross-partisan consensus it represented, which is that the best way to ensure public safety is to allow people to move on from crime and integrate into society.

Meegwetch. Thank you.

Hon. Wanda Thomas Bernard: Would the senator take a question?

Senator Pate, when Senator Housakos moved this amendment last week, he stated that:

> We're taught from a very young age — regardless of race, colour, background or economic status — that you must work hard, play by the rules and try to be a law-abiding citizen and do good things in society. And when you don't, there must be consequences.

Do you agree?

Senator Pate: I think we would all agree with that. The reality, though, is that's not how the law is applied. We learn when we go to law school that the law applies equally to everyone, but we quickly see when we head out into society — especially if we head into our jails — that that's not true. Those who are criminalized and imprisoned are most likely to be the people who are failed by every other system: our child welfare system, our education system, our health care system and our juvenile justice system.

I would agree with the sentiment. I think the reality is very different. That's the only explanation for why, in our federal prison system right now, one in ten women are Black and one in two women are Indigenous. And the numbers have gone up in the relatively short period of time I've been in this place.

(Debate adjourned.)

CANADIAN HUMAN RIGHTS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

On Other Business, Senate Public Bills, Second Reading, Order No. 13:

> Second reading of Bill S-257, An Act to amend the Canadian Human Rights Act (protecting against discrimination based on political belief).

Hon. Salma Ataullahjan: Honourable senators, I note that this item is at day 15. Therefore, with leave of the Senate, I ask that consideration of this item be postponed until the next sitting of the Senate.

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

Hon. Senators: Agreed.

(Debate postponed until the next sitting of the Senate.)

HELLENIC HERITAGE MONTH BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Loffreda, seconded by the Honourable Senator Moncion, for the second reading of Bill S-259, An Act to designate the month of March as Hellenic Heritage Month.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Loffreda, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

NATIONAL DIFFUSE MIDLINE GLIOMA AWARENESS DAY BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Housakos, for the second reading of Bill S-260, An Act respecting National Diffuse Midline Glioma Awareness Day.

Hon. Rosemary Moodie: Honourable senators, today I'm honoured to speak as critic of the important bill brought by our colleague Senator Martin: Bill S-260. I thank Senator Martin for introducing this bill of which I am generally supportive.

Diffuse midline glioma is a particularly aggressive form of brain cancer that affects children around the ages of 5 to 10 years of age. As a senator particularly focused on children's health and well-being, my heart breaks for victims and their families, and my sympathies sit strongly with them. This is an awful, devastating disease that I've seen in some patients. I hope we as policy-makers can continue to strive toward an end to the suffering of these children as health care remains also a large part of this effort.

Cancer remains one of the most common killers in our society today. Around 85,000 Canadians lose their battles with cancer each year. Virtually everyone has been touched by this disease, as roughly two in five Canadians will have cancer in their lifetime while one in four will ultimately succumb to it. Cancer affects not only its victims but also those around them, who are often needed to care for their loved ones and who watch them deteriorate very slowly — particularly hard when this is a child.

However, it is important to remember that not all cancers are created equal. Some cancers are easily treated and even removable without treatment, while some, like diffuse midline glioma, are particularly harsh for the victims and their families. It is incredibly important that progress move forward at a constant pace on the worst cancers that affect people in our societies. Sadly, that has not been the case for this terrible disease.

As my colleague has noted — and the bill states — this cancer attacks the brain stem of the victim, impairing their vital motor functions, including such important actions as swallowing, chewing and speaking. Effectively, it does all of this while leaving the victim's cognitive functions more or less fully intact, leaving them conscious — completely aware — and a prisoner in their own body.

It is hard to get treatment for diffuse midline glioma. There is little access to services because few professionals deal with this problem, as is the case in many other areas of health care. But in a relatively unique way, one issue that is impacting this disease and its treatment is a complete lack of research and development for new and improved therapies. The terrible truth is that victims today have essentially the same treatment options as their counterparts did 40 years ago.

Diffuse midline glioma is typically treated with a round of radiation therapy, which, while it helps to alleviate symptoms in the short run, invariably results in the cancer's reappearance within six months. This disease is no minor ailment, colleagues. It is one of the most serious things with which a patient can be diagnosed.

• (1650)

The typical estimated survival post-diagnosis is a mere 9 to 15 months. Only 30% of patients are expected to live a full year; less than 10% live two years. Five years post-diagnosis, the survival rate is usually zero.

Remember, colleagues, that this disease primarily affects our children — children whose entire lives are before them but have them stolen by this incurable, fatal disease.

Honourable senators, this disease is putting our children through unspeakable horror before taking them from us. An effective treatment is needed, funding for research is needed and awareness is needed. I believe this bill is a positive step in the right direction.

I will share with you Adaura's story. Adaura Cayford was a girl with midline diffuse glioma who was taken from her family by the disease on July 1, 2020, after an 11-month battle. Adaura was like any other child. She loved her family, her dogs, the colour purple, movies, soccer, dancing, pancakes and swimming. It's a tragedy that Adaura was left with the same treatments and chance of survival as a patient would have had 20 years ago. She was doomed — not just by the disease, but by our lack of progress.

Across Canada, there are many more tragic stories like Adaura's. The only way we can stop this suffering is by developing new and more effective treatments. This is where key organizations such as Brain Canada come into place.

Brain Canada serves as a national convenor and enabler of the Canadian brain research community. This includes efforts to assess the different ways that brain diseases and disorders affect people at various stages of neurodevelopment and aging. Overall, Brain Canada's goal is to provide equal access to, and benefit from, the results of bold brain research.

We need to fund Brain Canada and the many researchers in Canadian institutions and private research companies who are working to study brain diseases. This is where the federal government can step in. By investing in researchers, Canada can help fight against diffuse midline glioblastoma and work toward making sure that this disease is no longer a death sentence for our children. This is why I encourage all senators to support this bill. Making May 17 "National Diffuse Midline Glioma Awareness Day" is a positive step in recognizing the collective effort that is needed to defeat this disease.

I'd like to thank my colleague Senator Martin, once again, for introducing this bill. Should it be adopted, we must not rest on our laurels. It is my significant hope that the government will take this bill as a starting point from which to launch concrete, effective action with adequate funds attached. Thank you.

Some Hon. Senators: Hear, hear.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Martin, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

CAN'T BUY SILENCE BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McPhedran, seconded by the Honourable Senator McCallum, for the second reading of Bill S-261, An Act respecting non-disclosure agreements.

Hon. Marilou McPhedran: Honourable senators, I note that this item is at day 15, and I'm not ready to speak at this time. Therefore, with leave of the Senate and notwithstanding rule 4-14(3), I move the adjournment of the debate for the balance of my time.

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

Hon. Senators: Agreed.

(Debate adjourned.)

NATIONAL STRATEGY TO COMBAT HUMAN TRAFFICKING BILL

SECOND READING—DEBATE ADJOURNED

On Other Business, Senate Public Bills, Second Reading, Order No. 18:

> Second reading of Bill S-263, An Act respecting the National Strategy to Combat Human Trafficking.

Hon. Salma Ataullahjan: Honourable senators, I note that this item is at day 15. With leave of the Senate, I ask that consideration of this item be postponed to the next sitting of the Senate.

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

Hon. Senators: Agreed.

(Debate postponed until the next sitting of the Senate.)

CRIMINAL CODE INDIAN ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Verner, P.C., for the second reading of Bill S-268, An Act to amend the Criminal Code and the Indian Act.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to speak to Bill S-268, An Act to amend the Criminal Code and the Indian Act.

Senators, this bill seeks to amend the Criminal Code of Canada in order to provide the governing body of a First Nation, or IGB:

> . . . exclusive authority to conduct and manage a lottery scheme on its reserve and to license the conduct and management of a lottery scheme by other persons and entities on its reserve . . . .

This is as long as the IGB provides notice of its intention to do so to the federal and provincial governments where the reserve is located. The bill also seeks to amend the Indian Act to grant the

council of the band authority to make bylaws regarding the operation, conduct and management of those proposed lottery schemes.

In Canada, commercial gaming is regulated at both provincial and federal levels. Federal law prohibits specific types of gaming under the Criminal Code, while provincial law regulates permissible types of gaming. This division was established by the Constitution Act, 1867.

Gaming regulation and legislation is unique to each Canadian province. They have the jurisdiction to pass gaming legislation to govern gaming within that province, such as B.C.'s Gaming Control Act and regulations, Saskatchewan's Alcohol and Gaming Regulation Act, 1997, or as in Ontario's regulatory scheme, which is a combination of the Gaming Control Act, 1992 and the Ontario Lottery and Gaming Corporation Act, 1999.

Provinces are currently required to conduct and manage all gaming activities offered and must take on a conduct and management role, even in partnerships with offshore gaming operators such as those in Ontario's new igaming regime. Provinces cannot unilaterally amend the Criminal Code of Canada to change who may conduct and manage gaming in Canada because the Criminal Code is federal legislation.

The Criminal Code of Canada makes gaming and betting illegal in Canada unless the gaming activity is conducted and managed by a provincial government, subject to some exceptions. In order to comply with the provisions found within the Criminal Code, any lottery schemes in Canada must be conducted and managed by a provincial government. Therefore, as the law currently stands, even on their own reserve lands, First Nations currently cannot offer gaming products like lotteries without them being conducted and managed by a province.

Bill S-268 would end the provincial governments' effective monopoly on the operation and management of lotteries in Canada.

Senator Scott Tannas said in his sponsor speech that Bill S-268 was primarily about two things: recognizing First Nations self-determination to manage gaming on their territory, and a means to economic reconciliation. I would like to congratulate Senator Tannas on his maiden sponsor speech, and I look forward to his further interventions at committee.

As Senator Tannas pointed out, Bill S-268 has the potential to generate enormous wealth for First Nations. The bill is also about fostering dignity, self-determination and cultural resurgence. When Indigenous peoples have control over their economic destiny, they can revitalize their languages, traditions and ways of life. Economic empowerment strengthens communities and enhances their capacity to address social challenges, from housing and health care to education and youth empowerment.

While Bill S-268 has potential to bring benefit, there are questions and concerns that must be — and I'm sure will be — examined at the committee stage by our very capable committee.

• (1700)

There are a number of questions that I will be seeking clarification on. For instance, details are scant surrounding what a gaming regime administered or operated by a First Nation would look like if Bill S-268 passes. Details regarding a gaming regulator for First Nations, including whether there will be a central Indigenous regulator, are unknown. What will cooperation among First Nations look like in this context? What kinds of resources will be required, and how or will they even be pooled and shared?

Under clause 1(5)(e), First Nations would be offering ". . . lots, cards or tickets in relation to a lottery scheme that . . . may be sold in the province . . . ." Would First Nations cooperate with provincial gaming corporations or compete with them? If this is the case, would provinces and gaming licence holders have a duty to consult with First Nations who they may be potentially competing with?

Would the gaming activities proposed in Bill S-268 include the right to conduct online gaming? Could First Nations take bets from a player located off-reserve, in another province or in another country, so long as the lottery scheme is conducted and managed on-reserve?

While the preamble of the bill refers to "Indigenous peoples," Inuit and Métis are potentially excluded from this bill. As we all know here in this chamber, there is a distinction among First Nations, Métis and Inuit. "First Nation" refers to a group of Indigenous peoples that the Canadian federal government officially recognizes as an administrative unit under the Indian Act, or that functions as such without official status. The term excludes Inuit and Métis peoples.

Although the bill recognizes the inherent and treaty rights of all Indigenous peoples, the bill proposes providing the governing body of a First Nation with the exclusive authority described above. If an Inuit or Métis Indigenous governing body wishes to create a lottery scheme, does the lack of reserve lands prohibit their involvement? Or do land claims and self-government agreements take precedence, thereby creating an unfair playing field, particularly in the case of Inuit peoples? We must ask these questions because the bill clearly isn't suggesting that these are new rights, but are, in fact, inherent rights of all Indigenous peoples.

In Saskatchewan, following the Bear Claw Casino acquittals, the provincial government and the Federation of Sovereign Indigenous Nations, or FSIN, entered into an agreement where the Saskatchewan Indian Gaming Authority, or SIGA, was created as a non-profit to operate six casinos in the province. Income from SIGA profits is divided, with 50% going to a trust for Saskatchewan First Nations, 25% going to the province and 25% going to community development where the casinos are located.

In my province of British Columbia, First Nations and the provincial government reached a 25-year deal in 2018 to create the BC First Nations Gaming Revenue Sharing Limited Partnership to support a long-term source of funding in order to invest in their communities' priorities. Under the deal, 7% of the British Columbia Lottery Corporation's net income will be shared with First Nations.

What happens to these agreements and others across Canada? And more importantly, what happens to the charitable and non-profit organizations that depend on these funds?

Many provincial lotteries allocate a portion of their revenue to support charitable organizations and community initiatives. These funds are often directed toward health care research, education programs, sports development, cultural events and other worthy causes, benefiting society as a whole. Will the money generated from the changes proposed in Bill S-268 continue this long tradition in Canada? In recognizing Indigenous rights to self-determination, that will be determined by the First Nation, but does this open up an unfair advantage to gaming operations that are not required to put profit back into the community?

Will we see casinos open across the country that rescind health bylaws on smoking, like we see in casinos on reserves operated under SIGA in Saskatchewan? Will drinking laws be changed? Does Bill S-268 perpetuate an unfair advantage for First Nations-operated casinos across the country?

I am not sure what the answers to all these questions may be. Bill S-268 needs a full review at committee, where experts in the field of online and conventional gaming can tell us their thoughts.

We need to hear from First Nations who are for and against the bill, and we need to hear from health authorities, charitable organizations, the provinces and legal experts about the ramifications of Bill S-268.

It is our duty as parliamentarians to vet the legislation before us, and I look forward to that opportunity at committee.

Thank you, colleagues.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

REFERRED TO COMMITTEE

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

Hon. Scott Tannas: Honourable senators, with leave of the Senate, I move:

That:

1. the bill stand referred to the Standing Senate Committee on Legal and Constitutional Affairs;

2. the Standing Senate Committee on Indigenous Peoples be authorized to examine and report on the subject matter of the bill; and

3. during its consideration of the bill, the Standing Senate Committee on Legal and Constitutional Affairs be authorized to take into account any public document or evidence received by the Standing Senate Committee on Indigenous Peoples during its study of the subject matter of the bill, as well as any report from that latter committee on the subject matter of the bill.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

INCOME TAX ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Dasko, for the second reading of Bill S-279, An Act to amend the Income Tax Act (data on registered charities).

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to speak to Bill S-279, An Act to amend the Income Tax Act (data on registered charities). Bill S-279 requires that every registered charity must, in its information return filed with the minister under section 149.1(14) of the Income Tax Act, indicate to the best of its knowledge how many of its directors, trustees, officers or like officials are members of each of the designated groups as defined in section 3 of the Employment Equity Act. Those designated groups include women, Aboriginal peoples, persons with disabilities and members of visible minorities. Armed with this information, they must prepare a report for Parliament summarizing this information for the consumption of interested parties.

The rationale for Bill S-279 is clear, as the Honourable Senator Ratna Omidvar pointed out in her speech: Its aim is to provide evidence of the diversity and equity of governance structures within the charitable sector.

Bill S-279 was born out of the 2019 Senate report entitled *Catalyst for Change: A Roadmap to a Stronger Charitable Sector*, from a special committee on which I served. This is specifically from Recommendation 8:

> That the Government of Canada, through 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.

• (1710)

During testimony, we heard from Cathy Winter, Program Manager, DiverseCity onBoard, Ryerson University — now known as Toronto Metropolitan University — that:

> There are over 170,000 non-profit and charitable organizations and hundreds of public sector agencies across Canada largely governed by boards of directors that do not represent the diversity of our nation's communities. . . .

Christopher Fredette, an associate professor at the Odette School of Business, University of Windsor, further remarked that the importance of diversity on boards establishes that:

> . . . the identification of needs, the setting of priorities, the making of decisions and the deploying of resources are undertaken by those who are legitimately reflective of their organization's constituents and their communities; and, second, to ensure that the interests of communities and constituents are understood intimately. . . .

We also heard that more than half of charitable organizations do not have protocols to record this data.

However, colleagues, despite the good intentions of this legislation, I have some questions about whether it is needed and where it would lead. Charities currently have different methods for selecting their boards, such as appointments or a combination of elections and appointments, as specified in their constitutions and bylaws. Are we suggesting that the government needs to become involved in this process by stipulating diversity requirements? If so, how would this impact those charities?

I note that, by nature, the current diversity levels of the governance structures of many charities reflect the unique mandate of each charity. For example, a charity devoted to the needs of a specific ethnicity will often be governed by a board of representatives from that ethnic group. Would this be considered a lack of diversity?

Even though the bill specifically notes that the report prepared by the minister must not identify individual charities, directors, trustees or officers, the very presence of such a report would create a lens through which the diversity of the governance of charitable organizations is viewed. Perhaps we are looking in the wrong place; perhaps the diversity we are looking for is already present, as reflected in the diversity of charitable organizations themselves rather than in the governance structure of each individual charity.

Today, we are considering this legislation at second reading, which means we are deciding whether to approve it in principle and send it to committee. I admit that I am undecided about the principle, but I will support the bill going to committee for further study and look forward to having my questions answered there. Thank you.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Omidvar, bill referred to the Standing Senate Committee on National Finance.)

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Dasko, seconded by the Honourable Senator Coyle, for the second reading of Bill C-252, An Act to amend the Food and Drugs Act (prohibition of food and beverage marketing directed at children).

Hon. Salma Ataullahjan: Honourable senators, I rise today to speak on Bill C-252, An Act to amend the Food and Drugs Act (prohibition of food and beverage marketing directed at children), also known as the child health protection act, as its official critic. I would like to thank Senator Dasko for sponsoring this bill in the Senate and my colleagues Senator Petitclerc, Senator Moodie and Senator Gold for also speaking on it. I would also be remiss to not underline the work done in the past to limit advertising to children by MP James McGrath, MP Peter Julian and former senator Nancy Greene Raine.

Bill C-252, or the child health protection act, aims to restrict advertising of foods and beverages with more than prescribed levels of sugars, saturated fat or sodium to children under the age

of 13. The previous version of this bill also aimed to protect teenagers from food and beverage advertising. Bill C-252 instead includes a parliamentary review within five years to examine if there has been an increase in advertising to Canadians between the ages of 13 and 16.

This bill comes at a time of great scarcity in terms of both time and money with the current cost of living. It could be a way of alleviating the mental load of parents and caregivers in terms of meal planning and grocery shopping. By this, I mean that food is meant to sustain our bodies, but the bulk of food and beverage advertising targeting children offers products with very little nutritional value and instead aims to make a profit.

Since children are not cognitively equipped to identify advertisements, it means that they can then apply pressure on their parents to purchase what they see on television or social media. Children can be very persuasive. It can also make it more difficult to teach them about healthy eating habits in the long run.

As Senators Dasko, Petitclerc and Gold have eloquently illustrated, Canadian children's health is at stake. Our diets are now sadly dominated by ultra-processed foods, which are high in salt, sugars and saturated fats, and children aged as young as 2 and up to 18 now get over half of their calories from these ultra-processed foods. This is not surprising in the least, as the Standing Senate Committee on Social Affairs, Science and Technology heard during their 2016 study on increasing obesity in Canada that the number of obese Canadian children had tripled since 1980.

Overweight and obese children are not only at an increased risk of premature onset of chronic conditions and diseases, but are also prone to greater degrees of bullying and at a higher risk of depression. This is not just about our children's bodies, but also their all around well-being. Overweight children exhibit higher levels of anxiety and lower body esteem in adolescence.

It can be particularly difficult to limit a child's exposure to marketing, as it has reached new heights with the wealth of personal data which is now available, thanks in part to social media. Marketers can now reach out to much more specific audiences with convincing messages crafted by teams of professionals and tested on focus groups. Hence, it comes as no surprise that a 2021 UNICEF report found that food marketing threatens children's rights, namely by exposing them to unhealthy food environments composed of highly processed, unhealthy foods that are more available and convenient.

By allowing such pervasive marketing and visibility of foods and beverages that can have important health consequences — such as heart disease, diabetes and some cancers — we are setting children up to fail. Yet each year, $1.1 billion is spent on marketing foods and beverages to kids in Canada. Over 90% of the food and beverage ads viewed by children online and on television feature products with high amounts of sugar, saturated fat or sodium. The worst part is that marketing to children works, as it builds brand loyalty and impacts the foods that they eat.

Many countries, such as the United States and Australia, continue to rely on industry-led self-regulation of food advertising to children. In Canada, industry introduced the Children's Advertising Initiative, or CAI, in 2007, which is a voluntary initiative restricting advertising of certain foods to children. However, Canadian research has demonstrated that it leaves children significantly exposed to food advertising.

The European Consumer Organisation published a report in 2021 on how self-regulation fails to prevent unhealthy foods from being marketed to children. For example, out of the 81 complaints submitted, only 14 were successful. After finding no positive outcomes from existing self-regulatory industry codes, the United Kingdom and Spain are in the process of developing their own regulations. In Canada, the province of Quebec has had legislation under the Consumer Protection Act since 1980, which prohibits advertising directed at children under the age of 13. I would like to note that this legislation was upheld by the Supreme Court of Canada under section 1 of the Charter of Rights and Freedoms.

• (1720)

Honourable colleagues, I believe the fact that Quebec's legislation was upheld by our highest court under the Charter of Rights and Freedoms is telling. Bill C-252 is not about industry's rights and privileges; it is about young Canadians' right to a healthy childhood. Children do not have the capacity to think about a balanced diet, and if all they see on television and online are ads for sugary snacks, they may not even know other options exist. To make matters worse, algorithms online contribute to the creation of echo chambers and targeted advertising.

However, the Quebec model is far from perfect. Professor Potvin Kent, during her testimony before the Social Affairs Committee, revealed that her research suggests children in Quebec continue to be exposed to food and beverage advertisements without being the targeted public. She referred to McDonald's ads that will advertise another snack or meal meant for adults instead of advertising a Happy Meal. In the end, children in Quebec and Ontario continue to be exposed to equal amounts of excessively sugary and salty foods.

Recently, another loophole in Quebec's children's advertising legislation was found in its inability to address internal advertising in video games, and more specifically the soccer simulation video game FIFA.

Researchers found that FIFA games promote "microtransactions" within the games through loot boxes that are often brightly coloured and can provide advantages through a lottery system which is comparable to gambling. The EU and the U.K. have been paving the way with regulatory language to curb the impacts of these loot boxes.

One of the current difficulties in properly assessing the situation is that current self-regulation practices lack transparency, especially regarding the number of advertisements currently targeting children.

According to Professor Potvin Kent from the Faculty of Medicine at the University of Ottawa, " . . . the self-regulation of food and beverage marketing in Canada has been a complete failure . . . . " as stated during the 2017 committee study of Bill S-228. For example, Professor Potvin Kent studied marketing targeting children before and after the implementation of the Canadian Children's Food and Beverage Advertising Initiative, or CAI.

Results show that food and beverage marketing increased by 17% in Toronto, 6% in Vancouver, and children and teenagers were targeted about 92% more. Simply put, advertisements by participating companies in the CAI have not changed.

To be clear, Bill C-252 is no panacea. Professor Potvin Kent has done a number of studies focusing on marketing targeting children before and after the implementation of the Canadian Children's Food and Beverage Advertising Initiative. Some of her results show that even under the Quebec model children continue to be exposed to food and beverage advertising. They simply are no longer the target audience.

This is not to say that the Canadian Code of Advertising Standards does not have merit. I believe this is a pertinent initiative from the industry that demonstrates a willingness to collaborate. The Code for the Responsible Advertising of Food and Beverage Products to Children came into effect on June 28, 2023, and prohibits advertising food and drinks to children under the age of 13 unless certain nutritional thresholds are met. This targets all advertisements that feature a food or beverage product, is primarily directed at children and appears in any media.

However, the code's greatest flaws are that participation is voluntary and compliance is on a complaint-driven basis. This not only puts the responsibility on the consumer to act as a watchdog, but also sidesteps any form of true accountability. To make matters worse, the code and guide state that non-compliance "may" be publicly reported.

This said, Bill C-252 certainly has its strengths. It will act as a good starting point to help Canadian children have the best start in life with, hopefully, a more balanced diet.

I must add that children's health does not depend solely on their exposure to marketing, but Bill C-252 may contribute to reducing marketing content and increasing educational content.

It is also consistent with the establishment of a high and consistent standard of living for children and youth across Canada as stated in Bill S-282, national strategy for children and youth act.

It is important to note that children's health is a complex issue that stems from many variables such as poverty, education, lifestyle and access to health care.

I also have a few concerns. The greatest one is related to Health Canada's view of this bill as a framework with regulations to come. It lacks clarity in its application, and we've seen with some bills, such as Bill C-41, that this can lead to delays and unfulfilled promises. I particularly worry about the timeliness of its policy update implementation.

I also believe that the parliamentary review on the potential increase in advertising to children may come too late. We need a long-term and rigorous approach as well as reliable and available data. One concern is that advertisers may simply target teenagers to make up for their lost market.

Including industry in the process could also be worthwhile, if only to strengthen communication, transparency and expectations.

A 2023 report by the Heart and Stroke Foundation combines results from three recent studies on the prevalence of point-of-sale marketing to children, or M2K, in stores and restaurants. Results show that 53% of stores had junk food power walls at checkout. I am aware this is outside of the scope of this bill as Bill C-252 focuses on television and digital media, but I believe it is something to keep in mind.

Up to 70% of consumer purchasing decisions are made in retail venues at the shelf. Hence, placement strategies are key marketing features within stores, and checkout aisles are considered key marketing areas to children in supermarkets.

In New Zealand, a study using wearable cameras to study children's everyday exposure to in-store marketing found that it was so high that it was deemed too extensive to code.

In Canada, a report by the Heart and Stroke Foundation suggests that policies restricting marketing to children should include point of sale, which echoes Health Canada's 2016 healthy eating strategy in which grocery stores and convenience stores were identified as being important settings to examine. We could gain from clear and consistent healthy checkout aisle policies, which are associated with an immediate and significant reduction in purchases of sugary and salty snacks — an effect sustained over time.

Finally, considering the difficulties we face every time we try to legislate anything online, I believe we need a clear approach to monitoring social media advertisements, particularly in terms of influencers. Children's screen time increased during the height of the pandemic, which also meant a greater exposure to food advertising; of Canadian children between the ages of 7 and 11, 26% now own their own cellphone.

It is estimated that children see five food ads per day on television and four on social media. It is estimated that teens are exposed to about 27 food ads per day on social media. We must keep in mind that the media landscape has greatly changed, and this is part of a much bigger issue of unregulated online spaces.

In order to truly fulfill its aim, Bill C-252 may require an advisory board. Rather than rely on sporadic public consultations, it could be beneficial to have a team of experts, as well as those with first-hand experience of targeted advertisements, comment on the implementation of this bill and its evolution.

In closing, Bill C-252 is far from perfect, but I applaud this attempt to better Canadian children's health. One thing I believe we must keep in mind is that when we discuss children's health and access to nutritious food, the onus should be on the advertisers and companies rather than the consumers.

I look forward to seeing this bill discussed in committee. Thank you.

[*Translation*]

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Loffreda, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

• (1730)

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—SECOND READING

Hon. Claude Carignan moved second reading of Bill C-320, An Act to amend the Corrections and Conditional Release Act (disclosure of information to victims).

He said: Honourable colleagues, I rise today to speak at second reading of Bill C-320, An Act to amend the Corrections and Conditional Release Act (disclosure of information to victims).

I would like to thank all MPs for voting unanimously in favour of this bill, which, if enacted, would be of significant benefit to Canadian victims of crime and their families. In particular, I applaud the work of its sponsor in the other place, Conservative MP Colin Carrie, for working to bring people together across party lines to pass this bill in the House of Commons.

The text of this bill is identical to two previous bills that unfortunately died on the Order Paper in 2019 and 2021 because federal elections were called. Those were Bill S-219, sponsored by Senator Boisvenu, and Bill C-466, sponsored by MP Lisa Raitt.

Bill C-320 would be a significant step forward in improving the transparency of the federal parole system for victims of crime and their families. Bill C-320 would ensure that they receive timely and accurate information about parole eligibility and other releases of offenders who committed crimes against these victims and their families.

[*English*]

Bill C-320 is short. It simply makes a targeted amendment to two sections of the Corrections and Conditional Release Act, sections 26 and 142. I'll return to them later in my speech.

[*Translation*]

What is the purpose of the bill?

Bill C-320 would address the false sense of security experienced by victims and their families. They often receive incorrect information about the offender's eligibility for release measures and the granting of that release, when they were under the impression that the offender would remain incarcerated for several more years. Flaws in the current legislation are causing this problematic situation, and that is exactly what Bill C-320 would correct if it were to come into force.

The bill seeks to improve the transparency of information provided to victims of serious criminal offences concerning the offender's release from the penitentiary. As a reminder, a penitentiary sentence is a term of imprisonment of two years or more in a federal institution. It is a heavy sentence and is therefore only given to offenders who have committed the most serious crimes, who have a long criminal record, or who pose a significant risk of reoffending, which could jeopardize public safety and the safety of victims.

For example, anyone convicted of murder in Canada is sentenced under the Criminal Code to life imprisonment, but various legislative provisions mean that they can qualify for and obtain temporary absences or parole well before the end of their sentence. These provisions and how they are applied by prison authorities are unfortunately not explained to victims when the judge hands down the sentence.

That's why Bill C-320 is designed to help victims and their families understand the reasoning behind certain decisions made by the Correctional Service of Canada and the Parole Board of Canada, which apply the rules that allow offenders to be released before the end of their sentence.

To this end, Bill C-320 proposes that, at the request of victims or their loved ones, they be provided with an explanation of how the offender's eligibility date for temporary absence, parole or statutory release is determined and the dates on which they will be granted.

Bill C-320 would ensure that these explanations are provided by two correctional authorities, specifically the commissioner of the Correctional Service of Canada and the chairperson of the Parole Board of Canada.

As I mentioned, Bill C-320 amends only two sections of the Corrections and Conditional Release Act. It amends section 26 of the act, which applies to the commissioner, and section 142, which applies to the chairperson, requiring them to provide these explanations to victims and their families within their respective areas of responsibility.

[*English*]

The many speeches made by members of Parliament on Bill C-320 tell us about the distressing experience of victims and their families, and invite us to empathize with them. Indeed, many of them revealed that they were stunned and petrified to learn, often by chance and without prior notice, that the offender has been eligible for or granted a release or temporary absence well before the end of the prison sentence imposed by the judge.

I would like to mention a few of these troubling examples.

[*Translation*]

First, in his speech before the Commons committee, MP Carrie talked about the unfortunate case of Lisa Freeman. The member explained that this woman's story is the inspiration for introducing the current bill and its previous versions, Bills S-219 and C-466. Ms. Freeman's late father, Roland Slingerland, a law-abiding citizen, father of three daughters, husband and veteran of the Royal Canadian Navy, was savagely hacked to death in 1991 by an axe murderer who was out on parole at the time. In 1992, the murderer was sentenced to life in prison for this crime, with no chance of parole for 25 years.

However, to the dismay of Ms. Freeman and her family, the murderer became eligible for day parole and escorted temporary absences in February 2012, only 20 years into what was supposed to be a life sentence. Ms. Freeman was also surprised to learn that the murderer had also been out on escorted temporary absences. What's more, when the murderer was transferred to another correctional facility outside Ontario that was only 10 kilometres from the home of Ms. Freeman's sister, the family was not informed until after the fact. In my opinion, it is obvious that the victim's family did not get all of the necessary information from the Correctional Service of Canada and the Parole Board of Canada.

As she writes in her 2016 book, *She Won't Be Silenced*, Lisa Freeman fought to make her voice heard by Canadian correctional authorities so that, in future, she and her family could get information on the parole process. I commend Ms. Freeman for her concrete, ongoing efforts to shine a light on the lack of transparency in this system. However, she should not have had to bear that burden. That is why I'm asking you to quickly pass Bill C-320 to prevent other victims from going through what Ms. Freeman had to endure in order to be heard.

In light of this, I share the indignation of MP Carrie, who told the House of Commons Standing Committee on Public Safety and National Security, and I quote:

> . . . a lack of transparency regarding how parole dates and eligibility are determined causes the victims of crime to experience confusion, frustration, trauma and resentment towards our justice system. . . .
>
> A sentence like life in prison without the possibility of parole for 25 years is meant to imply severity and punishment. This is simply not true. It is misleading to families, and it's also misleading to the public. Offenders serving a life sentence without parole for 25 years can be released on other forms of parole well before for personal development or temporary absences and community service work. What we are trying to correct with this bill is simply victims' access to this information as well as an explanation.

Another more recent example than the release of the murderer of Lisa Freeman's father is that of Paul Bernardo, who was transferred from a maximum-security institution to a medium-security institution in May 2023.

• (1740)

This notorious murderer had been sentenced in the 1990s to life imprisonment for the kidnapping, torture and murder of 15-year-old Kristen French and 14-year-old Leslie Mahaffy, as well as being convicted of manslaughter in the death of Tammy Homolka. Mr. Bernardo later also confessed to sexually assaulting 14 other women, most of them between 1986 and 1991. However, the victims and their families complained that they had not been informed or given any explanations about the transfer before it took place. In its June 26, 2023, report, a Correctional Service of Canada committee recognized the serious trauma this situation had caused:

> The Review Committee recognized that news of the transfer, including the nature of notification, caused emotional distress for victims, as referenced in the open letter by the Counsel for the families of Kristen French and Leslie Mahaffy.
>
> The Review Committee . . . recognizes that the notification in such close proximity to the event was undoubtedly and reasonably a source of surprise and shock to the victims. . . . The Review Committee recognizes that the victims in this case have experienced unimaginable pain and that they continue to experience profound impacts as they grapple with each decision and event in this case. Additionally, the Committee recognizes that there are many indirect victims who are also impacted in a multitude of ways by case developments.

Paul Bernardo's transfer aptly illustrates the problem with the current legislation, which results in a lack of transparency on the part of the correctional and parole system toward victims and

their families. They've been publicly advocating for better information for years, but the system unapologetically disregards their legitimate demands.

I'm not the only one who thinks so. MPs from various parties also condemned what happened in the Paul Bernardo case in their second reading speeches on Bill C-320 to illustrate how important this bill is for victims and their families. For example, here's what MP Peter Julian said:

[*English*]

> . . . It is the victims that are not provided with the appropriate transparency from our justice system and with the appropriate supports. . . .
>
> This bill is one example of how having that transparency around parole is vitally important. . . .
>
> With the Paul Bernardo case, we saw another example of victims not receiving information that was critical. We had a transfer within the system, but the reality is that that information flow, that transparency, that providing of information to victims, was not present. . . .

[*Translation*]

Here's another, even more recent example. It concerns Robert Pickton, the worst serial killer in Canada's history. This criminal was convicted in 2007 on six counts of second-degree murder and charged with another 20 murders. On February 22 of this year, he became eligible to apply for day parole. In other words, he became eligible 17 years into his life sentence.

[*English*]

Once again, the families of the victims have not been notified and have not received any explanations from the authorities. This is what Lorelei Williams, a cousin of one of Mr. Pickton's victims, reported to The Canadian Press:

> [Williams] said no one involved in the justice system informed victims' families that Pickton's day parole eligibility date was approaching, and she only found out after talking with a lawyer she knows.
>
> "They never learned how to work with us. They're just so insensitive," she said of members within the justice system.
>
> "I'm not shocked that they didn't tell us because they like to not tell us things."

[*Translation*]

Are we going to continue to allow the system to fail to inform the families of murder victims in advance when the offender will be released into their neighbourhood, when that offender has caused them suffering that will last a lifetime by forever depriving them of a loved one?

Bill C-320 addresses that problem. In short, this bill seeks to improve the transparency of the federal corrections and parole system. In order to achieve that objective, Bill C-320 would allow victims and their families to request an explanation from authorities as to how the dates of the offender's eligibility for or granting of temporary absences, parole or statutory release are determined.

By voting unanimously in favour of Bill C-320, MPs made a powerful gesture to promote important values under the Canadian Victims Bill of Rights, including the right of victims of crime and their families to be treated with dignity and compassion.

I therefore urge the Senate to pass Bill C-320 to continue the admirable, non-partisan work of MPs on this file. The failure to adequately inform victims amounts to adding to their trauma. They and their families are left feeling lost when faced with certain surprises, and they do not understand why the offender is released from prison before serving the full sentence.

Thank you, senators.

[*English*]

Hon. Kim Pate: Honourable senators, I speak today as the critic of Bill C-320.

I want to begin by emphasizing that having worked with and on behalf of victims — including surviving family members of murder victims — and having a member of our extended family murdered, I recognize the urgent need to provide remedial supports and services for victims and survivors whether or not perpetrators are ever charged or convicted, much less sentenced.

My goal is not to excuse breaches of the law or policy by correctional authorities nor is it to critique the intention and legitimate concerns of those trying to assist people who have been victimized. Rather my goal is to point out that these kinds of after-the-tragedy responses pile on to rather than address or alleviate the inadequacies of the criminal legal and penal systems. These measures increase restriction and punishment for people already subject to lifelong supervision and accountability as a result of the reality that they are serving sentences that do not expire until they die.

Those who are most violent, those who commit the most heinous offences, nobody has any illusions that they will ever re-enter our communities, yet those are the names too often trotted out.

Criminal law and the criminal legal system alone cannot prevent violence and crime. These are after-the-fact responses to violence that have already damaged and sometimes ended the lives of Canadians. As the National Inquiry into Missing and Murdered Indigenous Women and Girls revealed — and as my own more than four decades of work with and on behalf of marginalized, victimized, criminalized and institutionalized youth, men and especially women make painfully clear — the same factors of systemic inequality and exclusion that increase risk of victimization and harm, especially to women and children, also increase risk of poverty, homelessness and criminalization.

Bill C-320 doesn't address the economic, social, racial and gender inequality which fuels violence and is perpetrated in and by the criminal law and penal systems. Nor does it deconstruct the values and attitudes that reinforce that fabric. Providing

supports and services must be prioritized. The issue of violence and sexual violence are very serious, and the criminal legal system generally continues to fail marginalized victims.

The following published statistics provide insight into the reality that police and government recognize that victimization and criminalization are both intricately linked to social, racial, economic and health issues, and the usual responses of the Canadian government in terms of national standards and financial supports are not sufficient.

• (1750)

To illuminate, in 2022, Statistics Canada data revealed that of the 265 homicide victims who were racialized, 225 were Indigenous — more than six times the homicide rate of non-Indigenous people.

Some might express support for this bill on the basis of beliefs that those who commit violence must suffer or that the criminal legal system can adequately address the needs of victims by piling on punishments and penalties. Some would prefer that prisoners be exempt from human and Charter rights protections, especially those sentenced to life in prison for murder. Such attitudes ignore the reality that approximately half the women in federal prisons are serving sentences for convictions related to using force — sometimes lethal force — in response to violence first perpetrated against them or their loved ones, often their children. Many are ready to label those convicted as violent and these victims and survivors of abuse as dangerous without taking the time to understand the context in which these actions occurred.

This is all the more so for Indigenous women, who represent one in two, or 50%, of the prison population in prisons designated for women. Many have long histories of abuse or past trauma from residential school and child welfare experiences, and struggle to navigate inhospitable environments. These are not people who pose a risk to public safety, despite how they are too often labelled and prejudged. These are people in need of support.

The articulated goals of the proposed amendments to the Corrections and Conditional Release Act, or CCRA, in Bill C-320 are to better meet the needs of victims of crime by providing information to victims about how parole and temporary absence eligibility dates are calculated; avoiding misleading parole eligibility dates; improving the transparency of information from Correctional Service Canada concerning the movement of prisoners through and within the prison system, including changes in security levels and conditional release applications; and reinforcing victim access to and participation in hearings conducted by the Parole Board of Canada.

These are all currently part of existing law. The decisions of correctional authorities and officials regarding escorted absences, scheduling of parole hearings and other case management details are supposed to be made based on the progress of prisoners through their case management plan. While the perspectives of victims of crime are vital to a complete understanding of the impact of the actions of accused and convicted individuals, unlike inquisitorial approaches, the criminal legal system in Canada is meant to judge the actions of people against standards of behaviour acceptable in the community and to characterize breaches of those standards as offences against the Crown, not the individual victim.

Supporters of this and previous versions of the bill have claimed that prisons are not harsh enough environments — or even that they are luxurious. Those of you who have gone into prisons to meet with the people working and incarcerated in them — and especially those who conducted visits and investigations that contributed to the 2021 report of the Senate Human Rights Committee entitled *Human Rights of Federally-Sentenced Persons* — know that the reality is far from such stereotypic and incorrect descriptions.

Even those who participated in or read the report of the Human Rights Committee might be surprised at what those of us regularly visiting federal penitentiaries are observing — namely, increased use of isolation and more limited oversight of corrections since the implementation of Bill C-83; rising requests in prisons for medical assistance in dying, especially by prisoners with significant mental health issues and those at the beginning of lengthy sentences; the worsening or triggering of disabling mental health issues — those who don't have mental health issues before they go to prison are likely to develop them inside, and those who enter with mental health issues tend to see them worsen in prisons; limited access to programs and services to address underlying inequalities; and a lack of access to adequate resources, which contributes to people being criminalized in the first place.

I now turn to existing measures in place for victims. Within the federal prison system, victim registration systems already exist as a means for keeping track of a prisoner's progress through their sentence, as well as their parole and release dates. In addition to the National Office for Victims, there are provincial programs for victim information and support services.

Section 3 of the Corrections and Conditional Release Act outlines the following:

> The purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by
>
> (a) carrying out sentences imposed by courts through the safe and humane custody and supervision of offenders; and
>
> (b) assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.

Protection of society is the paramount purpose of the CCRA as set out in section 3. The measures in this bill do not provide people who have been victimized with the social, economic,

health and personal supports that they need and to which they are entitled, nor will such measures successfully deter crime, prevent future victimization or make communities safer.

This is the main reason that efforts to address the needs of victims are usually viewed as inadequate and unsatisfactory. Even a revamp of our entire legal system would be unlikely to remedy this. Rather, we need to address the many systemic failures of our social, economic and health systems if we truly wish to address the issues that contribute to victimization.

Most people I have worked alongside who have lived experience of victimization mention wanting two things: first, they want to know why they were victimized; second, they want to know what would prevent others from being similarly victimized. Offering longer, more punitive sentences or refusing to provide people access to cascading through the system when they earn that right are not generally victims' requests. However, too often, it is all that is offered to them. Some victims report feeling pushed to stay involved, while most just want to move on.

It is time to work together to ensure that all have access to more tangible supports that can not only address the harm and trauma but also help to prevent it. All of us — ourselves, our children and theirs, for generations to come — would benefit if we had a safer, more inclusive community that would take care of the needs of folks as they evolve and prevent the kinds of harms that this bill purports to address.

Meegwetch. Thank you.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

REFERRED TO COMMITTEE

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

(On motion of Senator Carignan, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

Hon. Yonah Martin (Deputy Leader of the Opposition) moved second reading of Bill C-321, An Act to amend the Criminal Code (assaults against persons who provide health services and first responders).

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, my colleague Senator Housakos was inadvertently called away, so I will be delivering his words here today. That is not to say that I don't entirely endorse every part of this speech — indeed, I do — but I want honourable senators to keep in mind that these are Senator Housakos's words and not mine.

Senator Batters: We might have some questions.

Senator Plett: Don't ask me too many questions once I've finished speaking, please.

> Honourable senators, I rise to speak to Bill C-321, An Act to amend the Criminal Code (assaults against health care professionals and first responders) — an effort to protect first responders and health care providers from assault during the execution of their duties.
>
> This proposed amendment to the Criminal Code is a simple one that would require the courts to take into consideration, at sentencing, when the victim of an assault is a health care professional or a first responder.
>
> I don't need to convince any of you of the critical role that our first responders and health care professionals play in our society. They run toward danger when others flee. They provide care and comfort in times of crisis. They are often the last or only ones to do so as our loved ones take their dying breaths.

• (1800)

> They often sacrifice their own physical and mental safety and well-being to ensure the safety and well-being of others. They are the backbone of our communities who deserve our utmost respect and protection.
>
> Unfortunately, despite their selfless dedication to serving others, first responders and health care professionals are often faced with violence and aggression in the execution of their duties. Whether on the streets, in people's homes or workplaces or providing care in a hospital setting, they are frequently subjected to verbal abuse, physical assaults and even threats on their lives. This needs to stop.
>
> We need to do more to protect first responders and health care workers by enshrining recognition of the unique vulnerability of first responders and health care professionals in the Criminal Code. Bill C-321 sends a clear message that attacks against these individuals will not be tolerated and will be met with severe consequences.
>
> Some may argue that existing laws already provide adequate protection for first responders and health care professionals. In reality, however, assaults against these individuals continue to occur at an alarming rate. Consider these appalling numbers, colleagues: Seventy-five percent of paramedics in Canada report experiencing violence of some sort while on the job.

> A recent survey conducted by the Canadian Federation of Nurses Unions showed that 61% of nurses across the country reported experiencing abuse, harassment and assault on the job. What's worse is those numbers don't tell the full story because they represent under-reporting of violence experienced by these professionals.
>
> Leading experts in the health care sector believe that health care workers will not report the violence that they will face due to fears of reprisal from their employers. This needs to change. We need to ensure that these professionals feel supported and not left to fend for themselves.
>
> Even for those of us who may not be convinced that sentencing acts as a deterrent for would-be assailants, we must consider that health care workers and first responders have said that sentencing requirements like those being proposed would encourage more victims of assault to report them.
>
> Furthermore, by explicitly recognizing attacks against first responders and health care professionals as aggravating circumstances, we send a powerful message about the value we place on their contributions to society. We reaffirm our commitment to supporting and protecting those who put themselves in harm's way for the greater good.
>
> It is also worth noting that assaults against first responders and health care professionals not only harm the individual victims but also have broader implications for public safety. Everyone is put at greater risk when these professionals are unable to perform their duties because of fear of violence.
>
> We rely on these individuals to provide essential services. Any impediment to their ability to do so jeopardizes the health and safety of our communities, not to mention that fewer and fewer people are choosing to even become paramedics, for instance. My office heard that a few weeks ago, when we met with members of the Association of Saskatchewan Paramedics. Colleagues, it's not because these people don't love their job or don't want to genuinely help others; on the contrary, they are crying out for our help.
>
> I would be remiss not to mention the sponsor of this bill in the other place, MP Todd Doherty, and the great work he has done on previous legislation for PTSD amongst first responders. Todd has been an incredible champion of these heroes. It is why I was more than happy to, again, sponsor one of his bills on behalf of these heroes among us.

Again, bear in mind this is Senator Housakos speaking.

> I've met with many of these paramedics, emergency personnel and health care workers. My own wife has spent her entire adult life working at a hospital in Montreal.

She does an excellent job. I know her personally. It is not my wife; it is Senator Housakos'.

> These men and women have dedicated their lives to helping and healing others. We are failing them, colleagues.
>
> As the Vice President of Client Outreach at Public Services Health & Safety Association said:
>
> > Health care employers consider violence an occupational health and safety issue, but it needs to be considered a care issue. There is absolutely no hope for quality of care without considering worker safety. Having safe health care workers means better care.
>
> We have an obligation to protect these people who provide such an important service to all of us. They should never have to endure violence or intimidation in the course of their work.
>
> By enacting legislation that explicitly recognizes attacks against health care professionals as aggravating circumstances, we need to send a clear message that such behaviour will not be tolerated and will be met with the full force of the law. This, colleagues, is not a matter of politics. It is a matter of basic human decency and respect for those who serve on the front lines of our health care system.
>
> Colleagues, I ask that we move this bill quickly to committee so that the Legal Committee can do its work and we can come back with legislation protecting and helping our front-line workers.
>
> Thank you, colleagues.

The Hon. the Speaker: Senator, do you have a question?

Hon. Hassan Yussuff: Yes. I want to take this moment to acknowledge the understudy of Senator Housakos for doing a brilliant job on his behalf.

The Hon. the Speaker: That was on debate.

Are honourable senators ready for the question?

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Plett, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

STUDY ON ISSUES RELATING TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY GENERALLY

TWENTY-FIRST REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the twenty-first report (interim) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled *Act Now: Solutions for Temporary and Migrant Labour in Canada*, deposited with the Clerk of the Senate on May 21, 2024.

Hon. Ratna Omidvar moved:

> That the twenty-first (interim) report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled *Act Now: Solutions for Temporary and Migrant Labour in Canada*, deposited with the Clerk of the Senate on Tuesday, May 21, 2024, 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 Immigration, Refugees and Citizenship being identified as minister responsible for responding to the report, in consultation with the Minister of Employment, Workforce Development and Official Languages.

• (1810)

She said: I will be brief. I have speaking notes, but I will go off script in the interest of time, because I know everybody is battling the clock. Instead, I'm going to give you a high-level overview of our recommendations in the hope that you will actually be teased enough to pick up the report and read it, because, colleagues, I tell you that the Senate Social Affairs Committee did an excellent job on an imperative and urgent subject, which is the condition for temporary foreign workers in Canada and the conditions facing their employers.

In Canada, the Temporary Foreign Worker Program was started 50 years ago, and since that time it has been added to in a piecemeal and reactive manner to the extent that it is a maze and very difficult for employers to navigate, and relatively impossible for the workers to do so.

We heard one resounding message in testimony and during our trip to New Brunswick and Prince Edward Island. The message from employers was this: Without temporary foreign workers, without my employees, my business would shut. And this is in essential industries such as seafood processing and the agricultural industry.

From the workers we heard that the conditions of their work, being tied to one employer, created vulnerability and conditions for abuse. We did, in fact, hear horrible stories of abuse, but I want to also admit that we met with employers who were very concerned about the bad apples in the ranks and they, too, wanted to correct the situation.

One impression stands out above all others. I believe we were in Prince Edward Island, in a very small community, and we visited a seafood processing plant. I don't know how many of you have been to a seafood processing plant — Senator Wells has. I had not, and, whilst I love lobster, I had not realized the dirty, difficult work that is involved in picking apart the claws and finding the meat. Even though technology will come, there are parts of this job that will have to be done by workers.

In this small community, we also heard that the workers had found a path to permanency because their employer was an enlightened one. Their children were going to school. The school was revitalized because there were children and teachers. The local church was alive again. This hopeful story in this little town — and Senator Kutcher will remember — somewhere near Summerside really gave us hope that Canada should be able to chew gum and walk at the same time. We should be able to treat temporary employees with dignity, and we should be able to meet the needs of employers.

We made six recommendations, and I'm going to go over them very quickly.

Our first and most important recommendation is to create a migrant worker commission modelled on the Employment Insurance Commission. There would be a commissioner for employers, a commissioner for migrant workers and there would be a commissioner for government. It would be the first direct line of communication between migrant workers and a voice in Ottawa, which they do not have.

We didn't want to be reactive; we wanted to be thoughtful. Our second recommendation was, over the next three years, to phase out closed work permits, because they provide no flexibility. We also heard from employers that closed permits prevent them from moving an employee from one job to another because the permit doesn't allow that. It prevents them from moving an employee from one part of their plant located in one area to another plant because the work permit does not allow that. It prevents them from promoting their employees, because the work permit does not allow that. Flexibility is lacking.

For the employee, there is no flexibility at all. They're tied to the employer. There is a tip line they can call, and then they have to prove conditions of abuse with photographs. For that, they need privacy and internet connections — it makes it very difficult.

Over the next three years, we recommend that the Government of Canada phase out closed work permits and replace them with open work permits in a sector/region. As an example, a seafood processing work permit for X number of employees would allow them to work in the seafood manufacturing industry, but not necessarily tied to one employer or one job or one specific location.

We also want the government to be transparent about numbers, and when they table their annual immigration plan there must be a line for temporary foreign workers. Canadians deserve transparency. I believe all of this temporariness has taken Canadians by surprise.

We recommend that the government fund, on a generous, permanent level, a migrant worker commission. These would be advocates who are able to provide legal advice, health advice and other kinds of advice to workers.

Inspections were a sore point for everyone. You have to remember there are many cooks in this kitchen. There is a federal authority, a provincial authority and a regional authority. Every one has an inspection regime, and one arm doesn't know what the other is doing. Employers are inundated with inspections, and this gets in the way of their productivity. And, more importantly, most of these inspections are scheduled. I think we know what that could lead to: It leads to a certain kind of social engineering, I would suggest. We recommend that, as a standard, inspections should be unscheduled.

We heard about a lack of access to health care even though employers are required to provide health care, either on a private basis or through provincial health care programs, but we also determined that people fall through the cracks. We urge the federal government to enforce access to health care and, if necessary, deploy the interim federal health program as a measure.

Finally, there is a dearth of data. There is a data deficit because there are so many cooks in this kitchen. We ask the federal government to undertake a data strategy that coordinates and provides us with the information we need.

Colleagues, I hope I have given you a very superficial taste of the excellent work my committee did. I want to thank the members of my committee with my whole heart. They are fantastic, including the staff of the committee and our clerk who put all this together in a very short time and produced a report that we hope the government will respond to very positively.

Thank you.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

THE SENATE

MOTION TO CALL ON THE GOVERNMENT TO DENOUNCE THE ILLEGITIMACY OF THE CUBAN REGIME—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Wells:

That the Senate call on the Government of Canada to:

(a) denounce the illegitimacy of the Cuban regime and recognize the Cuban opposition and civil society as valid interlocutors; and

(b) call on the Cuban regime to ensure the right of the Cuban people to protest peacefully without fear of reprisal and repudiation.

Hon. Tony Loffreda: Honourable senators, I note that this item is at day 15 and Senator Clement is not ready to speak at this time. Therefore, with leave of the Senate and notwithstanding rule 4-14(3), I move adjournment of the debate in the name of Senator Clement for the balance of her time.

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

Hon. Senators: Agreed.

(Debate adjourned.)

• (1820)

MOTION TO URGE GOVERNMENT TO ACCELERATE THE IMPLEMENTATION OF DIGITAL SOLUTIONS THAT TRANSFORM THE PUBLIC SERVICE DELIVERY EXPERIENCE OF CANADIANS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Deacon (*Nova Scotia*), seconded by the Honourable Senator Smith:

That the Senate call on the Government of Canada to replace its outdated program delivery and information technology systems by urgently accelerating the implementation of user-friendly, digital solutions that transform the public service delivery experience of Canadians, and ultimately reduce the cost of program delivery.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I move the adjournment of the debate for the balance of my time.

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

Hon. Senators: Agreed.

(On motion of Senator Martin, debate adjourned.)

ROLE OF LEADERS' DEBATES IN ENHANCING DEMOCRACY BY ENGAGING AND INFORMING VOTERS

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Dasko, calling the attention of the Senate to the role of leaders' debates in enhancing democracy by engaging and informing voters.

Hon. Tony Loffreda: Honourable senators, I note that this item is at day 15, and Senator Clement is not ready to speak at this time. Therefore, with leave of the Senate and notwithstanding rule 4-14(3), I move the adjournment of the debate in the name of Senator Clement for the balance of her time.

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

Hon. Senators: Agreed.

(Debate adjourned.)

INTIMATE PARTNER VIOLENCE

INQUIRY—DEBATE CONCLUDED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Boniface, calling the attention of the Senate to intimate partner violence, especially in rural areas across Canada, in response to the coroner's inquest conducted in Renfrew County, Ontario.

The Hon. the Speaker: I wish to inform the Senate that if the Honourable Senator Boniface speaks now, her speech will have the effect of closing the debate on this inquiry.

Hon. Gwen Boniface: Honourable senators, it has been 19 months since I initiated this inquiry for debate. Tonight, I seek to close it, and I thank you for your indulgence. I do this not because I believe everything has been said, but because I am assured by the number of advocates for victims of intimate partner violence present in this chamber who — I know — will continue this discussion here and elsewhere.

In the period from when I first spoke until November 2023, at least 58 women were killed in Ontario under intimate partner violence circumstances. This continues intimate partner violence's upward trajectory over the past four years — higher than the average pre-pandemic rate.

I would like to extend my thanks and gratitude to those who have contributed remarks to this inquiry. Senators Hartling, Boyer, Seidman, Coyle, Bernard, Pate and Cotter have all offered pertinent and sometimes shocking information to the discussion. I am grateful for the expertise that each of you has brought to this debate.

There have been many developments surrounding intimate partner violence in Canada since I first spoke in October 2022 — not all of which have been positive, but many have been. At the federal level, the Government of Canada released its National Action Plan to End Gender-Based Violence in November 2022. This action plan has been in development since 2017, and, according to Crystal Garrett-Baird, the director general addressing gender-based violence at Women and Gender Equality Canada, the plan:

> . . . was informed by over 1,000 recommendations and responds directly to years of calls from survivors, experts and advocates, as well as domestic and international organizations, for Canada to take stronger action to end gender-based violence, including intimate partner violence. . . .

This information was recently shared at our Social Affairs Committee during the study of Bill S-249, which is Senator Manning's bill to create a national strategy for the prevention of intimate partner violence. As we know, Senator Manning has spent years on this issue, and we all thank him for his dedication.

Furthermore, MP Laurel Collins has a bill currently at the report stage in the House of Commons that seeks to criminalize coercive and controlling conduct of an intimate partner. This bill responds to Recommendation No. 85 of the Renfrew County coroner's inquest to create a stand-alone offence for this type of behaviour.

Other initiatives have been brought forward by our former colleague Senator Boisvenu, and we passed a bill sponsored here in the Senate by Senator Dalphond which considered an electronic monitoring device be included as a condition of a release order after being charged, along with judicial training on matters related to this topic.

Senators, there is even evidence that our own administration is moving from the shadows on this issue. The drop-down menu when creating a Unit4 staff leave request now contains domestic violence as a reason for said leave. In all of my years involved in various organizations, this is the first time I've seen such a thing — we're trending in the right direction.

Moving to provincial developments, Ontario's initial and final reports in response to the coroner's inquest into the triple homicide in Renfrew County — the namesake of this inquiry — have been released. I have a sense of optimism having read the responses, but the province could have — and should have — gone further on many of the recommendations. Those recommendations that I referred to during my first speech were partially accepted by the province. They include the creation of an emergency fund, stable funding going forward, second-stage housing and professional education and training for justice system personnel on intimate partner violence-related issues, including taking into account rural factors.

The only recommendation that was fully agreed to was in relation to cellphone and internet service. Ontario claims to have a plan to implement cellphone service and high-speed internet in rural and remote areas by the end of 2025. This is a win for victims, as the ability to reliably communicate is essential.

Recommendation No. 1 of the coroner's inquest was to formally declare intimate partner violence an epidemic. In Ontario's final response to the inquest, they didn't agree with this recommendation, as the term "epidemic" didn't align with the technical usage of the word as the spread of communicable infection or disease. The fact that the coroner made this the first recommendation is important, and the fact that Ontario didn't initially agree with it in their final response is concerning.

Ontario has since given public support for an NDP bill in the legislature seeking to call intimate partner violence an epidemic provincially. Ontario's apparent about-face is wholly welcome, albeit a delayed opportunity, and we can only hope the government will ensure ongoing support for the passage of this bill.

This follows the calls from nearly 100 municipalities in the province putting forward and passing motions declaring it an epidemic. It is very much our municipalities that have led the way, and I'm proud to say that my hometown of Orillia was one of the latest to do so. But others, such as those as big as Toronto and as small as Perth, have done the same. Our capital city did so in March 2023 on International Women's Day.

While there is reason for optimism, stories remain that invoke reticence and reflection. On the four-year anniversary of the mass shooting in Nova Scotia, the justice minister of the province said that he doesn't believe intimate partner violence is an epidemic. To remind colleagues, a good portion of the Mass Casualty Commission's final report spoke to intimate partner violence and even referred to the Renfrew County inquest. The Mass Casualty Commission report also urged all levels of government to declare intimate partner violence an epidemic.

This resulted in Nova Scotia's justice minister's resignation after calls to do so from opposition parties and women's organizations. This is a reminder that as far as we've come on this, some of the thinking can still be antiquated. Another reminder is how this issue remains largely cloaked in the shadows, with so many victims preferring to keep silent.

I'd like to give you an account of a case that I was involved in when I was in the Crown attorney's office. It is etched in my brain — it was 40 years ago.

A young woman in her mid-thirties was so afraid of her partner that she had a will drafted to ensure that her children would be looked after when he finally got her. She was stabbed repeatedly.

The first responder on the scene was a paramedic. In his evidence in the courtroom, he referred to seeing a man down the hallway in a long coat and red running shoes. Honourable senators, they weren't red running shoes. It will be forever etched in my brain as someone who merely listened to the evidence as part of the Crown's team, but it will be etched in that family's memory forever, and it will be etched in those first responders forever as well. This is a matter we need to take seriously.

It wasn't long ago, as it was only 1982 — the year of the Canadian Charter of Rights and Freedoms — when member of Parliament Margaret Mitchell rose in the House of Commons and informed MPs that 1 in 10 men beat their wives regularly. All of us who are of a certain age will remember the response in the chamber — it was laughter. Colleagues laughed for acknowledging intimate partner violence at that time.

Forty years later, we are finally seeing some lasting change in announcements. This is a far cry from the situation back then, but the fight isn't over, and as Senator Cotter recently said, we need more men to step up to help tackle the challenge. We owe it to all victims and families struggling with intimate partner violence to continue pushing this issue, but we can't leave out the most vulnerable — our uniquely affected, our deeply exposed rural residents.

• (1830)

I close by remembering Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam, the victims of the Renfrew County inquest. Their murders were the basis for this inquiry. Thank you. *Meegwetch*.

Hon. Senators: Hear, hear.

(Debate concluded.)

(*At 6:32 p.m., the Senate was continued until Tuesday, June 4, 2024, at 2 p.m.*)

CONTENTS

Thursday, May 30, 2024

PAGE

SENATORS' STATEMENTS

ROUTINE PROCEEDINGS

QUESTION PERIOD

CONTENTS

Thursday, May 30, 2024

CONTENTS

Thursday, May 30, 2024