SENATE SÉNAT

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(HANSARD)

Tuesday, October 8, 2024

The Honourable RAYMONDE GAGNÉ,
Speaker

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# THE SENATE

**Tuesday, October 8, 2024**

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

Prayers.

## ANNIVERSARY OF OCTOBER 7 ATTACK ON ISRAEL

SILENT TRIBUTE

**The Hon. the Speaker:** Honourable senators, yesterday marked one year since the horrific attacks on Israel that saw over 1,200 killed and 240 hostages taken.

Please join me in rising for a minute of silence in memory of the lives lost.

(*Honourable senators then stood in silent tribute.*)

## BUSINESS OF THE SENATE

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

Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

[*Translation*]

## NEW SENATOR

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

INTRODUCTION

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

The following honourable senator was introduced; presented His Majesty's writ of summons; took the oath prescribed by law, which was administered by the Clerk of the Senate; and was seated.

**Hon. Suze Youance**, of Blainville, Quebec, introduced between Hon. Marc Gold, P.C., and Hon. Marie-Françoise Mégie.

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

• (1410)

CONGRATULATIONS ON APPOINTMENT

**Hon. Marc Gold (Government Representative in the Senate):** Honourable senators, today, on behalf of the Senate, I would like to welcome our new colleague, Senator Suze Youance.

Senator, you're joining this chamber as an engineer with 25 years of experience and as a professor who has been a lecturer and research assistant at the École de technologie supérieure de Montréal since 2008. You also worked in radio and television, hosting two programs about engineering and sustainable development.

I'm sure you've already realized that the Senate is a unique workplace, but the experience you've gained over the past few decades will serve you well.

You're also bringing an important perspective as chair of the board of directors of the Bureau de la communauté haïtienne de Montréal and a member of the board of directors of the Société d'habitation et de développement de Montréal. We'll all benefit from the significant contribution you'll make to our many debates in this chamber with your voice and your ideas.

I would like to take a moment to acknowledge your years of work in promoting women in science, technology, engineering and mathematics, not only as a professional role model for so many women and girls, but also as the President of the Scientific Council of the UNESCO Chair Women and Science for Development in Haiti. I have no doubt that you will use your role as senator to continue to inspire countless women and girls to enter the fields of science, technology, engineering and mathematics and, I hope, politics.

As I have already mentioned to several of your colleagues, we have all been where you are today, and while it can feel intimidating at first, know that each of your new colleagues will be happy to answer your questions, give you advice or point you in the right direction.

Once again, dear colleague, I welcome you on behalf of the Senate of Canada.

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

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Roland Lubin, husband of Senator Youance, and their children, Chloé and Loïc. They are accompanied by Pierrette Youance, Yves François Forges, Valérie Youance and Vanes Youance.

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

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

### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, I received a notice from the Facilitator of the Independent Senators Group who requests, pursuant to rule 4-3(1), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Frances Lankin, P.C., who will resign from the Senate later this month.

I remind senators that pursuant to our rules, each senator will be allowed only three minutes and they may speak only once.

These times do not include the time allotted to the response of the senator.

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[*English*]

## SENATORS' STATEMENTS

### TRIBUTES

THE HONOURABLE FRANCES LANKIN, P.C.

**Hon. Raymonde Saint-Germain:** Honourable senators, today I pay tribute to a pioneer of Senate reform, the Honourable Frances Lankin, who, in eight and a half years, will have left an indelible mark on this institution, a lasting legacy.

Prior to her appointment in 2016, she already had led a successful and distinguished career. Her record of public and community service is nothing short of impressive. She's an experienced parliamentarian — formidable, even — who sat at Queen's Park both in the opposition and in the government as a key minister.

Thanks to her staffer Rose Désilets, who describes Senator Lankin as the best boss she ever had, I dug up this statement from 2008, which seems to be a good representation of her motto:

> Not all problems can be fixed by politics alone . . . but very few problems can be fixed without engagement and involvement into politics.

And she helped resolve many a problem in the Senate, armed with her determination and devotion, both as unwavering as they are inspiring.

From a legislative perspective, our country's women and girls owe Senator Lankin a debt of gratitude for making our national anthem more neutral and inclusive, thanks to her astute sponsoring, in terms of both content and procedure, of Bill C-210, An Act to amend the National Anthem Act (gender).

Her unrelenting efforts to eliminate gender-based discrimination and to protect the rights of Indigenous peoples led to the adoption of Bill S-3, An Act to amend the Indian Act in response to the Superior Court of Quebec decision in *Descheneaux c. Canada (Procureur général)*. Her efforts to add the consideration of psychiatric and mental problems in pre-sentence reports and evaluations led to amendments to the Criminal Code through the adoption of Bill C-375, An Act to amend the Criminal Code (presentence report).

She always rose to defend workers when power relations were uneven. Her strong and assertive remarks during two forced back-to-work legislation debates still resonate today.

Let me quote from her speech on Bill C-58, An Act to amend the Canada Labour Code and the Canada Industrial Relations Board Regulations, 2012, earlier this year:

> . . . the trade union movement has seen — and their members, workforces, families and communities have felt — the effect of this imbalance in the labour relations situation for many years. . . . I hope you feel the weight of the history of the vote we are about to take, and what it means for working women and men, families and the future of labour relations in this country. . . .

A master of parliamentary rules and principles, Frances built relationships with members of all caucuses and groups and worked toward Senate modernization, one of the reasons she joined this chamber. Every senator from the Independent Senators Group, or ISG, and particularly the members of the facilitation team throughout the years, owe her an enormous debt.

She was always a wise mentor and a strong ally to her parliamentary family. Unprompted, often behind the scenes, she never hesitated to offer her colleagues sage advice to prevent them from making a blunder or to help them fix one.

• (1420)

Today, we also bid farewell to a very compassionate colleague who, when facing life's challenges, showed and continues to show courage and wisdom.

Dear Frances, on behalf of your entire Independent Senators Group, or ISG, family, I express our gratitude and wish you the very best for your next chapter. This is only goodbye.

**Hon. Marc Gold (Government Representative in the Senate):** Honourable senators, my dear Frances: Senator Lankin was one of the first senators to be appointed by Prime Minister Trudeau back in March 2016 after a fulsome and distinguished career, as Senator Saint-Germain mentioned — a lifetime of public advocacy on behalf of working people, the rights of women and the neglected.

As a senator, she has distinguished herself in many ways. I won't repeat them, except to underline that she has also been a member of the National Security and Intelligence Committee of Parliamentarians, or NSICOP, since its inception, building on previous work in this area before she joined us. Most recently,

she lent herself to our team in the Government Representative Office, or GRO, for a limited period to help spearhead very overdue and much-needed reforms in the Senate.

In all of this, and in your many other rarely scripted interventions in the chamber — and I'm trying to honour you by not reading a speech today, but I'm being timed — your interventions were always thoughtful, pertinent and to the point. In my humble opinion, you have been a model of what it is to be an independent-minded senator in a Senate that aspires to be less partisan and to be independent from interference from the political centre.

In that regard, you have been a model to me too. You have shown respect for the importance of our work in the Senate and the value that we can and do add to the legislative process when we apply ourselves to the serious study of legislation. You have understood and helped us understand that this is a very important role, but it's a modest one because we must take into account our constitutional role as an unelected chamber that is complementary to the elected house.

You and I have not always agreed on matters of policy, but with regard to our fundamental values and where we stand in terms of the work we do on behalf of Canadians, I couldn't feel more aligned with you. I don't want to embarrass you, but you've been a mentor to me — without me asking because I wasn't smart enough to ask. You led by example from the very first day that I joined the ISG — we were a small group in those days, with many of you still in the chamber — and for the days leading up to me assuming this role as Government Representative. Throughout, you have helped me better understand than I would have on my own what it is to model the behaviour of a Government Representative in this place.

I see that my time has run out. You're an example of the nobility of politics when it is practised with integrity and respect. You never hesitate to call out behaviour that is not respectful, and I admire you for that. You've been a great friend to me and my dear wife, Nancy. We are going to miss you enormously, Frances. Thank you.

**Hon. Donald Neil Plett (Leader of the Opposition):** Honourable senators, I also rise today to pay tribute to Senator Frances Lankin.

As has already been stated, Senator Lankin was appointed by the Prime Minister on March 18, 2016, to serve in the Senate. Prior to being appointed to the upper chamber, Frances Lankin served in the Legislative Assembly of Ontario for 11 years, where she held various cabinet roles in the Bob Rae government and in opposition. Her dedication to public service spans more than 30 years.

Colleagues — and I know Frances — I doubt that any of you will be surprised by me stating that Senator Lankin and I have rarely seen eye to eye on political matters. Ideologically, we were adversaries. However, over the years in this chamber, I have truly come to appreciate Frances Lankin. I even believe that we are very similar in certain respects: We are always up for a challenge and we both like a good political debate. Simply put, we like a good, respectful fight of ideas.

A prime example is that Senator Lankin has been a fierce advocate of Trudeau's so-called ". . . more independent and non-partisan Senate." I, on the other hand, have raised questions and concerns about it. Colleagues, I believe that by debating various perspectives and opposite ideas, we create a healthy, democratic process, which makes the Senate a better place.

I also believe Senator Lankin wanted me to make these remarks today because, in her retirement announcement email, she wrote that she intended on ". . . leaving quietly unless a certain friend really, really provokes me." Colleagues, Senator Lankin is not a quiet person in this chamber, and so I had no choice but to lay the groundwork to ensure that we get one last good brawl in this chamber.

Senator Lankin, your friendship will be missed. Our conversations over a good glass of whisky will be missed. Lastly, your so-called non-partisanship will be missed, especially when we debate government legislation where you have held a strong and thoughtful presence by asking questions and making impromptu speeches.

Friendship should never be based on whether we agree or don't agree. Frances Lankin, I truly call you a friend. I know that the last few years have been difficult for you. As such, we all understand and respect your desire to start a new chapter, and we wish you the very best. Please know that a good political brawl is just a phone call away. Happy retirement.

**Hon. Robert Black:** Honourable senators, on behalf of the Canadian Senators Group and as a fellow Ontario senator, I rise today to pay tribute to our esteemed colleague the Honourable Frances Lankin upon her retirement.

To start, a little-known fact: She was the nine hundred and twenty-eighth senator to be appointed to this august chamber. Her relentless advocacy for social justice, human rights and the rights of workers and women has been a hallmark of her distinguished career here in our chamber and beyond.

She has a passion for serving Canadians. From her early days as an elected member in the Legislative Assembly of Ontario for Beaches–East York in 1990, to her instrumental roles as Minister of Government Services, Chair of the Management Board of Cabinet, Minister of Health and Minister of Economic Development and Trade, Senator Lankin has left an indelible mark.

I remember her in those days. She was a member of the Ontario cabinet and responsible for JOCA, Jobs Ontario Community Action, with me as a relative newbie in the Ontario Public Service, serving on the front lines of JOCA. From what I could see and hear in the trenches, she was fair and just. However, she was party to Ontario's "Rae Days," those mandatory days off without pay that we had to contend with and one of her government's lesser-enjoyed initiatives.

Colleagues, this morning I received this from the Honourable Bob Rae, Ambassador and Permanent Representative of Canada to the United Nations and a long-time friend and colleague:

> Frances is thoughtful, caring and never afraid to lead. In everything she's done, she has quickly established herself as the go-to person.

Over the weekend, I reached out to a fellow cabinet minister from her time in Ontario politics and received this from former agriculture minister Elmer Buchanan:

> Frances was a successful Minister of three portfolios, but the one that doesn't often show up on her bio was that she chaired Cabinet meetings. Having been a former guard at the infamous Don Jail in Toronto, Frances was a tough, fearless chair who, when she thought she was on the correct side of a discussion, did not back down. Not even from Premier Rae!

Elmer also noted that if my remarks were to be given in a less formal setting, he would have suggested much more colourful language.

Colleagues, her passion and devotion for serving Canadians did not wane after leaving provincial politics, as we've heard. Her work on multiple committees, where she has since provided invaluable insights and enriched legislation here in the chamber, will continue to benefit Canadians for generations to come. Her unwavering commitment to human rights and her ability to inspire others to engage in public service has left an indelible mark.

Senator Lankin, it has been a profound pleasure and privilege to work collaboratively with you.

• (1430)

One initiative that stands out is related to the Agri-Food Pilot project. Along with Senator Lankin and Senator Omidvar, we co-signed a letter to numerous ministers aimed at addressing a critical need in the agriculture sector.

Finally, one personal memory I will always cherish deeply is from February 27, 2018 — 2,416 calendar days ago — when I was sworn into the Senate. Senator Lankin, it was you who graciously walked me down the chamber. I will never forget your wise guidance. You told me, "Take it slow, believe in what you're doing and make a mark." Thank you.

Senator Lankin, your exemplary service and dedication to our nation will forever be remembered. May this new phase you are entering bring you peace, joy, good health and cherished moments with family and friends. Your enduring commitment here in the chamber to helping others is an inspiration to us all. Thank you. *Meegwetch*.

**Hon. Marty Klyne:** Honourable senators, I rise to pay tribute to a force of nature in our chamber and a true champion of the independent Senate reform: Senator Lankin.

In 2016, Frances became one of the first seven senators appointed in the independent era. She has been an exceptional senator, contributing leadership on many subjects, including labour relations, gender equality and use of the Senate Rules to overcome filibusters.

Senator Lankin is a fantastic orator — worthy of the Roman Senate — more often than not speaking off-the-cuff without notes. She is also an example to anyone who believes politics should be about doing something, not being something. This is evident in her achievements as the sponsor of historic legislation. I will highlight two such bills.

In 2016, Senator Lankin sponsored government Bill S-3, addressing historic gender discrimination in status under the Indian Act. However, Senators Dyck, Sinclair, McPhedran and others recognized that the changes didn't go far enough. How could the Senate of Canada in good conscience eliminate some gender discrimination, but not all? As sponsor, Senator Lankin was responsive and determined to do the right thing, setting the tone for the role of independent sponsors of government bills going forward.

The collaborative result was that, in 2017, a much-amended Bill S-3 became law, eventually eliminating all historic gender discrimination under the Indian Act. This success was one of the early landmark legislative achievements for the Senate's independent era, also signalling our chamber's increasing role in advancing reconciliation and gender equality.

During that same Parliament, Senator Lankin successfully sponsored Bill C-210, which was the late MP Mauril Bélanger's private member's bill proposing a gender-neutral national anthem. Working with Senator Petitclerc, she used the Rules in an innovative way to overcome an 18-month opposition filibuster of that House of Commons bill. The result was that, since 2018, our anthem has stated, "True patriot love in all of us command."

One takeaway is that for senators whose bills may be facing issues in this chamber, don't take Senator Lankin off your speed-dial.

This year, she also moonlighted in the Government Representative Office, or GRO, to lead the entrenchment of the independent Senate reform in our Rules — a landmark achievement in parliamentary history.

Senator Lankin, your wisdom, your voice and your determination will be missed in this chamber, where you leave an incredible legacy. We wish you all the very best in your next chapter.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Bruce Lazenby, Penny and Mac Scott, Bruce Logan, Lisa Christiansen, David McGuinty, M.P., Don Davies, M.P., and His Excellency the Honourable Bob Rae.

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

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

## THE HONOURABLE FRANCES LANKIN, P.C.

EXPRESSION OF THANKS

**Hon. Frances Lankin:** Honourable senators, thank you very much. I actually have written notes. I am not guaranteeing that I will stick to them at all. If I may — and some of you will know the import of this and some will not, but your friends and colleagues will share it with you — I'm going to invoke the memory of former senator George Baker and say, "I will be brief." That's relatively speaking for me. We all do things in our own way.

Let me begin by giving thanks. I want to start with the Senate family — the broader employee group in the Senate. There are just so many people who make every day, if not a joy in this chamber, a joy as we circulate around the building. I know I will forget some groups, but to give you an example, there is the Senate Administration. That includes HR, Finance, Legal and all the building services, as well as the cafeteria workers, the maintenance workers, the cleaners and the mail deliverers. Every single one of you says "good morning" and "good day," with well wishes. There are smiles. It warms your heart, and it does feel like family.

There are many people who make this place operate here within the chamber, so I think of Broadcasting and Communications, Hansard and, again, many more. If I forgot groups, I apologize.

The Black Rod's office certainly has been an important resource and support to me. There is the Senate Page Program, and I thank all the pages. It's actually nice, for once in my life, to work with pages who are of an age where they know where they're going, and their path is set out, but they have much to discover. I constantly run into people within political staff, lobbying organizations or communications firms who say to me, "Senator Lankin, I remember you when I was a page in the Ontario legislature." They were all in Grade 7 and Grade 8 then. I appreciate their memories of it. It just makes me feel old is all I can say. But it's wonderful to see them and the way in which they have progressed in their lives.

To the Chamber Operations and Procedure Office, what would we do without you? There is one of you in particular who I believe I have had on speed-dial over the years to ask for advice: How do I do this? What do I need to do? All of you serve in such a distinguished and professional manner to support the best as you can in keeping the chamber operating and moving forward. That applies as well to the Speaker, the Speaker's office of today and, of course, previous Speakers whom I had the opportunity to work with over time.

I don't want to forget the Parliamentary Protective Service. Again, they're a very important part of our operation, needed more these days than ever before. And I pay tribute to them.

There is one group that I haven't mentioned; I will in a second. But let me say that all of that goes together to support us on a daily basis. It appears it takes a village to raise a senator.

The special shout-out that I would like to make is to the transportation services: the shuttle bus service and the drivers. When I'm here in Ottawa, there isn't a day where I don't get a chuckle, a laugh, a smile or an exchange of real human experience in their lives, whether it's on the shuttle bus or whether it's out the back of this chamber, where we exchange ideas. They make my day every day, so a special shout-out goes to that whole crew and their support of all of us as senators.

To the broader Senate, there are the senators' staff — wherever your senator sits in this chamber, I truly appreciate the work that you do. I have worked most closely, of course, with the staff in the Independent Senators Group Secretariat and, as Senator Gold referred, for a short secondment — my words — with the Government Representative Office and the secretariat that are there. They're fine people — all of them — and they're people who are dedicated to their purpose and their work but, more broadly speaking, to this institution and to Canadians. I say that of all staff in all senators' offices.

Over the years, I have made friends with some of you from around the chamber as well. I cherish those relationships, those discussions and sometimes those debates that we can have out in the hallway.

• (1440)

It's never a good idea to start listing names. I'm only going to mention one name in terms of the broader Senate staff. There are always people who assume leadership roles, who work quietly but make a real difference every day. I want to pay tribute to one such particular person. She is the person who brings the teams together and always works with others. She would claim that she exhibits no particular leadership, but I see the leadership whether it be by raising money and bringing people together for United Way Centraide, whether it be through walkathons or organizing pizza day in recognition of the bravery and dedication of our Parliamentary Protective Service on the day that lone gunman shot bullets inside Parliament — we owe them a tribute every day — but she organized those events.

I would like to thank her for who she is and for all that she does, and I would like to say that I believe that good will always come to her, as is warranted by her name, which is Karma Macgregor. She is a stalwart member of the staff of this institution.

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

**Senator Lankin:** I would, of course, like to say a few words about the staff in our office with whom I have had the opportunity to work most closely. The policy staff who work with us may come and go, moving on to different things, but each one of them makes a lasting impression on us as senators and on the work we do.

I extend my gratitude to the following people: Dylan Odd, who went on from my office to work with other senators — and still does — and who also worked for a while in leadership roles

within the Independent Senators Group Secretariat; Andrew Miller, who has gone on to work in the federal public service; Henry Paikin, who is working in the planning department of the municipal government of London, in the U.K.; Allie Cotter, who was an intern with us and who has had progressively responsible roles in the Ontario public service; and Jeanne Provencher, who is now in the federal public service as well. All of them have gone on and continued in their service to the people.

I also have special words to say to Louise Mercier, who worked with me in the policy position for this last stretch. She was a rock and constantly challenged my thinking. We often agreed, and sometimes we didn't, but we both learned through those exchanges. I thank you for your support, too.

Most of you know that I would not move from this topic without speaking about Rose Désilets. When I first arrived on the Hill, the first staff person hired into my office was Rose. I met many great people in the candidate search, any one of whom would have done a fine job, but, Rose, something just clicked between you and me, right? It was quite amazing. I live in Restoule, Ontario; Rose's family name is Restoule. Her father is a member of the Dokis First Nation, which, side by side with the Nipissing First Nation, abuts the land where I live. It was an instant connection.

Secondly, we both laugh a lot. We started laughing within two minutes of the mutual interview — it was going both ways — and we continued to laugh for eight and a half years. She has been a stalwart for me. She has been my rock. I'll tell you that packing up the office and moving everything, I kind of gave up because I almost became immobilized, but Rose has taken it on.

She shared a lot with me over the years. When we were debating Bill S-3, which has been referred to, Rose shared with me and gave me permission to share in this chamber with all of you her background as a victim of the Sixties Scoop. It shook me to the soul to understand how she lived through that experience. It makes me very proud of her resilience and of whom she always was and went on to become. She has been able to find a way to draw strength from that experience and to embrace a broader family than she may have had in the first place.

I want to share with you that Rose is also retiring. I enjoy the tributes, and Rose packs up the office. It's the luck of the draw. She is retiring in about a month. I'm also pleased — she said I could share this with you — that she is moving to Thailand to live. Of course, it's unusual for me to offer unsolicited advice, as you have heard. I have advised her to look hard and well to find the right home for her and Claude to move into. Above all else, make sure it has a "granny suite" because I'm coming.

Thank you, my friend. You have made a huge difference in my life.

I said I would be brief. I have three things I would like to say in leaving. I will be brief with them. First, you have heard that I have been dedicated to the issue of reform of the Senate. Wherever you stand on the issue, I believe the question is this: How do we continue to enhance the value of this organization to Canadians? How do we play our role as constitutionally set out in the Supreme Court ruling, which Senator Gold referred to, as one that is compatible with and supportive of but not competitive with the elected accountable chamber?

Accountability comes to all of us, but it's not the same. It's not that it's more or less, but it's not the same. We should hold to that in our search for giving the sober second thought that we are charged to do, and doing it in such a way that adds greater value, and not in a way — I have some thoughts about the way politics are going today — that contributes to the lessening of the stature of this institution in the eyes of Canadians.

You know what I think about reform. Enough has been said on that.

The second thought I want to leave with you is that there are many important pieces of legislation, committee studies and subjects that have been studied and debated in this chamber in the past, in the present and into the future. I'm going to offer an opinion, and I do so humbly. I do not believe there is anything more important in front of us today than Senator Harder's motion with respect to the potential of a Government of Canada using the "notwithstanding" clause with respect to our Charter for the first time ever in history, particularly — as has been projected — as it might be used in a pre-emptive manner.

The resolve, the motion or where it goes might be a little bit of a polemic. I don't know if I'm using that word correctly. It is certainly one to provoke thought. I think Senator Harder did that on purpose. It's not that it is the right answer; it's that the debate needs to take place. This chamber needs to be ready to exercise its responsibilities and its powers should that arise. That needs forethought; that needs to be worked through. We all have sworn oaths. It is our solemn duty in this chamber to uphold and to protect the Canadian Charter of Rights and Freedoms. Don't let that slide. Know that this is the last stop before the courts, and that legislation which might be designed to bind the hands of the courts is a huge development in our country.

I won't talk about the merits or the content of the issue. I just want to implore each and every senator in this chamber to dig in, to research, to understand, to listen to the debates and to engage in the discourse. Whichever way you find your path, wherever you arrive, just bear in mind the solemn duty that you have as a member of this chamber, the honour attached to that, but the responsibility as well.

Lastly, I would like to make a couple of comments on some things that have been disturbing to me and have grown in importance and occupied my mind more over the past few years.

• (1450)

That is — and all of us, I think, to a certain degree would share this — the continued growth of divisiveness and the normalization of the spewing of absolute hate around the world but no less here in Canada every day. We hear it in our precinct. We see it reported in the newspapers. We feel it in our communities.

When we arrived back for the fall sitting in September — my office is in the Victoria Building, right across from the stone steps up to the main entrance of the West Block — there was a, relatively speaking, small group of protesters gathered out there for most of that week.

Now, those of you who know me know I am a fierce defender of the right to peaceful protest. I truly am. In my early years, I have been on the lawns of Parliament Hill with placards, chanting, and I have been on the lawns of the Legislative Assembly of Ontario at Queen's Park. I am not a stranger to protest, but — I stress — peaceful protest. The group said of themselves — and I don't know if this is true or not — that they were an offshoot of the truckers' convoy. I call it the "truckers' convoy," because I will not call it by the name that they choose to go by. I want to tell you what I saw, what I heard and what I felt in brief words.

I looked out my window, and I went down to be able to listen to what was being said, and I saw on either side and in front of the stone steps going up to the West Block this group of protesters. I saw Canadian flags. There were 15 to 20 of them on either side of the stone stairs, hanging on the wrought-iron fence. My eyes stopped, and I saw on a tall flag pole, leaning against the sides of the stairway, an American flag. The American flag was higher than the displayed Canadian flags.

Then I looked, and hanging on the fence — once again, above the Canadian flags — was a Trump banner. I looked back down to the Canadian flags — you know, I was insulted by this — and then I saw that every one of those Canadian flags was hung upside down.

I have to tell you I was disgusted. I was incensed. I was moved almost to intemperate behaviour, which is not like me. I can normally keep my cool and be polite about my disagreement, but I was just churning inside.

I say that not to be disrespectful, and I know that was disrespectful. They are genuinely protesting, but I saw them chasing down members of Parliament and — even more to the fact — staff members of MPs and of Parliament Hill, screaming at them, calling them traitors and calling them criminals. There is no place in peaceful debate for that kind of behaviour. There is no place for treating servants of Canada like that, whether they are elected, whether they are working in staff positions or whether they are support staff within the building, and to hurl insults like that with such anger and seething, roiling hatred beneath that.

It disturbed me, but it also frightened me. Where are we going?

Rose got me off the sidewalk and back up to my office to chill and cool down a little bit, and I found myself reflecting. First of all, I took it as a sign that I have actually chosen the right time to leave if that kind of reaction can be so easily provoked within me.

Secondly, I reflected on the years that I have been involved in this work, and I expressed gratitude for my family and my friends who have supported me through that. My brother Ted and his family are out in British Columbia and couldn't be here, but he is with me in heart and spirit. He has been my rock in the last couple of years since the passing of Wayne. Of course, I thank my late husband, Wayne Campbell, and I thank the friends in our community in Restoule — boy, what a crew of people — who have been with me, and certain senators here who have taken my hand and helped me through this journey. I truly appreciate that.

To one friend, in particular, who challenged me with setting a routine of morning mantras, which I now have — he says to me, "Coles Notes, Frances," because I don't speak in Coles Notes or even defined sentences, but I have narrowed it down to a few. The one he had me start with is to face the dawn every morning with a declaration that "this is going to be a good day" and then, no matter what happens, to set out to make it that. I am genuinely thankful for that advice, and I practise it daily.

As I thought about what I had just experienced and seen down on the street, I thought very clearly that if I have contributed to leadership on issues or policies or things in this country, just because I'm leaving the Senate, that duty to lead is not over.

I say of all of us, leaders of all places, that we have the responsibility to again build a sense of united and shared purpose in living together in Canada, and we share a responsibility to shut down the fanning of the flames and the stoking of hatred.

We can have disagreements, and we can battle them out, as we have heard here in this chamber. We need to contain our actions to civil discourse, to peaceful protest and to determining a way forward together.

I leave by saying that I will not cede my dearly held belief in the amazing freedoms in this country, and I will not stand second to any. I don't care how much those protesters set out that they were the champions of freedom or that they were the true patriots. I heard that over and over again from them. I will not cede my maybe gentle and not boisterous but deep, deep patriotic love of this country to anyone based on an attempt to co-opt language to support their ideological position, wherever that ideological position is on the spectrum.

It's not just one group. It's not just one end of the spectrum or the other. These things change, and I will not give up that language.

I believe profoundly that the cherishing of Canadian freedoms belongs to all of us and that the love of this country belongs to all of us. The words of our national anthem, which we all sing with pride, side by side with people from all walks of life across this country at community events and all sorts of places — when our voices join together, when we sing together, it is with pride, and it is knowing that our national anthem pays homage to "The True North strong and free!" We sing those words together.

The anthem also honours the words of love and patriotism with, "True patriot love in all of us command."

*Meegwetch*. Thank you, and so long for now, my friends.

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

• (1500)

TRIBUTES

**Hon. Donna Dasko:** That is a hard act to follow, Frances.

Honourable senators, I rise today to offer my tribute to our extraordinary colleague and my dear friend Senator Frances Lankin as she takes her leave from this chamber.

I've had the pleasure of knowing Frances since around 1988 when I joined a group by the name of the Committee for '94. Our goal was to elect women as half the House of Commons by 1994. Well, that group failed dismally — and it is still dismal — and we threw in the towel, but it was clear that Frances had a real passion for advancing women in politics, and she was soon to embark on her own political career.

As a New Democratic candidate in Toronto in the 1990 provincial election, the reins of power were supposedly out of her reach, with the governing Liberals holding a strong lead in the polls. But something happened on the way to the ballot box. The tide suddenly turned, and, lo and behold, Bob Rae's New Democrats won a majority government. I say to my colleagues here, beware of the polls. If you lead in the polls, it can disappear in the blink of an eye.

Frances Lankin became the minister of everything in the new government: Minister of Government Services, Chair of Management Board, Minister of Health and Long-Term Care and Minister of Economic Development and Trade. As former premier Bob Rae said to me last week:

> . . . she was a remarkable leader — candid, thoughtful, passionate and could take on any problem or issue with both patience and persistence.

She is one of the finest people I know.

Frances remained in the legislature after their government was defeated and then left to take on the very demanding job of CEO of Canada's largest United Way, which is in Greater Toronto, a position she held for about 11 years.

That's when I got to know her really well. Another group of feminists, still trying to get more women elected, founded Equal Voice in 2001. We spent two years meeting in her United Way office after hours, ordering pizza, drinking wine and strategizing about how to build a movement. Yes, she was passionate, but it was her intelligence, strategic focus and get-it-done attitude that inspired me then and inspire me to this very day.

We've seen this here in our chamber. We've heard many stories of the work she has done. She has taken on special and challenging assignments. In 2018, she used a rare and breathtaking move to pass the bill that replaced the words "in all thy sons command" with "in all of us command" in our national anthem, which is so important as a symbol of inclusiveness. Recently, she successfully led the government team to pass a vital motion to advance our independent Senate. There is so much more.

Frances, it is your choice to leave us well before retirement. I will miss you. Thank you for your service and for being such a wonderful friend and inspiration. I can't wait to see how the next chapter of your remarkable life will unfold.

**Hon. David M. Wells:** Honourable senators, I want to take this opportunity to share a message from our dear colleague Senator Rose-May Poirier, who is away on sick leave but is doing much better. She couldn't be here today but wanted to share these words for Senator Lankin's last day in the chamber with us:

> Dear colleagues,
>
> It is with a bit of a heavy heart that I share these words for my dear friend Senator Frances Lankin. It disappoints me and pains me to not be here with all of you today but more importantly, to not be here for you and with you, Frances, for your last day with us in the chamber.
>
> Although we are not on the same side of the chamber, we happened to develop a beautiful friendship out of the hardships we were both fighting through. We supported each other in our time of need, and I will forever be grateful for the valuable time and kind advice you have offered. Often, difficult moments in our lives can bring us a light in our time of darkness. And for me, you have been that light, Senator Lankin, and I hope to have been the same for you.
>
> Although we won't see each other in Ottawa, I do hope we maintain contact together as we figure out our paths forward. I may not be here physically, my dear friend, but please note you are in my thoughts and prayers as you embark your next chapter of your life.
>
> Forever your friend,
>
> Rose-May.

**Hon. Pierrette Ringuette:** Honourable senators, I rise today to pay tribute to a truly great senator. Senator Frances Lankin is a model for what an independent senator can be and do by moving beyond partisan politics for the greater good of our citizens.

Senator Lankin was always up for a deep and knowledgeable debate, respecting her interlocutors on whatever side of the issues that they may have been. She was a proud defender of the independence of senators and a strong advocate for Senate reform. I do not believe it is a coincidence that our electoral paths and participation in partisan caucus led both of us to the same conclusion: a desire for a strong, independent Senate for an enduring and respected future for this institution and its members.

She was particularly proud when this chamber finally attained gender parity — the first and only legislative chamber in our country to proudly do so. While for most of her life she strived for women to break the glass ceiling, she did so herself in politics and also in the socio-economic sphere.

One of the most striking contributions Senator Lankin made in this chamber was the passage of An Act to amend the National Anthem Act (gender), which changed the English version of our national anthem to be more inclusive of our society and better reflect the French version. She was a vigorous defender of the change and made it happen. Kudos, Frances.

I have had the pleasure of working closely with Senator Lankin over the years. Mind you, some of these working conversations were held outside while we were having a smoke.

Frances proved to be a force for positive change and helped drive us toward becoming a better-functioning Senate while maintaining the independence of our personal principles. She believes that while we may disagree at times, and sometimes passionately, that doesn't mean we can't work together to reach a common goal.

Frances's favourite song is, to the surprise of no one, "Raise a Little Hell." I reviewed the lyrics of the song and think it is more her credo. Here are a few lines:

> If you don't like what you see, why don't you fight it?
> If you know there's something wrong, why don't you right it?
> Raise a little hell, raise a little hell, raise a little hell!

Senator Lankin, the Senate will not be the same without you. We are losing one of our strongest members, but I promise that we will do our best to fill the gap left by your departure and sometimes raise a little hell.

Thank you for your service, friendship and dedication. I wish you a safe journey to whatever adventure lies ahead. I will miss you.

**Hon. Marilou McPhedran:** Thank you to my colleague Senator Martin for ensuring that I have the space to speak today. It means a great deal to have that kind of consideration.

Honourable senators, I also met Frances through the Committee for '94 in Toronto in the 1980s, and ironically, while the goal of gender parity in politics by 1994 was clearly not achieved, it was in 1994 when her leadership as Ontario's first openly feminist health minister led to massive changes in the regulatory environment for regulated health professionals, in particular through a brand new code of protection for patients who were being sexually abused and assaulted by regulated health professionals.

• (1510)

I chaired the task force that led to those changes, and I can tell you that they absolutely would not have happened had it not been for the leadership by Senator Lankin and that they remain a world standard that has been copied and adapted the world over.

Senator Lankin, your decision to retire early is respected. It is what you need to do. However, we are losing a true doyenne in parliamentary leadership who has excelled without abandoning her feminist principles and praxis.

Maya Angelou observed:

> Stepping onto a brand-new path is difficult, but not more difficult than remaining in a situation, which is not nurturing to the whole woman.

Helen Keller said:

> The best and most beautiful things in the world cannot be seen or even touched. They must be felt with the heart.

This heart that I'm wearing comes from the Arctic parliamentarians conference, and although it's actually helping to hold up my outfit, it's going to leave with you today as something that was brought from Labrador and made by hand out of seal skin. I hope it will remind you of how much you are held in our hearts here, whether you're in that chair or not.

I close my speeches in this place in three languages — thank you, *merci*, *meegwetch* — which you also used today in your speech. But Senator McCallum explained to me the significance of the term *chi-meegwetch*. Yes, it means "thank you," but it also conveys in that expression of gratitude a commitment to carrying benefits forward in how we give to others, which is what I say to you, Frances, in closing today. *Chi-meegwetch*, you strong, marvellous woman.

[*Translation*]

## THE LATE GILLES LEMIEUX

**Hon. Amina Gerba:** I'm going to change the subject and speak on a slightly sadder note, while also acknowledging our esteemed colleague's departure.

Honourable senators, I rise today to pay posthumous tribute to an extraordinary man, Gilles Lemieux, founder and CEO of Les Troubadours choir and resident of my senatorial division in Rigaud, Quebec, who passed away on October 2 at the age of 85.

The sad news of his passing reached me just a few weeks after I presented him with the King Charles III Coronation Medal at LaSalle City Hall on August 14.

At the ceremony, his family said it was the first and only distinction he had ever received and a moment of immense pride for him and his loved ones. A man of passion, Mr. Lemieux dedicated his life to enriching our community through his music. Under his leadership, Les Troubadours choir became a symbol of togetherness and joy. His vision and commitment have left a lasting mark on the city of LaSalle and beyond. Mr. Lemieux's departure is a great loss for his children, Chantal, Jean Gilles, Pierre and Marc, his five grandchildren and his wife, Denise, who supported him on a daily basis. I would like to express my deepest condolences to his entire bereaved family and to all who had the privilege of knowing him. Rest in peace, dearest Gilles, and thank you.

[*English*]

### MI'KMAQ PRIORITIES AND REPRESENTATION

**Hon. Paul J. Prosper:** Honourable senators, just over a year ago, I was sworn into the Senate of Canada. My appointment filled the seat left open following the retirement of the Honourable Daniel Christmas, a mentor of mine and the first Mi'kmaw senator ever appointed.

In the entire history of the Senate, 26 Indigenous senators have been appointed. Twelve of them have been appointed in the past eight years. Jaime Battiste is the first Mi'kmaw MP, first elected in 2019. This means that Mi'kmaq have only had a direct voice in federal politics for 8 out of the 157 years that Canada has been its own country.

So for me, it was important that I hit the ground running. I didn't feel I had the luxury to ease into this position. I have tried to use this position to highlight important issues facing the Mi'kmaq, or L'nu, as we call ourselves and Indigenous people more broadly.

Yet even though I served as a chief and regional chief, I didn't want to presume I knew the issues. That is why I launched a tour around Mi'kma'ki, the traditional territory of the Mi'kmaq. I travelled from Newfoundland to the Gaspé region of Quebec. I went through New Brunswick, P.E.I. and, of course, Nova Scotia. I listened to and engaged with over 1,700 people. I documented their priorities and challenges, as well as their successes and hopes for the next seven generations.

On October 1, Treaty Day in Nova Scotia, I launched a report resulting from this tour. I called it *ReconciliACTION*, and I invite senators to read it in the official language of their choice. I plan to use this report as a guide to ensure that every intervention I make as a senator is tied to the priorities of the Mi'kmaq.

Thank you. *Wela'lioq*.

## ROUTINE PROCEEDINGS

### TAXPAYERS' OMBUDSPERSON

*UPHOLDING YOUR RIGHTS*—2022-23 ANNUAL REPORT TABLED

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the 2022-23 Annual Report of the Taxpayers' Ombudsperson, entitled *Upholding Your Rights*.

*FAIR ACCESS TO SERVICE*—2023-24 ANNUAL REPORT TABLED

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the 2023-24 Annual Report of the Taxpayers' Ombudsperson, entitled *Fair Access to Service*.

### CANADIAN POSTAL SAFETY BILL

BILL TO AMEND—TWENTY-EIGHTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

**Hon. Brent Cotter:** Honourable senators, I have the honour to present, in both official languages, the twenty-eighth report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with Bill S-256, An Act to amend the Canada Post Corporation Act (seizure) and to make related amendments to other Acts.

(*For text of report, see today's* Journals of the Senate*, p. 3107.*)

• (1520)

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

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

### DECLARATION OF EMERGENCY

SECOND REPORT OF SPECIAL JOINT COMMITTEE TABLED

**Hon. Gwen Boniface:** Honourable senators, I have the honour to table, in both official languages, the second report of the Special Joint Committee on the Declaration of Emergency, which deals with the review of the exercise of powers and the performance of duties and functions pursuant to the declaration of emergency that was in effect from Monday, February 14, 2022, to Wednesday, February 23, 2022.

### THE SENATE

NOTICE OF MOTION TO CALL ON GOVERNMENT TO IMPROVE FIDUCIARY DUTY APPROACH IN ITS CONSULTATIONS WITH FIRST NATIONS, INUIT AND MÉTIS

**Hon. Mary Jane McCallum:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate of Canada:

1. call on the federal government to meaningfully improve their approach as they undertake their fiduciary duty to consult with First Nations, Inuit and Métis rights holders regarding legislation that impacts their treaty rights, inherent rights and traditional lands; and

2. urge the federal government to adequately fulfill their fiduciary duty to consult at all stages of the legislative process, from conceptualization to drafting to implementation.

### THE HONOURABLE DIANE BELLEMARE

NOTICE OF INQUIRY

**Hon. Judy A. White:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the career of the Honourable Diane Bellemare.

[*Translation*]

### THE HONOURABLE FRANCES LANKIN, P.C.

NOTICE OF INQUIRY

**Hon. Chantal Petitclerc:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the career of the Honourable Frances Lankin, P.C.

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[*English*]

## ORDERS OF THE DAY

### PHARMACARE BILL

THIRD READING—DEBATE

**Hon. Kim Pate** moved third reading of Bill C-64, An Act respecting pharmacare.

She said: Honourable senators, together, today, as we launch the final phase of our discussions on Bill C-64, An Act respecting pharmacare, we are part of a landmark first step toward a national, universal, public, single-payer pharmacare system for Canada. Bill C-64 will improve access to affordable prescription drugs, starting with universal, single-payer access to essential contraception and diabetes medications.

Given the purpose of this bill, I feel compelled to acknowledge and thank our friend and colleague Senator Lankin for her life's work. Every job, but especially when she was Ontario Minister of Health, was a testament to her commitment to advancing national, universal pharmacare.

Senator Frances Lankin, P.C., is preparing to embark on the next stage of her life's journey. What more fitting way to end her time in this place than by seeing this bill through? We are all happy that she is here and that maybe she will even speak to Bill C-64 before we vote on it.

I know I speak for many when I tell her how very grateful we are for her years of generous service, informed by her thoughtful wisdom, guidance, advice and friendship.

I want to read into the record a very heartfelt *chi-meegwetch*. Thank you, Senator Lankin, for all you are and all you do.

To underscore what this bill means to Canadians, I will first focus on three particularly Canadian achievements. First, in 1921, insulin was discovered by Banting, Best and Macleod at the University of Toronto. It is only fitting that diabetes medications will be among those offered in Bill C-64's first stage of national pharmacare. This inclusion represents not only a significant step forward for the health of countless Canadians struggling to afford diabetes treatments, but is also a reminder of Banting's principled refusal to profit off of people's need for life-saving medicine. He refused to be a part of patenting insulin, considering it unethical to do so. His two colleagues did follow through with a patent, but they sold that patent to the University of Toronto for $1 so that the medicine could benefit all.

As sponsor of Bill C-64, I've had the privilege of discussing this legislation with many colleagues in this place, across groups and regions and with international experts, as well as with many others in interrelated areas of expertise. In addition to the significant steps that will commence with the passage of this bill, this legislation has highlighted other challenges to public access to vital medication. A significant one is the monopolistic and opaque area of drug pricing and related access issues.

While the ability to patent may be an important aspect of business development in this and other areas, as our friend and colleague Senator Colin Deacon so clearly and succinctly put it when I consulted him on this issue:

> Patents are government-granted monopolies . . . at a certain point, governments may find themselves wondering whether that government-granted monopoly is serving the public interest.

Pharmaceutical profiteering is a beachhead that we must also address. Primarily because of astronomical drug prices, Canadian households and employers spend some eight times more per capita on medicines than our counterparts in jurisdictions with single-payer pharmacare systems that are publicly administered and that limit incentives for private profits at odds with the public good.

As Canada takes its first steps toward national pharmacare, Banting's legacy must be our reminder of the imperative of putting public interest above all else and the need to continue to do more on this front, so yes, we will still have much to do even after this bill passes.

Next, I want to highlight the importance and impact of the achievement of the 1948 proclamation of the Universal Declaration of Human Rights by the General Assembly of the United Nations. Though undoubtedly an international achievement, Canadians are proud to know that the principal author of this foundational text, which continues to inform and shape Canada's understanding of human rights, was Canadian legal scholar and human rights advocate John Peters Humphrey.

• (1530)

Article 25(1) of the declaration enshrines:

> . . . the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care . . . .

As parliamentarians, we have witnessed a groundswell of support from people across Canada who are awaiting national universal pharmacare. To do justice to those in our regions — whom we are in Ottawa to represent — let us never lose sight of the reality that Canadians advocating for pharmacare are not merely appealing to us for our empathy or our sense of reason, they are rightfully claiming their entitlement to their human right to health.

The third Canadian achievement I invoke today is the passage, in this very Senate chamber, of legislation implementing Canada's universal medicare system in 1966. For six decades, medicare has stood for the embodiment of our shared values and collective commitment that access to health care should not depend upon the amount of money in one's pocket or bank account. Every person in this country — all of us — have a right to health care.

What is today often considered foundational to Canada's identity was far from a sure thing at the time it was being legislated and debated. The road to medicare was a winding one. Implementation involved many bumps and curves, from seemingly endless hesitations to a multitude of questions as to whether this was a cost Canada could afford. It also included tenuous cooperation between two federal parties in a minority Parliament. Sound familiar? It also involved crucial leadership from a province with a bold vision that helped move all of us forward, sometimes seemingly against all odds.

Today, although Canada dines out internationally for our reputable health system, absent this current legislative step, we remain the only country in the world to provide universal health care but not universal pharmacare.

Bill C-64 puts us on the path to fill this historical gap. As we do so, Canada's history with medicare should give us confidence in the principles that shape Canada's health system. These principles are public administration, comprehensiveness, universality, portability and accessibility. A pharmacare system in line with these principles is not out of reach or out of touch. It is what Canada has needed for decades.

As we have heard from our discussions in this chamber, Bill C-64 is foundational legislation that lays out key principles that will guide the government's efforts in collaborating with Indigenous peoples, provinces, territories and other partners and stakeholders on the step-by-step implementation of national universal pharmacare.

Clause 4 emphasizes four key principles: accessibility, affordability, appropriate use and universal coverage. As outlined at second reading, these principles are critical for ensuring Canadians, particularly marginalized groups and those populations made vulnerable by all manner of circumstances, can access the medicines they need. The bill's preamble further acknowledges that this incremental process is to be:

> . . . guided by the Canada Health Act and carried out in accordance with the recommendations of the Advisory Council on the Implementation of National Pharmacare;

The 2019 recommendations of the advisory council, also known as the Hoskins report, provide a blueprint for implementing a national pharmacare plan. The Hoskins report takes as its central premise that pharmacare can improve access to necessary medicines for all Canadians while also saving costs if implemented as a universal, public single-payer system.

It is no secret that Canada is struggling to ensure and secure meaningful access to medicines for the Canadians whose health and lives rely upon them. The primary reason for this higher spending is high drug prices. Internationally, drug purchasing is based upon public and private insurers negotiating confidential rebates from drug manufacturers off often exorbitant publicly listed prices. This cloak of secrecy makes it inordinately difficult, especially for smaller purchasers, to get a fair deal. Allowing Canada's public drug plans to join forces to provide single-payer coverage of carefully selected medications should help increase transparency and bargaining power, and could effectively lower drug prices in a way that Canada's current patchwork mix of public and private plans simply cannot. We must therefore persist and resist pushes to privatize and commodify the process.

From the outset, the program will need the buying power of a single-payer system purchasing medications for 40 million Canadians through processes that are evidence-based and publicly accountable. In addition to lowering costs for medications, this should streamline system complexity and administrative costs.

The Hoskins report recognized that a robust single-payer system cannot be built overnight, recommending, instead, an incremental or "stepwise" approach beginning with coverage of some medicines and expanding into a more fulsome program.

Bill C-64 reflects that approach to the implementation of national pharmacare. It lays the groundwork for universal single-payer coverage of essential contraceptive and diabetes

medications. It also tasks the newly formed Canada's Drug Agency with the development of a broader national formulary of essential medicines and a bulk-purchasing strategy that could help form the next step for universal single-payer coverage.

I also want to speak today specifically about work with provincial and territorial governments on this first phase of access to contraceptive and diabetes medicines. As we know, the governments of Indigenous peoples, provinces and territories have key roles with respect to the delivery of health care services, and every jurisdiction has different needs and faces different challenges in delivering those services. That is why Bill C-64 recognizes that federal efforts towards national pharmacare require a cooperative approach with Indigenous peoples as well as each province and territory to help ensure that no one is left behind. Bill C-64 outlines that any funding to provinces and territories to support pharmacare will be provided through bilateral agreements. The bill further provides that this funding will be in addition to existing provincial and territorial spending on public drug benefit programs.

Bill C-64 likewise emphasizes the government's commitment to collaboration with Indigenous peoples, highlighting in particular the need for discussion with Indigenous partners in the context of developing a national formulary. At the Social Affairs Committee, Minister Holland reaffirmed that Bill C-64 will not interfere with existing coverage of medicines for First Nations and Inuit peoples under the Non-Insured Health Benefits program and stressed that Bill C-64 can provide the opportunity to further build upon and expand coverage for Indigenous peoples.

I also want to remind you that collaboration with provinces and territories, as outlined in Bill C-64, is already under way with other initiatives that will inform the path forward on national pharmacare.

That includes federal efforts to make drugs for rare diseases more accessible. The Government of Canada launched the first-ever National Strategy for Drugs for Rare Diseases in March 2023, with an investment of up to $1.5 billion over three years. As part of the overall $1.5 billion investment, the federal government will make available up to $1.4 billion over three years to willing provinces and territories through bilateral agreements. This funding will help provinces and territories improve access to new and emerging drugs for Canadians with rare diseases, as well as support enhanced access to existing drugs, early diagnoses and screenings for rare diseases. That will help ensure patients with rare diseases have access to treatments as early as possible in order to enjoy a better quality of life.

In addition, as part of the national strategy, just over two months ago, on July 23, the first bilateral agreement was announced. The Government of Canada will be providing $194 million over the next three years to the Government of British Columbia to help provide access to the drugs patients need to treat their rare diseases and to reduce the financial burden on their families.

Another example of the federal government's ongoing work with provinces and territories can be found in the pharmacare demonstration initiative in partnership with Prince Edward Island. This initiative was announced in August 2021 and represents a concrete example of how the principles of improving accessibility and affordability of prescription drugs can make a difference in the lives of Canadians. Under this agreement, P.E.I. is receiving $35 million in federal funding to improve access to and make prescription drugs more affordable for Islanders. P.E.I. was selected to participate in the demonstration initiative because its residents face some of Canada's highest out-of-pocket expenses and the country's most limited formularies.

• (1540)

Since the beginning of the initiative, P.E.I. has used federal funds to expand its list of covered drugs and help Islanders save money on their prescriptions.

For example, in June 2023, P.E.I. reduced copays to only $5 for almost 60% of medications regularly used by Island residents for cardiovascular disease, diabetes and mental health, which are covered under several public drug programs. To date, Islanders have saved over $6 million in out-of-pocket costs through this initiative.

P.E.I. has also expanded access to over 100 new medications to treat a variety of conditions, including cancer, heart disease, migraine, multiple sclerosis, pulmonary arterial hypertension and psoriasis.

As I heard when I visited and met with folks on the Island, the P.E.I. pharmacare demonstration initiative has provided real results, and Bill C-64 will do the same, starting us on the path toward universal pharmacare with a free, single-payer plan for contraception and diabetes products whose costs are publicly funded and publicly administered. It lays the groundwork for Canada to finally deliver a pharmacare system on par with the principles enshrined in our medicare system.

Once passed, Bill C-64 will bring relief to Canadians who struggle to pay for necessary medications, starting with women and gender-diverse people of reproductive age and people living with diabetes. In 2021, Statistics Canada found that one in five adults in Canada did not have the insurance they needed to cover their medication costs. That is close to 8 million Canadians without the necessary insurance to obtain the prescription drugs they need.

Unfortunately, this gap means that every month — sometimes every week or day — millions of Canadians have to make the difficult choice between paying for their prescriptions or covering essentials like food or heat. It also results in too many Canadians seeking emergency medical attention because they are unable to afford their medications — some because they have gone without and others because they rationed their doses to try to make ends meet.

I am confident that from our place of relative privilege, we all agree that every Canadian should have timely access to the health care they need, when they need it, regardless of their ability to pay.

As part of the first phase of national pharmacare, access to contraception and diabetes medications at no cost will benefit both the health of Canadians and the health care system.

Coverage for contraceptives will mean that 9 million Canadians of reproductive age will have better access to contraception and reproductive autonomy, reducing the risk of unintended pregnancies and improving their ability to plan for the future.

Currently, coverage for contraceptives varies across the country. Most Canadians rely on private drug insurance through their employer for their medication needs. Even so, most drug coverage plans only cover a portion of the cost, with the remainder paid out of pocket by the patient.

Some people are disproportionately affected by a lack of coverage. Women, people with low incomes and young people are all more likely to work in part-time or contract positions, often lacking access to private coverage. Without private insurance, drug coverage often involves out-of-pocket costs for the medications they need.

A discussion with a young woman earlier this week reminded me that too many girls and women whose parent, guardian or partner might provide them with entitlement to a private drug plan may actually lack access to contraceptives if the person whose plan that they need to access opposes their wishes. For these folks, access is simply not an option.

Cost has been identified by Canadian contraceptive care providers as the single most important barrier to accessing contraceptive medications or devices. For too many young women working part-time jobs without drug benefits, accessing an IUD or other effective contraceptive methods while trying to manage other basic life expenses, such as rent or grocery bills, is simply impossible.

Bill C-64 will ensure that Canadians have access to a comprehensive suite of contraceptive drugs and devices and that they will have the ability to choose which form of contraception is the most appropriate for them.

When it comes to managing diabetes, existing drug coverage for medications and supplies varies widely across Canada, leaving many Canadians underinsured. Underinsurance can take many forms. For example, for a working-age Canadian with no private insurance, public drug plan costs can vary widely. In some parts of the country, out-of-pocket costs for people living with Type 1 diabetes can be higher than $18,000 per year, and for Type 2 diabetes, it can be higher than $10,000 per year.

Even those with private insurance can face copayments of 20% or higher, exceed annual plan maximums or reach lifetime coverage limits. It is too often Canadians with the least who are left to try to pay these untenable costs for essential medicines out of their own pockets.

Underinsurance can be a particular concern for young adults with Type 1 diabetes who age out of their parent's private insurance but do not have their own form of private coverage.

Lower-income Canadians also make up a disproportionate share of the underinsured. While most provinces have put in place drug coverage for those accessing social assistance, too many lower-income households that do not qualify for social assistance continue to struggle with out-of-pocket prescription drug costs.

Employment factors can also contribute to differences in insurance coverage. People who work in gig work or entry-level, contract, seasonal or part-time positions often report less adequate drug insurance coverage. This often discourages people accessing social assistance from applying for jobs. Why? Because once hired, they could lose their public drug coverage without receiving drug benefits or a livable income adequate to cover the costs of the medicines they need.

One in four Canadians living with diabetes has reported not following their treatment plan due to cost.

Removing barriers to diabetes medications will help improve the health of many of the 3.7 million Canadians living with diabetes, as well as reduce the risk of serious, life-changing — and life-threatening, in some cases — health complications such as blindness or amputations.

Beyond helping to support people in managing their diabetes and living healthier lives, if left untreated or poorly managed, diabetes can lead to high costs on the health care system due to complications including heart attack, stroke and kidney failure. Diabetes Canada estimates that by 2028, the full cost of diabetes to the health care system could be almost $40 billion. These costs are preventable if and when people living with diabetes can properly manage their conditions through access to the medications they need.

Bill C-64 represents an important step forward to ensure that every Canadian has access to the affordable, quality medications they need. It will provide Canadians with free, single-payer contraceptive and diabetes medication coverage. It also sets out a framework to build and expand this first step into the national, universal, public, single-payer pharmacare system that the Hoskins report and countless other national reports and studies have repeatedly recommended.

Following Royal Assent of this bill, several key steps will take place. First and immediately, the Minister of Health and his department will move to conclude bilateral agreements with provinces and territories regarding single-payer, first-dollar contraceptive and diabetes coverage.

British Columbia has already entered into a memorandum of understanding with the federal government, indicating its intention to enter such an agreement. Since B.C. currently provides universal coverage of contraceptive medicines, savings for the province will be reinvested into essential free, single-payer coverage of hormone replacement therapies for post-menopausal women.

In addition, the Minister of Health will establish a committee of experts within 30 days. The committee will begin its work on options for the operation and financing of national, universal, single-payer, first-dollar pharmacare. And, equally important, within one year of coming into force of the act, Canada's Drug Agency will prepare a list of essential prescription drugs and related products to inform the development of a national formulary and provide advice on a national bulk purchasing strategy.

Testifying before the Senate Social Affairs Committee, the Minister of Health confirmed the importance of ensuring that expert committee members are free of commercial interests in the pharmaceutical sector, echoing a previous commitment that decision-making processes of Canada's Drug Agency must likewise be independent.

This emphasis aligns with the recommendations of the Hoskins report that Canada's Drug Agency must be free of conflicts of interest so that its work is rigorous, equitable, evidence-based and firmly aligned not with commercial interests, but with the best interests of Canadians.

Ensuring independence and freedom of conflict of interest in decision making will require vigilance, including in standing up to the pressure to follow the lead of the United States and implement a fill-the-gaps, mixed public-private system. We cannot regress to a patchwork of literally thousands of independent private and public drug plans and the administrative cost and program complexity this entails, both for patients and prescribers. We cannot continue to accept multi-payer systems that fragment Canada's purchasing power when negotiating prices and supply guarantees with multinational pharmaceutical companies. We cannot, in good conscience, keep asking individual households and employers to bear most of the program costs on their own.

• (1550)

As we look to the next phase of pharmacare, we are importantly reminded of the reality that the initiatives outlined in Bill C-64, as well as those that are already under way, will all continue and be evaluated for their lessons learned with respect to the advancement of national universal pharmacare in Canada. This includes improving access to affordable prescription medications in Prince Edward Island, efforts under the National Strategy for Drugs for Rare Diseases and work by Canada's Drug Agency.

I truly look forward to the positive impact that this legislation will have on Canadians. At the same time, I am aware that work on Bill C-64 is far from over. This legislation marks the beginning of a path that we must walk together to blaze the national, universal, public, single-payer pharmacare system trail that Canadians want and to ensure the universal access to medications they correctly claim as a human right.

I share Canadians' commitment to national pharmacare as a logical extension of our national medicare system and a vital step toward ensuring that no one is denied the health care they need because they cannot pay. Through the coming months and years of implementation of this legislation, I trust we will continue to work together, with and for all Canadians, toward pharmacare for all.

I am under no illusion that this will be a quick or easy process. Bill C-64 requires step-by-step work in concert with Indigenous peoples, provinces, territories, community stakeholders, experts and those with lived experience. I reflect upon that often-quoted saying that if you want to go fast, go alone; but if you want to go far, go together.

This will be a long-term and iterative process, but it is one that I believe Canadians are committed to and one we are making meaningful progress toward today. The first step is to heed the calls repeated at the Senate Social Affairs Committee on behalf of Canadians awaiting meaningful access to medicines, and that is to pass this legislation without delay.

*Meegwetch*. Thank you.

**Hon. Krista Ross:** Senator Pate, first I want to thank you for all of your work on this bill, especially as sponsor.

You referred to private health plans, and I have a question about people who are already covered by group insurance plans. I'm hearing reassurances that those plans won't change. Is there something in the legislation that ensures that Canadians currently eligible for some form of coverage for these drugs won't face a disruption in their currently existing coverage?

As a previous employer myself, it's not clear to me why an employer would continue to pay for something that the government would offer for free.

**Senator Pate:** Thank you. That's an excellent question, and, of course, this is also within provincial jurisdiction. It will largely be the responsibility of provinces to encourage employers to renegotiate, whether it's lower co-pays or lower rates to accommodate these issues. I think what you're raising is a very important question. It's one that certainly the government is alive to, and I would hope the provincial and territorial governments are also alive to it and have already started those discussions. The last thing anybody wants through this legislation is to limit people's access or to not defray more of the costs.

It will be up to provinces to negotiate and sign onto this, and certainly those cost savings will hopefully be passed on to Canadians in their regions.

**Senator Ross:** Would you take another question? Thank you.

If that is not the case and employers do remove their coverage, it seems this would have a huge impact on the overall cost. I believe the PBO report was based on the assumption that employers would not stop any coverage. What do you think would happen if that were the case?

**Senator Pate:** Thank you. There's speculation as to what might happen there. The PBO costed based on an understanding that this iterative process was actually a multi-payer system instead of the single payer that it is designed to be. There may be some additional costs. There would also be the expectation that the agreements with the federal government and the provinces would actually address these very issues.

In fact, I would suggest — and other colleagues in this chamber have far more experience than me — that this will be the type of negotiation that employers will be having with the government. Certainly, unions have been having that discussion, hence the reason there is such huge support for this initiative across unions and across the labour movement in this country.

**Hon. Ratna Omidvar:** Will the senator take another question? Thank you.

This is to follow up on Senator Ross's question about employers vacating space and moving out of insurance for certain drugs and some people losing their drug coverage as a result. What can you tell us about experiences from outside of Canada where the same phenomenon has taken place? Canada is catching up, so perhaps we can hear from you about what employers have done in situations that are similar to ours.

**Senator Pate:** Well, in my discussions with experts in other parts of the world, what it has generally meant is employers have been able to either reduce costs or extend coverage in other areas that weren't otherwise negotiated. That stands as a positive step in most cases, as well as a human right to have access to this kind of coverage. I suspect, in the worst-case scenario, there may be legal challenges if employers try to do that.

**Hon. Flordeliz (Gigi) Osler:** Honourable senators, I would like to begin by recognizing that we are gathered on the traditional and unceded territory of the Algonquin Anishinaabe people, who have been stewards of the land and water since time immemorial.

[*Translation*]

I rise today to speak to Bill C-64, An Act respecting pharmacare.

[*English*]

Thank you to Senator Pate, the sponsor of Bill C-64, and to my colleagues on the Standing Senate Committee on Social Affairs, Science and Technology for their work in studying this bill.

My speech today will have three parts: First, a short background on pharmacare in Canada; then, several but not all of the ongoing concerns with the bill; and, finally, my hopes for the future of pharmacare.

Let's start with an excerpt from the 2019 *Final Report of the Advisory Council on the Implementation of National Pharmacare*, also known as the Hoskins report:

> Canadians have considered the idea of universal drug coverage, as a complement to universal health care, for over five decades. For such a long-standing debate there is a surprising level of consensus. After hearing from many thousands of Canadians, we found a strongly held, shared belief that everyone in Canada should have access to prescription drugs based on their need and not their ability to pay, and delivered in a manner that is fair and sustainable. That's why our council has recommended that Canada implement universal, single-payer, public pharmacare.

Currently, Canadians pay for prescription medicines through a combination of privately funded insurance, publicly funded insurance and out-of-pocket payments. A 2022 Statistics Canada report found that in the previous year, 21% of Canadians reported not having insurance to cover any of the costs of prescription medications. Prescription medication use was also lower among those without insurance, with only 56% using medications compared to 70% of Canadians with insurance.

Percentages of people reporting not having prescription insurance to cover medication cost was higher among immigrants relative to non-immigrants and among racialized persons relative to non-racialized and non-Indigenous persons.

So, after many years of waiting, on February 29, 2024, the Honourable Mark Holland, federal Minister of Health, introduced Bill C-64, An Act respecting pharmacare.

• (1600)

**The Hon. the Speaker pro tempore:** Senator Osler, I regret that I have to interrupt you. You will have the balance of your time when debate resumes after Question Period.

[*Translation*]

## BUSINESS OF THE SENATE

**The Hon. the Speaker pro tempore:** Honourable senators, it is now 4 p.m. Before proceeding to Question Period with the minister, I would like to remind you of the time limits the Senate established for questions and answers in the order of October 3, 2023. During Question Period without a minister, a main question and response are each limited to one minute, while the supplementary question and answer are each limited to 30 seconds.

When the Senate receives a minister for Question Period, as is the case today, the length of a main question is limited to one minute, and the answer to one minute and 30 seconds. The supplementary question and answer are each limited to 45 seconds. In all these cases, the reading clerk stands 10 seconds before the time expires.

I would also remind the Senate that rule 2-7(2) requires that when the Speaker stands, the senator who has the floor must sit, which means that they must cease speaking until recognized again. To help ensure respect for this provision, I have given a direction that microphones be closed when the Speaker stands. This does not apply when a new senator is taking the chair.

I will now ask the minister to enter and take his seat.

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[*English*]

# QUESTION PERIOD

(Pursuant to the order adopted by the Senate on December 7, 2021, to receive a Minister of the Crown, the Honourable Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship, appeared before honourable senators during Question Period.)

## BUSINESS OF THE SENATE

**The Hon. the Speaker pro tempore:** Honourable senators, today we have with us for Question Period the Honourable Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship to respond to questions concerning his ministerial responsibilities. On behalf of all senators, I welcome the minister.

Minister, as I have noted to the Senate, a main question is limited to one minute and your response to one minute and 30 seconds. The question and answer for a supplementary question are both limited to 45 seconds. The reading clerk stands 10 seconds before these times expire. I ask everyone to respect these times. Question Period will last 64 minutes.

## MINISTRY OF IMMIGRATION, REFUGEES AND CITIZENSHIP

### IMMIGRATION SYSTEM

**Hon. Donald Neil Plett (Leader of the Opposition):** Welcome, minister. Minister, through horrific mismanagement, this NDP-Liberal government has ruined what was the very best immigration system in the entire world.

You know this to be true, minister. At multiple points this year, you've referred to the immigration system as out of control. In fact, in March, you told journalist John Ivison that the system had, ". . . gotten out of control, whether it's international students or any other category." Your words, minister.

While you seem to recognize the mess that has been made, you don't seem to recognize who was responsible for that. Can you tell us, minister, who was responsible? John McCallum? Ahmed Hussen? Marco Mendicino? Sean Fraser? Justin Trudeau? Or all of the above?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you, senator, for reading that question to me. First and foremost, I think we can all agree in this chamber that we have an immigration system that we can be proud of. Certainly, when I travel internationally, my colleagues highlight the beautiful aspects and inclusive nature of our immigration system.

I won't hide at the same time that this is a consensus and a consensus that we have to distinguish from anonymity. There are people in this country who do not like immigrants and do not want immigrants in this country, but we do have a carefully built consensus that is under stress and under challenge for a variety of reasons, domestically driven and internationally driven.

First and foremost, when I speak to Canadians, I hear them say they are proud of this immigration system — proud, as the International Monetary Fund has highlighted and as the Bank of Canada has highlighted, that we have avoided two recessions because of immigration. Whether we like it or not, we need immigration in this country but we need it in the right way. It has to be a form of immigration that is under control. We have certain aspects of our immigration system that have become overheated. That responsibility always falls on the shoulders of the government.

At the same time, I think we have to acknowledge — and I think it would be unfair not to acknowledge — that this is an immigration system that is the envy of the world. It is a consensus, yes, that is under stress, and we have to keep fighting for it, and that's what I'm here to do. If there are elements of it that need to be under control, that's the mandate that the Prime Minister gave me, and it's my responsibility.

**Senator Plett:** Out of control. It's not the envy. You're not talking to the same Canadians that I'm talking to. Canadians are owed an explanation, minister. They are also owed an apology. Minister, why should Canadians have any confidence whatsoever in your incompetent NDP-Liberal government that they can fix our immigration system when you have broken it so badly?

**Mr. Miller:** Senator, it will come as no surprise to you that I disagree with your premise and, most likely, the conclusion that you are drawing in your own head. However, I'll offer this answer to the Senate: This is an immigration system that is challenged. We have some real present obstacles that we are facing when it comes to the number of temporary foreign workers here, that have come here at the behest of institutions like colleges, like universities, like the provinces that have received the benefit from this. And it's something that we owe to Canadians to get under control. We have taken some measures that are currently showing some real progress. We're prepared to share that with the Senate and with the Canadian public. But it's something I think we can be proud of because it is a system that we're getting under control.

[*Translation*]

IMMIGRATION TO QUEBEC

**Hon. Claude Carignan:** Minister, for several months now, Quebec as a whole has been denouncing your immigration policies, because of the pressure on the health care system, the housing crisis and the need to protect the French language. You began by denying that there is a problem and basically insinuating that Quebecers are racist. Then you disputed the figures. Finally, you owned up to your failures when you said, and I quote, "Quite frankly, we took a little too long to slow down immigration."

However, you're still refusing to take swift and effective action to address the problem. Why is it that this Liberal government's first reaction to every request from Quebec is always to say no and deny that there is a problem?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Respectfully, senator, I've never called Quebecers racist. As a proud Quebecer myself, I've never done that and I never will. Clearly there needs to be a conversation, a discussion with Quebecers. We all want the same thing. So does the Senate. We agree that we need to protect French as the common language. In fact, that's why we invested over $6 billion in Quebec to protect the French language as part of the Canada-Quebec Accord, the pride of Quebec's immigration system. We can be very proud of what we've accomplished over the past 30 years with immigration to Quebec.

There are challenges. Just last year, the provinces were pleading with us not to cut programs. Now they are demanding we cut them. Immigration is a shared responsibility. Quebec, like Ontario and other provinces, is privileged to bring in temporary workers and students. The system needs to be better managed by both levels of government together.

**Senator Carignan:** You haven't answered my question. I'll try to ask you a simpler one. You mentioned respect. You called three premiers who also do not support your immigration policies "knuckleheads." Your colleague Dominic LeBlanc, Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs, was here three weeks ago. He couldn't defend you on this. Are you continuing with your policy of insults? Are you going to apologize and show some respect, as you just said?

**Mr. Miller:** It's not Minister LeBlanc's job to defend me. I can defend myself, senator. Obviously, when a task force is set up on the heels of the Council of the Federation meeting in Halifax, and those premiers let false information leak, that is irresponsible of them. I have every right to be ticked off. The reality is that they invented this false debate. We've said very clearly that we'll never force people to move. They knew that, and now they're standing up and saying, for electoral purposes in the interests of the Conservative Party, that we're going to move people. That's not true, and I think it shows disrespect towards Canadians, first and foremost.

• (1610)

[*English*]

IMMIGRATION LEVELS

**Hon. Tony Loffreda:** Minister Miller, thank you for joining us today.

There has been much discussion around the country about Canada's immigration targets, and I know you are currently working on Canada's upcoming Immigration Levels Plan, which you will table before Parliament. You were quoted recently as saying that a reduction in the number of permanent residents is a possibility as we try to stabilize our immigration system.

Can you speak to us about your consultations with the business community? What are they telling you? There continues to be a need for newcomers to fill positions in many industries — such as accommodation, food services and more — and for some entrepreneurs struggling to find workers, a possible reduction of new workers is concerning.

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Senator Loffreda, thank you for that crucial question. I think there is a responsibility to the business community. I mentioned in a response to one of your colleagues that we prevented two recessions, at the very least, because of our robust immigration policies, which we can be quite proud of. I have also acknowledged that the system has become overheated. To some extent, the country has indeed become addicted to temporary foreign workers, and businesses have taken advantage of that. They've leveraged that opportunity, and there is some responsibility there.

What we don't want to do is overcorrect and throw the country into a recession. We want to ensure we are not damaging vital industries. Obviously, in an era of food insecurity, we don't want to damage businesses that depend on temporary foreign workers, particularly ones that essentially sustain a lifeline in rural communities.

We have to get it right, but it's not something I can do in a vacuum. I have spoken to a lot of business associations and chambers of commerce. Without a fault, all of them ask for more and more temporary foreign workers, but I think the responsibility that we have as a country is that we can't get complacent about that, and to some extent we have become complacent about selling the values of the consensus we have carefully built, and that is incumbent on businesses as well as on the shoulders of the federal and provincial governments.

**Senator Loffreda:** Thank you for that.

Some provinces are calling for more temporary workers to fill positions, for example, in the hospitality sector. How have the talks with your provincial counterparts been going on this matter as you prepare to release your new plan? I am particularly interested in your discussions with the newly minted Quebec minister Jean-François Roberge. I appreciate that striking the right balance between meeting labour force needs and our

country's ability to adequately welcome and integrate newcomers is a difficult task, and there are challenges in housing and other sectors.

It's not easy, but how have your discussions been going with respect to that?

**Mr. Miller:** I don't necessarily share the same vision for Quebec as Jean-François Roberge. I don't like some of the policies of his government, and Bill 21 and Bill 96 are at the top of that list. I do get along with him personally, and I think Quebecers and Canadians expect us to get along and work positively and proactively to ensure that we have an immigration system that we can be proud of.

As you have alluded to, immigration responsibilities are a shared jurisdiction, and we need to get it right. It isn't a question of compromising our principles, but so far, my working relationship with him has been quite productive.

Remember, Quebec has changed its posture recently, and up until a year ago, they were asking us for more temporary foreign workers. It's changed, and they have some responsibility to get it right. I still haven't seen Mr. Legault's plan to reduce temporary foreign workers.

[*Translation*]

UNIVERSITIES AND POST-SECONDARY INSTITUTIONS

**Hon. Lucie Moncion:** Welcome, minister.

My question is about the impact that Immigration, Refugees and Citizenship Canada's decisions are having on the financial viability of the post-secondary sector. On January 22, 2024, IRCC introduced a temporary two-year cap on foreign students, resulting in a sharp drop in applications for study permits. A new reform announced on September 18 will further reduce the cap in 2025.

With public funding in decline for over 20 years, institutions have increased their dependence on this support. While IRCC's aim is not to come down hard on the sector, it is difficult to understand the lack of consideration for the fact that many establishments are in a precarious financial situation, particularly given the lack of warning and compensatory measures to mitigate collateral damage.

What measures is the federal government considering to mitigate the effects of this cap and ensure the financial viability of Canada's post-secondary sector?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Since my father left a small village and lifted himself out of poverty by teaching at McGill University for 45 years, I would say that this is an area that is very close to my heart.

The value of our post-secondary institutions does our country proud. However, universities and colleges have committed abuses and excesses. I don't think any of them can claim to be innocent.

The underfunding of these educational institutions is a provincial responsibility. What I blame myself for is that we trusted these institutions for too long before implementing these measures, which are very important for the sustainability of the post-secondary visa system for foreign students. I'm not telling anyone that they don't have the right to bring in international students, but there are conditions. These conditions involve the students' financial viability, as well how they will be hosted and supervised here in Canada.

Obviously, the system is not perfect, far from it. I think that many educational institutions are filling their coffers without consideration for the market these students would end up in. Perhaps they expected these people to get permanent residency and that there would be more jobs for them.

There is still a lot of work to do in many respects. I'm not an education minister or an economist by trade, but I have had to play those roles —

**The Hon. the Speaker pro tempore:** Thank you, minister.

**Senator Moncion:** Francophone institutions that rely heavily on this funding source are hit especially hard. Since they are often small, a volatile income stream can be fatal for many. These institutions play a vital role in the economic, social and cultural development of francophone minority communities. In addition, this measure makes it difficult, even impossible, to achieve the objectives of the francophone immigration policy.

How does the government specifically propose to support these institutions in order to maintain their viability and their impact in francophone communities?

**Mr. Miller:** Thank you for the question, senator.

Certainly, these institutions, mostly francophone institutions based outside Quebec, are in a very precarious financial situation. That is why I launched my pilot project this summer in Nova Scotia so that francophone students could be fast-tracked for permanent residency, which would encourage them to come to Canada provided they speak French in a francophone institution. That is very important.

These educational institutions are still responsible for ensuring that the international students they host are good students who will not decide to claim asylum.

This issue is extremely delicate, but I concede your point that the federal government has a special responsibility in this regard to francophone communities outside Quebec.

[*English*]

INTERNATIONAL STUDENTS

**Hon. Flordeliz (Gigi) Osler:** Thank you for being here.

My question is regarding the impact of the international student cap on small and medium-sized Canadian universities. In my home province of Manitoba, the University of Winnipeg is a

dynamic campus of approximately 10,000 students and a downtown hub that connects people from diverse cultures and nurtures global citizens.

The inclusion of graduate students in the international student cap will result in increased competition between institutions within and across provinces, as well as favour the big research universities over small and medium-sized universities. What is the federal government's plan to ensure equitable distribution of opportunities for Manitoba's universities and Canadian universities at large?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you for the question.

I have a very good relationship with Premier Kinew — which is, sadly, contrary to some other premiers. I know how near and dear this is to his heart and to making sure that people can establish themselves in Manitoba and get the expertise and training that they need.

I think increased competition, frankly, is good. I've told institutions that they must ensure that their recruiting practices are better internationally so that people aren't coming and getting the wrong student supports. They must ensure that tuition fees make sense and that people can properly integrate into Canada if they make the choice to stay here as permanent residents and, perhaps, become Canadian.

But all that is not guaranteed, and, currently, there are too many students in a precarious position. I don't propose that we blame them. There are some really smart kids; I say "kids," because they're quite young. They are a vibrant part of our labour force. If we can integrate them properly, it's a good thing. If we can't, and we've sold them a bill of goods, that is a racket that we need to rein in, and that's something that we need to get ahead of.

I don't think any institution is innocent in this. Some are worse than others, but we're prepared to work with provinces in enforcing their jurisdictions. This is primarily a provincial jurisdiction, but I'm here to help and ensure that this is a system we can continue to be proud of.

**Senator Osler:** Thank you, minister. According to the September 18, 2024, announcement, as of January 2025, graduate students will no longer be exempt from requiring provincial attestation letters and will be included in the cap.

• (1620)

Given that graduate students contribute to Canada's international reputation for high-quality training and research excellence, how will the federal government address the decline in international researchers participating in Canada's growth economy?

**Mr. Miller:** The attestation letter is proof that it was important to ensure we were trusting a province's institution, but also verifying. It is a front-line action we must take in order to ensure that people aren't coming into Canada fraudulently. We had cases of people showing up at a New Brunswick institution without offer letters. That can't happen. That's important.

The availability of these bright students will continue to build a reputation that will make Canada much more attractive. What's happening in the international student space isn't unique to Canada. It has happened in Australia and Britain and is happening in the U.S. However, it's something on which we can work together to ensure that when people look for international excellence, they think of Canada first and foremost.

## IMMIGRATION SYSTEM

**Hon. Andrew Cardozo:** Welcome, minister. Thank you for the discussion you're having with us today.

Yesterday, I participated in the Refugee Jobs Agenda Roundtable in Toronto, which includes a business network that is interested in employing refugees. There was concern, though, about the increasing lack of national consensus on immigration. Could you outline the specific policy changes you have been making in the past few months to restore confidence in our immigration system?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** First and foremost, the measures we must implement are those that reinforce discipline in and the federal government's control over the system. That can take many forms, whether it's ensuring people coming here on tourist visas do so for the right reasons and don't claim asylum as soon as they land at the airport, ensuring that we have properly secured borders or ensuring that those coming to study in a program are the actual students coming to study there, graduate and enter a field connected to the program. Currently, there are many questions relating to that latter category. That's why we're trying to rein in some of the volume challenges in the system.

I mention volume so much because when it is at a level that causes Canadians to start to question the consensus, it scratches away at some important measures, such as our refugee resettlement programs; our welcoming of families, parents and grandparents; and the 60% of the yearly draws in the immigration system that are economically related, contribute directly to the GDP of the country and have been responsible for preventing two recessions. That's critical, so those increased disciplinary measures in the system ensure that we have sustainable levels — ones that will continue to contribute to the integrity of those programs in particular.

**Senator Cardozo:** Thank you. I know that's difficult because, just in the questions today, we have heard that some sectors want more immigrants while there is a push for less from others.

We know that immigration is a major economic, social and cultural benefit. One example of this is that there are numerous seniors' homes across the country that are almost 100% staffed by immigrants — from top to bottom. Those homes wouldn't exist if it weren't for those immigrants. Will you work with community, business and labour groups to highlight the benefits of immigration to restore that consensus and remind people about the benefits that we all gain from immigration and refugees who come to Canada?

**Mr. Miller:** Absolutely. I have told my provincial counterparts that I am not in the business of stymieing the businesses in their provinces, but we must ensure our labour data is aligned and that we're achieving the proper alignment between programs — for example, how it looks when university programs transition international students into the labour force, or ensuring that the people we bring in obtain the jobs they were trained for. That is the case in the health care sector writ large, including home care and care for our most elderly, and it's something we need to get right. Aligning supply and demand isn't perfect, and it's something on which we have to continue to work with provinces to ensure the labour data market aligns with our needs and whom we draw and select to come to this country.

SCREENING PROCESS

**Hon. Salma Ataullahjan:** Minister, welcome.

Just five days ago, a CBC article highlighted that the screening process under your government does not require international student visa applicants to obtain police certificates from law enforcement agencies in their country of origin.

This issue with indiscriminate immigration is a clear symptom of a broken system that contributes to the growing backlash against immigrants in Canada, a country that has long been touted as the most immigrant-friendly country in the world.

What measures is your government taking to implement more stringent security checks for international students and curb rising anti-immigration sentiment in Canada, without undermining the importance of immigration to our economy?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Senator, first and foremost, we must consider the safety of Canadians. There are three ways of ensuring that Canadians are safe: outside our borders, at our borders and inside our borders. The police enforcement systems and agencies act on all three fronts to ensure that we thwart threats. We should disabuse ourselves of the notion that Canada's borders are impermeable. That is a reality we must deal with. Otherwise, we would only have one way of enforcing entry into and exit from this country.

Police certificates are an important measure. They are not the be-all and end-all. They are, at times, required as part of the security screening that our officers do diligently when it comes to international students or anyone else who comes to this country, on a tourist visa or otherwise. Since 2018 — perhaps a bit earlier — we've implemented biometrics, which is critical. We cross-check them with several security agents, and if we look back and pose to ourselves the fundamental question of whether we are safer now than we were 10 years ago, I would say that we're much safer now.

VISA APPLICATION PROCESSING

**Hon. Salma Ataullahjan:** Minister, I am consistently approached by Canadians of Pakistani origin who are upset at the unacceptable delays in the visa process. In February you said, "We do have about seven positions that should be in place by summer of this year. . . ." You continued, saying, ". . . and it will allow us to have a more streamlined processing capacity on the ground in Islamabad."

To date, there has been nothing. Was this just another empty promise to the community?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** No. In fact, senator, that is not the case. As of August, I have data regarding a number of officers who have now been placed in Islamabad. We have had some challenges obtaining visas for them on our end, but my understanding from the department is that it is in place. We can provide you with a written update on the data in question and on the processing times in Pakistan.

CITIZENSHIP STATUS OF SAMIDOUN MEMBERS

**Hon. Leo Housakos:** Minister, after nine years of Justin Trudeau, violent crime has surged by 50% in Canada. Canadians have witnessed a shocking rise in violent acts of Jew hatred following the October 7 terror attack against our ally Israel. Meanwhile, your government allows terrorist organizations to operate freely in this country, including the Islamic Revolutionary Guard Corps, or IRGC, which openly supports other terrorist groups like Hezbollah and Hamas.

It took years of pressure from the Conservatives, including various motions in the House, before you finally did the right thing and listed them. What is taking so long with respect to Samidoun? They openly raise funds in Canada on behalf of terrorist groups. They have clear and direct ties with the Popular Front for the Liberation of Palestine, which has been listed as a terrorist entity since 2023, and its founders have been openly glorifying terrorism, advocating Jew hatred and celebrating the death of Jews. Why hasn't your government listed Samidoun and kicked its founders out of Canada?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you, senator, for the question. I assume that you are not blaming all of these issues on immigrants, as I am here in my capacity as the Minister of Immigration. Assuming that's correct, if you had paid attention to Question Period today, you would have heard the answer by the Parliamentary Secretary to the Minister of Public Safety, who said that this matter has been referred by the Prime Minister to the National Security Advisor.

**Senator Housakos:** You are Minister of Immigration, and clearly I'm not blaming all immigrants. I'm the son of an immigrant. Today, Pierre Poilievre made it clear that when he becomes Prime Minister, he will immediately list Samidoun as the terrorist organization that it is. In the meantime, Samidoun has already been listed by several of our allies, including Germany. Samidoun's leadership was also deported from Germany in 2019 and denied entry into the EU in 2022. However, your government continues to receive them here in Canada.

• (1630)

I have two simple questions, minister: Why are Samidoun leaders Charlotte Kates and Khaled Barakat allowed in Canada? Why are you allowing those two individuals here? Second, can you confirm if either of these individuals is even a Canadian citizen?

**Mr. Miller:** You clearly before this house have assumed they are not. I am not aware of what their status is currently in this country. I think the important thing here is that we need to, as a house, condemn all acts of hatred unequivocally and — particularly given the day that we commemorated sombrely yesterday — anti-Semitism in all its forms.

[*Translation*]

INTERNATIONAL STUDENTS

**Hon. René Cormier:** Welcome to the Senate, minister. On September 18, you announced a further 10% reduction in the cap on study permits for international students and a change in the eligibility for post-graduate work permits.

To obtain such a work permit, international students registered in public colleges will have to study in a field associated with priority sectors such as health and technologies. These sectors, identified by your government, don't necessarily take provincial and regional labour needs into account.

This decision will have an impact on college programming and, by extension, on the businesses and communities in New Brunswick.

Minister, have you weighed the impact of this decision on post-secondary institutions in minority communities?

Why didn't you give the provinces the responsibility of establishing their own priority sectors in implementing this change?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** The very simple answer, Senator Cormier, is that the provinces never took responsibility for that even though I've been asking them to do so for a year now.

During the first round of measures I implemented less than a year ago, I made it clear to them that I'm not here to eliminate viable markets, especially not in vulnerable or regional communities, but I asked them to get back to me with data, market studies and proposals.

To date, Quebec is the only one that has brought a measure forward and asked for more temporary workers. Manitoba requested an exemption. We said, "Sure. We're not here to tell you what to do, but whatever you do has to make sense."

We had to get tough and make sure post-secondary institutions were in tune with the labour market, not offering programs that make no sense. It all has to match up with local markets.

The federal government doesn't have a monopoly on truth. We need the provinces to participate, give us access to their market studies and tell us where the gaps are so we can adjust our programs accordingly. I'm not here to tell anyone they can't have those jobs.

At the same time, I'm responsible for the agreement with respect to visas.

**Senator Cormier:** In accordance with the Official Languages Act, the federal government must take positive measures to enhance the vitality of official language minority communities, notably by supporting sectors that are essential to their development, such as employment.

The announced changes to post-graduate work permit eligibility could have a tangible negative impact on employment in minority situations.

In keeping with its obligations under the Official Languages Act, has your government assessed the potential negative impacts this reform could have on the vitality of official language minority communities?

**Mr. Miller:** The federal government has a special responsibility toward francophone communities outside Quebec and even inside Quebec.

As for this special responsibility in vulnerable communities, in small communities for institutions that are just as vulnerable, the government also has a duty to be flexible.

That is what I asked my department to do. We need the provinces in question to get involved. That is one of the reasons I launched the pilot project this summer to ensure that francophones studying at these institutions can have an inside track to permanent residence. That is appealing to them.

[*English*]

CITIZENSHIP TEST

**Hon. Margo Greenwood:** Thank you, minister, for being with us here today. My question concerns the citizenship study guide *Discover Canada: The Rights and Responsibilities of Citizenship*. This study guide is used by all newcomers for their citizenship test, yet in many instances it is their first introduction to Indigenous peoples in Canada.

The Truth and Reconciliation Commission's Call to Action 93 calls upon the government to work with national Indigenous organizations to revise the information kit for newcomers to Canada and its citizenship test to reflect a more inclusive history of the diverse Indigenous peoples of Canada.

A quick reading of the guide finds the use of outdated terminology, provides an incomplete picture on the role of Indigenous peoples in Canadian history and provides scant information on the impact of colonization, including the legacy of residential schools.

In January of this year, your office responded back to my letter on this matter. Minister, can you please provide an update on the status of this work and efforts to fulfill —

**The Hon. the Speaker pro tempore:** Thank you, senator.

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you, Senator Greenwood. I suspected what the question would be. I would like to see that come out as soon as possible. It is something that is still ongoing. Clearly, some of the terminology and references generally in the guide are ones that are outdated. It is not the beginning or the end of any particular newcomer's journey of understanding and knowledge of Indigenous peoples or of other elements that are in need of an update, but it is an important tool in framing what we expect new citizens to do when they get to this country. I have seen dramatic changes in the citizenship ceremonies, obviously in the oath, which is critical. It's something that everyone is waiting for. I don't have an update as to when that will come out, but I hope to do it in short order.

**Senator Greenwood:** Could you perhaps then also include clarification around the rules of national Indigenous organizations in its development beyond consultation?

**Mr. Miller:** When I have spoken to the national Indigenous organizations, I have understood there has been strong participation in this guide. That is something that is ongoing. As time goes on, there is sometimes a need to update as well. My understanding, and because the preparation of this guide was done before I was put into this position, is it's something that was done thoroughly.

START-UP VISA PROGRAM

**Hon. Krista Ross:** Good afternoon, minister. Thanks for being here with us today.

The Start-up Visa Program has only had a few more than 300 approved applications since it became permanent in 2018. As of May of this year, it has a 37-month backlog, more than three years. Imagine that you're an innovative entrepreneur looking to come to invest in Canada and you're met with a delay of a minimum of three years. How are you supposed to structure your future growth and strategy when the future is so uncertain? Aren't these people we want to attract, those investing in Canada and creating job opportunities for Canadians?

Besides reducing the numbers to a maximum of 10 applications per designated organization annually — which I was told about in a letter of September 23, following a question I asked in June of this year at the National Finance Committee — what steps are you taking to clear the backlog and ensure this immigration stream is sustainable?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** The fundamental question that I have is whether this is something that is sustainable. I think we have to focus on the quality of the applications. This is not a program that has been without integrity challenges. We have to make sure that people who are coming here are, in fact, investing capital and not simply using this as a backdoor entry into Canada.

I'm not questioning the people who are currently in the inventory and their motives, but I do think that when it comes to integrity of our immigration system generally and particular programs, we have to make sure that we get it right. This is why I took the measures to limit, in some cases, the issues to 10 visas because, frankly, there were some areas that I think needed cleaning up and I still think need cleaning up. That's just the reality of it.

We don't want to stymie innovation. We want to give everyone the ability to invest in Canada. If that type of visa is good for their business model, then it should work, but it can't be used for other purposes. I think that's the ongoing struggle as to the viability of the program we are looking at internally.

**Senator Ross:** Thank you. Over the last year, you have made more than six different announcements for changes to immigration. You've reduced the Temporary Foreign Worker Program and study visas and changed rules around post-graduation work permits. Instead of developing a single, strong approach, I believe this has left post-secondary institutions, businesses and organizations reeling, struggling to adapt every couple of months to new announcements. You have said a lot about strengthening our immigration system. I understand this intent. It's not what my question is about. My question is this: How can you expect businesses and institutions to adapt and plan for the future when the rules keep changing with this piecemeal approach? What strategy should they take?

• (1640)

**Mr. Miller:** First and foremost, those colleges and institutions should realize that the uncapped flow of students — the challenges they currently face in the volumes that we're seeing — is not something that was sustainable. My predecessor and I were quite vocal that if provinces couldn't fix it, we would step in and fix it for them. It is the reason we are putting into place the trusted institution model — the announcements I made in January and the additional ones I made just a few weeks ago.

When you look at them, they make sense for the purpose of the international visa program. It is not the trend that it was going in, which is uncapped flows of international students into Canada with all the challenges that poses to communities —

**The Hon. the Speaker pro tempore:** Thank you, minister. We must move on.

CITIZENSHIP GUIDE

**Hon. Dawn Anderson:** Minister Miller, my question is regarding Bill C-8, An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94), which proposed amending the oath of citizenship.

On June 8, 2021, I rose in this chamber to speak as sponsor of the bill. I was assured that the Immigration, Refugee and Citizenship Canada guide would also be amended and that I would receive a draft to review prior to it being published. I received and reviewed a draft from then Minister Mendicino in 2021 and subsequently followed up with the next minister, Sean Fraser, in 2023 without resolution.

My office then contacted your office monthly for eight months before securing a meeting in June. I asked again for a draft copy of the guide, restating that I had been assured I would receive it before it was made official. I have yet to receive any indication from your office that it will be forthcoming.

Will the minister provide me with a draft as promised? Given your response to Senator Greenwood, I would ask that you report back on a time to complete this overdue Truth and Reconciliation Commission, or TRC, Call to Action.

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** My impression, senator, is that you had been provided with a copy. I'm glad to give you one after this meeting. So, yes, absolutely. I can print it off myself.

**Senator Anderson:** The immigration booklet is explicitly linked to TRC Call to Action 93, and as stated by the Native Women's Association of Canada:

> [I]t is not enough to simply amend the oath in the Citizenship Act. For this amendment to make any meaningful and substantive difference in our community there needs to be a commitment to amend the "Discover Canada — Canada's History" study guide. The study guide as it reads now is wholly inadequate to acknowledge the history and continued atrocities faced by Indigenous peoples, and specifically Indigenous women, girls and gender diverse peoples.

Since three years have passed, can you provide the timeline for successfully completing this TRC Call to Action?

**Mr. Miller:** In the spirit of complete disclosure and honesty, while you might not be happy with this answer, I need to give it to you. The answer is that I cannot at this time.

PROCUREMENT PROCESS

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Minister, in reports released earlier this year, both the Auditor General and the Procurement Ombud investigated the millions given in shady contracts by your government to well-connected Liberal insiders at the McKinsey Canada consulting firm. This includes two contracts from your department worth a combined $27 million. You have been the immigration minister for 14 months now. It is your responsibility to take the findings of these reports seriously.

Minister, have you read the reports, and what have you done to address their findings?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Senator, I absolutely do take these reports very seriously. I think we can agree that external consultants, at times, play an important role — not an overarching role. The history of that is vested — and we probably don't need to revisit it — in the gutting of the public service that Stephen Harper effected. That is not necessarily a reason for where we are today, I will acknowledge, but that is a factor in the use of external consultants.

To the extent that they are excessive and unneeded, I have spoken to my department. They are very aware of these findings, and it's something that we constantly review to see whether we actually need external consultants to do the roles that internal folks could do.

I would hasten to add that I have never met any of these alleged people. I want that clear for the record.

**Senator Martin:** You have been in government for the past nine years, so I fail to understand why you're talking about Stephen Harper.

In any event, your department routinely handles the highly personal information of individuals. Yet in her report, the Auditor General found that five McKinsey contractors were granted access to your department's network without valid security clearance.

Minister, can you guarantee to Canadians that this practice is not currently happening in your department and that all security requirements are being met?

**Mr. Miller:** Let me say clearly, senator, that we do take these allegations quite seriously. The department is very conscious of making sure that all security protocols are followed by anyone who has access to our systems, if any.

REVOCATION OF CITIZENSHIP

**Hon. Donald Neil Plett (Leader of the Opposition):** Minister, I give you credit: It took you longer than most of your colleagues to blame Prime Minister Harper for your failures; it took you 45 minutes.

On July 31, the RCMP announced the arrest of a father and son who were planning to carry out a terrorist attack on behalf of the Islamic State in Iraq and Syria, or ISIS, in the Toronto area. The father had been granted Canadian citizenship in May of this year, and not by Stephen Harper. Two weeks after those arrests, you told reporters:

> . . . I'm also going to take the next step, which is to start the preliminary work with the evidence at hand to look at whether the individual in question's citizenship should be revoked . . . .

Minister, what is the status of the work under way to revoke this individual's citizenship? Will his citizenship be revoked, yes or no?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you, senator, and thank you for highlighting my patience. I would also highlight that Mr. Harper gave citizenship to an imam named Adil Charkaoui. That is something that happened; you can check the record.

The reality of this, senator — and you'll appreciate this — is that there is an ongoing investigation and prosecution. The chronology and the timeline that you're citing from is one that I gave to committee. That is all that I am currently at liberty to discuss. I think we have to be very careful in not compromising or even attempting to compromise the ability of the prosecution to effectively prosecute the case in question.

And I agree with you: Canadians are entitled to answers. If we do find facts that enable us to act upon section 10 of the Citizenship Act, we will certainly do so.

**Senator Plett:** That's all I asked for, yes or no. Your government acknowledges this individual is a member of ISIS. You acknowledge that. He carried out gruesome attacks in a 2015 ISIS propaganda video. He should never have been allowed to set foot in our country, let alone be granted Canadian citizenship.

Minister, how did it happen that this individual was allowed into our country and granted Canadian citizenship?

**Mr. Miller:** We are currently looking at a number of those elements. I have undertaken to the committee in question that we would produce a report as to what might have happened within the department, including the Canada Border Services Agency. That report, to the extent the information can be disclosed publicly, will be given to committee. We will be happy to take questions on that.

I would also caution members here in the Senate, to the extent they are talking about alleged facts that have not been prosecuted at this time, that I think the last thing they may want to do — precisely for the security of Canadians — is to not assume that the allegations are true or false but to let the prosecution do its work for the safety of Canadians.

[*Translation*]

## PROCESSING OF ASYLUM CLAIMS

**Hon. Julie Miville-Dechêne:** Apart from some unfortunate remarks by the Premier of Quebec concerning the forced displacement of asylum seekers, I have questions about our processing times.

Mr. Legault mentioned that the files of asylum seekers take four months to process in France — a state that is also under the rule of law — compared to three years in Canada.

First of all, are these figures accurate? Secondly, and more importantly, why do Immigration, Refugees and Citizenship Canada and the federal government not shorten these very long wait times so that the fate of these asylum seekers can be decided sooner?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Senator, we are dealing with unprecedented numbers. France does, indeed, have a different system and operates by the rule of law. However, I do not think any country would want to contend with the challenges France is currently facing.

• (1650)

I don't think we'll have the same answers or the same approaches to the challenges that we are facing in Canada. Of course, the federal government has a responsibility to act by reducing wait times. I have spoken to the Immigration and Refugee Board of Canada, which is an independent institution, but I can't influence its decision-making. That is very important for a country like Canada that is governed by the rule of law. Please know that we were able to secure funding in the last budget to ensure that the board can pick up the pace. We are taking other measures. I even proposed reforms to the asylum system in the House of Commons during the last budget process, but the Conservative Party, the NDP and the Bloc Québécois blocked them. Senators should be asking these parties why they are contributing to the delays being faced by asylum seekers.

**Senator Miville-Dechêne:** Again with regard to asylum seekers, to date, Canada has welcomed only 300 asylum seekers from Gaza when you promised to bring in 5,000. Afghan women are facing just as many delays and obstacles. I know that there was a positive story recently, but in general, the wait times are very long.

Why are people in Gaza and Afghanistan facing such potentially fatal delays, when the government is fast-tracking applications for Ukrainians?

**Mr. Miller:** With all due respect, Senator Miville-Dechêne, these are three very different conflicts. What happened in Ukraine was a collaborative effort involving several countries, because Ukraine was letting its people go. In the case of Gaza, getting people out is very hard, and bribes must be paid to get people through security to Egypt. In Gaza, we don't have any way to fingerprint people or do biometrics. There are lots of issues with security and triage. I wouldn't call it a failure, but the program has lots of challenges.

What's happening in Afghanistan is very different from what's happening in Gaza, but we have brought in 53,000 Afghans so far, and I think that's something we can be proud of.

[*English*]

## MIGRANT WORK COMMISSION

**Hon. Ratna Omidvar:** Thank you, minister, for joining us today.

The Standing Senate Committee on Social Affairs, Science and Technology, which I chair, tabled a report earlier this year focusing on the low wages of temporary foreign workers in Canada. We saw them at work in the Maritimes, and our study led us to a few important recommendations that we have sent to you.

I would like to probe your response to our central recommendation, which is the creation of a migrant work commission modelled on the Canada Employment Insurance Commission, with representation from employers, government and workers, so that there is a system and a structure to address their complaints.

What is your response to that proposal?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you, first and foremost, for the work that you have done on this.

It is the reality of migrant workers that they are in an exploitative situation where there is a disproportionate power dynamic between employers and employees. There is always a disproportionate power dynamic between employers and employees but particularly for migrant workers with closed work permits with conditions that would not make many Canadians proud, with respect to some areas.

Largely in the sector, I think there are a lot of people who are compliant. What I want to avoid is unduly painting good Canadian businesses with the same brush, but I do acknowledge that there are systemic areas that we need to address.

Madam Senator, currently my department is studying this. The department that Randy Boissonnault heads is studying this. We are looking at a number of options to ensure this is a program that can have more inspections, more supervision and better outcomes, particularly for a very vulnerable sector of the population.

We don't agree with the report of the Senate in its entirety. We do think it has made a valuable contribution to the discussion and some of the reforms we need to put in place within an area that is in need of reform.

## OPEN WORK PERMITS

**Hon. Ratna Omidvar:** Thank you, minister. We look forward to receiving your response, I believe, in a couple of weeks. I hope I will not have retired by then. Let me ask you another question about the same issue.

When we visited employers and workers, we heard complaints from all sides. The system doesn't seem to work for either the workers or the employers, particularly the closed work permit. It creates a context for abuse. It also limits employers from moving employees to other locations of work because the work permit ties them to a specific location in a specific wage category.

Instead, we have proposed that you consider phasing out closed work permits over the next three years and providing —

**The Hon. the Speaker pro tempore:** I'm sorry. Mr. Minister, your response?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** I think I understood the question.

Senator, that is an important observation. I think we can all agree that moving to open work permits would not necessarily solve the abuse, but I agree that closed work permits, in some cases, create the conditions where abuse thrives.

There are many ways to get rid of the abuse. I don't know if regional or open work permits are the solution, but they are a solution. It's something that we're very open to studying, but we have to ensure we get it right. I think that's the ultimate objective in this. My open work permit program that helps people who have suffered abuse is one of those ways to reach there, but it isn't working as effectively.

[*Translation*]

## IMMIGRATION SYSTEM

**Hon. Jean-Guy Dagenais:** Minister, I find it very hard to believe what you said about Canadians being proud of our immigration system. Your government's way of doing immigration comes at a cost to the country, the provinces and municipalities. It also burdens public services, which are overwhelmed. How much will your program cost in total? There's no way to know. There's going to be an election soon. Prior to that, would you agree to a national audit on the total cost of your immigration-related decisions? That would enable Canadians to judge you more fairly on the basis of your program, which you claim they accept in its entirety.

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** What program are you talking about?

**Senator Dagenais:** The immigration program.

**Mr. Miller:** The entire program?

**Senator Dagenais:** A cat could lose its kittens there. Right now, no one knows where things are headed.

**Mr. Miller:** I'm always open to an external audit. Considering all the audits we undergo, I would think it's enough, but I'm not the judge of that. I'm not afraid of criticism. I think that, in our departments, with all the information available on our website, we are very open when it comes to providing this information to Canadians. They can be the judge. If people need more audits, I'm open to that.

**Senator Dagenais:** You may disagree with my premise, but can you explain to us why I should not believe that Mr. Trudeau's immigration decisions are more a reflection of his personal ideology, to the detriment of the well-being and economic security of Canadians?

**Mr. Miller:** Yes, personal beliefs about the value of immigrants and immigration in Canada play a role. I don't think that is dogmatic. There are practical reasons too, which is why I was appointed minister, to make the necessary changes. Yes,

Canada's immigration system is facing challenges, but it remains a source of national pride. If not for these measures, we couldn't have rejuvenated the workforce to the extent underscored by the Bank of Canada — an independent agency — nor could we have avoided recessions. Were some distortions created? Certainly.

The responsibility is shared, but we have our share. We are responsible for ensuring that we act —

**The Hon. the Speaker pro tempore:** Thank you, minister.

[*English*]

INTERNATIONAL STUDENTS

**Hon. Marty Klyne:** Thank you for being here, minister. I would like to focus my question on high-performing foreign students wanting to come to Canada to study. Canada needs to be attracting the brightest and most creative and innovative minds to study and, hopefully, take up residence here in order to apply their knowledge, skills and abilities to sectors or industries coming up short in recruiting highly skilled graduates.

Today, let's think about a scenario where a Canadian university has available enrolment capacity for science, technology, engineering and math, or STEM, and available residences on campus, as well as co-op placement opportunities in burgeoning sectors experiencing a shortfall of STEM talent. With these conditions of underutilized capacity, would the federal government be open to a Canadian university making a strong business case to enroll foreign students where there is a demand for STEM talent in industries such as tech, health care and finance?

• (1700)

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Senator, I don't see why not. I said essentially the same thing to some people I met today: that I'm not here to stand in the way of great ideas, whether they're pushed by universities, colleges or the needs of the labour market. Intuitively, there is nothing wrong with that. I could get behind that.

The challenge is one of jurisdiction and making sure the provinces are assuming their responsibilities. What I've told them is what I will tell you, which is that absent any particular federal responsibility — and I mentioned the responsibility toward vital francophone communities outside of Quebec — they have to convince their provincial counterpart to come and convince me. It's an easy sell, but it is just that I haven't seen anything from provinces, except for a small handful in very discrete areas. I should not stand in the way of it. I am the Minister of Immigration. I am not the Minister of Education or a demographer or a PhD in economics, but it is something that we can get right if we do it well and if we cooperate.

Despite the public-facing aspect of this, which sometimes spins out of control in the media, I have pretty good relationships with my provincial counterparts, and our job is to get things done for Canadians.

**Senator Klyne:** Maybe we can put a finer point on this. The University of Regina has a co-op program. It has vacant residency on campus and the capacity to increase enrollments in STEM. Would the federal government work with the province or directly with the university if there is a sector needing or wanting a scale-up that requires a recruitment of STEM talent?

**Mr. Miller:** They really should be working with the province and coming to give us that pitch but, more importantly, they should be pitching to those bright minds who will come here. I've said time and time again, without speaking directly about that institution, that recruiting practices have to change. They certainly need to change if we're going to get the best and brightest under a visa program administered by the Government of Canada. Absolutely, but let's get everyone on board and get it done.

[*Translation*]

PROCESSING BACKLOG

**Hon. Claude Carignan:** Minister, I want to talk about citizenship applications.

Your own service standard is to process these applications within 12 months. Your target is to meet this standard on at least 80% of the applications submitted. The Liberals made this commitment in November 2015, when they first came to power. Yet your own figures show that only 36% of applications were processed within the standard in 2022-23. Minister, a student who gets a mark of 36% fails his year. An employee who achieves only 36% of his objectives is fired. Are you proud of this result?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** With regard to timelines, you don't necessarily have to take my word for it. The Auditor General has said unequivocally that these have improved significantly in recent years. There's always room for improvement. I know that people waiting for their Canadian citizenship take this very seriously, and it's important for me to ensure that our department meets the standards we've set ourselves.

**Senator Carignan:** Thank you. What concrete action have you taken to achieve these objectives? Are you going to fire civil servants who don't reach 50%, or have you given them bonuses? What concrete action have you taken?

**Mr. Miller:** As minister, I have a very important duty to Canadians. Within my department, my deputy minister has the very important responsibility of managing personnel. He can't just decide to fire everybody — that's dramatic and unprofessional. When I'm disappointed with something, I communicate it directly to my deputy minister and he takes note.

[*English*]

CITIZENSHIP ACT

**Hon. David M. Arnot:** Minister Miller, Bill C-71 responds well to the well-known gaps affecting "lost Canadians" but not those affecting Canadians born abroad and adopted by Canadian parents. These adopted children are prevented from passing on citizenship if they live and start a family abroad. This first generation cut-off affects no other Canadians and is not cured by the proposed 1,095-day substantial connection test.

The adoption process is a legal process that demands substantial connection. Even with such a substantial connection, the cut-off means these adopted Canadians are "citizens minus," which is a fundamental breach of their citizenship rights.

Minister Miller, will you consider a simple, clear, consistent amendment to cure this inequity in that act?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Senator Arnot, thank you for taking the time to meet with me today to walk me through your amendment. It's something we can examine. We do want to get this bill through as quickly as possible. There are a number of vulnerable Canadians who have had their citizenship stripped by Stephen Harper. We need to remedy that. This is a matter of fundamental justice. It will make the act that I administer Charter-compliant for one of the rare occasions in history, so I think that's very important.

When it comes to your amendment, we're glad to look at it, glad to work with the teams you represent to make sure the people you are representing are treated fairly.

[*Translation*]

ASYLUM SEEKERS

**Hon. Clément Gignac:** Welcome, minister, and thank you for your public service. I'd also like to congratulate you on your humility in acknowledging that the government could have perhaps done better, and for listening to the economists when they suggested that the government take integration capacity into account in the future.

My question is about asylum seekers and Quebec's suggestion that the EU's new pact on migration and asylum, designed to help European countries under pressure, be used as a model. Other member states must participate in the relocation of asylum seekers or contribute financially. Would such an approach be worth considering in Canada?

**Hon. Marc Miller, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** In a federation like Canada, where the responsibility for immigration is shared, we might expect every province to act in good faith and responsibly. In theory, this should work better than in the European Union, especially with the borders that we have and because of our Constitution, which manages our relations with the provinces.

However, the fact of the matter is that recently, some provinces have not been doing their part when it comes to asylum seekers, so the federal government needed to step in. It's not a question of treating people like cattle or proceeding with forced displacement. Nor is it a question of adopting solutions that aren't tailored to Canada and drawing on the experience of countries that have different challenges than Canada, countries such as France, Germany or another country.

There's always room for improvement in the hotel system that was set up, which is very expensive. Many people in Quebec were displaced in the wake of Roxham Road. The integration process never works better than if a province works within its own jurisdiction to ensure that asylum seekers are treated humanely with the resources that the provinces can provide.

**Senator Gignac:** To depoliticize the issue of immigration, it's expected that our immigrants will contribute in the long term to the creation of wealth, we all agree on that, but in the short term, all of this creates challenges. What would you think about creating an expert panel made up of demographers, sociologists and economists to advise you on setting targets?

**Mr. Miller:** Absolutely, I'm not against that at all. I've gotten a lot of valuable information, ideas and contributions from people outside the government. I wouldn't be opposed to that. I'd like to have some success with the distribution program that we put in place first before going ahead with something like this. However, at first glance, it seems like a good idea to me. We do that sort of thing informally right now. I would be fine with making the process more official with the participation of the provinces, if they will commit to participating in good faith. I would agree to that, but it would require the good faith of the provinces.

**The Hon. the Speaker pro tempore:** Honourable senators, the time for Question Period has expired.

I am sure you will join me in thanking Minister Miller for being here with us today. Thank you, minister.

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

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[*English*]

# ORDERS OF THE DAY

## PHARMACARE BILL

THIRD READING—DEBATE ADJOURNED

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 C-64, An Act respecting pharmacare.

**Hon. Flordeliz (Gigi) Osler:** Honourable senators, in the last episode of Senator Osler's speech on Bill C-64, I was talking about a short background on pharmacare, my concerns and then my hopes for pharmacare.

• (1710)

Bill C-64 has been called the most significant piece of health policy legislation since the 1984 Canada Health Act, which enshrined in law the core principles of Canada's public health care system: that it be publicly administered, comprehensive, universal, portable and accessible to all.

Canada remains the only country in the world to offer universal health care without pharmacare. Bill C-64 aims to deliver that missing piece, universal prescription drug coverage, and proposes the foundational principles for the first phase of national universal pharmacare in Canada.

It describes the Government of Canada's intent to work with the provinces and territories to provide universal, single-payer coverage for certain diabetes medications and contraception.

Minister Holland has acknowledged that the government is approaching pharmacare in stages and that there is ". . . not universal consensus on where a national pharmacare program will go."

Despite these intentions, Bill C-64 has raised concerns. Dr. Steven Morgan, Canada's leading expert on pharmacare systems, wrote in the August 12, 2024, edition of the *Canadian Medical Association Journal*:

> The legislation promises to provide immediate coverage of contraceptives and diabetes medications, but it does not ensure universal, public coverage of those medications. As written, Bill C-64 will merely fill the gaps in Canada's existing patchwork of more than 100 public drug plans and thousands of private ones, cementing into law a model of national pharmacare that was rejected in 2019 by the government's Advisory Council on the Implementation of National Pharmacare, as well as by 4 previous national inquiries. A fill-the-gaps pharmacare system will not give Canada the institutional capacity needed to fairly and efficiently provide universal access to appropriately prescribed, affordably priced, and equitably financed medicines in a global context of powerful players and growing challenges regarding the reasonableness and transparency of pharmaceutical pricing.

He concludes his article by saying:

> Unamended, Bill C-64 will create a fill-the-gaps system involving unnecessary complexity, fragmented purchasing power, inequitable financing, and potentially conflicted coverage decision-making.

The Standing Senate Committee on Social Affairs, Science and Technology, also known as SOCI, began studying Bill C-64 on September 18, 2024, and heard from Minister Holland. In response to a question from Senator Moodie on why the Senate should not amend the bill, Minister Holland answered:

> I'm deeply respectful of your chamber, and you have such an important role to play in reviewing legislation and suggesting amendments. This is a bit different in that it was balanced on a pinhead. This is, by far — and I've been involved in a lot of complex things — the most difficult bit of business I've ever been in. Every syllable and word in this bill was debated and argued over. It is the result of really important collaboration. It was not one political party but two, with two very different views, finding a way to find common ground.
>
> I freely acknowledge that it's imperfect, but, in this instance, we have to be very careful of not allowing perfection to be the enemy of progress. We don't have a lot of time. The reality is that opponents will criticize this as just being fantasy, so if we spend a long time wordsmithing and trying to make the legislation perfect, then the criticism that it's not real starts to feel real for people because they don't get drugs and an improvement in their life.

The Merriam-Webster dictionary defines "wordsmith" as someone "who works with words." Colleagues, some of the words and terms used in Bill C-64 lack definition, which has raised concerns about ambiguity from numerous stakeholders, including, but not limited to, people living with diabetes, pharmacare advocates, academics, insurers, business groups and employers. For example, several terms like "single-payer" and "first-dollar" appear throughout the bill yet are undefined.

Canadian Doctors for Medicare is a national, evidence-based, non-partisan member organization dedicated to strengthening and preserving Canada's publicly funded health care system. In their brief submitted to Social Affairs, they outlined their concerns.

First, "Bill C-64 does not explicitly commit to the universal, publicly funded, single-payer pharmacare program recommended in the . . . ." Hoskins report.

Second, there is a lack of comprehensiveness in that:

> Bill C-64 does not commit the federal government to expanding coverage beyond products for diabetes and contraception. Rather, it only "aims" to continue working toward implementation of a national formulary and national universal pharmacare . . .

Third, the bill does not define the term "universal," though they presume the intent is to ". . . mimic the criterion in the Canada Health Act . . . "

Fourth, they have concerns regarding public funding and administration:

> Bill C-64 does not explicitly commit to an expanded pharmacare program that is fully publicly funded first-dollar coverage and universal for all essential medicines . . .

Fifth, there is a lack of accountability in that:

> Bill C-64 only commits the minister to "considering" the Canada Health Act, not to abiding by the five principles enshrined in the Act . . .

Finally, there is potential for conflicts of interest:

> Bill C-64 does not prohibit people with financial conflicts of interest from being appointed to the Committee of Experts that will make recommendations respecting options for the operation and financing of pharmacare.

Despite their concerns with Bill C-64, Canadian Doctors for Medicare urged the Senate to pass the bill because of a strong desire to finally see a national pharmacare program.

Moving on, let's discuss concerns regarding the Canadian Drug Agency, or CDA.

On December 18, 2023, the Government of Canada announced that the Canadian Drug Agency would be built from the existing Canadian Agency for Drugs and Technologies in Health in partnership with the provinces and territories.

The government announced an investment of $89.5 million over five years to establish the CDA. The CDA's work will be to improve the appropriate prescribing and use of medications, to increase pan-Canadian data collection and expand access to drug and treatment data and to reduce drug system duplication and lack of coordination that causes expensive inefficiencies and pressures.

However, Bill C-64 does not codify the Canadian Drug Agency into legislation, nor does the bill define its powers, functions or governance structures, all of which could leave the agency vulnerable to interference, diminish its authority and render it potentially dismissible.

Again, to quote Dr. Steve Morgan:

> Bill C-64 refers to the Canadian Drug Agency . . . which the government's Advisory Council had recommended be set up as an arm's-length agency that would create and maintain the formulary of medicines to be covered by national pharmacare, including negotiating pricing and supply contracts with manufacturers of covered medicines. The Bill requires the federal Minister of Health to seek advice from the agency on several matters concerning drug coverage, prescribing appropriateness, and "bulk purchasing" (another term not defined). However, Bill C-64 does not establish the CDA by law, nor set out the agency's powers, functions, and governance structures, which represents a missed opportunity to depoliticize the implementation and management of national pharmacare. Without this, if and when Bill C-64 is enacted by Parliament, the scope of authority and very existence of the CDA could be easily changed or terminated by a government, without reforming the Bill. As recent experience in Canada has shown, even a body established by law — such as the Patented Medicine Prices Review Board — is not immune from interference from government and stakeholders. It is therefore imperative to ensure that the scope of the CDA's authority is clearly established in law, the procedures for communicating and consulting with governments and stakeholders are defined, and security of tenure is granted to the CDA's leadership in order to ensure the new agency is both publicly accountable and protected from undue outside interference.

• (1720)

As currently written, Bill C-64 does not enshrine Canada's Drug Agency into law. Concerns have also been raised about the committee of experts established by Bill C-64.

The bill requires the federal Minister of Health to establish and provide for a committee of experts who will ". . . make recommendations respecting options for the operation and financing of national, universal, single-payer pharmacare."

At the Social Affairs Committee, in response to a question from Senator Cordy on the committee of experts membership, Minister Holland answered:

> On the committee of experts, they're going to be jointly named, as you're aware, by two political parties — putting both of those names in. The chair will be equally agreed upon. I am absolutely committed to making sure the committee has no concerns around the idea of conflict of interest. It's so critical that people see this as a group of experts who are squarely and entirely focused on ensuring we have medicine for folks in the most efficacious way that represents the interests of Canadians.
>
> We've had very good and easy conversations on that with the NDP, who, in this instance, would be the ones we would be selecting that committee with. Therefore, I don't believe there's going to be a problem in terms of a conflict of interest. It's not what we're looking for.

Still, in a submitted brief from the Canadian Labour Congress, they call on the government to:

> . . . exercise due diligence in the selection of members for the Committee of Experts ensuring that there is no conflict of interest that can influence or shape their work in making recommendations of public benefit respecting options for the operation and financing of national universal single-payer pharmacare. The Committee of Experts' work is too important, and the common practice of signing disclosure of conflicts forms is not a sufficient safeguard.

Now, before discussing concerns about how the national pharmacare program will be administered, let me give you a brief background on how another federally funded insurance program has recently rolled out.

As you are aware, the provinces and territories administer and deliver most of Canada's health care services, commonly known as medicare. Medicare does not include coverage for prescription drugs. Similarly, medicare does not cover dental care apart from any medically or dentally required surgical-dental procedures performed by a dentist in a hospital.

The new Canadian Dental Care Plan is a phased dental insurance program funded by the federal government to provide dentistry services to uninsured Canadians who meet certain criteria. Individual eligibility is assessed by Service Canada, and the dental plan is administered by Sun Life Financial under a $747-million contract it signed with the federal government in December 2023.

With that background in mind, let's get back to national pharmacare. At committee, Minister Holland was asked directly if national pharmacare would be publicly administered. The minister replied, "I'm ambivalent about that."

Subsequently, in a letter dated September 27, 2024, the minister clarified his intentions about pharmacare and specified that:

> . . . the cost of these medications will be paid for and administered through the public plan, rather than through a mix of public and private payers.

Public administration of national pharmacare would have a cost-saving benefit and would support long-term sustainability of the program.

Colleagues, I know you are aware of the calls to pass Bill C-64 without amendments, just as I know we are aware of our duty as senators to carefully consider the legislation initiated by the House of Commons to prevent any hasty or ill-considered legislation that may come from that chamber, to paraphrase Sir John A. Macdonald.

At the Social Affairs Committee's clause-by-clause meeting, I proposed an amendment, which was ultimately defeated. The amendment was to add the words "publicly administered" to clause 6(1). I proposed the amendment because Bill C-64 is ambiguous about how the national pharmacare program will be administered. The intent was to codify into legislation the minister's words in his clarifying letter that national pharmacare will be publicly administered.

Note that in the Canada Health Act, "public administration" is defined as requiring the provincial and territorial health care insurance plans to ". . . be administered . . . on a non-profit basis by a public authority . . ." responsible to the provincial government.

On October 1, 2024, the committee received a letter from professors Matthew Herder, Sheila Wildeman, Constance MacIntosh and Jocelyn Downie, who are members of the Health Justice Institute at the Schulich School of Law at Dalhousie University. The law professors examined what effect, if any, the minister's letter would have on interpreting Bill C-64. They wrote:

> In theory, Minister Holland's letter could be accepted, when read together with the complete legislative history of Bill C-64, as evidence of Parliament's intention to ensure that pharmacare was publicly administered. However, one would only get to this point if a province or a party with standing chose to invest the money and time into litigating a contrary interpretation, and the letter was identified and brought forward as evidence. The fundamental point is that amending Bill C-64 to include an explicit commitment that pharmacare must be publicly administered is preferable to leaving the legislation open to interpretation, and certainly preferable to allowing an interpretation to be adopted and advanced which is contrary to the Minister's intentions, unless and until the matter goes before a court.
>
> Amending the legislation would also represent the Senate playing its rightful role in protecting the interests of Canadians. It would ensure that the position that has been put forward by Minister Holland is realized rather than putting that burden on the backs of individual Canadians.

As currently written, Bill C-64 has no explicit commitment to public administration.

As I conclude my remarks, allow me to share my hopes for the future. My biggest hope is that with passage of Bill C-64, all Canadians, especially the people and populations who have been made most vulnerable, will receive the prescription medications they need without unnecessary barriers or hardships. For example, the National Indigenous Diabetes Association pointed out in their brief that:

> Access to a number of diabetes and contraception medications is urgently needed by some of the most vulnerable Indigenous Peoples — particularly Non-Status First Nations and Métis — who currently fall outside the NIHB program.

Finally, I leave you with this excerpt from the 2019 Hoskins report:

> . . . at the heart of every decision about pharmacare are people, residents of this great country, who deserve to be treated fairly and to have equal access to the best care we can give.

With that statement, I wholeheartedly agree. Colleagues, thank you for your attention. *Meegwetch*.

**Hon. Rosemary Moodie:** Honourable senators, I rise to provide some concluding thoughts on Bill C-64. I want to thank my colleagues for their comments so far and the sponsor of the bill, Senator Pate, for her hard work and dedication in shepherding this complex legislation through the Senate.

I also would like to acknowledge my colleagues in the Social Affairs Committee for an excellent study of the bill and the many witnesses and Canadians who came to testify or who have shared their thoughts and concerns in other ways.

I will be supporting this bill, and I urge you all to do the same.

This bill has received a significant amount of attention because it begins to address an urgent need and evokes a sense of hope for many Canadians. They envisage a world where they have access to life-saving drugs they need in the same way that they have access to other life-saving necessary medical services, and they're eager to see this hope become a reality.

• (1730)

I join in their eagerness. After all, Canada is the only OECD country with a universal health care program that does not include universal coverage for prescription drugs. I strongly believe that we ought to aspire to a system that is universal, single-payer and publicly funded, often referred to as the Hoskins model. In this model, the government covers the cost of prescription drugs for all Canadians from the first dollar spent, with the promise of no out-of-pocket costs, no deductibles and no confusion over whether you are covered or not.

Consistent with the values of our public medicare system, this is a system that would provide access to comprehensive evidence-based treatments for every Canadian, no matter who you are, where you live, how much money you make or whether or not you have a job.

With a pharmacare system like this, Canadians would not have to choose between paying their rent, buying their groceries or getting the drugs they need. Parents would not have to forgo meals to ensure that their children have vital drugs. Women would not have to remain in abusive relationships to be able to maintain access to insurance for themselves or for their children.

Does Bill C-64 create such a system? Well, the short answer is "no." It does not. It is not everything that I or many Canadians want it to be. However, I firmly believe that it is a critical first step. Let me explain why.

Universal pharmacare is past due and is vitally necessary. Therefore, any step toward providing a pharmacare program is an important step. The status quo leaves too many Canadians behind, forcing them to make difficult decisions that put their health and their lives at risk. Today, millions of Canadians either have inadequate prescription drug coverage or no coverage at all. For people with chronic conditions like diabetes, the cost of insulin and other life-sustaining treatment can lead to devastating choices.

During committee testimony, we heard from multiple witnesses about Canadians who were forced to choose between paying for their medications or for the basic needs of life. We heard from the Canadian Labour Congress that 1 million Canadians are taking out loans to pay for their medication. Bill C-64 covers diabetes drugs and contraceptives and related products. Without a doubt, many would wish for more. I wish for more. But in covering these two classes of drugs, we are making a substantial difference in the lives of millions of Canadians and their families.

For diabetes, the physical cost of not adhering to your prescription is dire. Experts in committee noted that 40% of all heart attacks in this country come from diabetes, and it's 30% of all strokes. These are shocking numbers. They spoke to the risk of blindness, kidney failure or the loss of limb — complications that could be significantly reduced and avoided with established access to the right medications early in the course of one's illness.

When it comes to contraception, witnesses pointed out that 40% of pregnancies each year are not planned. We heard that many of those who are impacted by the lack of access to contraceptives, and other family planning tools, are more likely to live in poverty, less likely to be employed full-time and more likely to rely on public assistance. For children, they are more likely to live in poverty and face developmental challenges.

Colleagues, the status quo is not working. This change is long overdue. This is why I accept a step-by-step approach because any step in the right direction is better than standing still while Canadians suffer.

Advocates and individuals — Canadians — are all calling for this bill to pass as is and without delay. We have heard from unions, advocacy groups and everyday Canadians, not only through committee testimony but also through letters and emails, and I'm sure many of you have received these communications.

This is not just an abstract policy debate. This bill responds to the lived realities of millions of people in Canada who are depending on us to take action. This does not mean that passing Bill C-64 is the final step. It cannot be. Our work is not over. We must push to achieve the end goal which is a universal, public, single-payer system, and we have a long way to go before we get there.

Crucially, this bill takes action on a few key next steps. It calls for Canada's Drug Agency to create a list of essential prescription drugs and related products within a year of Royal Assent. This will be a vital step toward the creation of a national formulary, which is a comprehensive evidence-based list of prescription drugs and related products that Canadians would have access to in a national universal pharmacare system.

Colleagues, this will require extensive engagement with provinces, territories, Indigenous communities, drug manufacturers and patients.

Bill C-64 also calls for Canada's Drug Agency to develop a national bulk purchasing strategy for prescription drugs and related products. An effective bulk purchasing strategy could lead to big savings when it comes to the cost of providing access to medication in Canada.

In committee, we heard from Dr. Steve Morgan who noted that there is a lot of buying power in being a single payer. He gave an example comparing prices in Canada and New Zealand, which has a single-payer public pharmacare program. Looking at the top 32 generic drugs sold in Canada, he found that if we paid what New Zealand pays, we would save $770 million a year on just those 32 drugs.

This first step toward a pharmacare system is important, but there is still a long road ahead, and there are several challenges. One of these challenges will be countering those who seek to send us down another path. In the hopes of protecting their own financial interests, some have erroneously argued that pharmacare would stunt access to new drug medicines in Canada. Well, colleagues, a report from the Patented Medicine Prices Review Board found that 79% of drugs introduced between 2013 and 2022 provided slight to no improvement over existing drugs, but made up over 60% of the revenue share.

This highlights the caution that not all drugs provide good value for money or should be included in a pharmacare formulary. Rather, pharmacare means that we will be more likely to purchase drugs that have the highest value for the best cost.

It should be noted that the list of drugs and related products covered is not really in this bill, which allows for future changes to the list without legislative amendment.

Similarly, we have heard concerns from some that this bill will negatively impact private insurance. Well, yes. Some have suggested that insurers will scale back their coverage or employers will choose to remove coverage for areas covered by Bill C-64. Others have called for constraints to ensure that insurance companies don't remove coverage of contraceptives and diabetes medication.

Colleagues, it's important to note that the regulation of the market conduct of insurance companies is a provincial responsibility, not a federal one. Every province has a provincial act responsible for the regulation of insurance in their province.

I would say there are negotiations to be had at the provincial level and conversations to be had between employers and their employees, as well as between unions and their members. This bill is an opportunity for them both.

We heard from union representatives that this bill is an opportunity to negotiate for better coverage. If there are savings for employers due to the government covering these selected medications and products, this will give them the freedom of choice to expand coverage in other areas, leading to even further benefits for their employees.

• (1740)

Let me be clear, private insurance is not the solution to the lack of access to drugs many Canadians face; universal pharmacare is.

This bill is the beginning, not the end. It's a floor, not a ceiling. Provinces can improve on this and include other medications. While it may not be everything we hoped for immediately, it is a foundation upon which we can build. It is the first step toward a Canada where no one has to worry about whether they can afford their medications that will keep them healthy.

As a physician who has seen far too many of my patients and their families struggle to maintain their health needs due to high drug costs, and as a woman who has seen the impact that access to reproductive choice in family planning can have on women's lives, I'm proud to see Canada make this important step.

For that reason, colleagues, I urge you to join me in supporting Bill C-64. Thank you. *Meegwetch*.

**Senator Batters:** Some of us from Saskatchewan received a letter from the Saskatchewan Chamber of Commerce about this issue, Bill C-64 and their concerns with it. A couple of the statistics they quote in the letter are that currently about 90% of mid- to large-sized employers and about 70% of small businesses offer prescription drug benefit packages to attract and retain employees. They also indicate in this letter that the recent estimates that they have put the number of uninsured at about 2.8% of Canada's population.

With those numbers that have been provided from the Saskatchewan Chamber of Commerce in mind, one thing I'm wondering about is the part I heard in your speech where you were talking about the private drug plans and that that would essentially be a matter for negotiation with provinces, et cetera. Sometimes people who are of lower income, they may have those drug plans, and maybe the main benefit they get out of those employer drug plans is coverage for these prescriptions that are being covered under Bill C-64. Did you hear any evidence about whether their premiums for those types of workplace drug plans would potentially be reduced given that the federal government would be paying it under a single-payer plan?

**Senator Moodie:** Thank you, Senator Batters.

In fact, we did not have true representation of small businesses at committee. We had chambers of commerce, but they really took the position of talking about, in my opinion, primarily their clients who are insurance companies.

In fact, some of my questions to them challenged them to say, "What, in fact, is your position for small businesses?" Because many of us — and maybe yourself — have heard from small businesses that there are different ways they might approach this. There are new opportunities that this might present for them.

No significant data was provided. In answer to your question and, in fact, to some disappointment from my perspective, the chamber of commerce witnesses did not actually give us more of a perspective that was different from protecting insurance companies.

[*Translation*]

**Hon. Clément Gignac:** Honourable senators, I rise today at third reading to express my concerns about Bill C-64, An Act respecting pharmacare.

As you may have noticed since my arrival in the Senate nearly three years ago, it isn't customary for me to oppose government bills. Today, I'm doing so both as an economist and as a former minister in the Quebec government. It is true that I was unable to take part in the work of the Standing Senate Committee on Social Affairs, Science and Technology because of scheduling conflicts with the committees I am part of. Nonetheless, I was able to watch the recordings of all of the committee's meetings devoted to this bill's analysis.

The first reason for my discomfort relates to my vision of federalism, which was influenced by my time in provincial politics alongside former Liberal premier Jean Charest. He was a true progressive in the noble sense of the word, but also an ardent federalist and advocate of decentralized, asymmetrical federalism. I, too, believe in asymmetrical federalism, where the economic and social priorities of one province may differ from those of another.

I have no problem with the fact that Quebec's pharmacare plan provides different coverage than Manitoba's, or that Quebecers have to pay a different annual deductible than their Ontario counterparts. I have no problem with the fact that the minimum age for consuming alcohol in a bar or the age for obtaining a driver's licence may be different in Quebec than it is in Ontario or Alberta.

As you can see, I don't agree with this new intrusion by the federal government in the way that health care is provided across Canada.

Because they are closer to the people, I believe that the provinces and territories are in a much better position than Ottawa to meet the needs of our fellow citizens when it comes to education and health care, including through their respective pharmacare plans. In fact, the Quebec National Assembly unanimously condemned Bill C-64 and demanded what is known as "the unconditional right to opt out with full financial compensation."

In Quebec, the Régie de l'assurance maladie du Québec already covers over 8,000 prescription drugs in various strengths and dosages.

Quebec is recognized as a forerunner in the country, since it introduced its pharmacare plan in 1997. Over time, the plan was improved to ensure that everyone is covered in return for a maximum annual deductible, which is $1,200 in 2024. However, it is important to note that prescription drugs are free in Quebec for vulnerable groups, such as people on welfare or seniors receiving the maximum Guaranteed Income Supplement.

[*English*]

Honourable colleagues, I mention this, not to ignore the thousands of Canadians outside of Quebec excluded from this different provincial pharmacare plan. I certainly understand why many of you look positively upon Bill C-64. I'm not here to judge you. I understand.

I will, however, invite you all to ask yourself a few questions: How far will this top-down federalism go? Is the next step to put in place a new federal program taking care and responsibility for the country's homeless, offering each of them accommodation under the pretense that our cities and our provinces are unable or are not interested in taking care of all of them?

As progressive senators, I'm entirely on board with helping those in need, but I cannot agree with the approach of this current government, whose governance mirrors the NDP-centralized vision of Canadian federalism.

Members of the Standing Senate Committee on Social Affairs, Science and Technology have probably noticed that the NDP has an outsized influence in the drafting of Bill C-64. During Minister Holland's testimony, the minister's maneuvering room in accepting amendments was next to none, as he risks losing NDP support in the other place.

• (1750)

By the way, we can expect to see the same friendly government pressure in force when debating Bill C-282 on supply management because a refusal or adoption with amendment by the Senate could also risk bringing down the government.

[*Translation*]

Honourable senators, I don't deny that Ottawa certainly has a say in health care. That's what the federal government did after the Second World War, when it adopted a 50-50 cost-sharing formula for health transfers and social programs until the mid-1970s.

After that, the rules of the game began to change gradually when the federal Established Programs Financing program was adopted in 1977. That program abandoned the 50-50 cost-sharing formula in favour of a fixed annual per capita payment to the provinces. Then the Canada Health Act, with its five eligibility criteria, was adopted in 1984.

I remember that very well. Why? Because, at the beginning of my career, I was a civil servant with Quebec's finance ministry, working in the federal transfers and fiscal arrangements division. So I know what I'm talking about.

More specifically, the federal contribution to public health spending in Canada has gone from a 50-50 cost-sharing formula until the mid-1970s to a fixed per capita contribution, which now stands at a low of 22% of public health spending in Canada borne by the federal government. However, with the recent renegotiation, which took place in 2023, these expenditures are now closer to 25%. So we're a long way from the 50-50 cost-sharing formula of the early 1970s.

In my humble opinion, when the federal government handles only 25% of the bill for health spending, Ottawa should be less critical and show some humility before encroaching on provincial jurisdiction with new initiatives. As long as it contributes less than a 50% of Canada's health spending, the federal government's involvement in drug coverage should be limited to its current approval role, as the U.S. Food and Drug Administration does south of the border.

Besides my opposition to the duplication of responsibilities with the provinces, my second concern — I'm now wearing my economist hat — is financial, and it concerns the real costs associated with implementing universal public pharmacare.

While it's true that the Office of the Parliamentary Budget Officer's report indicated a figure of $1.9 billion over five years for the cost of the pharmacare program, which covers diabetes and contraceptives only, Mr. Giroux made it clear to the Senate Standing Committee on Social Affairs, Science and Technology that this didn't take into account any drug substitution effect and that people would retain their current coverage with insurance companies.

Let's just say I have my doubts. Having worked in the insurance field, I don't believe that is what will happen. We can expect the cost of the new system to reach a minimum of $4.3 billion over five years, not $1.9 billion. The cost will increase gradually as the number of drugs covered grows.

Some witnesses mentioned possible savings on the price of drugs with the introduction of the national pharmacare plan, and better leverage with pharmaceutical companies. Once again, I'm skeptical. A Canada-wide negotiation mechanism, created by the provincial and territorial premiers in 2010, called the pan-Canadian Pharmaceutical Alliance, or pCPA, was set up to ensure that government pharmacare programs would give patients more value for their money, and that the price of a given drug would be uniform from province to province.

Dominic Tan, deputy CEO of pCPA, explained that the organization negotiates prices that apply nationwide. He said the following:

[*English*]

> Our mandate is to negotiate for drug prices on behalf of the public drug plan for the entire country. What that means is our mandate is actually provided by our members. That being said, certainly we are eager to learn more about what bulk purchasing means because we certainly welcome effort to collaborate with our partners.

[*Translation*]

> We are not yet clear on the details of bulk purchasing as stated within the bill currently. That's what we need to better understand and collaborate with our partners on . . . .

In other words, the jury's still out. Furthermore, how would the administration of the existing drug plan by the Régie de l'assurance maladie du Québec and Quebec pharmacists be affected if the federal government were to cover dozens or even hundreds of other drugs in three years' time? That would certainly be a challenge.

[*English*]

It seems to me that our government's current priorities should lie elsewhere. The latest report from the Fraser Institute, released last Friday, showed that the median salary of all 10 provinces in Canada is now inferior of those seen in every state in the U.S., including Louisiana and Alabama. Can you believe it? It's hard to believe.

I would humbly suggest that the government focus more of its attention on wealth creation; otherwise, we could easily — in 10, 15 or 20 years — follow the same path and experience the same fate as Argentina and Greece.

[*Translation*]

Honourable senators, I will conclude by reiterating how uneasy I feel about this bill, even though it is full of good intentions. I understand that people see this bill differently depending on whether they live in Quebec or in another province. However, this bill is inconsistent with my vision of an effective, decentralized federalism that is concerned about avoiding overlap and duplication with the provinces.

For all of these reasons, I intend to vote against the bill. Thank you for your understanding. *Meegwetch.*

**Hon. Julie Miville-Dechêne:** I have a question for my dear neighbour, Senator Gignac.

Like you, I'm torn over these questions of jurisdiction and I think it's not an easy bill to speak to.

What's more, I find that your view of Quebec's pharmacare system is slightly idealized. That struck me when I talked to different sources, including Marc-André Gagnon, an expert at Carleton University.

In Quebec, we not only pay roughly $1,200 a year to be part of this system, but we also pay a deductible for each drug. For example, for contraceptives, the cost of the deductible is roughly half the value of the drug. Moreover, Professor Gagnon says that Quebecers who participate in the plan don't even benefit from the confidential rebates that pharmaceutical companies give for the sale of large quantities of drugs. As a result, the deductible is too high.

That means that in Quebec, people who aren't poor enough to be on welfare or rich enough to have a more generous insurance plan are a bit stuck. What's the solution?

I understand, you're saying it's a provincial jurisdiction. It's true that it will be expensive because private insurers will pass on the cost to the federal government, but what about young women who need contraception and are trapped in a system where, unfortunately, it's not always affordable?

**The Hon. the Speaker:** Senator Gignac, your time has expired. Are you asking for more time to answer the question?

**Senator Gignac:** Yes.

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

**Hon. Senators:** Agreed.

**Senator Gignac:** That's a very good question, senator. While I don't wish to appear insensitive on this issue, I wonder if it's really here in Ottawa, in the House of Commons and the Senate, where the battle should be waged. If people are dissatisfied and want the deductible to be lower or even free, that debate needs to happen in the provincial legislatures. It's just that I don't know how far this will go. I mentioned the least fortunate and the homeless, and the same thinking applies. It might well go that far.

I think that, instead of debating this issue here, I'd be inclined to say that pressure should be brought to bear on the provinces.

• (1800)

[*English*]

**Hon. Ratna Omidvar:** Honourable senators, I rise to speak very briefly on Bill C-64, An Act respecting pharmacare.

I wish to thank the sponsor of the bill, Senator Pate; the critic, Senator Seidman; our committee members; and the many witnesses who shared their wisdom and perspectives with us at committee.

Like many other legislative proposals, this bill is not perfect; in fact, it has more than its share of imperfections. There are too many ambiguities, too many words that are not anchored in any definitions, there are issues with costing, there is uncertainty about what agreements with provinces will look like and debates about whether this bill will take away benefits from individuals instead of guaranteeing them.

And yet, colleagues, I fully support this bill because I see what it will do for the lives of poor people, families who have no coverage or families and individuals who may have coverage through their employers but who cannot afford either their premiums that they must pay or the copayment that is attached to accessing drugs prescribed to them.

The numbers are not small. The Conference Board of Canada told us that 3.7% of Canadians do not have any coverage for drugs of any kind. The only time they get free drugs is when they are hospitalized. Another 7% are uninsured because they cannot afford to pay for the premiums for drug coverage at their place of work, which amounts to close to 10% of our population. That is a serious number, colleagues. It's an extremely serious choice for the parent of a child who is diagnosed with diabetes who must make a very difficult choice — an impossible choice — between buying medication or paying rent.

That is not an isolated case; it is a harsh reality for many. Nearly 60% of Canadians living with diabetes report difficulty adhering to their prescribed therapies due to the costs of medications and supplies. We heard at committee that, more often than not, the cost of drugs is so high that people simply cannot afford to access them, even with insurance coverage.

I will give you an example of a nurse from Saskatchewan, who is definitely not a poor person, with two adult children at home suffering from diabetes. She is covered through insurance at her work, but the medications are so expensive that the co-insurance payments were beyond her means. As a result, her daughter is not able to go to university, and her son is not able to hold a job because those medications were out of their reach.

That is just one anecdote, but remember the number: 60% of Canadians living with diabetes face an affordability crunch. The impact is horrendous. Not adhering to treatment plans results in severe complications that affect individual health and place enormous strains upon our health care system. Consider the increased costs to the individual and the system of emergency room visits and hospitalizations. Let's consider the mental health ramifications of financial stress on individuals and their families, which impact not just their physical health but also their mental resilience.

In addition, we heard that this is particularly troubling for groups that are already marginalized. Ms. Laura Syron, President and CEO of Diabetes Canada, said that socio-economic status and socio-economic factors play a big role in higher rates of diabetes for marginalized groups but so do environmental and genetic factors. She stated that, increasingly, we are seeing that the mental health impact of diabetes is a burden carried more by some groups than by others. I think we all know which groups she's talking about: racialized people, Indigenous communities, et cetera.

Let me address briefly the issue of cost. The Parliamentary Budget Officer has indicated that Bill C-64 will increase expenditures by $1.9 billion. Senator Gignac said it could be as high as $4 billion, but I think the truth is somewhere in the middle. I grant that there will be an initial public investment that will be costly, but there will be savings, too, arising from fewer hospital visits and emergency room admissions as well as savings arising from the availability of diabetes and contraceptive medication.

There hasn't really been a balance sheet for costs and savings, but this represents more than dollars and cents; it represents and embodies improved lives, supported families and brighter futures.

The lack of universal coverage for contraceptives also has serious implications. Nearly half of all pregnancies in Canada are unintended, leading to decisions sometimes filled with joy — I think we should acknowledge that — but sometimes filled with emotional and financial strain. Women and young girls find themselves faced with difficult choices on abortion, adoption or raising a child without adequate support.

The ripple effect of the lack of access to contraceptives has a very long tail. It can lead into the next generation, which likely will need to access public assistance supports.

We are also outliers when we compare ourselves to other like-minded jurisdictions in the Organisation for Economic Co-operation and Development, and we have a lot of catching up to do.

So while I recognize that this bill has its challenges, particularly regarding definitions, clarity and provincial jurisdictions, I am encouraged that this is the first of many steps to take. I believe in incremental improvements. Nothing before us that I have seen here has ever been perfect. It is important for Canada to now take the first step because the first step is always the most difficult to take.

I urge you — in fact, I believe it is incumbent upon us, in the interest of poor people in Canada — to take this first step and support this bill. Thank you very much.

**Hon. Flordeliz (Gigi) Osler:** Will Senator Omidvar take a question?

**Senator Omidvar:** Yes, thank you. I will.

**Senator Osler:** Thank you, senator. My question is in regard to a statistic that you mentioned in your speech.

I believe you said that 2.8% of Canadians do not have any type of insurance to cover the cost of their prescription medications. That is a figure we heard at the Social Affairs Committee. Again, it was a Conference Board of Canada report in which they said that 97.2% of Canadians have access to prescription drug coverage, which is why, in my speech, I referenced a Statistics Canada report in 2022 that said that 21% of Canadians reported no insurance as opposed to that Conference Board of Canada report, which quotes only 2.8% of Canadians not having access to insurance.

My question for you is this: Were you aware that funding for that Conference Board of Canada report came from the national association that represents Canada's innovative pharmaceutical industry?

**Senator Omidvar:** We have different figures. The figure I have from the Conference Board of Canada is 3.7%. We checked it. I did not know that the funding for that report came from Innovative Medicines Canada. They testified before us.

• (1810)

**Senator Osler:** I don't think we're coming at this from different angles. My point was just that this report, which has been used quite a bit, was put out by The Conference Board of Canada, but it had different funding. My question was whether you were aware that this was where the funding came from, which is why in my speech I chose to use the Statistics Canada data. It sounds like you're aware of it.

**Senator Omidvar:** That's not a question, but agreed.

**Hon. Jim Quinn:** Will the senator take another question?

**Senator Omidvar:** Yes.

**Senator Quinn:** Thank you, Senator Omidvar, for your speech, particularly the part about an important first step that's going to be addressing those in our country who can't afford access to drugs today. I think that's a very important issue.

In moving forward with the bill and during all of the hearings that you and your committee held, are there any gaps we're creating in any way that might affect those who are currently covered by insurance plans so that by looking after one segment — a very important segment — we create a gap in another area, even if it's a temporary gap while negotiations happen. Are there any gaps that you feel may be created even on a temporary basis?

**Senator Omidvar:** I'm not sure about the gaps. We did hear about gaps, Senator Quinn, especially in the first rollout, but I'm not quite sure whether I know of any particular gaps. We did hear that when the formulary is rolled out, it is possible that certain individuals who are covered by their private health care will see those drugs moved out or be covered by the government. I think there will be start-up problems. I accept that.

[*Translation*]

**Hon. Marie-Françoise Mégie:** Honourable senators, I rise today in support of Bill C-64, An Act respecting pharmacare. I thank Senator Pate for doing such an amazing job of sponsoring this bill.

This bill is an important step toward establishing a universal pharmacare plan that will save lives by improving Canadians' health while reducing costs to our health care system.

According to the 2019 final report of the Advisory Council on the Implementation of National Pharmacare, one in five people, or 7.5 million Canadians, have no drug insurance or insufficient coverage to adequately cover the cost of their medications.

Senators, this is our constitutional responsibility. We must defend the vulnerable groups who are least likely to have access to a drug insurance plan, including Indigenous people, immigrants and racialized groups. It would therefore seem

appropriate for the government to take steps to remedy this major shortcoming. To achieve this objective, Bill C-64 is based on the four guiding principles set out in clause 4: accessibility, affordability, universality and appropriate use.

Colleagues, did you know that a survey done this year by the Heart & Stroke Foundation and the Canadian Cancer Society showed that over one in four people in Canada have difficulty paying for their prescription drugs? Almost one-quarter of Canadians say they split their pills, skip doses, or choose not to fill or renew their prescription because of the cost; over one in four people has had to make hard choices to afford prescription drugs, like limit their groceries, delay paying their rent, mortgage or utility bills, and take on debt.

These figures offer insight into failings in our health system that need to be remedied through Bill C-64.

As Minister of Health Mark Holland said in his evidence before the Standing Senate Committee on Social Affairs, Science and Technology, Bill C-64 would allow us to "receive free access, without co-pay or deductible, to a range of contraception and diabetes medications."

Affordability and accessibility are inseparable. For a product or service to be truly accessible, it has to be financially affordable as well. If drugs or health care are available but financially out of reach for a portion of the population, their accessibility becomes limited or nonexistent. In 2015, for example, one in four Canadians with diabetes said that their compliance with treatment depended on its cost.

Access to prescription drugs must be based on medical need, not ability to pay. My 35 years of experience in family medicine and my particular expertise in diabetic foot problems mean that I can assure you that poorly controlled diabetes often leads to serious complications, ranging from heart attacks to amputation to blindness. These situations exacerbate systemic inequalities. As previously mentioned, it is the most marginalized who suffer the most serious consequences. In fact, according to the Conference Board of Canada, 5% to 8% of leg amputees are homeless. If this bill isn't passed, health inequalities will remain. They would be a sword of Damocles for nearly one million diabetics who, according to the Canadian Institute for Health Information, are at risk of suffering a serious complication.

Until now we've been talking about the cost of drugs. I haven't heard much talk about the human and social costs. This is about people in the workforce who had a stroke, suffered an amputation, or went blind. What happens to their lives then? Our emergency rooms are overflowing, because we don't have enough prevention. These patients aren't getting the right drugs. According to a report by the Canadian Institute for Health Information, more than 30,000 hospitalizations every year are directly related to complications of diabetes in the lower limbs. These hospitalizations have cost more than $750 million a year. I'm talking about diabetes because that concerns Bill C-64, but in reality, any chronic illness poorly managed because of a lack of drugs or other reasons will lead to complications in the medium or long terms.

Colleagues, I haven't yet talked about the emotional and financial toll that weighs on caregivers. In many cases, they themselves are in the workforce and end up forced to leave to take care of their sick loved one. I had the opportunity to accompany patients and their caregivers in my home care medical practice. I can attest to their suffering, their sense of guilt and their distress.

Access to health care in Canada has to remain a universal and fundamental right in a fair and just society.

As the Minister of Health mentioned, this bill is a first step that the Government of Canada is taking to achieve more extensive coverage. Since health administration is a provincial responsibility, its next challenge will be to work closely with the provinces and territories to reach bilateral agreements. This would ensure that public health policies meet the real needs of populations, while taking the specific circumstances of the provinces and territories into account, as we heard at the Social Affairs, Science and Technology Committee. It's not up to us to dictate the terms of these agreements between governments. I want to congratulate British Columbia, which signed a memorandum of understanding with the federal government on September 12, 2024.

I'd also like to highlight an example related to Bill C-35, Canada's Early Learning and Child Care Act. When it was passed, Quebec already had a public network of quality early learning and child care services and a reduced-contribution spaces program. Its specific needs were taken into account in the 2021-26 agreement reached with the federal government. Article 5 of the agreement reads as follows:

> . . . Quebec intends to use a significant portion of the contributions made under this agreement to fund further improvements to its early learning and child care system . . . .

• (1820)

As a proud Quebecer who was there when Quebec implemented its public drug plan in 1997, I can attest to its effectiveness, even though the system still has many challenges to overcome.

This treasured Quebec program has shown that it is possible to provide drug coverage for the entire population while guaranteeing equitable access to care and medication.

As for the critics who cited the higher cost of this plan, you must understand that it covers more than 8,000 drugs. It has been helping to reduce inequality and improve Quebecers' quality of life for over 25 years.

In conclusion, today we have the opportunity to establish a pan-Canadian drug plan. Let's take this opportunity to pass Bill C-64 without amendment, so as not to leave 7.5 million Canadians without drug coverage. It's a question of fairness.

Thank you.

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

(On motion of Senator Martin, debate adjourned.)

## MISCARRIAGE OF JUSTICE REVIEW COMMISSION BILL (DAVID AND JOYCE MILGAARD'S LAW)

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Arnot, seconded by the Honourable Senator Clement, for the second reading of Bill C-40, An Act to amend the Criminal Code, to make consequential amendments to other Acts and to repeal a regulation (miscarriage of justice reviews).

**Hon. Pierre J. Dalphond:** Honourable colleagues, allow me to explain why I am in favour of quickly passing Bill C-40, the Miscarriage of Justice Review Commission Act, also known as David and Joyce Milgaard's Law, which proposes to create an independent commission to handle applications alleging miscarriage of justice.

The need for an independent mechanism for addressing potential miscarriage of justice is an issue I have been interested in since my years at the Quebec Court of Appeal.

I was once seized with a request to overturn a conviction that had been upheld a few years earlier despite appeals that went all the way to the Supreme Court of Canada. Throughout the proceedings, the accused had maintained his innocence and denied writing the incriminating document that contained death threats against his ex-wife, but the judge did not believe him.

Two years later, however, reports by handwriting experts, including one hired by the prosecution, concluded that he could not be the author of the incriminating document and that the alleged victim had written it.

My study of the case led me to conclude that the fact that the accused was an immigrant from the Middle East, without the financial means to hire an expert, was a determining factor in this miscarriage of justice.

Another case that troubled me was *Dumont*. He was convicted of murder on the basis of circumstantial evidence, the key element of which was the testimony of an unknown woman who said at the trial that she had glimpsed him for a few seconds in a video store near the victim's home shortly before the time of the crime. Dumont always maintained his innocence, which he backed up with an alibi that turned out to be false.

A few years later, in a television interview, the star witness said that she regretted her testimony and she added that she now believed that it was not Mr. Dumont she had seen on the night of the murder, but someone else.

Honourable senators, I mention these two cases to illustrate the fact that our criminal justice system is essentially based on police work, witness testimony, the gathering of documentary and other evidence and the analysis of the case by the prosecution and the defence. A finding of guilt is made by either a judge or, in the most serious cases, a jury of 12 people with no legal training.

Even if a conviction is only possible when it is determined beyond a reasonable doubt that the accused committed the offence, the fact remains that human factors are omnipresent throughout the process, from the police response to the pronouncement of the guilty verdict.

That could mean prejudice, investigators having tunnel vision with respect to the evidence, overworked prosecutors or legal aid lawyers committing oversights in processing files, an accused being unable to pay for an expert, and other factors.

I would add that the fallibility of the system is compounded by a lack of court resources, the pressure to be more efficient nevertheless, and repeated urgings to plead guilty to a lesser offence to avoid a trial.

Unfortunately, this can result in a higher number of innocent persons being convicted, especially if they are members of a disadvantaged or vulnerable group.

That can even occur in the most serious cases. As the Supreme Court of Canada mentioned in *United States v. Burns and Rafay* in 2001, the continuing disclosures of wrongful convictions for murder in Canada and the United States in recent years provide tragic testimony to the fallibility of the legal system, despite its elaborate safeguards for the protection of the innocent.

The Canadian Registry of Wrongful Convictions, a website run by the University of Toronto, found 89 cases of wrongful convictions between 1956 and 2015 using newspaper articles and judgments. A disproportionate number of these cases involved members of racialized and Indigenous communities. Unfortunately, this could be just the tip of the iceberg.

Taking my inspiration from the Cotter method, the rest of my speech will be divided into four parts: first, the current system and its shortcomings; second, the *Milgaard* case; third, the instigator of this bill; and finally, the characteristics of the proposed commission.

[*English*]

I'll move to the first part. Since 1892, the Minister of Justice has had the power, in one form or another, to review a criminal conviction under federal law to determine whether there may have been a miscarriage of justice.

In 2002, following public consultations, the current regime was introduced as Part XXI.1 of the Criminal Code, entitled Applications for Ministerial Review — Miscarriages of Justice, consisting of six provisions. Together, with the Regulations Respecting Applications for Ministerial Review — Miscarriages of Justice, this completes the framework of the current system.

It requires the minister to be satisfied that there is a reasonable basis to conclude that a miscarriage of justice likely occurred before ordering a new trial or an appeal. This standard is higher than the earlier one, which was "to entertain a doubt." It is also higher than a more open-ended standard, for instance, that the minister be satisfied that a referral back to the courts is in the interest of justice.

The then-Minister of Justice observed that the remedy was meant to be an extraordinary one. In practice, the work is done by a special unit within the Department of Justice called the Criminal Conviction Review Group.

The work of this group is governed by regulations that I referred to that prescribe a review process in four stages: a preliminary assessment, which could lead to an investigation, followed by a draft investigation report to be shared with the applicant for further information and, once the report is finalized, a recommendation to the minister for a decision. The minister may return the case to the courts either by referring it to a court of appeal to be heard as a new appeal or by directing that a new trial be held.

• (1830)

In practice, the special group conducts preliminary assessments, taking into account all relevant matters, including whether the application is supported by new matters of significance, which is usually important new information or evidence that was not previously considered by the courts. Only if the group is satisfied that such is the case will an investigation be initiated.

As shown in the 2022-23 annual report tabled by the Minister of Justice in October 2023, most files won't make it to the second stage. In other words, no investigation is initiated. As Senator Arnot observed, since 2002, only 200-odd applications have been reviewed by the special group. Of these, only 30 resulted in referrals to the courts, and 24 of them have resulted in an acquittal or the quashing or suspension of a conviction. In other words, less than two referrals were made to the courts per year. And, notably, only 7 of these 30 referrals to the courts involved racialized applicants, and none involved a woman.

Obviously, these numbers do not reflect the demographics of Canada's prison population. In my view, this incredibly small number of wrongful convictions uncovered and rectified in Canada is a sign that the current system doesn't work.

This conclusion is buttressed by the experience of like-minded jurisdictions such as England, Scotland and New Zealand, which have independent commissions. As we heard from Senator Arnot, the Scottish Criminal Cases Review Commission received over 3,200 applications between 1999 and March 2024, leading to the referral of 96 cases back to the courts. In other words, Scotland — a jurisdiction with a population less than one seventh the size of Canada's population — has referred more than three times as many cases within a comparable time frame.

Data from the U.K. Criminal Cases Review Commission, which covers England, Wales and Northern Ireland, shows that it has received more than 32,000 applications since opening in 1997. It has referred 848 cases to appeal courts, of which 828 have been heard so far, leading to the correction of 587 wrongful convictions.

The British commission processes many hundreds of cases per year and identified more than 300 wrongful convictions in just two years, between 2016 and 2018. Compare that with our fewer than two cases per year in Canada.

Between its opening in 2020 and the latest public data in 2024, the New Zealand commission has received a total of 471 applications, completed 221 reviews and referred three cases so far to an appellate court following investigations. Please note that the population of Canada is about eight times that of New Zealand.

[*Translation*]

I will end this review of the current system by telling you about a case that has been extensively written about in Quebec. It was the Daniel Jolivet case. He received a life sentence in 1994 for a quadruple murder on the strength of an informant's testimony. The informant claimed that Jolivet had confessed to the murders the next day. Jolivet has always denied that he had committed these four murders, a claim that was backed up by a lie detector test he passed a few years ago.

As soon as the Supreme Court overturned the Court of Appeal's order for a new trial due to irregularities during his first trial, Jolivet began making requests under Quebec's Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information. In doing so, he discovered new evidence that had never been disclosed and witnesses whose existence had been unknown to his lawyers prior to his trial in 1994.

One of these statements contradicted the statement given by the main witness at his trial, who said he had seen him at the same moment that the informant claimed he was being given Jolivet's alleged confession. Another piece of evidence put Jolivet at a jewelry store relatively far from the restaurant where the informer had allegedly heard the confession, which seemed to exonerate Jolivet. Various items of evidence exonerated Jolivet or at least cast a serious doubt on his guilt. Moreover, Jolivet found out that the police had terminated the contract with the informant, suggesting that the Crown no longer believed him.

On the strength of these discoveries, Jolivet submitted an application for review to the special group. Two years later, the group informed him that there would not be an investigation because the new facts were neither sufficiently reliable nor sufficiently significant to call the verdict into question. It should be noted that the report of the Criminal Conviction Review Group, or CCRG, contained factual errors. More specifically, it indicated that the murder weapon had been found at the home of Jolivet's father, whereas it was established at the trial that the murder weapon had never been found, which is still the case today.

Jolivet believed that the CCRG's decision was unreasonable, so, with the help of his lawyers, he took his case to the Federal Court. Jolivet also believed that the CCRG could not have reached the finding that it did unless it had had access to all of the evidence that had been withheld from him, so he asked the CCRG to provide him with, among other things, the documents that it had obtained from the Sûreté du Québec and that it had taken into account before rejecting his application for review.

The CCRG refused to hand over the documents obtained from the Sûreté du Québec on the grounds that they were not relevant for the purposes of ruling on the legality of its decision. The CCRG added that some of the documents had been returned to the Sûreté du Québec and that no photocopies had been made. Finally, the CCRG argued that Jolivet should instead invoke Quebec's Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information.

Some might say that these arguments clearly illustrate the attitude of the CCRG, which is not used to helping applicants prove their innocence.

In 2011, a Federal Court judge ordered the minister and the person in charge of the CCRG to hand over the documents that were before the CCRG when it made its decisions on September 24, 2007, and November 13, 2008, except for those that were subject to solicitor-client privilege. He also ordered them to identify the documents that were before the group when it made its decisions but that were no longer in its possession. It took a judge's intervention to get some cooperation.

In September 2016, Jolivet submitted a second application for review supported by new evidence to the CCRG. It made no difference and, again, in 2018, or two years later, the CCRG dismissed his new application without even sending it to the second stage, namely an investigation by the group or by a person designated to that effect.

In 2021, Jolivet presented a third application for review to the CCRG. Before submitting his application, his lawyer, who is now a judge, and a person who believes in Jolivet's innocence contacted me.

• (1840)

After spending several days studying the voluminous case file, I was disturbed by the prosecution's failure to hand over to Jolivet's lawyer, prior to the trial, the entire investigation file, which contained information that could have influenced the outcome of the trial.

Since Jolivet was no angel and has a lengthy criminal record, I asked him to take a lie detector test, which he agreed to do.

The results of the test confirmed that he is telling the truth when he says that he did not commit those four murders.

I also noted that although he could apply to the Parole Board for parole, he wasn't doing so because he refused to acknowledge that his conviction was well-founded.

That's when I volunteered to help his lawyer draft a new application for review by the Criminal Conviction Review Group, or CCRG.

In addition, a well-known Montreal criminal lawyer, who was convinced that a new trial was necessary, agreed, also pro bono, to help draft the third application for review.

Two years later, the third application, which seemed to me to require that the case be referred to the courts, was rejected without even going to the second stage, the investigation.

To this day, Jolivet remains in custody, even though it has been over 25 years and the Corrections and Conditional Release Act does not require the prisoner to admit responsibility.

Jolivet wants only one thing: a new trial or a referral to the Court of Appeal.

His situation is similar to that described in a 2019 judgment of the Supreme Court of British Columbia, in the *Skiffington* case, where the judge wrote the following:

[*English*]

> . . . a strong case can be made that the sole or at least primary reason the applicant is not currently in the community on structured release is his continued assertion of innocence, and desire to have his conviction reviewed.

I move now to part 2 of my speech.

David Milgaard was charged in 1969 for the rape and murder of a nursing student in Saskatoon. He was 16 years old at the time. In January 1970, following a trial by judge and jury, he was found guilty of murder and sentenced to life imprisonment, despite his young age. His conviction was affirmed by the Saskatchewan Court of Appeal, and his leave to appeal to the Supreme Court was denied.

Assisted by his mother, Joyce, David started to publicly claim his innocence in 1980. Unbeknownst to him and his mother, the ex-wife of a man called Larry Fisher visited the Saskatoon police department to report that she believed her former husband had likely killed the student. The Saskatoon police department did not follow up on her statement.

An application for review was completed in December 1988. It was denied by the then Minister of Justice on February 27, 1991.

By a letter dated August 14, 1991, a second application was made based on different grounds, with a copy to the then Prime Minister, Mr. Mulroney. It led to a meeting between David's mother and the Right Honourable Brian Mulroney.

After this meeting, the Governor-in-Council submitted a reference to the Supreme Court in which it was stated:

> . . . WHEREAS there exists widespread concern whether there was a miscarriage of justice in the conviction of David Milgaard and it is in the public interest that the matter be inquired into . . . .

The Supreme Court heard several witnesses over a few days — very rare in the Supreme Court — including Milgaard, who had not testified at his trial, and fresh evidence was presented, including reference to Larry Fisher.

In its judgment released on April 14, 1992, the Supreme Court stated:

> . . . we are satisfied that there has been new evidence placed before us which is reasonably capable of belief and which taken together with the evidence adduced at trial could reasonably be expected to have affected the verdict. We will therefore be advising the Minister to quash the conviction and to direct a new trial . . . .

In other words, the then process was not working, and it needed the Supreme Court to direct the minister to refer the matter to the courts.

The Minister of Justice then ordered a new trial, but the Saskatchewan Crown chose to enter a stay of proceedings, depriving Milgaard of a possible judgment dismissing the charge.

Milgaard was released from prison on April 16, 1992, but his innocence was still in doubt. He was still claiming his innocence.

Five years later, on July 18, 1997, a DNA laboratory in the United Kingdom released a report confirming that semen samples on the victim's clothing did not originate from Milgaard, but rather from Fisher. Fisher was arrested and convicted two years later for the murder.

On May 17, 1999, the governments of Canada and Saskatchewan announced a settlement with Milgaard in which he was paid $10 million in compensation for pain and suffering, lost wages and legal fees.

Four years later, on September 30, 2003, the Saskatchewan government announced that a royal commission would investigate Milgaard's wrongful conviction. Five years later, this commission reported that the police, under pressure to solve the crime, focused its attention on Milgaard and his two friends, almost coerced the friends into giving false statements and relied on a false testimony made by the person whom Milgaard and his two friends were visiting, who was, incidentally, subletting his basement to the murderer.

That's what we call tunnel vision. When the police starts in a line of thinking and everything is put in place to fit the line, we call it tunnel vision.

The commissioner, a judge, concluded:

> . . . The conviction review system in Canada is premised on the belief that wrongful convictions are rare and that any remedy granted by the federal Minister is extraordinary. Change is needed to reflect the current understanding of the inevitability of wrongful convictions and the responsibility of the criminal justice system to correct its own errors . . . . It is my recommendation that the investigation of claims of wrongful conviction be handled by a review agency independent of government . . . .

In fact, the case for this bill can be made in only 183 words. This is the length of the song "Wheat Kings" by the Canadian rock band The Tragically Hip, which tells the story of David Milgaard. The song was released on the album *Fully Completely* in October 1992, six months after David's release from prison.

Of course, there are other cases of grave miscarriage of justice, including Donald Marshall Jr. in Nova Scotia, to which my colleague Senator Cuzner referred to recently.

I move on to part 3.

The initiator of the bill is the Honourable David Lametti. During the 2019 general election, Minister Lametti announced that, if re-elected, the Liberal Party will push for the creation of an independent commission. When asked to resume the position of Minister of Justice, he insisted that the Prime Minister include in his mandate letter the creation of an independent commission.

In March 2021, he appointed a special committee made of two retired judges: Harry LaForme, the first Indigenous person appointed to a Court of Appeal, and Juanita Westmoreland-Traoré, the first Black Canadian appointed to the bench in Quebec.

• (1850)

This committee held 45 round tables involving 215 people, heard from 17 exonerees who suffered miscarriages of justice and spoke to representatives of foreign miscarriage-of-justice commissions. They also spoke with crime victims and representatives of police, prosecutors, defence lawyers, legal aid officials, judges and forensic scientists.

The report of that committee, submitted to the justice minister in November 2021, concluded there was urgency to establish an independent review commission and made 51 proposals about its functions and composition. It observed that the current system has failed to provide remedies for women, Indigenous and Black people.

This led to the drafting of Bill C-40, which was introduced on February 16, 2023, in the other place, and was passed, on division, by the House on June 19 of this year.

Today, I want to thank David Lametti for proposing a bill that fulfills the wish of David Milgaard and his family and that can serve to prevent a repeat of his ordeal. To quote Milgaard, "The wrongfully convicted have been failed by the justice system once already. Failing a second time is not negotiable."

I turn now to the salient features of the proposed process. An independent commission would review and investigate alleged miscarriages of justice and, where appropriate, refer cases to a Court of Appeal or order a new trial.

Bill C-40 expands the groups of persons who are eligible to apply for a review, including persons found guilty under the Youth Criminal Justice Act or the Young Offenders Act, persons who have pleaded guilty, persons who have been discharged under section 730 of the Criminal Code and persons found not criminally responsible on account of a mental disorder. This implements recommendations 20 and 21 of the report.

The inclusion of accused persons who pleaded guilty is a most welcome modification. In fact, 18% of the wrongful convictions in the Canadian Registry of Wrongful Convictions were the result of guilty pleas, often under pressure to negotiate, for fear of receiving a harsher sentence or because of inadequate legal advice. Almost all those who pleaded falsely that they were guilty were Indigenous, racialized, female or living with a disability.

Like the existing scheme, the new process requires an applicant to first exhaust their appeal rights, while allowing the commission discretion to waive this requirement.

The bill also states that the commission will be required to deal with applications ". . . as expeditiously as possible and provide the applicant with an update . . . on a regular basis." That would be quite a reversal of the current process, I can tell you.

In terms of the applicable threshold, the commission may conduct an investigation in relation to an application if it has:

> . . . reasonable grounds to believe that a miscarriage of justice may have occurred or considers that it is in the interests of justice to do so . . . .

This threshold for an investigation is far less stringent than under the existing regime, and this is a critical improvement, as we know that miscarriages of justice occur.

On completion of a review, the commission must make a decision on the application. If the commission has reasonable grounds to conclude that a miscarriage of justice may have occurred and considers that it is in the interests of justice to do so, it could refer the matter to a court.

Notably, the bill describes factors that the commission must take into consideration in making its decision in the interests of justice, including the following two: first, the personal circumstances of the applicant; and second, the distinct challenges that applicants who belong to certain populations face in obtaining a remedy for a miscarriage of justice, with particular attention to the circumstances of Indigenous or Black applicants. This is clearly in response to systemic discrimination associated with the criminal process when applied to these groups.

In terms of composition, the commission will consist of a chief commissioner and four to eight additional commissioners. When recommending commissioners, the Minister of Justice must:

> . . . seek to reflect the diversity of Canadian society and must take into account considerations such as gender equality and the overrepresentation of certain groups in the criminal justice system, including Indigenous peoples and Black persons.

Furthermore, all commissioners will need to possess ". . . knowledge and experience that is related to the Commission's mandate."

However, only the chief commissioner and at least one third but not more than half of the commissioners will be lawyers with at least 10 years' experience in criminal law. The other half would be people having no legal training but familiar with the system.

The commission will have to publish its decisions online, in contrast to the opacity of the existing scheme, which does not require the Minister of Justice to publish conviction review decisions.

Finally, the commission will be empowered to provide applicants and potential applicants with information and guidance at each step of the review process, as well as with supports to applicants in need, such as directing applicants to community services or helping applicants access services, supplying translation and interpretation services and helping them to obtain legal assistance in relation to their application. Mind you, many of these applicants are in jail, and it's difficult for them to even get access to a photocopier.

This is a very positive development when one considers that many wrongfully convicted persons are then serving time in prison with limited access to resources, as I said, and poor ability to speak to a lawyer.

Finally, before concluding, I wish to salute the work of Innocence Canada, formerly called the Association in Defence of the Wrongly Convicted. A non-profit organization founded in 1993, the association focuses on factually innocent persons, an impactful reminder that in conversations about miscarriages of justice, we are talking not only about those who should not have been convicted in the legal sense but also about those who truly did not commit the crimes for which they were convicted.

Since its inception, Innocence Canada has helped exonerate 29 innocent people, including Guy Paul Morin.

In conclusion, colleagues, an entirely error-free criminal justice system is not possible. However, to recall the words of Mr. Milgaard, it is within our power to ensure that the justice system does not fail the wrongfully convicted a second time.

This bill gives us an avenue to achieve this crucial imperative, and I invite us to complete our second reading as soon as possible, considering the prevailing conditions in the Ottawa bubble.

Thank you. *Meegwetch*.

**The Hon. the Speaker:** Senator Batters, do you have a question? Is it a quick question? Because I'll have to see the clock.

**Hon. Denise Batters:** It is. Two brief questions. First of all, Senator Dalphond, thank you for that speech. One of my questions is this: Currently, the reviews go to the justice minister through the — you referred to it in your speech — the Criminal Conviction Review Group. You noted that's within the Justice Department. Who is in that group? Are they all lawyers?

**Senator Dalphond:** Thank you very much. That's an excellent question. They are lawyers. They are under the supervision of a director, who is also a lawyer, and they are working separately from the minister's office. They don't report to the minister except at the end, when they come out with an investigation report and some suggestions about what type of decisions will be made, including legal opinions.

**Senator Batters:** I'm wondering; you referred to the small number, over the last 20 years, of about 200 cases that were referred back to courts — I'm sorry, 30 out of the 200 were referred back to the courts. None of those were women. You referred to that in your speech, as did Senator Arnot, and there was discussion about how women may be, as a group, underserved.

• (1900)

I was wondering what proportion of convicted people in Canada are women? I just received a statistic from my assistant saying she found that 6% of federal offenders in Canada in total are women, so it's a very small percentage.

I wonder if you might also know what percentage of people convicted of violent crimes in Canada are women, because I would imagine that is also a very small percentage.

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

Is it agreed to not see the clock?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I hear a "no."

Honourable senators, leave was not granted. The sitting is, therefore, suspended, and I will leave the chair until eight o'clock.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

(On motion of Senator Martin, debate adjourned.)

## SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Gold, P.C., seconded by the Honourable Senator LaBoucane-Benson:
>
> That the following Address be presented to Her Excellency the Governor General of Canada:
>
> To Her Excellency the Right Honourable Mary May Simon, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.
>
> MAY IT PLEASE YOUR EXCELLENCY:
>
> We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

**Hon. Paul J. Prosper:** Honourable senators, this item stands adjourned in the name of the Honourable Senator Plett, and I ask for leave of the Senate that, following my intervention, the balance of his time to speak be reserved.

**The Hon. the Speaker:** Is leave granted?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** So ordered.

**Senator Prosper:** Honourable senators, as stated by Her Excellency, the Right Honourable Mary Simon in her Speech from the Throne:

> Reconciliation is not a single act, nor does it have an end date. It is a lifelong journey of healing, respect and understanding.

Colleagues, through my speech I will expand upon the meaning of reconciliation and its relationship to the duty to consult. I will talk about Bill C-49, my dear friend Wayne Fulcher, share a strange dream about Bill C-49 and end with a postscript tribute.

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, is a complex piece of legislation.

I was not able to participate at third reading last week due to previous commitments, but I watched the recorded proceedings. I would like to thank Senators Deacon, Ross, Aucoin, Robinson, Verner, Tannas and all my fellow Canadian Senators Group, or CSG, members. Thank you for helping to create a space in this chamber and in committee for my voice to be heard. Also, thank you, Senator Wells and Senator McCallum, for your support. Finally, thank you, Senator Dalphond, for calling me a troublemaker.

Colleagues, consultation is reconciliation in action. The law provides that when the Crown contemplates an action or decision that has the potential to adversely affect a section 35 right, they have a duty to consult with the rights holders and, where appropriate, accommodate the Aboriginal interest. The Mi'kmaq have existing aboriginal and treaty rights that have been recognized and affirmed by the highest court in this country, the Supreme Court of Canada.

I want to recognize Senator Petten for her efforts and her success as the Senate sponsor of Bill C-49. In her third reading speech, she provides:

> While this legislation will create new economic opportunities, this bill ensures it is done so in a way that consults Indigenous peoples . . . .

Further:

> The duty to consult on any matter that affects the rights and interests of Indigenous peoples throughout the life cycle of offshore renewable energy projects is one that is taken seriously.

Colleagues, with Bill C-49 the evidence is clear. It is clear that Bill C-49, along with its mirror provincial legislation, can confer a legal interest or duty to a regulator to consult and accommodate section 35 rights. There has been no consultation undertaken by either the federal or provincial governments in drafting Bill C-49.

It is clear that evidence of engagement was limited to two letters, one response and a meeting with community representatives and that engagement is separate and distinct from the Crown's duty to consult. It is clear that, in 2010, a formal agreement — terms of reference — outlines how consultations will take place in Nova Scotia. Those terms of reference have been used for hundreds of consultations with the Mi'kmaq and federal and provincial governments. And it is clear that neither the federal nor provincial government raised Bill C-49 in the many consultations and energy meetings with the Mi'kmaq.

The federal government views consultation taking place at the final authorization stage. Chief Sidney Peters, co-chair of the Assembly of Nova Scotia Mi'kmaq Chiefs, was mandated by 12 of the 13 Mi'kmaq bands in Nova Scotia to suggest changes to Bill C-49. A consultation process with the Mi'kmaq should cover off all the key decision points in the strategic planning process as outlined in Bill C-49.

Last Wednesday, I attended a celebration of life for my dear friend Wayne Fulcher. My father died when I was 2, and Wayne was like a father to me. He was in this chamber last year when I was sworn in as Senator, and died at age 83.



What I loved about Wayne was that he was always eager to learn. He and his wife, Mary Ann, founded the Fulcher Foundation, a private charity focused on inclusiveness and rural economic growth and sustainability. The Fulcher Foundation is sponsoring a governance project with the Mi'kmaq Grand Council. They are an excellent example of reconciliation in action.

Wayne would often state, "say what you mean and mean what you say." He couldn't stand it when people beat around the bush and did not come right out and say what they intended. Then, once they said something, he expected people to follow through and do what they said — what they committed to.

At the event, a person shared a George Bernard Shaw quote, which seemed to encapsulate Wayne's life. It provides:

> This is the true joy in life, being used for a purpose recognized by yourself as a mighty one. Being a force of nature instead of a feverish, selfish little clod of ailments and grievances, complaining that the world will not devote itself to making you happy. I am of the opinion that my life belongs to the whole community and as long as I live, it is my privilege to do for it what I can. I want to be thoroughly used up when I die, for the harder I work, the more I live. I rejoice in life for its own sake. Life is no brief candle to me. It is a sort of splendid torch which I have got hold of for the moment and I want to make it burn as brightly as possible before handing it on to future generations.

• (2010)

This represents the spirit of Wayne Fulcher, and I will forever miss him.

And now the final act. You might ask why I titled this part "the final act." It is because I was obsessed with Bill C-49. Senator Petten, I am not saying that I am obsessed with you.

Colleagues, Aboriginal and treaty rights are largely based upon history, culture and tradition. I was obsessed with the manner in which the constitutional rights of the Mi'kmaq were abandoned in the drafting of Bill C-49. The road through the litigation of Mi'kmaq rights is littered with expedient political decisions and compromises. Government officials, ministers and parliamentarians — please take notice that there is a consultation process in Nova Scotia that works. Ask about it. Use it.

My obsession with Bill C-49 even impacted my dreams. For example, have you ever seen Liam Neeson in *Taken*? In the movie, there is a scene where his character is talking on the phone with the kidnapper who has his daughter. I dreamed that I was Liam Neeson and the kidnapper was the federal government, which was holding hostage our Mi'kmaq rights. Can you imagine?

The dialogue goes like this:

> I don't know which level of government you represent. I don't know what you want. If you're looking to hold ransom our Mi'kmaq rights, I can tell you I don't have money, but what I do have is a very practical set of skills that I have acquired over a very long career and that make me a nightmare for people like you. If you meaningfully consult on our rights, that will be the end of it. I will not look for you. I will not pursue you in committee. But if you don't, I will look for you, I will find you and I will leave much carnage in my wake.

I hope to have no more dreams like this.

As a postscript, I want to dedicate this speech to my sister Dolly — or Darlene — Prosper.

Senator Coyle worked with Dolly while at StFX. On this day a year ago, Dolly crossed into the spirit world. She played a major role in the development of my career. She twice convinced me to run for chief in my community. On the back of her funeral card is a quote from Marianne Williamson. It reads:

> Our deepest fear is not that we are inadequate. Our deepest fear is that we are powerful beyond measure. It is our light, not our darkness that most frightens us. We ask ourselves, "Who am I to be brilliant, gorgeous, talented, fabulous?" Actually, who are you not to be? You are a child of God. Your playing small does not serve the world. There is nothing enlightened about shrinking so that other people won't feel insecure around you. We are all meant to shine, as children do. We were born to make manifest the glory of God that is within us. It's not just in some of us; it's in everyone. And as we let our own light shine, we unconsciously give other people permission to do the same. As we are liberated from our own fear, our presence automatically liberates others.

*Wela'lioq* and thank you very much.

**Hon. Donald Neil Plett (Leader of the Opposition):** Honourable senators, I would like to continue with the response to the Speech from the Throne. I'm sure there are many of you who now wish we still had the two-hour supper break we used to instead of only one hour. Nevertheless, I want to speak a little bit. As I said the last time, I'm not doing it for the benefit of the people in the Senate; I am doing it for the benefit of the 750,000 people who viewed one of my recent speeches in which I talked about the failures of this government. I am doing this on behalf of the thousands who have asked me to continue with this. I am making this speech on behalf of my chiropractor, who, just this week on Monday, asked me, "When are you speaking again? I look forward to hearing from you."

Today, I want to speak about the failed experiments of the "woke sorcerer's apprentice."

As I said, I'm rising to continue my response to the Speech from the Throne, focusing on Justin Trudeau's legacy.

As many of my honourable colleagues know, or maybe don't, a German poem from 1797 written by Johann Wolfgang von Goethe, "Der Zauberlehrling" — in English, "The Sorcerer's Apprentice" — told the tale of an old sorcerer departing his workshop, leaving his apprentice with chores to perform.

Tired of fetching water by pail, the apprentice enchants a broom to do the work for him, using magic in which he is not fully trained. The floor is soon awash with water, and the apprentice realizes that he cannot stop the broom because he does not know the magic required to do so. The apprentice then splits the broom in two with an axe, but each of the two pieces becomes a broom of its own, taking up pails and continuing to fetch water, now at twice the speed. With this increased pace, the entire room quickly begins to flood.

When all seems lost, the old sorcerer returns and quickly breaks the spell. The poem concludes with the old sorcerer stating that only a master should invoke powerful spirits.

In the poem, the sorcerer's apprentice uses magic to lighten his workload, but because his knowledge and understanding are limited, his spell creates more problems than it solves. The poem illustrates the dangers of power over wisdom and the risk of human creations getting out of control. Likewise, I argue that Justin Trudeau, with all of the power and none of the required wisdom, has rolled out an ideology without deviation or constraint, making its pillars the law of the land, and has entirely lost control of his own creation.

Our Prime Minister has touted Canada as one of the world's most progressive nations, leading the way on a variety of social issues. Yet, in reality, without the possession of foresight or the ability to demonstrate flexibility or nuance, he has lost control of the monster he has created with respect to almost every major policy file.

Allow me to highlight a few of the key policy areas in which our "apprentice" has hastily opened the floodgates, resulting in a complete loss of command for the government, often beyond recall. I'll start at the beginning, with a promise Trudeau made before even becoming Prime Minister: that 2015 would be the last election under the first-past-the-post system. This was a pledge he made more than 2,000 times on the campaign trail. He committed to engage in consultations and to strike up a representative committee to determine the best path forward.

• (2020)

Quickly, however, it became very clear that the special committee, the town halls and the nationwide consultations were nothing more than excessively costly smoke and mirrors. He knew that a referendum would not deliver the results he was looking for, so he opted for a cloaked rubber stamp instead.

Immediately after taking office, the Trudeau government promised that regardless of how the consultations unfolded, they would be ending the voting system that had been in use in Canada since the beginning of our democracy. Additionally, the government's "all-party committee" on electoral reform was unsurprisingly stacked with Liberals. Furthermore, the Green Party and Bloc Québécois were not even given voting rights. Then the committee was given an implausibly short deadline of

six months to produce a report with recommendations. For Trudeau, everything was falling into place, and his dream of changing the electoral system to ensure Liberal governments forever was quickly becoming a reality.

The problem for the Prime Minister was that, while he was publicly stating that the government was wide open to reform options, he had — in reality — one specific electoral system in mind and was not open to any alternative.

The Prime Minister wanted a ranked or preferential ballot method — a system that would indisputably favour the Liberal Party. However, when none of the experts who testified at committee thought this was a wise idea, and when the committee subsequently recommended a national referendum, the Prime Minister was suddenly less passionate about upholding his campaign promise.

In June 2017, the Prime Minister announced that there was no path to bringing in electoral reform, because none of the other parties wanted to accommodate the Liberal preference for ranked ballots.

Justin Trudeau used the issue of electoral reform to obtain a majority, but when his plan to skew the system in favour of the Liberals failed, he cynically reneged on his promise.

You would think that Trudeau would accept the fact that when changing the electoral system, a certain level of consensus must be achieved. And you would think that since there was no consensus, he would do the graceful thing and retreat. No — not Justin Trudeau. He said in a podcast last week that he regretted not having used his majority in the House of Commons to ram his new system down the throats of Canadians. He candidly said that he regretted not rigging the system in favour of the Liberals.

Ironically, he also said that one of the biggest reasons for his wanting to run one more time was so that his 18-year-old son would be able to vote for him rather than because of what he would do for our country.

Electoral reform is not the only way Justin Trudeau wanted to tilt our democratic institutions in favour of the Liberal Party. The changes he made to the Senate were no doubt to ensure that his policies — even if rejected by a large majority of Canadians — would survive his impending electoral rout.

While the desire to reform the Senate is as old as the institution itself, any changes that risk compromising the very purpose of the institution have always been handled with tremendous care and caution. In 2014, the Supreme Court of Canada ruled that any attempt by one prime minister to fundamentally change the nature of the Senate without consulting the provinces would be unconstitutional. In the past, when there was any doubt, prime ministers had the good sense to turn to the highest court to achieve clarity.

However, not this Prime Minister; care and caution are not his style. For the sake of political expediency, during what is now commonly referred to as the Senate expenses scandal, Trudeau decided to distance himself from Liberal senators — at least in the public eye — and to rebrand the new Liberal appointees as independents.

He even gave them some new, fun titles, which did nothing but cause uncertainty in our Rules and a burdensome process to accommodate the new made-up terms.

No matter what the government would like us to believe, these new senators were hand-picked by Justin Trudeau, not selected by some group. The 88 senators appointed since 2015 were chosen by Justin Trudeau personally. For nine long years, we have been hearing the purported narrative that the Trudeau Senate is apparently more independent than before. Nothing is further from the truth.

Last July, the CBC, of all media outlets, said:

> Despite Prime Minister Justin Trudeau's promise to rid the Senate of partisanship and patronage, most of the senators appointed to the upper house over the past year have ties to the Liberals.

Those so-called independent senators have donated money to the federal Liberals or have worked with the federal party or a provincial Liberal Party.

Last July, *The Globe and Mail* put it clearly:

> While it was always better for the health of the skeptical mind to put the words "independent senator" in quotation marks when it came to the political persuasions of Mr. Trudeau's 82 appointments since 2016, the tenor of his latest ones makes it a medical necessity.

That was before the most recent appointments.

I want to make it clear: I support political appointments to the Senate. This is not a shot at any one senator here. I support political appointments. To do this job efficiently, you need to understand how Canada and its political institutions work. You have to be able to access a network, including a caucus, which brings you knowledge and perspective.

What I don't like is the hypocrisy of using the label "independent" when you have been appointed by an ultra-partisan Prime Minister who is the leader of the party you have worked for a long time.

As I said, our new colleagues will join the dozens of senators appointed by Justin Trudeau, who vote 96% of the time with the Leader of the Government in the Senate.

Canadians have not bought into the facade of independence for Trudeau's Senate, but his experiment is more than a problem of smoke and mirrors. For one, it has led to a substantial increase in costs. The Senate's actual costs in fiscal 2015-16, before Justin Trudeau appointed senators, were under $75 million. The budget for the current year, after 82 Trudeau appointments, is $135 million, which is $60 million more for the Trudeau Senate. Those are facts, even if Senator Moncion would like to change the numbers.

It has also led to a lack of efficiency in the chamber. What used to be negotiated between the government and the opposition now must involve several leaders, making it much more difficult to reach consensus and maintain agreements, even if the other leaders will inevitably follow the government's lead. With so many splintered groups and a lack of caucus cohesion, there is also a stark increase in senators rising to speak — it's not just me for an unlimited time — just to repeat what has already been said. This is a tiresome burden on productivity.

Senators who have always exercised independence used to also have the support of and a working relationship with their respective national caucus. The discussions surrounding the drafting of legislation used to be hammered out in caucus meetings, where senators could weigh in on, for example, the regional impacts of a specific proposal.

A good case in point is Senator Prosper speaking about Bill C-49. If that had been left up to two caucuses, I think we would have crossed the finish line in a much better manner than we did now.

• (2030)

Now, when senators are looking at a legislative proposal for the first time and each senator has a very specific pet concern, the process gets bogged down and delayed. How many private members' bills do we have in the Senate right now? You can add to this mess the fact that we have a record number of Senate public bills in front of us, which means committees no longer have the time to conduct studies.

Like all institutions that have existed for more than a century, the Senate has never been immune to the need for regular reviews of rules or processes. Yet, what was once an efficient institution of thoughtful review has now become a vessel for endless personal projects advanced through Senate public bills. What began as a hasty PR experiment for Trudeau has resulted in a radical shifting of an institution, with less productivity, less transparency and less value for taxpayers.

Again, as *The Globe and Mail* itself concluded last July:

> . . . on top of being more expensive but no less partisan than it was before, the Senate is also now less productive.

It is now clear that the attempt to change the Senate is a failed experiment by our woke sorcerer's apprentice.

On cannabis, Justin Trudeau approached the legalization of cannabis in the same manner: a mix of progressive ideology, political calculation and a desire to make his Liberal friends profit. It was a sure winner, or so he thought.

As journalist Susan Martinuk reported:

> . . . he no doubt felt it would be one of his easiest and most rewarding tasks as Canada's new and uber-cool prime minister. . . .

However, when problems with Bill C-45 were revealed, Trudeau persisted anyway. As Martinuk pointed out:

> Trudeau's determination to push the bill through clearly exposes the problem with Bill C-45: It's a watershed moment that covers public policy, health care and Canadian law. Yet, the Liberals refuse to see it as anything more than an election promise that must be in place by August; details be damned. . . .

As Trudeau tends to do when facts get in the way of his ideology, he ignored the experts. He ignored the police, who said they were not ready. He ignored the medical experts, who said the legislation posed an increased risk for children. He ignored the experts who testified from Colorado and Washington and offered a strong warning to slow down, saying, "Don't rush the process"; "Take your time — even when the public is clamouring for access." He ignored the law professors who warned that the black market does not go away after legalization. And he ignored the U.S. Drug Enforcement Administration, which said the illegal production of marijuana increased twentyfold in U.S. jurisdictions with legalization.

It has now been more than six years since cannabis was legalized. The promises — as many of us in this chamber remember — were that the new policy would, one, improve safety and public health and reduce access by youth; two, lessen drug-related crime and diminish or even kill the illegal market; three, create a new profitable and legal industry.

The first promise about health and safety for our youth has not been kept. For the fifth anniversary of the passage of Bill C-45, the *Canadian Medical Association Journal*, or CMAJ, undertook a wide study — one of the largest of its kind — and subsequently reported many disturbing findings.

First, the report notes an increase in the prevalence of cannabis use. This is confirmed by Statistics Canada, whose data shows that 14.8% of Canadians consumed cannabis before legalization in 2017, and the number stabilized at 22% in 2021. This means that there are roughly 50% more people using cannabis than there were before legalization.

And it is not only the increase in the number of users that is concerning; it is the severity of the results of this increased consumption. The CMAJ study showed that there has been a sharp increase in cannabis-related emergency department visits and in cannabis-impaired driving since legalization. The study also found that people who visit emergency departments for cannabis use are at a heightened risk of being diagnosed with schizophrenia. At the same time, Ottawa mental health specialists say they are seeing a striking increase in patients presenting with significant psychiatric issues that appear to be related to cannabis use, a trend seen widely across the province.

The report notes that across Ontario, annual rates of cannabis-induced psychosis increased by 220.7% between 2014 and 2021.

As predicted by those of us who warned the government, there was a large uptick in cannabis poisonings among young children in provinces where edibles were legal. The increase in the availability also led to a surge in cannabis-attributable hospitalizations, particularly among people aged 25 years and older.

We have now reached the point that, according to StatCan, "many Canadians" are consuming cannabis before or at work, raising questions about safety on the job. StatCan also reported that 1 in 20 Canadians — approximately 300,000 people — who had consumed cannabis in the previous year scored high enough on the Severity of Dependence Scale to be considered at risk for addiction.

**An Hon. Senator:** That explains the Trudeau cabinet members —

**Senator Plett:** Thank you. I would agree with that. They probably — well, I probably can't say that. I might have to retract that.

The outcomes we are seeing are the precise outcomes the Prime Minister was warned about. Yet, he did not have the wisdom or foresight to pause or pivot from this ideological tenet he held so dear. According to a recent CBC article — again, this is the CBC:

> Five years later, public health experts say legalization hasn't created any health benefits — but it has been linked to some serious concerns.

The second promise, the reduction of the role of organized crime in the cannabis market, has also not been kept. The black market now accounts for around 35% of sales, according to Statistics Canada, and faces virtually no risk from enforcement. A study by Deloitte suggested that the average price in the illicit market remains 20% lower than in legal retail stores.

As for the business side of the cannabis legal trade, it has also been a colossal failure. Too many companies entered the market, and the government failed to put in place a realistic tax scheme.

Paul McCarthy, the President of the Cannabis Council of Canada, quoted last July in the *National Post*, said 40% of all filings from companies seeking protection from creditors to restructure last year came from the cannabis sector. "The regulatory and taxation regime is suffocating this business," he said.

For many Liberal insiders, though, this does not matter. They were the first to invest in the sector, sometimes way before the bill was tabled. They knew it was coming. Once Bill C-45 passed and cannabis became the new stock craze, they unloaded their shares before the valuation of the cannabis producers went tumbling down.

Instead of threading carefully, Justin Trudeau wanted his Canada to be the first country to legalize pot. He would then look across the globe like this cool dude that he thinks he is. All he managed to do is create more problems. This is another Trudeau failed experiment.

Now turning to dangerous drugs, the Trudeau government used the same far-left ideological approach vis-à-vis more dangerous drugs.

• (2040)

In 2023, 8,049 people died from opioid overdoses in Canada. Over 2,500 of them were in British Columbia.

Under Justin Trudeau, crime, homelessness and despair have reached unprecedented levels. This is fertile ground for increased drug use, and this is exactly what we see. There have been, colleagues, 45,000 deaths related to the opioid toxicity crisis in Canada since Justin Trudeau became the Prime Minister. The number of deaths has increased on a yearly basis by 184% since our woke Sorcerer's Apprentice became the Prime Minister of Canada.

This year, the equivalent of half the population of my city of Steinbach will die of an opioid overdose in Canada. This is a national tragedy. And we are not talking about the ravages caused by other hard drugs.

What has been Justin Trudeau's answer? First, he decided to make it easier for drug dealers to get bail and made sure there would no longer be any harsh sentences — I will come back to this later. Then the government embarked on a program to basically provide the drugs to the users. Instead of treating the addiction, the Liberals decided it would be good to fuel the addiction — same with assisted suicide, I guess.

This program has been a failure. Not only does it not reduce the number of people that are addicted, but it even increases it. Earlier this year, police conducted massive busts of diverted drugs in Prince George and Campbell River. The Vancouver Police Department has stated that around 50% of all hydromorphone seizures were diverted from Trudeau's taxpayer-funded hard drugs program.

According to the President of the London Police Association, it is common knowledge among police officers that so-called safe supply programs are being abused and widely diverted into the community so that users can use profits from their sale to buy even more deadly fentanyl.

The hard drugs that the Trudeau government provides are frequently resold to teenagers and other vulnerable Canadians, getting them hooked on opioids and leading them into the destructive cycle of addiction.

Not only are those government-funded drug dens distributing drugs that are resold on the street, but they are also often located in residential areas, close to schools or kindergartens. For the Trudeau Liberals, there is no issue in having syringes in playgrounds or having the kindergartens ask the police to go with toddlers for their safety during their daily stroll.

The other wacko policy that the wacko Liberals put in place is the decriminalization of hard drugs. In British Columbia, where Trudeau — the Sorcerer's Apprentice — began his experiment, the province saw a 400% increase in drug overdose deaths. Drug overdoses have become the leading cause of death for children in B.C. between the ages 10 to 18. That's heartbreaking, colleagues. Heartbreaking.

This experiment also led to rampant, open drug use in playgrounds, public spaces and even hospitals. That is why even the NDP Premier of British Columbia had to ask the government to walk back this dangerous failed experiment.

If you don't believe me that the Trudeau plan is just a failed experiment, you can turn to our former colleague Larry Campbell, who can be accused of a lot of things but being a Conservative, colleagues, is not one of them. Senator Campbell was a huge supporter of the Trudeau approach to illegal drugs. Last July, he said that the government made a mistake when it decriminalized the possession of small amounts of illicit drugs without thinking through the impact on communities. He said the government made an even worse mistake when it started dispensing prescription opioids to drug users. According to Senator Campbell, the government has put too much stress on reducing the harms that come with using drugs and not enough on helping people quit using them altogether. It's not often that I agree with Senator Larry Campbell, but I do here. This has been a failed experiment.

Now, Justin Trudeau's tenure as Prime Minister has been marked by COVID. Such a pandemic had not been seen for a century, so, obviously, there was a lot of improvisation and experimentation by governments here and all over the globe. Let me summarize how Justin Trudeau's government fared in this.

First, we can all deplore the fact that none of the lessons that should have been learned from smaller pandemics such as SARS-CoV or the avian flu seemed to have been remembered by the federal government. It was as if we were caught completely flat-footed, with no material ready and no plan. I find that strange since it was made clear by the previous Conservative government — we had a minister here who wanted to remember the previous Conservative government. They had plans that were drawn up, and we had sufficient stocks of personal protective equipment, or PPE. It is obvious that the Liberal government failed to maintain our strategic PPE stocks and to adequately prepare for a pandemic that almost all experts predicted would come sooner or later.

So, left unprepared, how did Justin Trudeau and company react? First, they denied there was a problem. They believed every lie that the Chinese Communist Party and the World Health Organization spewed until it became obvious that they were indeed lies. Even if our security agencies and our allies warned the Trudeau government that this dangerous disease was spreading rapidly, it did not treat the threat seriously. The Liberals refused to stop flights from China until it was too late, accusing those of us who proposed to act of being racist. The Liberals dithered before starting to stock PPE and medication, putting us at the back of the line for the purchases. When the Conservatives raised the issue in the House of Commons on January 27, 2020, the Minister of Health said, "that the risk to Canadians remains low." That the risk to Canadians remains low. The Liberals didn't do anything until it was too late.

Then, in March 2020, the government realized that COVID was indeed a serious threat. At first, the Liberals just improvised. They clearly had no clue what they were doing. Our health experts told us to wash our groceries but that wearing a mask would be useless since we were all too dumb to know how to wear it.

The Liberals panicked and did what Liberals do when there is a problem: throw money at the problem while, of course, allowing fellow Liberals to get rich. They bought millions and millions of dollars of equipment, always at inflated prices and, most of the time, for nothing. They signed contracts with friends of the Liberal Party, such as former Liberal MP Frank Baylis, who sold ventilators, colleagues, that were never used. In fact, the government spent over $750 million on ventilators, 95% of which were never used — $750 million.

SNC-Lavalin was awarded a $150-million contract for field hospitals that were never requested by Health Canada. No province asked for the supplies. On top of the equipment and supplies that were never used, there were some that were not even delivered. The government itself admitted that it paid more than $100 million for supplies that were never delivered. Because we do not have a truthful accounting of all the expenses, we can assume that this number is much higher than that.

At the same time, the Liberal government decided to close the border, something it deemed racist a few weeks before. They forced people to quarantine in disgusting conditions, all based on wrong information from "ArriveScam" and unproven tests.

• (2050)

Speaking of tests, Trudeau's Canada was among the last countries to understand that testing was key and to buy those tests. We waited weeks and weeks before getting what other countries had. In February, Global News revealed that:

> The Canadian government awarded two of the largest medical supply contracts of the pandemic to importers participating in an invitation-only federal program rather than to Canadian manufacturers offering lower prices . . .

It also revealed that the contracts were awarded despite the government being given incomplete data about the product's accuracy.

The Liberals foolishly funded development of a vaccine, the CanSino, in collaboration with, of all places, China. The vaccine was never delivered.

They gave hundreds of millions of dollars to Liberal insiders to develop a vaccine at Medicago that they knew could never be approved since the company was connected to a tobacco manufacturer.

They gave $130 million to Biologics Manufacturing Centre to build a vaccine plant. Do you know how many doses have been manufactured there? Zero.

The Liberals had to turn to foreign companies to provide the vaccines. They did so late, so we were behind other countries. And the Liberals bought such massive numbers of vaccines that the Auditor General estimated that at least 50 million doses had to be wasted. How much did we waste? We will never know because the government is refusing to tell us. Because we overbought and overpaid, Canada was considered the worst global hoarder of vaccine doses, frustrating poorer countries.

Once they had vaccines, the Liberals decided that they would force people to get vaccinated. They forced vaccine mandates on people for whom it never made sense, such as public servants who were working from home, truck drivers working alone in their trucks and people with medical conditions who were warned by their doctors not to take them. They pushed vaccines, many times, to the detriment of those who were vaccinated. Transport Canada called its own vaccination mandate ". . . aggressive . . ." and "unique in the world . . . ." Courts have now found the mandates unconstitutional.

Finally, to top it all off, Justin Trudeau decided that he needed the Emergencies Act to put an end to the occupation of four or five city blocks in Ottawa by truckers, who apparently looked so dangerous in their hot tubs on Wellington Street. Canada was universally mocked, and Justin Trudeau looked like the arrogant, petulant brat that he is.

COVID was an excuse for the Liberals to enrich their friends. I will not get into all the details of the contracts awarded at the time, but the names WE Charity and "ArriveScam" have become synonymous with Liberal corruption.

And did the government deliver in fighting Covid? Let me summarize by reading some headlines: "Canada's nursing homes have worst record for COVID-19 deaths among wealthy nations . . ." That again was the CBC.

"Canada doing one of the worst jobs in the world in fighting COVID."

". . . 'radical' lockdowns had extraordinary costs."

Last year, the *British Medical Journal* said that when Covid struck, Canada was an "ill-prepared country with out-dated data systems, poor coordination and cohesion and blindness about its citizens' diverse needs."

It was Canadians themselves who should be commended for winning over Covid. As the journal concluded, ". . . Canadians delivered on the pandemic response while its governments faltered."

I could go on for several more minutes and go into details about the Liberals' mismanagement of the COVID crisis.

**Hon. Leo Housakos:** You could go on for weeks.

**Senator Plett:** I probably could. As usual, with the Liberals, you have a mix of incompetence, arrogance and corruption that makes them take bad decision after bad decision. I profoundly regret that there was never a true inquiry on or audit of what the government did, whether it worked and how we can do better next time — because, colleagues, we must do better next time. We must learn those lessons from all those mistakes of the Liberal "sorcerer's apprentice."

If the government ensured that there would never be such an inquiry, it is because they knew they had failed and that we would learn too much about their incompetence and corruption. The Trudeau Liberals failed to deal with the health repercussions of COVID. They also failed to deal with the economic repercussions.

When COVID struck, much of the world had to determine what financial measures would be put into place to address a global health crisis that we did not yet understand. Governments were forced to allocate tax dollars to support measures to protect the livelihoods of their citizens and the overall economy. With so much uncertainty at the helm, most countries proceeded in a restrained, cautious and targeted manner. But not our Prime Minister, our very own "sorcerer's apprentice."

Our government's spending during the pandemic, while initially described by some as generous, quickly spiralled out of control. The data for this and the warnings from experts and financial institutions were present from the beginning.

In November of 2020, the CIBC warned Trudeau that the majority of his emergency support handouts were being spent on imported consumer goods and therefore leaking out of the economy to other nations. The economist who penned the report noted that the leakage could be easily fixed by focusing on programs that encourage consumers to spend on local services. He also warned that if nothing were done, Canada would have to spend even more on fiscal support. After all, Canada had already outspent all of the G20 nations on our pandemic response. As the CIBC report notes, this resulted in no additional benefit to employment or the GDP. This advice was ignored.

In March of 2021, StatCan reported that Canadians experienced extraordinary positive changes in their economic well-being during the pandemic as they gained thousands of dollars more from COVID-19 support payments than they lost in wages. They reported, in fact, that COVID-19 benefits outpaced earning losses across all five income classes studied by StatCan.

An economist at Scotiabank noted:

> It underscores in a rough sense what the federal government did, which was to go big and go quick and overshoot . . .

Several economists and institutions warned the government that they needed to scale back their benefit programs, most notably the CERB program, stating that it was too generous and could be acting as a disincentive for people to return to work. They, too, were ignored.

In February of 2021, the Conference Board of Canada warned of the inescapable ramifications of record-high debts amassed during the pandemic, stating:

> The lasting impact on revenues and expenditures suggests that governments in Canada will struggle over the near and longer terms to dig themselves out of this gigantic fiscal hole.

Also in February of 2021, the International Monetary Fund said that Trudeau lacked justification for his sizable spending plans and that any additional unnecessary expenditures could "weaken the credibility of the fiscal framework."

In the same week, a report from the C.D. Howe Institute raised major concerns about Trudeau's promised $100 billion in stimulus funds, saying that it ". . . remained unconvinced that a large stimulus package is appropriate at this time."

Despite the warnings, our "apprentice" carried on, and the flooding began.

• (2100)

In fact, by early March of 2021, the Trudeau government had already blown past the $6.3-billion estimate they declared it would cost to run the Canada Recovery Benefit and had already nearly doubled the program spending to $11.1 billion.

Lest one be convinced that these warnings from experts and major banks did not make it across the Prime Minister's desk, please keep in mind, colleagues, that Justin Trudeau's very own Minister of Finance Bill Morneau who was tasked with the fiscal management of the country and the rollout of these programs, left one of the highest political offices in the country because Trudeau's spending had gotten so out of control.

In his book, *Where To from Here: A Path to Canadian Prosperity*, Morneau wrote that he and Trudeau came to loggerheads on the matter of COVID spending. He noted that during the pandemic:

> . . . calculations and recommendations from the Ministry of Finance were . . . disregarded in favour of winning a popularity contest.

He added that his role as Minister of Finance ". . . had deteriorated into serving as something between a figurehead and a rubber stamp."

That's our Prime Minister — arts instructor, snowboard instructor — telling an educated finance minister.

Yet, the Fraser Institute pointed out that:

> In 2021, federal per-person debt reached a new record at $48,955. But COVID once again cannot be blamed for all of this debt accumulation. Without any COVID-related spending in 2020 or 2021, federal per-person debt would still have reached $41,340 in 2021 — the fourth-highest amount in Canadian history.

The authors conclude:

> Clearly, federal debt was already on an upward trajectory and the pandemic only exacerbated the problem.

As it turns out, every economic expert and financial institution that warned of the disaster was correct. A devastating inflation appeared across Canada, and for all products and services. Canadians are still feeling the consequences. The former governor of the Bank of Canada Stephen Poloz said that the Trudeau government used a firehose approach and that a firefighter never gets criticized for using too much water.

I beg to differ. The reckless policies of the Trudeau government, in fact, flooded the Canadian economy with too much easy money. They created the inflation, as Trudeau was warned. Our floors were awash with water, and Trudeau continued to use the firehose long after the fire was put out.

The new Governor of the Bank of Canada, Tiff Macklem, confirmed that the government's spending has gotten in the way of bringing down inflation. With inflation remaining high, the bank had no other option than to raise interest rates with devastating effects on businesses and homeowners.

In March 2023, the Deputy Governor of the Bank of Canada confirmed that if it had to go through the COVID crisis again, the bank would not use the same strategy.

This reckless spending was motivated by the Liberals' far left thinking that every problem can be solved by more government spending. As I said, for the Liberals, these radical experiments are always done with an eye on the political benefits.

Justin Trudeau thought he could surf on this wave of massive COVID spending and called an early election in 2021. He thought he could buy Canadians with their own money, and, as always with the Trudeau government, the negative effects of radical policies, combined with political cynicism, are compounded by the incompetence of this government.

The programs were too generous, but, more than this, it became an open bar. Last May, the Canada Revenue Agency confirmed that it had so far identified $10 billion of COVID payments to individuals who were ineligible under the

government programs. Hundreds of public servants have already been fired for misappropriation of funds. This is in addition to the more than $15 billion identified by the Auditor General for another program, and this was only after scratching the surface:

> Investigators in random checks uncovered problems with almost two-thirds of claims under the $100.6 billion Canada Emergency Wage Subsidy, says Auditor General Karen Hogan. The rate was so high it "requires you to really look more," said Hogan.

You would think that the government would aggressively try to recover these massive payments. Well, you would be wrong. This would be bad politics, wouldn't it?

The head of the Canada Revenue Agency said it was not worth the effort. The Parliamentary Budget Officer, or PBO, said that such an attitude is disconcerting. This, colleagues, is an understatement.

Not content with having doubled the debt and created inflation, our sorcerer's apprentice carries on with his experiments. This will be the last one that I will speak about tonight, colleagues. Trust me, there will be more to come, Senator Pate.

**Senator Housakos:** There is a lot to highlight.

**Senator Plett:** One of the darker and most glaringly obvious examples of the sorcerer's apprentice is Canada's out-of-control assisted suicide regime. As is often the case with slippery slopes, it begins with a denial and mockery of its existence.

In the case of assisted suicide, the denial of the slippery slope was loud and strong, both from the Trudeau government and the Supreme Court of Canada. Yet, it did not take long for the proverbial slope to come into view.

If you consider where we began with the initial legalization of assisted suicide, and look to where we are now less than 10 years later, it is nothing short of shocking. There were warnings from concerned experts in other jurisdictions that had gone this route and were currently living with the consequences.

In the *Carter* case, there was evidence presented by a medical expert from Belgium that a slippery slope was very possible, specifically, that by opening the assisted suicide floodgates, even in a narrow scheme in which terminally ill people are offered help in ending their lives, we would be opening the door to a system in which vulnerable groups like the disabled are offered death before they are offered adequate care.

The court rejected this, stating, ". . . the permissive regime in Belgium is the product of a very different medico-legal culture."

This assertion was adopted and repeated by the Trudeau government, who stated that we would avoid this ". . . expansion of eligibility by setting up a 'carefully regulated scheme' that would keep its application narrow and exceptional."

"Narrow and exceptional," colleagues.

The number of Canadians ending their lives through assisted suicide has grown at a speed that outpaces every country in the world. We are very quickly becoming the world's assisted suicide capital. Our most appalling reported cases are even getting international attention.

In just six years, the number of deaths from assisted suicide increased thirteenfold from 1,018 deaths in 2016 to over 13,200 in 2022.

**Senator Martin:** Shocking.

**Senator Plett:** It is shocking.

More Canadians die by euthanasia than from liver disease, Alzheimer's, diabetes or pneumonia. In fact, assisted suicide is now effectively tied as the fifth-leading cause of death in our country.

However, the numbers from the government do not reflect that. Why is that?

When completing the medical certificate of death, physicians are required to list the illness, disease or disability leading to the assisted suicide request as the cause of death rather than the medications administered, which are the actual cause. This is a strange and suspicious manipulation of the data. As Barbara Kay asked, "If MAiD is a public good, why the deflection?"

• (2110)

If the astronomical numbers are not enough to convince you that the government has lost control, perhaps some of the circumstances will.

A 54-year-old woman living in Vancouver is one of the more than 1.4 million Canadians with disabilities who live in poverty. That, colleagues, is 40% of the population. Due to the lack of adequate services to support her and her condition, she has relied on a credit card to cover expenses and has amassed $40,000 in debt. Due to a lack of research on her condition, the treatments she is seeking are considered experimental and, therefore, not covered by our health care system.

However, what is available to her, she discovered, is assisted suicide. After the expansion of our assisted suicide policies through Bill C-7 — which enabled access to those for whom death is not reasonably foreseeable — she applied and was approved for assisted suicide. Her friends started a GoFundMe page in a desperate attempt to keep her around for longer, but they admit they do not know if it will be enough. She reported that assisted suicide will likely be her only option.

From St. Catharines, Ontario, a 54-year-old man named Amir Farsoud applied for assisted suicide, not because he wants to die, but because his social supports are failing him, and he fears he may have no other choice. He told reporters, "I don't want to die but I don't want to be homeless more than I don't want to die."

Another disturbing case involved Christine Gauthier, a retired corporal and Paralympian, who had been seeking help for over five years to get a wheelchair ramp installed. In an interview with CTV, Gauthier shared her disbelief when the government could not accommodate her request, but instead our government, colleagues, offered her assisted death. This is our government.

In a heartbreaking quote, she said, ". . . you're going to be helping me to die but you won't help me to live?"

This is our government.

We have all heard of a number of cases of veterans being offered assisted suicide to ease their mental and physical suffering. This is a group whom we are collectively — every one of us in this chamber and in our country — indebted to, and who should be able to depend on a steady network to help ease their transition back into civilian life. Yet workers under this system are suggesting to them that their lives are not worth living.

This past summer, a 37-year-old woman named Kathrin Mentler went to Vancouver General Hospital in the midst of a mental health crisis at the height of her suicidal vulnerability. A clinician informed her that there were long waits to see a psychiatrist and remarked that our health care system is broken and then asked her, "Have you considered MAID?" That was a health care professional. She was a vulnerable, suicidal patient asking for help to live, and instead was offered a way to die.

That, colleagues, is the kind of case that is at risk of becoming the norm in our country if the next phase of this slippery slope comes to fruition: that is, the proposed expansion of assisted suicide eligibility to include those whose sole underlying condition is a mental disorder. The policy is so far beyond what our society or our system is ready for, or even willing to accept, that the government initially enacted a sunset clause and has subsequently delayed it twice.

The repeated delays have resulted in a lot of opportunities for debate and for raising the myriad of moral and ethical concerns of offering death to mentally ill and suicidal patients. The Trudeau government and some of their Senate appointees have repeatedly tried to draw a distinction between assisted suicide requests and suicidality.

When former justice minister David Lametti was asked by journalist Althia Raj about ensuring our system actually offers people ethical choices, he replied:

> . . . remember that suicide generally is available to people. This is a group within the population who, for physical reasons and possibly mental reasons, can't make the choice . . . to do it themselves. And ultimately, this provides a more humane way for them to make a decision they otherwise could have made if they were able in some other way.

Colleagues, the best thing about David Lametti is that he has resigned from the Trudeau cabinet.

There is the admission as clear as day: The Trudeau government sees no problem with speeding up access to what they call a "humane" form of suicide to depressed and suicidal patients.

As Althia Raj pondered:

> Is the government not in the business of suicide prevention? Should we not be trying to give people a reason to live?

You will have noticed that I do not use the term "MAID" to describe what is, at its core, assisted suicide. For me, the use of the cold acronym of "MAID" is part of the effort by some to detach it from the reality and to create a different concept that is not palatable. The trajectory that the Trudeau government is following reinforces the need to be clear — very clear — about what we are talking about.

Dr. Sonu Gaind, the highly esteemed former president of the Canadian Psychiatric Association, told the Special Joint Committee on Medical Assistance in Dying:

> This expansion is not so much a slippery slope as a runaway train . . . . The government has [had] plenty of signs we should not be proceeding. You can choose to go ahead, but you can't pretend you weren't warned.

The public outcry on the outrageous reported cases has been profound and, in reality, is the real reason the government has not moved forward with the expansion to date.

How has the government responded to this growing public concern? Is it by improving access to mental health care, housing affordability or services for veterans? Of course not. In fact, on each of those measures, our system has become worse.

People are feeling broken. There has been a substantial increase in depression and generalized anxiety disorders. Access to mental health care remains abysmal. Yet we have a government who is remaining steadfast in their support of opening up the door to state-sponsored suicide for Canadians with mental illness.

The proponents know they have gone way too far. The Canadian public does not want this. The provinces and territories are not ready for this. Medical practitioners are not ready for this. Yet the Trudeau government is not willing to reverse it. They have made it clear that expanding access to assisted suicide to those suffering from a mental illness is not a matter of if, but of when. As Senator Kutcher, the original mover of this expansion amendment, has stated, the issue is decided.

When it comes to policy, I cannot imagine a more fitting reflection of "The Sorcerer's Apprentice" metaphor than the trajectory of Canada's assisted suicide regime, from opening the door under the guise and promise of a narrow and exceptional application, to becoming the assisted suicide capital of the world, to now finding ourselves beholden to a future policy so vile that even its top proponents must continue to delay its enactment — not reconsider, but simply put off.

Colleagues, I know you will be happy with this statement: This concludes the first part of my analysis of the failed experiments of Justin Trudeau. I invite all colleagues to stay tuned for the rest, but in the meantime, I will adjourn the debate for the balance of my time.

• (2120)

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

**The Hon. the Speaker:** It is moved by the Honourable Senator Plett, seconded by the Honourable Senator Seidman, that further debate be adjourned until the next sitting of the Senate.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**Some Hon. Senators:** On division.

(On motion of Senator Plett, debate adjourned, on division.)

## CRIMINAL CODE

BILL TO AMEND—THIRD READING

**Hon. Yvonne Boyer** moved third reading of Bill S-250, An Act to amend the Criminal Code (sterilization procedures), as amended.

She said: Honourable senators, I would like to begin by acknowledging that we are on the traditional and unceded territories of the Anishinaabe Algonquin Nation. The people of these nations are the original stewards of the land that we occupy today, and it is important in our land acknowledgements to show our humility, gratefulness and respect for their stewardship by acknowledging and thanking them. When we pay our respects to the ancestors, we reaffirm our relationships with one another. In doing so, we are actively participating in reconciliation as we navigate our work and time together.

I rise today as sponsor of Senate public Bill S-250, An Act to amend the Criminal Code (sterilization procedures), and to speak at third reading. This bill proposes to amend section 268 of the Criminal Code, which currently contains the aggravated assault offences. Bill S-250 adds a "for greater certainty" clause to explicitly state that ". . . a sterilization procedure . . ." constitutes ". . . an act that wounds or maims a person . . . ." It also includes a definition of "sterilization procedure" that states that it is a procedure ". . . that results in the permanent prevention of reproduction regardless of whether it's reversible . . . ." Aggravated assault carries a maximum penalty of 14 years imprisonment.

As many senators will know and remember from my first speech nearly seven years ago, and subsequent speeches, eradicating forced and coerced sterilization has been a key focus of my professional life. As a reminder of why I am so passionate about this topic, it has to do with my aunt Lucy, whom I lived with and who told me bedtime stories of her 10 years in a tuberculosis sanatorium in Fort Qu'Appelle — Fort San to be exact. She talked of the monsters that walked the halls at night, the experiments on the children and not seeing her family for 10 years. I believe my aunt may have been sterilized at this time; she never had any children. I was her girl.

Years later, I worked as a nurse in central Alberta and Saskatchewan, areas that had large Indigenous populations. On more than one occasion through the years, I was told that the "Indian problem" would be fixed when all the Indian women were sterilized. People talked to me like that because they thought I was like them. I was not. These words drove me — on fire with rage and anger — to law school, where I believed that if I just became a lawyer, I could stop it from happening. That was over 40 years ago.

Today, in my speech, I will again highlight the importance of this bill and how forced sterilization is not simply an issue of the past, but rather one that is still ever-present in modern-day Canada. I will also touch on the important work the Legal and Constitutional Affairs Committee did in their study of Bill S-250.

I introduced Bill S-250 in June 2022 following two Senate studies on the issue of forced and coerced sterilization. Several Indigenous and Black women testified for the Standing Senate Committee on Human Rights second report, *The Scars that We Carry: Forced and Coerced Sterilization of Persons in Canada — Part II*.

Criminalizing the act of forced and coerced sterilization was the first recommendation in *The Scars that We Carry*. The testimony of the nine women and the subsequent pleas to criminalize the act of forced sterilization moved me to introduce this important bill.

Over the years, I have had hundreds of encounters with Indigenous women who have been sterilized or have family who have been sterilized. I carry them all with me through this important work.

To give you just one example of how prevalent this issue is, I'd like to share with you a story from a few years ago when I was travelling in the West.

I was checking into a hotel late at night. I was by myself. I had my suitcase; I was rolling it in, and there was nobody other than the clerk behind the desk. I said, "I'm here to check in." She said, "Oh, hello, senator. You're the senator of sterilization." I replied, "Well, that's an area I work in. I do work on that," and I was a bit flustered. She was a young woman. She looked at me, her eyes got really big and she started to cry. She blurted out, "They did it to me." I was really taken aback by this because it felt as if she'd been holding it all in so she could tell me when I showed up. She cried:

> They did it to me when I was 21, and I had four children. I'm now 35 and have a new partner. My kids are grown. I can't get pregnant, and I can't afford in vitro fertilization.

I was holding her, she was holding me and we were both crying.

At the second reading for Bill S-250 I noted, as have many of my colleagues who have spoken in support of the bill, that we have evidence of forced sterilization occurring as recently as December 2023. People ask me, "How can this still be happening?" I know Senator Wells mentioned this person, but I would like to elaborate on how this can and does happen. Meet Dr. Andrew Kotaska.

Andrew Kotaska is a doctor who might be seen as a role model for young doctors or a highly respected colleague. He has served as president of the Northwest Territories Medical Association. He spent years practising medicine and has had professorships at the Department of Obstetrics and Gynaecology at the University of Toronto, University of Manitoba and the UBC School of Population and Public Health. He has published articles on caring for Indigenous patients and — surprisingly — informed consent and ethics. Andrew Kotaska is a former clinical director of obstetrics at Stanton Territorial Hospital in Yellowknife. Andrew Kotaska might be emulated as a leader and a role model due to the successes of his career.

In July 2019, via a remote ultrasound, he diagnosed an ovarian cyst and decided that a 37-year-old Inuk woman needed surgery. In November 2021, he performed surgery to address a painful cyst on her right ovary at the Stanton Territorial Hospital in Yellowknife. She only consented to the removal of her right Fallopian tube and ovary if necessary. Andrew Kotaska removed her right Fallopian tube and right ovary and then brazenly stated out loud in the operating room, "Let's see if I can find a reason to take the left tube." And indeed he did. Andrew Kotaska removed not only her right ovary and Fallopian tube, but also her left ovary and Fallopian tube without consent, leaving her sterile forever.

A civil suit was launched in April 2021 against Kotaska and the Northwest Territories Health and Social Services Authority for $6.5 million. They both filed statements of defence, and Andrew Kotaska denied sterilizing her without consent. A year later, he publicly apologized. In his defence, he stated that his medical student heard the Inuk patient say she did not want any more children, seemingly implying that if an organ was not being used, it shouldn't be a problem if he removed it — as if she didn't need it anyway.

An official complaint was launched against Andrew Kotaska with the Northwest Territories Department of Health and Social Services, who license physicians in the Northwest Territories, and a virtual hearing was held on February 10 and 11, 2022. The board of inquiry found that he had violated the Canadian Medical Association's Code of Ethics and Professional Responsibilities. They suspended his medical licence for five months, already served. He was ordered to pay $20,000 in costs related to the hearing, and he had to complete an ethics course at his own expense. The board considered a letter signed by his colleagues that described him as "an accomplished, thoughtful surgeon who is capable of excellent decision making" when making their recommendations.

Despite all this, Andrew Kotaska currently practises medicine in a hospital in the interior of British Columbia. He is fully registered with the Society for Physicians and Surgeons of British Columbia.

• (2130)

This is just one example of how action on Bill S-250 is desperately needed. It's already extremely challenging for Indigenous women to access reproductive health care, particularly in northern and remote communities. When they do access this health care, there are some upstanding and highly qualified physicians who would like to put an end to Indigenous women needing such care by performing these sterilization procedures without appropriate consent.

On April 21, 2023, after the second-reading speeches, Bill S-250 was sent for study to the Legal and Constitutional Affairs Committee. In February and March 2024, the committee studied Bill S-250 and heard from a wide range of witnesses, including Nicole Rabbit, a survivor of forced sterilization and board member of the Survivors Circle for Reproductive Justice. The Canadian Medical Association, or CMA; the Society of Obstetricians and Gynaecologists of Canada; the First Nations Health Authority; Alisa Lombard, lead counsel for one of the class actions happening across the country; the National Council of Indigenous Midwives; the Women's Legal Education & Action Fund; and the Native Women's Association of Canada all testified. Our committee also heard from officials from the Department of Justice and Indigenous Services Canada.

Speaking to our committee, survivor Nicole Rabbit, also known by her Blackfoot name Eagle Woman, urged the committee members to support this bill. She shared with us deeply moving testimony about her experiences and her family's experience with forced sterilization. In Nicole's family alone, herself, her mother and her niece have all been sterilized against their will. To conclude her testimony, she drew strength from her recently departed mother and said:

> Someone has to be accountable for the act of genocide that we Indigenous people have faced and continue to face in regard to forced and coerced sterilization. We Indigenous people have always been poorly treated, and we would like it to stop and to stop systemic racism. Therefore, the recommended amendment must be stipulated in the Criminal Code. Our human rights continue to be violated to this day.

Hearing Nicole speak with such deep emotion moved all present in the room and highlighted the critical importance of acting on this issue by passing Bill S-250.

Doctor Kathleen Ross, President of the Canadian Medical Association, appeared before the committee and was fully in support of Bill S-250. She spoke to the importance of taking this

issue seriously, but also touched on how amending the Criminal Code cannot be the only action taken. It must go further beyond just this bill. She said:

> The Canadian Medical Association has strongly denounced the abhorrent acts of forced and coerced sterilization. That includes surgical procedures to permanently prevent conception, any method that alters the fallopian tubes, ovaries or uterus or any other action that is taken with the primary purpose of stopping conception permanently. These practices are rooted in deep systemic racism and discrimination. They have inflicted, as the committee has heard, irreversible harm on predominantly Indigenous women and perpetuated cycles of inequity and injustice. This dark legacy of sterilization under coercion is woven into the fabric of our country's history . . . .
>
> Therefore, we meet today — the medical profession and members of the government — to address this inequity — this injustice.

However, while the overwhelming tone of the committee meetings was supportive of the intent of Bill S-250, and all those who spoke with the committee agreed that this practice must be stopped once and for all, during these meetings concerns were raised by witnesses and senators on the committee that the original drafting of Bill S-250 was overcomplicated and that it might have unintended consequences, especially in cases of emergency surgeries or medical procedures resulting in sterilization.

After hearing these concerns, I consulted with the Minister of Justice and his advisors, and we developed an amendment that significantly simplifies the bill while maintaining the core goal: to make it explicitly clear in the Criminal Code that forced sterilization, meeting the requirements of an aggravated assault, is against the law and will be prosecuted. The resulting amendment, which was supported unanimously by the committee, greatly simplified Bill S-250, bringing the bill from 55 lines down to 14 lines.

The amended bill makes it clear that medical providers who inadvertently or through a manifestation of a disclosed risk, where possible, sterilize someone during an emergency surgery are protected by section 45 of the Criminal Code, and it is clearly targeting sterilization without consent, so it will not impact reproductive freedoms for those who wish to be sterilized voluntarily.

Prior to clause-by-clause consideration where I moved this amendment, the committee heard from criminal law experts at the Department of Justice who were fully supportive of this change and re-emphasized to the committee how this will achieve the objectives that Bill S-250 originally set out to achieve while avoiding the potential complications and concerns that were raised earlier in the committee process.

Canada has perpetrated many wrongs against Indigenous women; forced sterilization is one of them. Forced sterilization has been performed, justified and subsequently denied for many years. I have previously discussed the role of the provinces in promoting eugenics as part of their provision of health care. Both Alberta and British Columbia legislated eugenics population control methods which allowed forced sterilization between 1928 and 1973, and Indigenous women were disproportionately targeted for these procedures. Thank you, Senator Simons, for your speech and the deep dive into the history of eugenics in Alberta.

I have also spoken about how Saskatchewan, Manitoba and Ontario all introduced similar bills, and although they did not become law, they highlight the normalization of sterilization as population control.

It is not just the provinces that are to blame. In many of our own lifetimes, both senators and members of Parliament have advocated for forced sterilization or have failed to appreciate the severity of the issue. Hansard has consistently recorded the issue of sterilizing Indigenous women since as early as 1924, and as we speak 100 years later, in 2024, about the last woman who we know was sterilized against her will in December 2023.

In September, just two weeks ago, the Canadian Medical Association issued a formal public apology with ceremony to Indigenous peoples for its role and the role of medical professionals in past and ongoing harms to Indigenous people in the health care system. Included in the harms being apologized for was the issue of forced and coerced sterilization.

While the CMA is taking important steps to address this, amongst many other issues, there needs to be swift and serious legislative action as well. It is incumbent on us, as the current occupants of these seats, to send a clear message that forced sterilization of any sort is unacceptable and will no longer be tolerated.

I would like to thank the critic, Senator David Wells, for his ongoing support, and I would like to thank the Legal and Constitutional Affairs Committee, the clerks and the staff and especially the chairs, Senator Jaffer and Senator Cotter, for shepherding Bill S-250 though all of the required steps. I would like to thank my office, Sky and Veronica, and I want to thank all of you and all my parliamentary colleagues in the other place who have been so incredibly supportive. This bill has been a culmination of a lifetime of work not just for me but for so many people whom I have had the honour to work with over the years.

As I have done every time I have spoken about this issue in the Senate, I would like to thank the women who have trusted me — the women who are watching, those who have telephoned me, the women who have emailed me or found me in person to tell me their stories and the courageous women who have come forward to provide testimony. For the ones who haven't been able to come forward yet, please know that it is becoming easier with each step that we take. I encourage you and others to keep contacting me — I will always listen and help where I can.

As senators, we must use our platform to fight for those who do not have a voice and strive to restore their reproductive futures. Through Bill S-250, we can take a step towards eradicating this blatant violence. Let us come together to be on

the right side of history. I hope that our chamber will pass this bill expeditiously and that the other place will give it the prompt attention and consideration it deserves. The women are waiting.

All our relations. *Marsee*, *meegwetch*, thank you.

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

**Hon. Jane Cordy:** May I ask you a question?

**Senator Boyer:** Yes.

**Senator Cordy:** First of all, thank you for the incredible job that you have done — that's not a question but a comment. You have been relentless in educating Canadians, particularly those of us in the Senate, about what has been happening for far too long. When the Human Rights Committee was studying it, we heard this hadn't been happening for a few years, and to hear you speak today about it happening in 2023 is more than heartbreaking; it's very cruel, actually.

• (2140)

When the Human Rights Committee was studying this issue, we heard about forced sterilization, particularly in Indigenous, Black communities and lower-income communities. We heard the story from one woman who spoke about being in labour in the hospital. They came to her with a form to fill out to allow sterilization when she had the baby. For those of us in the chamber who have had children, the idea of somebody coming to you when you're in labour, asking you to sign something, they would be lucky their arm wouldn't be torn off.

Anyway, I said that Indigenous, Black and lower-income women seem to be the ones. Would you say that, indeed, would be a form of systemic racism within our society?

**Senator Boyer:** Thank you, Senator Cordy. Yes, it's definitely a form of systemic racism, but sterilization doesn't only affect Indigenous women. We also heard from the disability community, the intersex community and vulnerable and marginalized people that sterilization affects them as well.

In relation to Indigenous women — and men, I have heard of — Indigenous men have also been affected by this. I would say, yes, systemic racism is definitely prevalent.

**Senator Cordy:** Thank you.

**Hon. Joan M. Kingston:** Honourable senators, I rise to support the Bill S-250, An Act to amend the Criminal Code (sterilization procedures), sponsored by the Honourable Senator Boyer.

I would first like to commend Senator Boyer on her leadership in bringing this bill forward and on how it will provide safeguards for many people facing systemic discrimination.

As we have heard previously in this chamber, Canada has a long history of forced and coerced sterilization among people who are the victims of systemic discrimination, including people with intersecting vulnerabilities relating to poverty, race and disability. Although explicit eugenic laws and policies have been repealed, discriminatory attitudes that gave rise to them are still present in Canadian society, and forced and coerced sterilization still occurs, as you have just heard. The Senate has previously acknowledged people with disabilities as a population impacted by non-consensual sterilization in the 2022 report *The Scars that We Carry: Forced and Coerced Sterilization of Persons in Canada — Part II*.

The forms of coercion described by witnesses at that time included manipulation, exploiting vulnerability or omitting to consult patients before forever removing their ability to conceive.

Inclusion Canada and People First of Canada — two national groups advocating for the interests of people with intellectual disabilities — shared, among others, the following experience to demonstrate how wide a net was cast. The woman was raised in poverty and endured abuse in her childhood. She was assessed as having a low IQ at the age of 11 and was sterilized at the age of 14 without her knowledge or consent, having been told that she had required an appendectomy. It was later revealed that her IQ test was faulty; yet she had suffered the fate of a person with an intellectual disability.

Bill S-250 explicitly sets out that the act of sterilizing a person without their consent is a criminal offence in Canada. Because surgeries necessarily involve wounding the patient, they constitute aggravated assault if they are performed without the patient's consent.

As was made clear by the senior counsel of the criminal law policy section of the Department of Justice Canada at the Legal and Constitutional Affairs Committee, legal consent has several tests. Consent means the absence of fraud or duress. So, this rule is at issue where a patient is pressured or deceived into consenting to a medical procedure. Second, consent to the nature of the act requires a foundation of knowledge, which has been described as knowledge of the purpose of the operation and knowledge of the events and perception as to what is about to take place, as to the character of what is done. This rule is at issue where the patient is not provided with sufficient information to understand the nature of the procedure to which they are consenting.

A third rule of consent is the ability to understand, meaning that patients must be able to appreciate the nature of the act. This rule is at issue where the patient is a child, is someone under the age of 18 or has a cognitive impairment.

Bill S-250 underscores that the law of assault continues to apply to all sterilization procedures — all of them — that are performed without the patient's legally effective consent. It also underscores that valid consent must be provided for all

sterilization procedures, regardless of whether sterilization was the primary purpose of the surgery and regardless of whether subsequent surgical intervention could reverse it.

The Legal and Constitutional Affairs Committee made an observation in its report that is important to note. The committee has consistently reported in the past about how the Criminal Code has been amended in a piecemeal manner. The committee therefore repeated its past recommendation that an independent body should undertake a comprehensive review of the Criminal Code. The revived Law Commission of Canada could undertake such a review, which should include a study of all provisions in the Code that pertain to crimes against vulnerable persons.

Canada signed and ratified the United Nations Convention on the Rights of Persons with Disabilities in March 2010. On the issue of eugenics in Canada, Article 23 of the convention requires state parties to protect persons with disabilities from forced sterilization, regardless of their perpetrator, along with all other discriminatory practices compromising their reproductive health. It requires that the state take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships on an equal basis with others so as to ensure that persons with disabilities, including children, retain their fertility on an equal basis with others.

Please join with me in supporting Bill S-250, which upholds the spirit of that UN convention.

Thank you, *woliwon*.

**Hon. Mary Jane McCallum:** Honourable senators, I rise today to speak in support of Senator Boyer's Bill S-250, An Act to amend the Criminal Code (sterilization procedures), which proposes to amend section 268 of the Criminal Code. Section 268 addresses aggravated assault offences, and Bill S-250 creates an offence for sterilization without consent.

I want to thank Senator Boyer and her office for their dedicated work as they listened deeply to the experiences of the survivors of forced and coerced sterilization. Doing that type of work takes courage, tenacity, focus and perseverance to bring these unconscionable actions out of the darkness and into the light.

I would like to begin by harkening back to September 2022. I recall that date, as it brought to me the consciousness that I was in a position of privilege in several ways. I remember looking at all of the senators in the chamber. I realized then that I would never want to be with another group of senators than this collective and that I had so much to be thankful for, walking part of my earth journey with you. I thought back to moments where there were acts of kindness and compassion demonstrated towards me: a senator lugging my heavy suitcase up three flights of stairs because the elevator wasn't working; a senator whose eyes twinkled as I reached out for his support; a senator whom I saw, through someone else's words, that they were the greatest boss; a senator who let me know they were available if I needed someone to listen to me; and the senators who would give up their time to accommodate me during Senators' Statements.

In that moment of reflection, I thought back to the senators who are passionate about their issues and bringing them to the floor to educate us and increase our awareness of matters important to them and their regions; to the senators who took the time to do research so they could speak to First Nations issues that were previously unfamiliar terrain; to the votes to meaningfully advance First Nations' rights.

• (2150)

Thank you to all those senators and staff who model values and principles such as truth, compassion, courage, justice, bravery, eloquence, balance, conciliation, patience, sharing and grace, for, in doing so, they remind me of our shared humanity. One of the teachings of First Nations is that everyone we meet helps to shape us into doing and being better. You did that for me.

Honourable senators, I would like you to think back to your varied accomplishments over your lifetime and during your time in the Senate. Imagine the transformative change that you have been involved in within your work in your communities, provinces and nationally in making meaningful change for the people who reached out to you and those whom you represent.

Now imagine all the people across the country and their accomplishments and contributions to help Canada become a country that is inclusive and just.

Now imagine that some of us in this chamber and many others across Canada had their lives terminated before they even began. How different my world would be if I hadn't met many of you. Imagine that the invaluable contributions to the community, the inherent and spiritual right to life were eradicated because of the forced sterilization of their mothers. Imagine the many lights that were extinguished before they had the God-given opportunity to burn bright. We are indeed privileged that our mothers' right to creation was not extinguished.

Honourable senators, I will speak to the unique situation of First Nations, Métis and Inuit women, as they were specifically targeted in Canadian society because of the false notion of racial inferiority.

The quotes in my speech come from the book entitled *An Act of Genocide: Colonialism and the Sterilization of Aboriginal Women*, published by Karen Stote in 2015.

As an example, in 1945, the clinical records of Essondale Hospital stated:

> This mentally defective young woman[']s . . . social background reveals a history of promiscuity, venereal disease, tuberculosis and one illegitimate pregnancy . . . Because of limited intelligence, lack of supportive family supervision and a propensity for illicit sexual behaviour, her rehabilitation through the auspices of the Indian Affairs Department, is most problematical . . . it is, therefore, desirable to offer her the protection of sexual sterilization . . . While she will undoubtedly continue to be a social problem on discharge from this hospital, sexual sterilization would prevent her from having further children who might become social problems.

Colleagues, people relegated to live in the shadows because of colonization, colonialism, racism and sexism live an injustice in that they are placed in vulnerable, powerless and voiceless positions. How else could a violent activity like forced sterilization be practised for so long and without repercussions for those who make such unilateral, inhumane and egregious decisions?

Honourable senators, fundamentally, assimilation is the imposition of one particular way of life at the expense and destruction of another. Such assimilation enables the stripping from Aboriginal women of the ability to control their reproduction and denies them the opportunity to raise their children in their cultural ways of life.

In 1883, while discussing the education scheme being laid out for Aboriginal peoples, Member of Parliament Edward Blake highlighted the importance of targeting Indian girls. His statement illustrates that racist ideology played a role in justifying Indian policy:

> If [we] leave the young Indian girl who is to mature into a squaw to have the uncivilized habits of the tribe, the Indian, when he married such a squaw, will likely be pulled into Indian savagery by her. If this scheme is going to succeed at all, you will . . . have to civilize the intended wives . . . I have known . . . how difficult it is to eradicate that hereditary taint.

Colleagues, as stated by Senator Boyer and echoed by Senator Simons, sterilization was enacted in provincial law in Alberta and also in British Columbia.

> In Alberta, the Sexual Sterilization Act was in effect from 1928 to 1972. During this time, the eugenics board passed 4739 cases for sterilization. Of these, 2834 sterilization operations were performed. In a study of patient files by Timothy Christian, patients most likely to be presented and approved for sterilization occupied socially marginalized positions. Those most likely to fit this categorization . . . were Aboriginal peoples. When opposition to the Act gained momentum and its repeal became more likely, the rate at which Aboriginal peoples were sterilized underwent a terrific increase, representing over 25% of those sterilized. Christian says:
>
> > It is incredible that between 1969 and 1972, more Indian and Metis persons were sterilized than British, especially when it is considered that Indians or Metis were the least significant racial group statistically and British the most significant.
>
> Amendments to the Act increased the likelihood that Aboriginal peoples would be subject to sterilization. In 1937, the consent for mental defectives was excised. This amendment allowed the Eugenics Board to compel the sterilization of any patient it defined as mentally defective and who was likely to transmit this defectiveness to his/her progeny. Grekul and her colleagues estimate that 77% of Aboriginal patients presented to the Board were diagnosed as mentally defective [and] no longer had much say in whether they would be sterilized.

Colleagues, the author continues:

> The sterilization of Aboriginal peoples under the Alberta Sterilization Act was recognized as having the potential to cause problems in the future. . . . It does not appear the Department was necessarily motivated by any humanitarian or legal concern for Aboriginal peoples, but more with avoiding a charge that bears a resemblance to genocide . . . .
>
> The Department of Indian Affairs stated:
>
> > It is not beyond the realm of possibility that Indians might get an impression that there was a conspiracy for the elimination of the race by this means.
>
> The Department's failure to issue a statement condemning the sterilization of Aboriginal peoples is to condone the practice and can be read as an acknowledgement that, at the very least, it knew the practice was taking place.
>
> The Department stated that it had:
>
> > . . . no objections to the laws of the province being carried out and any action taken in accordance will not meet disapproval.
>
> In this same year, 1942, another amendment to the act was made that exempted from future civil action any person who took part in a surgical procedure, or any authoritative figure working in a mental institution and who was involved in a recommendation for sterilization. The proportion of Aboriginal peoples sterilized by the act rose steadily from 1939 onward, tripling from 1949 to 1959. Despite the stipulation that consent be obtained, it was only sought in 17% if Aboriginal cases overall.
>
> In 1951 an amendment was also made to the Indian Act that increased the application of provincial laws to Indians . . . . This amendment included the first definition of a mentally incompetent Indian as one defined according to the laws of a province in which "he" resides. In other words, a mentally incompetent Indian was whatever a province deemed him or her to be.

• (2200)

Honourable senators, having the privilege to create life connects us to humanity, our families, communities, our environment and our ancestors.

Elder Rarihokwats, in the book entitled *Quest for Respect*, states:

> The elders speak of the "Seventh Generation" of the seven generations of Spirit coming towards us, the ones who will ask about us, wanting to know what we did to prepare the world in which they were to arrive and live.

You will remember I acknowledge my First Nations ancestors with the perseverance, determination and sober second thought in how they fought so that we, as the seventh generation, would not remain in the same deplorable state that was imposed on them by policies and legislation coordinated between the federal government and the churches. This included their exclusion from entering the grounds of Parliament Hill.

Colleagues, this is why I hold so dearly my responsibilities to bring truth to this sacred chamber — in this case, truth about the genocide of Aboriginal peoples.

The question for Canadians and parliamentarians now is how our country, which has supposedly made decades-long progress on women's rights, could have hidden or not acknowledged this crime?

Colleagues, this bill criminalizes genocidal activity. It must transcend the political bartering that occurs with the leadership in Senate. I urge you to stand together against this horrific practice of forced sterilization and its implications towards genocide and stand in support of Bill S-250 receiving its vote.

*Kinanâskomitin*.

**Hon. David M. Wells:** Honourable senators, I rise today as the critic of Bill S-250, An Act to amend the Criminal Code (sterilization procedures).

Bill S-250 seeks to amend the Criminal Code to criminalize non-consented sterilization as aggravated assault, punishable by up to 14 years in prison. The bill responds to over 12,000 documented cases of forced or coerced sterilization in Canada, with no charges or convictions under existing laws.

Forced sterilization is a violation of bodily autonomy and human rights, and, more than that, it's an attack on the soul of a person. Criminalizing it sends a clear message that this practice is unacceptable and will not be tolerated.

Our Legal and Constitutional Affairs Committee did a deep dive, and the bill now establishes protection for health care providers and institutions.

Many women, especially Indigenous women, women with disabilities and others, have been victims of forced sterilization, for example, Sylvia Tuckanow, who was forcibly sterilized after giving birth, and others who were coerced into the procedure at vulnerable times. Some survivors were deliberately misinformed about the procedure's permanency or coerced into signing consent forms during emotionally and physically vulnerable circumstances. Despite existing provisions under the Criminal Code, no prosecutions or convictions have taken place. That, colleagues, in itself should be a crime.

Critics argue that existing laws should cover these crimes, but the lack of action or enforcement demonstrates the need for a specific criminal offence for forced sterilization. The bill closes this gap in legal protections and enforcement. These procedures have left lasting physical, emotional and psychological trauma and distrust in the health care system. This legislation does not fix past harms but goes a long way to preventing future violations, and it does provide survivors some measure of justice.

Forced sterilization is a clear human rights violation, and, with Bill S-250, Canada is acting to prevent it from continuing. The bill introduces amendments to simplify its language, ensuring health care providers are protected when conducting necessary emergency procedures. The core message remains: Non-consenting sterilization is aggravated assault and will be prosecuted under the Criminal Code. The bill responds directly to the 2018 UN Committee against Torture recommendations to address forced sterilization in Canada.

I want to take a moment to thank Senator Boyer for her tireless efforts in bringing this deeply important issue to the fore. Senator, you are nearing the finish line.

Senator Boyer's commitment to human rights and to the victims of forced sterilization is a testament to her dedication to justice. Her leadership in advancing Bill S-250 is nothing short of inspiring, and we and Canada owe her a debt of gratitude for being a champion for the most vulnerable in our society.

With that, colleagues, I call the question. 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 bill, as amended, read third time and passed.)

## NATIONAL FRAMEWORK ON ADVERTISING FOR SPORTS BETTING BILL

THIRD READING—DEBATE ADJOURNED

**Hon. Marty Deacon** moved third reading of Bill S-269, An Act respecting a national framework on advertising for sports betting.

She said: Honourable senators, first, congratulations to my colleague Senator Boyer this evening on the very profound news.

I rise today to speak at third reading of Bill S-269, An Act respecting a national framework on advertising for sports betting. I had the privilege of being a member of the Transport and Communications Committee looking at this bill, and I want to thank members of the steering committee for bringing forward so many expert witnesses. Thanks to our chair and deputy chair for facilitating some fascinating discussions. I would also like to

thank the other members of the committee for their thoughtful questions, as well as for allowing me to be a part of one of the fastest clause-by-clause considerations I've ever been a part of. Hopefully, this will be a positive sign.

As I did during my second-reading speech, I do want to give a bit of background. We have had many new senators arrive, and it is important to remember what brought us here.

In 2021, Parliament passed Bill C-218, which amended the Criminal Code by removing the long-standing prohibition on betting on the outcome of any race or fight or on a single sport event or athletic contest. The passage of this bill was introduced by Conservatives and was many years in the making. Prior iterations included Bill C-290, introduced in 2011, which made it to third reading in the Senate before the Parliament was prorogued in the fall of 2013.

Two other iterations of the bill were brought forward in the House, with elections hampering one of their journeys when it made it to the Senate. It's also worth noting that the Trudeau government also introduced their own single-event sports betting legislation in 2020, Bill C-13. Given its similarities to Bill C-218, though, the government withdrew it.

Why so many efforts to make single-event sports betting legal? The argument was this was happening anyway in the illicit underground markets, many of which were offshore, so why not regulate it and bring it into the light of day with tax revenue within Canada? A majority of us at the time agreed and voted in favour of Bill C-218, including myself. I supported this bill and still do so far. That was what was happening inside the Senate.

My life outside the Senate was also informing me. In my international work, I had been exposed to the dark side of sport, in amateur sport. That was match-fixing, which we now call match manipulation. The 2012 Olympics in London exposed this live on television. Athletes were told to fix matches by their coaches. This runs deep in other parts of the world, is a huge business and also has a presence in Canada.

• (2210)

When I became as senator, I carried out an obligation to host my final world championship in Canada with 60 countries and 800 athletes. We worked with the International Olympic Committee, or IOC, on a sport integrity program, and on Canadian soil with our Canadian values, an athlete could not step onto the field of play in Markham, Ontario, unless they completed the program that focused on match manipulation and doping. During that time, I also learned about athlete grooming. Athletes are lured into manipulating matches or being part of a taker on a winning bet. I knew I had to turn over every stone I could on this.

As a result of Bill C-218 being passed, the prohibition was removed. It was left to the provinces to determine if they would open their markets to private betting companies. In 2021, Ontario did so and opened its iGaming market. It remains the only province to do so thus far, though Alberta seems to be on the cusp of doing so.

One unintended consequence of all of this — we're not seeing, perhaps, the degree of consequence — was, of course, the ads. We've all seen them. Canadians across the country have seen them. According to Raffaello Rossi, a lecturer in marketing at the University of Bristol who appeared before our committee, research he conducted with CBC found that viewers are subject to three gambling ads a minute when watching sports on network TV. This did not go unnoticed by Canadians, and it didn't take long for them to get sick and tired of them. A survey conducted by the Maru Group in February found that 75% of Canadians said there is a need to protect children and youth from sports betting ads, 66% said that those commercials should not be allowed during live broadcasts and 59% believe a nationwide ban on the ads should be implemented immediately.

Many betting companies post ads on their social media feeds. These are directed primarily at children and youth, many of whom are underage. The underlying message of these ads is that betting is an integral part of sports, which, as a strong supporter of sport, I find offensive.

At first, these ads were egregious. Hockey legends and celebrities continuously flashed across the screens of anyone who dared sit in their living room to watch a game. Encouragingly, the Alcohol and Gaming Commission of Ontario introduced further regulations in 2023, including the prohibition of athletes or celebrities in these ads, but there was a huge caveat — they could still appear if the ad has a message of "responsible gaming."

As one witness put to us at committee, "They're still branded ads . . . ." He continued, saying:

> . . . it's a very convenient approach to be able to say, we're going to inundate you with ads and opportunities to gamble. Now just do it responsibly, and you're going to be okay.

But the responsible gaming messages are usually buried in small type at the bottom of ads and present none of the well-documented risks of gambling addiction. Evidence shows instead, colleagues, that explicitly advertising the risks like we see on cigarette packages is much more effective. There are best practices out there, but we have not yet seen them here.

We also have the matter of the entire country being subject to the whims of advertising from just one province. I remind you that thus far, single-game sports betting with the companies whose ads you are seeing is only legal in Ontario. This creates a lot of problems. Will Hill, Executive Director of the Canadian Lottery Coalition, told our committee:

> When a player in a different province than Ontario sees one of these ads on *Hockey Night in Canada* during one of the intermissions and then goes to log on their computer, and on their sports news website of choice there's a digital banner with an operator, they actually develop the perception that it must be legal. If I've seen it on TV and I see it there on my computer while I'm sitting here in Manitoba, Saskatchewan or elsewhere, if it's coming to me, then there must be some legitimacy to it. There's a sheen of legality and authenticity implied by advertising that goes beyond Ontario.

In the meantime, what is to stop them, after being nudged by an ad, from going to the very illicit market this was set up to combat? The ads also cause harm to youth and other vulnerable populations, which I will outline later. Why should lax regulations in one province subject the rest of the country to these ads when their own provinces have decided, quite rightly, they can be harmful?

This brings us to Bill S-269 and why I introduced it.

Let's start with what this legislation won't do. It will not ban gambling ads completely. After a great deal — many months — of consultation with the Law Clerk's office, reviewing cases and listening to constitutional experts like our colleague Senator Cotter, it was decided that the harm of gambling ads may not reach the threshold of harm that we see in cigarettes, which, after decades of court battles, are effectively banned from advertising. That's the bar a ban would have to clear before the Supreme Court. And while a ban was my initial aspiration and approach, we decided it was prudent here to not let the perfect be the enemy of the good.

What this bill would do instead is require the Minister of Canadian Heritage to develop a national framework on the advertising of sports betting. The minister must:

> . . . identify measures to regulate the advertising of sports betting in Canada, with a view to restricting the use of such advertising, limiting the number, scope or location — or a combination of these — of the advertisements or to limiting or banning the participation of celebrities and athletes in the promotion of sports betting;
>
> identify measures to promote research and intergovernmental information-sharing related both to the prevention and diagnosis of minors involved in harmful gambling activities and to support measures for persons who are impacted by it; and
>
> set out national standards for the prevention and diagnosis of harmful gambling and addiction and for support measures for persons who are impacted by it.

In doing this, the minister must consult with:

> . . . the Minister of Industry, the Minister of Justice, the Minister of Health; the Minister of Employment and Social Development, the Minister responsible for mental health and addictions, the Minister of Indigenous Services, and any other ministers who, in the Minister's opinion, have relevant responsibilities;

At that time, they must consult " . . . representatives of the provincial and territorial governments, including those responsible for consumer affairs, health, mental health and addictions . . . ."

They must also consult with:

> relevant stakeholders, including self-advocates, service providers and representatives from the medical and research communities and from organizations within the advertising and gambling industries whom the Minister considers as having relevant experience and expertise related to harmful gambling activities and the role of advertising pertaining to gambling activities;
>
> Indigenous communities and organizations with predominantly Indigenous leadership; and
>
> any other person or entity that the Minister considers appropriate.

Lastly, this legislation also refers to the Canadian Radio-television and Telecommunications Commission, or CRTC. Clause 6 states that the CRTC must:

> . . . review its regulations and policies to assess their adequacy and effectiveness in reducing the incidence of harms resulting from the proliferation of advertising of sports betting.

When we look at accountability, it must report its conclusions and recommendations to the minister no later than the first anniversary of the day on which this act receives Royal Assent, which in turn must cause the report to be tabled in each house of Parliament within the first 15 days on which the house is sitting after the day on which they receive the report.

It makes your head spin at this time of day, I'm sure.

In doing this, this legislation seeks to put some guardrails around these sports betting ads because, as we all know, gambling can cause great harm to individuals and society. International research, which is ahead of us, shows conclusively that the single most effective tool to limit the harm from sports betting and other forms of gambling is limiting the ads.

The vast majority of sports betting happens in the palm of your hand, and, as we heard from the Mental Health Commission of Canada, online gambling is immensely problematic. Online gambling is more common among people who gamble frequently, and, for some, this form of gambling can significantly contribute to gambling problems. In fact, gambling online may be the single strongest risk factor for developing a gambling disorder. There's a causal relationship between exposure to gambling advertising and a more positive image of gambling, as well as intentions to gamble and actual gambling activity. Children and youth, as well as those already experiencing gambling problems, are especially vulnerable and susceptible to these effects.

• (2220)

For the problematic gambler, the recidivism rate is over 90%. Once addicted, it's almost impossible to stop. An alcoholic can avoid the bar, but for a gambling addict, the simple act of sitting down to watch a hockey game exposes him or her, as we've heard, to advertisements and encouragements to gamble up to three times a minute. With a recidivism rate of 90%, the temptation would likely prove too much.

Gambling harms can have grave consequences. There is, of course, the affordability aspect. Cardus, a Canadian think tank that appeared before committee, found that, in Ontario, the average betting account spends $283 a month on betting. If it is just one account per player, which is unlikely, that accounts for 3.2% of the average monthly household income in Canada. The net losses are, therefore, more than three times what experts consider safe, which is not more than 1% of the pre-tax household income.

Research has shown that when players exceed 1%, they are 4.3 times more likely to experience financial harm like bankruptcy; 4.7 times more likely to experience relational harm like spousal abuse and divorce; and 3.9 times more likely to experience emotional or psychological harm, depression, anxiety and so on.

There's also harm to the economy. Recent research in the U.S. shows that households in states where gambling was legalized saw significantly reduced savings, as well as lower investments in assets like stocks that are generally considered more financially sound.

We did hear comments during committee about the low rates of those impacted and whether this bill was sweeping a little bit too far. But a small proportion of a large number is still a large number of people. In Canada, even with StatCan's pre-legalization estimate of 1.6% of gamblers at moderate to high risk of gambling disorders, that is still 304,000 people. International estimates are much higher. According to the Centre for Addiction and Mental Health in Toronto, each individual dealing with a gambling addiction impacts, on average, eight people around them — their siblings, partners, children, family, et cetera.

Concerningly, since 2019, the rates of problem gambling have gone up. For example, Matthew Young of Greo Evidence Insights told the committee that the number of people calling the Ontario Problem Gambling Helpline has increased significantly since 2021, driven primarily by calls associated with online gambling. In addition, a recent online survey conducted by Mental Health Research Canada found that 7% of Canadians met the criteria for problem gambling. This represents an increase of more than 1,000% since 2018. We received some of that data last Thursday evening; it's pretty recent data.

Rates of problem gambling were even higher among younger Canadians aged 18 to 34 years old, reaching 15%. What's worse, colleagues, is that gambling rates have gone up in our children. The Centre for Addiction and Mental Health says that the number of students in Grades 7 to 12 who have gambled online has increased from 4% in 2019 to 15% in 2021. Walk into a high school. Walk around the back of a high school. This is not hidden.

These kids may or may not be betting on regulated sites, but that is also the secondary effect of all the ads we're seeing: the normalization of gambling as a part of sport. For a generation of youth growing up who are watching their favourite athletes playing their favourite games, betting and gambling will be interwoven into the very way they experience and enjoy sport. What would normally be joy for an Oilers fan when seeing Connor McDavid score the winning goal could be spoiled because his lineman didn't score instead, as the fan's prop bet had predicted. The compunction to bet disembodies sport. It robs sport of its proper cultural associations.

This phenomenon was no more apparent than during these past Summer Olympics. If you watched them on TV, you were no doubt inundated with ads for a betting company. I took the opportunity to see what one could bet on. It was anything, colleagues. Every Olympic event was offered as a possibility to make or lose a quick buck; this is wrong. As betting becomes so ingrained in sport through sponsorship deals and ads, and even the very logos on some uniforms, it will permeate the spirit and intent of competition.

Sport can be very powerful. It can instill many positive values. It helps young people build skills for life, but it can't do that if it offers more opportunities to cheat, or if it increases abuse. Increasingly, athletes are threatened and harassed online for not meeting the expectations of one bettor or another. To combat that ugliness and the harm to college athletes, the NCAA in the United States recently called for a ban on so-called prop bets — those are bets within a game — on all of its games.

As an Olympic leader, I find the possibility of harm to the amateur level, like the Olympics, and the permitting of regular promotion to be, quite frankly, disgusting. These amateur athletes don't have the same platform as professionals. Many are young. Chinese skateboarder Zheng Haohao was 11 years old when she entered the park bowl at Place de la Concorde in Paris this summer, for instance. Let's act before the harm can extend to athletes like her.

At committee, we, of course, heard some limitations that this legislation could have. We know, for instance, that the online space is harder to regulate. Advertising on social media can be targeted toward the most vulnerable, but I don't think we can completely discredit the effect of regulations on traditional modes of advertising. Research done by the Canadian Radio-television and Telecommunications Commission, or CRTC, as recently as 2023 found that while we know broadcast television viewing has declined in recent years, Canadian youth aged 2 years old to 11 years old and aged 12 years old to 17 years old still watch an average of 12.8 hours and 12.4 hours respectively of conventional television per week.

When we look closer at online sports streaming, we see that the Canadian broadcasting rights of the big four sports leagues in North America are owned by Rogers and Bell. Together, they make up roughly 70% of the online sports streaming landscape through Sportsnet and TSN respectively. These online streams typically mirror what is seen on the cable TV channels, right down to the ads.

Also, colleagues, we heard in committee from ThinkTV who said that the sportsbook companies are, admirably, already clearing their online ads with them to make sure they align with television broadcast standards. We've already seen this in practice historically with beer and spirits companies who

typically don't make a separate set of ads for the online space. They conform to their responsibilities under the CRTC's code for broadcast advertising of alcoholic beverages.

Senators, only those who have vested interests in sports betting and gambling — the betting companies, the advertisers and the broadcasters, and we even received letters from the CFL and NHL — oppose this legislation. Broadcasters who have enjoyed an influx of cash from these ads are, of course, hesitant to see ads further regulated, arguing these brands need to establish themselves and will naturally decrease their promotion over time.

I take issue with this, of course. We are not banning ads completely for the reasons I've already gone over this evening. This is an industry that took in $2.4 billion in revenues last year. Surely, they can afford to pay for creative ads that fit within a more reasonable and responsible approach — ads that take into consideration the protections as much as the profits.

One argument that did not sit well with me was that we need to conduct more research to see if these ads are actually harmful, and that we should let it play out before we try to rein it in. That, colleagues, is just too risky. A great deal of harm will be done if we take this approach because we know where this is going.

Other countries who have had single-sport betting and subsequent advertising for longer than we have are now moving to come down very hard on advertising and promotion. In response to excessive gambling marketing, various European countries have recently almost entirely banned marketing. That includes Belgium, the Netherlands, Italy, Spain, Poland and, as of this year, Ukraine.

Lord Michael Grade, who chaired a House of Lords committee on problem gambling, was kind enough to share the U.K. experience with our committee. He told us:

> . . . With the knowledge that you have of what has gone on around the world, most particularly in the U.K., Australia and other places, you would be in dereliction of duty, if I may be so bold, if you ignore this problem now that you have legalized it in the way that you have. There is a serious problem of regulation that you must address. There are many case studies and case histories that will inform and help you to draw the line between restriction and freedom to gamble. . . . you are coming at it, you are lucky in one respect that you have all of this case law and history from around the world that will help you to make the right decisions for Canada.

• (2230)

And that, colleagues, is what I am trying to address here with the legislation before us. I can't say for sure what this framework will look like if it passes, but with the case history we see, I trust we will see more reasonable limits placed on these ads, informed by existing research and best practices. After all, Canadians are begging for this, so the political will is there, at all levels of government, to get it right.

Before I finish here, colleagues, I'd like to thank Dr. Bruce Kidd from the University of Toronto and the Campaign to Ban Ads for Gambling, whose advocacy on behalf of our youth is so strong. His life's work has been indispensable in raising awareness not just for this legislation, but laying out the extent of the problem we are facing right now. I also want to thank my colleague Senator Cotter, who came aboard early in the drafting of this legislation and has advocated for it in committee and in this chamber.

I'd like to thank my staff and the law clerks who did excellent work, particularly at the front end when we were mucking around to see how this bill would work best. They helped so much to craft what we have before us today and what I believe happens to be an important piece of legislation.

There are many experts to acknowledge and thank, but today I think of the hundreds of informal conversations I have had with families, long letters of the stories of the impact of gambling on young people, dads of young boys who are lost at what to do next and no longer know their sons. Many of them are watching this third reading speech this evening.

Today I ask on behalf of so many for your support and to vote for this bill. As senators, this is our work: sober second thought. We supported, by numbers, a single sport-betting bill. There was a problem with negative implications. We need to fix it quickly. Please help me get this one step closer and back to the other place so we can get this right, and soon.

Thank you. *Meegwetch*.

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

**Hon. Tony Loffreda:** Senator Deacon, thank you for your insightful speech; I share your concerns. I agree that banning gambling ads is a commendable initiative aimed at protecting our vulnerable populations and more. However, how can we ensure that this measure doesn't inadvertently give an advantage to foreign international and offshore betting apps that are not subject to Canadian regulations, potentially undermining the legal regulated market in Canada? Have you looked into that concern?

**Senator M. Deacon:** Thank you for the question. It's a good one. We talked about that at the committee level and with other countries. We have what we call "traditional media" that we're talking about in this bill; we have domestic apps that our young people in particular have exposure to; and then we have what you're alluding to, which one could actually say is regulated, not regulated, international, unknown. That's where these conversations happen — trying to get a deeper understanding with our partners in gaming, both domestically and internationally, on how they're managing it and handling it, some of the things we can do and what we cannot control. You don't

want to fix one problem and create another. I think that's what you're alluding to, but there seems to be some information and strategies that we can learn from some countries that are a few years ahead of us on this.

**Senator Loffreda:** I like your comment that international research indicates that the most effective approach is to limit these ads rather than implement a full ban. I share your concern that when watching a hockey game or TV, the ads come on, and you have got the superstars on. It is a major concern for all the reasons you've mentioned.

We live in an international market where our youth don't watch traditional TV, even when it comes to NFL football and hockey. We live in that world, but they don't. When you go on the internet, there are so many offshore apps and international apps from all over the world, and they do have the stars advertising.

Could our framework implement how to mitigate those risks? Those are major concerns, because they're the ones who are targeting our youth.

**Senator M. Deacon:** Thank you for that. It's an excellent point. We were questioning that in committee with some of our witnesses, and that becomes what is it we can do to control that. Some of the piece was talking about how you use access with a credit card — there are a bunch of parameters as you go in and go on. Some countries, some companies are saying, "We're all over this, and we have some ways in which we can screen young people out." Young people are who we're trying to focus on here.

There was even a discussion of debit versus credit, some of the steps they have to go through online. That conversation is fluid right now. It's live right now. What can be done? You know the target of the bill is advertising, but I see that your concern is about some of the implications. Those are the real conversations, and our partners are saying, "We've got this. We're trying to show responsible gambling from the companies." They're working on some levers they can use to tighten the reins on who's getting online and on these apps.

It's to be acknowledged, and I know it's a work in progress. When the government is putting a framework together, you heard me talk about one, two and three in the consultation. That number two is going to be where they'll be working with international bodies.

(On motion of Senator Housakos, debate adjourned.)

## CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Batters, seconded by the Honourable Senator Seidman, for the third reading of Bill C-291, An Act to amend the Criminal Code and to make consequential amendments to other Acts (child sexual abuse and exploitation material).

**Hon. Rebecca Patterson:** Honourable senators, I rise today to speak as critic at third reading of Bill C-291, An Act to amend the Criminal Code and to make consequential amendments to other Acts (child sexual abuse and exploitation material).

Before I begin my remarks, because this has been a particularly heavy set of bills, I want to mention that the subject matter of the bill before us can be personally traumatic for some, and because we are all individuals with varying degrees of lived experience, I urge any of my colleagues, Senate staff or members of the public listening to take a break if you feel overwhelmed and to seek out support if you need it.

Colleagues, as Senator Batters mentioned in her speech last Thursday, this bill is about labels, and labels are a very powerful thing. We all use labels to conceptualize and even generalize life, objects, living things, but we also often label people. Labels can be positive, but they can also be negative.

With Bill C-291, we as senators and with our colleagues in the other place, as parliamentarians, are being asked to change the label of what we now call child pornography.

What we label as pornography in and of itself is not necessarily illegal and even falls under the protection of freedom of expression when it involves consenting adults. However, when it involves a child, a minor that cannot ever consent to what is happening to them, it is a horrible thing and it is not a matter of freedom of expression.

To label something as child pornography muddies the waters, because, again, children, by definition — and I cannot stress this enough — cannot consent to what is happening. Therefore, to label such material as pornography, in my opinion, is the wrong term to use when it involves children and is abhorrent to most Canadians.

• (2240)

I applaud and thank members of Parliament Mr. Mel Arnold and Mr. Frank Caputo for championing this issue and taking the first steps with Bill C-291. Bill C-291 correctly — and rightly, in my opinion — aims to change the term "child pornography" to "child sexual abuse and exploitation material" because that is what it is, and it is not just the act of creating such material that is abusive and exploitative; every time an image is shared, a video is downloaded or streamed, the victim — the child — is revictimized and continues to be exploited, effectively, forever.

During my second reading speech, I made references to international uses of the updated term and presented some statistics about child sexual victimization. I do not intend to rehash those points today. Rather, I want to talk to all of you about duty and responsibility, the duty that we have as parliamentarians to provide clarity in law.

That responsibility falls onto each of us as legislators to ensure our laws provide clear and unambiguous language, whether that is in a government bill, a Senate public bill or a private member's bill, and that is what Bill C-291 does. It provides clear and unambiguous terms to identify a crime that victimizes children.

When this bill was before the Legal and Constitutional Affairs Committee, senators debated the observation that was appended to the committee's report on Bill C-291. That observation noted, and I quote:

> . . . how the Criminal Code has been amended in a piecemeal manner for many decades and has become cumbersome, sometimes repetitive, or inconsistent, and is in need of comprehensive reform . . . .

I am not a lawyer, but I found that interesting, particularly in the context of Bill C-291 because it itself is a bit of piecemeal fix to the Criminal Code. It is quite narrow in scope for what it wants to change, but culturally changing something like language means a lot.

While changing the language is a great step forward, I am left wondering where we go from here because, as I said earlier, Bill C-291 is a first step. I call it a first step because during his testimony at the Legal Affairs Committee, I asked the bill's author, MP Frank Caputo, where we, as in Parliament, go from here. He raised some interesting points in response to my question, and in going back to what he said in response to other honourable senators, three things struck me on where this bill seemingly comes up a bit short.

I am a friendly critic of the bill, but a critic nonetheless, and I'd like to highlight those for you now.

The first is awareness of crimes by the public and by the victims themselves where a child is sexually abused or exploited. Mr. Caputo recounted from his time as a Crown prosecutor a victim not realizing until later in life that they had been sexually abused as a child.

And to someone like me with a health care background, this tracks in many ways because we know that many victims of child sexual abuse and exploitation can be afraid to speak up, particularly if the assailant is someone close. Many also repress their memories as a response to trauma, and worst still, many victims often still blame themselves. All of us understand that there are likely many more victims out there, and this crime is more widespread than we can possibly imagine.

While this bill does not promote awareness of the breadth and scope of the abuse and exploitation material of children, our debates do have power. Moving forward, we as parliamentarians have a duty to broaden the conversation and the debates we have about the violation of society's most vulnerable because if we do not, that is how it becomes easier for crimes like this to go unnoticed, under-reported and undetected. But in our future conversations, including even here today, we bring awareness to the matter. People are watching.

The second shortcoming is the challenges in gathering evidence and prosecuting crimes where a child has been abused and exploited. This is because positively identifying victims can be a challenge, owing to the global nature of the crimes, and once the images have been shared electronically, we know that the images are spread indefinitely over time and space — and it is not for lack of trying.

The RCMP stood up and run the National Child Exploitation Crime Centre here in Canada, which we visited. They work very closely with the U.S. Department of Justice, which partnered with the National Center for Missing & Exploited Children. Together, and in conjunction with other allies, these countries provide law enforcement with the means to identify victims of child sexual abuse and exploitation material, but there are limits as much of this material is found, stored and shared online, and as I said previously, it can criss-cross the globe in cyberspace instantly, leading to the difficulty — and often delays — when it comes to securing the material and identifying the victims. Lack of evidence makes it very difficult to prosecute, but it can be even more challenging for law enforcement when terms are inconsistent with those of our global partners.

At this time, I must recognize the vicarious trauma experienced by the investigators and analysts who review this most heinous and dehumanizing material that victimizes children. We are forever thankful for your dedication and your perseverance in trying to protect children.

I am going back to the idea of awareness for a moment because even the debate we are having today about the bill improves awareness, and more awareness could mean someone reports potential child sexual abuse and exploitation to police. But that potential reporting means nothing if law enforcement cannot detect, investigate and eventually prosecute someone victimizing a child. In order to detect, investigate and prosecute perpetrators, we as parliamentarians need to call for increased and sustained resources to better support all judicial processes in order to bring perpetrators to justice.

The third shortcoming that I want to bring to your attention is sentencing disparity when it comes to sexual abuse and exploitation of children. I can tell you that I was struck by the disparities in sentencing in Canada.

Senators, did you know that the maximum sentence for breaking into a person's home is life in prison? However, the maximum sentence for sexual assault is ten years, and for sexual assault of a child — guess — is fourteen years.

Highlighting this disparity, how can we look at a victim of child sexual abuse and exploitation, who can never escape from the source of their harm, who will be permanently damaged and left traumatized — effectively serving a life sentence of their very own — while their perpetrator, if convicted, could serve a shorter sentence than someone who breaks into their home?

I am not looking to get into the broader debate on mandatory minimums, but Mr. Caputo pointed out in testimony that despite the previous government's inclination towards mandatory minimum sentencing, most of the mandatory minimums brought into law were regarding guns and drugs, not sex crimes and certainly not ones involving children. So it would seem that even the previous government was unaware of or underappreciated the scope of these crimes. This is why awareness is so important.

This is where we as parliamentarians can work to update the Criminal Code and give future considerations to the appropriateness of sentencing where children are sexually abused and exploited because all the awareness in the world, even proper and timely investigations and prosecutions, will mean nothing if there are not appropriate penalties for sexually abusing and exploiting children.

What I see as these three shortcomings of the bill that I highlighted today — namely, awareness, investigation and prosecution and sentencing — are not addressed in Bill C-291, but that does not mean I do not support the bill. As I said, passage of this bill is an essential first step, and I want to highlight to honourable senators that this is just the start of a broader conversation that we as legislators need to have.

In closing, I want to share with you the other part of the committee's observation, and again I quote:

> . . . The committee repeats its past recommendation that an independent body should undertake a comprehensive review of the Criminal Code. The revived Law Commission of Canada could undertake such a review, which should include a study of all provisions in the Code that pertain to crimes against vulnerable persons.

And children are very vulnerable persons.

Colleagues, I think this is an excellent suggestion. However, I suggest that we, as senators in an independent Senate, could undertake such a review. As part of such a review, the Legal and Constitutional Affairs Committee could review the Code in a more comprehensive way, and I will leave that for you all to ponder going forward.

• (2250)

But, again, we need to take that first step, which is passing Bill C-291 and updating what we currently label child pornography to call it what it actually is: child abuse and exploitation material. While I am the critic of the bill, I am asking you to join me in supporting this bill at third reading. Thank you.

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

**Hon. Yuen Pau Woo:** Senator Patterson, would you take a question?

**Senator Patterson:** Yes.

**Senator Woo:** It seems to me that if the reason for changing the term from "child pornography" to "child sexual abuse and exploitation" is that there are forms of pornography that are legal, then changing the term would imply, from a narrow legal sense, that there could be a form of child pornography that is also legal. I'm not saying it is, but it would seem to me that this would be the logical conclusion.

I'm sure this issue was discussed in committee, and I would be interested to know how the committee resolved this question.

**Senator Patterson:** Thank you, Senator Woo. I think before we say anything, child exploitation is illegal. So "child" and "pornography" in the same term is illegal. Yes, that conversation was had, and one of the reasons why the word has been expanded is because there were a number of recommendations that came through from the other house and with our international partners, even through the UN and other main bodies that deal in this world of trying to detect, investigate and prosecute. The Justice and Human Rights Committee, for example, said they needed to include the word "exploitation" — get away from "pornography," use "exploitation" and use the words that describe what it was.

Even the Department of Justice emphasized that adding "child abuse and exploitation material" would actually help to capture some of the areas you talked about initially in your conversation, which are things like fictional works and could be anything. I do not wish to go into that here.

So while pornography is legal between consenting adults, and the sharing of it must be between consenting adults, as soon as you add the word "child" to it, it is always illegal, because children cannot consent.

**Senator Woo:** I don't disagree with your characterization of child exploitation and so on, but you've sort of said why child pornography, by definition, is wrong already. Perhaps it's just about using terms that more accurately describe the problem.

I guess all I'm asking is whether some clever lawyer paid by some despicable purveyor of this kind of activity and material would be able to use a loophole precisely because we have moved away from a term, because the word "pornography" allows for some legality under certain circumstances. I'm just wondering if that possibility was raised and if we have shut that down.

**Senator Patterson:** Thank you again. I'm not a lawyer, but I truly understand where you are going. The challenge is the word "pornography," if that's what you're saying. So can a clever lawyer come back and say, "Well, it's child pornography"? Child pornography is illegal.

Again, I'm not a lawyer, and I will have to leave that to the very clever people in the room, but the one thing that the different people who spoke said — including the Department of Justice — is that this helps close that door and allows us to truly address the actual illegal behaviour against the victim, who is the child. I'm sorry that's not clearer. I believe it's a legal question.

**Hon. Denise Batters:** Thank you very much for your speech today and for your support of this important bill.

As I am a lawyer and attended that meeting, isn't it the case that what this bill does is it changes the term "child pornography" — which is a highly inappropriate, offensive term because it implies there is consent when there is no consent in the child being abused and exploited — every single time it's mentioned in the Criminal Code, and all of these federal acts that we have, to the much more appropriate term of "child sexual abuse and exploitation"? It doesn't change the definition. It merely changes the term, correct?

**Senator Patterson:** Senator Batters, you are correct.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

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

## INCREASING THE IDENTIFICATION OF CRIMINALS THROUGH THE USE OF DNA BILL

BILL TO AMEND—TWENTY-SECOND REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Cotter, seconded by the Honourable Senator Woo, for the adoption of the twenty-second report of the Standing Senate Committee on Legal and Constitutional Affairs (*Bill S-231, An Act to amend the Criminal Code, the Criminal Records Act, the National Defence Act and the DNA Identification Act, with amendments*), presented in the Senate on December 12, 2023.

**Hon. Leo Housakos** moved:

> That the Senate do now adjourn.

He said: Honourable senators, of course Bill S-231 is a very critical bill and I will have a lot to say on it, but, given the fact that it is getting very late tonight, I move the adjournment of the Senate.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(*At 10:56 p.m., pursuant to the order adopted by the Senate earlier this day, the Senate adjourned until 2 p.m., tomorrow*.)

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