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(HANSARD)

Thursday, June 26, 2025

The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Thursday, June 26, 2025

The Senate met at 9 a.m., the Speaker in the chair.

Prayers.

[*Translation*]

SENATORS' STATEMENTS

THE HONOURABLE MARC GOLD, P.C.
THE HONOURABLE MARIE-FRANÇOISE MÉGIE
THE HONOURABLE JUDITH G. SEIDMAN

Hon. Sharon Burey: Honourable senators, it is with mixed emotions that I rise today to add my voice to those of the other senators who are paying tribute to three senatorial giants: Senator Gold, Senator Mégie and Senator Seidman.

[*English*]

Their illustrious careers even before they were called to this august chamber, and their subsequent accomplishments, have had a profound effect on me. I have had the privilege of observing their carriage in form and substance, which has helped shape how I see my role as a senator and the foundational role of the Senate in our Constitution.

To quote from the *Companion to the Rules of the Senate*:

> The *Rules of the Senate* are the foundation of the Senate's procedures, but do not by themselves provide a full understanding of how the institution functions on a day-to-day basis. Actual practice —

— that is the generosity of spirit, humility and willingness to share experience and expertise, a hallmark of this family that I am privileged to be a part of —

> — are only partly expressed in the written provisions. . . .

And so, Senator Gold, the Government Representative in the Senate, a constitutional lawyer and musician, extended such a warm welcome to me. The first call that I received after my appointment by former prime minister Justin Trudeau laid the foundation for the coming days, months and years.

His impact on the ongoing work of the modernization of the Senate as it has transitioned from a traditional two-party system to one composed of multiple caucuses has indeed shaped my appreciation of the living tree doctrine of our Constitution.

[*Translation*]

Senator Mégie, a distinguished family physician, welcomed me with her kind smile and calm demeanour. Her commitment to ensuring that both official languages are granted the same esteem and value and that French is given the same recognition as English helped me to understand the act and the fact that language is at the very core of identity and culture.

[*English*]

Senator Seidman is a distinguished epidemiologist, whose generosity and kindness are unsurpassed. Her insistence on data and evidence in ascertaining whether there could be unintended consequences as we studied and scrutinized important bills made me know that my feet had taken me to the right place and that the path that I was now charting would be filled with gems and not crumbs along the way.

[*Translation*]

In closing, I want to extend my best wishes to Senator Gold, Senator Mégie and Senator Seidman. I wish them and their families joy, peace and health in this new, well-deserved chapter of their already fulfilling and extraordinary lives.

Thank you. *Meegwetch*.

JIMMY LAI

Hon. Pierre J. Dalphond: I wholeheartedly agree with what Senator Burey said.

Honourable senators, as we prepare for the summer break with our friends and families, I would like us to take a few minutes to think about Jimmy Lai, a champion of democracy and freedom of the press in Hong Kong who also has very strong ties to Canada.

[*English*]

As you may recall, Mr. Lai founded the *Apple Daily* newspaper in 1995. It would go on to become, in the words of the BBC, " . . . a standard bearer for the pro-democracy movement."

The year after Beijing imposed the national security law, *Apple Daily* was forced to close and its assets were seized, a moment Amnesty International described as, " . . . the blackest day for media freedom in Hong Kong's recent history."

Since August 2020, Mr. Lai has been subjected to a series of politically motivated charges. Since December 2020, he has been continuously detained in harsh and unacceptable conditions including solitary confinement.

In December 2023, Mr. Lai was brought to trial for alleged sedition and conspiracy to collude with foreign agents, including Canada, under the national security law. The case is being heard by a panel of judges carefully handpicked by the Hong Kong executive with arguments scheduled for August — more than eighteen months into a biased process designed to silence Mr. Lai and send a chilling message to everyone who dares to challenge the Beijing rules in Hong Kong.

Colleagues, all of this is being inflicted on a 77-year-old man who suffers from diabetes and declining health. Reflecting widespread concern, the United Nations Working Group on

Arbitrary Detention has found Mr. Lai's detention to be arbitrary, and numerous human rights organizations have urged for his immediate release.

In November 2023, Vancouver Archbishop Emeritus Michael Miller was among 10 Catholic bishops who signed a petition demanding that the Hong Kong Special Administrative Region immediately and unconditionally release Mr. Lai, a Catholic. That December, this chamber joined the House of Commons in unanimously adopting a motion calling for his immediate release.

Colleagues, our call to release Mr. Lai must continue to resonate this summer, and beyond, until Mr. Lai is free. Thank you.

CANADIAN YOUTH CLIMATE ASSEMBLY

Hon. Mary Coyle: Honourable senators, according to the seventh generation principle based on ancient Haudenosaunee philosophy, the decisions we make today should result in a sustainable world seven generations into the future.

As senators, we all have a special responsibility to represent the interests of groups of Canadians that might not otherwise be heard but which are important to consider. Canadian youth is one such group. I rise today to tell you about an exciting opportunity that brings us in direct contact with young Canadians and which is focused on a sustainable future.

This summer and fall, the Canadian Youth Climate Assembly will convene a representative group of thirty-six 18-25-year-olds from across Canada to learn from experts and each other, and present a set of informed recommendations regarding their climate action priorities to senators and members of Parliament.

The youth will come together to answer the following question: What do young Canadians want Parliament to do to meet Canada's climate commitments in a way that reflects their values and priorities?

The in-person part of the assembly will take place in Ottawa from September 17 to 21, with the youth presenting their recommendations in this Senate Chamber on the morning of September 21.

With a new government in place, transformative opportunities for our economy, the devastating impacts of climate change accelerating, COP 30 taking place in Brazil in November and key decisions ahead, this is a crucial moment to bring the voices of young Canadians to parliamentarians.

This first-ever citizens' assembly on climate in Canada is a collaboration of Environmental Leadership Canada, Mass LBP and our Senators for Climate Solutions group. The House All-Party Climate Caucus is on board, and we're supported by the Knowledge Network on Climate Assemblies based at the University of Westminster.

• (0910)

We wholeheartedly welcome your involvement in the Canadian Youth Climate Assembly. We hope you will promote the assembly through your social media channels and other networks and help recruit youth in your region. The website is climacan25.ca.

Please mark your calendars and join us in the Senate Chamber on September 21 where the Canadian Youth Climate Assembly members will share their recommendations with parliamentarians.

Finally, please help us think through the ways we can maximize the impact of the youths' recommendations in the Senate.

Honourable senators, I hope to see you on September 21 to hear what young Canadians recommend to us as parliamentarians, how Canada can meet its climate commitments and how we can secure a prosperous and sustainable world for the next seven generations.

I wish you all a wonderful summer with all generations of your families.

Thank you, *wela'lioq*.

THE SENATE

MANON CHAMPAGNE—TRIBUTE ON RETIREMENT

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to pay tribute to a treasured member of our Senate community and a remarkable leader in the Office of the Usher of the Black Rod, Manon Champagne, as she prepares to retire from the Senate of Canada on July 17.

Manon has dedicated her career to the art and discipline of event management, protocol and state ceremony. From the halls of Parliament to international summits, she has served with grace, discretion and unwavering professionalism.

Since joining the Office of the Usher of the Black Rod in August 2017, Manon has been at the heart of some of our country's most significant ceremonial moments.

Under the guidance of our Usher of the Black Rod, she quickly became a key figure in the planning and execution of the installations of Canada's twenty-ninth and thirtieth Governors General and four Speeches from the Throne, including the recent historic address delivered by His Majesty King Charles III.

Beyond these national milestones, Manon has been a guiding force behind countless events, large and small. Her expertise was especially evident during the transition to the Senate of Canada Building and in adapting Senate ceremonies to the challenges of the COVID-19 pandemic.

What has always set Manon apart is not only her depth of knowledge but the integrity, humility and excellence she brings to everything she does. Her attention to detail is meticulous, her sense of protocol is unparalleled, and her ability to make even the most complex moments feel seamless has been a gift to us all.

Colleagues and staff alike have come to rely on her steady presence and quiet leadership. Nobody knows that better than the Usher of the Black Rod, who shared these words in tribute:

> Manon has been a constant and reassuring presence in the Black Rod's Office, playing a vital role in maintaining continuity through years of change. I still remember the day we met shortly before I recruited her for the Senate. Little did we both know the incredible adventure that would lie ahead.
>
> While I will miss her dearly and her absence will be deeply felt, I celebrate her contributions and wish her the very best in a very well-deserved retirement.

Manon, you leave behind a wealth of institutional memory, a deep well of goodwill and very big shoes to fill. You have touched those around you with your kindness, strength and quiet devotion to this place. Congratulations on a truly exceptional career.

ROCKFALL AT BOW GLACIER FALLS

Hon. Karen Sorensen: Honourable senators, last Thursday, Bow Glacier Falls in Banff National Park experienced a sudden rock slide, which claimed the lives of two hikers and injured several others.

Bow Glacier Falls hike is one of my favourites. A popular lookout spot 37 kilometres north of Lake Louise, it is considered a mild-to-moderate hike in terms of difficulty. Countless visitors and residents of Banff have stood in that very spot. This tragedy could have happened to anybody.

One of the lives lost was 70-year-old Jutta Hinrichs, a long-time educator and health care practitioner from Calgary, who was leading a hiking group when the rock slide occurred.

Ms. Hinrichs was a professor in the University of Alberta's Faculty of Rehabilitation Medicine's Department of Occupational Therapy and is remembered as a beloved mentor of students in the field. She was recently honoured with a lifetime achievement award for her five decades of service. She was also an award-winning volunteer with organizations such as the United Way of Calgary and the Multiple Sclerosis Society of Canada, for which she was awarded the Queen's Jubilee Medal. She was an experienced traveller and hiker who loved exploring the mountains and was known for leading trips with the Slow and Steady Hikers group.

The second victim — 33-year-old engineer Hamza Benhilal — moved to Surrey from Morocco in 2022 and was vacationing in Banff with his roommate. In his final moments, he undoubtedly saved his friend's life. Khaled El Gamal was frozen in panic when Hamza yelled for him to run from the falling rocks. "If it wasn't for him, I would have just stood my ground there in shock," Mr. El Gamal told media from his Calgary hospital bed. He described Hamza as a "very intelligent, very, very generous" man with "a lot of dreams and ambitions."

Canada has lost two accomplished individuals who were well loved by their families and friends, who contributed much to their communities and still had much to contribute. My heart goes out to everyone who knew them.

My thoughts are also with those who were wounded and those who are now coping with trauma and grief alongside physical injuries.

One detail that stood out for me as I was reviewing reports of the incident was that the first responders arrived at the site to find survivors already administering first aid to the injured. I recalled Hamza Benhilal's last words, which he used to save a life, and Jutta Hinrichs' long life of service and philanthropy. Even in the most challenging circumstances, there are still people whose first instinct is to help others.

I'm grateful for the work of Parks Canada and the RCMP in managing the response to this incident and leading search and rescue operations.

I'd also like to thank officials from Parks Canada, Canada Task Force 1, Canada Task Force 2 and the Calgary Police Service, who completed the site assessment after the accident.

Parks Canada Superintendent François Masse has stated that rock slides like this are "extremely rare" and that this tragedy was "neither preventable nor predictable."

Mountain regions like Banff National Park are well versed at dealing with natural disasters and are fortunate to have experts on hand to ensure public safety. In Banff National Park, we pride ourselves on welcoming visitors and providing them with a beautiful and safe natural experience.

Calamities like this invariably leave our community shaken, and we mourn as one for the lives that were lost.

HEART'S CONTENT CABLE STATION

Hon. Fabian Manning: Honourable senators, before I begin today, I wish to sincerely apologize to the Speaker for distracting her during my last story, Chapter 91. I sincerely apologize, but it certainly made for a great video. Thank you, Your Honour.

Today I am pleased to present Chapter 92 of "Telling Our Story."

The world we live in today is more connected than it has ever been in our history. While we can send a message around the globe in seconds, keeping up with ever-changing technology is a daily struggle for many of us.

It is difficult to believe, especially for those of the younger generation, that, at one time, sending a message to a friend or a family member — even here in Canada — could take days and, in some cases, weeks.

It may also be difficult to believe that the small coastal community of Heart's Content, located in Trinity Bay, Newfoundland, is the site of one of the world's greatest achievements in global communications.

It was on July 27, 1866, when the largest steamship in the world at that time, named the *Great Eastern*, brought ashore in Heart's Content the first permanent transatlantic, transoceanic submarine telegraph cable.

Heart's Content would serve as the western terminus of the first cable, while a sister cable station on Valentia Island in Ireland served as the eastern terminus.

The first messages were sent along the cable using Morse code, with three people working at the Heart's Content station to send and receive these messages. At its peak, over 200 people in the community worked for the cable company.

In the years succeeding World War I, cable traffic began to slow down, and automated equipment started to be installed. With the emergence of new technology, the station closed in 1965. The cable station became a museum in 1974, and during the same year, it was declared a Provincial Historic Site.

On December 20, 2022, the Heart's Content Cable Station and the Valentia Cable Station were officially submitted to the UNESCO as a site entitled "Transatlantic Cable Ensemble," and they are now on Canada's tentative list. Thanks to the well-documented history of its vital role in global communications, the Heart's Content Cable Station is a key tourist destination in our province. Today, the station consists of the 1875 office building and a 1918 extension. When visiting, you can explore Morse code by sending coded messages, or you can cross the road to explore Cable Park and see the remnants of the cable that was at one time the only connection between Europe and North America.

• (0920)

The technology revolution that reduced the time required to communicate a message across the Atlantic from weeks to minutes began in the beautiful community of Heart's Content — just another example of Newfoundland and Labrador leading the way.

ROUTINE PROCEEDINGS

ONE CANADIAN ECONOMY BILL

PRIVY COUNCIL OFFICE—RESPONSE TO QUESTION BY THE HONOURABLE YUEN PAU WOO—DOCUMENT 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 document regarding Bill C-5, An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act, from the Privy Council Office, in response to a question by the Honourable Senator Woo.

THE ESTIMATES, 2025-26

MAIN ESTIMATES—FIRST REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Éric Forest: Honourable senators, I have the honour to table, in both official languages, the first report (interim) of the Standing Senate Committee on National Finance, entitled *Main Estimates for the fiscal year ending March 31, 2026*, and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

[*Translation*]

SUPPLEMENTARY ESTIMATES (A)—SECOND REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Éric Forest: Honourable senators, I have the honour to table, in both official languages, the second report of the Standing Senate Committee on National Finance, entitled *Supplementary Estimates (A) for the fiscal year ending March 31, 2026*, and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

QUESTION PERIOD

HEALTH

OPIOID OVERDOSE CRISIS

Hon. Leo Housakos (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. In 2024, overdose deaths increased by 33% in Quebec.

Two people now die every day from this scourge. Emergency room visits related to opioid poisoning have also increased by 38%. These figures show how slow, reactive and policy-driven Ottawa's response has been, with no real accountability.

Why has the government failed to implement a clear national strategy to address the opioid crisis in Quebec, a strategy aimed at meaningfully reducing the number of overdoses, not just managing them?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. Thank you also for highlighting not only the importance of this issue, but also the great tragedy of deaths caused by the use of fentanyl and other dangerous drugs. The Government of Canada has put in place an extremely important plan to ensure more robust protection at our borders against the importation of fentanyl and other dangerous drugs. Recent statistics show a decline in the use of these drugs in Canada.

That said, every life is precious, and every life lost to opioid use is a tragedy that we must all denounce.

Senator Housakos: Senator Gold, the government's failure in this area is truly unbelievable. How can you guarantee that the government is actually committed to working with Quebec to go beyond empty words and implement an effective, results-oriented response? We need a strategy that includes better monitoring, enforcement of the rules and real investment in treatment and recovery.

Senator Gold: The Government of Canada is working with the Government of Quebec and other provinces and territories, within their health care jurisdiction and other areas, to ensure that Canadians, including Quebecers, are protected. The government will continue its efforts in this regard.

[*English*]

FISHERIES AND OCEANS

EAST COAST FISHERY

Hon. Fabian Manning: My question today is for the Leader of the Government in the Senate.

Leader, when John Cabot discovered Newfoundland in 1497, it is said baskets were lowered over the side of the *Matthew* and were immediately filled with fish. When Canada joined Newfoundland in 1949, jurisdiction over the greatest food resource in the world was transferred from the Government of Newfoundland to the Government of Canada under the Terms of Union — in my humble opinion, a major mistake.

Throughout the years following, regardless of the political stripe here in Ottawa, our fish were used as a bargaining chip in trade negotiations, and in many instances, our fish were traded off to foreign nations in return for job creation in different regions of Canada. Thus, in July 1992, John Crosbie announced a moratorium on cod fishing, and overnight, 40,000 people lost their livelihoods in our province. That would be equivalent to 600,000 people in Ontario losing theirs.

As we start to work with new trading partners in light of the Trump tariffs, can the government assure the people of Newfoundland and Labrador that our fish will not be on the negotiating table this time and will not be traded off in order to create jobs in other provinces?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. As the Government Representative in this chamber and as a former deputy chair of the Fisheries and Oceans Committee, which was an enormous learning experience and a privilege to work with you on, Senator Manning, I can assure you this government will work to protect all sectors of our economy and all regions as it engages in discussions with current and potential trade partners.

Let me also take this opportunity to note that I understand that you have been renamed as Chair of the Standing Senate Committee on Fisheries and Oceans. I think it's a record — 14 years, perhaps, in the same role — and a testament to the qualities that you bring to that role, which I witnessed first-hand as deputy chair. Thank you for the question.

Senator Manning: Flattery will get you everywhere. The 1992 cod moratorium not only caused the loss of 40,000 jobs overnight, but also resulted in the loss of a way of life and our culture and heritage, of which we Newfoundlanders are so proud.

Leader, will you ask the members of the government, the Minister of Fisheries and other relevant ministers to include Newfoundland and Labrador in the discussions when they put fish or anything else that relates to our province back on the table?

Senator Gold: Senator, it would be my great pleasure to do that, and I will add to my request that they send me to Newfoundland, at my own expense, to verify that is the case.

[*Translation*]

HEALTH

PROTECTION OF SENIORS

Hon. Marie-Françoise Mégie: Honourable senators, my very last question in this chamber is for the Government Representative in the Senate.

Senator Gold, *Le Devoir* reported that the most recent heat wave turned Montreal into a furnace. The number of calls to Urgences-santé paramedics related to heat stroke rose significantly. This was especially true last Monday, when the humidex was close to 40 degrees Celsius. I'm thinking of seniors who are being cared for at home or in long-term care facilities and who don't have adequate ventilation.

How can the federal program to build a stronger Canada that is adapted to climate change help our seniors live in a healthier environment?

• (0930)

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question, senator, and thank you for highlighting not only the importance of our collective fight against climate change, but also the importance of climate resilience and our ability to adapt to this reality.

Canada has a National Adaptation Strategy to reduce risks across all levels of government, so that communities can take action to mitigate the worst effects of climate change. Our seniors and the most vulnerable are in our thoughts. The government will continue to work with the provinces, territories and municipalities to adapt to our changing climate and implement measures to protect Canadians.

IMMIGRATION, REFUGEES AND CITIZENSHIP

TEMPORARY FOREIGN WORKER PROGRAM

Hon. Éric Forest: Senator Gold, to begin with, I want to thank you for your important contribution to this institution during your tenure.

As we attempt to strike a better balance between new immigrant arrivals and our intake capacity, we're beginning to feel the effects of the new restrictions on the Temporary Foreign Worker Program. The Union des préfets Saguenay—Lac-Saint-Jean, an association of local leaders in the Saguenay—Lac-Saint-Jean region, surveyed companies in the area and found that a third expected to lose contracts.

Let me give you a concrete example. One metal fabrication contractor put the brakes on two investment projects amounting to $11 million, not because of the U.S. tariffs, but because it wasn't sure whether it would be allowed to keep its temporary foreign workers. Instead of applying one-size-fits-all policies, could the government take the specific realities of a region's job market and capacity into account, as the Union des préfets Saguenay—Lac-Saint-Jean is suggesting?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The government is acutely aware of the labour shortage challenges confronting businesses. All senators in this chamber should also be aware of another challenge, and that's the challenge of striking the right balance between immigration levels in all categories and our capacity to take in the many people who come to visit, live or work with us here in Canada. That said, the government is going to keep on working with the provinces to understand specific provincial and regional needs and to better adjust government policies accordingly.

Senator Forest: According to that same survey, two out of five companies will have to cut their production capacity. Some will even have to cease operations because temporary foreign workers are unavailable. The Union des préfets du Saguenay—Lac-Saint-Jean is proposing targeted adjustments to the new rules so employers can keep workers who are already in the region. Will the government accept their proposals so as not to jeopardize our regions?

Senator Gold: Thank you for the question. Again, the government will collaborate with the provinces to strike the balance we need for a fair and reasonable approach to bringing in the immigrants we need.

[*English*]

NATIONAL DEFENCE

SUPPORT FOR THE CANADIAN ARMED FORCES

Hon. Rebecca Patterson: Senator Gold, let me begin by thanking you for your service to the Senate, to the government and, most of all, to Canadians. Although I'm not really sure if you're looking forward to retirement, at least we can say that after this week, you may not miss the need to participate in the thrilling Question Period.

My question has to do with the announcement on June 9 by the Prime Minister regarding the increase in defence spending. During the technical briefing that day by officials as well as the comments made by Minister McGuinty the next day, it looked like the Government of Canada was committed to providing a 20% pay increase to members of the Canadian Armed Forces, and I can tell you that people who wear the uniform were thrilled about that.

Remember, words matter.

I say it "looked like" because further comments made by officials and others in the Department of National Defence seemed to be muddying the waters a bit. The media is now reporting that the 20% increase is an overall figure based on factors such as specialized pay, benefits, et cetera. Members of the Canadian Armed Forces are becoming distressed.

Senator Gold, can you provide clarity on what the 20% means, particularly since senators will be voting on $9 billion in defence spending —

The Hon. the Speaker: Thank you, Senator Patterson.

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The government indeed made that commitment. It also committed to $2.6 billion, both on a cash basis and on an accrual basis, to empower the military to recruit and retain the personnel it needs to carry out its important mandate.

The government's plan is to accelerate recruitment and reinforce retention to bring the Canadian Armed Forces to 71,500 regular and 30,000 primary reserve members by 2030. There are 13,000 regular and primary reserve members needed to reach that goal. This would include investments in recruitment and retention efforts to ensure that the Canadian Armed Forces has the personnel it needs to be ready to respond effectively to threats at home and, importantly, to engage meaningfully abroad. The government will have more to say about that in the coming weeks.

PRIME MINISTER'S OFFICE

SENATE APPOINTMENTS

Hon. Andrew Cardozo: I would like to ask the Government Representative a question. Senator Gold, you are a musician. You like strumming on your guitar, and I'm curious: Starting next week, who are you going to be channelling?

Will it be Otis Redding singing:

I'm sittin' on the dock of the bay
Watching the tide roll away
Ooh, I'm just sittin' on the dock of the bay
Wastin' time

Will it be Zero Mostel singing:

If I were a rich man . . .
All day long I'd biddy biddy bum
If I were a wealthy man
I wouldn't have to work hard

Will it be Johnny PayCheck singing:

Ya better not try to stand in my way
As I'm walkin' out the door
Take this job and shove it
I ain't workin' here no more

Or will you choose Leonard Cohen's "Dance Me to the End of Love"?

Senator Gold, what is going to be your theme song?

Hon. Marc Gold (Government Representative in the Senate): You have named a lot of my favourite artists. I don't think I will have one theme song. That's a lovely way to end this session.

Just a few days ago, Nancy and I went to see Mavis Staples here in Ottawa. I've loved her since she was a gospel singer, before she went to pop. My wife saw and even met her back in 1978. She was unbelievable.

This sounds a bit self-centred, but I hope you will forgive me. I think my theme song will be "Respect Yourself." That's what I think we all should be doing in our lives, whether in our work or in the chapters that follow. Thank you for your question.

Senator Cardozo: If you find yourself strumming Bob Dylan's "Knockin' on Heaven's Door," Senator Gold, I want you to step away from your guitar, grab your wife, Nancy, then jump in your car and drive right back here to the Senate of Canada Building. We can help you.

But what I want to say to you, Senator Mégie and Senator Seidman is the following:

[*Translation*]

Here's the song I'd like to sing to you:

People, o my people, it is your turn
To receive the love you've earned
People, o my people, it is your turn
To receive the love you've earned

Hon. Senators: Hear, hear!

Senator Gold: I'd just like to say a word in memory of the late leader of Harmonium.

The Hon. the Speaker: Hon. senators, do I have your leave not to intervene?

[*English*]

INDUSTRY

NOT-FOR-PROFIT CLASSIFICATION

Hon. Leo Housakos (Leader of the Opposition): Government leader, as I mentioned yesterday during our exchange, Samidoun remains federally registered as a not-for-profit despite its designation as a terrorist organization. While you pointed to the Canada Revenue Agency's role in regulating charitable status, it is Corporations Canada under Innovation, Science and Economic Development Canada, or ISED, that oversees the incorporation and legal standing of not-for-profit entities. Can you confirm whether ISED or Corporations Canada has the authority to suspend or dissolve a federally incorporated not-for-profit once it has been designated as a terrorist group? Why has no action been taken by this government?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I don't know the answer to it, but I do know that the issue has been raised and is under consideration.

• (0940)

Senator Housakos: Senator Gold, we need action. We don't need consideration. The minister responsible for Innovation, Science and Economic Development Canada, or ISED, is Mélanie Joly, the same minister who, as the Minister of Foreign Affairs, delayed listing Samidoun as a terrorist entity for years. If ISED has the authority to act against terrorist-linked not-for-profit organizations but hasn't, isn't that a failure of enforcement or a lack of political will? Will this government clearly instruct ISED to review its responsibilities in this matter and take action as quickly as possible?

Senator Gold: As I said, senator, thank you for your question. My understanding is that the issue has been communicated, and the government will make an appropriate announcement when it has come to a conclusion.

ARTIFICIAL INTELLIGENCE REGULATIONS

Hon. Yonah Martin (Deputy Leader of the Opposition): Senator Gold, I hope you're enjoying your final Question Period, every question, every response, and congratulations on your distinguished service to the Senate and to Canada.

Now to the question: The Minister of Artificial Intelligence is supposed to safeguard the public interest in one of the most powerful technologies of our time. Instead, according to a recent column in *The Globe and Mail*, the minister appears more interested in acting as a cheerleader for AI corporations, touting data centres and monetization while downplaying the urgent need for regulation. Canadians are rightly concerned about the risks AI poses to their privacy, national security and energy grid.

When will this government stop acting as a champion for big tech and start enforcing strong, transparent rules to protect Canadians from AI's real harms?

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

This government is proud to have Minister Solomon as the minister responsible for this file. He brings enormous talent and ability and experience to the role.

There is a need to find the appropriate measures and balance towards regulating this enormously important, pervasive and growing tool while preserving the privacy interests and rights of Canadians. Minister Solomon is seized with this issue, as is this government.

This government is sometimes attacked for being in the pocket of big tech and then maligned for taking it on, as we have experienced here. We'll do our job. The government will do its job.

Senator Martin: Will the government commit to publishing a clear timeline for implementing privacy, security and environmental regulations related to AI development so Canadians can be assured that innovation is not outpacing public safeguards?

Senator Gold: The government is taking seriously the challenges — and they are enormous challenges and not only domestic — of dealing with the pervasive and growing presence of AI in all aspects of our lives. It will continue to do this work diligently and in the best interests of Canadians.

[*Translation*]

EMPLOYMENT AND SOCIAL DEVELOPMENT

NATIONAL HOUSING STRATEGY

Hon. Suze Youance: My question is for the Government Representative in the Senate. On March 7, the federal government unveiled designs as part of the Housing Design Catalogue. On March 31, during the election campaign, the current Prime Minister said that a Liberal government "would build more homes that Canadians can afford, with Canada's most ambitious housing plan since the Second World War."

The Liberals promised to double the pace of residential construction to almost 500,000 new homes a year.

Creating Build Canada Homes, or BCH for short, would get the federal government back into the business of home building by "acting as a developer to build affordable housing at scale, including on public lands."

When will the government's first affordable housing units be listed for sale to Canadians?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question, senator. Although I cannot give you an exact date at the moment, I know that this work is under way and that this government has a credible and ambitious plan for responding to the housing crisis.

The government is not only re-entering the affordable housing construction sector as a developer, but it is also reducing the GST for first-time homebuyers and cutting municipal development charges in half for multi-unit residential housing construction. These measures build on the Housing Accelerator Fund agreements signed with nearly 200 communities across the country to unlock three quarters of a million housing units.

Senator Youance: Military spending in Canada is set to increase to 5% of GDP. What plans are in place to improve housing for our military personnel and veterans?

Senator Gold: Thank you for your question. This work is already under way as part of *Our North, Strong and Free*. An additional $1.4 billion in funding has been allocated to build 1,400 residential housing units and renovate 2,500 across Canada, enabling the Canadian Forces Housing Agency to accelerate the construction of new residential housing units.

[*English*]

CANADIAN HERITAGE

CANADIAN CONTENT

Hon. Tony Loffreda: Senator Gold, what an honour — I think this is your last question in the chamber. I want to thank you for your exceptional service. Thank you very much.

Next Tuesday is Canada Day. For the occasion, Canadian talent will be on full display as we celebrate our culture and identity. Here in Ottawa, festivities will include a star-studded lineup with Canadian icons Randy Bachman, Roch Voisine, Sarah McLachlan, Édith Butler, Mitsou and many up-and-coming musicians from across the nation. Many of these new artists need an environment that allows them to thrive and reach new audiences. What is the government's plan to support Canada's music industry? How will it implement winning conditions for the industry to grow and for Canadian content to flourish?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for your kind words, Senator Loffreda.

The way in which we're engaging with culture generally and with media and music is changing all the time, as we know. But the government's goal remains steadfast — to celebrate Canadian identity and culture while supporting talented creators. The previous government ushered in the first modernization of the Broadcasting Act since the digital age under Bill C-11, ensuring that platforms are contributing to the creation, promotion and distribution of our music and culture. Now more than ever, there is a need to continue to showcase Canadian content and ensure it's accessible to Canadians. This government will continue to work hand in hand with all partners. It will not waver from the belief that more Canadian content for consumers at home and around the world is good for everyone, even those old guitar players like me.

Senator Loffreda: Thank you for that answer. Like the classic Canadian anthem, I want to extend my gratitude to you, Senator Gold, for "Takin' Care of Business" and working overtime, no doubt, all these years. We will miss you. Thank you for your exceptional service.

But as an accomplished musician yourself, who can definitely "make sounds loud or mellow" like BTO, and since this is our last exchange, I need to know: The Beatles or The Stones? Céline, Shania or Alanis? BTO or The Guess Who?

Senator Gold: That's an unfair question. But I remember The Guess Who before they were The Guess Who, when it was Chad Allan & The Expressions.

Senator LaBoucane-Benson: There you go.

Some Hon. Senators: Hear, hear.

Senator Gold: The Beatles got me into my first electric guitar, but I listen to The Stones these days more than The Beatles. And I can't remember the other one, but I liked Alanis Morrisette. But Shania Twain still is great. There are others that I could add were time to permit.

An Hon. Senator: Rum Ragged.

Hon. Senators: Hear, hear!

[*Translation*]

SUPPORT FOR ACADIAN CULTURE

Hon. Réjean Aucoin: Senator Gold, my questions come from a place of love. Congratulations and thank you for everything.

Thanks to $500,000 in annual funding from the Department of Canadian Heritage, National Acadian Day has seen remarkable growth, with more than 250 activities from coast to coast to coast. Some are even taking place in communities that have been historically excluded or that are English speaking. Despite this success, National Acadian Day is not included in the Celebrate Canada program, which provides stable funding for other major national celebrations.

• (0950)

In 2024, three years of temporary support was granted on a long-term basis, but it is only guaranteed until 2026. Given that August 15 clearly meets the criteria for this program, why is the government still hesitating to officially include National Acadian Day and grant it the stable funding and recognition it deserves, on par with other national holidays?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. As you mentioned, right now, there is funding for National Acadian Day. This important funding helps recognize Acadians' cultural contributions, their historical presence on the land and the many facets of their cultural specificity. I'm confident that, when the current funding expires, the government will carefully consider future funding opportunities for National Acadian Day.

Senator Aucoin: Radio-Canada's national broadcast of the August 15 concert since 2009 has played a key role in promoting Acadian culture. However, in 2024, the broadcast was cancelled, then later reinstated as a result of pressure and a one-time injection of funding.

In 2025, the Société nationale de l'Acadie will be solely responsible for producing the event, but it has a limited budget. Does the government intend to guarantee stable, ongoing funding to ensure the quality and survival of this iconic Acadian broadcast?

Senator Gold: Thank you for raising this important issue. I'm not in a position to speculate on future funding announcements, but I'm confident that the government will carefully examine funding opportunities for this important show.

[*English*]

INTERNATIONAL TRADE

TRADE TARIFFS

Hon. Leo Housakos (Leader of the Opposition): Senator Gold, Canada's steel industry is in crisis. With U.S. tariffs now doubled to 50%, production is falling and more Canadian workers are at risk of being laid off. Yet the government's response — a delayed countertariff plan tied to uncertain trade talks — has been described by industry leaders as falling short.

Back in March, under threat of these very tariffs, Prime Minister Mark Carney said his government was made to meet the moment. If that's true, why isn't he meeting the moment for Canada's steel industry? Why isn't he stepping up with the swift support and trade measures other workers urgently need?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for underlining the challenges that workers in the steel industry and so many other workers and industries are facing, given the tariffs that have been unjustly imposed and the uncertainty that remains with regard to how these issues will ultimately be resolved.

This government is working very diligently, carefully and regularly to address all of these issues, including lifting the tariffs and making sure that the proper supports are put in place to help our industries.

A day does not go by when the Prime Minister and his ministers are not engaged on this file. They will continue to be, and we hope that the situation will stabilize and improve for the benefit of Canadian workers, companies and families.

Senator Housakos: I can tell you that this government isn't working very effectively for steel workers. When the Prime Minister dismissively asked last January, "How much steel are you using?" steel workers and Canadians heard something else.

It is a $15-billion industry with 12 million tonnes of annual production, 23,000 direct jobs and 100,000 more that depend on it. It has vital plants in places like Hamilton and Sault Ste. Marie.

Will the government now show it truly understands what is at stake, act immediately with countertariffs on the U.S. and block the dumping of steel in Canada by repeated trade offenders?

Senator Gold: The Prime Minister has been very clear on all of these issues.

He's also been clear that the path forward, whether it's in terms of increasing our defence investments or the building of national projects, is to ensure that Canadian businesses and manufacturers, including those in the steel and aluminum sectors, are fully utilized to support the growth of our economy and our defences.

ORDERS OF THE DAY

ONE CANADIAN ECONOMY BILL

THIRD READING—DEBATE

Hon. Hassan Yussuff moved third reading of Bill C-5, An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act.

He said: Honourable senators, if I sound like a broken record today, it's not because your hearing has gone bad, but because I might be repeating some of the things I said yesterday. It is important in the context of this debate as we get to the end to consider the bill. I will remind you again that the men and women who built this great country of ours are watching very closely the actions we will take with regard to this piece of important legislation.

Honourable senators, I rise today as the sponsor of Bill C-5, An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act.

Colleagues, it comes as no surprise that a bill as consequential as Bill C-5 has received so much attention — as it should. Canadians are very passionate about the prosperity and future of our country. It is our role to integrate that passion into the work we do in this important place.

I'm proud to say that I believe we have done so. That work is reflected in the amendments passed in the other place and the clarifications we have received from the minister responsible.

For many Canadians, this year has been characterized by uncertainty and fear. The decision by the United States to launch an unjustified trade war against us has focused our government on tackling the dual challenges of removing trade barriers and promoting nation-building projects at an unprecedented speed.

Bill C-5 is an important step in the process. This legislation is about unlocking the possibilities of what Canada has to offer ourselves and the world. It is about strengthening our domestic economy by modernizing the way we move goods and services and people within Canada. It's about completing nation-building projects and, most importantly, doing so in a way that benefits all Canadians from coast to coast.

Bill C-5 consists of two important parts: The first part, the free trade and labour mobility in Canada act, is designed to eliminate outdated barriers that prevent Canadians from working where they are most needed, doing business with each other and building a truly unified national economy.

The second part makes it easier to build the nation-building projects Canada needs, such as railways, airports, ports, pipelines and so on. It focuses on the projects with the highest likelihood of successful execution and makes it easier to get them built without sacrificing our obligations to the environment and to Indigenous peoples whose land we share.

The challenges we face with respect to interprovincial trade and labour mobility are significant. Internal trade accounts for nearly a fifth of the entire Canadian economy. That's about $530 billion in goods and services. This covers millions of workers, entrepreneurs and local employers, who are being short-changed by our history of inaction on a complex web of duplicative rules, regulatory mismatches and administrative dead ends. We have the potential to unlock a $200-billion addition to our GDP if the efforts to take down interprovincial trade barriers — of which Bill C-5 is a key component — prove successful.

These barriers are not new and, as I mentioned at second reading, served a historical purpose to the premiers who installed them. In 2017, the federal government and all 13 provinces and territories signed the Canadian Free Trade Agreement, or CFTA, with the best of intentions to address this problem and take the walls down. Unfortunately, with more than 100 pages of carve-outs attached to CFTA, these walls remained mostly intact.

• (1000)

That is precisely why I am so encouraged by the first ministers' meeting that took place earlier this month in Saskatoon. Liberal, Conservative and NDP premiers gathered with a common goal: to strengthen and unify the Canadian economy without hindering the intention of these efforts. The result was that the premiers directed their ministers to finalize a comprehensive Mutual Recognition Agreement by December of this year, and they agreed on a 30-day standard for pan-Canadian credential recognition and a rapid expansion of mutual recognition in the trucking sector. Provinces are all in: Nova Scotia, B.C., New Brunswick, P.E.I., Ontario, Manitoba and Quebec have enacted legislation to mutually recognize goods and accelerate labour mobility with reciprocating jurisdictions.

The Government of Canada is doing its part, too. It has removed nearly 70% of its exceptions under the Canada Free Trade Agreement since 2017, and introduced this bill to get the ball rolling on removing what barriers can be dealt with at the federal level. This effort to knock down interprovincial trade barriers requires coordinated federal leadership to unify the efforts of the provinces and transform our fragmented provincial and territorial economies into one seamless national economy through collaboration and respect for all jurisdictions involved.

Colleagues, let me be clear: Bill C-5 does not erode provincial authority; it respects it. It offers a renewed model of federal engagement, one rooted in partnership and mutual recognition, designed to streamline the system and make the country work more efficiently for everyone.

This legislation offers a framework by which the federal government will recognize provincial and territorial credentials without imposing additional requirements. Practically, this will impact only a small number of professions as there are not a lot of areas of overlap in this space. However, it does provide a model that could be used by our provincial and territorial partners as they work to implement the first ministers' commitment to get to a 30-day service standard for credential recognition.

Bill C-5 will take concrete steps to make Canada's internal market more seamless and unified. It will establish a framework for the mutual recognition of goods and services, ensuring that if a product meets the standard in one province — and that standard is comparable — it will be accepted at the federal level. This reduces duplication, cuts red tape and opens doors for businesses across the country. This means stronger businesses, lower costs for consumers, higher wages for workers and an economy that fully punches above its full weight.

The objectives of Part 1 of this bill go hand in hand with those of Part 2, the "Building Canada Act." At its core, the second part of this bill is focused on getting projects of national interest off the ground more efficiently than in the past — which takes over five years — while maintaining the highest standards of transparency, accountability and respect for the environment and for the Indigenous peoples whose lands we share.

The "Building Canada Act" portion of the bill sets out five criteria that the Governor-in-Council may consider to determine whether a project is in the national interest: whether it strengthens Canada's economy, resilience and security; provides economic or other benefits for Canadians; has a high practical likelihood of getting built; advances the interests of Indigenous peoples; and contributes to clean growth and Canada's climate change objectives.

The "Building Canada Act" focuses on how we must build with speed and efficiency without sacrificing environmental standards and ongoing meaningful consultation with Indigenous peoples. Nation-building projects will proceed only after Indigenous voices are heard in the spirit of true nation-to-nation partnership. The section 35 rights of Indigenous peoples are constitutionally required and respected in the framework of this legislation.

While this bill, in my view, accomplishes many good things, it is also important to explain what it does not do. Bill C-5 in no way supplants the jurisdiction of provinces as masters of their own domain. Rather, it gets the federal government out of the way when its requirements are redundant. Nor does Bill C-5 eradicate environmental oversight and regulatory integrity, as has been suggested at various points. The nation-building projects ascribed in the "Building Canada Act" will continue to be subject to robust environmental reviews and grounded in the best science and local input. They will not be built at the expense of the lands, waters and air in which we take so much pride.

For most of this year, Canadians have been asking themselves, "What now? What do we do when the world as we know it is turned on its head?" Canadians are looking to their leaders, and we must deliver. While I don't have all the answers, I have one important one: we build a better Canada. We make it easier to build the kinds of projects that lead to good jobs, good paycheques and hope for the future that Canadians deserve while making sure we don't sacrifice the core values that make us Canadian, like respect for the environment and honouring the Indigenous peoples whose lands we share across this great country.

In a time when so many Canadians are stressed and anxious about what the future holds, I believe Bill C-5 provides a much-needed reassurance that this government is serious about ensuring continued prosperity for all Canadians, whether you work on the oil rigs or in the mines; whether you are a fisher; whether you work in an automotive or steel plant; whether you are on the shop floor — this bill is about creating hope for our collective future.

Senators, we hold the future of our communities in our hands. Generations before us built the roads, railways, ports, industries and legal frameworks that have carried us this far. This bill provides a pathway to self-sustaining Canadian economic prosperity to enable us to build a future that helps every Canadian sleep better at night.

As I went to bed last night, I thought about the truck driver who got into his rig at midnight to drive 16 hours from one part of the country to another to deliver freight for us as Canadians, not knowing full well if his or her life will be better if we pass this bill. Think of the auto workers laid off in Ontario through no fault of their own as a result of the imposition of tariffs by the United States. Think of the steelworkers whose plants have been shuttered because of a 25% tariff imposed on their industry or the aluminum worker who can no longer go to work because their plant is idle. Consider the steel plants in Hamilton that have just been shuttered because they are no longer needed because they can't ship their products to the United States.

I could go on at length about the men and women who have been impacted by the trade actions of our closest friend and ally. But as they say crying over spilled milk will not solve our problems. This bill is about recapturing what is possible for us to make this country a better place. It is for the millions of workers who cast their votes in the last election with the hope we can do better. This bill is about meeting that commitment. They sent their elected representatives to Parliament, hoping they will do better on their behalf.

Colleagues, I want to thank each one of you for the work we have done at Committee of the Whole in this place. Your work has made this bill better. I also want to thank the witnesses who took the time to come speak to us and testify about their perspectives. Their input was tremendously valuable in shaping the bill we now have before us because our colleagues in the other place made a number of amendments that improved the bill in significant ways.

• (1010)

Honourable senators, I ask you to join me in supporting Bill C-5. This bill has the support of every single premier across the country and was passed resoundingly by the elected chamber on the mandate of an overwhelming majority of Canadians. In this chamber, we have the opportunity to create stronger, more united and more prosperous Canada. It's in your hands. I ask you to support this bill. Thank you very much.

[*Translation*]

Hon. Julie Miville-Dechêne: Senator Yussuff, would you take a question?

Senator Yussuff: Yes.

Senator Miville-Dechêne: Thank you for your heartfelt speech, Senator Yussuff.

I have a technical question for you. I mentioned it yesterday in my speech. It concerns the amendment affecting Quebec.

The amendment states that Quebec's written consent will be obtained when a national project falls within areas of exclusive provincial jurisdiction; the amendment is very clear about this. That said, what happens if the project in question involves areas of shared jurisdiction, such as the environment? We know that the federal government and Quebec share jurisdiction in a number of areas. If that happens, will the federal government move forward or will it ask for written consent?

[*English*]

Senator Yussuff: Thank you very much. I think it goes without saying that provincial jurisdiction is paramount to the approval of any federal projects in this country. It is clear from the premiers' deliberations that they want to build national projects without sacrificing provincial jurisdiction by that effort. Specifically in Quebec, that has not been clarified. However, with regard to environmental regulations in Quebec and the federal government, both governments will have to work to come to an agreement as to how those projects will proceed, recognizing that each jurisdiction has different standards.

In the context of moving forward with this project, it doesn't compromise jurisdiction, but it also makes sure they are working in collaboration with each other. There is a recognition that unless those projects have some level of certainty of moving forward, the federal government will not proceed with them because they are going to be stymied in the courts as a result of legal wrangling between the province and the federal government.

[*Translation*]

Senator Miville-Dechêne: You aren't specifically answering my question, so I assume that you believe all of this will be decided during negotiations.

I'd like to know this: It has been said that this will happen automatically, but isn't it in the bill? When the Quebec government asks to do an assessment of a project, will the federal government's assessment be added to the process? That could prolong the timeline. We know Quebec's environmental assessment is very thorough, so will that be considered sufficient for a project to move forward?

[*English*]

Senator Yussuff: Thank you again for the question. I don't want to give you the wrong answer, but I believe that where jurisdictions overlap in regard to an environmental assessment, the federal government and the province will have to come to an understanding as to which jurisdiction and which regulation will govern that project assessment.

Hon. Mary Coyle: Senator Yussuff, I want to thank you sincerely for your leadership and your work on Bill C-5. It is a very important piece of legislation and one that's controversial.

As I do most mornings, I tuned into CBC Halifax morning radio with Portia Clark. Yes, Edmonton used to have her, but we have her back. My MP, Jaime Battiste, was being interviewed on the issue of Bill C-5 and some of the controversy, particularly around Indigenous rights holders. He emphasized in that

interview that Bill C-5 is an enabling framework legislation and that section 35 and UNDRIP have to be — and will be — honoured and respected. He spoke about the upcoming consultations this summer with Indigenous rights holders and environmental groups.

Senator Yussuff, you know me: I'm always excited about opportunities to improve the prosperity of Canadians and about issues that can cut unnecessary red tape and — as you said — build a better Canada and build hope for Canadians all across the country. I'm curious, though, whether you would now be able to give us a sense, specifically, of what this summer is going to look like. Let's say we pass this bill — and we likely will in this chamber here today — with the consultations coming up with Indigenous rights holders, what will that look like? Do you have any details on that for this chamber? Also, what about consultations with environmental groups?

Senator Yussuff: Thank you for the question. It is my hope that with the Prime Minister meeting with rights holders and Indigenous leaders across the country — as has been committed to — the Prime Minister would hear, eloquently and clearly, that it is fundamental for Canada to ensure that the rights enshrined in our Constitution and in the legal framework of UNDRIP are respected.

Each community will have a different approach. We are not a monolithic country, nor are our Indigenous people. But the expectation — I hope — is that the Prime Minister would learn much in listening and understanding what is expected of him and his government as we move forward in building national projects.

If we fail in that effort, it would be a travesty for the efforts we have made so far in the reconciliation with our Indigenous communities across this country. As our new Prime Minister, I hope he learns a lot from the people with whom he is meeting, also learning about their expectations of us as Canadians and how we interact with them, if we are to build, expand and grow this country. That is because they equally want to ensure that the success of this country reaches their community. The resources in their communities are going to be exploited. Do they benefit from that if they choose to give their support?

I am hoping that, as the summer continues, the Prime Minister will learn many things and inform us about what we must do to ensure we get this right. It is important for him to hear these voices, obviously, as the new Prime Minister of our country and to fundamentally understand how these communities view the protection of their rights as we embark on this new journey to help make this country an even better place for all of us — not just some of us.

Senator Coyle: Thank you very much, Senator Yussuff. I didn't hear anything about meeting with environmental groups. I understood from my member of Parliament that this would also happen. So that's a holdover from my last question.

Secondly, one of the issues that many senators are having — as you know, we are all talking to each other — is that we are being asked to take a fairly large leap of faith here. It's a very short time frame. We are not able to really delve into this legislation in the way we normally would. I agree that we had a very successful Committee of the Whole process, but it has been rushed. It involves taking a leap of faith. We are dealing with what I call "trust me" legislation here.

I'm curious about this: In addition to hearing about consultation with environmental groups over the summer, have you discussed with the government this issue of concern that we are having here as senators about us being able to fulfill our roles in the way we like to fulfill them? What can we learn from this for the future so that we are able to work hand-in-hand — when necessary and in the ways we want to — with the government to pass the best possible legislation for Canadians?

Senator Yussuff: Thank you again. I have been here for four years in this place. Despite being here for that short time, I have learned much about the men and women with whom I work. Some days I think I know a lot, and some days I think I don't know anything. To a large extent, we all have different ways of viewing what we do here.

• (1020)

Every time we deal with legislation at the end of a session, we in this chamber worry that we've been rushed. I'm not like most of you; I used to negotiate collective agreements with the clock running towards midnight, so I know the urgency to figure out what one needs to do before midnight. I've been very fortunate that midnight was not midnight many times, even though I needed to see the clock.

In the context of us having to pass this piece of legislation, as important as it is, it's always a reminder to the people who care about this great country to have trust in one another.

I come to work every day having trust in my fellow senators. Even though I may not want to go for a drink with you all the time, for the most part, I would trust you with my life because I believe we are well-intentioned people who want to do the right thing. Yes, there is a degree of trust in this bill, but that trust is being reinforced by the amendments made in the other place to improve the bill where possible.

Could more be done? More could always be done, but I believe, in the context of doing our work, we also have to reflect in this moment on whether we are doing the best job possible in passing this legislation. I can say sincerely that I think we are.

Hon. Marilou McPhedran: Senator Yussuff, would you take a question?

Senator Yussuff: Certainly.

Senator McPhedran: Thank you. The so-called "Henry VIII" clauses, clauses 21 to 23, authorize cabinet to make regulations that would supplant other legislation, such as the Fisheries Act and the Species at Risk Act. That power goes far beyond the current decision of the Supreme Court of Canada in *References re Greenhouse Gas Pollution Pricing Act*. The courts have not confirmed that Parliament has the authority to grant cabinet the power to amend or vary the application of statutes giving rise to that power.

Is asking parliamentarians in both houses to give up the work they have done and allow the laws that they have passed to be changed by cabinet a genuine requirement to accomplish what Bill C-5 is supposed to?

Senator Yussuff: Thank you for the question. Our colleagues in the other place reflected on that section of the bill and made amendments to ensure parliamentary oversight of the laws we have passed to protect the environment, species at risk and other relevant regulations and legislation, so that no minister will have the authority to simply override that without Parliament having oversight. It's fundamental for us to recognize that what our colleagues did in the other place strengthens the bill in a significant way, as was pointed out by others. Maybe some parts of the bill needed to be rectified. Our colleagues in the other place did so.

Senator McPhedran: Thank you very much. As a supplementary, Senator Yussuff, are you aware of a lens that has been chosen to respect the Calls to Action from the Truth and Reconciliation Commission and the Calls to Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls, in order to look at the kind of override you are asking us to give to the cabinet for statutes already in place?

Senator Yussuff: Again, thank you for the question.

It is without doubt that section 35 has been reinforced in the legislation and clarified again with amendments made in the other place. This is fundamental with regard to how we interact with Indigenous communities in this country. I don't think there is any attempt by this bill to change our path with regard to reconciliation. This bill is recognizing that. Also, the Prime Minister has committed that he will personally meet with communities across this country, to hear from them, to consult with them and to ensure that we as a country do not stray from the path we are on as we continue to build a more unified nation while recognizing what we can learn from the past.

I believe this bill has those fundamental underpinnings already written into the legislation, which were clarified by our colleagues in the other place with their amendments. The Prime Minister is going to meet with Indigenous leaders across the country. I hope that will reinforce again the things we may have missed. We will learn more about that as he engages with communities across the country.

Hon. David Richards: Samuel Johnson, the towering intellect of the 18th century, said the rudest thing a person could ever do is quote something someone once said to use it against them. Unfortunately, politics has a way of dismissing that credo. But we have the same ministers over in the other place with slightly different portfolios, who all eagerly stood for Bill C-69 and who are now cheering for Bill C-5. I'm going to vote for Bill C-5. We need it. It is a very important bill, and we have to get it through. Unfortunately, I don't know if their lack of foresight with Bill C-69 caused the very crisis they are now trying to mitigate and whether we can have any faith in them. I am wondering why we should have faith in them, senator, and that things are going to improve.

Senator Yussuff: Thank you again for the question. I assume that's a question.

I was not part of the Bill C-69 deliberations; I was not here. But Bill C-5 is a recognition that we need to do a much better job in how we build national projects. Based on the record in front of us, it takes far too long. I'm certain, as we embark on this passage of Bill C-5, the government will have to think about whether other legislation might be impacted. I'm not aware of that. Certainly, that point has not been made, although it has been suggested in this chamber. I'm sure the government is aware of Bill C-69 and how Bill C-5 might interact with that piece of legislation.

Are there any contradictions? I don't know, but if there are, I am sure we'll be debating them in this chamber should the government bring forth amendments or changes to any other legislation that we would have to consider. So, Senator Richards, I'm hoping this bill will receive support, but, equally, with regard to how it interacts with other legislation, I am not here to answer those questions. I don't necessarily know. I have no analysis before me to provide you with clear answers.

Hon. Brian Francis: Honourable senators, I would like to start by recognizing that I am speaking from the traditional, unceded and unsurrendered territory of the Algonquin Anishinaabeg people. In doing so, I want to acknowledge our collective responsibility to not only honour the past and present contributions of the original inhabitants of this land but also to protect and uphold their rights. These outcomes can only be achieved through genuine commitment and meaningful action, and that is something we should remember as we deliberate.

Today, I rise to speak to third reading of Bill C-5, officially titled as the one Canadian economy act, which combines two different measures.

Part 1 is the free trade and labour mobility in Canada act. It seeks to remove federal barriers to the movement of goods, services and labour.

Part 2, the building Canada act, seeks to streamline the approval and construction of major projects that the federal cabinet declares to be in the national interest.

Before I turn to the substance and implications of Part 1 and Part 2, I want to comment on the process used to develop and, soon, implement this bill.

Tabled on June 6 by the Honourable Dominic LeBlanc, Minister responsible for Canada-U.S. Trade, Intergovernmental Affairs and One Canadian Economy, the bill was reviewed and amended by the House of Commons Standing Committee on Transport, Infrastructure and Communities over two days, approximately 12 hours in total, before being further amended, debated and ultimately passed in the House of Commons the next day, June 20.

• (1030)

While the bill was still before the other place, the Senate authorized a Committee of the Whole to study the subject matter of Bill C-5 over three consecutive days, totalling around eight hours. This chamber further agreed to hold a final vote no later than Friday, June 27.

Now, with the House of Commons adjourned until September 15 and the convention of deferring to its wishes, it seems to be almost a foregone conclusion that this chamber will also rush to adopt this bill. We are driving full speed ahead, seemingly without brakes, towards an arbitrary July 1 deadline set by the Prime Minister.

Why are we rushing on such a consequential bill that deserves care and attention? We had the option to slow down. That was the message delivered clearly by National Chief Cindy Woodhouse Nepinak last week. She asked us to take the time to do things properly and reminded us that is how we build a better country: by listening, working together and not rushing reconciliation.

Colleagues, the use of such a rushed process on a sweeping and potentially dangerous bill is concerning. I certainly have not experienced anything like it since being appointed. At the very least, we should be deeply concerned that our collective agreement, even if only tacit, to proceed in this manner risks undermining public trust in our institution.

We were all appointed to this chamber to carefully and deliberately review legislation passed in the other place. Our role is to focus on the long-term interests of our regions and our country and, moreover, to give a voice to under-represented groups like Indigenous peoples.

In this moment, I cannot help but ask myself whether we have truly lived up to these responsibilities, not just in principle, but in practice. The speed at which we are moving on Bill C-5 gives the impression that we are here merely as a rubber stamp for the federal government rather than to meaningfully scrutinize and, if necessary, amend their proposals. When we fail to adequately fulfill our duty to provide sober second thought, we become responsible for any unintended but foreseeable consequences that may occur.

These are not things any of us want to hear, and I wish I did not have to say them. However, it would be wrong to ignore the criticisms aimed at us for our actions — or, rather, inaction — with respect to this bill. All of us here as well as the broader public were denied the time to carefully and thoroughly examine both its substance and impact.

Last week, National Chief Woodhouse Nepinak told this chamber that the Assembly of First Nations was given seven days to provide feedback on an outline of the bill that did not include the actual provisions. Meanwhile, many communities were grappling with the impact of wildfires and other crises made worse by ongoing federal indifference and neglect. Similarly, President Natan Obed told us that Inuit Tapiriit Kanatami, or ITK, was given a short deadline.

It is utterly unacceptable for Canada to expect Indigenous peoples, who often face capacity and resource challenges, to properly review and assess the impacts of legislation when they have not been given adequate time or opportunity to understand it beforehand.

Indigenous peoples, who are supposed to be respected as equal partners in nation-to-nation relationships, have been completely sidelined on a matter that could profoundly affect their collective rights. In contrast, Prime Minister Mark Carney and the federal cabinet met with premiers as early as May to discuss the proposal to expedite nation-building projects within Canada.

We would not be where we are today if Indigenous peoples were given an equal opportunity to participate in the development and drafting of the one Canadian economy act.

Colleagues, the Prime Minister and his government have repeatedly argued that voters, including Indigenous peoples, gave them a democratic mandate to act and to respond with urgency to a crisis provoked by the United States, including the power to give themselves sweeping and unprecedented powers at a breakneck speed.

Even if we were to accept the questionable premise that such a democratic mandate exists, isn't it risky and rash to give such broad discretion to the executive without taking the time to fully understand the consequences?

Jocelyn Stacey, law professor at the University of British Columbia, wrote in a recent opinion piece:

> We may well be experiencing a world engulfed in crisis, but we should not allow our legislators to forfeit legal procedures and safeguards.

I could not agree more.

The economic pressures from the U.S. do not justify an urgent power grab that erodes legal safeguards for communities and the environment under the guise of speed and necessity. That is not to say that many workers and businesses are not being hit hard. They need our support. However, it is misleading to frame the passage of this legislation as the necessary response to an urgent crisis.

We cannot sacrifice vital safeguards and genuine partnerships in favour of political and corporate interests. We risk setting a dangerous precedent when we allow the government to disregard parliamentary and public oversight with such ease.

Beyond the problems created by rushing through the parliamentary process, I want to turn my attention now to the actual substance and impact of Bill C-5.

First, I will explain why I support Part 1, the free trade and labour mobility in Canada act, notwithstanding some reservations. And last, but perhaps most importantly, I will outline why I cannot, in good conscience, support Part 2, the building Canada act.

Colleagues, Part 1 of Bill C-5, also known as the one Canadian economy act, seeks to enact the free trade and labour mobility in Canada act.

To reduce longstanding barriers to trade and labour mobility across Canada, the bill proposes to create a framework of mutual recognition in which a good, service or worker that meets the requirements of one province or territory would be recognized as meeting federal standards, with some caveats around what

qualifies as comparable. In specific, the provincial or territorial requirement must address the same element or aspect, or serve a similar purpose, as the corresponding federal requirement.

Currently, inconsistent requirements across provinces and territories create barriers that prevent workers from pursuing their trades or professions; businesses from transporting and selling goods and services; and customers from purchasing freely across Canada. The free trade and labour mobility in Canada act could, among other things, help streamline licensing and safety compliance requirements for truck drivers, which would help ease labour shortages, reduce costs and improve deliveries across Canada. Similarly, it could remove duplicate regulatory requirements, such as safety audits, to cut costs and boost competitiveness for trucking companies.

Due to the ongoing impact of the unjustified tariffs imposed by the U.S. on certain goods imported from Canada, particularly in the automobile, aluminum and steel sectors, there have been growing calls for all levels of government to support affected workers and industries.

The framework of mutual recognition has been promoted as a potential solution. In fact, the free trade and labour mobility in Canada act builds on similar provincial legislation.

Prince Edward Island, for example, passed Bill No. 15, the Interprovincial Trade and Mobility Act, on May 16 to remove trade and labour restrictions in partnership with reciprocating jurisdictions.

According to Premier Rob Lantz, this bill reflects the overall commitment of our province to be part of Team Canada. He said it opens the door to work closely with other jurisdictions to create a national economy instead of 13 separate ones.

As far as I am aware, Prince Edward Island has already signed agreements with Nova Scotia and Ontario, with, no doubt, more to come in the future.

The impact of the free trade and labour mobility in Canada act could be significant.

Last year, the Public Policy Forum released a paper arguing that, by virtue of being smaller and more dependent on internal trade than other parts of Canada, Atlantic Canada would see an outsized benefit from eliminating internal trade barriers.

• (1040)

Prince Edward Island, in particular, could see a 16.2% increase in GDP. The Public Policy Forum also cited findings from 2021 by professors Trevor Tombe and Jennifer Winter from the University of Calgary, which found that a modest 10% reduction in interprovincial trade barriers within the Maritimes could increase incomes in Prince Edward Island alone by up to 1.8% and employment by as much as 2.6%.

We do not know yet if that kind of growth will come true, but if it does, it could prove to be transformational in such a small province. It is due to these potential economic benefits that I support the objectives of the free trade and labour mobility in Canada act.

That being said, I think we need to be cautious. We have repeatedly heard claims that removing internal barriers to trade could boost Canada's GDP by up to $200 billion a year. However, these and other numbers may be too good to be true.

That is certainly an argument made by the Canadian Centre for Policy Alternatives, which maintains that due to the use of problematic assumptions:

> . . . claims about internal barriers to trade are vastly overstated and often made at a very high level without specific examples or intuition about how growth would be enhanced by policy changes. . . .

While it is fair to remain hopeful or optimistic about the untapped potential that could be unlocked by the free trade and labour mobility in Canada act and similar provincial legislation, I think we need to be honest with ourselves and the broader public.

We also cannot sweep aside the concerns that Part 1 of Bill C-5 could be used to dilute stronger federal requirements in areas like environmental protections and consumer safety, or it could create a patchwork of standards in critical fields like construction and transportation.

As a result, it is extremely important that parliamentarians closely monitor the implementation of the free trade and labour mobility in Canada act as soon as it comes into force. We will need to closely scrutinize how the government wields its broad regulatory authority to guard against a potential race to the bottom if standards designed to protect people and the environment against harm are not progressively lowered.

Just recently, the Canadian Meat Council warned that Bill C-5 could undermine federal health and safety standards by allowing provincial regulations to substitute for federal ones. For example, replacing federal meat inspection rules could threaten red meat exports, as trading partners may lose confidence in our domestic food safety system. The importance of preserving federal regulations in areas where serious health and safety concerns exist cannot be understated.

A significant amount of work will be required to transition to a framework of mutual recognition under the free trade and labour mobility in Canada act. And it is critical that the federal government act responsibly and fairly to avoid causing regulatory confusion or delays and avoid compromising the health and well-being of Canadians.

Colleagues, I now want to turn to Part 2, the building Canada act, which aims to promote economic growth by creating a streamlined approval process to expedite the construction of a small number of major projects chosen to advance the national interests of Canada. Such projects could range from pipelines and mines to railways and other large-scale industrial and infrastructure developments.

To respond to the economic pressures created by the U.S. and other factors, the federal government is seeking to shift the focus of federal reviews away from asking "whether" these projects should proceed to asking "how" to best advance them as quickly as possible. The goal is to provide clearer and more predictable timelines and outcomes for investors.

Under the building Canada act, sweeping and unprecedented powers are granted to the federal cabinet and, in specific, a single minister. The projects declared to be in the national interest will be approved in principle before impact assessments are concluded or consultations begin.

This streamlined approach would reduce federal decision making from five years to two years — a time frame that is no more than a political promise since it is not actually included in the text of the bill. There are no assurances that this process will be shorter or longer than what has been suggested.

Last week, the House of Commons made several amendments to improve the building Canada act, many of which came from the Conservative Party. I want to highlight a few that I think have significantly strengthened the bill to add not only clarity but also the parliamentary and public oversight that was previously missing.

The bill was amended to include a new requirement to create a centralized and accessible public registry for national interest projects that must include a detailed description and rationale, as well as the projected cost, timelines for completion and expected outcomes.

In addition, there is now a requirement for the minister to publicly disclose — within 30 days of issuing an authorization document for a project — detailed information about the conditions, rationale, process and recommendations that informed the decision. And if any recommendations are rejected, the minister must include a justification accompanied by a comparative analysis, a risk assessment of the rejected advice and the mitigation measures proposed.

These measures are further complemented by amendments that expanded the mandate of the parliamentary review committee under the Emergencies Act to review and report back on the exercise of all powers under the building Canada act at least every six months. And there's a requirement that an annual report of all national interest projects assessing progress, budgets and timelines be tabled in both chambers and published online.

Lastly, there are now some limits on executive discretion. For instance, the federal government is now prohibited from authorizing projects or amending conditions while Parliament is prorogued or dissolved, or after five years after the bill has been passed.

There are also limits on the executive power to override or exempt projects from specific federal statutes, including the Indian Act, which addresses serious concerns raised by the Assembly of First Nations and others.

These and other amendments made by the House of Commons to the building Canada act are an important start. However, there are substantive concerns that have yet to be addressed. The primary one is that the bill grants sweeping and unprecedented executive powers, creating significant potential for abuse.

I want to highlight a few specific examples next. The first issue is how the term "national interest" will be defined. The bill originally outlined a list of discretionary factors that may be considered when deciding whether to designate a project as being in the national interest.

That vague language meant that determinations could be vulnerable to the whims of current or future governments. The House of Commons passed an amendment to require that the federal government define and publish specific criteria for what counts as a "national interest project" within 15 days of the bill becoming law. If this deadline is not met, the minister responsible must explain why and give a timeline for when those criteria will be met. This is a step in the right direction.

But here's the catch: The federal government still gets to define what this means or how it will be measured. In other words, they still hold the pen on what qualifies — and what does not — as "national interest."

As a result, there is a chance that the federal government could place economic or other benefits ahead of advancing the interests of Indigenous peoples, action on climate change or any other factor.

I am especially troubled by the prospect of the federal government having final authority on what "national interest projects" are in the interests of Indigenous peoples. The requirement to publicly define binding criteria will provide some predictability, but it may not be enough to prevent the potential abuse of executive discretion.

Yes, the federal government will have to provide clarity on what it means by the interests of Indigenous peoples. However, since we are not a monolith, Indigenous peoples have different and even conflicting interests, especially when it comes to development.

I am also all too aware that the federal government once argued that it was in the "interest" of Indigenous children and families to establish and operate Indian residential schools and Indian day schools — institutions that caused immeasurable and ongoing harm to our people and communities.

• (1050)

This is a sobering reminder of why any mention of the interests of Indigenous peoples in a bill like this must come with a clear requirement: that it is Indigenous peoples — not the government — who define those interests. Anything less risks undermining our voices and rights.

Next, I want to focus on how the building Canada act shows a general disregard for the rights of Indigenous peoples. The building Canada act introduces an expedited approval process that consists of two steps. First, once a project is added to

Schedule 1, it is automatically granted all necessary federal approvals, subject to conditions set by a designated minister. Second, project proponents must still submit necessary information to relevant federal departments. There is also a requirement to consult with federal and provincial or territorial counterparts that the designated minister considers relevant, as well as with Indigenous peoples whose rights may be affected by the carrying out of a given project. Rather than multiple ministers issuing separate regulatory decisions under their own authority, decision making is centralized under a single minister who is authorized to issue a document outlining the specific conditions.

Once the document is published, the deeming clause in the building Canada act empowers the federal government to presume that all necessary authorizations are in favour or in support of the project once it has been declared to be in the national interest, which is a major red flag.

The building Canada act was amended in the other place to include a requirement to establish a process for the ". . . active and meaningful participation . . ." of Indigenous peoples, as well as for a report to be published within 60 days after the document is issued. This is a safeguard that did not exist before. However, the bill is still silent on the threshold or standard that must be met for this process to be considered "active" or "meaningful."

This loose requirement to consult in Bill C-5 applies specifically to Indigenous peoples whose rights may be adversely affected by a project. The word "may" essentially gives the federal cabinet discretion to decide if our rights are impacted, treating their protection as a possibility rather than a certainty. As a result, there is significant lack of clarity around the depth, timing and consequences of consultation. There is also no guarantee that the conditions that projects must meet to proceed will be truly informed by consultation.

If the federal cabinet alone holds the power to decide whether rights are impacted by a project, what exactly stops them from simply saying they aren't? We do not have the answers. We also cannot guarantee that there will be ongoing dialogue or genuine negotiations to substantially address the concerns of rights holders.

Colleagues, under the building Canada act, Indigenous peoples have no meaningful choice on whether a project proceeds, only maybe — just maybe — in how it proceeds.

The bill mandates the creation of the federal major projects office, which will be responsible for, among other things, consulting with Indigenous peoples. An Indigenous advisory council with First Nations, Inuit and Métis representation will supposedly be part of that office. However, unlike the federal major projects office, this body is not actually mentioned in the text of the bill. Additionally, neither the mandate and structure nor the authority of the federal major projects office and of the Indigenous advisory council are clear.

Will the Indigenous advisory council be able to provide independent guidance and advice or simply rubber-stamp projects? We do not have answers.

How exactly will they be able to ensure that the federal government and others uphold the rights of Indigenous peoples throughout the entire project life cycle? We simply do not know.

Colleagues, it is problematic that the streamlined approach under the building Canada act may reduce the incentive for proponents to engage meaningfully with Indigenous peoples on how to avoid or lessen the impact of a project on their lands or rights. Why would someone negotiate when the outcome is already predetermined?

I am deeply concerned that the building Canada act could have a serious impact on mitigation and accommodation, which are not optional. They are required components of the duty to consult, affirmed by section 35 of the Constitution and the Supreme Court of Canada. This duty includes not simply listening but also meaningfully addressing concerns raised by Indigenous peoples, including modifying or rejecting projects where the impacts on rights cannot be justified.

We should all be alarmed that the building Canada act may reduce consultation to a token exercise because the ability of Indigenous peoples to refuse or negotiate whether a project should proceed at all is curtailed.

The government says consultation can still happen after a project is designated, but let's be honest; the decision has basically already been made, regardless of the immediate and cumulative impacts on projects at or near the traditional territories of Indigenous peoples.

As a result, the building Canada act effectively creates a blank cheque for projects that have yet to go through the crucial scientific, technical or safety assessments required under other federal laws to move forward.

In addition to the serious risks associated with the deeming provision, the building Canada act includes the so-called Henry VIII powers. In specific, clauses 21 to 23 empower the executive to selectively exempt projects from federal laws and regulations during the streamlined project approval process. These powers set a dangerous precedent that we need to be cautious about.

On June 18, Anna Johnston of West Coast Environmental Law, told this chamber that such type of executive authority effectively:

> . . . turns the principle of informed decision making on its head by allowing cabinet to make major project decisions before doing any environmental reviews. For more than half a century, the way we have made decisions about major projects in Canada has adhered to the basic principle that we should look before we leap. Bill C-5 does away with that principle and, instead, will have cabinet leap into decisions and then ask, "What happens now?"

Ms. Johnston further added:

> That "decide now, think later" approach ignores decades of experience and throws the principle of informed decision making out the window. It's like building a house and then calling an engineer to ask if it's safe.

The "Henry VIII" powers included in the building Canada act open the door to potential abuses of executive discretion. The reality is that once such a broad discretion exists, it will be sought. These sweeping executive powers are vulnerable to being exploited by industry and other actors, even if ministers say they won't cave to pressure. The proponents will ask for exemptions because it will allow projects to be built more cheaply and faster.

The building Canada act risks reducing environmental assessments to a mere box-ticking exercise, and Indigenous consultation to an afterthought. And that should make us pause.

During the Committee of the Whole on June 17, Senator Klyne asked Professor Martin Olszynski from the Faculty of Law at the University of Calgary whether he was concerned that Bill C-5 grants the federal government the power to exempt environmental protections, potentially harming people, wildlife and ecosystems. His response laid it out plainly. He said, "If the government doesn't want to use it, then why would it give it to itself?"

Moreover, Professor Olszynski pointed to Ontario's Bill 5 and British Columbia's Bill 15 as ". . . a clear precedent for not going this far."

Similarly, that same day and in the same panel, Mr. Joshua Ginsberg, Director of Ecojustice, warned us that:

> These are not just mere procedural statutes or roadblocks on the way to development; they contain substantive provisions meant to prevent irreversible harm, such as driving species to extinction or polluting air and water in ways that threaten human and ecosystem health. They are not meant to be waved away.

Mr. Ginsberg also added that, like Professor Olszynski, he did not want to:

> . . . impart any malice to the government in suggesting that, but I do suggest that in its zeal to ensure important projects proceed quickly, perhaps it has included a little bit too much and proposes to tread on Parliament too much, and that should be scaled back.

• (1100)

Colleagues, we are being told that these sweeping and potentially dangerous powers to respond are justified. But are they? Last week, during Committee of the Whole, Senator Cardozo specifically asked the Honourable Chrystia Freeland, Minister of Transport and Internal Trade, about the rationale used by the federal government to grant itself such sweeping powers.

Her answer was simply that these extraordinary measures are needed to respond to what she characterized as a real national crisis. Are we truly in a crisis that warrants such exceptional and unprecedented measures hastily arranged under the guise of urgency? I frankly disagree with the premise of her answer.

That same day, in this chamber, Minister Freeland urged us to seize the wave of patriotism that has swept our country in recent months and make the decision to trust each other enough to create a single economy from coast to coast to coast. However, given a long history of broken promises and ongoing harms, trust is not something that Canada can expect or demand of Indigenous peoples. Trust is earned. It is not taken. Given that our lands and resources — and even our lives and our futures — are at stake, there are not enough safeguards in this bill for me.

The federal government has maintained that executive powers granted under the building Canada act would still be constrained by constitutional and legal obligations arising from section 35 of the Constitution Act, 1982, and the United Nations Declaration on the Rights of Indigenous Peoples Act. Unfortunately, these commitments are not backed up in the bill, and promises mean little when hundreds of court cases are still required to enforce basic consultation.

As former justice minister Jody Wilson-Raybould put it recently, First Nations are, " . . . not fooled by the fancy rhetoric . . . ."

Indigenous peoples have learned, through experience, why commitments are not enough when it comes to the federal government. That was something that President Obed said when he was here last week. He reminded us that:

> It has been Canada's weakness that it pats itself on the back for being a great champion of Indigenous peoples, an upholder of the rule of law and respect for Indigenous peoples' rights, while at the same time acting very differently through its legislation and practices. I think of those things as being borne out of not only ignorance, but also a clear decision about whose rights matter and whose don't — and how to get to an end goal that makes Canada feel good about itself while still trampling on the very rights it says it upholds.

In the end, whether the building Canada act respects the rights of Indigenous peoples will depend on how seriously the federal government and project proponents choose to uphold their rights in practice. And right now, we are being asked to simply trust that they will. That is not something many of us are willing — or able — to do.

Currently, the building Canada act does not include an explicit requirement to obtain free, prior and informed consent before a project is designated or approved. To be clear: The right to free, prior and informed consent implies the right to say yes or no. That does not mean a veto, but a commitment to genuine, ongoing negotiation with Indigenous peoples as true partners.

Not including free, prior and informed consent is a significant oversight, especially after the House of Commons added an amendment to explicitly require that, before adding the name of a project to Schedule 1, the federal government obtain written consent from a province if a project falls within its area of exclusive jurisdiction.

This is a troubling double standard that calls into question whose jurisdiction and consent truly matter under this legislation and whose continue to be ignored. This bill potentially gives provinces stronger powers than Indigenous peoples to impose conditions or prevent projects from proceeding.

At the moment, the preamble of the building Canada act mentions section 35 of the Constitution Act and the United Nations Declaration on the Rights of Indigenous Peoples. However, the duty to consult and, where appropriate, accommodate — or the principle of free, prior and informed consent — are not operationalized in the bill.

That means these protections are not applied in a binding or practical way. Instead, they are only mentioned in the "whereas" clauses, which are not enforceable. We could have addressed this exclusion had there been enough time to consult with rights holders.

Colleagues, the stakes are high, not just for Canada and Canadians but also for Indigenous peoples and our governments. The building Canada act removes several safeguards that are there to protect us all. And we fear that the burden of rushed and obscure project approvals without full participation or consent will be placed on the shoulders of Indigenous peoples. This is truly disturbing because many of our communities are already struggling with the health, social, economic and cultural impacts of past development, and Bill C-5 could exacerbate those problems.

At the same time, there is no real guarantee that the potential economic benefits linked to the building Canada act will be fairly shared with Indigenous peoples. There is nothing in the bill to ensure there is revenue sharing or shared ownership and governance of the projects built on or near our lands and waters.

There is the Indigenous Loan Guarantee Program, which was recently doubled from $5 billion to $10 billion, to potentially help First Nations, Inuit and Métis communities gain economic stakes in these projects. However, this possibility does not replace the need for free, prior and informed consent for the project itself, nor does it ensure meaningful control or decision-making authority once it is under way. Ultimately, the streamlined process under the building Canada act appears more concerned with political optics and investor timelines than with respecting jurisdiction and consent.

Colleagues, there is more that I could say. However, I want to end with the following: The prosperity of Canada requires that Indigenous peoples have meaningful opportunities to participate in the economy. However, each time we assert our rights and title, we are framed as obstacles or threats. This could not be further from the truth.

After generations of economic marginalization and dependency, Indigenous peoples have a greater stake than most in creating a more just and prosperous country. All we ask is that Canada involves us as full and equal partners from the start.

Now more than ever, Canada needs to be united, not divided. Yet that is exactly what the building Canada act is doing at this current time. The process and subsequent implementation of this bill have fallen short of Canada's obligations to engage with Indigenous peoples in a meaningful and informed way. The irony is that instead of speeding up projects, the building Canada act may end up slowing them down.

All the federal government has achieved so far is to increase the potential for legal and social conflict. And that will cause more — not further — delays.

Colleagues, in her *Globe and Mail* column published yesterday, Anishinaabe journalist Tanya Talaga called on the Senate as the chamber of sober second thought to pause this bill and ensure it is redrawn in full partnership with Indigenous nations. She warned us and Canada that failing to do so will erode trust, violate the spirit of treaty relationship and undermine Canada's constitutional commitments to Indigenous peoples. This is the call to action we must all heed.

In conclusion, colleagues, while Part 1 of the one Canadian economy act — the free trade and labour mobility in Canada act — represents a major shift towards a more integrated and efficient national economy, Part 2 — the building Canada act — betrays the federal government and Canada's commitment to building a renewed relationship with Indigenous peoples.

It is simple. Reconciliation and prosperity are not opposing goals, but they require respect and partnership. I cannot, in good conscience, support a bill that signals a troubling shift back to a paternalistic and coercive dynamic. That is why I will not be voting in favour of Bill C-5. Thank you. *Wela'lin*.

Some Hon. Senators: Hear, hear.

Hon. Paul (PJ) Prosper: Senator Francis, will you take a question?

Senator Francis: Yes.

Senator Prosper: Thank you. I truly appreciate your speech and your reference to a recent amendment in the other place which provided:

> . . . the Minister must ensure that a process is established that allows for the active and meaningful participation of the affected Indigenous peoples . . . .

• (1110)

I think later you provide that it is silent, however, on the standard and threshold for consultation. Could you provide further comment on that?

Senator Francis: Thank you, senator, for the question.

Really, what it all comes down to — and I said this a lot in my remarks here — is being equal partners at the table. That is all we have been saying.

You are a former Chief. I am a former Chief. We have been at the tables where consultation was talked about, but it wasn't true, meaningful consultation.

What we are seeing here is that this is a rushed process. Take the time, have the rights holders at the table, and let's get this done the right way.

July 1 is only an arbitrary deadline. We have time to do this right, so let's do it right with Indigenous peoples across Canada.

Hon. Marty Klyne: Would the senator take another question?

Senator Francis: Yes.

Senator Klyne: I think you and I would both agree that our inherent rights have been established through the United Nations Declaration on the Rights of Indigenous Peoples Act, section 35 of the Constitution Act, 1982, and the Truth and Reconciliation Commission of Canada Calls to Action.

In that regard, my question is this: What is stopping tribal Chiefs, tribal councils or Chiefs and councillors from flipping the table and calling the government to the table, saying, "Here are our expectations for meaningful consultation and engagement; this is what we are looking for"?

Why don't you take a proactive approach and set the table for them to come to you?

Senator Francis: Thank you, Senator Klyne. That's a good statement. I think it may have to come to that. First Nations may have to become more engaged and say, "As rights holders, we'll sit down with you and let you know what we think about how this should move forward in a positive and meaningful way."

Again, Indigenous peoples from across Canada are not against development. However, when it comes to our lands and our territories — and I go back to myself and Prince Edward Island with 10,000 years behind us — we just want to do what's right for our land, have a rightful place at the negotiating table and be meaningfully consulted in the negotiations.

Hon. Pat Duncan: Senator Francis, will you take a question?

I hear what you are saying in terms of consultation, and I hear what Senator Klyne had just said.

Before I travelled here yesterday, I was attending the Council of Yukon First Nations General Assembly. I was told at the General Assembly regarding Bill C-5 that the Assembly of First Nations does not speak for the Yukon First Nations and that the rights holders — self-governing First Nations have another term for it — have been consulted and have spoken with the Office of the Prime Minister and the Privy Council Office and that, in their view, the hard-won and very challenging development assessment process that I spoke of yesterday —

The Hon. the Speaker: Senator Duncan, the time for debate has expired.

Senator Francis, are you asking for more time to hear and answer the question?

Senator Francis: I am asking for more time to answer the question.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Duncan: Thank you, colleagues. I appreciate that. I'll ask my question.

Senator Francis, how, then, am I to reconcile that information when I'm hearing that there is support? You are saying that the differences across the country are challenging, but I'm hearing that First Nations' rights are protected through the Constitution.

Senator Francis: Thank you for the question, senator.

As I mentioned in my speech, not all First Nations are the same in Canada. There are varying opinions. Some are for project approvals as soon as possible to get things moving, and others have a different opinion.

The important thing is that it is incumbent upon the government to seek out who the rights holders are and who is actually acting on behalf of the Indigenous peoples across the country, and to have true and meaningful negotiations and consultations with those groups.

We have 634 First Nations across Canada, and that's just First Nations without counting Inuit and Métis. It is a big task, but it is not impossible if it is done the right way.

Thank you.

Hon. Mary Jane McCallum: Honourable senators, I rise to speak today at third reading of Part 2 of Bill C-5, the building Canada act.

As colleagues will remember, I commenced my remarks on this bill at second reading yesterday, speaking to the profound negative impacts that First Nations and other racialized communities have seen from resource extractive activity. I also spoke about the dangers posed by the jurisdictional gap in our Constitution around the environment and how this has led to weakened and unevenly applied environmental law in Canada.

I would now like to speak briefly to Indigenous customary law and its intimate connection to the environment.

In the book entitled *The Right to a Healthy Environment: Revitalizing Canada's Constitution*, author David R. Boyd states:

> Indigenous, English and French legal systems existed for centuries in Canada prior to the passage of the *Constitution Act, 1867*, and continue to operate today. Indigenous law can be defined as "those procedures and substantive values, principles, practices, and teachings that reflect, create, respect, enhance, and protect the world and our relationships within it."
>
> . . . as the Supreme Court has acknowledged, the ongoing project of reconciliation with the Aboriginal peoples of Canada requires the integration of Indigenous legal concepts into Canadian law. For example, the court wrote that "aboriginal interests and customary laws were presumed to survive the assertion of sovereignty, and were absorbed into the common law as rights."
>
> . . . the *UN Declaration of the Rights of Indigenous Peoples*, which Canada endorsed in 2010, refers repeatedly to the importance of recognizing and respecting indigenous laws and legal institutions.
>
> One of the bedrock elements of Indigenous law common to many Aboriginal societies is the idea of a living Earth, with a set of rights and responsibilities governing the relationships between humans and the natural world. As John Borrows has written, "The land's sentience is a fundamental principle of Anishinabek law," and it contributes to "a multiplicity of citizenship rights and responsibilities for Anishinabek people and the Earth." Similarly, Mi'kmaq law is rooted in ecological relationships, extending legal personalities to animals, plants, insects, and rocks, and imposing legal obligations on Mi'kmaq persons.

Honourable senators, customary law still exists today and serves to protect the right to a healthy environment.

In continuation of my remarks around the existent right to a healthy environment as granted by the Canadian Environmental Protection Act, or CEPA, I would like to quote from the Library of Parliament's document, *Climate Change and the Right to a Healthy Environment: International and Canadian Developments*. Its author, Robert Mason, writes:

> In addition to this recognition of the right to a healthy natural environment through the UNDRIP action plan, the right to a healthy environment may have further implications in the context of Aboriginal and treaty rights, which are recognized in section 35 of the *Constitution Act, 1982*. While the nature and scope of Aboriginal and treaty rights vary, in general, climate change has detrimental impacts on the realization of these rights, particularly rights grounded in traditional land use practices. Courts have long recognized that Indigenous peoples have a right to be free from government actions that would substantially deprive them of the land or resources that sustain traditional practices, customs or traditions. Moreover, the Supreme Court of Canada has recognized that climate change has "had a particularly serious effect on Indigenous peoples, threatening the ability of Indigenous communities in Canada to sustain themselves and maintain their traditional ways of life."

• (1120)

The author continues:

> Several NGOs and groups of young people have recently sought judicial recognition that existing rights under the Charter include the right to a healthy environment. . . .
>
> . . . in *Environnement Jeunesse c. Procureur général du Canada* . . . the Court of Appeal of Quebec . . . concluded that the claim was not justiciable —

— this means whether the remedy can appropriately be granted by a court —

> — since it was focused on the inaction of government and would have essentially required the court to dictate legislative solutions.

Furthermore, author Robert Mason writes that in *La Rose v. Canada*:

> . . . the Federal Court found that the claims under sections 7 and 15 of the Charter were not justiciable because a remedy would essentially require "judicial involvement in Canada's overall policy response to climate change," which would be beyond the court's institutional legitimacy or capacity.

Honourable senators, the right to a healthy environment is generally understood to include both substantive rights, such as safe climate systems, clean air and non-toxic environments, and procedural rights, such as access to information and access to justice. Regrettably, however, in many instances, the access to justice through the court system remains the only option for First Nations, yet now that might not be an option due to government inaction.

Colleagues, Canada is not a dictatorship, yet the so-called "Henry VIII" clauses in Bill C-5 bring us dangerously close to that precipice. Will any of the bills that we will diligently study, debate and vote on in the future fall into the category of those being exempted as being incongruent with the government of the day's whims?

Honourable senators, in the event that Bill C-5 is seen to facilitate environmental racism, will the Senate then have the opportunity to recommend to the Governor-in-Council the abolition of Bill C-5? Given the increasingly truncated timelines for environmental reviews and consultation processes, we may well come to realize that, in its current state, Bill C-5 will not have improved nor enhanced natural resource development and energy production, as it is intending to do.

Within my remarks today, coupled with my remarks at second reading yesterday, I hope to have painted a picture of the dire state of affairs First Nations and other racialized communities face with regard to the negative outputs of resource extraction.

Their lands, waters, air, animals and the very people themselves have been ravaged by the various toxins, pollutions, "man camps" and overall degradation such extractive activities yield.

Despite Canada's constitutional ambiguity around environmental matters, which I have also spoken about, the federal government has made genuine efforts and tangible strides in legislating environmental justice and related protections. These efforts are best encapsulated in the Canadian Environmental Protection Act, or CEPA, which legislates the right to a healthy environment, as well as the environmental racism legislation that this chamber passed last May.

Colleagues, the paramountcy of our collective right to a healthy environment and the vital need to ensure Canada continues in its efforts to address environmental racism toward environmental justice must not take a back seat to any future natural resource project. The best way we can do this is to ensure that both CEPA and the National Strategy Respecting Environmental Racism and Environmental Justice Act are explicitly referenced not in Schedule 2, among those acts that can be bypassed by regulations, but rather in subclause 21(2), regarding those acts of Parliament that are not authorized to be added to Schedule 2.

MOTION IN AMENDMENT NEGATIVED

Hon. Mary Jane McCallum: Therefore, honourable senators, in amendment, I move:

That Bill C-5 be not now read a third time, but that it be amended,

(a) in clause 4, on page 19, by replacing lines 28 and 29 with the following:

"**(o)** the *Explosives Act*;

(p) the *Hazardous Products Act*;

(q) the *National Strategy Respecting Environmental Racism and Environmental Justice Act*; and

(r) the *Canadian Environmental Protection Act, 1999*.";

(b) in the schedule, on page 22,

(i) by deleting item 9 of Part 1 of Schedule 2,

(ii) by renumbering items 10 to 12 as items 9 to 11 and by making any necessary consequential changes to the numbering of cross-references to these items.

Hon. Hassan Yussuff: Honourable senators, I rise briefly to speak to the amendment proposed by Senator McCallum. I will respectfully urge colleagues to oppose it.

Our country faces an urgent and immediate crisis in the face of the ongoing American tariffs. The government received a strong electoral mandate to identify and expedite national projects that would transform the economy. This was central to the mandate letter issued by the Prime Minister to his ministers. It affects the legislative architecture of Bill C-5.

On the narrow issue before us, the proposed removal of this act from Schedule 2 and adding it to subclause 21(2) will inhibit the government's ability to streamline the federal approval for national-interest projects. The provision of the Canadian Environmental Protection Act in Schedule 2 relates to the disposal of permits that are one of the most common types of federal permits required for major projects. Removing this from Schedule 2 would remove the ability to include it among other common permits in the streamlined, single whole-of-government approach that the national interest scheme is intended to deliver.

Further, no amendments of this nature were brought forward in the other place and this element was not identified by any specific stakeholder as part of the House of Commons or this chamber considering this bill. While I recognize that the intent behind the amendment is to ensure environmental protections are upheld, there are other mechanisms in place to ensure the environment is protected.

This is addressed as part of Bill C-5 in the following ways: The environment is one of five criteria in which any project seeking designation as a "project of national interest" is considered against. Regardless of the federal approval process, this has no impact on the consultation process for Indigenous people or any provincial environmental assessments. There is a serious political recourse for the government should they approve a project with unmitigated and serious environmental impacts; for instance, a report must be released, outlining the considerations and the decisions made by the designated minister.

Given the challenges that amendments will present to the scheduling scheme of the bill and the stringent environmental protection already in place, the government respectfully cannot support the amendment tabled by Senator McCallum. I ask you to vote against the amendment, colleagues. 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?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "nays" have it.

And two honourable senators having risen:

• (1130)

The Hon. the Speaker: I see two senators rising. Is there an agreement on the length of the bell?

Some Hon. Senators: Fifteen minutes.

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

Hon. Senators: Agreed.

The Hon. the Speaker: The vote will take place at 11:45.

Call in the senators.

• (1140)

Motion in amendment of the Honourable Senator McCallum negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Batters
Clement
Francis
Housakos
MacDonald
Manning
Martin
McCallum
McPhedran
Miville-Dechêne
Pate
Prosper
Richards
Smith
Wells (*Newfoundland and Labrador*)—15

NAYS
THE HONOURABLE SENATORS

Arnold
Arnot
Aucoin
Black
Boehm
Boudreau
Boyer
Burey
Busson
Cardozo
Coyle
Cuzner
Dalphond
Deacon (*Nova Scotia*)
Deacon (*Ontario*)
Dean
Dhillon
Downe
Duncan
Forest
Fridhandler
Gerba
Gignac
Gold
Harder
Hay
Hébert
Henkel
Kingston
Klyne
Kutcher
LaBoucane-Benson
Lewis
Loffreda
MacAdam
McNair
Mégie
Mohamed
Moodie
Moreau
Muggli
Oudar
Patterson
Petitclerc
Petten
Pupatello
Ravalia
Ringuette
Saint-Germain
Sorensen
Surette
Tannas
Varone
Verner
White
Wilson
Youance
Yussuff—58

ABSTENTIONS
THE HONOURABLE SENATORS

Al Zaibak
Ataullahjan
Cormier
Marshall
McBean
Moncion
Robinson
Seidman
Senior
Simons—10

• (1150)

THIRD READING—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Yussuff, seconded by the Honourable Senator Varone, for the third reading of Bill C-5, An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act.

Hon. Paul (PJ) Prosper: Honourable senators, I was sworn into this chamber in September 2023. In my almost two years of sitting in this chamber, I've started to see some troubling patterns emerge.

First, like clockwork, an emergency rears its ugly head close to the holiday break in December and just before the summer recess in June. While I understand these periods just prior to an extended break are often referred to as "silly season" on the Hill, the constant and consistent chorus of "Senators, we must pass this bill without delay and without amendment due to . . . ." — insert court date, existential crisis or external pressure point here — is becoming tiresome. At what point will the government seek that court extension, start the process early or even decide to sit later so that we can actually do our jobs and do them well?

Senators who were here during the last Parliament may remember Bill S-7, which sought to amend the Customs Act and the Preclearance Act, 2016. It allowed border security to seize and search digital devices. This raised many questions around how to balance security with personal privacy.

As Senator Wells pointed out in his third reading speech:

> The government put forth the bill that we have before us just a few short weeks ago. Prior to that time, there was no active engagement by government officials with any outside parties. There was no indication of what they were contemplating. Instead, we had a bill dropped on the Senate with a demand that it be passed as quickly as possible. And you'll recall, colleagues, that it was introduced in the Senate on the day the extension expired.

We were told it was vital that we pass this legislation as soon as possible without delay. Yet, colleagues, Bill S-7 never made it past first reading in the other place, so I question how much of an emergency it truly was.

Programming motions are also becoming the norm. As a new senator, I bought into the argument that programming motions help to structure our time and avoid political games delaying key pieces of legislation. However, it now feels as though programming motions are nothing but shackles that constrain our ability to give thorough examination to bills — bills that would have significant impacts on our communities and the country as a whole.

Bill C-5, for instance, was amended in the other place to include allowances for an "active and meaningful" process of consultation. I would have appreciated the opportunity to bring in the minister responsible to ask them what that type of process would look like. Arguably, we should already be employing an active and meaningful process as the government seeks to meet its obligations under section 35 of the Constitution. That line brings me little comfort. In the conversations with rights holders over the past few days, that feeling is shared across the country.

Another pattern we seem to fall into a lot are pre-studies. In an attempt to understand more about this chamber, its history and why we have the Rules and procedures that we do, I reached out to the Canadian Senators Group's research bureau, which is an excellent resource. I want to share some portions of a briefing note they prepared on this subject:

> The practice of Senate pre-studies evolved from the process established by the Standing Senate Committee on National Finance in the 1940s for studying the Estimates before the related supply bills were introduced in the chamber. The Senate adapted the process to deal with sweeping reforms to Canada's income tax regime introduced in the 1970s following the Carter Royal Commission on Taxation. To facilitate more substantive review of the voluminous tax legislation, the Senate Banking Committee held meetings on the subject matter of the legislation before it was introduced in the Senate Chamber. The unique legislative process became known as the "Hayden Formula," after the chair of the Banking committee, Senator Salter Hayden. The intention of the formula was to allow the Senate more time to study complex legislation and make proposals for amendments that could be incorporated in the bill before it was passed by the House of Commons.
>
> In subsequent Parliaments, the Banking committee continued to use the Hayden Formula to study tax bills and other fiscal matters. Of the 30 bills pre-studied in the 1970s, 23 were conducted by the Banking committee. The purpose and scope of pre-studies, however, changed considerably in the 1980s. They were often used to accelerate the legislative process by allowing the Senate time to study bills that arrived in the chamber shortly before a recess period. A controversial 1991 government motion to refer four bills to committee for pre-study led Royce Frith, the Opposition Leader, to offer a "bouquet of repentance" for his original support of pre-studies when the practice began in the 1970s, saying "what was originally intended to have but limited application became the rule." In the same debate, Senator Douglas Everett, who had also supported the initial use of Senate pre-studies, observed that "pre-study has become a manner of getting Senate interference out of the way."
>
> Mounting frustration about the shifting practice of pre-studies meant that after 1990, the number of prestudies dropped considerably. In fact, between 1993 and 2009, only one non-budgetary bill — the Antiterrorism Act introduced in the wake of September 11 — was subject of a pre-study. Since 2010, the number of pre-studies has increased, though the majority have been for bills related to financial measures. In the 43rd and 44th Parliament, however, the assigned committee and legislative subject matter of pre-studies have become more diverse, with half of the bills referred to committee relating to non-financial measures.

• (1200)

Colleagues, not only have we lost our way with pre-studies as they were originally intended to be, but we have, as Senator Simons said yesterday, painted ourselves into a corner where after 12 hours of pre-study via Committee of the Whole, we are now asked to vote on a bill that has changed substantively. Colleagues, we have no ability to hear from witnesses as to the potential repercussions or unintended consequences of these amendments.

We also have not given any real time for First Nations to analyze these amendments and see how they address their concerns. Instead, we must rely on what few briefs and open letters we are able to amass during a time when many Indigenous leaders are in ceremony and celebrating National Indigenous Peoples Day and when much of Parliament is away on holiday for Saint-Jean-Baptiste Day.

The final pattern I want to point out today is that when the Senate begins to sink its teeth into issues embedded with these big, rushed and emergency bills and even a whisper of an amendment emerges, we inevitably receive a letter from one or more ministers trying to appease our fears and talk us out of passing amendments.

Case in point: Yesterday, on June 25, Senator Yussuff tabled a letter from Minister LeBlanc thanking us for our work and pointing to how the government has or will be addressing the concerns raised in our Committee of the Whole proceedings.

But, colleagues, I have seen this movie before. I've eaten the popcorn, and I know how it ends. I'd like to share with senators a passage from a June 17, 2025, open letter from the Assembly of Nova Scotia Mi'kmaw Chiefs to Prime Minister Carney on C-5:

> The government's background document for Indigenous audiences then claimed "[w]e have heard from Provinces, Territories and Indigenous Peoples that they want to see projects like mines, nuclear facilities, ports and other infrastructure prioritized." We see this statement as misleading, as it casts Indigenous Peoples in a singular light and certainly fails to capture our interests, since no advance discussions were held with us. Unfortunately, this is not the first time our Mi'kmaw leadership has been put in a compromised position when bills are rushed through the legislative process. It is becoming an alarming pattern at both the federal and provincial level. We are not being given opportunities to have our voices heard before the introduction, or during the passage of bills.
>
> When legislation unsurprisingly fails to address our interests, we are being given broken promises that our concerns will be addressed after-the-fact in regulations. Some of these examples include:
>
> 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* – This Act has serious potential to impact the section 35 rights of the Mi'kmaq of Nova Scotia. Despite having meetings specifically dedicated to emerging developments in the energy sector, this Bill was never put on the agenda nor raised by the Crown. We sit at several tables with the Provincial and Federal Governments where this bill should have been discussed but was never raised or flagged for us. From a relationship perspective, these types of omissions are highly erosive. Throughout the legislative process, our team was repeatedly assured that our concerns would be addressed in the regulations, but the proposed regulations make zero mention of Indigenous consultation or Aboriginal and Treaty Rights under s. 35 of the *Constitution Act*, 1982 and in no way address any of our feedback.

Those assurances came in — you guessed it — a letter from Minister Wilkinson.

Look also to Bill C-45, which legalized cannabis in Canada. Assurances were made in a letter from the Ministers of Indigenous Affairs and Health, promising to work on a framework that would enable First Nations to tax and regulate cannabis on reserve. However, seven years later, that has yet to happen. These broken promises have happened so often that our Indigenous Peoples Committee had a long list of studies dedicated to pushing the government to account for their lack of follow-through.

• (1210)

Bill C-5 has not only illuminated for me these troublesome patterns, but also highlighted that Canada is becoming a country of extremes. Gone is the ability to have a moderate social discourse. Instead, positions must be black and white with no grey space in between.

When I came out against the rushed nature of this bill and spoke about the need to amend or even delay its passage, the racist vitriol and threats my office experienced were so intense, staff asked for permission to not answer phone calls from unknown callers. That is not right and not acceptable.

Too often, Indigenous peoples are painted as barriers to progress. We are seen coming ". . . hat in hand . . ." to government, as one Canadian leader recently put it, and that upsets me because I know that all Indigenous people want progress. We are not opposed to building infrastructure and want opportunities to generate own-source revenue. No one wants to watch our children grow up in squalor, with no access to clean drinking water, no opportunity for good-paying jobs and no support for our sick and dying.

However, we do not want success and progress to come on the backs of Indigenous peoples. We want to be at the table making decisions alongside Canadian politicians, because these decisions affect us, our lands and our resources.

These racist tropes are built on a continued belief in terra nullius and the Doctrine of Discovery. They are born from the ongoing belief that Canada was a barren wasteland filled with savages prior to the arrival of the English and the French. Those who perpetuate stereotypes of lazy Indians are those who buy into the types of claims you see in editorials like Nigel Biggar's June 23, 2025, *National Post* article, which claims that the idea of Canada being built on stolen land ". . . historically and legally inaccurate." It's people who make the claim that they paid for the title to this land fair and square. It's folks who seriously ask, in their comments online:

> I wonder what the North American continent would look like without the White Man's immigration over hundreds of years.

This country has passed laws that restricted our ability to leave our reserves and forbade us from practising our traditions and speaking our languages. They have passed laws that caused our kids to be forcibly removed from us and put into residential schools. We were even barred from hiring lawyers to try to defend ourselves and our rights. By the by, colleagues, all those laws had to pass through this chamber in order to become law.

That is why we push so hard in this new era of reconciliation: to ensure that there is no backslide. Never again do we want to have decisions dictated to us. We want to be part of the discussion from the very beginning.

The sad thing, colleagues, is that we likely would have come to this place, or a very similar one, had the government done its job and taken the time to consult with Indigenous peoples. The

government's promise was to break down the remaining federal barriers to interprovincial trade by Canada Day. That's Part 1 of this bill.

Part 2 of this bill, the building Canada act, was never promised on such a short timeline. I am confident that by investing a few more months into this bill and ensuring that rights holders had an opportunity to share their thoughts and offer revisions, we would have seen this bill pass with overwhelming support. But I suppose now we will never know.

I will pause here to say thank you to my colleague Senator Patterson and her staff, who advocated so strongly for the inclusion of the voices of Indigenous rights holders in our limited proceedings on this bill.

I also want to thank my Canadian Senators Group, or CSG, colleagues, who recognized how important it was to me that we ensured there was Indigenous content on the record. They supported me by giving me ample opportunity to ask questions of ministers and witnesses. Thank you, dear colleagues, for creating the space for me to share my voice. It is because of that advocacy that we have such powerful words, like those of Chief Shelly Moore-Frappier of Temagami First Nation, in the Hansard. She told us:

> Canada continues to speak about nation-to-nation relationships and reconciliation. This legislation does the opposite. It asserts power over First Peoples, our resources and our rights. It was developed without us. It vaguely addresses our constitutional and treaty protections, and if passed, it will further entrench unilateralism as the default method of governing First Peoples.
>
> Bill C-5 is not reconciliation; it is a betrayal of it.
>
> The duty to consult has never been enough. It has always placed the burden of proof and advocacy on First Nations to defend our own rights, often with limited resources and no guarantees. . . .

Other right holders have reached out, insistent that we must hear from them before passing this legislation. While there is no longer an opportunity for them to speak to senators directly, I want to share some of their words with you.

Councillor Larry Sault, from the Mississaugas of the Credit First Nation, said the following to me in an emailed statement:

> Historically, "national interest" was the language used when Sir John A MacDonald (Progressive Conservative) championed his dream and was the driving force for the construction of the transcontinental Canadian Pacific Railway (about land and development). History records the atrocious acts he committed against our people to have them removed out of the path he wanted for CPR. Forced removal from our people's homelands, starvation tactics to have our people submit to his whims, killing off the sustenance (buffalo) etc. At the time it was called "the Indian problem."

He went on to ask, "Is this what Canada wants to see in 2025?"

Chief Raymond Powder of Fort McKay First Nation notes that:

> Our primary focus is economic reconciliation. This is the lens through which our Nation is approaching Bill C-5.

He goes on to note his community's desire to "give depth and meaning" to paragraph 5(6)(d) of the bill, which points to advancing ". . . the interests of Indigenous peoples." Later in his submission, he notes:

> We recognize the extremely short timeframe available for input on this proposed legislation. We will be available for meetings or consultations as they arise to make our voice heard during the legislative process. Fort McKay First Nation is a sovereign Nation, and we want to continue our direct relationship with the federal government.

• (1220)

Similarly, Chief Phyllis Whitford of O'Chiese First Nation writes:

> Despite all these decisions regarding our creator given gifts, we have never given up our responsibilities and authorities to care for those gifts. When King Charles III delivered the Throne Speech, he made a special reference to the right of free, prior and informed consent (FPIC). This is our treaty right . . . .
>
> Canada without discussion with our Peoples, introduced Bill C5: One Canadian Economy Act. Our Territories and Resources are going to be subjected to the unilateral decisions made by the Governor in Council. The process by passes Parliament bringing to an end — 400 years or more of parliamentary history. There is no need to have a House of Commons or a Senate — when Cabinet can make the decisions. Except, there is a problem. Peace and Friendship Treaties made with our Peoples. The Crown's subjects to do not get to make the rules to overtake our rights. While the House of Commons can give up its responsibilities to its constituents — we cannot give up our responsibilities and obligations to our future generations.

All across this country, similar sentiments are being expressed by rights holders and representative Indigenous organizations like the Assembly of First Nations.

In his letter, Minister Leblanc notes that:

> The proposed legislation aims to accelerate major projects without compromising legal obligations, such as UNDA and the Duty to Consult, or broader reconciliation objectives.

Well, colleagues, UNDA, in section 5 states that:

> The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.

Further, section 6(1) states that the government must ". . . prepare and implement an action plan to achieve the objectives of the Declaration."

Under the "Shared Priorities" chapter of the *2023-2028 Action Plan*, the very first priority area goal is to:

> . . . ensure a Canada where: Respect for Indigenous rights is systematically embedded in federal laws and policies developed in consultation and cooperation with Indigenous peoples affected by them.

Now, we are too far gone for Bill C-5 to be developed in consultation and cooperation with Indigenous peoples, but there is still an opportunity to ensure that this bill is amended in such a way that we embed our right to free, prior and informed consent, or FPIC, in this legislation. FPIC is not a veto; it is a standard of treatment and a recognition of our inherent right to self-governance and self-determination.

I know that many of you will be hesitant to amend this legislation. To many of my colleagues, refrains such as the following must sound all too familiar: "We must not go against the elected chamber," or "We shouldn't lose sight of the fact that we are appointed and thus do not have a mandate to amend the legislation that has already passed the other place," or — one of my personal favourites — "Trust us." However, the very reason we are appointed is so that we are outside the pressures of the electoral cycle and are able to stand on principle against poorly drafted legislation.

We are not "less than." We are a chamber equal in stature to the other place. We can draft and amend legislation. In fact, it is our duty to ensure that legislation is reflective of the regions we represent, and it is our duty to give voice to minorities that are often marginalized. I cringe when I hear people say that we need to back away from amendments lest it turn public opinion against us. Senators have often remarked on Canadians questioning our relevance. I say to you: We are only irrelevant if we make ourselves irrelevant.

I want to challenge you using the words of Chief Moore-Frappier:

> I remind you we are ready to move forward together. If Canada is serious about reconciliation, then it must start acting like a treaty partner. The honour of the Crown is not just ceremonial; it is the moral foundation of your relationship with First Peoples. That honour is on the line.

The Chief also said that the only real currency is trust.

Wela'lioq. Thank you very much.

MOTION IN AMENDMENT NEGATIVED

Hon. Paul (PJ) Prosper: Therefore, honourable senators, in amendment, I move:

> That Bill C-5 be not now read a third time, but that it be amended, in clause 4,
>
> (a) on page 10, by replacing lines 30 to 37 with the following:
>
> "Council must consider the following factors:
>
> **(a)** the extent to which the project can
>
> **(i)** strengthen Canada's autonomy, resilience and security,
>
> **(ii)** provide economic or other benefits to Canada,
>
> **(iii)** have a high likelihood of successful execution,
>
> **(iv)** advance the interests of Indigenous peoples by fulfilling Canada's commitment to obtaining the free, prior and informed consent of those peoples,";
>
> (b) on page 11, by replacing lines 1 and 2 with the following:
>
> "**(v)** contribute to clean growth and to meeting Canada's objectives with respect to climate change; and
>
> **(b)** any other factor that the Governor in Council considers relevant.".

Hon. Pierrette Ringuette: Senator Prosper, thank you very much for your comments. I will talk about two things. I have been here for 22 and a half years, so I had 45 events in December and June.

• (1230)

These are major considerations we have to think about. Senator Tannas made the same comments a year and a half ago about omnibus budget bills, our pre-studies and so forth. I've been trying, through many tiny issues, to change the culture, how we view this institution and how we want to use this institution for the people of Canada.

I will give you just a small example. Unless we collectively decide that we will adjourn mid-June and come back mid-August, and adjourn early December and come back early January, we will continue to have the same arguments without resolving them. It's just organizing how and when we sit, but it requires a culture change. It requires every senator.

Yes, I have a question. It's in regard to your second major comment and determining what encompasses meaningful consultation. You are sitting on a Senate committee. Will the Senate committee dealing with Indigenous issues study and table a bill that will define what meaningful consultation is for all federal statutes and have that be the end of — as I said, 45 times, probably even more — this very particular issue?

Senator Prosper: I appreciate the question and thank you for that, senator.

There is certainly a distinct need to identify the parameters and best practices with respect to consultation and the term "free, prior and informed consent." It has been used by government within the context of this bill, yet it is not included in this bill, so I completely agree that there has to be a concerted, focused effort on defining and breathing substance into consultation and free, prior and informed consent. Thank you for that.

Hon. Mary Coyle: Thank you to my colleague and neighbour Senator PJ Prosper for all of the work that you have done on behalf of all of us in this chamber. It's respected and appreciated.

I have a question about the amendment. It's more about the provenance of this because you would like us to improve the bill by passing this amendment. I want to know about the consultation process that went into producing this amendment and who stands behind it. I know you do, and you have talked about a number of people whom you've met with. I know we heard from people here in this chamber whom you referred to. I want to know who is behind it in addition to you, of course, and what confidence we will have that passing the bill with this amendment will satisfy the concerns that we have been hearing from Indigenous leaders.

Senator Prosper: Thank you for your question. I appreciate it, Senator Coyle.

I'd like to begin by referencing the testimony from within this chamber. Although very limited, I think it was quite clear and to the point with respect to the sentiments and the inadequacies of this bill. Further to your question and in addition to that, my office has had discussions with various groups across this country, such as the Chiefs of Ontario, the Regional Chief within Ontario, the Assembly of Nova Scotia Mi'kmaw Chiefs.

I want to thank the other senators who have sent open letters and those who have submitted to the senators themselves. We've been relying on that as well.

This isn't an exhaustive survey, from my perspective, of a unanimous consent of all rights holders throughout the country, but I think it's a good cross sampling of the need for further consideration. What we attempted to do through this amendment is to tweak the legislation to account for some of those interests. It's not all of their interests, but there is always a way to make at least key tweaks within the legislation that, at least in part, will address their issues. Thank you.

Hon. Lucie Moncion: Senator Prosper, are you aware that the English and the French versions of your amendment are not quite the same?

Senator Prosper: My apologies for that. I'm not aware of that. I thank you for pointing that out.

I will work to correct that, but I'm hopeful that the general tenor and substance of the texts align, even though there are some inconsistencies there. Thank you.

[*Translation*]

Hon. Lucie Moncion: All the words are there, but the English version and the French version don't match. If we read the English version and compare it to the French version, they don't line up at all. For instance, part of the French clause runs onto the next page. When these kinds of documents are presented, especially on the spot, it would be better if they were prepared properly. Thank you.

[*English*]

Hon. Marty Klyne: I'll ask the same question that I asked the Honourable Lisa Raitt and my good colleague here, Senator Brian Francis.

What is stopping tribal Chiefs and Chiefs in council from setting the table, inviting the government to that table and laying out the expectations of tribal councils or Chiefs in council for full consultation and engagement? I'm wondering what stops that.

The Honourable Lisa Raitt said there is nothing stopping them, but it's about precedence. I would like to hear your answer.

Senator Prosper: Thank you for your question, Senator Klyne. What I believe you said someone else suggested is what is stopping First Nations from having a dialogue on that.

It's my understanding that First Nations want to have that dialogue, but what you need is apparent willingness from government to come to the table, to undertake those discussions and to do it proactively and in a respectful way. Colleagues, this is all about trust. As the Chief said, the real courtesy here is trust.

The Hon. the Speaker: Senator Prosper, are you asking for more time? I believe Senator Klyne has a supplementary question.

Senator Prosper: Yes.

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

Hon. Senators: Agreed.

Senator Klyne: The driving factor on this is that we have these inherent rights and we have customary laws around how we negotiate that, but we also have the United Nations Declaration on the Rights of Indigenous Peoples law and the Truth and Reconciliation Commission's Calls to Action. But the other thing is that we have what they want. They want our resources, and they want our consent.

• (1240)

The question is this: do we have enough standing?

The Hon. the Speaker: Senator, please repeat your question.

Senator Klyne: I will summarize it.

We do have inherent rights and the customary laws of negotiation. We also have the resources and consent they want. I think that's enough to bring them to the table in order to listen to what we have to say and negotiate with us.

Senator Prosper: I agree; if you want to have a true dialogue, you need two willing partners to come together.

The government has made great strides toward reconciliation, certainly with the Truth and Reconciliation Commission Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples Act and the existing common law as it relates to section 35 Aboriginal and treaty rights. You need a government willing to respect their own laws in order for that to happen.

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, this past weekend, I celebrated National Indigenous Peoples Day by sun-dancing at the Alexander First Nation on Treaty 6 territory. It's a sacred ceremony that involves fasting, sacrifice and deep prayers for the people. It's something I've been doing since I was in my twenties. I'm grateful to Elders Fred and Melanie Campiou for including me and my husband, Allen, in their ceremonial family and for the kindness and humility they model for everyone who knows them.

Toward the end of the last day of the ceremony, member of Parliament Billy Morin, who was visiting the ceremony, and I were called to the tree in the centre of the ceremony. Special prayers were made, and a song was sung for the work we do here in Parliament. Senators, an Elder told me they were singing for all of us and for the work we are doing specifically here today.

One of the Elders — a man whose great-grandfather was a signatory to Treaty 6 — then spoke to me in the middle of the ceremony about Bill C-5. He expressed considerable misgivings about this legislation. He said he was afraid the bill would be used to take yet more land from him and his people. He wanted to come to Ottawa to tell us all about his connection to and deep knowledge of this land.

As the ceremony ended Sunday night, I left thinking about what he said and the moment Canada is currently in: our need for energy security and the massive geopolitical change we are experiencing now, all in the context of a country still trying to repair internal nation-to-nation relationships after more than a century of injustice.

I was thinking about the work that has been done in this chamber in recent years and decades — where we have come from and where we still need to go.

I was thinking about a table. Now, indulge me here, colleagues: The image in my mind as I left the sun dance and was driving home on Sunday night was a table in a field near Edmonton. Colleagues, join me in imagining this table as a representation of the legislative framework that protects the rights of First Nations, Métis and Inuit people.

The first leg of this table is section 35 of the Constitution Act, 1982 which states, "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed."

It defines "Aboriginal people" as First Nations, Inuit and Métis. It states that treaty rights include existing or future land claim agreements. This language was approved by our predecessors in the Senate in December 1981 as part of a legislative process that unfolded on both sides of the Atlantic.

The inclusion of section 35 was a major step and critically important. Still, those few lines left so much to be clarified. Indigenous leaders have spent the last three decades clarifying them, largely by taking the government to court. It's been a long, expensive process. There are far too many cases to cite individually. But now we do have a considerable body of jurisprudence about what section 35 means.

For example, in the *R. v. Sparrow* case in 1990, the Supreme Court established a set of criteria to determine whether an Indigenous right is infringed and in what circumstances infringement can be justified. At the time, the court said one of the many factors to consider was whether an Indigenous nation in question had been consulted or "at the least . . . informed."

In 2004, in *Haida Nation v. British Columbia (Minister of Forests)*, the court went further, finding the government has a legal duty to consult when it ". . . contemplates conduct that might adversely affect [an Indigenous right] . . . ." and that "Good faith consultation may in turn lead to an obligation to accommodate [Indigenous] concerns . . . ."

In the court's words, ". . . what is required is a process of balancing interests, of give and take." That's what we've seen in the years since. Progress has been imperfect and inconsistent. But overall, there's no comparison to the way things worked before the "duty to consult" entered our lexicon.

There's been an evolution in favour of dialogue, mitigation and accommodation. It doesn't always lead to outcomes everyone finds satisfying. But it is an evolution we can find encouraging.

Of course, section 35 doesn't solve everything; it's only one leg of the table.

In 2018, in *Mikisew Cree First Nation v. Canada (Governor General in Council)*, the Supreme Court found the duty to consult does not apply to the legislative process. That decision left many Indigenous peoples deeply frustrated, and I totally understand that.

Constitutional obligation or not, I certainly think it's a good idea for the government to engage Indigenous peoples as early as possible in the legislative process.

I credit the last government for several legislative successes borne of early consultation and even an attempt at co-development. These include the former Bill C-91 on Indigenous languages which my colleague Senator Francis was the sponsor of, and Bill C-92 on Indigenous child and family services which I had the honour to sponsor. And they include the second leg of the table that you are holding in your mind: the United Nations Declaration on the Rights of Indigenous Peoples Act. This act requires the government to modernize federal laws to reflect the 46 articles of the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, and to create and implement an action plan that achieves UNDRIP's objective. That action plan was issued two years ago. Annual progress reports are published online for all of us to see.

Of particular relevance to our current debate, UNDRIP Article 32 calls on states to obtain Indigenous peoples' free and informed consent prior to approving any project affecting Indigenous lands or resources.

Accordingly, Canada's United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan commits the government to working with Indigenous peoples to develop guidelines for government and industry about how to obtain free, prior and informed consent.

We have section 35 of the Constitution which, according to the Supreme Court, imposes on the government a duty to consult. That's leg number one.

We've got the United Nations Declaration on the Rights of Indigenous Peoples Act, through which Parliament has told government to go further in order to adopt free, prior and informed consent as leg number two.

My table's third leg is one of the specific commitments made in the UNDRIP action plan which was accomplished, namely the addition of a non-derogation clause to the Interpretation Act. This was done through the former Bill S-13, which we studied in the Senate in 2023 and which was adopted by our colleagues in the other place last November.

The Interpretation Act is a law that tells us how to interpret all other laws. The addition we made last year was something that Indigenous peoples had been seeking for over a quarter of a century.

This is the text we added:

> Every enactment is to be construed as upholding the Aboriginal and treaty rights of Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982*, and not as abrogating or derogating from them.

Previously, before Bill S-13 was passed, some laws contained this kind of safeguard, but many didn't. The exact wording varied from one law to another, creating potentially problematic inconsistencies in the way Indigenous rights were understood in different situations.

The point of Bill S-13 was to establish a single, uniform standard that would apply across the board, which is exactly what it did. It applies to every existing law. And it will apply to every new law that we study going forward, including Bill C-5.

Before last November, we might have felt the need to add a non-derogation clause to this legislation to ensure everyone understands that as important as a project might be, there is no possibility of opting out of Indigenous rights or taking shortcuts around them. Colleagues, people have tried to take shortcuts around our section 35 rights. The non-derogation clause was a fail-safe.

• (1250)

Now, though, with a non-derogation clause in the Interpretation Act, the centrality of Indigenous rights, as protected by section 35 of the Charter, is an inherent feature of every law, including this one.

At this point — and I thank you for holding the idea of that table in your mind — we have a table with three legs, all of which were built by Parliament. Legislators approved the language of section 35, adopted the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, Act and put a non-derogation clause in the Interpretation Act. Indigenous people fought for these changes for over 50 years.

But the fourth and final leg, the one that gives the table stability and prevents it from falling over, is not one that we as legislators can build.

In *Haida Nation v. British Columbia*, the case I cited earlier, in which the Supreme Court found that the government had a legal duty to consult, the Court also wrote this:

> In all its dealings with Aboriginal peoples, from the assertion of sovereignty to the resolution of claims and the implementation of treaties, the Crown must act honourably. . . .

And in the *Mikisew Cree First Nation v. Canada* case, where the court found that the duty to consult does not apply to the legislative process, the majority nonetheless found that the honour of the Crown does apply.

The honour of the Crown is an idea that goes back a long way. It's not something we can enact in law, but it's a crucial part of this process.

We actually have a colleague in our chamber who has written and spoken at length on the subject. I'm going to base my description of it on a speech that Senator Arnot delivered in 1997 — when he was obviously 12 years old — at the Sixth

Annual Poundmaker Memorial Lecture. Long before we had a Charter of Rights and Freedoms, we adopted the British understanding of acting honourably for the sake of the sovereign. Throughout history, appealing to the honour of the Crown:

> . . . was an appeal, not merely to the sovereign as a person, but to a traditional bedrock of principles of fundamental justice that lay beyond persons and beyond politics. . . .

It is from this understanding of the honour of the Crown that the Supreme Court has drawn the concept of the Crown's fiduciary duty in the context of fulfilling the promises of treaties and upholding Indigenous rights.

There is a story Fred Campiou told me that I want to quickly share. It's about treaty signing. This is a simplistic interpretation, but I hope you can stay with me on it. When it came to treaty signing, the Crown entered the treaty negotiations and the process and the signing with a piece of a paper, a written legal document based on the legal system of the Crown at the time. The Indigenous leaders came to the treaty signing and wanted to have a pipe ceremony. Their idea was to bring the Creator into this relationship. They wanted to develop a *wahkohtowin*, a sacred relationship with the people of this land, so that going forward, they would be a part of nation building. That *wahkohtowin* was the understanding that Indigenous leaders had regarding treaty signing.

I would argue neither side understood what they were signing at the time. The government took that treaty and started passing laws that affected Indigenous people in traumatic and long-standing ways. These laws caused the abduction of children from families and economic devastation in communities. The government passed those laws while the Indigenous leaders still thought that they had a *wahkohtowin*.

When I hear leaders like Treaty 6 Grand Chief Greg Desjarlais call Bill C-5 "a serious threat to our treaty rights," or when an Elder tells me at ceremony that Bill C-5 will take away his land, I hear them saying that they don't trust the Crown to act honourably. And who can blame them? We have over 150 years of dishonourable behaviour.

Even letters we received that are cautiously optimistic about the bill, like those from Fort McKay First Nation and the Métis National Council, are full of reminders to the government to act honourably if and when Bill C-5 passes.

I understand the pain created by the Crown's historic dishonourable behaviour. Frankly, I share a certain amount of skepticism about the honour of the Crown. But there's no amendment we can pass to change that. There's no bill we can adopt that will guarantee the honour of the Crown.

Legislators have built three strong legs of this table: the Constitution, the UNDRIP Act and the Interpretation Act.

And, by the way, that table I imagined when I was leaving the Sun Dance isn't floating in midair. It's standing firmly on Treaty 6 land. The treaties provide the important foundation for the nation-to-nation relationship. Those treaties remind us that we have a *wahkohtowin*, a sacred relationship that we can still reclaim.

At a certain point, we've put in writing everything we can put in writing. It's kind of a "you can lead a horse to water" situation — or, as my husband would say, "You can lead a hippie to water, but you can't make him wash." We have done everything. We have led the horse to the water.

We've enshrined First Nations, Métis, Inuit and treaty rights in the Constitution. We've passed the UNDRIP Act, adding free, prior and informed consent as one of the principles of consultation. We've amended the Interpretation Act. This bill mentions all those things. I don't think there's anything more we can do to the text of the bill to protect Indigenous rights.

Senator Klyne, we've set the table.

Now, at this pivotal and deeply uncertain moment for Canada, there is an opportunity for the government to achieve great things by acting honourably. It's an opportunity for all our leaders to come together, do the hard work of consultation and compromise, find common ground and grow this country.

In a press conference, the Prime Minister said he wants to put ". . . Indigenous partnership at the centre of this growth. . . ." The Minister of Indigenous Services has spoken about the ". . . importance of relationship . . ." in the context of Bill C-5.

The Hon. the Speaker: Senator LaBoucane-Benson, I have to interrupt. Would you like to ask for more time?

Senator LaBoucane-Benson: Yes.

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

Hon. Senators: Agreed.

Senator LaBoucane-Benson: Thank you, colleagues.

She says that the relationship will be ". . . a priority and a critical part of the work ahead."

I agree about the importance of this relationship. The nation-to-nation relationship — our *wahkohtowin* — has always been about sharing the land for mutual benefit. But it hasn't always worked out that way.

My plan is to support this bill, unamended, with all the legislative safeguards already in place, and then hold the government to its commitment to respect the relationship and behave with honour from my position as legislative deputy.

I understand the impulse to slow things down, but we are at a moment of potential crisis. As the president of the Manitoba Métis Federation noted, we are facing the threat of "economic war" and the risk that Canada's economic engine will break apart in a way that will harm low-income and vulnerable Canadians the most. There will have to be consultation on projects. That's where the consultation has to happen, on each project, as they are proposed, because the law already demands it. But we need to move forward and begin consulting on actual projects in the national interest.

Again, thank you very much for indulging me on my table metaphor. I hope my table is one where people will sit together, consult, negotiate and listen to each other with humility and respect and build a better future. Thank you.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: The time reserved for debate had expired. Senator LaBoucane-Benson, I see two senators rising. Are you asking for more time to answer questions?

Senator LaBoucane-Benson: If the chamber will indulge us, yes, I will.

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

Hon. Senators: Agreed.

Senator Prosper: Thank you so much for sharing your story. My brother goes to Sun Dance every year, and I can relate.

The thrust of your speech was about how there is nothing more we can really do and that the honour of the Crown must take root here. It's on government.

Do you think a positive reference within the bill on FPIC, or free, prior and informed consent, could provide some useful guidance for government and First Nations moving forward? Thank you.

• (1300)

Senator LaBoucane-Benson: Thank you, senator. With regard to having this mentioned in the preamble, my personal opinion is that the preamble sets the intention. If this goes to court — because if the honour of the Crown is not there, it could wind up there — the judge will look at the preamble and ask, "What was the intention?" Our section 35 rights are located in the intention. So we have already called it to mind for the Crown to act honourably.

Hon. Denise Batters: First of all, sometimes the preamble is unfortunately inoperable, but that's a good wish.

I actually want to ask Senator Brazeau's question from yesterday. He wanted to address that question to the sponsor of the bill for the government or to the government. I want to see if we can obtain an answer for him. The question he initially directed to Senator Housakos, who had just spoken, was this:

> Senator Housakos, I was just building up on the meeting in July with Indigenous leaders. I meant to ask this question to the sponsor of the bill earlier, but time ran out.

He said he wanted to get a bit creative so that he could ask it. He wanted to know this:

> . . . what exactly is the purpose of the meeting with Indigenous organizations? I ask this because I am the former head of one of the five national organizations, which are all funded by the Government of Canada. Many of these organizations are funded to play ball with the government.
>
> Wouldn't it be important to have clarification on why the meeting is taking place with Indigenous organizations, given those five Indigenous organizations in Canada are not the rights holders of anything? They are political lobby organizations. Hypothetically, what happens if a future project of the Government of Canada includes the Algonquin people? Well, the Assembly of First Nations, the Métis National Council, the Congress of Aboriginal Peoples, Inuit Tapiriit Kanatami and the Native Women's Association of Canada do not represent the Algonquin people. Do you think it's important . . . to seek clarification as to what exactly is the consultation process taking place on July 17, and is that really helping the process for the real First Nations in this country?

That was Senator Brazeau's question. Could you provide the government's answer? Thank you.

Senator LaBoucane-Benson: Thank you, senator, for the question. The Prime Minister said specifically that he will be consulting with rights holders. As important as are the Assembly of First Nations, or AFN, and the Métis National Council, or MNC, they are not rights holders. I heard the Prime Minister say that he is consulting with rights holders this summer. Then, for every national project proposed, the rights holders who would be affected by the project being proposed will be consulted.

It is not that the AFN wouldn't be at those meetings, but the rights holders will definitely be at the meetings. I hope that helps Senate Brazeau.

Hon. Leo Housakos (Leader of the Opposition): Honourable senators, I will try to be brief. Senator Prosper, thank you for your amendment and — more specifically — for doing your job.

Colleagues, far too often we are appointed to this place and get carried away with the mechanics of Parliament and politics. Sometimes we even become enamoured with the perceived influence we might or might not have. Every single time I see an individual who comes here and does what they are supposed to do, which is to articulate and stand up for the community they represent regardless of which part of the country it is, I take my hat off to them.

As you know, Senator Prosper, I support Bill C-5. I support it in principle because I think this country for the last decade has been thirsting to unleash our natural resources and start to create

wealth again. As you appropriately said in your speech, to create wealth appropriately for all Canadians — French, English and — of course — our Indigenous People: east, west and everyone in between.

However, like you and many others in this chamber, I have some concerns. I articulated those concerns on second reading. I'm not going to repeat them again. I think this was a poor piece of legislative crafting. I thought at the time when I spoke at second reading that this was a political exercise after an election campaign in which millions of Canadians — even if they voted for the government or the opposition — wanted change over the last 10 years. They felt that many of our policies were just too cumbersome, had too much red tape, and they wanted to start building wealth again.

Again, as I pointed out, I'm concerned when you have Minister Freeland, Minister Champagne, Minister Anand and Minister Guilbeault, the fathers and mothers of Bill C-69 and Bill C-48, and all the other environmental extreme regulation that has basically caused the inertia of our energy wealth sector in our country. I'm very concerned.

This bill is highly aspirational. For me, it is more a framework of something that the government is trying to achieve rather than a piece of legislation. We saw how quickly they put it together without any real thinking or strategic planning. They dropped it into the House of Commons where some good amendments were made to it. They could have made many more if they had had more time to look at its nuts and bolts. I can live with what they are proposing simply because we are racing against the clock.

Having said what, this is what concerns me the most. It's not so much that once again the Senate finds itself under the gun of the government, saying, "We must get this done by July 1. If we don't get it done, it's going to be the end of the world." We know it won't be the end of the world. This is a government that, at the end of the day, used an executive order to do away with the carbon tax, which they had been defending for nine years. They used an executive order to get rid of the GST on newly built homes costing $1 million.

By the way, there is no such thing as an executive order in Canada; that's a Donald Trump thing. We have order-in-council in Canada, and that doesn't apply to these bills. That's an entirely different debate for another time.

The true concern I have is that, when it is all said and done, they were willing to postpone the budget to the fall to get it right, but they were not willing to postpone this piece of legislation to September or October to get it even more right. The question I have is this: For your flagship piece of legislation, you are not willing to do it right and go through the legislative rigmarole and review and all the rest of it, so I don't know how much of a flagship policy it is. We all know it is going to pass before July 1. We know it will pass momentarily. We know the government has enough appointees here that if they split their votes three ways, the legislation will still pass, as it should, because the upper house — Senator Harder is absolutely right — has the final word. That is the elected chamber of Parliament.

But this place is where we have concrete debate, thanks to amendments like yours. I have become very concerned over the last few days about the fact that First Nations people — and I have heard it now from various corners of this chamber but also from leaders of First Nations people across the country — feel that no consultation was done. I ask myself this: How could a government that knows how critical this piece of legislation is to the future of the country, facing the existential economic crisis that we are now facing, not have taken the time to do this a month ago? This is not new. Throughout the whole election campaign, they were focused on building more infrastructure, big infrastructure, national projects, energy projects. So they didn't wake up the Prime Minister three weeks ago and say, "Oh, I need a flagship piece of legislation. Oh, I think we also heard about it in the Speech from the Throne."

So we have a government that professes that the First Nations people are important to them, yet they didn't take the time to consult far and wide. I have heard it now from far and wide.

Of course, I heard it in your speech. You brought back memories of some of the dark periods of our history, the way First Nations people were treated, and we all recognize that. We are a country that doesn't participate in revisionist history. We believe that you learn from history so that you don't repeat the mistakes of the past, and we go forward hand in hand in reconciliation. But I'm also the son of an immigrant who's been in Canada not 150 years or 100 years; I have been here only 57 years. Over the last few decades, I have seen a willingness among French, English, Indigenous people and everyone in between to go forward hand in hand to build a better future. In my province I have seen that some of the best infrastructure and energy projects were done in consultation and negotiation with First Nations people. They worked and were win-win for everyone involved.

I scratch my head as to how a newly elected Prime Minister with a clear mandate and the support of both chambers of the House — because we know how important this issue is — has not taken the time to consult far and wide. The Deputy Leader of the Government, rose up in the chamber and delivered a very compelling speech. She highlighted all the bills, motions and check files we have in place to make sure First Nations people are respected. Yet, as I have learned in my 17 years in this place, laws don't mean very much. UNDRIP doesn't mean very much. CEPA doesn't mean very much. These are all nice motions to placate various stakeholders and groups at various times in a process.

They only mean something when a government is willing to respect those laws, rules and regulations, and when there is a political will to back them up.

• (1310)

I'm ready — and this is a political and philosophical view — to bend some environmental red tape in order to get projects done because I think our country needs it. I think we're on the verge of bankruptcy, and that my prophecy will be proven right in the next budget that's tabled in the fall. So we need action. We need to create jobs. We need to get revenue up. We need to get tax dollars in. We need to start paying down debts and deficits that have ballooned over the last decade. But what we can't afford is

to go forward in building these massive infrastructure projects without properly treating our First Nations people as partners. And we can't be saying it just in law, in virtue signalling and in nice public declarations, when the buck is on the table and we have to divvy up the pie and figure out when the deal is made — that we start negotiating with our First Nations people like partners, like shareholders.

The opposition in the Senate and in the House of Commons continue to support Bill C-5 though we are skeptical — optimistic, but skeptical — that the government has the political will to get it done. We are becoming even more skeptical; the way they are dealing with our First Nations people is a continuous replica of errors we've seen in the past. Thank you, colleagues.

Some Hon. Senators: Hear, hear.

Hon. Bernadette Clement: Honourable senators, I rise in support of Senator Prosper's amendment. I want to acknowledge and deplore that you and your staff had to read racist vitriol online.

I understand the urgency of this legislation. Canada is facing uncertainty and that requires action. But we shouldn't be rushing at the expense of actually listening to the people who will be most negatively impacted by this bill. It won't be those of us in this chamber. It won't be policy-makers. It won't be executives of oil and mining companies. It will be the communities and workers.

As a legal aid lawyer who specializes in workplace safety, I have seen the impact of ineffective and weak regulations. I've seen my clients suffer from occupational diseases and cancers caused by polluted workplaces during times when regulations about hazardous materials and safety were less stringent. We need to learn from these times and not make the same mistakes over and over again.

So I tabled 10 documents yesterday; 9 of which came from Indigenous communities, organizations and rights holders. I'd like to highlight a few of their stories. They may also respond to Senator Coyle's question to Senator Prosper.

Okimaw Henry Lewis, Chief of Onion Lake Cree Nation, wrote:

> Our traditional lands are already heavily impacted by clearcutting from the logging industry, and our territory lies within the path of ongoing industrial development. We are not newcomers to the harms of environmental degradation and jurisdictional confusion. We live with these consequences daily.
>
> We oppose this Bill in its entirety.
>
> The Senate's role as a chamber of sober second thought is a constitutional safeguard. We ask that you consider the significant impacts this Bill has to our people, our lands and our waters in its current form.
>
> We are not stakeholders. We are Nations.

Chief Billy-Joe Tuccaro of Mikisew Cree First Nation agreed that communities will be hurt. He wrote:

> There are human costs to the unmitigated development on our territory. We are burying our people monthly, sometimes weekly, dying from cancer including rare forms of cancer. We are and have always been collateral damage. On our own land, we have witnessed the devastation of "profits over people."

Gary Quisess, Chief of Neskantaga First Nation, described the realities of his community — the high cost of living, a severe housing shortage and a lack of access to basic services like health and mental health. Vulnerable community members were recently evacuated after the only health centre was flooded. Neskantaga has been on a boil water advisory for over 30 years, the longest boil water advisory in Canada.

Chief Quisess described his community as enduring a long-standing social emergency. He wrote:

> It is for this reason that we are so appalled by Canada's invocation of an 'emergency' related to the tariff war with the United States as a pretext for accessing our lands and resources without our free, prior and informed consent. We say very clearly: there will be no 'constitution-free zones' in Canada, even in an 'emergency.'

We're all anxious to respond to the rapidly changing world we live in. We want to see Canada thrive. This sometimes feels like an emergency, but is it? Everyone here lived through the COVID-19 pandemic. Some of us have loved ones who didn't make it. That was an emergency. Communities who don't have safe drinking water or who face pollution-related illnesses, that's an emergency. Growing our economy? Nation building? Yes, that's urgent; it requires a timely and efficient response, but it doesn't require the trampling of Indigenous rights and our environmental protections.

Senator Prosper's amendment turns a "may" into a "must" and adds what we've heard from so many — a commitment to obtaining free, prior and informed consent. If you listened to witness testimony and reviewed the briefs submitted, you would have heard and read that reinforcing free, prior and informed consent is of the utmost importance. By adding this amendment, it is being responsive to those who have sent us feedback. It cultivates the trust that Senator Prosper has been talking about and builds stronger relationships.

I'm sure that if we had more time, in addition to this amendment strengthening the requirement for Indigenous communities' consent, many of us would want to see stronger wording to ensure environmental protections were firmly in place. But that's the problem with this process. It's framed as an emergency when it isn't. I worry that, years from now, there will be more clients like mine suffering from workplace diseases and cancers. There will be more boil water advisories. There will be more clear-cutting. And these will be real emergencies.

I agree with putting that language up front and in the legislation, as Senator Prosper said when he was questioning witnesses here in this chamber. I disagree with Senator Housakos who said the wording of those laws don't always matter. The words do matter. That's what we do here. We put those words in those bills and, yes, we hope for political will. Of course. Always.

I may very well vote for Bill C-5 in the end because when I go into my community, Canadians are anxious. We hear that; they want action. And they see this as possible action, and I understand that.

[*Translation*]

I understand that Canadians are nervous and anxious. I understand that they want action and that they see this bill as action.

[*English*]

But my job as a senator includes listening, questioning, reviewing and amending legislation to make it better. This amendment makes it better. It makes it better for Indigenous communities. It makes it better for the long-term view that we need to have when we legislate. It makes it better for fostering trust and relationship building which makes the bill better for all of us.

I'll end here on what I heard from Pam Palmater, a member of the Eel River Bar First Nation and Chair in Indigenous Governance at Toronto Metropolitan University. She was speaking with Desmond Cole on "The Breach Show." Here's what she said:

> Environmental protections are not red tape. Indigenous rights are not red tape, and certainly workers' rights and protections are not red tape. Red tape is if you have to fill out 50 of the exact same forms, if you have to wait for someone to stamp it. Bureaucratic delay is red tape. None of these legal rights in Canada are red tape.

Thank you. *Nia:wen*.

Some Hon. Senators: Hear, hear.

Hon. Colin Deacon: Honourable senators, I get to sit beside an incredibly inspiring and principled man, and I really appreciate that. Today, I love the idea of getting to study really narrowly focused and short pieces of legislation. This is not one of those pieces of legislation, and we are hearing about the complexities when you have a more aspirational and challenging objective in front of you.

For this reason, I want to focus on the extent to which our Prime Minister has committed to fulfilling the rights and responsibilities outlined by Senator LaBoucane-Benson.

Bills like this require compromise and faith. I don't think any of us have passed a bill that scores better than a B or a B-plus in our time here. We don't get the opportunity to see many A bills. They all have flaws and imperfections. We have to realize there is an obligation to do better.

• (1320)

Bill C-5 is one of those astonishing pieces of legislation that is requiring us to work together on climate change, a global net-zero objective, energy production, environmental protections, Indigenous rights, provincial concerns and grievances — all coming together in one piece of legislation. This is as tough a piece of legislation as any of us have ever faced.

Within that list, I think Indigenous Canadians have had a unique position, given past practices in this country. I'm part of a substrate of the human race that has caused a lot of harm in the past, so I acknowledge the irony of me speaking on this issue. There are a lot of harms that have eroded the ability to have trust. As Senator Francis said, after generations of harms and exclusions, Indigenous Canadians have a greater stake than most. I think there is a lot of truth to that very simple and clear statement.

A precondition here is that the Prime Minister has put forward a really clear precondition on any project that he wants to consider under Part 2, which is that it has to have Indigenous support. He said that to the provinces before they met: Bring forward projects, but they must have Indigenous support.

When you consider the honour of the Crown, not only did King Charles speak his own words about the paramount importance of words and deeds as they relate to relationships with Canada's Indigenous peoples; he spoke the Prime Minister's words. That puts the Prime Minister in a position where he has caused the monarch to make promises. There are a lot of relationships and deals — I call them "deals" because I think that's the way people should think of treaties; they're deals. We like to honour deals in Canada, yet we have not honoured those deals. So it's a commitment:

> To build Canada strong, the Government is working closely with the provinces, territories and Indigenous peoples to identify and catalyse projects of national significance. . . .

It goes on to say to accelerate major projects ". . . while upholding Canada's world-leading environmental standards and its constitutional obligations to Indigenous Peoples."

Further:

> The Government will be a reliable partner to Indigenous Peoples, upholding its fundamental commitment to advancing reconciliation. Central to this commitment is the creation of long-term wealth and prosperity with Indigenous Peoples. . . .

Those are commitments that our Prime Minister asked King Charles III to make on behalf of his government.

Rights, lands and processes have been trampled in the past. We have a situation where Prime Minister Carney has promised to cut a new path and establish a new practice. If he doesn't — and I remember seeing the clip of you outside the House of Commons, saying, "If you don't do it now, you are going to do it later in the courts." I think the Prime Minister must know that if we don't establish a new practice now, this will end up slowing everything down in the long run. The objective of this bill will be undermined.

To go back to last night, Senator Duncan made a very passionate speech about sharing the model of success that she and many others worked hard to establish in Yukon. This is something we have to trust the Prime Minister to generalize. This is not and has not been the general practice. By speaking so long about this in the Senate and by it being such a concern in the Senate, I think we are reinforcing that if that new model isn't followed, court action will be reinforced by the fact that we were deeply concerned about this issue in the chamber at this time.

So I'm hopeful that the Prime Minister will be leading a process of implementing this bill that follows the models of success like the one Senator Duncan spoke about so well last night. That's the basis on which I'm looking at this bill.

I really respect the passion and integrity you bring, Senator Prosper. Thank you.

Senator Prosper: Thank you.

[*Translation*]

Hon. Pierre J. Dalphond: Honourable senators, I would like to explain to you why I oppose this amendment and support the passage of Bill C-5 without amendment.

I want to talk specifically about Part 2 of the bill, which enacts the building Canada act, following my careful consideration of the concerns that were raised in the Senate in Committee of the Whole and in the speeches given by some of my colleagues.

This act seeks to give our country the tools it needs to deal with the challenges and upheaval caused by the tariff war being waged by the U.S. administration.

My speech will have three parts: the economic context surrounding Bill C-5 and the urgent need for special tools to respond to it, the concerns raised by environmental groups, and the concerns raised about the rights of Indigenous peoples.

[*English*]

Colleagues, the economic context surrounding Bill C-5 justifies its expedited adoption. In the six months since President Trump took office, Canada has faced a series of actual and proposed tariff measures, including a recent 50% tariff on aluminum and steel. Our trade relationship with our neighbour and still closest ally is undergoing a fundamental shift marked by growing unpredictability. As a result, we see declines in our exports to the U.S., layoffs around us and the cancellation or postponement of major projects.

According to a recent Bloomberg report, a recession has already begun in Canada. In these circumstances, our government must take bold actions to encourage projects that can reinforce Canada's economy and create jobs. This is precisely what the building Canada act sets out to do by providing means to encourage and accelerate major nation-building projects that support the government's ambitious but, I believe, entirely achievable goal of making Canada the G7's strongest economy.

I now move to my second point, which is the various concerns raised by environmental groups. There is no doubt in my mind that unlocking Canada's economic potential must go hand in hand with environmental stewardship. I also believe that Prime Minister Carney, who was, until recently, the United Nations Special Envoy on Climate Actions and Finance and was behind the United Nations' Net-Zero Banking Alliance is the person best equipped to unlock our tremendous economic potential while respecting our environment.

Thus, I am not surprised to see in the preamble of the building Canada act the government's commitment to upholding rigorous environmental protection standards, and in clause 4 a clear statement that environmental protection is one of the act's purposes.

The act also states that in deciding whether to add the project to Schedule 1, the Governor-in-Council may consider the extent to which the project can contribute to clean growth and to meeting Canada's climate change objectives, as we see in subclause 5(6).

In addition, certain provisions of the act provide for greater transparency that will encourage questions in the House, in the Senate and among the public about environmental issues and the ways the government has been dealing with them, such as the reasons for orders made under the act; a public registry; the content of authorizations issued to proponents of projects, including all their conditions; and the public release of all documents and information used to issue the authorization. This ongoing provision for transparency will encourage questions, including ones about the environment.

• (1330)

Furthermore, the act, as amended, prevents the government from adding projects to the list while Parliament is prorogued or dissolved. In other words, the government may exercise its special powers only if Parliament is in session and able to question its decisions and call meetings of parliamentary committees to review them.

Finally, clause 24 provides for ongoing review of the government's use of the powers granted by the act to be guided by the common good of Canada, including the quality of the environment. This ongoing review will be made by a special joint committee of MPs and senators referred to in the Emergencies Act. Senator Harder was a member of the previous iteration of the committee. It must review the exercise of the government of its powers under the act and must report to both houses at least once every 180 days. This is an ongoing review process regarding whatever decisions will be made.

And, of course, any government decision may be challenged by a judicial review if it breaches the provisions of the act or is contrary to its purpose and goals or the Charter of Rights or any other applicable bills. Judicial reviews have been used effectively by environmental groups in the past.

I now move to the concerns raised by some Indigenous leaders, especially about the need to consult and to seek free, prior and informed consent. Incidentally, in reviewing the act, I noticed no fewer than 10 specific references to Indigenous rights and interests. Moreover, following an amendment adopted in the House of Commons last Friday, subclause 21(2) expressly restricts any sidestepping of the Indian Act.

It is also important to distinguish between three important steps that were confused in some of the speeches: first, the implementation phase of this act; second, the selection of the major projects, which would lead to an approval; and third, the carrying out of any approved projects.

On the first point, regarding implementation of this bill, I understand that the Prime Minister will hold separate meetings in July with First Nations, Inuit and Métis to discuss the framework to implement the act.

With regard to the second step, during an appearance before us, the Minister of Crown-Indigenous Relations said that the new office will include an Indigenous advisory council; thus, an Indigenous perspective will be part of the process for selecting projects.

In connection with the third step, the act makes clear that consultation with Indigenous peoples whose rights may be adversely affected by any specifically approved project is mandatory.

Moreover, colleagues, before any work can be carried out on the ground, the government and proponents must ensure that the rights enshrined in our Constitution, at section 35 of the Constitution Act, 1982, are fully respected. Statutory law, including this bill, cannot override the constitutional protections of section 35, which encompasses a duty to consult with Indigenous peoples.

To quote from the Department of Justice:

> Where the Crown is contemplating undertaking conduct that could have an adverse impact on section 35 Aboriginal or treaty rights, the Crown has a duty to consult with the rights holding group . . . .

They continue, saying, "Both the Crown and Indigenous peoples are required to engage in consultation in good faith. . . ."

They continue:

> The scope and content of the duty to consult vary with the circumstances and are proportionate to the preliminary assessment of the strength of the claim and the severity of the potential adverse impact on the right. . . .

This flows from the Supreme Court's decisions in *Haida* and *Mikisew*.

Moreover, the effect of good-faith consultation may be to reveal a duty to accommodate, as affirmed by the Supreme Court in *Haida*. It also bears emphasis that section 35 cannot be infringed lightly. In fact, the Supreme Court has drawn significantly on section 1 jurisprudence in developing a high burden of evidence on the government to not comply with section 35. As summarized by the Department of Justice:

> . . . in *Sparrow*, where the SCC set out a two-step process of analysis starting with whether the measure had a valid legislative objective. If yes, the inquiry proceeds to the second stage of inquiry, which is guided by the Crown's fiduciary relationship with Indigenous peoples and the goals of reconciliation. At this stage of inquiry, the test must be adapted to the legal and factual context in which the infringement arose. While the considerations will vary with the circumstances, they might include whether there was as little infringement as possible, whether fair compensation was provided and whether the collective was consulted.

Simply put, section 35 provides Indigenous peoples with robust constitutional protections that Canada must uphold, including in its actions under the building Canada act.

Overall, I am confident that the executive will exercise its powers under the act in good faith and with respect for its obligations towards Indigenous peoples. If the executive oversteps, my experience as an appellate judge assures me that the courts will not hesitate to intervene.

In this regard, I wish to share with you a historic decision — many of you were not yet born when it was made — from my home province of Quebec, the *Kanatewat* decision, which was rendered prior to the Constitution Act, 1982, and the section 35 we know today. This was at the beginning of the 1970s. I was still a teenager.

In 1971, Quebec announced a vast hydroelectric project in northern Quebec. The proposed plan involved the creation of large reservoirs that would flood vast territories inhabited by the Cree and the Inuit, who brought proceedings for an injunction before the Superior Court of Québec.

On November 15, 1973, the Superior Court of Québec delivered a historic 183-page decision granting an interlocutory injunction that stopped the work that day.

While the decision was suspended within a week and later overturned on appeal, it brought about the negotiations that would lead to Canada's first modern Indigenous land claim agreement and treaty, the James Bay and Northern Quebec Agreement.

Colleagues, our legal and social frameworks have come a long way in the 50 years since this judgment of the Superior Court of Québec. The rights of Indigenous peoples are now more explicitly recognized and robustly protected, including through section 35 and associated case law, as they rightfully should be. In the Canada of today, I trust the courts to stand firm and intervene if the government falls short on its obligations to Indigenous peoples.

[*Translation*]

In closing, honourable senators, we have before us a bill that confers a great deal of power on the executive branch, while also setting out clear requirements for transparency and democratic oversight. This bill aligns with the constitutional framework that protects Indigenous rights and the Charter rights of all Canadians.

In my opinion, this bill strikes a balance between our principles and the priorities at play. That is why I urge you to join me in voting against this amendment and in favour of the bill.

Thank you. *Meegwetch*.

• (1340)

[*English*]

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

Hon. Senators: Yes.

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

Some Hon. Senators: No.

The Hon. the Speaker: It's rejected. I didn't hear any "yeas."

And two honourable senators having risen:

The Hon. the Speaker: Is there an agreement on the length of a bell?

Some Hon. Senators: Fifteen minutes.

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

Hon. Senators: Agreed.

The Hon. the Speaker: The vote will take place at 1:55 p.m.

Call in the senators.

• (1350)

Motion in amendment of the Honourable Senator Prosper negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Al Zaibak	McPhedran
Ataullahjan	Miville-Dechêne
Batters	Pate
Black	Prosper
Clement	Quinn
Downe	Robinson
Francis	Seidman
Hay	Simons
Housakos	Smith
Karetak-Lindell	Tannas
MacDonald	Verner
Manning	Wells (*Newfoundland and Labrador*)
Martin	White
McCallum	Wilson—28

NAYS
THE HONOURABLE SENATORS

Arnold	Kutcher
Arnot	LaBoucane-Benson
Boehm	Lewis
Boudreau	Loffreda
Boyer	McNair
Burey	Mégie
Busson	Mohamed
Cardozo	Moodie
Cormier	Muggli
Coyle	Oudar
Cuzner	Patterson
Dalphond	Petitclerc
Deacon (*Nova Scotia*)	Petten
Dean	Pupatello
Dhillon	Ravalia
Duncan	Richards
Forest	Ringuette
Gignac	Saint-Germain
Gold	Sorensen
Harder	Surette
Hébert	Varone
Henkel	Woo
Kingston	Youance
Klyne	Yussuff—48

ABSTENTIONS
THE HONOURABLE SENATORS

Aucoin	Marshall
Gerba	McBean
Ince	Moncion
MacAdam	Senior—8

• (1400)

THIRD READING—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Yussuff, seconded by the Honourable Senator Varone, for the third reading of Bill C-5, An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act.

Hon. Yuen Pau Woo: Honourable senators, I don't know about you, but I'm feeling the vibe of a classroom on the last day of term. There's a lot of restlessness in the room, and I'm very conscious of the fact that I'm standing in the way of that.

I would like to thank all senators who have spoken on this bill and those who moved amendments. I would especially like to thank the sponsor of the bill for his diligence in advancing this important piece of legislation.

I have already indicated to all of you via email that I intend to move two amendments. I telegraphed my intention early on in the debate at the Committee of the Whole when I asked the minister questions on one of the topics of the amendments I will be moving.

Let me say at the outset that I'm a supporter of Bill C-5 for all the reasons articulated by other supporters of the bill. For that reason, my amendments are, I believe, consistent with the bill. Not only are they consistent, but they also address what appears to be either oversights or discrepancies — intended or unintended — which, I believe, even the government accepts as being the case.

Since signalling my intention, I have been fortunate to have had conversations with government representatives who have assured me that they recognize the flaws I pointed out in the bill and that they would seek to remedy those errors. I won't report more fully on those, essentially, private conversations, but there is an opportunity, of course, for the government to say more about it at the end of my speech.

Colleagues, the two items that I will be raising shortly have to do — first of all — with a discrepancy in the bill that came out of an amendment from the House of Commons. As you know, the bill sets out a number of factors for the determination of projects of national interest, and there are five criteria for this determination.

At the same time, there is a new provision in the bill — again, moved in, and adopted by, the House of Commons — which sets up a register, through which, there will be reporting on the ways in which projects deemed to be of national importance have met the criteria in the selection of projects in the first place. Curiously, the list of criteria in the register does not correspond to the list in the "factors" section of the bill. The item that is missing is item (e), which is, ". . . contribute to clean growth and to meeting Canada's objectives with respect to climate change."

Now, it is a very curious thing indeed that we would — on one hand — set up a criterion for designating a project and — on the other hand — not have the requirement to report on it after having selected the project. The government has assured us — and this is on the record from Senator Yussuff — that this is not the government's intention. I believe that to be true. I also believe that if this amendment does not pass in this chamber, they will do what they can to remedy the situation.

However, it does beg the question as to how this discrepancy came about. The story — it seems — is that it was an amendment moved in committee by a Conservative member of Parliament. I don't know. Maybe it slipped through and people were not paying attention, but it slipped through. We could offer less charitable interpretations, but one interpretation would be that there is an intention that this criterion be given less weight, and I don't think that would be right insofar as what we would want to see in the classification and designation of national projects.

Again, I do not doubt the government's good intentions to fix this problem as soon as they can, and they may well have to do it in the absence of an amendment here, but we are in a minority government situation, and there may be partisans in the other House who are determined and may well be explicit in wanting to exclude item (e) from consideration in the register. That's the first amendment that I will be moving shortly.

The second amendment is a little more esoteric, but maybe I have brought it up a sufficient number of times in this chamber that you get the gist of it. It has to do with the Statutory Instruments Act, or SIA, which has been essentially nullified by this bill.

The SIA is an arcane piece of legislation that sets up procedures, reporting requirements and various consultation processes, which can seem to be cumbersome and might rightly be described as "unnecessary red tape."

I understand it is the government's intent to do away with some of this cumbersomeness and red tape not only to speed up the process of project approvals but also — and more importantly — to provide greater certainty to project proponents that projects of national interest will not become bogged down.

• (1410)

I think that's a good objective. What I'm about to propose does nothing to get in the way of that.

But the SIA, sprawling as it is, also includes a provision that gives the authority to the Standing Joint Committee for the Scrutiny of Regulations, which I have had the privilege of sitting on and chairing in previous Parliaments. This committee looks at regulations and statutory instruments pursuant to the bills we pass to make sure those regulations are consistent with the bills passed.

It is obvious we cannot go into the minutia of the regulations that are needed for any bill that needs to take effect, and that's why we have, in this Parliament and all Westminster parliaments, this kind of committee to look at the consistency of regulations with the law.

Unfortunately, by eliminating the application of the SIA holus-bolus, section 19 of that act also takes effect, which nullifies the work of the Standing Joint Committee for the Scrutiny of Regulations.

Now, the government will correctly say that there is an alternate mechanism that has been set up through amendments made in the House of Commons; it is the parliamentary review committee. It is based on the powers from the Emergencies Act. I understand it is also to be a joint committee and it will have the ability to look at the way in which this bill is implemented. That is a good step, but it does not amount to a scrutiny of regulations committee for, essentially, two reasons.

The first is that the parliamentary review committee will take more of a broad-brush approach to whether the minister has been exercising her or his powers correctly and whether the broad sweep of the way in which Bill C-5 is being implemented is kosher, if I can put it that way.

I don't think it will go into the technical details and have the technical expertise to help that committee point out what may be fine legal errors in the regulations in relation to the bill itself. That kind of specialized work, with specialized support from a dedicated technical secretariat, a legal team, in other words, is available to the Standing Joint Committee for the Scrutiny of Regulations.

Furthermore, the parliamentary review mechanism that has been set up does not have the power of disallowance. Disallowance is where the Committee for the Scrutiny of Regulations can, after a rigorous process of investigation and questioning of officials and maybe even the minister, disallow a regulation because it does not conform to the law.

Now, this power is used very, very rarely. It's only taken with the full agreement of the committee, a committee that is characteristically non-partisan. In the last Parliament, we had the unfortunate experience of having to give an intention to disallow regulations in five areas, which I will not go into. But I will say that the act of giving a notice of intention to disallow regulations in five different bills led to corrective action on the part of the departments in some cases; in other cases the process is ongoing.

My point is that this power is real and can have positive effects in bringing regulations into conformity with the law, and that it is used with great reservation. So you don't expect that this committee would take any other approach in the review of Bill C-5.

Now, there may be a way in which the parliamentary review committee can incorporate scrutiny of regulations into its work. If this amendment doesn't pass, perhaps that is something we can collectively look at or the government can propose.

Colleagues, I will shortly read the text of the amendment. Let me say that I hope it passes, but I'm not going to press for a standing vote. If it fails, I will go on the assumption that it failed because we are going to trust the government to fix the problem themselves and that it will happen one way or the other.

MOTION IN AMENDMENT NEGATIVED

Hon. Yuen Pau Woo: Therefore, honourable senators, in amendment, I move:

That Bill C-5 be not now read a third time, but that it be amended, in clause 4,

(a) on page 11, by adding the following after line 25:

"**(8.1)** Despite subsection (8), section 19 of the *Statutory Instruments Act* applies to an order made under subsection (1), (3) or (4) as if it were a statutory instrument.

(8.2) Despite subsection (8), section 19.1 of the *Statutory Instruments Act* applies to an order made under subsection (1), (3) or (4) as if it were a regulation.";

(b) on page 12, by replacing line 6 with the following:

"the outcomes set out in paragraphs 5(6)(a) to (e);";

(c) on page 14, by adding the following after line 7:

"**(7.1)** Despite subsection (7), section 19 of the *Statutory Instruments Act* applies to the document as if it were a statutory instrument.

(7.2) Despite subsection (7), section 19 of the *Statutory Instruments Act* applies to the document as if it were a regulation.".

Hon. Paula Simons: I have a question. Is there a danger, because of the discrepancy between the two lists — the list of what's required and the list of what is regulated — that there could be a legal challenge if that is not cleared up?

Senator Woo: Thank you, Senator Simons. The answer is yes, and it's another reason why it should be fixed.

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I rise to speak briefly on the amendment proposed by our colleague Senator Woo. With the greatest of respect, I'm going to urge you to oppose it.

I want to begin by acknowledging the work that Senator Woo has done and continues to do on examining and shedding light on our regulatory system and on the fundamental issue and importance of parliamentary accountability. I also want to acknowledge — and nobody who has worked with Senator Woo

as long as I have should be surprised by this — the attention to detail he brings to his role as a legislator, because he identifies these problems early. And thank you for bringing them to the attention of the government; we do appreciate that.

Senator Woo has noted that clause 24 of the bill establishes a parliamentary review committee that will indeed provide oversight on all facets of the building Canada act, including the enactment of regulations provided for in the proposed sections 22 and 23 of the act. This is in addition to the very important and vital role that the Standing Joint Committee for the Scrutiny of Regulations will continue to play as an additional layer of parliamentary oversight.

• (1420)

Indeed, as Senator Woo acknowledged — and we were here for it — Minister LeBlanc stated and acknowledged this at the Committee of the Whole last week when he told us it's ". . . an important parliamentary responsibility that has been exercised over a long period of time by both chambers." Again, it's referring to the role of the standing joint committee.

When speaking to Senator Woo, Minister LeBlanc went on to say he ". . . would be happy to work with that committee . . . ." to ensure, as you said, the fundamental respect for Parliament is preserved. In that regard, senators, by now you all have received yesterday's correspondence from Minister LeBlanc in which the government has committed to working with the Standing Joint Committee for the Scrutiny of Regulations to ensure they can continue to play a central role in assessing and reviewing the regulatory process that will stem from the building Canada act.

In the Committee of the Whole, you might recall that Senator Woo asked the minister to follow up with examples of other federal laws that are exempt from the Statutory Instruments Act. In fact, the approach taken in the bill before us is not unprecedented in the context of federal statutes. Let me cite the following examples: they include orders designating projects under the Impact Assessment Act; regulations designating a country as a safe third country under the Immigration and Refugee Protection Act; various orders under the Fisheries Act; various orders under the Canadian Environmental Protection Act, 1999; emergency orders under the Species at Risk Act; and decisions made under the Nuclear Safety and Control Act, to name but a few.

Senators, to be clear, Bill C-5 will still ensure that any regulations be justified and made public through the normal regulatory process and be subject to scrutiny from the parliamentary review committee, to which I referred earlier in my remarks.

Let me now briefly address the other issue raised by Senator Woo, which includes the omission of clause 5(6)(e), dealing with clean growth and climate change as one of the five factors that the Governor-in-Council may consider when deciding whether to make an order as part of the new registry that will be established under the act. I'm not here to speculate, and I join Senator Woo in not speculating about the reasons this passed as it is. I'm here to tell you what the intent of the government is in this regard. The government intends on respecting the legislative intent which is, and will remain, to report on all factors considered in clause 5(6)(a) to (e), including the contributions to clean growth and to meeting Canada's objectives with respect to climate change in the interim.

That is the government's stated intent, and I stand before you as the representative of the government in this chamber to so declare. That said, for full clarity and legal certainty, I can also confirm to this chamber that the government intends to correct this issue at its earliest legislative opportunity, and the government will deliver on that commitment. This was also reiterated yesterday in the chamber by our colleague and the bill's sponsor, Senator Yussuff. Following the passage of Bill C-5 — as I hope it will pass today — all of the factors outlined in the reporting requirements, including clause 5(6)(e), will be fulfilled and upheld until such time as this correction is made.

Colleagues, let me conclude in some sense by echoing different things that you have already said during the debate we had yesterday and today. It is this: Bill C-5 is also fundamentally about trust. Trust in each other that we all have the best interests of Canada at heart. Trust that this newly elected government will act with honour in responding to the moment, including in its dealings with Parliament and this chamber. Trust that — as the opposition has said — we can work together on the path to make Canada stronger, as Senator Housakos alluded to in this chamber.

Yes, Bill C-5 is indeed extraordinary, and it indeed entails unprecedented trust. I think even the Leader of the Opposition in this chamber, though no doubt disappointed with the results of the recent federal election, has confidence that the Prime Minister truly believes and truly wants what is best for Canada during this crucial time and wants the government to succeed. One way or the other, Bill C-5 implements the central promise that both major parties made in the previous election, whether it's "Canada First" or "Canada Strong." This is not about any particular partisan interest but rather the interests of our country.

Speaking more personally, given this may be the last time or one of the last times that I speak in this chamber — a chamber I have come to love very dearly — during my time as Government Representative, I made such commitments in the past when time was of the essence, such as addressing fixes in legislation dealing with the Old Age Security Act or the Official Languages Act, to name but a few, and I think Senator Harder was kind enough to mention others the other week. On these and on all other occasions, I was grateful for the Senate's trust, and in each and every case, the government delivered.

With the full assurance and the confidence given to me by Minister LeBlanc, I'm asking for your trust one more time. If you are prepared to trust me and the commitment I have given on behalf of the government, I urge you respectfully to vote against this amendment so that we may move forward with this important and timely bill — a bill that Canadians need and a bill that allows our country to meet this moment.

If this is indeed the last word I say here, know this: my word is my bond. Thank you very much. We will not disappoint. Thank you. *Meegwetch*. *Hiy hiy*.

Some Hon. Senators: Hear, hear.

Hon. Kim Pate: Thank you, Senator Gold, for that heartfelt and sincere intervention. I think there is great and growing trust amongst many of us in this chamber, but we are also talking about a question of trust that expands well beyond the chamber, and I wish you would be here in the fall to help make sure the government fulfills that obligation you just undertook. I'm sure some of us will hunt you down. In all sincerity, thank you for all the incredible leadership and work that you have contributed.

Honourable senators, I want to thank all of our colleagues for their amazing interventions today, and I want to thank Senator Woo for bringing forward these amendments, which I support. I want to speak in particular to the second one.

The ability to meaningfully scrutinize the regulations developed under Bill C-5 will be crucial. First, the regulatory powers granted under Bill C-5 are significant and unprecedented. Under clause 22 of the bill, for example, the government may, by regulation, exempt a national interest project from having to follow Canadian laws. We have heard a lot about the honour of the Crown and the fact that the law will be respected, but baked right into this law is the ability by regulation — and regulation is not supposed to go against the intention of the legislation itself, but the government would have the ability — to regulate away those laws. That's hugely significant.

Second, we have heard extensively from Minister LeBlanc and others about the legislative intent of the bill and the importance of trusting the government to properly implement Bill C-5, including the intention to uphold Indigenous sovereignty and self-determination and to promote clean growth and meet Canada's climate change obligations.

• (1430)

In addition to what Senator Woo has said, I would remind us all how often the honour of the Crown and the inducement to trust the government have included promises made by the government to deter us from making legislative changes, at times like this, to fix deficits in bills. Indeed, as you know, several bills I have sponsored exist only because of the failure of the government to live up to those commitments.

In my decades of work with and on behalf of imprisoned youth, men and women, I've witnessed how often legislative intent can be not only disregarded but undermined by regulations. Canada's Corrections and Conditional Release Act, or CCRA, was envisioned as a piece of human rights legislation, which included measures to expedite rehabilitation and community integration of prisoners, especially Indigenous peoples. I don't have to remind anyone of where we are now on that front.

The CCRA has been implemented in a far different spirit. Despite every law student knowing that policy and regulations developed under laws must not contravene the law and its legislative intent, that is precisely what has happened with respect to corrections.

If Bill C-5 is to be more than a regulatory blank cheque, and if it is to operate in practice in a way that advances Canada's responsibilities with respect to Indigenous peoples and climate commitments, then significant oversight is required, including careful scrutiny of how the government will wield the incredible regulatory powers it has with respect to Bill C-5. It is for that reason that I support this amendment.

I understand and also respect the will of the chamber. As Senator Woo said, if we don't pass this amendment, then it's on all of us to prevent this from happening again. Thank you. *Meegwetch*.

Some Hon. Senators: Hear, hear.

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

Hon. Senators: Question.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker pro tempore: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion the "nays" have it.

(Motion in amendment of the Honourable Senator Woo negatived, on division.)

[*Translation*]

THIRD READING—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Yussuff, seconded by the Honourable Senator Varone, for the third reading of Bill C-5, An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act.

Hon. Amina Gerba: Colleagues, I rise today at third reading of Bill C-5, Part 2, which seeks to build the Canada of tomorrow. I commend the leadership of Senator Yussuff, the sponsor of this bill, who provided us with a great deal of food for thought through briefings and through his very touching and informative speeches.

This bill is ambitious. It seeks to fast-track projects of national interest, facilitate interprovincial trade and strengthen our economic cohesion. I support this bill, because I believe it is high time a country as vast, as complex and as blessed by diversity as ours secured the tools it needs to fulfill its aspirations.

We want to build quickly, but above all, we must build fairly, to ensure prosperity for all Canadians.

That is why I want to remind you that this push for economic development must include the dimension of economic justice. We have a responsibility to promote not only efficiency, but also fairness in the way contracts are awarded, suppliers are selected and construction projects are rolled out.

Proposed section 19 in Part 2 of Bill C-5 provides that certain national interest projects will be exempted from several stages of the environmental impact assessment. The goal is to fast-track the projects, but that must not be done by compromising on consultation, as others here have pointed out. Nor must transparency or inclusion be sacrificed. If the government is doing things faster, it must be twice as vigilant about who benefits from these projects and how they are carried out.

A number of colleagues have already spoken about challenges related to consulting, listening to and including Indigenous peoples, a must at every stage of these major projects. I am grateful to my colleagues, who gave us plenty to consider in that regard. I myself will be focusing on Black entrepreneurs, and I'll also take this opportunity to discuss the study I had the honour of co-leading with my colleague, Senator Colin Deacon, here at the Senate in the summer of 2023.

[*English*]

I wish to express my deep gratitude to Senator Deacon for his leadership and thoughtfulness.

[*Translation*]

Senator Deacon is one of the few people who freely admits, after experiencing it first-hand, that White privilege exists in Canadian business circles and that, unless it's actively dismantled, this privilege will perpetuate the exclusion of Black entrepreneurs and undermine their economic prosperity.

I strongly encourage all of my colleagues to read or reread our report, which clearly shows that a good business plan is no guarantee of success. Black entrepreneurs from a wide range of backgrounds, and Black women in particular, have to overcome multiple systemic barriers, which are often invisible but very real. I experienced this myself during my 25 years in business here in Canada, before being appointed to the Senate.

More recent data is unequivocal: Today, the population of Black Canadians or Canadians of African descent exceeds 1.5 million, which represents 4.3% of the total population.

Furthermore, in 2024, the Diversity Institute found that 76% of Black people in Canada were very interested in entrepreneurship, higher than the national average. There is a variety of possible reasons, including a lack of jobs, a need for financial independence and an interest in creating multi-generational wealth.

However, Statistics Canada reported that only 1.3% of Black adults were entrepreneurs in 2024, compared to 2.3% for all Canadian adults.

Just 0.7% of them are Black women. Black women are one of the most under-represented groups among entrepreneurs across Canada, compared to 1.2% of women overall.

Furthermore, according to Statistics Canada, in 2024, 53% of immigrants and 32% of children of immigrants were entrepreneurs.

Approximately 144,990 businesses were run by Black people, representing 2.4% of all small businesses in the country. According to the Business Development Bank of Canada, or BDC, and the Diversity Institute, in 2024, 83% of Black entrepreneurs had to self-finance their businesses because they couldn't access credit.

• (1440)

However, 81% of them say they are optimistic about the prospects for their businesses, again according to BDC in 2024. These figures are not anecdotal. They are reflective of a system that too often reproduces inequalities instead of correcting them.

Our report proposes meaningful solutions that could be used in the context of Bill C-5: strengthening collaboration between stakeholders, consistently investing in Black entrepreneurship initiatives, collecting disaggregated data and fully embracing the government's role as a catalyst.

[*English*]

However, I want to emphasize a fundamental point: Equity is not a favour; it must be grounded in competence and results. It is a societal responsibility for businesses to integrate inclusion not only as a criterion for awarding contracts but also as a measure of performance.

[*Translation*]

It is a responsibility for government to assess developers, consortia and large companies not only on their ability to deliver, but on their ability to include all businesses.

For me, business and social development go hand in hand. The one cannot thrive sustainably without the other. Economic inclusion is a driver of growth, cohesion and justice.

Building the Canada of tomorrow is not just about building infrastructure. It's also about building a country where every entrepreneur and every community can contribute fully to our

collective prosperity. Intersectionality must be integrated as a central pillar of the assessment of major projects, in order to fully reflect the complex realities experienced by all affected communities.

Honourable senators, I will be voting in favour of Bill C-5, but my support comes with a firm commitment to you here today. I will ensure that social responsibility, when it comes to equity, inclusion and economic justice, becomes an essential standard in the implementation of all national interest projects.

We must ensure that Black-owned businesses in all regions of the country are not only considered, but fully equipped and integrated into the value chains of these major nation-building projects. This is how we will ensure prosperity that is truly shared, growth that is sustainable and a Canada that reflects all of its communities. Thank you.

Hon. Duncan Wilson: Honourable senators, I rise today to participate in the debate on Bill C-5, the one Canadian economy act. Canada is going through a period of transition and upheaval. Some of the relationships that we have been accustomed to for years, particularly when it comes to trade, have been turned upside down.

The consequences have already been devastating for our citizens. Canadians are paying higher prices for countless goods and services, driving up the overall cost of living, while costs also remain high in the wake of the COVID-19 pandemic.

Canadian workers are facing job instability in sectors weakened by tariffs, putting them, their families and their livelihoods at risk.

The viability and long-term prospects of Canada's resource sector are increasingly uncertain, and this is only exacerbated by the withdrawal and expulsion of our largest trading partner.

Honourable senators, as an example, I'd like to paint a picture of a young Canadian who has seen his financial situation deteriorate rapidly in recent years. Home ownership, once a short-term aspiration for the younger generation, is now a pipe dream, since house prices have doubled nationally over the past decade.

What's more, in the last five years alone, the price of groceries has risen by 26%, making it harder for people to feed themselves and their families. According to Food Banks Canada's HungerCount, 55% of Canadian families struggle to meet their basic food needs, and food bank demand has reached historic highs across the country.

Honourable senators, we all know individuals like the ones I've just described. They could be your child or grandchild, your niece or nephew, your neighbour, or perhaps your staffer.

[*English*]

This is why Bill C-5 should be so critical. It should enable bold, decisive and game-changing action that will drive meaningful improvement to Canada's economic outlook, both for the country and for its people.

The need to address these threats and those imposed by Canada's largest trading partner was not only a defining ballot box question for many Canadians during this year's election but the impetus for the bill before us.

Canada is a trading nation. We are blessed with an abundance of natural resources that are in high demand across the globe. However, Canada's critical infrastructure currently falls woefully short of ensuring that our supply meets the demand. Having focused too long on honing the relationship with our neighbour to the south, we have neglected to adequately build the muscles required to diversify our trade. We are now seeing the immediate and severe consequences of having become complacent and over reliant on one market.

Global Affairs Canada points out that 65% of Canada's economic activity is tied to international trade. Instead of prioritizing this trade singularly to our next-door neighbour, often at a significant discount, it is imperative to Canada's future prosperity and economic growth that we build the necessary muscle to trade more with the rest of the world.

I wanted to be excited about supporting this bill, but because it was rushed through Parliament, we have not had the opportunity to properly consider it and provide feedback about appropriate checks and balances, and importantly, receive feedback from Indigenous leadership — rights holders, not stakeholders — feedback, that, if incorporated, might have set this legislation up for a greater chance of success and fewer challenges. Sometimes you have to go slow to go fast.

I am hopeful that, with the commitments by the Prime Minister and his cabinet, we will be able to overcome these challenges and still achieve what the bill was intended to accomplish. So I speak in support of this bill.

I would like to frame my comments by acknowledging the background I bring with me to the Senate. Prior to my appointment, I spent the last 13 years on the executive leadership team of Canada's largest port, which handles one third of our trade outside of North America. I saw projects and trade opportunities both succeed and fail. It is from this perspective that I see how Bill C-5 may enable Canada to get out of its own way and move forward with the nation-building infrastructure that will allow us to diversify our international trade capacity to the great benefit of Canadians.

• (1450)

However, I am also attuned to the concerns around this legislation and what fast-tracking such projects might mean for environmental considerations or for Indigenous people's inherent and treaty rights. It is unfortunate that there was not more early engagement on this legislation with Indigenous leaders as I believe that would have provided an opportunity to structure the bill in a way that would have inspired greater confidence. That said, in my view, the bill does ensure section 35 rights are respected, although not as expressly as some would have liked.

In that respect, I would like to reiterate some of the remarks made by the Honourable Rebecca Alty, Minister of Crown-Indigenous Relations, from her appearance during the Senate's Committee of the Whole as they merit repeating:

> . . . Major projects will only proceed under this act with meaningful consultation and accommodation with Indigenous peoples whose section 35 rights may be affected.
>
> This act requires extensive consultation with Indigenous peoples, first during the national interest designation process, then while developing the conditions these projects will have to meet.
>
> This requirement is not optional. It is protected under the Canadian Constitution and is embedded throughout the legislation.

Colleagues, I was also going to refer to Canada's Interpretation Act. However, our colleague, the Legislative Deputy to the Government Representative in the Senate, the Honourable Senator LaBoucane-Benson, has spoken to it quite eloquently already, and I am pleased to hear the government's assurance that the Interpretation Act will be followed.

Just as we must ensure Indigenous rights are not compromised, we must also ensure we are not forsaking environmental protection. I understand the concern that environmental considerations could be placed on the back burner when we talk about fast-tracking specific nation-building projects. For example, the importance of mitigation efforts and of restoring and re-wilding Canada's environments and ecosystems will be a critical part of the work around these nation-building projects.

I would like to reiterate and strongly support a suggestion from Mr. Sean Southey, Chief Executive Officer of the Canadian Wildlife Federation, during his testimony before the Senate's Committee of the Whole. In speaking about third-party habitat banking and offset programs, Mr. Southey said:

> . . . [An offset] is a conservation action that's designed to compensate for the impact of the development projects. . . . Putting it simply, if there's a negative environmental impact over here, we have to ensure [that there's] an equal or better environmental improvement somewhere else. . . .
>
> We encourage the federal government to allow this remedy by enabling third-party habitat banking under the Fisheries Act. This is a win-win-win. Conservation benefits arise from restoring habitats in advance and confirming the effectiveness before selling credits. Proponents, the champions of these projects, can benefit from streamlined regulatory approvals while we recognize the environmental benefits for all Canadians.

Colleagues, in essence, third-party habitat banking is when an organization other than the developer responsible for a project creates, restores or enhances habitat and then sells credits to proponents who need to offset the environmental impacts of their projects. Under this approach, habitat is built and proven functional prior to being eligible for use as an offset against a project unlike the current approach of requiring offsets that have yet to be created or proven.

While this kind of system takes time to establish and will not help us in the very short-term, I will continue to advocate for this kind of approach as an integral piece of a more effective and efficient regulatory framework going forward.

While I support the intent and goal of Bill C-5, I would also like to echo a point that was raised by the Honourable Lisa Raitt during the Senate's Committee of the Whole. Ms. Raitt voiced concern around the possible politicalization of the decision-making processes under this bill. While the amendments have addressed some of these concerns, Ms. Raitt had advocated for the reinstatement of the Major Projects Management Office as it was structured during Prime Minister Harper's tenure. This office, led by Natural Resources Canada, was a horizontal initiative across 12 federal departments and agencies. Their mandate was to improve the review process for major natural resource projects. Importantly, this initiative was governed by a deputy minister's committee, which provided direction to resolve project and policy matters and who provided true accountability to the process.

As someone who has worked in the ambit of major project development under successive governments, I can attest to the effectiveness of this model which gave deputy ministers a laser-like focus on achieving objectives while at the same time depoliticizing the governance around major project approval and delivery — a concern about Bill C-5. As the government moves to create a new office to oversee projects of national interest, I strongly urge them to reinstate this effective model, particularly the component with respect to oversight and accountability at the highest levels of the public service. I would ask that our Government Representative Office take that back to the ministers.

Colleagues, the bill before us represents economic opportunity that Canada so desperately needs. We have a cost-of-living crisis that is bringing countless Canadians to the point of falling behind rather than getting ahead. We are facing a housing shortage nationally. Our health care system is overstretched and understaffed. Climate change continues to wreak havoc on our ecosystems, requiring funding to meet and mitigate its impacts. Our recent defence spending commitments, while critical, mean we are working with less funding for other vital areas. Investments in essential infrastructure in Indigenous communities, such as a clean drinking water supply, are sorely lacking. We need a growing and thriving economy in order to fund these initiatives.

In short, let's not tie the hands of our government to deliver what Canadians voted for them to do. Rather, let's support this bill while holding the government to account for its many stated commitments to deliver economic prosperity in a manner that respects the environment, respects section 35 rights and reflects Canada's commitments in relation to the United Nations Declaration on the Rights of Indigenous Peoples.

Fellow senators, let's give the government the chance to prove it can rise to the challenge. Thank you. *Meegwetch*. *Hiy hiy*.

Hon. Marty Deacon: Senator, would you take a question? Thank you very much. It's a pretty special lens that you had with the port work and being able to see — going back to what Ms. Raitt said in testimony last week, talking about the large project office.

We have heard — I think we can encapsulate trust, collaboration, skepticism, rushing — common words we have heard about this bill thus far. Your experience with that projects office, is there anything from your lens that you would think that would make the work of that office even better from your working perspective? If we're going to get it right, let's get it really right.

Senator Wilson: Thank you. That's an excellent question. The decision around what projects are covered by that office is a critical one. In that situation, they were natural resource projects, and while we had some involvement with some of those, there were many projects that were of national significance, in that situation, that were not included.

So right now, under the context of this bill, we're looking purely at projects of national significance. There are probably many other projects in the system that could benefit from that kind of approach. I would say that if there is one thing we can do is maybe use this as a pilot program to figure out what that governance model looks like, and then we can start applying those lessons to other parts of the regulatory review process.

Hon. Marilou McPhedran: Honourable colleagues, having consulted with parliamentary colleagues, Indigenous leaders and civil society, I rise today at third reading to propose amendments to Bill C-5. I will move some of these amendments on behalf of Senator Margaret Dawn Anderson, who is on parliamentary business in her home territory of the Northwest Territories.

These amendments were developed in collaboration with Inuit Tapiriit Kanatami, or ITK. You will recall that president Natan Obed expressed concerns to us in Committee of the Whole. Senator Anderson asked me to convey that she needs to ask for this amendment due to the poor track record of the Government of Canada in letters similar to that which we received from Minister LeBlanc.

The constitutionality of this bill is in question given its erosion of democratic principles, the predicted infringement on Indigenous rights and risks it poses to Canadians and our shared imperiled environment. While House of Commons amendments partially address some of these issues, most notably by enhancing transparency and limiting the use of the so-called Henry VIII powers in clauses 21 to 23 during periods of prorogation or dissolution, they fall short of ensuring the act aligns with constitutional standards and democratic protections.

• (1500)

Moreover, the House amendments introduce inconsistencies that could lead to misinterpretation or legal challenges. In haste to pass Bill C-5 before rising on June 20, members of Parliament in the House of Commons who supported both parts of this bill effectively left the Senate to apply sober second thought to correct some critical flaws. The so-called Henry VIII powers in clauses 21 to 23 are especially troubling, broad in scope and constitutionally dubious.

While the Supreme Court of Canada upheld similar power under the Greenhouse Gas Pollution Pricing Act, the GGPPA, those clauses merely allowed cabinet to make regulations that could override provisions within that act. In her dissent, Justice Côté described those powers as "breathtaking" and emphasized how unsettled the law remains, warning that such clauses risk undermining parliamentary sovereignty and limiting judicial review.

Colleagues, what is more breathtaking is that the Conservatives and Liberals in the other place voluntarily gave up their parliamentary sovereignty to the Carney cabinet to override statutes, such as the Fisheries Act and the Species at Risk Act. With no judicial guidance, with no parliamentary precedent, Conservatives have joined with Liberals to hand over their power to cabinet on a scale and scope that far exceeds what was upheld in the GGPPA case.

Looking at such a handover of parliamentary sovereignty, Professors Olszynski and Bankes concluded that it is not only ". . . contrary to democratic principles and ideas of transparency and accountability . . ." but also constitutionally questionable.

My proposed amendments resist giving up our parliamentary sovereignty by limiting the Governor-in-Council's regulatory authority to the enabling statute only and by adding the Species at Risk Act to the list of exceptions in clause 21(2).

Senator Anderson's amendments, developed in partnership with ITK, aim to strengthen transparency and clarity, particularly in clause 4. They introduce clearer consultation requirements and address ITK's ongoing advocacy respecting the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls, or MMIWG.

Colleagues, before we proceed to the final vote, which I know is likely to pass, I wish to share several key observations from the Feminist Alliance for International Action regarding the implications of this unprecedented bill. In Canada today, women, Indigenous peoples, racialized communities — particularly racialized women — and persons with disabilities already face systemic economic marginalization. Bill C-5 will entrench these disparities.

The government's definition of a strong economy as reflected in this bill, advanced under Prime Minister Mark Carney and supported by Conservative MPs, prioritizes large-scale physical infrastructure projects with documented negative environmental impacts; industries that have historically provided limited access to women and equity-seeking groups; a discourse of speed and urgency that contrasts with decades of calls for inclusive economic measures from women's organizations, which have often gone unanswered; and a narrow economic lens that overlooks the significant fiscal and social costs of gender-based violence.

Broader and more inclusive definitions of economic development, ones that acknowledge both environmental sustainability and the lived realities of marginalized communities, are missing in Bill C-5, and this will influence what projects are funded and who benefits.

As we watch the results of the Bill C-5 juggernaut roll out and roll over Canada, please remember this key question: Are the constitutionally guaranteed rights to equality, to Aboriginal and treaty rights the first to go with Bill C-5?

In closing, I am asking for your support for these amendments to seek to ensure that decision makers consider the gender-based violence impacts of major projects and their potential contribution to mitigation measures. These considerations — central to addressing MMIWG — are unlikely to be top of mind for project proponents or federal decision makers unless explicitly required.

MOTION IN AMENDMENT NEGATIVED

Hon. Marilou McPhedran: Therefore, honourable senators, in amendment, I move:

That Bill C-5 be not now read a third time, but that it be amended,

(a) in clause 4,

(i) on page 10, by replacing lines 30 to 37 with the following:

"Council must consider the following factors:

(a) the extent to which the project can

(i) strengthen Canada's autonomy, resilience and security,

(ii) provide economic or other benefits to Canada,

(iii) have a high likelihood of successful execution,

(iv) advance the interests of Indigenous peoples,

(v) contribute to clean growth and to meeting Canada's objectives with respect to climate change, and

(vi) implement the recommendations outlined in the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls; and

(b) any other factors that the Governor in Council considers relevant.",

(ii) on page 11,

(A) by deleting lines 1 and 2,

(B) by replacing line 28 with the following:

"*Gazette* as soon as feasible after it is made. If the order is made under subsection (1) or (4), the reasons must, among other things, demonstrate that the Governor in Council has considered the factors referred to in paragraph (6)(a).",

(iii) on page 13, by replacing line 32 with the following:

"with respect to each authorization that is specified in it and the reasons for imposing them.",

(iv) on page 19,

(A) by replacing lines 3 and 4 with the following:

"the name of a regulation or the reference to a portion of a regula-",

(B) by replacing lines 7 to 10 with the following:

"Schedule 2 to add the name of any regulation made under any of the following Acts of Parliament or a reference to a portion of any of those regulations:",

(C) by replacing lines 28 and 29 with the following:

"**(o)** the *Explosives Act*;

(p) the *Hazardous Products Act*; and

(q) the *Species at Risk Act*.",

(v) on page 20, by replacing lines 7 and 8 with the following:

"from the application of any provision of regulations made under that ";

(b) in the schedule, on page 22,

(i) by deleting item 10 of Part 1 of Schedule 2,

(ii) by renumbering items 11 and 12 as items 10 and 11 and by making any necessary consequential changes to the numbering of cross-references to these items.

Senator Anderson and I thank you for your consideration.

Meegwetch.

Hon. Marc Gold (Government Representative in the Senate): Just when I thought that I was out, they pulled me back in.

Honourable senators, I would like to respond briefly to the amendment proposed by our colleague Senator McPhedran and, again, with respect, I will urge you to vote against this amendment.

Colleagues, it should be noted that a nearly identical amendment related to the Species at Risk Act was proposed in the other place as part of their consideration of the bill. Colleagues, it was defeated by a vote of 306 to 31.

• (1510)

When it comes to the regulatory process provided for in the legislation, as we have heard here, Bill C-5 is focused and time-limited, and it provides a near-term pathway for the approval of projects.

I would further note that the regulatory process that will be undertaken for projects listed in the schedule will be rigorous and comprehensive, but the process will be focused. The government takes very seriously the review process — as well as the engagement and consultation processes — with Indigenous partners, provinces, territories, stakeholders and industry proponents. As you have heard before, the success of this scheme depends upon it.

Instead of multiple ministers considering individual regulatory decisions pursuant to their respective statutory authorities — such as the Fisheries Act or a decision on migratory birds — those ministers would inform and advise the designated minister in issuing a single conditions document, which will enable a whole-of-government approach and will reduce duplication.

Furthermore, colleagues, this amendment could generate a major inconsistency within the bill between the application of acts of Parliament and their associated regulations, thereby putting the policy intent of Bill C-5 into question, rendering it unable to achieve its fundamental objectives.

On the important issue of gender-based violence, this government is committed to combatting gender-based violence in all of its forms and committed to implementing the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls. It was a commitment of the previous government; it is a commitment of this government.

Indeed, it is already a policy of the government that all regulations, as well as other policies, will be developed with the consideration of Gender-based Analysis Plus. As noted on the website for the Department of Crown-Indigenous Relations and Northern Affairs Canada, doing so includes:

> Working with Indigenous partners to develop culturally competent GBA Plus frameworks and ensuring the inclusion of Indigenous women, girls and 2SLGBTQI+ people's voices in the government-wide process towards reconciliation.

While I appreciate the spirit of this amendment — and thank you for the amendment, Senator McPhedran — it is not necessary. It duplicates requirements already in place for the creation of all regulations across government, and these are requirements that will apply to this bill.

Therefore, I would respectfully urge colleagues to oppose this amendment. Thank you.

Hon. Pierrette Ringuette: Honourable senators, I have noticed within this amendment again that we have a discrepancy between the English and French versions. On page 3, Item (C), in English we have:

> . . . by replacing lines 28 . . . with the following:
>
> (o) the Explosives Act . . . .

But this entire item is not in the French version of the amendment.

Technically, either Senator McPhedran needs to ask for consent to make an adjustment quickly to the French version, or we cannot accept this as tabled.

Senator McPhedran: I would ask for guidance from the table in terms of what is possible in order to respond to the concern that has been articulated by Senator Ringuette.

The Hon. the Speaker pro tempore: I will suspend for a few minutes to obtain advice.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

Senator Ringuette: Honourable senators, after checking with our resident expert, it is a technicality, because there is an "and" in the English text, but that technicality does not need to be included in the French version.

My apologies. The resident expert has said that the amendment is okay.

[*Translation*]

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

Hon. Senators: Yes.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Is there agreement on the bell?

[*English*]

Fifteen minutes? Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

Some Hon. Senators: Now.

The Hon. the Speaker pro tempore: Is leave granted for 15 minutes? If there is not leave, it is an hour bell.

Do we agree on a 15-minute bell?

Hon. Senators: Agreed.

[*Translation*]

The vote will take place at 3:33 p.m. Call in the senators.

• (1530)

[*English*]

Motion in amendment of the Honourable Senator McPhedran negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Clement	McPhedran
Francis	Pate
McCallum	Prosper—6

NAYS
THE HONOURABLE SENATORS

Adler	Loffreda
Arnold	MacAdam
Arnot	MacDonald
Ataullahjan	Manning
Batters	Martin
Black	McBean
Boehm	McNair
Boudreau	Mégie
Boyer	Miville-Dechêne
Burey	Mohamed
Busson	Moodie
Cardozo	Moreau
Coyle	Muggli
Cuzner	Oudar
Dalphond	Patterson
Deacon (*Nova Scotia*)	Petitclerc
Deacon (*Ontario*)	Petten
Dhillon	Pupatello
Downe	Quinn
Duncan	Richards
Forest	Saint-Germain
Gerba	Seidman
Gignac	Smith
Gold	Sorensen
Harder	Surette
Hay	Tannas
Hébert	Varone
Henkel	Wells (*Newfoundland and Labrador*)
Housakos	White
Kingston	Wilson
Klyne	Woo
Kutcher	Youance
LaBoucane-Benson	Yussuff—67
Lewis	

ABSTENTIONS
THE HONOURABLE SENATORS

Al Zaibak	Robinson
Ince	Senior
Karetak-Lindell	Simons—7
Moncion	

• (1540)

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Yussuff, seconded by the Honourable Senator Varone, for the third reading of Bill C-5, An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act.

Hon. Tony Ince: Honourable senators, I've been sitting here for the last few days listening to this very important debate. First of all, let me say that I'm honoured to be here and to be a part of it.

This appears to me to be more about trust than anything else right now — trust in our government, trust in the legislators who put the laws together and trust in our communities and those whom we represent.

Having said that, we have a bill that is being put forward, and we are being asked to approve it. This is very important to our country at this time. As a Canadian, I'm very proud that we are taking the steps that should have been taken many generations ago to bring our country together. We're at an unusual time in our lives, and at this particular moment, we also have all the premiers coming together to agree on helping to grow our economy and country and put us in what I would call an internationally advantageous position.

That being said, though, I do have concerns — as have many other people — with the speed at which we have had to travel and also with the concerns of the First Nations people in this country who have been asked to trust for a period of over 200 years. It is challenging, ladies and gentlemen, to persuade individuals to trust when they have been marginalized, beaten down and told, "Just trust us. We will work with you."

Canada needs to grow. Canada needs to be a leader in this world, not only as leaders of peace, but as leaders of growth and innovation. In doing that, sometimes there are decisions that must be made, which makes it very challenging, as people who are sitting here have to make those decisions for many people across this country.

I wish we had taken steps in the earlier phases of this to do what many people are asking us to do. And I say "many people" because I've been receiving — as many of you have — emails from across the country and from many people in my community. Let me just state that it has put me on the fence. When the bill was first introduced, I was in favour of it: Yes, we, as Canadians, need to take that bold step. We, as Canadians, need to not stand back and say, "Well, let's think about this." However, there is a portion of it that we don't have to consider and think about.

I'm not going to take much time because I'm starting to sweat and become nervous, but I will say to you that I support this bill. I hope I won't regret it. I hope the government will do its duty as many of you outlined earlier.

I know there is a legal requirement for the government to consult and engage, and I will trust because — again — I have heard many people here talk about trust. I trust the current government. Many voters in the country trust the current government. They campaigned on some of the things they said they were going to do. We are in the position now where we have to make those decisions. I just hope that my comments do not fall on deaf ears and that the government truly follows through on everything they know they have a duty to do.

To the constituents and individuals in my community who have sent me emails from all over Nova Scotia: You have to trust that we have put people in place to move our country forward. At barbeques, birthday parties and other events, if you begin to talk about our country and its politics, many people will often ask, "Why are we so heavily regulated? Why can't we do this? Why can't we do that?" We're in a position at this juncture in our lives to have that done. I'm going to leave it at that. Thank you.

Hon. Andrew Cardozo: I was really hoping I wouldn't come after that tour de force. Thank you, Senator Ince.

• (1550)

I rise briefly to speak to Bill C-5 and to make two points. We talked a lot about the criticisms, but the bill is an important one, as my colleague just pointed out. We are certainly talking about lowering interprovincial barriers and building big things fast.

In terms of the first part of the bill, an act to enact the free trade and labour mobility in Canada act, I'm quite happy with that and I am in support of it. By and large, I'm in support of the second part, the building Canada act. My problem is with sections 21, 22 and 23.

First, I want to make a few comments on the "Henry VIII" clauses. They've been referred to often. When I raised it with the minister, she chided me for using colourful language. I have been chided elsewhere for that, too. However, I want to talk about the origin of that term.

In 1539 the English Parliament passed an act called the Statute of Proclamations 1539 some 500 years ago. The purpose of that act was to allow the king to rule by proclamation or decree and completely usurp Parliament. That was what Parliament allowed him to do. The English Parliament then repealed the act eight years later in 1547.

In Canada, as noted in Bill C-5, the consequences of "Henry VIII" clauses include the delegation by Parliament of its functions — and of our functions — to the Governor-in-Council and, in some cases, to a single minister.

The problem was certainly bigger with the original Bill C-5, but the House, in my opinion, has improved the bill considerably.

The opposition has placed some important guardrails and limitations on the bill, and I'd say that the opposition did the government a major favour in terms of improving the bill. Some of the improvements — as outlined by members such as Senator Dalphond and others — include the parliamentary review committee, the conflict of interest guidelines, national security review, Indigenous consultation and the annual review by the minister to be placed before Parliament.

I find myself in agreement with a number of the points that have been made. While I would have preferred to see sections 21, 22 and 23 dropped, they have been contained. If I can use a somewhat oxymoronic term, we now have a situation in which Henry VIII has been contained.

The second point I would like to share — and I beg your indulgence, colleagues — is that we have all received a lot of mail. It's good for us to have the opportunity to speak to the people who have been writing to us. Certainly, I have been receiving a lot of mail because I had raised this issue of the "Henry VIII" clauses on a few occasions. As is the case with all of you, people are counting on me to vote one way or the other on this act.

Let me share my reasoning with you. I was inspired by the Salisbury convention, so I coined the term "modified Salisbury." What is the Salisbury convention? It basically says that if a government implements policies that it ran on and that were part

of their platform when they were elected, it is generally expected that the upper house — the unelected house — will support those policies whether or not we agree with them.

I have modified this somewhat as follows, and there are five steps to my reasoning. First, the Liberal Party generally promised in their platform to have the "build Canada" project. They didn't talk about the specific clauses — the "Henry VIII" clauses — but they talked about doing big things and moving fast. Second, the government introduced a bill. Third, they heard criticisms. One can question whether there was enough time for that. Fourth, led by the opposition, the House of Commons made several changes to the bill. Fifth, the House of Commons passed a bill originated by the Liberal Party based on its platform and amended by the opposition parties. So we have a bill that has changed considerably from the way it was organized.

For me, on balance, these are significant changes that have been made. The guardrails have been put in place. These are useful and important, and for that reason, I'm willing to support Bill C-5. Thank you.

Hon. Scott Tannas: I wasn't planning to speak, so I'll be brief. I have 45 minutes, but this will be 4 to 5 minutes.

We've had great speeches today. I've heard comments from newer senators that this is closer to what they expected they would be participating in: consequential, fabulous speeches on a critically important matter. I was truly proud to be here today.

We just had an election in which people were clearly frightened about the instability and uncertainty, and they were looking for assurance and — I think — hope. Prime Minister Carney offered hope in action plans, assurance and calm leadership.

Bill C-5 is among the first steps in the execution of the action plans. I have to say that, from my perspective, execution has been in short supply for a decade here. I am excited to see somebody who lays out a plan calmly and then immediately sets on a path to see it executed. I commend the Prime Minister and the government for this.

I want to thank all senators who brought forward amendments for us to consider. It's an important part of sober second thought. You did credit to us all with your amendments and the way that you approached them. They challenged the mind. Thank you for each one.

I'm hopeful that government and industry will act with honour as it relates to both Indigenous consultation and — equally important in my mind — Indigenous economic participation.

I have spent 12 years on the Standing Senate Committee on Indigenous Peoples, or APPA. It was the first committee I joined when I arrived here, and I have been on it ever since.

When I first came here, it was a soul-destroying experience to be a part of that committee. I don't know how the few Indigenous senators that we had on that committee stuck with it. They had hope and faith. It seemed as if every week, every meeting, we destroyed that hope and faith, but they would come back.

I think of Senator Watt, Senator Lovelace Nicholas, the time they invested and the energy and positivity they burned in those early days. We have come so far. We can't ever forget that. In a decade, we have moved miles.

I hope that Indigenous governments recognize that times have changed and that — as Senator Klyne said — Indigenous governments hold the legal and moral high ground right now. Senator Brazeau is a bit of an expert in the martial arts, and he would say that one of the underpinnings of the martial arts is to use your opponent's momentum for yourself.

I believe that Indigenous governments need to recognize the high ground they possess and the momentum that is going to come from these major projects as governments and proponents seek consent and seek to use those territories for important national purposes.

• (1600)

I hope those governments can seize for the next seven generations the prosperity, the pride and the culture, the goodwill and respect of Canadians, which I think is upon us right now, in this moment, for those people. It is time for Indigenous people to rise and to lead us toward economic reconciliation.

Those are my hopes. There's more work to do. See you in the fall. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Lucie Moncion: I have a question, maybe two, if Senator Tannas will allow.

A question or a comment has arisen in the last few days about the decade that has been lost here with the economic slowdown and everything. But would you not say that that economic slowdown started in 2008 after the financial crisis? We've been, as we say in French, on chloroform since then. Can you comment on that?

Senator Tannas: I wasn't talking about that. I was talking about the execution of grand promises and pronouncements without any plan to actually enact them. That was never the Conservative government's problem. Their problem was — wherever you want to start, 2008, 2011, et cetera. The governments then were highly active.

We have seen in the last decade an important era that we had to go through, in my own mind. It was a period of immense social change, including the recognition of Indigenous rights and the respect that needed to happen and the beginning of reconciliation. But in the last 10 years, there were many failed opportunities to execute, amid all of that other progress. That is all that I was saying, Senator Moncion.

Hon. Leo Housakos (Leader of the Opposition): Honourable senators, we have come to the end of our study, our debate and our analysis of Bill C-5. I rise to reiterate our support for Bill C-5.

We are in a perfectly imperfect business, colleagues — legislation building. We have the challenges of trying to take into consideration all the various elements that encompass the role of

Parliament. Those are, of course, general elections, the will of the public, the vast regional interests that this country represents from coast to coast, while taking into consideration all of the various components that make Canada this great nation. We emulsify it all together into one powerful ball, and we call that Canadian nation building.

Of course, coming fresh out of a general election, we have the Prime Minister right now who has a clear mandate. All political parties, all parliamentarians have received a mandate to make it work. We're currently going through an existential crisis. Some of it is due to our own doing; some of it happened out of elements that were beyond our control.

But the history of this country, for about 158 years, has been that when the going gets tough, Canadians get going. We come together. We find solutions. We work hard and we always punch above our weight. This is another challenge we face.

We come at it from different perspectives. Those of us from Quebec have perspectives, as do Atlantic Canadians. Albertans certainly do, as do people from the Prairies and right across the country. The Indigenous people in this country also have their perspectives. We are all individuals with different points of view. Again, those points of view, when we align them and build that chain, we're unbreakable.

The Prime Minister has put forward a bill. We will give him the benefit of the doubt that he will go with a good willingness to execute. As I said earlier, on the amendment from Senator Prosper, legislation and bills and motions are wonderful, but there always need to be the political will and the drive to get it done.

I would like to believe that Prime Minister Carney, the opposition in the other place, all of us in this place — we are all going to come together and rise to the occasion. Canadians will come together and rise to the occasion. Those of us who believe that rigid environmental balances are needed in this country will have to put a little water in our wine. Those of us who believe we need to unleash resources in this country at any expense will have to put a little bit of water in our wine. We must come to compromises that work, fundamentally, to create wealth, prosperity and energy that will create wealth and prosperity. That is our common goal.

The Indigenous people, though, must be a cornerstone of everything we do. We heard the voices today. Again, I will give the benefit of the doubt to the Prime Minister. He deserves the runway; he just won a general election. We saw, as I said on a number of occasions, the Canadian electorate — regardless of which political party they voted for — give a clear message.

I think we should pass this bill and give the baton to the Prime Minister. But we need to be vigilant. We need to do our jobs and exercise our role here of holding the government to account.

Colleagues, that includes not just the opposition. It includes all senators, independent and otherwise. We should have the courage to call out the government, never be obstructionist, never interfere. We can be constructive in our criticism, but we should use the tools at our disposal to call in the ministers — if need be, even the Prime Minister. We should start calling in deputy ministers and demanding answers. If Senator Housakos asks a question and does not get an answer, it is not an insult to the senator; it is an insult to the institution and to the people we represent.

We need to be vigilant going forward on Bill C-5 and on every other piece of legislation on which we will collectively work to make this a better place.

I would be remiss if I did not finish by simply saying the following:

[*Translation*]

Senator Mégie, these are your final moments in this great institution. Thank you for your service and for everything you have done in the Senate.

Hon. Senators: Hear, hear.

[*English*]

Senator Housakos: My trusted whip and friend, Senator Seidman, thank you for your service to our caucus.

Hon. Senators: Hear, hear.

Senator Housakos: To my friend Senator Gold — I think he saw me get up and he thought it was Question Period again and then he ran off. But to Senator Gold, who has served with distinction as the Government Representative, enduring all the questions from myself and my colleagues and everyone in this place, he has done it so well. We thank him for his service as well.

Hon. Senators: Hear, hear.

Senator Housakos: On that note, I wish everyone a wonderful summer. I hope that I do not have to get back on my feet for the rest of this session. 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?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

APPROPRIATION BILL NO. 1, 2025-26

THIRD READING

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) moved third reading of Bill C-6, An Act for granting to His Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2026.

The Hon. the Speaker: On debate — do you have a question, Senator Batters?

Hon. Denise Batters: On debate, I guess. I wanted to ask a question, but I am apparently on debate.

On that, colleagues, I have just a couple of minutes to speak about this. Last night, Senator LaBoucane-Benson, the government deputy leader, gave her Senate sponsor speech on Bill C-6, which is a matter dealing with $150 billion.

After her speech, I asked her some questions. This was the last question that I asked her:

> Can you give us more details about what the largest items included in those special warrants were? You said the total was $73.4 billion. The first one was $40.3 billion, and the second was $33.1 billion for the most recent few months. Please tell us what the largest expenditures were out of these special warrants.

• (1610)

Senator LaBoucane-Benson replied:

> Thank you for the question.
>
> I don't have a breakdown in front of me of the special warrants. They were based on funds that were already approved that were needed to run the government.
>
> As far as getting down into the details, my office would have to provide you with that. I can't right now.

I responded:

> Okay. Then I would just please ask that perhaps you could include that in your third reading speech because it is $73.4 billion. Just receiving a piece of paper or having to watch hours of committee meetings — I think we'd need to know that before we're asked to vote on $73 billion.

Earlier today, Senator Prosper gave an impassioned speech, warning that the Senate of Canada could become a perfunctory place. Honourable senators, if we don't want the Senate of Canada to be treated as a rubber stamp by the Government of Canada, we must not allow the Government of Canada to treat us as one. We are about to vote on Bill C-6, which asks us to grant $150 billion to the government. When we seek information about the larger expenditures in $73 billion in special warrants, we should receive that information here in the chamber.

Let's recall, senators, that special warrants provided the money that the government needed to operate for the five or six months during which the government had prorogued and dissolved Parliament. That $73 billion had no parliamentary oversight until this vote. Despite that, the Government of Canada's representatives in this place have not given us, as parliamentarians, answers about the $73 billion. That is unacceptable and disrespectful to us as senators, and it is also unacceptable and disrespectful to the millions of Canadians who pay taxes and expect us to watch out for them.

For those reasons, I will be voting against this, and I ask you to consider doing the same. Thank you.

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

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Is there an agreement on the length of a bell?

An Hon. Senator: Fifteen minutes.

The Hon. the Speaker: The vote will take place at 4:27.

Call in the senators.

• (1620)

Motion agreed to and bill read third time and passed on the following division:

YEAS
THE HONOURABLE SENATORS

Adler	Klyne
Al Zaibak	LaBoucane-Benson
Arnold	Lewis
Arnot	Loffreda
Black	MacAdam
Boehm	McBean
Boudreau	McNair
Boyer	Mohamed
Burey	Moncion
Busson	Moreau
Cardozo	Muggli
Clement	Oudar
Cormier	Pate
Coyle	Patterson
Cuzner	Petitclerc
Dalphond	Petten
Deacon (*Ontario*)	Prosper
Downe	Pupatello
Duncan	Quinn
Forest	Robinson
Francis	Saint-Germain
Gerba	Senior
Gignac	Sorensen
Gold	Surette
Harder	Tannas
Hay	Varone
Hébert	White
Henkel	Wilson
Ince	Woo
Karetak-Lindell	Youance
Kingston	Yussuff—62

NAYS
THE HONOURABLE SENATORS

Ataullahjan	Richards
Batters	Seidman
Housakos	Smith
MacDonald	Wells (*Newfoundland and Labrador*)—9
Martin	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1630)

APPROPRIATION BILL NO. 2, 2025-26

THIRD READING

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) moved third reading of Bill C-7, An Act for granting to His Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2026.

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

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Is there agreement on the length of the bell? Now?

Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: The vote will happen now.

Motion agreed to and bill read third time and passed on the following division:

YEAS
THE HONOURABLE SENATORS

Adler	LaBoucane-Benson
Al Zaibak	Lewis
Arnold	Loffreda
Arnot	MacAdam
Boehm	McBean
Boudreau	McNair
Boyer	Mohamed
Burey	Moncion
Busson	Moreau
Cardozo	Muggli
Clement	Oudar
Cormier	Pate
Coyle	Patterson
Cuzner	Petitclerc
Dalphond	Petten
Deacon (*Ontario*)	Prosper
Downe	Pupatello
Duncan	Quinn
Forest	Robinson
Francis	Saint-Germain
Gerba	Senior
Gignac	Sorensen
Gold	Surette
Harder	Tannas
Hay	Varone
Hébert	White
Henkel	Wilson
Ince	Woo
Karetak-Lindell	Youance
Kingston	Yussuff—61
Klyne	

NAYS
THE HONOURABLE SENATORS

Ataullahjan	Martin
Batters	Seidman
Housakos	Smith
MacDonald	Wells (*Newfoundland and Labrador*)—8

ABSTENTION
THE HONOURABLE SENATOR

Richards—1

• (1640)

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 16-1(8), I wish to advise the Senate that a message from the Crown concerning Royal Assent is expected later today.

The Hon. the Speaker: Honourable senators, rule 16-1(8) provides that after the Leader or Representative of the Government or the Deputy Leader or Legislative Deputy of the Government has made such an announcement:

> ...no motion to adjourn the Senate shall be received and the rules regarding the ordinary time of adjournment or suspension, or any prior order regarding adjournment shall be suspended until the message has been received or either the Leader or Representative of the Government, or the Deputy Leader or Legislative Deputy of the Government indicates the message is no longer expected. If the Senate completes the business for the day before the message is received, the sitting shall be suspended to the call of the Speaker with the bells to ring for five minutes before the sitting resumes.

These provisions shall therefore govern proceedings today.

[*Translation*]

EXPRESSION OF THANKS AND GOOD WISHES

The Hon. the Speaker: Honourable senators, as we come to the end of a parliamentary year marked by major transitions, I would like to express my deep gratitude to all the teams that support our work with such skill and dedication.

Together, we have been through prorogation, dissolution and then the opening of the Forty-fifth Parliament, marked by a historic moment: the Speech from the Throne read by His Majesty King Charles III.

We also said goodbye to colleagues and welcomed several new ones to this chamber.

[*English*]

It was a powerful reminder of the constitutional traditions at the heart of our democracy as well as the continuity of our institutions and their ability to evolve with time.

None of this would have been possible without all of you.

I speak not only of senators, but of all the remarkable teams who support our work, whether in our offices, in the Senate administration or among our parliamentary partners. You embody what it means to serve our democratic institutions.

[*Translation*]

No matter what the service, from pages to security, translators and interpreters to technicians, administrative and maintenance staff to our own assistants and advisors, not forgetting our Clerk, Shaila Anwar, our Deputy Clerk, Gérald Lafrenière and of course the Usher of the Black Rod, Greg Peters, and their teams.

Your agility and sense of public service inspire us. To the Parliamentary Protective Service, the PPS, which is celebrating its tenth anniversary, thank you for your unflagging commitment, day and night, to protecting our democracy.

In this demanding environment, our teams have shown remarkable agility, unfailing commitment and admirable professionalism.

[*English*]

Every day, I am inspired by your work. It has been a year full of events and change, but thanks to your support, we have served Canadians with effectiveness and respect.

[*Translation*]

As we head out for a well-deserved summer break, I encourage all of you to take the time to recharge, spend time with your loved ones and come back revived, with the same energy I've learned to expect from you.

[*English*]

And as one of my wise predecessors used to say: Don't forget to turn off your phones once in a while.

[*Translation*]

I wish you all a wonderful summer.

Thank you very much. *Meegwetch*.

BUSINESS OF THE SENATE

The Hon. the Speaker: The Senate has completed the business for the day. Pursuant to rule 16-1(8), the sitting is suspended. The bells will start ringing five minutes before the sitting resumes.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1750)

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

June 26, 2025

Madam Speaker,

I have the honour to inform you that the Right Honourable Mary May Simon, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 26th day of June, 2025, at 5:29 p.m.

Yours sincerely,

Ken MacKillop

Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, June 26, 2025:

An Act to amend the Department of Foreign Affairs, Trade and Development Act (supply management) (*Bill C-202, Chapter 1, 2025*)

An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act (*Bill C-5, Chapter 2, 2025*)

An Act for granting to His Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2026 (*Bill C-6, Chapter 3, 2025*)

An Act for granting to His Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2026 (*Bill C-7, Chapter 4, 2025*)

[*English*]

ADJOURNMENT

MOTION ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, September 23, 2025, at 2 p.m.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 6:02 p.m., pursuant to the order adopted by the Senate on June 19, 2025, the Senate adjourned until Tuesday, September 23, 2025, at 2 p.m.*)

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