SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION • 45th PARLIAMENT • VOLUME 154 • NUMBER 40

OFFICIAL REPORT
(HANSARD)

Tuesday, December 2, 2025

The Honourable RAYMONDE GAGNÉ,
Speaker

This issue contains the latest listing of Senators, Officers of the Senate and the Ministry.

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

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

THE SENATE

Tuesday, December 2, 2025

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

ONTARIO INTENSIVE TREATMENT PATHWAY

Hon. Sharon Burey: Honourable senators, I am rising today to draw your attention to an issue that is both urgent and very personal for me, and that is transforming our health care system to better serve children, youth and families. After all, children and youth represent 100% of our future.

[*English*]

In this spirit, I wish to highlight the Ontario Intensive Treatment Pathway, or OITP, an unprecedented model designed to transform the intensive mental health treatment system in Ontario. The OITP aims to improve access for children and youth experiencing the most significant mental health challenges.

From November 16 to 18, 2025, the OITP held its first symposium in Ottawa, where I had the honour of speaking. This important event, which featured renowned international experts, child and youth mental health leaders, education, health and community services leaders and the Ministry of Health of Ontario, fostered shared learning and contributed meaningfully to the ongoing development of the OITP model and its regional intensive treatment networks.

I was privileged to hear about the Indigenous-led distinction-based parallel process. I was also gratified to learn of the $22.9 million invested by the Ontario Ministry of Health in the development of OITP.

Colleagues, we are facing a real and pressing child and youth mental health crisis in Canada. According to UNICEF's Report Card 19 on child well-being, Canada ranks nineteenth out of 36 high-income countries on indicators such as mental and physical health and skills development, and ranks thirty-third for adolescent suicide.

According to Children's Mental Health Ontario, 28,000 children and youth in Ontario are currently waiting for mental health services. For some families, the wait can be as long as two and a half years.

Treating one cohort of 10-year-old children with anxiety and depression will save us $1 trillion — that's with a "T" — over their lifetime. Can you imagine that?

This is why the promise of the OITP is so critical. And this is why mental health, substance use and addiction parity need to become a national priority.

[*Translation*]

It takes a village to raise a child. They are counting on us. Together, we can build a strong Canada.

Thank you. *Meegwetch*.

[*English*]

ASSEMBLY OF FIRST NATIONS

SPECIAL CHIEFS ASSEMBLY

Hon. Paul (PJ) Prosper: Honourable senators, Senator Audette has asked me, rather in a spirit of the moment, to speak today. Across the street, the Assembly of First Nations Special Chiefs Assembly is currently meeting. Chiefs, Grand Chiefs, councillors, youth and grassroots leaders from across Canada will be joining us in the gallery and online today.

The Assembly of First Nations, or AFN, is the national advocacy body, representing 634 First Nations across Turtle Island. It is a body comprised of an assembly of Chiefs who, in turn, elect a National Chief whose role is to push the priorities that the assembly agrees to by passing resolutions.

As a former Chief and Regional Chief, I have acute awareness and understanding of the work that Chiefs do on behalf of their people. I know the competing priorities on a Chief's time and the delicate balance of addressing issues at the local, provincial, territorial and national level. It is not an easy job.

On behalf of Senator Audette and myself, I want to acknowledge and thank Chiefs all across this country for your service and your dedication to your communities and your nations.

I want to thank the youth who take the time to learn from and support their leaders as they train and nurture themselves to become leaders themselves.

I want thank the women, the grassroots leaders and all those who step forward to push hard on what they believe in. It is your energy, devotion and love for your people that make us, in turn, want to push harder and be unwavering in our support for you and your priorities.

Wela'lioq. Thank you very much.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of members of the Nunatsiavut Government celebrating 20 years of self-governance. They are the guests of the Honourable Senator Anderson.

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

Hon. Senators: Hear, hear!

LABRADOR INUIT LAND CLAIMS AGREEMENT

Hon. Margaret Dawn Anderson: Honourable senators, I am privileged to rise today to recognize and congratulate the Nunatsiavut Government on the twentieth anniversary of the Labrador Inuit Land Claims Agreement. This modern treaty remains one of the most significant achievements in the history of Indigenous rights in Canada and a remarkable accomplishment for the Inuit of Labrador.

For thousands of years, Labrador Inuit lived, thrived and cared for the lands and waters of northern Labrador. Colonization brought profound disruption, including the forced relocations of the 1950s, and tore families from their homes and caused lasting harm. It was in the face of these injustices that Labrador Inuit organized and began a long and determined effort to have their rights recognized.

After decades of advocacy, the Labrador Inuit Association reached a final agreement with Newfoundland and Labrador and with Canada. The treaty was signed in Nain on January 22, 2005, and came into effect on December 1, creating the Nunatsiavut Government. It affirmed Inuit ownership of their lands, their harvesting rights and their shared responsibility for managing the region known as Nunatsiavut, which means "Our Beautiful Land."

This anniversary is a tribute to the leaders and community members who carried this vision forward for generations. Modern treaties like this one are not symbolic. They are constitutional commitments that define our relationships, guide our responsibilities and represent reconciliation through action.

But anniversaries also remind us of the work that remains.

Twenty years later, Labrador Inuit continue to experience some of the worst housing conditions in the country. The Federal Housing Advocate has reported that many homes lack safe water and sanitation, are filled with mould and are overcrowded. Seventy-eight per cent require major repairs. These conditions exist because of long-lasting federal and provincial inaction.

Labrador Inuit also face the highest costs of food and fuel, inadequate airport infrastructure and environmental threats, such as the decline of the caribou herd. At the same time, Nunatsiavut must contend with illegitimate groups falsely claiming Indigenous identity, diverting resources from recognized Indigenous governments. This undermines the integrity of Canada's treaty relationships and is a serious barrier to reconciliation.

• (1410)

In the words of President Johannes Lampe:

> For thousands of years, Labrador Inuit have thrived with deep connections to the land, the sea, the animals, and to one another. These relationships have shaped our identity and strengthened our sense of community – making us vibrant, resourceful, determined, and proud.
>
> We believe in the wisdom of our Elders and the creativity of our youth. We cherish our unique culture, language, and traditions, and we find strength in sharing our stories with each other and with the world.

These words speak to the heart of Nunatsiavut and to the enduring promise of this treaty. They honour the deep relationships that have sustained Labrador Inuit since time immemorial and carry the resilience, vision and hope that will guide the generations who follow.

On this twentieth anniversary, may this celebration honour all who carried this treaty forward, and may it also strengthen the resolve to see its full implementation and to support the continued growth of Inuit self-determination for generations to come. *Quyanainni*, *mahsi*, *koana*, thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of colleagues of Senator Marty Deacon representing the Region of Waterloo.

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

Hon. Senators: Hear, hear!

"HOME TEAM" SUPPORT

Hon. Marty Deacon: Honourable senators, early December is always an interesting time of year. We have our work legs likely in two places, one pushing hard to do the important Senate work well and the other leg processing many things on our family seasonal to-do lists.

Today I ask each of you to take a moment to pause and reflect on your home team — those individuals and collectives that support you. We each know the village that assists us; our home teams are very important to acknowledge and thank.

For immediate family who support us — for me, my husband, Bruce, and daughters, Kailee and Kristine — being here in Ottawa, we choose to make a sacrifice every week. Events are missed or covered for us, and it is likely that we present ourselves as a little tired when we walk through the door at the end of the week. But our home team is there unconditionally.

These important people mean so many things. They make sure we get to and from Ottawa safely, including middle-of-the-night pickups or even finding us arriving at a different airport. They

welcome us and give us a much-needed sense of balance. They make us laugh, help us set aside this work and share their worlds with us.

I have listened to many different senators' stories. I was also inspired by Senator Manning and his words about Mr. and Mrs. Petten last week. Here, some senators have their best friend, their dog that needs be looked after; some have folks keeping their homes clean, shovelling the driveway or even checking to see if they left their hair straightener or coffee maker turned on.

We have colleagues here who are parents of young children. They are dearly needed and want to be there for their kids, and having backups at home is essential. There are friends who bring so much joy and balance into your life; they don't need to talk about the Senate but just enjoy time spent together. Often when we get home, we strategically separate our Ottawa work from our time there.

This week, I have welcomed one of my special home teams to Ottawa to shadow our daily work, learn more about what we do and get a feel for what we are trying to do to make Canada the very best it can be.

I thank my girls' group — Jennifer, Paula, Kathy, Deb, Barbie and Diane — for spending the past three days with me. It has been an honour to share the Senate, the House, Centre Block, East Block and committee with them. It has also been deeply special to watch through their eyes and respond to their questions. Truly, my friends are my family.

Another group at home we call "the usuals." Each week, we get out and enjoy long beautiful trails on Fridays. You know already how I feel about the importance of physical activity to our health. I am thankful for people at home who challenge me, push me and constructively respond to my work and intent.

There are many little things that help make our Senate work happen. You know what they are. We value our home teams. We need our home teams. We thank our home teams.

Thank you, *meegwetch*.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Teng Zhang, Chief Executive Officer of Shuo Jun Teng International Consulting Inc. He is the guest of the Honourable Senator Muggli.

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

Hon. Senators: Hear, hear!

BRUCE TEMPLETON, O.N.L.

Hon. Fabian Manning: Honourable senators, today I am pleased to present Chapter 99 of "Telling Our Story."

With the spirit of Christmas in the air, I want to tell you about the man in the red suit. While he may answer to being called "Santa" or "St. Nick," his real name is Bruce Templeton of St. John's, and he was the embodiment of Santa Claus, spreading hope and happiness throughout our province for over 40 years.

On an October night in 1978, he received a call from his Aunt Anna, who asked him if he would dress as Santa Claus at the church Christmas party. Bruce said he could not turn down his aunt, a celebrated individual in Newfoundland and Labrador through her lifelong involvement with craft development. She went on to design a suit just for him, and his life as Santa began.

He volunteered as Santa at the annual St. John's Christmas Parade for 40 years, where he was instrumental in establishing the parade's food drive effort, the largest single gathering of food in our province each year.

Throughout the years, Bruce made more than 1,500 visits to children, community groups, organizations, palliative care units and retirement homes. He often visited terminally ill people, some of them young children who wanted to see Santa.

When he walked through the door during his numerous visits to the Janeway Children's Health and Rehabilitation Centre, the place would light up with smiles from the children, the parents and all the medical staff.

Bruce said:

> The thing I really enjoy is bringing the reality of it all. I do it to keep the dream alive for children. It's all part of the ministry of providing hope and happiness to families . . . . I also want to make it incredibly believable for children. I don't want any child to doubt.

Bruce made the not-so-normal seem normal again, if only for a few moments. He participated with Provincial Airlines and a local radio station each Christmas on a "magical flight" for 18 children to the North Pole. Of the children, 17 are selected by the radio station, and 1 is selected by the hospital, as it is likely that it will be his or her last Christmas.

They board an airplane, and when it touches down, they are met by Santa, all dressed up and covered in snow. Bruce said, "There's no question in the minds of the children that they are at the North Pole."

He would fill a local church with new Canadians and bring joy and laughter to many children who were celebrating their very first Christmas in Canada.

Bruce Templeton has never charged for his appearances and is a long-time member of Rotary International, which undertook to eradicate world polio. Any money paid to him by corporations is matched by the Gates Foundation, and those funds combined have paid for more than 600,000 polio vaccines throughout the world.

He has personally contributed to paying the cost of the vaccines by donating all the proceeds from the sales of four books he has written. One of those books, a memoir called *The Man in the Red Suit*, sold more than 20,000 copies and was on *The Globe and Mail* bestseller list.

Bruce has been recognized for his many years of charitable work by being invested in the Order of Newfoundland and Labrador, and he was the recipient of an honorary doctorate of law from the Memorial University of Newfoundland.

Bruce is also the only living Canadian inducted into the International Santa Claus Hall of Fame, which is an ongoing project that celebrates, studies and preserves the historical documentation of the many men and women who have greatly contributed to the legend of Santa Claus. There is a voting process that judges nominations from throughout the world.

A phrase that Bruce Templeton truly believes in is, "It's your presence, not presents, that counts."

Bruce's presence in the lives of so many Newfoundlanders and Labradorians throughout his many years of giving back to his community has brought much joy and many smiles and treasured memories. His lifelong contribution made a world of difference.

Thank you, Santa Claus. Ho, ho, ho.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of His Excellency Abdulrahman Alneyadi, Ambassador of the United Arab Emirates to Canada. He is the guest of the Honourable Senator Ravalia.

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

Hon. Senators: Hear, hear!

EID AL ETIHAD

Hon. Mohamed-Iqbal Ravalia: Honourable senators, it is my honour and privilege to welcome His Excellency Abdulrahman Ali Alneyadi, the Ambassador of the United Arab Emirates, or UAE, to the Senate of Canada, in particular, at this significant moment as the UAE celebrates its fifty-fourth Eid Al Etihad, also known as National Day.

National Day is a time of pride and reflection, honouring the vision of the late Sheikh Zayed ibn Sultan Al Nahyan, the founding father who united seven emirates into one remarkable nation. On behalf of the Senate of Canada, I extend our heartfelt congratulations to the leadership and people of the United Arab Emirates, or U.A.E. Today marks not only a celebration of the U.A.E.'s founding and remarkable journey but also marks a reaffirmation of the bonds that unite our two nations.

• (1420)

The U.A.E. National Day marks the memory of a visionary union — a declaration of unity and shared purpose amongst Emiratis. Over the decades, under wise leadership, the U.A.E. has transformed into a beacon of progress, innovation and global engagement. Canadians admire the U.A.E.'s commitment to modernization, openness and forward-looking development. This celebrates not only a rich national heritage but also a nation built on stability, ambition and a deep regard for diversity.

Today's visit comes on the heels of a recent historic trip by our Prime Minister Mark Carney to Abu Dhabi. During that visit, Canada and the U.A.E. signed a new foreign investment promotion and protection agreement and launched negotiations toward a comprehensive economic partnership agreement, setting the stage for a new era of deeper economic cooperation.

This breakthrough visit underscores our shared commitment to trade and investment as well as collaboration in sectors from critical minerals and clean energy to technology, infrastructure, food security and humanitarian partnerships. Our countries already enjoy a strong foundation of friendship: Many Canadian companies operate in the U.A.E., and many Canadians live and work there, while trade flows and its cultural ties continue to grow. The new agreement promises to expand opportunities for workers, businesses and communities on both sides of the Atlantic.

Your Excellency, by joining us in the Senate today, you give us a chance to publicly reaffirm what many Canadians and many Emiratis already know: The relationship between Canada and the U.A.E. is not just strategic but also grounded in mutual respect and a vision for a prosperous, stable future.

On this special occasion of your National Day, and considering the renewed energy in our bilateral partnership, on behalf of my colleagues in the Senate, I offer our warmest welcome and our firm commitment to working with you to continue to enhance this relationship. Congratulations. *Shukran*.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Chief George Arcand Jr. of Alexander First Nation. He is the guest of the Honourable Senator LaBoucane-Benson.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

AUDIT AND OVERSIGHT

THIRD REPORT OF COMMITTEE PRESENTED

Hon. Marty Klyne, Chair of the Standing Committee on Audit and Oversight, presented the following report:

Tuesday, December 2, 2025

The Standing Committee on Audit and Oversight has the honour to present its

THIRD REPORT

Your committee, which for the purposes of integrity, independence, transparency and accountability, is authorized under rule 12-7(4) to act on its own initiative on certain matters, including retaining the services of internal and external auditors and overseeing such audits, and to report at least annually with observations and recommendations to the Senate, now reports as follows:

Under Section 10-1 of the *Senate Audit and Oversight Charter* (the Charter), your committee is mandated to carry out a periodic review of the Charter. Your committee has completed the first such review since the Charter's adoption by the Senate in 2022 and now recommends:

1. That the revised *Senate Audit and Oversight Charter*, appended to this report, be adopted;

2. That the Standing Committee on Audit and Oversight be authorized to examine and report on the appropriate consequential amendments to chapter 3:05 of the *Senate Administrative Rules*, that may be necessary in order to align with provisions within the revised *Senate Audit and Oversight Charter*, in relation to the financial rules and procedures for committees, and that the committee present its report to the Senate no later than March 26, 2026; and

3. That the Standing Committee on Audit and Oversight be also authorized to examine and report on amendments to the *Rules of the Senate*, in relation to the referral of papers and evidence received and taken and work accomplished by the committee during past sessions and by past intersessional authorities; and that the committee present its report to the Senate no later than March 26, 2026.

Respectfully submitted,

MARTY KLYNE

Chair

(*For text of report, see today's* Journals of the Senate*, p. 489.*)

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

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

GEORGINA'S LAW

FIRST READING

Hon. Fabian Manning introduced Bill S-242, An Act respecting national action for the prevention of intimate partner violence.

(Bill read first time.)

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

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

[*Translation*]

BANKING, COMMERCE AND THE ECONOMY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE ON DECEMBER 9, 2025

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

That the Standing Senate Committee on Banking, Commerce and the Economy be authorized to meet on Tuesday, December 9, 2025, for the purpose of studying elements contained in Divisions 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 22, 23, 37, 39, 43 and 45 of Part 5 of Bill C-15, An Act to implement certain provisions of the budget tabled in Parliament on November 4, 2025, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE ON DECEMBER 10, 2025

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

That the Standing Senate Committee on Banking, Commerce and the Economy be authorized to meet on Wednesday, December 10, 2025, for the purpose of studying elements contained in Divisions 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 22, 23, 37, 39, 43 and 45 of Part 5 of Bill C-15, An Act to implement certain provisions of the budget tabled in Parliament on November 4, 2025, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Claude Carignan: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

> That the Standing Senate Committee on National Finance be authorized to meet on Tuesday, December 2, 2025, for the purpose of examining the subject matter of all of Bill C-15, An Act to implement certain provisions of the budget tabled in Parliament on November 4, 2025, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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.)

• (1430)

QUESTION PERIOD

NATIONAL REVENUE

TAXES ON EXCESS PAYMENTS

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. Leader, the Phoenix fiasco has been causing errors and injustices for years. However, according to the CBC, the government is trying to recover debts that fall outside the limitation period by having the Canada Revenue Agency withhold tax refunds, including those of retirees who no longer have access to their old pay information or proof of overpayments. The letters and testimony that have emerged suggest that the government is circumventing the limitation period. How can the government justify using the CRA's Individual Refund Set-Off Program to withhold tax refunds in order to recover alleged overpayments from the Phoenix fiasco?

Hon. Pierre Moreau (Government Representative in the Senate): Senator Carignan, in your preamble, you said that the debts in question are outside the limitation period. The government can't exceed the limitation period. That is a basic legal principle. Therefore, any claim made outside the limitation period would not be admissible. I don't need to tell you this. I have no information that the government is attempting to exceed the limitation period or illegally recover money owed to it.

Senator Carignan: I see that you understand my concern. Will the government therefore order the immediate suspension of collection measures, particularly against retirees, until it can demonstrate, with supporting evidence, that these amounts are indeed due and legally collectible, instead of forcing vulnerable individuals to acknowledge, against their will, a debt that does not exist or that has expired due to the limitation period?

Senator Moreau: Senator Carignan, you know that I can't make a commitment on behalf of the government. However, I would like to reiterate that I have no information that the government is attempting, by any means whatsoever, to recover amounts outside the limitation period. If it does, anyone who is asked to pay could validly refuse to comply.

PUBLIC SAFETY

TRANSIT SAFETY

Hon. Claude Carignan: Despite the massive upsurge of violence on public transit across the country, with staggering increases of up to 300% in some cities, your government continues to claim that the situation is under control. However, assaults are on the rise, violent crime is well above prepandemic levels, there is a pervasive sense of insecurity among users, and the response capacity can obviously no longer keep up.

Leader, after 10 years under this government, public transit is an essential service that too many Canadians are afraid to use. I therefore ask you this in all sincerity: when your government finally stop improvising? When will it bring in a real national plan to make public transit safe again?

Hon. Pierre Moreau (Government Representative in the Senate): Senator Carignan, I think you were absent, but as I pointed out to your colleague, Senator Housakos, this government was elected just a few months ago. This is a new government, so your reference to the previous government is starting to sound a bit like a broken record. I would respectfully suggest that you defer to the good judgment of Canadians, who saw fit to give the current government a strong mandate in the last election.

You were in the chamber when the Minister of Justice was here last week. The minister made it very clear that the government plans to introduce amendments to the Criminal Code to impose harsher sentences for violent crimes of all kinds, especially now, when we are raising awareness of violence against women, and in general, so that Canadians feel safe everywhere in Canada.

Senator Carignan: It's amusing to see a government leader appointed by the Trudeau government who can't remember that exactly the same people have been elected again and again for almost 11 years now. In a document published in 2024, the Canadian Urban Transit Association called for a dedicated federal transit safety and security fund. It proposed a fund of at least $75 million per year to hire security staff. What is the government doing about this?

Senator Moreau: I'll pick up on the first part of your question. Indeed, there has been continuity for the past 11 years, and it's certainly because Canadians wanted it that way, Senator Carignan. It's a simple principle called democracy.

As for the importance that the government places on preventing violent crimes, I think that the commitments made by the Minister of Justice in that regard speak for themselves.

[*English*]

GLOBAL AFFAIRS

SUPPORT FOR UKRAINE

Hon. Stan Kutcher: My question is for the Government Representative in the Senate. On June 4, 2025, I inquired of the previous Government Representative what Canada was doing to increase the numbers of Ukrainian children returned to Ukraine after having been stolen by Russia. I did not receive a satisfactory answer. So I ask once again: What more is Canada doing now that it has not done before to increase the numbers of stolen Ukrainian children returned from Russia? Can you provide examples of new funding or other concrete activities, not just more talk about how much of a problem this is?

Hon. Pierre Moreau (Government Representative in the Senate): Senator Kutcher, the short answer would be that Canada is doing everything it can to do that. Russia's actions to forcibly transfer and deport Ukrainian children constitute a direct violation of international humanitarian law, including the Geneva Conventions and the United Nations Convention on the Rights of the Child, which Canada recognizes.

As co-chair of the International Coalition for the Return of Ukrainian Children, the Government of Canada has taken numerous steps to bring Ukrainian children home, including the coordination of joint efforts of 45 countries and international organizations.

I know many other things have to be done. The Government of Canada is committed to be side by side with Ukraine to try to resolve this important crisis. But, again, the short answer is Canada is doing everything it can.

Senator Kutcher: Thank you for that response, senator. I hope we don't judge Canada by the kind of activity that it's doing right now.

There are many Ukrainians who have been displaced by this war who are now living here, paying taxes, contributing to our civic and economic life. Some of them want to achieve permanent residency, or PR. They are an asset to Canada. The minister has the authority to open up a dedicated pathway should she wish to do so. Will she and, if so, when?

Senator Moreau: Unfortunately, I cannot comment on any potential future program. However, the government will continue to support Ukraine and Ukrainians. I will raise the question with the minister, but I am not aware of any upcoming program relevant to that specific question, senator.

• (1440)

I will point out that the Prime Minister of Canada is frequently talking with President Zelenskyy, and they are trying to do their best to help Ukrainians here in Canada and abroad.

[*Translation*]

HEALTH

ADVERTISING OF VAPING PRODUCTS

Hon. Victor Boudreau: My question is for the Government Representative.

As some of us know, a number of organizations have been working for years to ban certain vaping products from Canada. These include the Canadian Lung Association, the Canadian Cancer Society and the Heart and Stroke Foundation. These organizations want to restrict flavoured vaping products in particular.

We've all seen these products. They come in brightly coloured packages and contain vaping liquids in a range of candy, dessert and fruit flavours. Even the tobacco industry acknowledges that these products target children and should be restricted.

Half of the work has already been done. Restrictions on flavoured vaping products were published in the *Canada Gazette* nearly five years ago, but they still haven't been finalized.

Can the Government Representative tell us when the government plans to finalize and implement these restrictions?

Hon. Pierre Moreau (Government Representative in the Senate): Senator Boudreau, thank you for your question. I think everyone knows that there are some extremely difficult and serious public health issues related to vaping products. As you pointed out, a publication has already appeared regarding these regulations. I don't have any specific information about when the regulations will come into effect, but I will talk to the Minister of Health about it. If a date has been set, I will follow up with your office.

Senator Boudreau: Well, it has been nearly five years, so it's time to take action.

My province, New Brunswick, banned mint- and menthol-flavoured vaping products. Can the representative tell us whether the government plans to do likewise? I imagine you'll include this information in your answer to my first question.

Senator Moreau: I will indeed follow up on that as well. I salute your provincial government's initiative to ban vaping products, which, I would emphasize once again, are a public health issue that concerns us all.

PRIME MINISTER'S OFFICE

REVOCATION OF HONORIFIC STYLE AND TITLE OF "HONOURABLE" FROM FORMER SENATOR DON MEREDITH

Hon. Josée Verner: Senator Moreau, in 2017, an initial report by the Senate Ethics Officer found that former senator Don Meredith had breached our code of ethics by engaging in an inappropriate relationship with a teenage girl. In 2019, a second report found that he had also contravened the *Ethics and Conflict of Interest Code for Senators* in relation to cases of workplace and sexual harassment involving employees in his office and from the Parliamentary Protective Service. In 2020, compensation was awarded to the victims of these actions, and the Standing Committee on Internal Economy, Budgets and Administration, CIBA, expressed its regrets on behalf of the Senate.

Can you tell us what steps the Prime Minister's Office has taken in response to the motion that was unanimously adopted on November 29, 2022? The motion was introduced by Senator Miville-Dechêne and myself, and it calls for the revocation of the honorific style and title of "Honourable" from the former senator.

Hon. Pierre Moreau (Government Representative in the Senate): Senator Verner, let me thank you for bringing this issue to my attention. It has been widely discussed in the Senate, and I know that you, your colleague and other senators have invested a great deal of time in this matter.

After you brought this matter to my attention — thank you, by the way — I therefore took the initiative of referring it to the Prime Minister's Office.

I haven't receive a response so far regarding the follow-up that will take place. However, I know that the procedure suggested at the time was a recommendation from the Prime Minister to the Governor General for the person referred to in the Senate motion you mentioned to be stripped of the honorific style and title of "Honourable." I will undoubtedly have more information for you on this matter in the near future.

[*English*]

HEALTH

HIV PREVENTION AND EDUCATION

Hon. Kristopher Wells: My question is for the Government Representative in the Senate.

In recognition of World AIDS Day, we wear a red ribbon as a symbol of courage and hope. It reminds us that the story of HIV is written not only in science but in the lives and losses of millions. It is a story shaped by courage, inequity and the unrelenting work of those who refuse to let compassion fade and hope die.

HIV remains a significant public health challenge in Canada and around the world. Prevention gaps persist. Comprehensive sexual health education is not consistently available, and millions rely upon global efforts, particularly the Global Fund, for access to life-saving prevention and treatment.

Senator Moreau, through you, I ask the government what concrete steps Canada is taking this World AIDS Day to strengthen its response to this issue, specifically by increasing investments in HIV prevention, supporting comprehensive sexual health and ensuring Canada continues to be a strong and reliable contributor to the Global Fund's work to end AIDS globally.

Hon. Pierre Moreau (Government Representative in the Senate): The short answer to your question is that the Government of Canada will continue to work with communities, health care providers, health authorities and organizations to put an end to HIV as a public health concern.

I thank you, senator, for highlighting World AIDS Day.

I will note that after several years of increases in Canada, we saw a small decline in the national rate of new HIV diagnoses in 2024 compared to 2023. However, the government knows HIV remains a concern in Canada. That is why the government's renewed action plan on sexually transmitted and blood-borne infections, or STBBIs, recognizes that STBBIs do not affect all people equally, and it outlines a response to address overlapping social and structural factors that shape health outcomes.

Senator K. Wells: Thank you, Senator Moreau.

I'm concerned that some provincial governments continue to restrict access to comprehensive sexual health education in schools and others refuse to release timely information about the alarming rates of HIV and STBBIs. Prevention and education are critical in this work.

Can the government specify when we can expect updated funding allocations for prevention and education through the Public Health Agency of Canada? Also, will Canada restore its contribution level to the Global Fund?

Senator Moreau: There is already a strong pledge of $1.02 billion that reflects Canada's continued resolve to support the coordinated global efforts to tackle major health challenges, while staying in line with our historical levels of support for and recovery from the investment surge for the COVID-19 pandemic. The Global Fund is a highly effective financing mechanism that delivers for the poorest and most marginalized, while strengthening global and Canadian health security.

AGRICULTURE AND AGRI-FOOD

SUPPORT FOR FARMERS AND PRODUCERS

Hon. Yonah Martin (Deputy Leader of the Opposition): Government leader, a Statistics Canada report last week confirmed what farmers across Canada have been sounding the alarm about for years. Under the Liberal government, farming is becoming economically unsustainable. Realized net farm income

collapsed by $3.3 billion last year, an unprecedented 26% drop, while operating costs soared to nearly $80 billion. Farm debt has surged at the fastest rate since 1981, and producers now face shrinking markets, higher tariffs and an escalating industrial carbon tax that makes it more expensive to grow and transport food.

Leader, how does your government justify policies that are driving Canadian farm families to the brink and undermining our national food security?

Hon. Pierre Moreau (Government Representative in the Senate): I'm a member of a family that farms. My nephew is a farmer; my brothers are farmers. They are very hard-working Canadians, but what hard-working Canadians want is a government that will deliver a strong economy. That's exactly what the government is committed to doing. It is true for farmers; it is true for workers all across the land. The government, by increasing our investment in important matters, will provide a growing economy that will help farmers and workers all across Canada.

Senator Martin: I will respectfully disagree about your government's record. The Prime Minister has travelled so extensively that he completes a loop around the world every 44 days, yet farmers still face a full beef export ban, 100% tariffs on canola products and peas and 25% tariffs on pork and seafood by China. That is along with other restrictions from India, the U.K. and many others.

• (1450)

Senator Moreau, farmers cannot afford this inaction. Does the Prime Minister actually care about Canadian agriculture at all?

Senator Moreau: Respectfully, Senator Martin, what the Prime Minister is doing abroad is the following: a new trade agreement with Indonesia; a defence agreement with the European Union; a critical minerals agreement with Germany; a new trade deal with Ecuador; advancing trade negotiations with the Association of Southeast Asian Nations as well as the Philippines and Thailand; and new discussions with South Africa toward a foreign investment promotion and protection agreement.

What is he doing? He is opening doors for Canadians to improve the Canadian economy all across the world. That is what he is doing abroad.

JUSTICE

CRIMINAL JUSTICE SYSTEM

Hon. Leo Housakos (Leader of the Opposition): Honourable colleagues, the lost Liberal decade strikes again. According to new data, almost 10,000 criminal cases are now being tossed because successive Liberal governments have allowed our justice system to slip into a culture of leniency and administrative chaos. We are talking about hundreds of sexual assault cases and homicide cases thrown out because courts can't meet timelines that have been on the books since 2016.

The result, colleagues, is that victims are traumatized, public confidence is shattered and Canadians are left watching violent offenders walk free not because they were found innocent but because of this government's incompetence.

Government leader, you will agree: Justice delayed is justice denied. Years of mismanagement have brought us to this situation. When the Canadian public loses confidence in our judicial system, what do we have left?

Hon. Pierre Moreau (Government Representative in the Senate): You should talk to your colleague Senator Carignan who was questioning a decision of the Supreme Court of Canada recently. When you want to support justice, you support the judgment of the court first and foremost.

The justice minister was here a few weeks ago, and he said the government is committed to tackling violent crime and bringing amendments to the Criminal Code. That's what the government is doing. We are taking justice very seriously, and you know that.

What are you doing about the Canadians who need to be safe everywhere? You're against the gun buyback program, which you are denouncing. We want Canadians to feel safe in their communities, and you are against that kind of program. Why are you questioning the position of the government on justice when you do not care about the safety of Canadians in their own communities?

Senator Housakos: Government leader, please — victims whose lives have been shattered and survivors of brutal violence, including women nearly killed by their ex-husbands in front of their own children, are now left in fear because of this system and this crisis.

This is not a system under strain. It is a system in total collapse, and the blame lies squarely on the government.

We're talking not just about guns. We're talking about criminals who are running free in our streets because they haven't been brought to justice because your government hasn't subsidized our system properly.

Senator Moreau: I beg to differ, Senator Housakos. The commitment of the justice minister was quite clear when he was here a few weeks ago.

We are acting on violence against women. We are acting on criminalizing coercive control. We are working on online harms. We are working toward implementing a gun buyback program. You are criticizing the amount that has been spent on such a program. What is the logic behind your question?

NATIONAL REVENUE

COMMUNITY VOLUNTEER INCOME TAX PROGRAM

Hon. Tony Loffreda: Senator Moreau, this Friday marks the fortieth anniversary of International Volunteer Day, an important moment to recognize the essential contributions that volunteers make in our communities, especially at this time of the year.

The end of the year also signals the start of tax season. As you know, the Community Volunteer Income Tax Program enables non-profit organizations to operate free tax clinics that help Canadians file their returns and access the benefits to which they are entitled. Canadians can volunteer to support the work of this program.

Given that this pilot program has been extended twice since 2021, and noting the $7-million funding envelope identified in Budget 2025, is the government considering extending this program beyond March 2026? And what has been the total cost of this grant program to date?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you, Senator Loffreda, for highlighting such an important program. Unfortunately, I don't have an exact cost figure for you at this time, but I will certainly inquire about that with the Canada Revenue Agency.

As to extending the pilot program past March 2026, as I am sure you can appreciate, I cannot speak on any future program announcements. Having said that, the government has certainly recognized the importance of ensuring Canadians file their taxes in order to receive the benefits that they are owed. That is why the government has committed to automatic tax filing for low-income Canadians who cannot afford to pay experts to file their taxes.

Senator Loffreda: Thank you for that. March 2026 is around the corner, as we know.

Our National Finance Committee has repeatedly expressed concern that too many eligible Canadians still do not file a tax return. Some estimates suggest it's as many as 10% of Canadians.

How successful has the program been since its creation? Specifically, how many Canadians have been able to access income benefits as a result of these free community tax clinics?

Senator Moreau: I understand, senator, that over 3.2 million tax filings have been submitted through the Community Volunteer Income Tax Program, with over 2.8 million Canadians receiving support.

As I said, it is very important for Canadians, particularly low-income Canadians, to file their taxes to ensure they receive the benefits and money that they are owed. That is why the government is taking steps to automatically file taxes for low-income Canadians. These filings ensure that Canadians —

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

[*Translation*]

JUSTICE

SUPPORT FOR WOMEN WHO ARE VICTIMS OF VIOLENCE

Hon. Manuelle Oudar: Senator Moreau, during these days of action on violence against women, my question for you concerns the Belém do Pará Convention, which Canada has still not ratified. Canada is actually one of the few countries that has not done so.

The convention requires the adoption of measures to prevent and eradicate all forms of violence against women, including not only physical violence but also psychological, economic and digital violence.

Until it ratifies the convention, Canada is not fully bound by it, nor is it subject to its international monitoring mechanism. Lawyers Without Borders has condemned this situation.

Senator Moreau, don't you think that this situation sends a contradictory message internationally, given Canada's aspiration to be a leader in women's rights?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you, Senator Oudar. I will say two things.

First, on March 7, 2025, the Minister of Foreign Affairs announced that Canada had signed the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women. By so doing, Canada reiterated its long-standing commitment to human rights, gender equality and the prevention and eradication of gender-based violence, both at home and abroad.

Canada is serious about its commitment, as demonstrated by the implementation of the 10-year National Action Plan to End Gender-Based Violence, the introduction of legislative measures to strengthen protection for survivors of gender-based violence, and the implementation of a code of conduct to prevent economic coercion.

RESTORATIVE JUSTICE

Hon. Manuelle Oudar: Thank you, Senator Moreau, but signing and ratification are two different things. We need to ratify this convention.

The concept of transformative justice is now being promoted internationally to correct the structural inequalities that have facilitated violence.

How will incorporating this legal principle into Canadian law radically change our approach to victims, particularly Indigenous women?

Hon. Pierre Moreau (Government Representative in the Senate): You're right, signing and ratification are two different things, but signing is a step in the right direction. That is what I was trying to say.

You ask me how transformative justice will change Canada's legal ecosystem. I don't consider myself an expert on the subject. I will simply point out our economic reconciliation measures, our food security programs, affordable child care programs, and so on.

On the fundamental issue—

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

[*English*]

FINANCE

AFFORDABILITY FOR CANADIANS

Hon. Colin Deacon: My question is for Senator Moreau, the Government Representative in the Senate.

This chamber continues to await the arrival of Bill C-4 so that we can do our job, but it keeps getting delayed in the House. Bill C-4, which is entitled the making life more affordable for Canadians act, includes Parts 1, 2 and 3 which legislate three election promises related to affordability: an income tax cut, a GST and HST reduction and the removal of the consumer carbon tax.

• (1500)

Part 4 contains amendments to the Canada Elections Act specifically related to data collected by political parties. Can you help this chamber understand how Part 4 makes life more affordable for Canadians? Or, conversely, how does it help to improve the data privacy rates of Canadians given that data security is central to our national security, sovereignty and economic prosperity?

Hon. Pierre Moreau (Government Representative in the Senate): In terms of the question concerning Bill C-4, I have been told that there is unanimous consent in the other place. I don't understand why Bill C-4 is not here at the Senate at this time. The question should probably be directed to the Leader of the Opposition here because my understanding is that it's not the government that does not want to fulfill its political will by bringing Bill C-4 to the Senate.

Bill C-4 contains important measures that would benefit all Canadians, and I look forward to having it here so this chamber may thoroughly study all the measures that are in the bill.

Senator C. Deacon: Thank you, Senator Moreau.

Our chamber, as it relates to Bill C-4, might best be called the "chamber of sober first thought," particularly in relation to Part 4, which contains amendments to the Canada Elections Act. The committee that studied the bill in the House did not hear witness testimony related to Part 4.

Can you reassure this chamber that we will be provided with a meaningful opportunity to study Part 4 optimally in our Legal and Constitutional Affairs Committee?

Senator Moreau: I'm certainly looking forward to having the time to thoroughly study Bill C-4 here at the Senate. The only question I have is when it will cross the street and come to the Senate. Once again, it is not because of the government. The government is trying hard to bring Bill C-4 to the Senate on time, and we will have time to study it thoroughly. I'm committed to that.

ORDERS OF THE DAY

INDIAN ACT

BILL TO AMEND—FIRST REPORT OF INDIGENOUS PEOPLES COMMITTEE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Greenwood, seconded by the Honourable Senator Ravalia, for the adoption of the first report of the Standing Senate Committee on Indigenous Peoples (*Bill S-2, An Act to amend the Indian Act (new registration entitlements), with amendments and observations*), presented in the Senate on November 25, 2025.

Hon. Paul (PJ) Prosper: Honourable senators, today I stand to speak at the report stage of Bill S-2, An Act to amend the Indian Act (new registration entitlements).

Since our discussion last Thursday, a recurring question has echoed in my mind over the last few days: When we hear the Speaker's words after debate at the report stage, "Are senators ready for the question?" what exactly is the question?

As I understand it, at this stage, senators are fundamentally being asked, "Do you trust the work of the committee?" We are, all of us, experts in something — that is how we get here — but none of us are experts at everything. We rely on Senate committees to develop an expertise in certain topics. It is a combination of past experience, lived experience and years of sitting on committees that enables senators to develop a certain expertise in certain topics. This uniquely positions them to be able to consider legislation on those subject matters that can, at times, be quite complicated. They report back on their work to the main chamber, and we use those reports to guide our work.

Senators without the subject-matter expertise often trust the senators on committees to help guide them. Who, then, do the senators on committees trust for guidance and information? Our witnesses.

As Senator Greenwood noted in her speech, we held 12 meetings and heard from 62 unique witnesses. We received and published 49 briefs from organizations and individuals across Canada. Senator Greenwood also noted that:

> . . . there was near-unanimous agreement that it did not go far enough in removing ongoing discrimination that affects First Nations People to this day.

As Senator Moreau so eloquently and humbly put it:

> . . . like most of you in this chamber, I am not of Indigenous descent and, like most of you, I am called to address and decide upon changes to the Indian Act, an act that has deeply disrupted and dislocated the lives of generations of Indigenous people.
>
> Not only are we called to deliberate on fundamentally Indigenous matters, colleagues, we are asked to do this with full knowledge that Indigenous Peoples in this country have suffered from well over a century of discrimination and state-sanctioned oppression, in a word, from a history of colonialism.

Well, I am Indigenous. Of the 10 senators who voted in committee for these amendments, five of us are First Nations. For reference, there are 11 of us in this entire chamber. Four of them do not sit on the Indigenous Peoples Committee, and two others were absent that day. That means five First Nations senators and five of our allies were united in our belief that, based on all the testimony and the briefs we received, these amendments were necessary.

Senator Moreau asked senators to reject this report on the basis that government has a constitutional duty to consult. He provides the following in response to a question from Senator Clement:

> This consultation is not intended to determine whether the current situation is discriminatory; clearly, it is. Rather, the consultation is to determine, in your opinion, what solutions should be implemented to address the second-generation issue.

Colleagues, this discrimination has been ongoing for 40 years. We must weigh these comments with the testimony we heard in committee, testimony from people like Dr. Pam Palmater, who said that government cannot enact yet another bill to get rid of the second-generation cut-off ". . . with these incrementally tiny steps while having an iron grip on the legislative extinction in disappearing Indian formula."

Testimony from people like Zoë Craig-Sparrow, who said, "You cannot end discrimination incrementally."

Testimony from people like Cora McGuire-Cyrette, who said that:

> . . . the second-generation cut-off will result in the numbers of registered Indians declining over time, eventually leading to the extinction of status Indians and entire communities.

Well, we all know what happened with consultations involving Indigenous rights-holders through Bill C-5 in this chamber earlier this year. It was with great effort that we heard from just one Indigenous rights-holder Chief Moore-Frappier through our Committee of the Whole.

Yet, curiously, when we get a long-standing topic such as the second-generation cut-off, this government says that they will refuse to proceed until — you guessed it — more consultation has happened. There was no consultation undertaken with rights-holders when the second-generation cut-off was first introduced in 1985.

Colleagues, we cannot allow consultation to be weaponized in this way. Senator Moreau tells us to reject the report on the basis of our constitutional obligations around consultation, but what about our obligation to uphold the Charter? What about our obligations under the United Nations Declaration on the Rights of Indigenous Peoples Act, or UNDRIP, which creates a statutory requirement to ensure that all laws of Canada are consistent with UNDRIP?

For reference, Article 6 states, "Every indigenous individual has the right to a nationality." Article 9 states that:

> Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

• (1510)

Article 28 speaks to the right to redress, including ". . . just, fair and equitable compensation . . . ."

Senators, what about our constitutional duties and roles as Canada's chamber of sober second thought?

In 2014, the Supreme Court of Canada ruled in several reference questions on Senate reform. It noted our appointments allow for ". . . freely speaking one's mind on the legislative proposals of the House of Commons."

Our own website states that we ". . . scrutinize legislation, suggest improvements and fix mistakes." We defend ". . . regional interests. . ." and give ". . . voice to underrepresented groups like Indigenous peoples . . . ."

The minister points to a solution that needs to come from community as part of their department's collective, collaborative process. Our committee heard from all but 28 of the 75 entities that took part in this collaborative process. All of the remaining 47 witnesses representing various groups and organizations called on us to act and remove the second-generation cut-off.

Pam Palmater, on whom many committees have relied on as a witness, told us, "We have been down this consultation road. We just need to fix it once and for all."

Zoë Craig-Sparrow, Vice-President of Justice for Girls, said:

> When we say this will lead to legal extinction in three to four generations, we mean of entire nations and peoples. But this is happening now, with real, tangible implications for people today like me and my family.

Similarly, Mélanie Savard, a grassroots leader from Wendake in Quebec, gave us her own example:

> At 19, when I gave birth to my son, I was also condemned. No legacy of my time on Turtle Island could be passed down to my son, to my flesh and blood. If I die right now, my family heritage cannot be legally handed down to him. That means that in the next few months, I will have to sell our house — our roots and a refuge for us both. I'd rather mourn a material loss than hand down to him a sentence that will certainly haunt him for the rest of his life: the fact that he was not entitled to inherit what his mother had built for him and for us.

Colleagues, this is not a theoretical problem. It is an urgent call to action that requires us to meet our various obligations, both moral and statutory. This is what our committee has done, and this is what we are reporting back. A vote in favour of adopting this report is a vote of confidence in the work we have done on this chamber's behalf.

We have in good faith listened to the voices of the many witnesses and those who took the time to write briefs. We have stood with community, and I stand with them now in this place before you and before all Chiefs, leaders and rights holders who have come to watch our proceedings in the gallery today and all those who are watching at home. I urge senators to stand with them as well and adopt this report. *Wela'lioq*. Thank you very much.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Will Senator Prosper take a question?

Senator Prosper: Yes.

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Thank you, Senator Prosper, for your speech.

I've just had an engaged conversation with Chief Arcand from the Alexander First Nation. He, like you and like the minister, wants to see the end of the second-generation cut-off. In fact, he told me that signatories to Treaty 6 in his family will not be able to pass on their treaty status. It is something that, as a nation, they want to see remedied.

He also told me that his band membership is under section 10, and they still do not have adequate control over their membership and are currently having difficulty dealing with fraudulent claims to membership. It's very difficult. They have to hire a lawyer and go through a court because of the way section 10 is right now, and it's probably no different for other First Nations.

Try as I might, I see neither any provisions in your amendment passed at committee to assist nations in reclaiming control over their membership nor the time and flexibility that will be needed, nor a mechanism to deal with fraudulent claims. There will be a lot of claims if your amendment is adopted and passed in the House of Commons.

Do you agree with the understanding that these are among the many items the minister is discussing with rights holders, currently consulting on and which, I would imagine, are going to inform the creation of a stand-alone bill that the minister has promised she is bringing as early as the spring? Do you agree that this is part of what needs to be put into a piece of legislation that is then taken back to Chiefs for consultation so that every Chief and their nation can see in the legislation a successful path forward, and that this is the role of the government to do that?

I hear you say that consultation is being weaponized, but having sat on the Standing Senate Committee on Indigenous Peoples and having been part of the group that has held the government's feet to the fire to consult, I don't know why consultation is now seen as a weapon rather than a way to craft legislation that will protect nations and the government, because Chiefs have said they will come and sue the minister if these amendments are passed without consultation.

Thank you.

Senator Prosper: Thank you for the question. One thing that is part of these amendments is a deeming provision. Those amendments we are bringing forward are giving the government the opportunity, a year, before those provisions come into full effect. Certainly, if the government undertaking the consultations feels they need more time, they can stand upon that deeming provision from one year to whatever years —

The Hon. the Speaker: Senator Prosper, I'm sorry to interrupt. Would you like more time to answer questions?

Senator Prosper: Yes.

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

Hon. Senators: Agreed.

Senator Prosper: Thank you, Your Honour.

Flexibility exists within the legislation itself to allow government to do their invaluable work while this legislation exists as a fail-safe, because we all know that with a minority government things are not quite as certain in terms of what their path is and them fulfilling their vision. It provides a fail-safe for First Nations just in case there is a change in government. Certainly, regarding complex issues with respect to section 10 and things of that nature, this will be a stopgap while those discussions take place and are later incorporated in the legislation. It takes that into account. Thank you.

Hon. Pat Duncan: Senator Prosper, thank you for taking another question. My question comes from a place of experience as a Yukoner who has borne witness to the time it took to reach the Umbrella Final Agreement, 40 years after the tabling of *Together Today for our Children Tomorrow*, and as a member of

the Yukon government in negotiation over self-governing agreements with First Nations. As a young campaign worker in elections, I remember the section 31 discussions at the door and the amendments in 1985. As a parent and a Canadian, I'm deeply moved by the discussions of the second-generation cut-off that I have heard for some years.

• (1520)

In preparing for discussions on Bill S-2, I have given a lot of thought to and spent some time with the Crown-Indigenous Relations and Northern Affairs Canada document entitled *2024 Engagement on the Renewal of the Federal Consultation and Accommodation Guidelines: Companion Interim What We Learned Report*. It is a document that was developed in concert with Indigenous Peoples from across the country.

In the subsection "What we learned," within the section "Preparing for consultation," the document states:

> Consultation processes should favour an early and more partnership-based approach that prioritizes transparency and a government-to-government approach. . . .

How do the amendments you have presented reflect that there has been an early and more partnership-based government-to-government approach?

Senator Prosper: Thank you for the question, Senator Duncan. It is much appreciated.

Certainly, the discussions taking place today are substantive and directed toward consultation, but much consultation has taken place previously. We are talking about an introduction of the second-generation cut-off back in 1985, and there is even a Senate committee report that we have issued that squarely talks about addressing the second-generation cut-off issue. There have been consultations taking place.

The consultations you reference involve self-government agreements, which are rather complex in nature. The nature of removing the second-generation cut-off can be done in a coordinated manner through these amendments while incorporating what you have learned through your partnership and those ongoing discussions that were later brought in with this piece of legislation itself.

[*Translation*]

Hon. Raymonde Saint-Germain: I'll ask you the first part of my question in French, Senator Prosper.

I'm asking this question as a non-Indigenous unelected independent senator. First, I would like it to be noted in the record of our proceedings that it was very difficult for an unelected and non-Indigenous person to follow the committee proceedings and watch as an elected Indigenous female minister had to endure questions from unelected non-Indigenous people in a particularly trying manner. Personally, I found that there were still traces of colonialism and that this too needs to be fixed for reconciliation.

[*English*]

I have in mind what you just said, Senator Prosper, regarding the Standing Senate Committee on Indigenous Peoples and the fact that we should trust and rely on the experts, our senators, who have rightly very strongly and exhaustively examined the bill.

My question to you regards consistency with the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, and the need for prior and informed consultation. I remember what you said when we scrutinized Bill C-5 in a Committee of the Whole about this — so why, especially with regard to Articles 17 and 18 of UNDRIP, do you believe that a Senate standing committee would replace the need for —

The Hon. the Speaker: Thank you, Senator Saint-Germain.

Senator Prosper, your first five minutes have expired. Do you want more time to answer questions? I also have two other honourable senators who wish to ask questions. Would you like another five minutes?

Senator Prosper: Yes, please.

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

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted.

Senator Prosper: Thank you for the question, Senator Saint-Germain.

I don't perceive — and I think it is generally acknowledged — Senate proceedings as constituting consultation. What they do is give a general feel for the nature of what people think about the issues before the Senate.

We are talking about nearly unanimous consensus on the removal of the second-generation cut-off from a number of persons involved within the minister's own collaborative process. Many people are calling for it. There has been substantial documentation from across the country. Over half of First Nations have called for the removal of the second-generation cut-off.

These facts cannot be ignored and must be incorporated within the context of this bill itself.

Thank you.

Hon. Baltej S. Dhillon: Thank you, Senator Prosper, for taking my question. I ask this question from a place of ignorance, not having had the experiences that you and First Nations People have had in this country.

At times when we have issues that are polarizing, we will all get all kinds of emails around those issues. I certainly have had my share, even having been here for a short time. I certainly expect that many of you received emails about the plight of the ostriches in British Columbia.

To that end, my question is this: How many rights holders, Chiefs and others have reached out to you, sharing with you that they are opposed to having your amendments passed?

Senator Prosper: Thank you, Senator Dhillon; it is an excellent question.

Let's take the committee proceedings first. There was limited — I wouldn't say full or square — opposition to the removal of the second-generation cut-off. There were plaintiffs within the initial action of the *Nicholas* decision who were not squarely opposed to second-generation cut-off. They just wanted to get some justice for being denied through the enfranchisement provisions.

As I mentioned earlier — and as you will see in this chamber — there has been substantial support for the removal of second-generation cut-off. Earlier this morning, there was a Chief in Quebec who talked about the right of his community to determine members, through section 10, of a membership code itself. This act doesn't really delve into section 10 communities that govern their membership codes. There is an observation there, but it is not part of the act.

I'll reference again that there is substantial support, over half — and the numbers are increasing incrementally as we speak — among First Nations across this country for the removal of the second-generation cut-off.

Thank you.

Hon. Michèle Audette: Senator Prosper, as a former Chief for your people and for the region in the east, are you aware that the document mentioned earlier by our colleague Senator Duncan is a draft guideline on how Canada should consult and that it is not yet an official document?

Also, in that document, it talks about when we consult; it is when we talk about section 35 of the Constitution. Are you aware of that?

Senator Prosper: Thank you, Senator Audette. I was not aware that they were draft consultation guidelines and were more specific to section 35 rights. Obviously, we are talking about a provision within the Indian Act.

I think it is fair to say that the markers have been moving differently as it relates to different types of legislation. I referenced Bill C-5 earlier and the lack of consultation. Bill C-49 is another that I was engaged in, so I want to reference that as well.

Thank you, Senator Audette.

The Hon. the Speaker: I have two other senators who want to ask questions. The extra time that was consented to has expired. Are you asking for more time?

Senator Prosper: Yes, please.

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

Hon. Senators: Agreed.

• (1530)

Hon. Mary Jane McCallum: Senator Prosper, I wanted to refer back to the Supreme Court of Canada that noted in *Reference re Senate Reform* 2014:

> Over time, the Senate also came to represent various groups that were under-represented in the House of Commons. It served as a forum for ethnic, gender, religious, linguistic, and Aboriginal groups that did not always have a meaningful opportunity to present their views through the popular democratic process.

One of the senators said we are unelected. Do you feel that the Senate has a very important place in this issue of the second-generation cut-off?

Senator Prosper: Thank you for your question, Senator McCallum. I certainly do think this chamber has a very important place within the dialogue on any piece of legislation contemplated, whether it's coming from the other house or derived from within this chamber. We are known as a chamber of sober second thought and, as quoted, to represent certain regional and minority interests as well that may not get the space or time needed for full deliberation. It's squarely within the realm and confidence of this chamber to consider those questions. Thank you.

Hon. Brian Francis: Honourable senators, I rise today not in my capacity as the leader of the Progressive Senate Group but as an independent senator.

On November 18, the Committee on Indigenous Peoples voted 10 to 1 in favour of amending Bill S-2, An Act to Amend the Indian Act to fully repeal the second-generation cut-off and replace it with a one-parent rule. This decision was not made in a vacuum. The witnesses who appeared before the committee repeatedly stated that without amendments, Bill S-2 would correct harm linked to enfranchisement but leave intact one of the most persistent and structural forms of that discrimination and, overwhelmingly, called for amendments.

For example, on October 22, Grand Chief Kyra Wilson of the Assembly of Manitoba Chiefs which represents 63 First Nations, explained:

> I'm here to confront the issue that threatens the survival of our nations, Canada's continued use of section 6(2) of the Indian Act as a policy of legislated genocide.

Grand Chief Wilson explicitly called for the immediate elimination of the two-tiered system embedded in section 6 of the Indian Act in favour of a one-parent requirement to address the harm inflicted on multiple generations, including children like her daughter who are not only being denied status and associated rights and benefits, but also their sense of identity and belonging.

Similarly, on November 4, Grand Chief Math'ieya Alatini of the Council of Yukon First Nations — who spoke on behalf of 14 First Nations — made the same appeal. She explained that:

> The second-generation cut-off . . . continues to divide our families into haves and have not. These tools are mechanical . . . designed to gradually reduce the number of

> status Indians over time. In practice, they divide cousins, bar grandchildren from programs and services, and turn identity into paperwork.

Grand Chief Alatini added:

> If Bill S-2 is truly about reconciliation and not merely litigation management, then we must address all the known discrimination now, not later. Later is not neutral. Every year you wait, more children are cut off.

Colleagues, the message that was repeatedly and consistently communicated in committee was to act now, not later.

In 2022, the Committee on Indigenous Peoples issued *Make it stop! Ending the remaining discrimination in Indian registration* which called for — among other things — the repeal of the second-generation cut-off by no later than June 2023.

Many witnesses who testified during the study of Bill S-2 pointed to the report in their testimony. Among them was Marilyn Slett, Chief Councillor of the Heiltsuk Tribal Council as well as Secretary-Treasurer of the Union of British Columbia Indian Chiefs, which represents more than 130 First Nations.

On October 1, she said:

> This very committee recommended that Canada repeal all discriminatory provisions, including section 6(2), in the 2022 report *Make It Stop*. . . . We request that the Senate's consistent support remain the same to remove all of the discriminatory provisions from the act.

Having served as chair of the Committee on Indigenous Peoples in 2022, I am proud that members voted in a principled and consistent way.

Had we turned our backs on the witnesses and many others who have called for urgent reforms for decades, I believe our committee would have been on the wrong side of both the evidence and our responsibilities. Instead, we have once again stood alongside First Nations — particularly women and children — in firm support of restoring equality in a manner that endures across generations. I am hopeful that the Senate will follow suit now.

Before I proceed, I want to note that I can only remember two other instances when the Senate rejected the adoption of a committee report on a bill with amendments. The decision to revert a bill to its previous form is rare enough that it cannot be taken lightly. The integrity, independence and credibility of the committee and its members must be safeguarded unless there is a clear and compelling reason.

Everyone who appears at a committee does so with the expectation that their input will not only be respected but serve to shape and strengthen our work. If we fail to do that, we risk damaging our collective reputation.

A chamber of sober second thought cannot function effectively unless it is both willing and able to make amendments to legislation when needed. That is how we counterbalance executive and majoritarian power to, among other things, protect vulnerable populations who have been historically excluded, ignored and harmed by Canada and, in specific, the Senate.

I am, frankly, concerned about the message the chamber would send to witnesses by rejecting the report. As a result, I will use this opportunity to shed light on exactly who this chamber would be turning its back on by rejecting this report. I simply cannot — and will not — do that.

Colleagues, last week, the Government Representative in the Senate, Senator Pierre Moreau, called on the Senate to reject the report. I want to use this opportunity to acknowledge the core arguments presented in justification and to provide rebuttals. In the process, I hope to make abundantly clear why I intend to vote to adopt the report and encourage all senators to do the same.

Let's begin with one of the main arguments put forward last week to defend the rejection of the report. It was the claim that the amendments contradict, rather than strengthen, its purpose. Last Thursday, Senator Moreau reiterated several times that the principal intent behind Bill S-2 is to respond to a decision of the Supreme Court of British Columbia in *Nicholas*. He argued that the federal government does not oppose addressing broader inequities under the Indian Act, but it does not support doing so within this bill.

Additionally, Senator Moreau suggested that the committee amendments go beyond the original scope of the bill, but the federal government refrained from challenging their admissibility to avoid appearing coldly technocratic. Are these concerns well founded? I do not believe so.

In *Nicholas*, the Supreme Court of British Columbia agreed with Canada that section 6 of the Indian Act taken as a whole perpetuates discrimination by limiting both the right to be registered as an Indian and the right to transmit status to one's descendants. The court affirmed that this legislative structure creates legal distinctions based on race or ethnic origin that unjustifiably infringe section 15 equality rights.

• (1540)

In its submission, Canada acknowledged that individuals without a family history of enfranchisement are generally registered under section 6(1), which gives them the full ability to transmit status to their children. In sharp contrast, descendants of enfranchised individuals are typically placed under section 6(2), which restricts their ability to pass status to the next generation.

This denial of equal benefits, both in registration and transmission, effectively treats the affected population as "less Indian," leaving them with lesser status — or none — earlier and unfairly, solely because of enfranchisement.

To meet the minimum constitutional remedy required by the court, the federal government introduced Bill S-2, and previously Bill C-38, so that descendants of enfranchised people gain the same entitlement to Indian status and to transmit Indian status as everyone else with the same ancestry. As a result, enfranchised families are treated as "equal," but only within a system that continues to legislate their eventual extinction, just like every "Indian." Their descendants remain on a pathway to being entirely erased through the second-generation cut-off.

The amendments proposed by the committee address another expression of the same discrimination the court identified. In 1985, the Indian Act was amended with the stated goal of bringing its registration provisions into compliance with the equality rights guaranteed under section 15 of the Charter. The legal process of enfranchisement, which served as a central tool for the assimilation of First Nations Peoples since before Canada was created, came to an end then. However, discrimination continues in the form of the second-generation cut-off, which was introduced in 1985 to prevent children from inheriting status and associated rights and benefits after two generations of parenting with someone who is not entitled to registration.

Instead of immediate erasure, Canada now relies on delayed erasure to gradually reduce the number of status Indians over time. No other group in Canada faces the legislated disappearance of their people.

On October 29, Dr. Wilton Littlechild, a commissioner of the Truth and Reconciliation Commission, described it as "an act of forced assimilation" that fits within the definition of genocide.

Similarly, in a brief, Dr. Pam Palmater cited the legal analysis of genocide prepared by the National Inquiry into Missing and Murdered Indigenous Women and Girls, which concluded that the systemic denial of status and membership under the Indian Act is part of a broader pattern of colonial policies that meet the legal definition of genocide. She argued that eliminating the second-generation cut-off is essential because it is not merely an administrative rule; it continues past policies designed to end the legal existence of "Indians" over time — "Indians" to whom Canada owes specific obligations.

What our committee has done is strengthen and complement the core remedial function of Bill S-2. In specific, we amended section 6 of the Indian Act because it continues to arbitrarily sort families across generations. In doing so, we have tried to ensure that Indian status does not continue to be transmitted differently based on whether someone was born before or after April 17, 1985.

At present, there are siblings with the same parents who can end up with different registration categories based solely on when they were born. The committee has also proposed to shift the requirement for entitlement and transmission from two parents to one parent to repeal the two-tier system of Indian status. This change puts an end to the era of legislated extinction.

At the same time, the committee has attempted to address the issue of unstated paternity. Dr. Mary Eberts, who is a constitutional lawyer, argued that the second-generation cut-off gives men a biological advantage. It is far easier for a man to name the mother than for a woman to safely name the father. There are many reasons why, including domestic violence and sexual assault. As a result, Dr. Eberts argued that the second-generation cut-off is not neutral. It continues the historic sex-based discrimination and race-based discrimination built into the Indian Act. As a result, it violates section 15 and cannot be justified.

Colleagues, the next area I want to focus on is consultation. Last week, it was suggested that the amendments adopted by the committee disregard the constitutional duty to consult and, where appropriate, accommodate Indigenous Peoples under section 35 of the Constitution. In fact, Senator Moreau repeatedly insisted that the federal government cannot exempt itself from its obligation to consult those affected by measures it wishes to implement that could adversely affect their rights. These arguments are difficult to reconcile with established facts.

Last week, Senator Moreau was asked by Senator Michèle Audette, who is the sponsor of Bill S-2, whether he was familiar with the 2018 case of *Mikisew Cree First Nation v. Canada* under which the Supreme Court of Canada agreed with Canada that there is no constitutional duty to consult Indigenous Peoples during the development, drafting or enactment of legislation. He responded that he was aware of the decision.

Minister Mandy Gull-Masty and Senator Moreau have repeatedly insisted that there is a legal and constitutional duty to consult before amending the Indian Act. However, it was the Liberal government, under Prime Minister Justin Trudeau, that fought vigorously to ensure that no such duty exists. That became painfully clear after Bill C-5 was fast-tracked last June to grant the federal government sweeping powers to bypass existing laws and regulations to fast-track projects in the "national interest."

I cannot help but ask: Why was it acceptable then to enact legislation without engagement or consultation despite the significant concerns over its impact on the rights of Indigenous Peoples? It seems extremely selective, to say the least. This inconsistency makes consultation appear no more than a political tool.

Senator Moreau suggested that amendments to the Indian Act must be put on hold until the collaborative process meant to address the second-generation cut-off and voting thresholds are completed in December 2025. He also maintained that the central question behind the collaborative process is not whether to eliminate discrimination but how, and he maintained it should be First Nations who determine the answer through consensus — a high threshold that is not placed on any other group in Canada.

There is no clear threshold, no clear parameters and no firm timeline for when discrimination through the second-generation cut-off will end. In fact, we've heard a few contradictory statements. There was an initial promise to table stand-alone legislation in the coming months that was promptly backtracked. We also heard that the consultations had begun. However, later we were told that was not true. As a result, we have no real guarantee that the second-generation cut-off and related inequities will be addressed any time soon.

One of the key themes heard by the committee is that after more than four decades, political promises are simply not enough. That is not an attack on Minister Mandy Gull-Masty. We are not focused on individuals. We are focused on the larger "machinery" of government.

Zoë Craig-Sparrow, the Vice-President of Justice for Girls, expanded on this point:

> Even though this minister is an Indigenous woman — which is so wonderful and inspirational to see — she is still a representative of the government and has to act as a minister, not an individual. She is making a promise that we know and she knows she might not be able to keep. Justice Canada advises the minister, and she has to follow their directives.
>
> Even so, in your *Make it stop!* report and the law, it does not say, "Wait until there is an Indigenous minister." Even though she says the same thing as all the other ministers before her, they say, "This time, because she's Indigenous, believe her, and just wait a little longer." No, it says, "End it now." The obligation of equality is an obligation of immediacy under international law. We've waited long enough.

I believe that Minister Mandy Gull-Masty is genuine. That has never been a question. However, a political promise is not legally binding. There is no guarantee that the federal government with its systems, structures and processes will follow through. Even if we wanted to trust her, we cannot ignore that federal minority governments tend to have shorter lifespans.

The first budget under Prime Minister Mark Carney passed with a vote of 170 to 168. We barely avoided another election, and this outcome still remains possible.

• (1550)

To me, it simply does not matter which party is in power. The approach has remained the same: Canada only makes narrow fixes when compelled by the courts. I doubt this long-standing pattern will break anytime soon. So, if there is a rare opportunity to act now to end broader discrimination, why would we waste it? Parliament is encouraged — and even expected — to go further.

Colleagues, I am not a lawyer. I will never pretend to be one. That said, I understand that Canada cannot reference ongoing consultation as a justification for continuing to violate the Constitution, including section 15 of the Charter.

The duty to guarantee equality rights is not discretionary. Yet, more than once, it has been implied that the duty to consult is somehow higher in the hierarchy. My understanding, however, is that the Charter is paramount.

According to *Andrews v. Law Society of British Columbia*, in 1989, all federal and provincial laws must comply with section 15 equality rights. The court stated then:

> The right to equality before and under the law, and the rights to the equal protection and benefit of the law contained in s. 15, are granted with the direction contained in s. 15 itself that they be without discrimination. Discrimination is unacceptable in a democratic society because it epitomizes the worst effects of the denial of equality, and discrimination reinforced by law is particularly repugnant. The worst oppression will result from discriminatory measures having the force of law. It is against this evil that s. 15 provides a guarantee.

In other words, Canada cannot continue to say, "We know that discrimination exists; however, please continue to wait patiently while consultations continue for 2, 5, 10 years or even longer before we put a stop to it."

The witnesses we heard from agreed. For example, on November 5, we heard from Chief Barbara Cote of the Shuswap Band. She appeared on behalf of the British Columbia Assembly of First Nations, or BCAFN. She stated:

> The minister told the Senate that there cannot be a one-size-fits-all solution to the second-generation cut-off, but, senators, section 15 of the Charter is one size fits all. Section 15 affirms equality. Section 15 of the Charter says you cannot discriminate on the basis of sex or race, and that is one size fits all. Equality is for everyone.
>
> The minister also said that the answers must come from communities. Well, the answer from communities in B.C. is clear: 204 of Canada's 630 First Nations are saying, "Eliminate the second-generation cut-off now." That is one third of all First Nations.

Chief Barbara Cote also added:

> BCAFN is part of Indigenous Services Canada's Collaborative Process, and we have been consulted over decades on this. Given the timeline set out for the process, it will be four or five years before new legislation removing the second-generation cut-off could be in effect. Even this depends on the Liberals staying in power.
>
> Senators, we are suffering the impacts of the second-generation cut-off now. It must be immediately removed, as 27% of all First Nations individuals in B.C. are section 6(2)s. In Shuswap, 40% of my members are section 6(2)s. Our children and grandchildren are being excluded right now, not in some distant future.

On the question of whether further consultation is needed, Dr. Pam Palmater reminded us on October 7 that:

> . . . there are some things that the federal government can't consult on — whether or not to discriminate on the basis of race or sex, whether or not to maintain a legislative extinction formula and contribute to an act of genocide. So you can't.
>
> What you can consult on, however, is how do you support First Nations, how do you support the people who are newly registered, how do you ensure there's enough housing and infrastructure.

Unsurprisingly, after four decades of waiting for Canada to take decisive action to address the second-generation cut-off, there is widespread and justified skepticism that Canada is again using consultation as a delay tactic, perpetuating discrimination and inequality under the guise of engagement.

The Supreme Court has repeatedly rejected the notion that equality cannot be incremental. According to *Vriend v. Alberta*, in 1998:

> If the infringement of the rights and freedoms of these groups is permitted to persist while governments fail to pursue equality diligently, then the guarantees of the *Charter* will be reduced to little more than empty words.

Let me be clear: I do not oppose meaningful consultation. As a former Chief, I have experienced its strengths and weaknesses first-hand.

What I oppose is the use of consultation as a tactic to prolong inequality. Canada has to address the severe ongoing and irreparable harms it has inflicted through the Indian Act. Yet, all progress made to date has been hard fought over the past four decades.

So, as you deliberate on whether or not to adopt the report, I urge you to remember that the decision not to address broader discrimination is not neutral. Every delay deepens, prolongs and multiplies the harm.

Colleagues, I will now turn to my last point. It has been suggested that accepting the amendments would result in delaying remedies to the more than 3,500 individuals affected by the discrimination identified in *Nicholas*.

Senator Moreau argued that the House of Commons would likely reject the amendments. It was implied that the adoption of the report would now allow Parliament to meet the deadline of April 30, 2026, to amend the Indian Act to bring it into compliance with the Charter.

However, in *Nicholas*, Justice Fitzpatrick acknowledged the court is fixing the narrowest possible constitutional problem ". . . without limiting Parliament's ability to craft any further legislative changes that it may consider appropriate." She also added that she would remain "seized," meaning she would retain jurisdiction to extend the suspension if needed.

It would not be the first time an extension has been required. For example, it happened in *Descheneaux* when the Indian Act was last amended. As a result, nothing prevents Canada from seeking an extension to, among other things, address the second-generation cut-off and other inequities. That said, I do not believe that an extension is absolutely needed.

The predecessor of Bill S-2, Bill C-38, showed us what happens when there is a lack of genuine desire and commitment. However, the federal government is entirely capable of expediting the process when it deems it necessary. That is exactly what happened a few weeks ago with Bill C-3, An Act to amend the Citizenship Act (2025). It all boils down to a matter of political will.

Justice Masse in *Descheneaux* called on Parliament to fix all discriminatory situations that may arise from the issue identified, not just the one in front of the court, to ensure constitutional compliance. She added:

> When Parliament chooses not to consider the broader implications of judicial decisions by limiting their scope to the bare minimum, a certain abdication of legislative power in favour of the judiciary will likely take place. In such cases, it appears that the holders of legislative power prefer to wait for the courts to rule on a case-by-case basis before acting, and for their judgments to gradually force statutory amendments to finally bring them in line with the Constitution.

Like Justice Masse, Justice Fitzpatrick in *Nicholas* also acknowledged the court is fixing the narrowest possible constitutional problem, but ". . . without limiting Parliament's ability to craft any further legislative changes that it may consider appropriate."

These rulings serve to strengthen the argument that broader corrective amendments to Bill S-2 are legitimate.

The Committee on Indigenous Peoples has acknowledged that the minimum remedy required by the court was the floor, not the ceiling. As a result, we have tried to refine what the bill is trying to do. The role of the Senate is not simply to pass legislation; it is also to provide sober second thought. In practical terms, this means that we have an obligation to ensure legislation actually solves the legal problem it claims to address. In the context of repeated violations of section 15 of the Charter, it is especially important that we fulfill our mandate to ensure that Parliament does not pass incomplete laws that leave structural forms of discrimination intact and trigger further litigation.

• (1600)

Colleagues, the question before us today is whether we are willing to continue to deny long-overdue equality to First Nations Peoples, particularly women and children. I have yet to hear a convincing argument about why we should not act now to end discrimination. The adoption of the report would send a loud and clear message that the era of legislated extinction must end now. I urge you to vote in favour.

There are many eyes on the Senate. First Nations Peoples, who have waited decades for equality and justice, are watching. Many are here today. I sincerely hope we do not let them down. *Wela'lin*, thank you.

Hon. Kim Pate: Honourable senators, I speak as a member of the Indigenous Peoples Committee in support of these carefully considered and evidence-based amendments to eradicate sex- and race-based discrimination perpetuated by Bill S-2.

The amendments notably remove the second-generation cut-off, which Canada added to the Indian Act, unilaterally and without consultation, in 1985. Allowing this provision to stand means putting the legislative existence of First Nations at risk and allowing Canada to control and dictate who belongs and who doesn't — who is owed obligations by the Crown and who is not.

Colleagues, we must not be party to continuing Indian Act discrimination that we know exists. Each day of inaction matters. First Nations women and their descendants continue to be disproportionately impacted, needlessly putting at risk their ties to family, culture, community and land. First Nations governments have to stretch oversubscribed resources to support and include community members Canada refuses to recognize. Experts, including the National Inquiry into Missing and Murdered Indigenous Women and Girls, warn us that we are perpetuating assimilation, colonialism and genocide.

Witnesses, including Dr. Pam Palmater, emphasized that ". . . ongoing sex- and race-based discriminatory provisions . . . are the root causes of violence against women . . . ." because they separate Indigenous women from communities of support.

Witness Zoë Craig-Sparrow put the urgency in starkly personal terms. She is planning to have children while knowing the government will not recognize them as part of her people and nation. She said, "You've heard a lot about the second-generation cut-off. I am the cut-off."

I speak today in support of our Indigenous colleagues, whose leadership brought about these amendments, and in support of Indigenous rights holders, individuals and nations, who have lived the harm and injustice of the second-generation cut-off and overwhelmingly told the committee and are telling this chamber, "No more."

I also speak as a senator who began attending the Indigenous Peoples Committee in 2016, shortly after my appointment, during the study of Bill S-3. That bill, like Bill S-2, forms part of a 40-year history of government legislation that has introduced incremental steps in response to legal action by First Nations women and their descendants and now proposes to continue discrimination.

I have spent nine years in the Senate hearing promises from the government that they take ending discrimination in the Indian Act seriously and will deal with this issue soon — but never now. Sharon McIvor has spent her entire life advocating for equality for herself and countless others. She has heard the same promises from 18 different ministers, as piece after piece of inadequate legislation worked its way through Parliament and then court challenges.

The government advocates further consultations. With respect, we need not make an either/or choice between consulting and amending. Through these amendments, Canada can meet its immediate Charter obligations to eliminate the discrimination now while also consulting on how to implement the changes in a way that advances and supports self-determination. The amendments before us were advocated by witnesses representing the majority of First Nations and First Nations organizations taking part in the government's current consultation process. They told the committee that these amendments were an urgently needed solution.

While Canada must uphold its duty to consult, it cannot consult about whether to discriminate based on race or sex, whether to maintain a legislative extinction formula and whether to contribute to an act of genocide. Canada can, however, uphold its constitutional obligation to end the discrimination and then consult about how to support communities.

We are urged to abandon the amendments because, this time, the promise to end discrimination is being made by the first Indigenous minister responsible for the department. The amendments are not about doubting the integrity, intentions or goodwill of the current minister. You have now heard that from a number of us.

We have seen that sincerity in other similarly situated ministers, however. Many of you will remember a commitment to implement an adequate Canada Disability Benefit by the first minister responsible for disabilities, who lived with a disability herself. The Senate saw a lack of specific commitments in the text of Bill C-22 but passed the legislation because we trusted her integrity, honesty, willingness and commitment to follow through. The minister was subsequently moved out of her portfolio, and an inadequate Canada Disability Benefit was introduced.

Also, we cannot forget Bill C-5, where no consultations occurred because the government — the same government asking First Nations to trust it to uphold their rights with respect to Bill S-2 — concluded that ". . . Bill C-5 doesn't directly concern the rights of Indigenous communities. . . ."

First Nations disagree. At least nine First Nations in Ontario have sued the government, alleging Charter breaches in Bill C-5 and noting the law necessarily diminishes ". . . the ability of First Nations to engage . . ." Just last week, Bill C-5 was referenced in a memorandum of understanding for a pipeline through the territory of coastal First Nations in B.C. who stated they were not consulted.

Why are decisions to exploit First Nations land being rammed through without consultation by the same government that says 40 years of consultation is an inadequate basis for ending discrimination against First Nations women and children?

Bill S-2 itself was initially introduced during a different Parliament, by a different minister. The current minister's consultation process was not followed with respect to at least of the bill's provisions. At committee, Alyson Bear, General Legal Counsel for the Whitecap Dakota Nation, spoke about clauses 10 and 11 of Bill S-2, which propose a bar to compensation:

> No one has given consent to put in a clause that says we are not able to practise our rights and sue regarding something that discriminates against all of us. . . .

She continued, stating:

> . . . none of our Nations have agreed to or even been made aware of that clause within Bill S-2, and it definitely needs to be struck from the bill.

The amendments before you include a deletion of those two clauses. We have heard the government is concerned about the amendments being challenged in court. Not only was the likelihood of litigation from First Nations not a barrier to the government fast-tracking Bill C-5, but it is not clear who, other than the government itself, might push to reinstate the bar to compensation or the second-generation cut-off.

By contrast, the committee heard that, if the bill is not amended, at least one group is virtually certain to mount a Charter challenge in response. Constitutional lawyer Mary Eberts, who has been involved in litigating sex discrimination in the Indian Act since the 1980s, testified:

> . . . I think that if Bill S-2 passes the way it is now, there will be litigation within six weeks to two months about challenging —

— subsection —

> — 6(2) and the ban on recovery of damages. That's a prediction that is almost a promise . . .

The government states that we should wait for a standalone bill because the minister will ". . . complete the consultation process . . . in the next weeks . . ."

• (1610)

As Senator Ringuette rightly pointed out, if consultations are complete in a matter of weeks, that would be the ideal time to proceed with amendments and allow the House of Commons to consider them alongside the outcomes of the consultation ahead of the court's April deadline relating to Bill S-2.

It is disingenuous and unacceptable for Canada to once again tell Indigenous Peoples to wait for equality — equality that has been guaranteed in the Charter for 40 years.

Through four decades of consultations on discrimination in the Indian Act, First Nations Peoples have told Canada that removing the second-generation cut-off and bars to compensation for discrimination are urgent priorities.

The Indigenous Peoples Committee's 2022 report entitled *Make it stop!* supported and amplified First Nations' calls for urgent action.

Bill S-2 was not a proactive step by the government in response to those consultations and recommendations. It sits alongside at least four other pieces of legislation only introduced because the government was forced by a court to act. Each time, instead of bringing forward legislation to ensure equality for all, the government has chosen to do the bare minimum by proposing incremental legislation that forces First Nations Peoples — especially women and their descendants — back to court to uphold their rights under a legislative regime containing bars to compensation.

This is an approach that utterly fails to eradicate inequality. Worse yet, such political manœuvres perpetuate discrimination. The *Descheneaux* case that gave rise to Bill S-3 in 2017 called out the government, noting that Parliament can and must take steps to:

> . . . identify and settle all other discriminatory situations . . . whether they are based on sex or another prohibited ground, in accordance with its constitutional obligation to ensure that the laws respect the rights enshrined in the *Canadian Charter*.

As the Supreme Court of Canada also noted in the *Vriend* decision:

> . . . groups that have historically been the target of discrimination cannot be expected to wait patiently for the protection of their human dignity and equal rights while governments move toward reform one step at a time. . . .

Without a legislative commitment to end the second-generation cut-off, the question of whether discrimination will end remains uncertain. As Rose LeMay summarized in *The Hill Times* recently:

> It's like demanding to spend a few million dollars consulting [people] who are hungry, and asking "do you want food in a year or five years?" instead of feeding them. . . .

The amendments before us today can and should operate alongside a consultation process. The amendments could ensure that Canada is not consulting on whether to end discrimination. The consultation process would focus on how: how to support communities in welcoming back those whom Canada tried to forcibly remove, how to support those newly registered, how to ensure access to housing and infrastructure for all.

Together, we can support the intentions and the positive steps of the minister to undertake consultations while also upholding Canada's constitutional duties to eradicate discrimination against the so-called minority groups that this place has a special duty to represent.

This, to me, is clearly one of those moments where we must stand in support of those groups. Rather than rubber-stamp a constitutionally inadequate response that perpetuates a shameful colonial history, we must support First Nations and send the clear message that we will no longer facilitate ongoing discrimination.

Meegwetch. Thank you.

Hon. Judy A. White: Honourable senators, I absolutely agree with these amendments, but I cannot support them at this time. Let me explain.

My perspective is guided by the Mi'kmaw principle as espoused by Elder Albert Marshall of Eskasoni, the Two-Eyed Seeing — the gift of learning to see from one eye with the strengths of Indigenous ways of knowing and from the other eye with the strengths of Western institutions and law. It teaches us that true progress requires balance — not choosing one world view over another but using both together for the well-being of our people.

I am also conscious of what His Majesty King Charles III referred to in this Parliament's Speech from the Throne as the "clear-eyed" approach, facing hard truths without romanticizing them, acknowledging where systems have failed and committing to the honest, sometimes uncomfortable, work of repair.

It is in this spirit, with Indigenous insight and clear-eyed responsibility, that I speak to Bill S-2.

Bill S-2 aims to correct long-standing inequities in the Indian Act. It does so through three important amendments. First, it replaces outdated and offensive language; second, it creates a new process for individuals who wish to have their names removed from the Indian Register; third, it addresses inequities created by enfranchisement and restores entitlement to status for those affected, including allowing pre-1985 married women to transfer back to their natal band.

This bill corrects specific injustices that have affected Indigenous families for far too long. It represents progress, albeit small, and it represents harm stopped.

As Senator Audette said at second reading, this legislation is:

> . . . the beginnings of a response, a response to decades of injustice that people, human beings, men and women, have experienced and continue to experience.

The bill before us today is rooted in lived experience, community knowledge and a fierce commitment to justice.

Today, I will offer some details about the scope of Bill S-2. I want to talk about the wrongs that will be righted by this legislation. This bill is only one piece of the puzzle. It is important to recognize that there are many forms of discrimination that still prevail in the Indian Act, and this bill is not attempting to address all of them.

I will discuss some remaining issues surrounding membership, considering both the second-generation cut-off generally and the specific case of the Qalipu First Nation in my province of Newfoundland and Labrador. I will also emphasize the historic significance of this bill being sponsored by First Nations women in both chambers of Parliament, and I will conclude by reiterating the importance of continuing to push back against colonialism and injustice in the Indian Act and everywhere.

I am from Flat Bay, a small Mi'kmaw community on the west coast of the island portion of our province. It is governed by Chief and council. There are no municipalities. We are a member of the Assembly of First Nations. We were Indians before being Indian was cool.

When Newfoundland joined Confederation in 1949, our province became the tenth province, but the Mi'kmaq were deliberately left out. At the union, the Indian Act statute was not drawn down. Indigenous identity in Newfoundland and Labrador was effectively erased on paper. This was not an oversight. It aligned with the national sentiment of the time: Eliminate the "Indian problem" by eliminating the Indian. On paper, we did not exist. For the most part, we did not even know. We continued to live our lives the way we had always lived.

Given time constraints, I'll provide a condensed version — it will make Coles Notes look very short.

In the early 1970s, Indigenous people in the province began to unite. They took the federal government to court, ironically, for discriminating, as they were not treating the Indians in Newfoundland and Labrador as they were in other parts of the country. After many years of negotiations, even a hunger strike by nine warriors of Conne River, a reserve was created in Newfoundland. Flat Bay, my community, was to be next, and so on, but the political winds shifted and we fell off the radar. The court challenge continued, and that brings us to 2009, when the Qalipu First Nation was formed.

Colonial rules still shape whom Canada recognizes and whom Canada denies. Identity remains in federal control, not fully in Indigenous hands, and nowhere is that more evident than in the experience of the Qalipu First Nation.

• (1620)

When Qalipu was created — a landless band that is basically a corporation — it was meant to right a historic wrong, to restore recognition to the Mi'kmaq of our province who had been left out of federal policy for generations. But the process was flawed as 100,000 people applied to be registered Indians. The population of our province is only 500,000. People applied in good faith only to see the rules rewritten after the fact.

Families with deep cultural roots and community presence were rejected. Meanwhile, many who lacked true connection to Mi'kmaq heritage were granted status. We call them "paper Indians" at home. The result is an inconsistent registry that includes people who should not be there and excludes people who always should have been.

This has caused real harm. It has left legitimate Mi'kmaq families without the recognition and rights they deserve. It has allowed federal bureaucracy to determine Indigenous belonging instead of Indigenous communities themselves. It has left some of us from my community, myself included, to apply for recognition under a flawed process.

I have couple of examples of how flawed it is. There were three children and the oldest and youngest were granted status; the middle child was not. They have the same parents. The second example is about two siblings. The son got registered but the daughter did not because she was at university. This is how flawed the process of registration is.

Now, we have the Qalipu First Nation and its membership erasing us by replacing us, trying to erase my community from the Assembly of First Nations, not acknowledging our Elders in a respectful way, saying, "Oh, don't talk to the Elders in Flat Bay," the very people who are the foundation of the Indigenous movement in Newfoundland and Labrador. It's injustice in its finest form.

I will note, before my social media blows up, that there are legitimate status Indians in the Qalipu First Nation, but many are not. I provide this information to serve as a backdrop to lessons learned and what must change moving forward under the Indian Act.

We must ensure that future registration is community-led, that the community itself defines a connection to the community and that the community determines who its members are.

Any future registration must have clear, reliable and transparent rules. It must include Elders and knowledge holders. It must respect lived identity, not paperwork. And it has to have fair appeals that restore dignity, not deny it.

Bill S-2 responds to the pressing issue of enfranchisement, a historic practice that continues to have devastating effects on Indigenous communities. As we have already heard, enfranchisement was the policy by which First Nations people could denounce their status to obtain certain benefits, including the right to vote. Some people underwent this process willingly, others did not.

At present, the Indian Act does not enumerate those affected by enfranchisement as persons entitled to be registered. This bill would create a new clause that offers entitlement to register for persons who were denied or lost status due to enfranchisement.

Enfranchisement ended around the 1960s, but its consequences have been inherited across generations. Those who were enfranchised, and their descendants, remain excluded from status. This bill offers a pathway to restore what was wrongly taken from them.

Witness testimony reinforced why this work cannot wait. Kathryn Fournier described enfranchisement as "genocidal in its scope." Our doctor lawyer Indian Chief Wilton Littlechild identified inconsistencies between the Indian Act and Canada's obligations under UNDRIP, particularly articles 6, 7, 8 and 9, which protect Indigenous identity and prohibit forced assimilation.

The Supreme Court of British Columbia in the *Nicholas* case confirmed that sections of the Indian Act violate the equality rights of the affected families under section 15 of the Canadian Charter of Rights and Freedoms. The court gave Canada until April 2026 to fix this violation. Bill S-2 is that fix. Passing this bill is not optional. It is a moral obligation and a Charter obligation.

It is also important to recognize the remaining registration issues that are not addressed in the scope of Bill S-2. At committee, many witnesses identified the specific priority area of the second-generation cut-off under section 6(2) of the Indian Act. We heard extensive testimony, as you've heard from our colleagues previously, about the harms of section 6(2). There is no doubt that this is an urgent issue that is causing harm and must be addressed.

It was so difficult at committee. There were so many tears shed, and not just from the witnesses, but from us as committee members. We are all affected by this, every status Indian here in the gallery and in the chamber. The minister herself is affected.

I commend the members of the Standing Senate Committee on Indigenous Peoples. I see the work you are doing and trying to do, but registration is a complex process that requires its own development process.

On several occasions, the Minister of Indigenous Services has iterated her commitment to working with Indigenous communities to seek a solution that is co-developed, nation-to-nation and that stems from communities themselves.

We must not hinder this work by adding amendments to Bill S-2. It is so important that we get it right. We must offer the minister time to continue seeking solutions and listening to communities before acting on section 6(2).

Passing this bill without amendment does not put an end to our work on amending the Indian Act. It does not mean that we are ignoring the urgency of other membership issues and other discriminatory provisions in the Indian Act.

Rather, it means that we are taking a step towards justice. We will and we must continue this work in the spirit of reconciliation, co-development, and in compliance with our obligations under both the Charter and UNDRIP.

Two-Eyed Seeing teaches us to do things both responsibly and respectfully. These are not simple amendments that are asked for; it requires deep nation-to-nation dialogue and community-led solutions.

With clear-eyed honesty, we must acknowledge that if we rush amendments into this bill, we risk delaying justice for enfranchised families who have already waited decades.

Colleagues, for the first time in Canada's history, an Indigenous woman is serving as Minister of Indigenous Services, a former Grand Chief in our traditional systems; that means something. Her leadership matters. Too often, Indigenous women in positions of power are expected to carry the weight of perfection, to justify their presence, to be everything to everyone. Today, I reject that expectation. I rise in support, not to critique or challenge but to uplift.

To the National Chief of the Assembly of First Nations, Cindy Woodhouse Nepinak, I lift you up. Thank you for your leadership.

To Senator Audette, sponsor of the bill, you are phenomenal. You tackle every issue bit by bit. I am proud of the work you do. I am honoured to sit in this august chamber with you.

To Minister Gull-Masty, you are making history, but more importantly, you are making change. You are creating a new memory in the minds of our children. You are showing generations of Indigenous youth — especially girls — that we not only belong in these spaces, but we are essential to them.

Let this moment mark a shift, not just in representation, but in respect; not just in words, but in actions; not just in politics, but in the heart of this country's journey toward true reconciliation.

A former Grand Chief — I have to say it again — is serving as Minister of Indigenous Services. I never thought I would see the day. She is leading this work, carrying the responsibility of restoring trust and advancing justice for our people. She is breaking barriers that stood for centuries.

She has been very clear. She cannot accept amendments at this time. While I hear the call to do more — and I absolutely agree that more must be done — I cannot support amendments that would jeopardize progress today. Instead, I choose to support this Indigenous minister in her historic role, and I commit to working with her to ensure that the next chapter of this process lives up to the standards our people deserve.

• (1630)

At this moment, with both Two-Eyed Seeing and clear-eyed honesty, I have to support this minister. Adopting Bill S-2 is both a moral imperative and a legal obligation. While adopting this bill will not resolve every remaining discriminatory provision of the Indian Act, it nevertheless represents a historic step forward, a step towards justice for Indigenous families, men and women, who have already waited too long.

Let us pass this bill without amendments, not because it's perfect, but because justice delayed is still injustice. We will keep pushing. We will keep correcting. We will not stop until Indigenous communities and Indigenous nations fully define their own identity, their own citizenship and their own future.

We need to pass this bill, not because it's the final answer, but because it's the beginning — a beginning that some of our people, like Beverly Asmann and the Michel Callihoo Nation Society, have been waiting for far too long.

Wela' lin. Thank you.

Some Hon. Senators: Hear, hear.

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

Hon. Mary Jane McCallum: Yes.

The Hon. the Speaker pro tempore: Senator White, will you accept a question?

Senator White: Yes.

Senator McCallum: Thank you. We have heard alarmist language before about "untold numbers of people," and that doesn't reflect the reality. We heard that from Chiefs, Indigenous Services Canada, or ISC, cannot in good faith use its discriminatory underfunding as a reason for denying people their equality rights. Did you know that, according to *Corbiere v. Canada* (1999), the federal government cannot argue that changes to the Indian Act would be a financial burden on First Nations? I quote:

> . . . the possible failure, in the future, of the government to provide Aboriginal communities with additional resources necessary to implement a regime that would ensure respect for equality rights cannot justify a violation of constitutional rights in its legislation.

Would you comment on that, please?

Senator White: I'm sorry, Senator McCallum. Are we talking about the *Corbiere* case?

Senator McCallum: Yes.

Senator White: I haven't reviewed it in a long time even though I am lawyer. I'm not sure what the question was, but I didn't speak about the costs or anything. I'm not sure what the question is. I'm sorry.

Senator McCallum: You had said there were people that were going to be registered at alarming numbers, and that is what my question is geared towards. We have heard in the chamber today that they need to consult about the funding and the people that are going to register. I would like you to comment on that.

Senator White: Thank you very much. I didn't speak about the cost of registration or even how many people would register. I only spoke to the process that occurred in Newfoundland and Labrador, in which 100,000 people applied for registration. I believe it was only 30,000 at the end who were actually accepted, but there are about five different court cases, so I am unsure about the status of all of them. However, I concede what you're saying. I don't know how to answer the question. I'm sorry.

The Hon. the Speaker pro tempore: Senator Tannas.

Hon. Scott Tannas: Senator White, that was a whopper. Thank you. That was a fantastic speech. We have heard a number of them today, and it is an honour to take part briefly in this debate and to speak about Bill S-2 at the report stage.

Many of you know that I've been a member of the Indigenous Peoples Committee since 2013, when I arrived in the Senate. That makes me the senior member, and as such, I can say that I've seen and heard a lot during those 13 years.

Nothing that I have learned or gained through the committee experience compares to the lived experience of Indigenous people in Canada, including my current and former Senate Indigenous colleagues. Serving with these people has been, and continues to be, a joy, and it is humbling at the same time.

Again, nothing that I can say compares to the lived experience of an Indigenous person. All I can do is act in accordance with my conscience, informed by what I learn in committees and in debates like those we are having here today, and guided by what I understand to be my duty as a senator.

At the first committee meeting on Bill S-2, we heard from Minister Gull-Masty. I felt the history in that occasion — the energy in the room. Greeting the first Indigenous minister on Indigenous matters was historic, and we all knew it. I was enormously impressed by her message, which was to pass Bill S-2, which, she admitted, addresses only a small subset of discriminated persons; and that she will address the others, including the second-generation cut-off, in subsequent legislation. She made those statements forcefully and with confidence.

I was inclined to believe her and to support the bill without amendment. However, after hearing the testimony of 61 more witnesses over a period of 12 days, I was forced to come to a different conclusion.

During the committee meetings, I heard of immediate and growing issues with non-status children. These would be the first generation to be cut off, who live in First Nations communities but have been excluded from school and medical funding. I can only imagine how a child feels, knowing they are somehow different, somehow less than their cousins, friends and neighbours in those communities.

During the committee meetings, I listened to the advice of the Chiefs and other community leaders, many of whom were on the consultation list. In fact, we could trace back the majority of the communities on the consultation list to witnesses at committee who advocated that we do something now to eliminate this disgrace of 40 years that is now, and only now, truly descending on the communities in full force.

During the committee meetings, I was reminded of the last time we faced similar circumstances in 2017, when the second-generation cut-off was excluded from a bill to eliminate discrimination from the Indian Act. At that time, we deferred despite a chorus of voices from witnesses asking us to add an amendment to get rid of the second-generation cut-off. Instead, we satisfied ourselves with a minister's promise for future "action."

That was eight years ago. Throughout the meetings, I watched and listened as my Indigenous colleagues led us through the careful questioning of the witnesses, and by the end of this process, it was clear to me what my duty was. I will support the amendments proposed in this report. I believe it is our duty to provide the government and the House of Commons our best advice on this issue of inequalities in the Indian Act.

• (1640)

I understand that the amendments with respect to the second-generation cut-off might possibly be stripped from the bill by the government in the House of Commons. In doing so, they will have the opportunity to provide comfort to First Nations on their commitment to correct the second-generation cut-off and to reiterate the "how," not the "whether," which is what it's been termed as. This will happen because that's what the minister spoke of here. It should be spoken of in the House of Commons — the "how," not the "whether." Also, maybe First Nations governments will get clarity on the "when." That is why we should send this forward.

If that's all we get back, colleagues — a stripped bill and a commitment on the record in the House of Commons from the government on the "when" — then I think we will have done our duty, and that's all we can do.

Let's vote this bill, as amended, to the House for their consideration. Thank you.

Hon. Marilou McPhedran: Honourable senators, I'm from Treaty 1 territory, the homeland of the Red River Métis Nation, and I'm very proud to be part of a network of parliamentarians working closely with Indigenous leaders from my province.

Earlier today, Grand Chief Daniels of the Southern Chiefs' Organization in Manitoba issued a statement that made it very clear that he was calling on us to amend this bill and to, once and for all, propose to the government what needs to be done to fix and eliminate sex-based discrimination in the Indian Act.

I'm also honoured to be a member of the Standing Senate Committee on Indigenous Peoples today, as I was when the committee dealt with Bill S-3. This government, through Minister Gull-Masty, insists on the Senate not amending anything until after the minister finishes what she has described as a mandatory consultation process.

Please keep in mind that the wrongs addressed in this bill, so well described by Senator White, will be corrected in the amended bill presented to this chamber by the Indigenous Peoples Committee. Yes, this is the first Indigenous woman in this role, and she does deserve great respect and appreciation for her office. However, this is also a minister who admitted to the Indigenous Peoples Committee that she has not started her consultation — and one in a minority government that narrowly stayed in power just days ago. This is a minister who is making

promises, albeit in good faith, that she has no capacity to keep because she could be switched out at any time. This is a minority government that could fall any day.

Sadly, it is also a fact that Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration), gained support over seven years ago because of promises made by this minister's predecessors, promises that no Liberal government since has kept.

In May 2017, former minister Carolyn Bennett told the Senate Indigenous Peoples Committee:

> . . . I think it's important to clarify what the government means by addressing "known sex-based inequities" in Bill S-3.
>
> First, I need to be very clear: Charter compliance is not negotiable. Bill S-3, as amended, will remedy known sex-based inequities relating to the registration to the Indian Act, which falls short of Charter compliance. This is not restricted to situations where a court has already ruled, but extends also to situations where the courts have yet to rule, and where we believe a sex-based Charter breach would be found.

Colleagues, Bill S-2 was formerly known as Bill C-38, prior to the most recent prorogation of Parliament. In the lead-up to Bill C-38, according to an Indigenous Services Canada report entitled *Annual Report on Registration under the Indian Act, First Nations Membership and Status Cards —2023*, there were 50 individual consultation sessions, 95 organizational sessions, 40 government sessions and 55 sessions with First Nations communities.

Indigenous constitutional expert Dr. Pam Palmater compared the hard-to-find consultation in Bill C-5 to this bill, Bill S-2:

> There were a lot of First Nation leaders that came forward in opposition to the Building Canada Act, stating that there needed to be more consultation, but it seems as though the government is selective in when they say, "We need to consult" versus when they say that the *Mikisew Cree* decision says consultation on legislation isn't required because it undermines the role of the executive and legislative branches.

Earlier today, Senator LaBoucane-Benson sent to all senators a statement by retired senators the Honourable Lillian Dyck and the Honourable Sandra Lovelace Nicholas.

In both houses of our Parliament and across this country, the greatest of respect and appreciation must go to these courageous and visionary Indigenous women leaders. And with such respect and appreciation, as one of the senators referenced in that joint statement, along with Senator Tannas and Senator Pate, I was on the Indigenous Peoples Committee and deeply involved in the Bill S-3 process some eight years ago.

I wish to address only one point in the statement sent to us today, ". . . that second-generation cut-off perpetuates sex discrimination against women who marry non-status partners. Not true. . . ."

I am on the record in the recent Indigenous Peoples Committee proceedings on Bill S-2 as having said that I believed what happened with Bill S-3 fixed sex-based discrimination in the Indian Act. Allow me to explain. I believed then — but not now — that the promises made by the government to move rapidly as part of the deal for Bill S-3 meant that the Bill S-3 package would be delivered.

I was honoured to be with former Senators Dyck and Lovelace Nicholas in Saskatchewan in 2019 when then-Minister Bennett announced the federal government had brought the final provisions of Bill S-3 into force, allowing registration by First Nations defendants born before April 17, 1985. Former Minister Bennett stated then:

> Gender equality is a fundamental human right and for far too long, First Nations women and their descendants have continued to face the effects of historical gender discrimination in Indian Act registration going back to its inception 150 years ago. I stand in solidarity with the Indigenous women who have been working so hard for decades to end sex-based discrimination in the Indian Act registration and am proud that today all remaining gender discrimination has been eliminated from Indian Act registration provisions.

• (1650)

Between 2019 — when that quote took place — and now, the Standing Senate Committee on Indigenous Peoples issued its powerful and concise report *Make it stop!* because the governmental promise of the Bill S-3 package was not kept.

Honourable senators, I see now that I was wrong, and here we are with the current minister giving commitments as her predecessors also did. With regard to the assertion in the statement that you received today that there is no sex-based discrimination with the second-generation cut-off, I offer for your careful consideration the following points in response.

Senator Francis quoted the equality rights in section 15 of the Charter. There are two "notwithstanding" clauses in the Charter. Section 33 is the section with which you will be most familiar, given current uses of this "notwithstanding" clause by governments wishing to violate Charter rights. It is the other "notwithstanding" clause in section 28 that is most relevant to reinforcing section 15 of the Charter in addressing sex-based discrimination in the Indian Act.

It states:

> Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

With appreciation to Dr. Pam Palmater and the other experts in the working group dedicated to research and advocacy to remove sex discrimination for over 40 years, here are some points for you to consider when looking at the statement from today. The second-generation cut-off is both sex-based and race-based discrimination. It is also arguably discrimination on the basis of ethnic origin and marital status. It is incorrect to argue that it is not sex-based discrimination and only race-based discrimination, as any discrimination violates sections 15 and 28 of the Charter.

First Nations women suffer intersectional forms of discrimination because of their sex as women and their race as First Nations. The National Inquiry into Missing and Murdered Indigenous Women and Girls explained that while all Indigenous Peoples suffer from historic and ongoing genocide, Indigenous women suffer from a unique form of gender-based genocide.

Sex discrimination is evident in the second-generation cut-off. For example, there are unequal family units created. Before 1985, when First Nations men married White women, the White women gained status, as did their children. However, a First Nations woman marrying a White man lost her status, as did her children and her grandchildren and her great-grandchildren. Even when the law was changed to reinstate these women, it did not treat them equally to their White husbands. They did not gain status.

This is not about wanting to give White men Indian status, but it is about the unequal, disproportionate impact on an Indigenous woman's family as compared to an Indigenous man's family. In the man's family, they are considered a family with two status Indian parents, with two sets of benefits, two sets of per capita payouts and two sets of treaty payments, meaning he, his wife and his children get more than, for example, his Indigenous sister. In the woman's family, there is only one status Indian parent and, thus, only one set of benefits, meaning she, her partner and her children receive less.

I would like to now turn to the Standing Senate Committee on Indigenous Peoples report tabled in this chamber and the non-liability clause in Bill S-2. Is it not shameful for this government to insist on perpetuating non-liability clauses that forbid Indigenous women from seeking compensation for the harms done to them under the Indian Act?

The way in which this was addressed in the *Make it stop!* report, which was adopted by the Senate, was Recommendation 7 which reads:

> That the Government of Canada introduce legislation . . . to enable First Nations women and their descendants to access compensation."

The minister at the time rejected this recommendation with his vague point, " . . . the validity of these clauses is being assessed and determined by the courts." Let me ask you: What is the responsibility of the government to address sex-based discrimination that has been found by the courts and international courts to be illegal?

The fact that a provision is being considered by a court does not prevent Parliament from changing or repealing that provision. This government, like its predecessors, bit by bit over decades, does the minimum only when forced to do so by a court, and that is what Justice Masse criticized so clearly in the *Descheneaux* decision that led us to Bill S-3. Denying access to compensation for women, as well as their children, their grandchildren and their great-grandchildren, who have fought for decades against sex discrimination perpetuates that discrimination. And, senators, that discrimination is illegal.

Please note that bars to compensation apply to all causes of action, even those that are not under the Charter. In Charter cases, Crown immunity for damages arises from enacting legislation set out in the case entitled *Canada (Attorney General) v. Power*. The case brief from the Supreme Court of Canada notes:

> Writing for the majority, Chief Justice Wagner and Justice Karakatsanis held that the state is not entitled to an absolute immunity from liability for damages when it enacts unconstitutional legislation that infringes —

The Hon. the Speaker: I'm sorry to interrupt, senator. Your time has expired. Are you asking for more time?

Senator McPhedran: I would greatly appreciate that.

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

Hon. Senators: Agreed.

Senator McPhedran: I will continue to quote the Supreme Court of Canada:

> By shielding the government from liability in even the most egregious circumstances, absolute immunity would subvert the principles that demand government accountability.

Power reaffirms the law as it has stood for more than 20 years under *Mackin v. New Brunswick (Minister of Finance)* and *Rice v. New Brunswick*. The Standing Senate Committee on Indigenous Peoples amendment removes the bar to liability with respect to the harm caused to the wives and children of men who enfranchise by having their status automatically removed and those who lost status or whose descendants lost status because of the second-generation cut-off or the 1985 cut-off.

Following the *Power* decision, the standard will be whether these bars were legislated when the state:

> . . . knew that the law was clearly unconstitutional, or was reckless or wilfully blind as to its unconstitutionality. . . . [or] the enactment [was] an abuse of power.

This government, through Senator Moreau, is asking senators to protect the ban on damages in Bill S-2, so I must ask: What will be the effect on the government of not passing that section?

A number of international human rights bodies, including the UN Human Rights Committee in *McIvor* and the UN Committee on the Elimination of Discrimination against Women in *Matson* have called on Canada to provide compensation for decades of sex discrimination in the Indian Act. How can the government justify leaving the non-liability clause in place in light of the decisions of UN committees calling on Canada to provide an effective remedy and reparations for discrimination and forced assimilation practices? How can this government's denial of access by Indigenous women and their families to compensation, resulting in forced assimilation practices with impunity, be justified?

Removing the non-liability clause will not cause a floodgate of lawsuits, given the difficulty and the expense of bringing them, nor is it a valid aim to restrict access to justice. The effort to restrict compensation hearkens back to former section 141 of the Indian Act, which prohibited Indigenous people from hiring lawyers or collecting funds to advance claims in court from 1927 to 1951 — a throwback, in other words. A disproportionate number of those affected by the lacunae in section 2 are caused to be deprived of Indian status, and a disproportionate number are single mothers with children.

• (1700)

These women and children will continue to be denied the tangible benefits accruing to status, like medical care, income, educational support and the right to live on reserve. They also lose the right to pass on status to their children, which the cases of *Lovelace*, *McIvor* and subsequent cases describe as "a personal right," while acknowledging broader cultural dimensions.

The losses to individuals, families and nations caused by deprivation of status are significant and, in some cases, extend over many years and generations. The damage cannot be repaired simply by having access to the benefits once individuals are registered. The law must be changed. The discrimination in the law is illegal and unconstitutional.

I hope this information is useful to your careful consideration of this historic deliberation. *Meegwetch*. Thank you.

Hon. Michèle Audette: Honourable senators, I would never have thought that one day we would be in this chamber when our moms — Dawn, *ma belle* — stood up against the government, against the Indian Act, but also against many men who were Chiefs at that time. It is very important to talk about this chapter.

We still taste that bitterness, but the beauty, the healing and the power that I saw today — this room was and is still filled with Chiefs demanding that we go further than what Bill S-2 is proposing on the second-generation cut-off. The Chiefs are asking.

For me, I try to stay in a place where I can keep the emotions for later, but the wolverine in me — we say *carcajou* — wants to make sure that I honour what your mother did, very alone, walking into the Supreme Court of Canada and opening other doors for other women, such as former Senator Lovelace Nicholas, our sister from this chamber, and so on. Who paid for that? I guess they did. It was hard.

It is very important for me also to acknowledge that, finally, we have men, we have women, former Chiefs, elected Chiefs and friends who are saying, "Push this bill as much as you can because the momentum is here today and now."

We are from that lived experience, so let's not forget that. We try, like the Famous Five women, to enter Parliament. It is the same for us, for women affected by the Indian Act, still today. I try to smile. I try to walk here with dignity and say, yes, it is here in my blood, but, for me, I stand strong today because I believe this report with the amendment presented by the Standing Senate Committee on Indigenous Peoples should be adopted and then move to third reading.

This is what I believe. I would never think that we have to argue for that part here in Canada, ever. That wasn't in my speech, but I needed to share that.

It is very important that, when the bill arrived, the delay was short. The B.C. court didn't have the same time that we have today. It was very transparent, very honest. If amendments are there to improve, and if there is a willingness, I'm willing. You can quote me. It's in my second reading speech. But now we have more time. We, the two chambers, have until April.

The committee and I, as the sponsor of the bill, made sure that we respected that time frame, that delay. We made sure that we had diversity with regard to those who would come and say that they agree or disagree, or say yes to this amendment and no to that amendment, or that they don't like Bill S-2 at all. We had one voice, and it is important for me to mention that voice.

However, it is also important for me to remind all my colleagues about what they said regarding the duty to consult. I will say it in French because minutes count.

[*Translation*]

Consultation is a constitutional duty. I am going to quote an excerpt from section II of Part A of the *Updated Guidelines for Federal Officials to Fulfill the Duty to Consult*, a document released by the federal government in March 2011:

> The common law duty to consult is based on judicial interpretation of the obligations of the Crown . . . in relation to potential or established Aboriginal or Treaty rights of the Aboriginal peoples of Canada, recognized and affirmed in section 35 of the *Constitution Act, 1982*.

This paragraph is one of the provisional guidelines presented in the spirit of renewal in 2022-23 in a report.

It is important to state the facts: they have not yet been officially adopted. The part involving women in this consultation process is to ensure that there is a gender-based analysis when talking about modern treaties and self-government. This has already been the subject of debate.

For decades, the courts have reminded us of an essential distinction. Section 35(1) provides as follows: "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed."

I would like to share something that is not cited as often. Section 35, subsection 4 this time, states that rights are guaranteed equally to both sexes:

> Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

That point matters to me because, according to our nations' social norms, women have a place. Colonialism disrupted that way of doing things, but we know women have a place. This is also an opportunity to remind our brothers and sisters that it is time to reclaim our place in today's world.

I participated in the UN debates on every article of the United Nations Declaration on the Rights of Indigenous Peoples. The room was full of people speaking Spanish because they wanted a language all countries could share. As part of a concurrent UN event, there was a debate on the UNDRIP articles. That's when I said to my neighbour:

[*English*]

"Please, could you translate for me into Spanish?" That was because we were debating about which article we should adopt, the language and the brackets or removal of brackets. She said, "Okay." So I said to this big crowd of indigenous people from around the world:

> Do you know that what you are doing is very important? But I want to read and I want to see and I want to make sure that women are also included in that declaration, that everything that it says in those articles is applicable to men and women.

They applauded. I thought it was consent. Then I felt a tap on my shoulder. "Come outside." It was said in English. At that time, my English was rustier; it wasn't good. I had to argue with a Chief because the impression was that if we come and say "women," it is going to dilute the declaration — those days, many moons ago.

• (1710)

But today those words are also in that declaration, so I'm confident that if we do a real and sincere process with the First Nations, the nations here in Canada, we will keep in mind and in our spirit many protocols from our nations, from the Constitution and from the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP.

[*Translation*]

These are extremely powerful and necessary tools, so why is this becoming problematic during the debates we've been having for some time now? I want to approach this issue honestly. When people talk about discriminatory provisions, they seem to be trying to extend the duty to consult to areas where it was never intended to apply.

I know Senator Moreau said that's not what we're debating, but it's more of a nation-to-nation debate. The reason I think this approach is dangerous is that those who argue that the government has a duty to consult are creating a tool of obstruction.

[*English*]

Let me be clear.

[*Translation*]

I've heard that a lot.

[*English*]

I want to say, "Me too." There is nothing I try. I'm not a lawyer. I'm a super *nôhkom*, a super mom and — I hope — a super senator, but I have read many Supreme Court of Canada decisions in English and in French. None of them said, "You need to consult on discrimination. You need to consult on equality, according to the Charter."

I'll say that in French to make sure I don't misspeak.

[*Translation*]

> Nothing I have read in the Supreme Court's case law requires that a section 35 consultation be used to prevent or delay the equality remedies guaranteed by the Charter.

When constitutionally established injustices recognized by the higher courts are corrected, it is important that Parliament perform its duty. We are Parliament and we must perform our duty.

You've heard my colleagues list some sections of the Charter. Some senators talked to you about various court decisions. I'd simply like to point out that, for every decision given concerning the Indian Act and status, emancipation or discrimination between men and women under sections 6(1) and 6(2), whether subtle or overt, we, the Parliament, have said, "We can do more." The point we are trying to make is that we have that responsibility.

We're also trying to explain that when we have to appear before the Supreme Court of Canada or the court of appeal, a lower court or the United Nations, financial costs are involved that we as women or men can't afford. I find it unfortunate that we need to debate this at a time when we have the power to take action so that our mothers and our sons can finally say that they're recognized.

There are two parallel paths at this time, and I would like to conclude my remarks with something that, for me, makes no sense. Some of you might tell me that legally, it is feasible, but emotionally or politically, why should we do this as parliamentarians?

In my view, it may appear simple to propose something that is consistent and in keeping with the teachings of the judiciary, either because it is a constitutional obligation or because, since the *McIvor* and *Descheneaux* decisions, the courts have given us opportunities and encouraged us to do more. This is not a political choice; it is a matter of fundamental equality.

For me, being in this chamber and imposing a full consultation on every reform amounts to giving us a small implicit veto, which the Supreme Court refused to do in *Haida Nation v. British Columbia*.

The two things should not be confused; rather, the other process should be encouraged. For me, nation-to-nation relations are not to be based on the Indian Act, the law that used to be called "An Act for the gradual enfranchisement of Indians." For me, it is a policy of assimilation. It is not about self-government, it is not a treaty right, nor is it an Aboriginal right. It is a policy designed to ensure that I stop existing, period. Through Bill C-31, part of the battle was won, but it added a new form of control to determine who was Indian and who was not.

We are Innu, we are Anishinaabe, we are Mohawk. We are not section 6(1) or 6(2) Indians, but that is what the law says, and it has a major impact. Imagine that feeling or reaction in this chamber.

[*English*]

When Bill C-3 was debated in this chamber and in committee, something that the court said was there is discrimination. We need to change the Citizenship Act. What it says in my view or in my world is that we always — and we always did — welcome. "Quebec" is an Innu word. "Quebec" means, "Come, get off your boat." So we were awesome Innu People, I can tell you.

But in this chamber, when I saw Bill C-3, which was Bill C-71 —

[*Translation*]

The Hon. the Speaker: Senator Audette, your time is up. Are you asking for more time?

Senator Audette: I am asking for two minutes.

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

Hon. Senators: Agreed.

Senator Audette: Thank you.

[*English*]

The parallel for me was we will welcome the second generation — how do we say in English — people who were born outside of Canada to be able to apply and become a Canadian citizen — one-parent rule.

When me, if I have one child or two — I have five — I have to prove who the father is — two-parent rule. Why, here in Canada, do we say yes to people who were born outside, and we are giving them that right? And Minister Gull-Masty, her government, her nation, the James Bay and Northern Quebec Agreement, since day one of that modern treaty, only one-parent rule.

I know it works for Cree people and Naskapi under this modern treaty and also for people who come from outside, because they have a grandparent and can apply to be a Canadian citizen, but not us.

Please think about that. Thank you.

Hon. Mary Jane McCallum: Honourable senators, today I am speaking to you as a member of the Standing Senate Committee on Indigenous Peoples at the report stage of Bill S-2, and I ask that you support our report and Bill S-2 as amended.

I wish to acknowledge the work that was done by the committee, with a special thank you to our warriors and to Professor Pam Palmater, who took time to mentor me and provide valuable advice to ensure this speech was about truth, compassion and working towards justice.

I have a special acknowledgement to our ancestors who are here with us today. I want to thank all the witnesses for their powerful, sacred testimonies and submissions. I am sorry that this quest for equality and justice appears to be on repeat.

This is not the first time Senate committees have been called on to study a bill meant to address sex-based and race-based discrimination in Indian registration in the Indian Act. We also have the benefit of the hard work done by the Indigenous Peoples Committee during its consideration of the Bill S-3 amendments in 2017, led by former senator Lillian Dyck as chair; the Human Rights Committee during its consideration of the Bill C-3 amendments in 2010, led by former senator Nancy Ruth as chair; and the Legal and Constitutional Affairs Committee during its consideration of the Bill C-31 amendments in 1985, led by former senator Joan Neiman as chair. Notably, all three reports noted similar concerns in their observations.

• (1720)

In 1985, the Legal and Constitutional Affairs Committee report noted the following about Bill C-31:

> Some members of the Committee expressed reservations as to the constitutional validity of some amendments contained in the Bill, and about the fairness of its application to some native people.

In 2010, the Human Rights Committee report noted about Bill C-3, "Bill C-3 does not deal with all sex discrimination stemming from the Indian Act."

In 2017, the Indigenous Peoples Committee report had extensive observations, including the following:

> Your committee feels that Bill S-3, even with the proposed government amendments, continues a piecemeal approach in dealing with sex discrimination, whereby amendments to the Indian Act are introduced on a case-by-case basis in response to court decisions. . . .

It went on to note:

> Your committee feels that the federal government's approach allows discrimination in the registration provisions to persist with the promise that it will be fixed in the future.

It is now 40 years later, and sex- and race-based discrimination in the Indian Act remains. First Nations and, in particular, First Nations women and their descendants have not enjoyed the benefit of section 15 equality rights. The Charter of Rights and Freedoms is a foundational part of Canadian law and democracy. Every Canadian and Indigenous person has the right to the protection and benefit of section 15 equality rights, including First Nations women.

Notably, section 28 of the Charter also provides:

> Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

Section 35 of the Constitution Act, 1982, protects and guarantees Aboriginal and treaty rights equally for male and female persons. Bill C-15, when enacted the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, also provides that the rights contained in UNDRIP are guaranteed equally between male and female Indigenous people. These rights, freedoms and protections applied the day they were enacted. First Nations women have had Charter equality rights since 1982, at least in theory. First Nations women are the only group of women told to wait before they can enjoy its protection.

They are told to wait until the government gets around to it; until the government is satisfied that it has had enough consultative engagement and collaborative processes, as well as studies, commissions, reports and inquiries about sex- and race-based discrimination against First Nations women; and until the government drags these women and their descendants through endless litigation and human rights complaints.

Why are they forced to litigate the same issue over and over?

In the *Nicholas* decision, the federal government conceded that the inability to pass on Indian status to one's descendants is discrimination based on race or ethnic origin and violates section 15 of the Charter.

This week, the minister acknowledged that the second-generation cut-off is "very discriminatory" and that it "is probably one of the most harmful things that we see." Let the minister's words sink in. Yet instead of immediate remedial action, the women are told to wait another two or three years in the hopes of stand-alone legislation, which, based upon experience, is unlikely to recognize full equality rights.

Let's be honest: Despite political promises to the contrary, no consultation process on Indian registration has ever resulted in voluntary legislative amendments. Previous court cases have recognized this government pattern of delayed equality. In the *Descheneaux* decision, Justice Masse highlighted that:

> The general finding of discrimination in the 2009 judgment of the BCCA in *McIvor* could have enabled Parliament to make more sweeping corrections than what was accomplished by the measures in the 2010 Act. . . .

After finding in favour of Stéphane Descheneaux, Justice Masse went on to say that:

> It does not, however, exempt Parliament from taking the appropriate measures to identify and settle all other discriminatory situations that may arise from the issue identified, whether they are based on sex or another prohibited ground, in accordance with its constitutional obligation to ensure that the laws respect the rights enshrined in the *Canadian Charter*.

What more does the government need?

The Aboriginal Justice Inquiry of Manitoba, 1991; the Royal Commission on Aboriginal Peoples, 1996; the Truth and Reconciliation Commission, 2015; the National Inquiry into Murdered and Missing Indigenous Women and Girls, 2017; and numerous UN reports all told Canada to address sex discrimination against First Nations women. How many more cases must Canada lose? *Lovelace*, *McIvor*, *Descheneaux*, *Gehl*, *Matson* and *Nicholas* all call on Canada to end the race- and/or sex-based discrimination.

The honour of the Crown is called into question when the government picks and chooses when it wants to consult. Canada enacted Bill C-5, the One Canadian Economy Act, with no consultations with First Nations, even though this legislation has the power to run roughshod over section 35 Aboriginal, treaty and land rights. Canada enacted Bill C-5 over strenuous opposition from First Nations.

Canada also enacted two massive omnibus bills: Bill C-38 and Bill C-45, both of which Mikisew Cree First Nation and other First Nations said would impact their section 35 Aboriginal, treaty and land rights. Canada battled Mikisew Cree First Nation in litigation all the way to the Supreme Court of Canada, which held that Canada has no duty to consult when it enacts legislation. Therefore, any government assertion that the amendments in Bill S-2 would be declared null and void by a court due to a lack of consultation is not legally correct.

The Canadian Human Rights Tribunal decision in *First Nations Child and Family Caring Society v. Canada* criticized the federal government for always advancing the need to consult as a tactic to ". . . justify delay, and denials of equitable services leading to discrimination. . . ." The tribunal also reminded Canada that consultations should never be used as a replacement for providing immediate relief from discrimination.

Also, the government's assertion that Bill S-2 must pass quickly to meet the court-imposed April 2026 deadline doesn't hold water. The court specifically declared that it would remain seized of the matter to enable an extension of the deadline.

• (1730)

The most offensive part of all the government arguments on consultations is that it is ignoring the very First Nations voices that are telling the government what to do. It is ignoring the testimonies, written submissions, resolutions and public calls by the majority of First Nations in Canada to end the second-generation cut-off now.

The Assembly of First Nations, or AFN, which is the national organization that represents most of the 630 First Nations in Canada, passed a resolution after the *Descheneaux* case to:

> . . . unequivocally support the elimination of the second generation cut-off provision found in section 6(1) and (2) of the *Indian Act* that results in a decline of registrants and members of First Nations.

The AFN passed a similar resolution in 2024, calling on Canada to immediately end sex- and gender-based discrimination in the Indian Act.

The BCAFN, which represents 204 First Nations, passed a resolution this past May calling on Canada to:

> . . . end all legislative- and sex-based discrimination, reinstate all women and descendants affected by enfranchisement, remove the no-liability clauses in *Bill S-2* and previous amendments, eliminate 6(2) status and the second generation cut-off.

The UBCIC has passed numerous resolutions calling on Canada to immediately end all sex-based discrimination without delay, including the removal of the second-generation cut-off.

In committee, many of the other organizations called for the end of the second-generation cut-off: AFN, 630 plus First Nations; BCAFN, 204 First Nations; UBCIC, 100 plus First Nations; AMC, 63 First Nations; AFNQL, 43 First Nations; Anishinaabeg Nations, 39 First Nations; SCO, 32 First Nations; the Council of Yukon First Nations, 13 First Nations; the Mi'kmaq Grand Council, 28 First Nations; Mi'kmaq Confederacy of P.E.I., two First Nations; NWAC; Ontario Native Women's Association; QNW; Wendat Nation; St. Mary's First Nation; Snuneymuxw; and Dene.

Honourable senators and colleagues, now is the time to stand with First Nations, stand with First Nations women and children and tell them that they do have the right to equality and to be free from sex- and race-based discrimination in all its forms. That is the law. We legally do not have a choice.

First Nations should not have to sue Canada to force it to follow its own rule of law — its own constitution.

We must show Canadians that we stand for justice and equality for all. Supporting this report and Bill S-2, as amended, would send a strong message to First Nations and First Nations women and children, conveying that they are deserving of equality and that they have a place in their own country and a place in "Building Canada Strong."

Kinanâskomitinawow, thank you.

[*Translation*]

Hon. Pierre J. Dalphond: I wasn't planning to speak, but I must say that the quality of today's debate was outstanding, and it makes me proud to be a senator.

Hon. Senators: Hear, hear.

Senator Dalphond: The speeches I've heard are remarkable for their diversity and their deeply held conviction that injustice must be remedied. I am not insensitive to this. I don't have the passion and the history of all the previous speakers, but I would like to add to your reflections by sharing some elements that I think are important and need to be considered.

Some senators have talked about 40 years of discrimination. In reality, it's been hundreds of years of discrimination; we know that. We've talked about the fact that this situation must be corrected. There's no doubt that it must be remedied and corrected, but I also heard the minister who appeared before the committee — I watched her testimony from my office — and who came back before the committee a second time. I wanted to understand what she was trying to say. I listened carefully. I also listened to Senator Moreau, Senator Prosper, Senator White and the others, who delivered remarkable speeches. I said that earlier, but it bears repeating.

However, it seems to me that when people say, "We've been hearing this for 40 years and nothing has been done; the time has come to take action," I wonder if we are overlooking certain important developments that are critical to our analysis. I am talking about the United Nations Declaration on the Rights of Indigenous Peoples.

[*English*]

UNDRIP was adopted by the United Nations General Assembly, despite the fact that Canada and a few other countries opposed it, but Canada changed its mind, and the government decided to support it.

When I came here almost eight years ago, we were debating MP Saganash's bill to implement UNDRIP in the laws of Canada. It wasn't adopted. We couldn't move forward, because it was a private bill, and the Conservative opposition continuously delayed it until it died on the Order Paper when the election was called after four years of the first Justin Trudeau government.

It was reintroduced again. Finally, the government took the poll and made it a government bill. It was adopted in June 2021, making UNDRIP part of the law of Canada. It contains various provisions that commit the Government of Canada to review the laws and regulations of Canada to ensure they are compliant with the UNDRIP declaration.

As I said, I didn't have a speech ready, but I checked a few things on the internet.

Article 9 of UNDRIP reads as follows, and we are committed to it:

> Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

I repeat: "No discrimination of any kind may arise from the exercise of such a right." Therefore, the right of self-governance implies the right to determine who can be part of your community, but this right doesn't authorize you to discriminate.

Article 19 reads as follows:

> States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Is there any legislative measure that may affect any Indigenous nation in this country more than amending who can be a member of that nation?

This is what we are committed to. We passed that bill in June 2021, as I said. The bill calls for the government to put forward an action plan. This action plan was tabled in this house and the other place in 2023. I invite you to go and read it. It is a big book with big flowers and colours on the top. It is a very nicely presented document. I cannot use it; it would be called a prop according to our rules.

• (1740)

Read that plan. There are commitments there of the government to review all pieces of legislation. There are three different chapters, one dealing with the Métis, one dealing with the Inuit and one, the first one, dealing with First Nations. In this chapter, you will see many references to determination of who should be a member of each reserve or nation. There, it is a commitment. It is part of the work of the government that the government committed to in 2023.

So here we are; we heard the minister say, "Having engaged in the process, pursuant to the action plan, I'm willing to act on it." In the letter that Senator Moreau sent us earlier, she provided us the schedule for it. It says this is coming. We are addressing this issue. We are coming with answers, but we have to do it properly. We need to consult. We have to implement what we voted for — we, this chamber, and the other chamber — the UNDRIP principles. We are committed to applying them and respecting them.

Today, I have heard many speeches that say we are also committed to Charter values, and we are committed to Charter values. So how do we reconcile these two sets of values — a commitment to implement changes only after consultation and cooperation, and our urge, rightly so maybe, to change things and address issues of discrimination as soon as we can? We have a tool. We have Bill S-2; we are going to extend it; we are going to address an important issue. I understand that.

But for me, this is a very challenging question because I understand the Charter call. Senator Prosper made it very clear. I heard others who made the call too; Senator Audette made it as well.

At the same time, I hear the minister and the government say we are committed to principles; we are committed to UNDRIP, and UNDRIP means something. It is something we committed to and we can't discard when it suits us.

So now I'm going read to you — because there have been many references to the Supreme Court — I'm going to refer to a judgment of the Supreme Court that was rendered last year, 2024. That decision is *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, a very important piece of legislation that gives the right to Indigenous groups, Indigenous nations and the Inuit, to decide who should be children in care and who should look after them, and not the White in the South.

I hope that if I run out of time, you will give me a few more minutes. I would like to read six paragraphs from that judgment of the Supreme Court, which is unanimous, which is rare in the Supreme Court these days. Paragraph 3, about the right of adoption and protection of children, reads:

> The Act is part of a broader legislative program introduced by Parliament to achieve reconciliation with First Nations, the Inuit and the Métis "through renewed nation-to-nation, government-to-government and Inuit-Crown relationships based on recognition of rights, respect, cooperation and partnership" . . . . The framework serving as the foundation for this reconciliation initiative by Parliament is the *United Nations Declaration on the Rights of Indigenous Peoples* . . . or "UNDRIP"), adopted by the United Nations General Assembly in 2007. That international instrument provides that "Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs" (art. 4). Among the matters dealt with in the Declaration, the provisions setting out "the right of indigenous families and communities to retain shared responsibility for the upbringing . . . and well-being of their children, consistent with the rights of the child" . . . are of particular relevance to this reference. The Declaration also refers to the right of Indigenous peoples to transmit their histories, languages and cultures to future generations . . . in addition to emphasizing the right not to be subjected to any act of violence, including "forcibly removing children of the group to another group" . . . .

Paragraph 4 reads:

> While the Declaration is not binding as a treaty in Canada, it nonetheless provides that, for the purposes of its implementation, states have an obligation to take, "in consultation and cooperation with indigenous peoples, . . . the appropriate measures, including legislative measures, to achieve the ends" of the Declaration . . . .

I'll move on to paragraph 10 now:

> For most of Canada's history, lawmakers have wrongly employed a policy of assimilation aimed at "lifting [Indigenous peoples] out of [their] condition of tutelage and dependence, and . . . prepar[ing] [them] for a higher civilization" . . . .

From paragraph 11 onwards, the reference reads:

> The effects of these government policies are still being felt today. "In tandem with the residential school system, the child welfare system . . . became a site of assimilation and colonization by forcibly removing children from their homes and placing them with non-Indigenous families" . . . .
>
> Over time, Canada has abandoned its policy of assimilation in favour of a policy of reconciliation. Parliament established the Truth and Reconciliation Commission of Canada and gave it a dual mandate to "reveal to Canadians the complex truth about the history and the ongoing legacy of the church-run residential schools" and to "guide and inspire a process of truth and healing, leading toward reconciliation within Aboriginal families, and between Aboriginal peoples and non-Aboriginal communities, churches, governments, and Canadians generally" . . . .
>
> The Truth and Reconciliation Commission of Canada —

— which was chaired by our former colleague Senator Murray Sinclair —

> — issued several calls to action relating to the welfare of Indigenous children. . . .
>
> The Commission also called upon governments to adopt and implement the UNDRIP in its entirety as a "framework for reconciliation" . . . .
>
> In 2016, Canada made a commitment internationally to support the UNDRIP "without qualification" and to implement it . . . . The UNDRIP gives particular recognition to "the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child". . . .

Paragraph 15, which is the last one I will quote, reads:

> In 2021, Parliament enacted the *UNDRIP Act*, s. 4(a) of which affirms the Declaration "as a universal international human rights instrument with application in Canadian law". It is therefore through this Act of Parliament that the Declaration is incorporated into the country's domestic positive law. In s. 4(b), the statute states that its purpose is also to "provide a framework for the Government of Canada's implementation of the Declaration". In s. 5, it provides 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". . . .

Tonight we are called to pass a bill which, I understand, I'm not sure —

[*Translation*]

The Hon. the Speaker: Senator Dalphond, I'm sorry to interrupt, but your time has expired. Are you asking for more time?

• (1750)

Senator Dalphond: I would like two minutes to wrap up.

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

Hon. Senators: Agreed.

The Hon. the Speaker: Two minutes, Senator Dalphond.

Senator Dalphond: Today, we're being asked to make a decision about a bill that directly affects all Indigenous peoples in this country. We're being asked to decide what's good for them. I would like us to ask this question before we vote: Have we ensured they were consulted and agree with what we're doing? Thank you.

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

Hon. Lucie Moncion: Yes, I have a question about the consultations.

The Hon. the Speaker: Will you take a question, Senator Dalphond?

Senator Dalphond: Of course, Madam Speaker.

Senator Moncion: Thank you, Senator Dalphond.

You've been talking about consultation, and section 35 of the Constitution Act, 1982, covers that. Don't you find it ironic that the government is invoking the duty to consult in order to maintain a legal framework that violates Aboriginal and treaty rights by perpetuating the second-generation cut-off and effectively extinguishing the rights that the next generation is demanding? They talk about it here, but what happened with Bill C-5?

Senator Dalphond: The government's action plan recognizes that these measures are discriminatory and must be changed. The question is what rules will be followed to decide who participates in each of these communities and who can be recognized as members of them, in other words, whose ties to these communities are sufficiently significant to be recognized. This is somewhat similar to what we did with Bill C-3 in deciding who to recognize as a Canadian born abroad. We tried to identify what significant ties were required to find that the connection to Canada was sufficient.

I don't know what kind of significant ties could be used to determine membership in the Mohawk community or another community, because I'm not an expert in that area. I am White and also a former judge. I am not the right person to decide that; it is up to the communities to decide that for themselves.

Section 35 of the Constitution Act would not apply to Bill C-5 because it only applies when treaty, Aboriginal or other rights are directly affected by a government measure. Bill C-5 doesn't affect those rights, but if any of the selected projects go through an Indigenous reserve or across ancestral territory, they will affect that community's rights and must be subject to consultation under section 35. If the government or the proponent fails to consult, the superior court will order them to stop and require them to consult and obtain free and informed consent. The section 35 duty is there, but it didn't apply to Bill C-5.

Hon. Michèle Audette: I have a question for you, my former colleague.

The Hon. the Speaker: Would you take a question, Senator Dalphond?

Senator Dalphond: Of course I would take a question from my colleague.

Senator Audette: I think it's important to put certain things in perspective with Bill C-92. We're talking about the Supreme Court of Canada, the Atikamekw nation, the Obedjiwan community, my granddaughter, for whom I am responsible, thanks to Bill C-92. This was a jurisdictional dispute between Quebec and the federal government, and it's worth noting that we are talking about modern agreements and modern negotiations.

Clearly, negotiation and consultation are important, but let's get back to basics. For this law to be enforced, there must be registered Indians. When a mother gives birth to a child and there is no father to sign, she will not be able to receive the programs that Bill C-92 would allow her to receive in Obedjiwan. Were you aware of that?

Senator Dalphond: Of course, I listened to the committee proceedings, and the action plan recognizes that this is discriminatory and unacceptable. No one supports this. Again, that's the dilemma here. The problem you are trying to fix is real. It is a serious injustice and a form of discrimination that is unacceptable and despicable.

Would the answer to that question have to be provided by a group of six, seven, 10 or 11 senators? Do the committee members who were there represent the community, the communities covered by UNDRIP?

The Hon. the Speaker: Senator Dalphond, I'm sorry, but once again your time is up. Another senator expressed interest in asking a question. Are you requesting more time?

Senator Dalphond: I sense that I am going to regret asking to speak, but yes, Madam Speaker.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Senator, you may continue with your answer.

Senator Dalphond: I will close by expanding on my answer.

This evening, the decision before you is whether to set aside UNDRIP, which we committed to, on the grounds that this time something else is more important, namely section 15 of the Canadian Charter of Rights and Freedoms, or whether to accept that we introduced a mechanism that the government committed to and agreed to follow this new system. However, I gather that some colleagues were quite reluctant, and I don't blame them. They say that they have been waiting far too long and that they have lost confidence in the government.

What I am saying is simply this: keep in mind too that the current government and the previous government committed to UNDRIP, that they passed legislation making it binding on us and that we are required to stand by the principles we accepted.

[*English*]

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

Senator McCallum: Yes, I do.

[*Translation*]

The Hon. the Speaker: Would you take a question?

[*English*]

Senator Dalphond: With pleasure.

Senator McCallum: I met with the O'Chiese Chief and council yesterday about this, and I told them the minister is consulting. And they asked, "Consulting about what?" They consult once the second-generation cut-off is done. Then they consult with the First Nations — the rights holders — on what resources they're going to give to the First Nations. But right now, I don't know what they're consulting on. They cannot be consulting and saying, "Are you going to continue with this discrimination?" Or there's even the registration. All those administrative problems are the doing of the government. Would you answer, please?

[*Translation*]

Senator Dalphond: This was more of a comment than a question, but I agree with my colleague, Senator McCallum. Following consultation, the government must not only determine the most appropriate approach to deciding who belongs to a given community in a manner that respects Indigenous peoples' right to self-determination, but it must also supply funding once systems are in place. The government must ensure that communities have the financial means to respond to their members' needs.

I presume that, if a change is made, there will be more members than there are now, and the government will have to live with the consequences of that, which makes sense because it's part of reconciliation. The government will also have to ensure that appropriate services are available to all members of the community, including those who were unjustly excluded before.

[*English*]

Hon. Leo Housakos (Leader of the Opposition): I will be very brief.

Honourable senators, I was not planning to rise to my feet. I think it's also important that we respect the customary practice that once the critic of a bill speaks, we do respect that practice. However, I have seen too often over the past few years that we don't respect that practice. Given the fact that Senator Dalphond engaged, I will take the time to also engage inappropriately.

• (1800)

I'll just say this: I'm scratching my head a little bit. We are in an institution that is supposed to be a place of sober second thought and articulate the voices of minority groups in this country who don't feel heard all the time — and I have to say, I'm very proud of the debate. I sat back today and listened. It's an experience to learn from knowledgeable people first-hand about our Indigenous communities. I had the privilege over the last little while to have Senator McCallum teach me a whole hell of a lot about the Indigenous people in this country.

I want to add this on the record: Senator Dalphond, UNDRIP is a document that I had a lot of trouble with because it's written by an international forum that applies to all sorts of elements and has been imposed on the Parliament of Canada. I would always rather take the side of a solution to a problem that's Canadian written and driven by Canadian voices for Canadians — and in this case, by Indigenous people.

When our Indigenous Peoples Committee has been given a mandate to take work on behalf of this institution, and when we appoint individuals to various committees to do that work, we do so because of their background, expertise and knowledge. We are a verification chamber. When they report back to us, we listen to the debate and to the findings. Overall, much more often than not, we accept the findings of the committees.

I want to highlight that 10 to 1 was the outcome on this report. I also want to highlight it was 10 out of 10 in terms of the members of that committee. The one dissenting voice was an ex officio member of the government. Of course, they have the right to express that dissenting voice. If I'm mistaken, I take it back, but 10 to 1 is a significant result on a vote.

Also, from the little I've perused the work of this committee, there was no dissenting voice among the witnesses who appeared, and there was an extensive list of witnesses.

I want to leave every member with this: At the end of the day, the government in the other place will do what they want. They have that right. They've been elected. But we have the right to raise flags, to highlight things for the government and the other place and to express to them some elements that they might have missed in terms of voices and corners of this country so we can help them come to a better solution.

If they think our worth is of such little value and it is that much of an inconvenience to at least be heard, then we should look in the mirror and question what we are doing here. I'm calling the question. Thank you, colleagues.

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.

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.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division, and report adopted.)

[*Translation*]

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

(On motion of Senator Audette, bill, as amended, placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[*English*]

BUILDING CANADA ACT

REVIEW OF GOVERNOR IN COUNCIL AND MINISTER'S EXERCISE OF POWERS AND PERFORMANCE OF DUTIES AND FUNCTIONS UNDER THE ACT—APPOINTMENT OF SPECIAL JOINT COMMITTEE—MESSAGE FROM COMMONS—MOTION ADOPTED

The Senate proceeded to consideration of the message from the House of Commons concerning the appointment of a special joint committee pursuant to the Building Canada Act:

Thursday, November 20, 2025

EXTRACT, —

That, pursuant to subsection 24(1) of the Building Canada Act and section 62 of the Emergencies Act, a special joint committee of the Senate and of the House of Commons be appointed to review the Governor in Council's and the Minister's exercise of their powers and performance of their duties and functions under the Building Canada Act, and to report to each House of Parliament the results of its review, at least once every 180 days while Parliament is neither prorogued or dissolved provided that:

(a) the committee be composed of five members of the Senate and 11 members of the House of Commons, including five members of the House of Commons from the government party, five members of the House of Commons from the Official Opposition and one member of the House of Commons from the Bloc Québécois;

(b) the joint chair of the committee on the part of the Senate shall be as determined by the Senate and the joint chair of the committee on the part of the House of Commons shall be a member representing the Official Opposition;

(c) in addition to the joint chairs, the committee shall elect two vice-chairs from the House of Commons, of whom the first vice-chair shall be a member representing the government party and the second vice-chair shall be the member representing the Bloc Québécois;

(d) the House of Commons members be named by their respective whips by depositing with the Clerk of the House the lists of their members to serve on the committee within one calendar week of the adoption of this motion;

(e) the quorum of the committee be nine members whenever a vote, resolution or other decision is taken, so long as both Houses, including one member of the government party in the House of Commons and one from the opposition in the House of Commons, are represented, and that the joint chairs be authorized to hold meetings to receive evidence and authorize the printing thereof, whenever five members are present, so long as both Houses, including one member of the government party in the House of Commons and one member from the opposition in the House of Commons, are represented;

(f) changes to the membership of the committee, on the part of the House of Commons, be effective immediately after notification by the relevant whip has been filed with the Clerk of the House;

(g) membership substitutions, on the part of the House of Commons, be permitted, if required, in the manner provided for in Standing Order 114(2);

(h) the committee have the power to:

(i) sit during sittings and adjournments of the House,

(ii) report from time to time,

(iii) send for persons, papers and records,

(iv) print such papers and evidence as may be ordered by the committee,

(v) retain the services of expert, professional, technical and clerical staff, including legal counsel,

(vi) appoint, from among its members such subcommittees as may be deemed appropriate and to delegate to such subcommittees, all or any of its powers, except the power to report to the Senate and House of Commons,

(vii) authorize video and audio broadcasting of any or all of its public proceedings and that they be made available to the public via the Parliament of Canada's websites;

(i) all documents laid before the House pursuant to the Act shall be referred to the committee, and any such documents tabled prior to the adoption of this order shall, instead, be deemed referred to the committee; and

(j) that a message be sent to the Senate requesting that House to unite with this House for the above purpose and to select, if the Senate deems advisable, members to act on the proposed special joint committee.

Hon. Pierre Moreau (Government Representative in the Senate), moved:

That:

(a) pursuant to subsection 24(1) of the *Building Canada Act* and section 62 of the *Emergencies Act*, a special joint committee of the Senate and of the House of Commons be appointed to review the Governor in Council's and the Minister's exercise of their powers and performance of their duties and functions under the *Building Canada Act*, and to report to each House of Parliament the results of its review, at least once every 180 days while Parliament is neither prorogued or dissolved;

(b) pursuant to subsection 62(2) of the *Emergencies Act*, the committee be composed of the following five members of the Senate: the Government Representative in the Senate, the Leader of the Opposition in the Senate, the Facilitator of the Independent Senators Group, the Leader of the Canadian Senators Group, and the Leader of the Progressive Senate Group, or their respective nominees, to be designated from time to time in accordance with rule 12-5, and 11 members of the House of Commons, including five members from the government party, five members from the Official Opposition and one member from the Bloc Québécois;

(c) the joint chair of the committee on the part of the Senate shall be from the Government Representative's Office and the joint chair of the committee on the part of the House of Commons shall be a member representing the Official Opposition;

(d) in addition to the joint chairs, the committee shall elect one deputy chair from the Senate from the Independent Senators Group and two vice-chairs from the House of Commons, of whom the first vice-chair shall be a member representing the government party and the second vice-chair shall be the member representing the Bloc Québécois;

(e) the quorum of the committee be nine members whenever a vote, resolution or other decision is taken, so long as both houses, including one member of the Senate, one member of the government party in the House of Commons and one from the opposition in the House of Commons, are represented, and that the joint chairs be authorized to hold meetings to receive evidence and authorize the printing thereof, whenever five members are present, so long as both houses, including one member of the Senate, one member of the government party in the House of Commons and one member from the opposition in the House of Commons, are represented;

(f) for greater certainty, the provisions of the order adopted by the Senate on June 4, 2025, respecting the participation of senators in hybrid meetings of joint committees for the remainder of the current session apply to senators on this committee;

(g) the committee have the power to:

(i) meet during sittings and adjournments of the Senate;

(ii) report from time to time;

(iii) send for persons, papers and records;

(iv) publish such papers and evidence as may be ordered by the committee;

(v) retain the services of expert, professional, technical and clerical staff, including legal counsel;

(vi) appoint, from among its members such subcommittees as may be deemed appropriate and to delegate to such subcommittees, all or any of its powers, except the power to report to the Senate and House of Commons; and

(vii) authorize video and audio broadcasting of any or all of its public proceedings and to make them available to the public via the Parliament of Canada's websites;

(h) all documents laid before the Senate pursuant to the act shall be referred to the committee, and any such documents tabled prior to the adoption of this order shall, instead, be deemed referred to the committee; and

(i) a report of the committee may be deposited with the Clerk of the Senate at any time the Senate stands adjourned, and that any report so deposited may be deposited electronically, with the report being deemed to have been presented or tabled in the Senate; and

That a message be sent to the House of Commons to acquaint that house accordingly.

• (1810)

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

Hon. Senators: Agreed.

(Motion agreed to.)

CRIMINAL RECORDS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Moncion, for the second reading of Bill S-207, An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation.

(On motion of Senator Martin, debate adjourned.)

CONSTITUTION ACT, 1982

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Wilson, for the second reading of Bill S-218, An Act to amend the Constitution Act, 1982 (notwithstanding clause).

Hon. Pamela Wallin: Honourable senators, I rise today to respond to Bill S-218 regarding the "notwithstanding" clause.

As a journalist who covered every moment of the constitutional negotiations, I was a willing witness to history. Still, I cannot begin to recount all the intricacies. These negotiations went on for years, but in the end, former prime minister Pierre Trudeau got his Charter of Rights, and the Western premiers got a workable amending formula and the "notwithstanding" clause, or section 33, as part of the patriated Constitution. The "notwithstanding" clause was hard fought and publicly and politically negotiated and became a defining characteristic of our unique document.

But to be clear, there would be no Charter of Rights or patriated Constitution in this country without the "notwithstanding" clause.

The agreement to provide for provincial override of the courts broke the impasse on the patriation process. Even Jean Chrétien agrees: There would be no Charter without it.

This bill proposes to prohibit or limit the use by Ottawa of the "notwithstanding" clause. I believe that should remain a choice and an option for those who govern today and will tomorrow. By intervening in the courts, the government is also attempting to do through the back door what they could not negotiate fair and square in the early 1980s, and that is exactly why the "notwithstanding" clause is so key.

That was the very motivation for the clause: watching Ottawa's increasing use of the Supreme Court and other courts, all appointed by the federal government, in order to limit and challenge provincial rights and autonomy. And the premiers — at the time — had not yet even seen the full extent of judicial activism.

While the bill refers only to the federal use of the "notwithstanding" clause, it was put forward in the context of Ottawa's decision to intervene in the Supreme Court's hearing on Quebec's Bill 21. In this case, the government does not directly comment on the substance of the bill, which prohibits some public servants from wearing religious symbols at work, but they do make two key arguments attacking the legitimacy of section 33. First, even though the lifespan of the clause is limited once imposed, Ottawa is arguing that there may still be an "irreparable impairment" of a Charter right. Second, they argue that the "notwithstanding" clause cannot shield laws completely from judicial review, and they also suggest such reviews will help inform the electorate who will eventually pass judgment on the use of the clause.

But that's the point: Governments are accountable to the electorate. Courts are not.

It is about the rights and responsibilities of those who govern us. Section 33 is not some nuclear option in the world of politics. The proponents always believed in cautious consideration and the same intense deliberation that a court would undertake when overriding a protected right or freedom. They all knew that use of the clause would cost them political capital, and they would pay a price or be rewarded for their actions by the electorate.

If Ottawa wants to renegotiate yesterday's deal today, there is an amending formula that allows for that. Use it and do so for all to see, not hiding behind the robes.

Bill S-218 is, I believe, also designed to spark debate about the legitimacy of the "notwithstanding" clause in the minds of both judges and the public, in essence rewriting the very compromise that gave us the Charter.

The concept of a "notwithstanding" clause stands in law. When Alberta decided in 1971 to prepare a Bill of Rights, they were advised to include a "notwithstanding" clause to protect both rights and the right to govern. It could be invoked in the event that a government wanted to propose a law at odds with the rights and freedoms spelled out in the bill or if a court ruled legislation invalid because it was seen to infringe on the rights. That would then unleash debate, and the public would render its verdict on the actions of government.

When talks between Ottawa and the provinces hit an impasse, Alberta brought the idea of a "notwithstanding" clause to the constitutional table. This was a compromise to save the deal, and the push came not just from Conservative governments but also from Allan Blakeney, the long-serving NDP premier of Saskatchewan and a civil rights advocate.

The premiers were concerned by the lessons of history as well as what happens when the courts are out of step with the population, as we are seeing today in decisions by the courts on crime and punishment that are very much at odds with public sentiment. But at that time, they were looking stateside at fundamental issues, such as slavery or the introduction of the socially progressive New Deal, so politicians then had to take the lead to make important changes.

In Blakeney's words:

> We cannot be sure that a charter or bill of rights will improve respect for human rights and civil liberties. The United Kingdom has never had a written constitutional bill of rights and Canada did not have one until 1982. Neither country has been perfect . . . but comparatively . . . [the records continue] to be, as good as anywhere. The United States . . . has had a Bill of Rights since shortly after it was founded, but for 70 years this Bill of Rights coexisted with chattel slavery. So we can't say that a country will respect human rights more just because it has rights written into [a] constitutional document.

Blakeney continues:

> What we can say for sure is that any written bill of rights transfers power from *voters* and governments to judges. Constitutional provisions do not interpret themselves: judges do. Almost all the difficult questions can be considered as conflicts between one group's rights and another group's or individual's [rights]. A written bill of rights means that more of the decisions as to whose rights will prevail . . . will be made by judges and fewer by elected politicians.

• (1820)

The premiers saw the "notwithstanding" clause as a safety valve against federal power and the growing influence of the federally appointed Supreme Court.

Again, here is some colourful commentary from Mr. Blakeney:

> Right now, the conventional wisdom is that our splendid parliamentary system, with a wise electorate, somehow elects only fools and knaves. Fools and knaves who appoint judges who are wise. Jean Chrétien is often portrayed as a fool and a knave, except somehow the judges — most of whom he appointed — are invested with superhuman wisdom. . . . The day will come when the public will want more decision-making power back.

He went on:

> So judges are members of the legal elite . . . who are then appointed by the same politicians we are supposed to be suspicious of.

The Western premiers — as well as others — felt very strongly about limits on the role of appointed courts who would not only interpret law but end up making it, without accountability. That is what motivated them from the get-go.

As Blakeney stated:

> We are all in favour of treating the Constitution as a "living tree." But I don't think it is right for the courts to decide that they don't like the tree we planted, dig it up and transplant another species. The speed with which the Court renounced what the politicians and, I would argue, the public, thought it meant was astounding.

The essence of government is making choices. Legislatures make laws and enforce them. They raise taxes, and they spend them. How you do that is what politics is all about.

Here is Mr. Blakeney again, and this too is from comments in 2005:

> The current Prime Minister talks about how ministers of the crown . . . are creating a "democratic deficit" by usurping Parliament's functions. . . . But isn't it just as bad for what are, after all, just "red-robed patronage appointees of the prime minister" to usurp Parliament's functions?

It is not my intent today to argue for or against any of the reasons provinces have invoked the "notwithstanding" clause. Your politics, your perspective, your personal circumstances or your proximity to power will dictate where you stand in each case. My point here is to argue that the negotiations resulted in a mechanism to balance competing powers, and that should stand or be changed in the political arena, not by tagging along on a court challenge mounted by someone else.

The "notwithstanding" clause has become more commonplace in Canada, no doubt. However, when Quebec uses it, there is less media scrutiny, while premiers outside Quebec often face very heavy criticism, as when Alberta invoked it to force teachers back on the job just this past fall.

There was much handwringing in the news over what Peter Lougheed would have thought about that. Lougheed did not generally favour using the "notwithstanding" clause preemptively and even criticized Saskatchewan's use in 1986 to preempt a judicial review. But in other cases, he supported the concept. The details of the case were what mattered. The purpose was to ensure the ultimate supremacy of parliaments over the judiciary, not to prevent the court from interpreting sections of the Charter of Rights and Freedoms.

The proponents of the "notwithstanding" clause deliberately ensured that the use of the clause would invite the scrutiny needed to keep its use in check. Some do not believe that there is not enough scrutiny, not enough of a check on provincial governments, but we can't forget that judges and courts are appointed by those in power.

Allan Blakeney made the same argument. He cited a decision regarding a ruling where the court said that the Quebec government should not stop someone from obtaining private health insurance, because this might risk life and infringe on security of the person. Blakeney argued that governments make decisions all the time that risk lives and the security of persons. Should a two-lane highway become a four-lane one? Should housing be provided for low-income people? He said:

> Judges are not accountable to the public. They are not *supposed* to be accountable to the public: that is what judicial independence means. They make their decisions on the basis of information provided to them by the parties to a particular lawsuit. . . .

> Government's core functions, on the other hand, are to make and enforce laws, to raise taxes and spend them. You can always say that the way they do these things infringes somebody's rights. If we have waiting lists for surgery in Quebec, then someone might die. You can say that will infringe their right to life or their security of person. But if you spend more on health care, you spend less on highway maintenance or on prisons. And guess what? Spending less on highway maintenance means someone will die. Spending less on prisons means someone will die. If you gave me $50 million to spend solely on saving lives, I certainly wouldn't spend it on the health care system.

That was spoken by the premier of a province and the leader of a party that gave birth to Medicare.

The decision, he argued, regarding the rights under section 7 would require governments to justify in court why decisions were made. He said: "This is not a rational approach to government."

In this chamber, we know whereof he speaks. It underlines the reality of political decision making. There are always tradeoffs. Decisions are difficult. Standing and being counted are difficult. Governing is difficult. Public policy is difficult. Leadership is difficult.

In Premier Blakeney's words:

> There will always be folks who say you can't trust the electorate. But the whole development of democracy is predicated on the belief that the people, for all their warts, can be trusted better than any elite.
>
> If someone needs to make a final decision, the question is who. Your choices are democracy, aristocracy or meritocracy. Fifty years ago, you could hear people go on about the merits of technocracy. What we needed was specialized experts to make the decision. The new aristocracy is to be judges. This is folly. It has never worked. Judges should measure laws and government acts against a measured standard. The fundamental decisions should be left to the public.

On that point, I couldn't agree more. Thank you, colleagues, for your time.

(On motion of Senator Batters, debate adjourned.)

BILL TO AMEND THE CANADIAN VICTIMS BILL OF RIGHTS AND TO ESTABLISH A FRAMEWORK FOR IMPLEMENTING THE RIGHTS OF VICTIMS OF CRIME

SECOND READING—DEBATE ADJOURNED

On Other Business, Senate Public Bills, Second Reading, Order No. 20:

> Second reading of Bill S-236, An Act to amend the Canadian Victims Bill of Rights and to establish a framework for implementing the rights of victims of crime.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I ask leave to postpone this item until the next sitting of the Senate.

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

Hon. Senators: Agreed.

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

CRIMINAL CODE
INDIAN ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Scott Tannas moved second reading of Bill S-241, An Act to amend the Criminal Code and the Indian Act.

He said: Honourable senators, I appreciate your indulgence. I will be quick.

For context, this bill is the reintroduction of Bill S-268, which was introduced in the last Parliament, the Forty-fourth Parliament.

• (1830)

Bill S-268 received second reading and was sent jointly to the Committee on Indigenous Peoples and the Committee on Legal and Constitutional Affairs. The Indigenous Peoples Committee held five meetings on the bill and heard from 16 witnesses, so we have a good start on the study of this particular subject, but there is a lot that remains to be explored at committee.

Since the introduction of that bill, we've had an enormous amount of response from First Nations communities, both to me and in support of the bill. In organizing themselves in parallel to the bill's consideration in the Forty-fourth Parliament, First Nations leaders came together to create a national Indigenous gaming authority.

These efforts have resulted in a founding memorandum of understanding signed by 15 First Nations communities in support of the previous bill, and now Bill S-241. It is a great start, and it shows how strong the Indigenous gaming communities are in regard to their desire and their capability to exercise economic reconciliation in the way that the bill proposes.

I would like to thank the First Nations people in general and the leadership of the Tsuut'ina Nation, of which one member is here — thank you for coming today, Chief Big Plume — and the Federation of Sovereign Indigenous Nations. They were the initial inspiration for me to take this step on behalf of all First Nations.

I'll talk briefly about the objective of the bill, and I'll be happy to answer questions if necessary, but I will try and stick to the principle of the bill.

Simply put, the bill affirms First Nations governments' jurisdiction and power to govern gambling activities on their reserve lands and does so in a way that matches identically provincial jurisdiction and powers in their respective jurisdictions.

Bill S-241 would formalize First Nations' control of gaming only on-reserve. It would displace provincial control over those activities, including licensing and — here is the tricky part — the appropriation of the profits. The desired outcome is that all activity and profit would be under the control of the duly elected First Nations governments for gambling on their territories and reserves in the areas of their jurisdiction. We're talking about hundreds of millions of dollars per year that would accrue to the benefit of First Nations communities involved, and that is what the bill attempts to do.

Here is some context around the history and the situation today. About 40 years ago, the federal government entered into two agreements with the provinces that effectively devolved gaming — or "lottery schemes," as they were termed — to the provinces. This devolution involved changing the Criminal Code to say that only provincial governments could manage or conduct gambling or, as they called it, "lottery schemes." Of course, this being 40 years ago, there does not appear to have been any thought or consideration given to First Nations or territorial governments for that matter. It's not surprising after all, because the ink was barely dry on the Constitution at this point.

Since that time, First Nations governments have attempted to assert their right and jurisdiction in this area, citing section 35 of the Constitution and backed by evidence that gaming and gambling have been part of Indigenous culture for millennia and, certainly, predate the arrival of and contact with European settlers.

Many First Nations governments entered the gaming industry in the hope and with the expectation of eventually realizing their jurisdiction. They developed infrastructure and expertise in good faith despite an uneven and sometimes unfair relationship with provinces.

Today, there are more than 30 Indigenous community-owned gaming facilities on reserves across the country. Successive generations of First Nations leaders and delegations have engaged with and been assured by ministers of the Crown that the federal government is working toward recognition of rights and jurisdiction of gaming on reserve lands.

Many years of soothing words to that effect have been heard by leaders and delegations. It has become clear that nothing is happening. Nobody is working toward anything on this issue. Why is that? Why is that in this era of reconciliation? I suspect the real reason is because it's hard, because doing what's right will cost somebody who previously had a monopoly to have that monopoly removed and to face competition and innovation and to, ultimately, see less revenue than when they had monopoly. This is what real economic reconciliation looks like.

Much effort has gone into reconciliation in the past 10 years or so, particularly with acknowledging the truth of our past, providing funding and development of Indigenous governments, providing resources and jurisdiction in the areas of education, culture, social services and community development, which are all cost centres, by the way.

We've provided jurisdiction and resources in all of these areas. We have yet to provide anything in terms of revenue. There is still much work to be done on these fronts, but talk has turned to action, and speaking as somebody who has over an arc of time of many years watched Indigenous matters through the committee, I can say that economic reconciliation is more difficult because it disrupts the status quo. It displaces those advantaged by the policies of the past. It involves money, new competition and redistribution of market share, but it is overwhelmingly, colleagues, the right thing to do.

After decades of uneven and unfair suppression of First Nations rights and jurisdiction and after years of quiet promises and assurances by ministers of the Crown, as we move past symbolic reconciliation toward tangible economic reconciliation, it is time to do this. To paraphrase John F. Kennedy from many years ago, we should do this not because it is easy, but because it is hard.

Colleagues, there are a number of nuances in the bill that will hopefully receive solid study and reflection at the Indigenous Peoples Committee and at the Legal Committee, and I welcome the opportunity for improvement through the committee stage.

I'll leave my comments here. I'm happy to answer questions. Thank you.

Hon. Denise Batters: I thank you for saying the number of the previous bill because that allowed me to go back in quick fashion to look back to the exchange that we had briefly two years ago, in October 2023, when you had a relatively brief second-reading speech on your predecessor bill, Bill S-268.

At that point I asked you if you consulted with any provincial governments when you were drafting this bill about this very dramatic change to the gaming environment of Canada. And your answer to me two years ago was the following:

> No, I did not. . . . I know what we will hear from the provinces, and you know what we will hear: It will cost them money. . . .
>
> . . . no, I did not talk to the provinces.

So, Senator Tannas, in those two years since that exchange, have you talked to Canada's provincial governments about this, and what is their response to your bill?

Senator Tannas: Thank you. I have had the opportunity to have some confidential initial conversations with certain premiers. Everybody will be invited to make their feelings known at the Legal Committee.

I would say that two years ago, I was fairly certain that virtually every province would have a concern because it takes money. The way it works right now is that the provinces control the Indigenous communities if they want to be in gambling. They decide what games will be played. They decide what the split of the revenue will be. They decide who gets what, and it's wildly different from province to province to province.

I have to say that back then I figured everybody would be against it. I'm less convinced now. I think some provinces will either be neutral or potentially in agreement because there is more movement and a broader recognition of the potential of economic reconciliation and what it means.

• (1840)

We'll see, but the provinces' time will come at Legal Committee. We didn't get the bill there. It was assigned but got stuck in the queue.

We had it at the Indigenous Peoples Committee and finished the study; we just didn't finish the report. With the passage of time and change in circumstances, it probably warrants some time at the Indigenous Peoples Committee as well, even if they do take all the records in.

To your question, I believe this will be a concern for provinces. It is real money out of their pockets. We'll have to hear from them about it.

Senator Batters: In addition to real money out of their pockets, a significant regulatory system would need to exist in a way that can protect public safety and those types of things as well.

You spoke of some confidential conversations. Have you had any conversations that you can speak about to let us know what provincial governments might be thinking about this? I too have heard concerns.

You were intending that Legal Committee would hear from the provincial government level. As you know from sitting on Legal Committee, we often have many government bills and private members' bills, and we didn't have a chance to get to yours before the election was called.

Did you intend the Legal Committee to hear the provincial government issue and not the Indigenous Peoples Committee?

Senator Tannas: Yes.

Senator Batters: Thank you very much. Can you provide any further context?

Senator Tannas: You've raised the question that is on everyone's minds and why a number of the First Nations governments got together and said, "We need to develop a self-regulating authority." This was the major problem that occurred in the United States when the Supreme Court recognized that Indigenous Peoples and communities had the inherent right to operate gaming.

It was a court decision. It was implemented quickly, and it quickly became obvious that a regulatory body had to be put in place, so it was backtracked. Eventually, they developed the National Indian Gaming Commission in the U.S., which provided the regulatory oversight, including with respect to membership or non-membership. In the U.S., they changed the law in Congress to say you either had to be a member of that authority in good standing or you had to be under supervision of the state.

These are the nuances I talked about that we need to deal with at Legal Committee. We need to hear from expert witnesses about this, and we need to hear from the founders of the Indigenous gaming authority as it's being developed to see what they propose. It is a real concern that must be dealt with in conjunction with this bill.

Hon. Pat Duncan: Will the senator take a question?

Senator Tannas: Yes.

Senator Duncan: Thank you. You will recall the last time we discussed this that I raised the issue of Diamond Tooth Gerties in Dawson City, Canada's first licensed gambling hall. The requirement of their licence is that money has to go back into Dawson City, into the community. Yukon is part of the Western Canada Lottery Corporation. All the revenues are used to fund athletes, the arts and cultural organizations. The money all goes back into the community.

Enter the online gaming, and I keep asking, "Where is that money going?" We've seen significant discussions of mental health concerns.

You've raised the point that the First Nations gambling and gaming commissions are licensed by the provinces, and there's a financial structure. What I gather from your speech today is money is going into the provincial coffers; yet the federal government is responsible for First Nations health, for example. There understandably needs to be a reorganization of that money; that makes sense. It might be challenging to reach an agreement on that.

How do online gaming revenues, a possible reduction for First Nations gaming and the issue of reaching memoranda of understanding — to ensure that these monies are coming back into communities to support things like mental health and addiction — factor into the debate of this bill?

Senator Tannas: There are a number of factors. Across the country, every province has a different formula for how they distribute the profits, not just from Indigenous gaming establishments but also from other private establishments. For instance, Alberta has more private gaming activity. Private operators operate under the jurisdiction of the province, but they operate full casinos.

It is the same in British Columbia. Private operators and Indigenous operators operate under the control of the province. There are many different agreements about where the money goes. None of it goes to the federal government. It all goes to provincial governments, and then the provincial governments decide how they will divide it up.

Some of them give quite generous amounts for Indigenous governments. Some of them give extra profit to an Indigenous government for use on their reserve and appropriate some to sprinkle out to other Indigenous governments across the province. It's piecemeal province by province.

It became clear to me in some of the early meetings I had with Indigenous leaders that Indigenous governments believe they are the ones to decide where the money goes and that they should be accountable to their own people. If their own people, through own-source revenue and other avenues, have invested large amounts of capital in casinos, hotels, conference centres, golf courses — all centred around gaming — they should be the ones who decide what money, if any, goes to other Indigenous communities versus building roads, schools, hospitals and other infrastructure in their own community.

Those are all live questions best answered by Indigenous governments, but before we can do that, they need the ability to take these matters under their control. They have to assure us all that the public safety and consumer safety questions are being addressed. It is not just Indigenous people going to the casinos; it's the province and cities writ large, so there must be that level of safety. All those things are active now in the Indigenous gaming community through this coordinating activity that's been undertaken by some of the leading lights in the Indigenous gaming business.

However, there is more work to be done, and there definitely are issues that I think will lead to amendments that will come out of the Legal Committee, but we have to get it there first. We have to hear from all sides and make decisions from there.

Senator Duncan: Based on what you just relayed, Senator Tannas, shouldn't there be a wider discussion? This is focused on the Indigenous gaming situation, but aren't we at a point in the Canadian gaming industry — you mentioned all the private operators — where we need a much wider discussion on how gaming is distributed and how we ensure the safety and mental health of Canadians?

• (1850)

Senator Tannas: The issues that we need to talk about, for instance, Senator Deacon's private member's bill — and other issues of, as you say, mental health, consumer safety and so on — are issues for everybody, including Indigenous gaming authorities, the province through their online action and private operators — those need to be continued.

Part of this is focused on economic reconciliation. Indigenous gaming has been subject to provincial control. It has been subject to whatever whim the province has had, or ideas that the province has had about what's fair, with no leverage on behalf of Indigenous governments to negotiate. They are takers. They can only be takers because the monopoly rests with the province.

The bill seeks to level the playing field, allowing Indigenous governments to take control of that. If they wanted to negotiate with the province to stay under provincial jurisdiction, they could do that. They could join a self-regulating authority if they wanted to. All those things are different.

I wouldn't want to say, well, we should wait for this wide conversation to happen. It will catch. Whatever it is we need to do in the name of public safety and health, we'll catch whatever operators there are, whether they are the province, Indigenous governments or private operators.

(On motion of Senator Martin, debate adjourned.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

STUDY ON EMERGING ISSUES RELATED TO ITS MANDATE— FOURTH REPORT OF COMMITTEE PRESENTED DURING FIRST SESSION OF FORTY-FOURTH PARLIAMENT—DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report (interim) of the Standing Senate Committee on Energy, the Environment and Natural Resources, entitled *Hydrogen: A Viable Option for a Net-Zero Canada in 2050?*, presented in the Senate on October 8, 2025.

Hon. Joan M. Kingston moved the adoption of the report.

She said: Honourable senators, I move that the fourth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, entitled Hydrogen: A Viable Option for a Net-Zero Canada in 2050?, presented in the Senate on May 9, 2023, during the First Session of the Forty-fourth Parliament, and placed on the Orders of the Day in the current session pursuant to the order of October 8, 2025, which contains, pursuant to rule 12-23(1)(a), a request for a complete and detailed response from the government, with the Minister of Environment and Climate Change Canada being identified as minister responsible for responding to the report, in consultation with the Minister of Natural Resources, the Minister of Finance, the Minister of Innovation, Science and Industry, the Minister of Indigenous Services and the Minister of Crown-Indigenous Relations, be adopted.

(On motion of Senator Martin, debate adjourned.)

BUDGET AND AUTHORIZATION TO TRAVEL—
STUDY ON NEWFOUNDLAND AND LABRADOR'S
OFFSHORE PETROLEUM INDUSTRY—FIRST REPORT
OF COMMITTEE ADOPTED

Hon. Joan M. Kingston moved the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

FUTURE OF CANADIAN NEWS MEDIA

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Cardozo, calling the attention of the Senate to the future of Canadian news media and its long-term funding model, including that of CBC/Radio Canada.

(On motion of Senator Gerba, for Senator White, debate adjourned.)

[*English*]

NATION-BUILDING VALUE OF TOURISM

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Sorensen, calling the attention of the Senate to the nation-building value of tourism in Canada.

Hon. Rodger Cuzner: Thank you, Your Honour, and my hearty colleagues who have hung in there this evening. I know it has been an informative, emotional, intense and long day. I know the hour is late. On this particular piece, I would like to put some words on the record. Thank you for your attention.

Honourable senators, I rise today to speak to Senator Sorenson's inquiry into the nation-building value of tourism. Coming from Nova Scotia, a province that relies heavily on the tourism industry, I commend Senator Sorensen on her initiative.

I would like to frame my comments today by referencing two iconic Nova Scotia figures who were both born in Scotland but adopted Nova Scotia as their home. They happen to be my province's most famous Alexanders. Of course, I am referring to Alexander Graham Bell, who advanced so much of his groundbreaking work on the telephone, hydrofoils and aeronautics in Baddeck, Cape Breton, on the Bras d'Or Lake.

The other Alexander was Alexander Keith, who set up his shop in Halifax and was the brewer of Alexander Keith's India Pale Ale.

Alexander Graham Bell once stated:

> I have travelled around the globe. I have seen the Canadian and American Rockies, the Andes, the Alps and the Highlands of Scotland, but for simple beauty, Cape Breton outrivals them all!

Alexander Keith's most famous quote complimented Graham Bell's, as he once said, "Those who like it, like it a lot." Now, he may have, in fact, been referring to his beer, but there's no denying that a cold Keith's while visiting Canada's ocean playground is a combination that millions of visitors have, indeed, liked a lot.

Senators, Nova Scotia's tourism gifts are so bountiful I will have to restrict my comments to Cape Breton, as I know there are others in this chamber who can speak to the wonders of our mainland.

Blessed with 1,800 kilometres of majestic coastline, dotted with sandy beaches and rugged shores, Cape Breton Island is indeed Nova Scotia's masterpiece.

The iconic Cabot Trail features 300 kilometres of mountain-hugging and winding roads with only a few feet between you and the seaside cliffs, revealing a spectacular ocean scape on one side and the richness of the Cape Breton Highlands National Park on the other.

National Geographic recognized the Cabot Trail as a must-see place. It was picked as the best scenic drive in Canada by *USA Today's* reader's poll.

Condé Nast Traveler picked it as the number one island to visit in North America. Let me repeat that for Senators Robinson, Downe, Francis and McAdam: the number one island to visit in North America.

As stated in Bell's famous quote, the beauty of our island is breathtaking. The glimmering waters of the Bras d'Or Lake, a UNESCO biosphere reserve, stretching 100 kilometres in length, 50 kilometres across, with depths of 1,000 feet in many places.

The lakes have sustained Mi'kmaw communities for generations, until the arrival of the Europeans. My friend and colleague Senator Francis has informed me that the Europeans were the original tourists to Cape Breton.

For example, Eskasoni First Nation on the shores of the Bras d'Or is the largest Mi'kmaq community in Atlantic Canada with some 4,500 community members. It is a cultural, educational and business hub. It is the home of The Goat Island Cultural Journey Trail, which provides a powerful backdrop to the authentic and powerful voice of the island's Mi'kmaq heritage.

In harmony with the shores of the Bras d'Or, the trail winds its way along the lake with beautiful scenery and provides:

> A true acknowledgement of the life of the Mi'kmaq, historically and modern day, Goat Island invites visitors to share in a unique story while preserving its First People's culture.

• (1900)

But as beautiful as Cape Breton's landscapes and coastal vistas are, when people visit our island, they want to engage.

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

Is it agreed to not see the clock?

Hon. Senators: Agreed.

The Hon. the Speaker: So ordered.

Senator Cuzner: The generosity of this group, Your Honour.

Senator Colin Deacon, button your shirt; your heart is going to fall out. That is so kind for a mainlander to give way to a Cape Bretoner.

I'll be brief. We want to talk about things to do. Everybody's favourite crocodile hunter Paul Hogan — Crocodile Dundee — in his role as Australia's tourism ambassador once said that when your friends come over for a visit, they don't come to admire the furniture. They want to do something.

And there is so much to do in Cape Breton. The island is blessed with numerous incredible historic sites like the Fortress of Louisbourg, St. Peters Canal and, of course, Cape Breton Highlands National Park where hikers can climb the Skyline Trail to the highest point in the province.

Our Celtic music and culture are celebrated each fall with the Celtic Colours International Festival, where much-loved locals like Natalie MacMaster and Ashley MacIsaac share the stage with musicians from around the world such as The Chieftains and Béla Fleck.

There are Acadian festivals such as the Festival de l'Escaouette and the Festival acadien de Petit-de-Grat.

There are Mi'kmaq cultural events as well, such as Wi'kipaltimk — I tried my best to pronounce it; my coach helped me through that — which is a three-day gathering of song, dance and Mi'kmaq cuisine and arts.

There is the Cape Breton Miners Museum where you can travel back in time, travelling through an actual underground subsea mine, which stretches under the Atlantic Ocean, with stories told by a former miner as your guide.

The Fortress of Louisbourg National Historic Site, a reconstructed historic property dating back to the 18th century, is a jewel in the crown of our national parks system. The park welcomes almost 200,000 visitors per year.

Senators, tourism is an integral part of the economy of Cape Breton and has been a major economic driver since the closure of the coal and steel industries several decades ago. Though a major blow, that development had a very important effect on the people of the island. It was a wake-up call and led to a hard look inward to come up with solutions to fill that gap.

The solution was all around us: It was the natural beauty of the island and the many distinct cultures of people who lived there. That would form the basis of a living, breathing tourism industry, which has helped generate economic growth and continues to grow each year.

A large part of why tourists had things to do is because the tourism sector in Cape Breton has grown and evolved over the past 20 years with key investments in infrastructure and targeted partnerships with government and the private sector.

I would like to cite two specific examples, the first being the growth of the cruise ship sector. I have a friend who owns a bar in downtown Sydney overlooking the harbour. He says the single best day for sales each year is typically New Year's Eve, but he also says every time a cruise ship docks at Sydney Harbour, it is like another New Year's Eve. Passengers want to sample the local fare, try local beers and food and listen to the local entertainment.

In 2017, the federal government, the provincial government and the Cape Breton Regional Municipality contributed $6.7 million each to construct a second marine berth, capable of handling additional traffic and accommodating the world's largest cruise ships, including the *Queen Mary 2*.

The increase in traffic and revenues has been incredible. In 2025, the port welcomed 111 cruise ships carrying some 213,000 passengers, which was a record for the number of people who visited via cruise ship. As you can imagine, the economic impacts were extremely beneficial to the local economy. As my friend would say, that was equivalent to 111 New Year's Eves.

But let me close by sharing the story of a tourism investment project that I would hold up as the greatest success in regional economic development in this country. It was driven by the community, supported by all levels of government and embraced by the private sector. Cabot Cliffs and Cabot Links golf courses were the dream of an ambitious group of community advocates in the late 1990s and the early 2000s. With the support of both the federal and provincial governments and an investment by Toronto entrepreneur Ben Cowan-Dewar and his business partner Mike Keiser, a long-abandoned mine site located between the town of Inverness and the Gulf of St. Lawrence, which lay unremediated for 50 years, was transformed into two of the top-ranked golf courses — not in the province and not in the country, but in the world.

Buoyed by a $3.5-million loan from the Cape Breton Growth Fund, which was an investment fund developed in the wake of the closure of the Cape Breton Development Corporation —

a loan that was repaid in full well before its due date — the property established itself as a destination for serious international golf enthusiasts from around the globe.

Cabot's modest business plan, presented in 2005, boasted only 12 year-round jobs and 48 seasonal positions once fully operational. The incredible success realized to date has seen Cabot issue 600 T4 slips in 2024.

Senators, it's an amazing economic development story. A community that bled population since its coal mines ceased operations in the 1950s was now seeing young people return to their roots in Inverness County as nurses, teachers and various other professionals.

In 2001, the unemployment rate in the eastern region of Nova Scotia was 18.5%, with Inverness proper close to 22%. Today's current unemployment rate for the eastern region is 10%, with Inverness hovering around 5%. New businesses have popped up across Inverness County. Child care has become one of the challenges, along with housing. The municipality has seen its tax base expand exponentially.

With regard to the aesthetics of the Inverness community, the fiscal evolution it has experienced, the growth in population and the recognition it has received internationally, it is difficult not to notice the immense pride in community that has blossomed. When international icons like Jerry Seinfeld, Warren Buffett, Larry David, Jennifer Aniston and Sidney Crosby all spend time in town and rave about it, the greatest challenge now becomes remaining humble.

Colleagues, there is no denying tourism contributes considerably to a community physically, emotionally and financially. When Canadians explore Canada, we build a nation.

I hope you all come to Cape Breton in the future. It is truly a wonderful place to come and enjoy the hospitality, the beauty and the history of our island.

For staying here tonight, you'll be welcomed at 1319 Hillside Road, Mira, as my guest on your first night. Thank you very much.

(On motion of Senator Clement, debate adjourned.)

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF OCEAN CARBON SEQUESTRATION

Hon. Yonah Martin (Deputy Leader of the Opposition) for Senator Manning, pursuant to notice of November 27, 2025, moved:

> That, notwithstanding the order of the Senate adopted on Wednesday, October 8, 2025, the date for the final report of the Standing Senate Committee on Fisheries and Oceans in relation to its study on ocean carbon sequestration and its use in Canada be extended from December 31, 2025, to March 31, 2026.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 7:10 p.m., the Senate was continued until tomorrow at 2 p.m.*)

THE SPEAKER

The Honourable Raymonde Gagné

THE GOVERNMENT REPRESENTATIVE IN THE SENATE

The Honourable Pierre Moreau

THE LEADER OF THE OPPOSITION

The Honourable Leo Housakos

FACILITATOR OF THE INDEPENDENT SENATORS GROUP

The Honourable Raymonde Saint-Germain

THE LEADER OF THE CANADIAN SENATORS GROUP

The Honourable Scott Tannas

THE LEADER OF THE PROGRESSIVE SENATE GROUP

The Honourable Brian Francis

OFFICERS OF THE SENATE

CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS

Shaila Anwar

LAW CLERK AND PARLIAMENTARY COUNSEL

Julie Wellington

USHER OF THE BLACK ROD

J. Greg Peters

THE MINISTRY

(In order of precedence)

(December 1, 2025)

The Right Hon. Mark Carney	Prime Minister
The Hon. Shafqat Ali	President of the Treasury Board
The Hon. Rebecca Alty	Minister of Crown-Indigenous Relations
The Hon. Anita Anand	Minister of Foreign Affairs
The Hon. Gary Anandasangaree	Minister of Public Safety
The Hon. François-Philippe Champagne	Minister of Finance and National Revenue
The Hon. Rebecca Chartrand	Minister of Northern and Arctic Affairs
	Minister responsible for the Canadian Northern Economic Development Agency
The Hon. Julie Dabrusin	Minister of Environment and Climate Change
The Hon. Lena Metlege Diab	Minister of Immigration, Refugees and Citizenship
The Hon. Sean Fraser	Minister of Justice
	Attorney General of Canada
	Minister responsible for the Atlantic Canada Opportunities Agency
The Hon. Mandy Gull-Masty	Minister of Indigenous Services
The Hon. Patty Hajdu	Minister of Jobs and Families
	Minister responsible for the Federal Economic Development Agency for Northern Ontario
The Hon. Tim Hodgson	Minister of Energy and Natural Resources
The Hon. Mélanie Joly	Minister of Industry
	Minister responsible for Canada Economic Development for Quebec Regions
The Hon. Dominic LeBlanc	Minister of Internal Trade
	President of the King's Privy Council for Canada
	Minister responsible for Canada-U.S. Trade, Intergovernmental Affairs and One Canadian Economy
The Hon. Joël Lightbound	Minister of Government Transformation, Public Works and Procurement
The Hon. Heath MacDonald	Minister of Agriculture and Agri-Food
The Hon. Steven MacKinnon	Minister of Transport
	Leader of the Government in the House of Commons
The Hon. David J. McGuinty	Minister of National Defence
The Hon. Jill McKnight	Minister of Veterans Affairs
	Associate Minister of National Defence
The Hon. Marjorie Michel	Minister of Health
The Hon. Marc Miller	Minister of Canadian Identity and Culture
	Minister responsible for Official Languages
The Hon. Eleanor Olszewski	Minister of Emergency Management and Community Resilience
	Minister responsible for Prairies Economic Development Canada
The Hon. Gregor Robertson	Minister of Housing and Infrastructure
	Minister Responsible for Pacific Economic Development Canada
The Hon. Maninder Sidhu	Minister of International Trade
The Hon. Evan Solomon	Minister of Artificial Intelligence and Digital Innovation
	Minister responsible for the Federal Economic Development Agency for Southern Ontario
The Hon. Joanne Thompson	Minister of Fisheries
The Hon. Rechie Valdez	Secretary of State (Small Business and Tourism)
	Minister of Women and Gender Equality
The Hon. Buckley Belanger	Secretary of State (Rural Development)
The Hon. Stephen Fuhr	Secretary of State (Defence Procurement)
The Hon. Anna Gainey	Secretary of State (Children and Youth)
The Hon. Wayne Long	Secretary of State (Canada Revenue Agency and Financial Institutions)
The Hon. Stephanie McLean	Secretary of State (Seniors)
The Hon. Nathalie Provost	Secretary of State (Nature)
The Hon. Ruby Sahota	Secretary of State (Combatting Crime)
The Hon. Randeep Sarai	Secretary of State (International Development)
The Hon. Adam van Koeverden	Secretary of State (Sport)
The Hon. John Zerucelli	Secretary of State (Labour)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(December 1, 2025)

Senator	Designation	Post Office Address
The Honourable		
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Pamela Wallin	Saskatchewan	Wadena, Sask.
Yonah Martin	British Columbia	Vancouver, B.C.
Patrick Brazeau	Repentigny	Maniwaki, Que.
Leo Housakos	Wellington	Laval, Que.
Claude Carignan, P.C.	Mille Isles	Saint-Eustache, Que.
Elizabeth Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
Salma Ataullahjan	Ontario (Toronto)	Toronto, Ont.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Larry W. Smith	Saurel	Hudson, Que.
Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.
David M. Wells	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Denise Batters	Saskatchewan	Regina, Sask.
Scott Tannas	Alberta	High River, Alta.
Peter Harder, P.C.	Ottawa	Manotick, Ont.
Raymonde Gagné, *Speaker*	Manitoba	Winnipeg, Man.
Chantal Petitclerc	Grandville	Montreal, Que.
Yuen Pau Woo	British Columbia	North Vancouver, B.C.
René Cormier	New Brunswick	Caraquet, N.B.
Kim Pate	Ontario	Ottawa, Ont.
Tony Dean	Ontario	Toronto, Ont.
Wanda Thomas Bernard	Nova Scotia (East Preston)	East Preston, N.S.
Lucie Moncion	Ontario	North Bay, Ont.
Marilou McPhedran	Manitoba	Winnipeg, Man.
Éric Forest	Gulf	Rimouski, Que.
Raymonde Saint-Germain	De la Vallière	Quebec City, Que.
Rosa Galvez	Bedford	Lévis, Que.
Mary Coyle	Nova Scotia	Antigonish, N.S.
Mary Jane McCallum	Manitoba	Winnipeg, Man.
Robert Black	Ontario	Centre Wellington, Ont.
Marty Deacon	Waterloo Region	Waterloo, Ont.
Yvonne Boyer	Ontario	Merrickville-Wolford, Ont.
Mohamed-Iqbal Ravalia	Newfoundland and Labrador	Twillingate, Nfld. & Lab.
Pierre J. Dalphond	De Lorimier	Montreal, Que.
Donna Dasko	Ontario	Toronto, Ont.
Colin Deacon	Nova Scotia	Halifax, N.S.
Julie Miville-Dechêne	Inkerman	Mont-Royal, Que.
Bev Busson	British Columbia	North Okanagan Region, B.C.
Marty Kline	Saskatchewan	White City, Sask.
Patti LaBoucane-Benson	Alberta	Spruce Grove, Alta.
Paula Simons	Alberta	Edmonton, Alta.
Peter M. Boehm	Ontario	Ottawa, Ont.
Brian Francis	Prince Edward Island	Rocky Point, P.E.I.
Dawn Anderson	Northwest Territories	Yellowknife, N.W.T.
Pat Duncan	Yukon	Whitehorse, Yukon

Senator	Designation	Post Office Address
Rosemary Moodie	Ontario	Toronto, Ont.
Stan Kutcher	Nova Scotia	Halifax, N.S.
Tony Loffreda	Shawinegan	Montreal, Que.
Hassan Yussuff	Ontario	Toronto, Ont.
Bernadette Clement	Ontario	Cornwall, Ont.
Jim Quinn	New Brunswick	Saint John, N.B.
Karen Sorensen	Alberta	Banff, Alta.
Amina Gerba	Rigaud	Blainville, Que.
Clément Gignac	Kennebec	Lac Saint-Joseph, Que.
Michèle Audette	De Salaberry	Quebec City, Que.
David M. Arnot	Saskatchewan	Saskatoon, Sask.
Flordeliz (Gigi) Osler	Manitoba	Winnipeg, Man.
Margo Greenwood	British Columbia	Vernon, B.C.
Sharon Burey	Ontario	Windsor, Ont.
Andrew Cardozo	Ontario	Ottawa, Ont.
Rebecca Patterson	Ontario	Ottawa, Ont.
Iris G. Petten	Newfoundland and Labrador	St. John’s, Nfld. & Lab.
Jane MacAdam	Prince Edward Island	West St. Peters, P.E.I.
Judy A. White	Newfoundland and Labrador	St. George’s, Nfld. & Lab.
Paul (PJ) Prosper	Nova Scotia	Hants County, N.S.
Joan Kingston	New Brunswick	New Maryland, N.B.
John M. McNair	New Brunswick	Grand-Bouctouche, N.B.
Réjean Aucoin	Nova Scotia	Cape Breton, N.S.
Krista Ross	New Brunswick	Fredericton, N.B.
Rodger Cuzner	Nova Scotia	Cape Breton, N.S.
Marnie McBean	Ontario	Toronto, Ont.
Toni Varone	Ontario	Toronto, Ont.
Paulette Senior	Ontario	Pickering, Ont.
Mary Robinson	Prince Edward Island	Charlottetown, P.E.I.
Mohammad Al Zaibak	Ontario	Toronto, Ont.
Manuelle Oudar	La Salle	Quebec City, Que.
Victor Boudreau	New Brunswick	Shediac, N.B.
Charles S. Adler	Manitoba	Winnipeg, Man.
Tracy Muggli	Saskatchewan	Saskatoon, Sask.
Daryl S. Fridhandler	Alberta	Calgary, Alta.
Kristopher Wells	Alberta	St. Albert, Alta.
Pierre Moreau	The Laurentides	Saint-Lambert, Que.
Suze Youance	Lauzon	Blainville, Que.
Allister W. Surette	Nova Scotia	Halifax, N.S.
Nancy Karetak-Lindell	Nunavut	Arviat, Nunavut
Baltej S. Dhillon	British Columbia	Surrey, B.C.
Martine Hébert	Victoria	Montreal, Que.
Todd Lewis	Saskatchewan	Lajord No. 128, Sask.
Danièle Henkel	Alma	Dollard-des-Ormeaux, Que.
Duncan Renwick Wilson	British Columbia	Vancouver, B.C.
Dawn Arnold	New Brunswick	Moncton, N.B.
Katherine Hay	Ontario	Mississauga, Ont.
Tony Ince	Nova Scotia	Dartmouth, N.S.
Farah Mohamed	Ontario	Toronto, Ont.
Sandra Pupatello	Ontario	Windsor, Ont.

SENATORS OF CANADA

ALPHABETICAL LIST

(December 1, 2025)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Adler, Charles S.	Manitoba	Winnipeg, Man.	Canadian Senators Group
Al Zaibak, Mohammad	Ontario	Toronto, Ont.	Canadian Senators Group
Anderson, Dawn	Northwest Territories	Yellowknife, N.W.T.	Conservative Party of Canada
Arnold, Dawn	New Brunswick	Moncton, N.B.	Independent Senators Group
Arnot, David M.	Saskatchewan	Saskatoon, Sask.	Independent Senators Group
Ataullahjan, Salma	Ontario (Toronto)	Toronto, Ont.	Conservative Party of Canada
Aucoin, Réjean	Nova Scotia	Cape Breton, N.S.	Canadian Senators Group
Audette, Michèle	De Salaberry	Quebec City, Que.	Progressive Senate Group
Batters, Denise	Saskatchewan	Regina, Sask.	Conservative Party of Canada
Bernard, Wanda Thomas	Nova Scotia (East Preston)	East Preston, N.S.	Progressive Senate Group
Black, Robert	Ontario	Centre Wellington, Ont.	Canadian Senators Group
Boehm, Peter M.	Ontario	Ottawa, Ont.	Independent Senators Group
Boudreau, Victor	New Brunswick	Shediac, N.B.	Independent Senators Group
Boyer, Yvonne	Ontario	Merrickville-Wolford, Ont.	Independent Senators Group
Brazeau, Patrick	Repentigny	Maniwaki, Que.	Non-affiliated
Burey, Sharon	Ontario	Windsor, Ont.	Canadian Senators Group
Busson, Bev	British Columbia	North Okanagan Region, B.C.	Independent Senators Group
Cardozo, Andrew	Ontario	Ottawa, Ont.	Progressive Senate Group
Carignan, Claude, P.C.	Mille Isles	Saint-Eustache, Que.	Conservative Party of Canada
Clement, Bernadette	Ontario	Cornwall, Ont.	Independent Senators Group
Cormier, René	New Brunswick	Caraquet, N.B.	Independent Senators Group
Coyle, Mary	Nova Scotia	Antigonish, N.S.	Independent Senators Group
Cuzner, Rodger	Nova Scotia	Cape Breton, N.S.	Progressive Senate Group
Dalphond, Pierre J.	De Lorimier	Montreal, Que.	Independent Senators Group
Dasko, Donna	Ontario	Toronto, Ont.	Independent Senators Group
Deacon, Colin	Nova Scotia	Halifax, N.S.	Canadian Senators Group
Deacon, Marty	Waterloo Region	Waterloo, Ont.	Independent Senators Group
Dean, Tony	Ontario	Toronto, Ont.	Independent Senators Group
Dhillon, Baltej S.	British Columbia	Surrey, B.C.	Independent Senators Group
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Canadian Senators Group
Duncan, Pat	Yukon	Whitehorse, Yukon	Government Representative's Office
Forest, Éric	Gulf	Rimouski, Que.	Independent Senators Group
Francis, Brian	Prince Edward Island	Rocky Point, P.E.I.	Progressive Senate Group
Fridhandler, Daryl S.	Alberta	Calgary, Alta.	Progressive Senate Group
Gagné, Raymonde, *Speaker*	Manitoba	Winnipeg, Man.	Non-affiliated
Galvez, Rosa	Bedford	Lévis, Que.	Independent Senators Group
Gerba, Amina	Rigaud	Blainville, Que.	Progressive Senate Group
Gignac, Clément	Kennebec	Lac Saint-Joseph, Que.	Canadian Senators Group
Greenwood, Margo	British Columbia	Vernon, B.C.	Independent Senators Group
Harder, Peter, P.C.	Ottawa	Manotick, Ont.	Progressive Senate Group
Hay, Katherine	Ontario	Mississauga, Ont.	Progressive Senate Group
Hébert, Martine	Victoria	Montreal, Que.	Independent Senators Group
Henkel, Danièle	Alma	Dollard-des-Ormeaux, Que.	Progressive Senate Group
Housakos, Leo	Wellington	Laval, Que.	Conservative Party of Canada
Ince, Tony	Nova Scotia	Dartmouth, N.S.	Canadian Senators Group
Karetak-Lindell, Nancy	Nunavut	Arviat, Nunavut	Independent Senators Group
Kingston, Joan	New Brunswick	New Maryland, N.B.	Independent Senators Group
Klyne, Marty	Saskatchewan	White City, Sask.	Progressive Senate Group
Kutcher, Stan	Nova Scotia	Halifax, N.S.	Independent Senators Group

Senator	Designation	Post Office Address	Political Affiliation
LaBoucane-Benson, Patti	Alberta	Spruce Grove, Alta.	Government Representative's Office
Lewis, Todd	Saskatchewan	Lajord No. 128, Sask.	Canadian Senators Group
Loffreda, Tony	Shawinegan	Montreal, Que.	Independent Senators Group
MacAdam, Jane	Prince Edward Island	West St. Peters, P.E.I.	Independent Senators Group
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative Party of Canada
Manning, Fabian	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.	Conservative Party of Canada
Marshall, Elizabeth	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative Party of Canada
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative Party of Canada
McBean, Marnie	Ontario	Toronto, Ont.	Independent Senators Group
McCallum, Mary Jane	Manitoba	Winnipeg, Man.	Conservative Party of Canada
McNair, John M.	New Brunswick	Grand-Bouctouche, N.B.	Independent Senators Group
McPhedran, Marilou	Manitoba	Winnipeg, Man.	Non-affiliated
Miville-Dechêne, Julie	Inkerman	Mont-Royal, Que.	Progressive Senate Group
Mohamed, Farah	Ontario	Toronto, Ont.	Independent Senators Group
Moncion, Lucie	Ontario	North Bay, Ont.	Independent Senators Group
Moodie, Rosemary	Ontario	Toronto, Ont.	Independent Senators Group
Moreau, Pierre	The Laurentides	Saint-Lambert, Que.	Government Representative's Office
Muggli, Tracy	Saskatchewan	Saskatoon, Sask.	Progressive Senate Group
Osler, Flordeliz (Gigi)	Manitoba	Winnipeg, Man.	Canadian Senators Group
Oudar, Manuelle	La Salle	Quebec City, Que.	Independent Senators Group
Pate, Kim	Ontario	Ottawa, Ont.	Independent Senators Group
Patterson, Rebecca	Ontario	Ottawa, Ont.	Canadian Senators Group
Petitclerc, Chantal	Grandville	Montreal, Que.	Independent Senators Group
Petten, Iris G.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Government Representative's Office
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative Party of Canada
Prosper, Paul (PJ)	Nova Scotia	Hants County, N.S.	Canadian Senators Group
Pupatello, Sandra	Ontario	Windsor, Ont.	Government Representative's Office
Quinn, Jim	New Brunswick	Saint John, N.B.	Canadian Senators Group
Ravalia, Mohamed-Iqbal	Newfoundland and Labrador	Twillingate, Nfld. & Lab.	Independent Senators Group
Renwick Wilson, Duncan	British Columbia	Vancouver, B.C.	Progressive Senate Group
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Independent Senators Group
Robinson, Mary	Prince Edward Island	Charlottetown, P.E.I.	Canadian Senators Group
Ross, Krista	New Brunswick	Fredericton, N.B.	Canadian Senators Group
Saint-Germain, Raymonde	De la Vallière	Quebec City, Que.	Independent Senators Group
Senior, Paulette	Ontario	Pickering, Ont.	Independent Senators Group
Simons, Paula	Alberta	Edmonton, Alta.	Independent Senators Group
Smith, Larry W.	Saurel	Hudson, Que.	Conservative Party of Canada
Sorensen, Karen	Alberta	Banff, Alta.	Independent Senators Group
Surette, Allister W.	Nova Scotia	Halifax, N.S.	Independent Senators Group
Tannas, Scott	Alberta	High River, Alta.	Canadian Senators Group
Varone, Toni	Ontario	Toronto, Ont.	Independent Senators Group
Verner, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Canadian Senators Group
Wallin, Pamela	Saskatchewan	Wadena, Sask.	Canadian Senators Group
Wells, David M.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative Party of Canada
Wells, Kristopher	Alberta	St. Albert, Alta.	Progressive Senate Group
White, Judy A.	Newfoundland and Labrador	St. George's, Nfld. & Lab.	Progressive Senate Group
Woo, Yuen Pau	British Columbia	North Vancouver, B.C.	Independent Senators Group
Youance, Suze	Lauzon	Blainville, Que.	Independent Senators Group
Yussuff, Hassan	Ontario	Toronto, Ont.	Independent Senators Group

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(December 1, 2025)

ONTARIO—24

	Senator	Designation	Post Office Address
	The Honourable		
1	Salma Ataullahjan	Ontario (Toronto)	Toronto
2	Peter Harder, P.C.	Ottawa	Manotick
3	Kim Pate	Ontario	Ottawa
4	Tony Dean	Ontario	Toronto
5	Lucie Moncion	Ontario	North Bay
6	Robert Black	Ontario	Centre Wellington
7	Marty Deacon	Waterloo Region	Waterloo
8	Yvonne Boyer	Ontario	Merrickville-Wolford
9	Donna Dasko	Ontario	Toronto
10	Peter M. Boehm	Ontario	Ottawa
11	Rosemary Moodie	Ontario	Toronto
12	Hassan Yussuff	Ontario	Toronto
13	Bernadette Clement	Ontario	Cornwall
14	Sharon Burey	Ontario	Windsor
15	Andrew Cardozo	Ontario	Ottawa
16	Rebecca Patterson	Ontario	Ottawa
17	Marnie McBean	Ontario	Toronto
18	Toni Varone	Ontario	Toronto
19	Paulette Senior	Ontario	Pickering
20	Mohammad Al Zaibak	Ontario	Toronto
21	Katherine Hay	Ontario	Mississauga
22	Farah Mohamed	Ontario	Toronto
23	Sandra Pupatello	Ontario	Windsor
24			

QUEBEC—24

	Senator	Designation	Post Office Address
	The Honourable		
1	Patrick Brazeau	Repentigny	Maniwaki
2	Leo Housakos	Wellington	Laval
3	Claude Carignan, P.C.	Mille Isles	Saint-Eustache
4	Larry W. Smith	Saurel	Hudson
5	Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures
6	Chantal Petitclerc	Grandville	Montreal
7	Éric Forest	Gulf	Rimouski
8	Raymonde Saint-Germain	De la Vallière	Quebec City
9	Rosa Galvez	Bedford	Lévis
10	Pierre J. Dalphond	De Lorimier	Montreal
11	Julie Miville-Dechêne	Inkerman	Mont-Royal
12	Tony Loffreda	Shawinegan	Montreal
13	Amina Gerba	Rigaud	Blainville
14	Clément Gignac	Kennebec	Lac Saint-Joseph
15	Michèle Audette	De Salaberry	Quebec City
16	Manuelle Oudar	La Salle	Quebec City
17	Pierre Moreau	The Laurentides	Saint-Lambert
18	Suze Youance	Lauzon	Blainville
19	Martine Hébert	Victoria	Montreal
20	Danièle Henkel	Alma	Dollard-des-Ormeaux
21			
22			
23			
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NOVA SCOTIA—10

	Senator	Designation	Post Office Address
	The Honourable		
1	Michael L. MacDonald	Cape Breton	Dartmouth
2	Wanda Thomas Bernard	Nova Scotia (East Preston)	East Preston
3	Mary Coyle	Nova Scotia	Antigonish
4	Colin Deacon	Nova Scotia	Halifax
5	Stan Kutcher	Nova Scotia	Halifax
6	Paul (PJ) Prosper	Nova Scotia	Hants County
7	Réjean Aucoin	Nova Scotia	Cape Breton
8	Rodger Cuzner	Nova Scotia	Cape Breton
9	Allister W. Surette	Nova Scotia	Halifax
10	Tony Ince	Nova Scotia	Dartmouth

NEW BRUNSWICK—10

	Senator	Designation	Post Office Address
	The Honourable		
1	Pierrette Ringuette	New Brunswick	Edmundston
2	Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent
3	René Cormier	New Brunswick	Caraquet
4	Jim Quinn	New Brunswick	Saint John
5	Joan Kingston	New Brunswick	New Maryland
6	John M. McNair	New Brunswick	Grand-Bouctouche
7	Krista Ross	New Brunswick	Fredericton
8	Victor Boudreau	New Brunswick	Shediac
9	Dawn Arnold	New Brunswick	Moncton
10			

PRINCE EDWARD ISLAND—4

	Senator	Designation	Post Office Address
	The Honourable		
1	Percy E. Downe	Charlottetown	Charlottetown
2	Brian Francis	Prince Edward Island	Rocky Point
3	Jane MacAdam	Prince Edward Island	West St. Peters
4	Mary Robinson	Prince Edward Island	Charlottetown

MANITOBA—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Raymonde Gagné, *Speaker*	Manitoba	Winnipeg
2	Marilou McPhedran	Manitoba	Winnipeg
3	Mary Jane McCallum	Manitoba	Winnipeg
4	Flordeliz (Gigi) Osler	Manitoba	Winnipeg
5	Charles S. Adler	Manitoba	Winnipeg
6			

BRITISH COLUMBIA—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Yonah Martin	British Columbia	Vancouver
2	Yuen Pau Woo	British Columbia	North Vancouver
3	Bev Busson	British Columbia	North Okanagan Region
4	Margo Greenwood	British Columbia	Vernon
5	Baltej S. Dhillon	British Columbia	Surrey
6	Duncan Renwick Wilson	British Columbia	Vancouver

SASKATCHEWAN—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Pamela Wallin	Saskatchewan	Wadena
2	Denise Batters	Saskatchewan	Regina
3	Marty Klyne	Saskatchewan	White City
4	David M. Arnot	Saskatchewan	Saskatoon
5	Tracy Muggli	Saskatchewan	Saskatoon
6	Todd Lewis	Saskatchewan	Lajord No. 128

ALBERTA—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Scott Tannas	Alberta	High River
2	Patti LaBoucane-Benson	Alberta	Spruce Grove
3	Paula Simons	Alberta	Edmonton
4	Karen Sorensen	Alberta	Banff
5	Daryl S. Fridhandler	Alberta	Calgary
6	Kristopher Wells	Alberta	St. Albert

NEWFOUNDLAND AND LABRADOR—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Elizabeth Marshall	Newfoundland and Labrador	Paradise
2	Fabian Manning	Newfoundland and Labrador	St. Bride's
3	David M. Wells	Newfoundland and Labrador	St. John's
4	Mohamed-Iqbal Ravalia	Newfoundland and Labrador	Twillingate
5	Iris G. Petten	Newfoundland and Labrador	St. John's
6	Judy A. White	Newfoundland and Labrador	St. George's

NORTHWEST TERRITORIES—1

	Senator	Designation	Post Office Address
	The Honourable		
1	Dawn Anderson	Northwest Territories	Yellowknife

NUNAVUT—1

	Senator	Designation	Post Office Address
	The Honourable		
1	Nancy Karetak-Lindell	Nunavut	Arviat

YUKON—1

	Senator	Designation	Post Office Address
	The Honourable		
1	Pat Duncan	Yukon	Whitehorse

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