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The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Tuesday, February 10, 2026

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

Prayers.

SENATORS' STATEMENTS

JIMMY LAI

Hon. Leo Housakos (Leader of the Opposition): Honourable senators, yesterday we learned that Jimmy Lai has been sentenced to 20 years in prison, at the age of 78 years old, solely for exercising basic rights guaranteed under the Sino-British Joint Declaration.

I rise today to say what Canada has failed to say, which is that this is a political prosecution carried out by the Chinese Communist Party, or CCP. I condemn it in the strongest possible terms, and I call for Jimmy Lai's immediate release.

This should be obvious. Yet, even the most glaring truths seem lost by many in Canada and around the world.

How rich it is that as Jimmy Lai is locked away for defending press freedom, Canada is deepening ties — including agreements to allow Chinese journalists into Canada and Canadian journalists into China — with the very regime that jails reporters, censors media and punishes dissent.

To no one's surprise, Canada's public response to Lai's sentencing has been pathetic and weak. Anita Anand could only muster "disappointment" — no condemnation, no mention of China, no mention of the CCP. China's leveraging of economic considerations in exchange for human rights, democracy and the rule of law is unacceptable.

Colleagues, there should be no more illusions. Jimmy Lai's imprisonment should make one thing clear: The CCP is not a rational actor or a reliable "strategic partner." It is a tyrannical, vindictive regime that crushes freedom, jails dissenters and ignores international law. It does not respond to quiet diplomacy or vague statements of concern. This is what the CCP really is.

This is the regime that the Canadian government seems committed to deepening ties with, making the CCP Canada's new super ally. Colleagues, this is, at best, naive. At worst, it is a willing compromise of Canada's values and national security for short-term political and economic convenience.

Canada's credibility on human rights, our moral authority and the safety of our institutions are all at risk when we treat the CCP as a strategic partner rather than the vindictive, authoritarian regime it is. Our response, or lack thereof, is being watched by the world. It defines who we are as a country and what we are willing to tolerate in the name of convenience.

I will not stand here and express disappointment. I stand with Jimmy Lai. I condemn the CCP and demand that Canada act with clarity, courage and principle — not appeasement.

Senator Martin: Hear, hear.

BLACK HISTORY MONTH

Hon. Paulette Senior: Honourable senators, I rise today on the unceded, unsundered territory of the Anishinaabe Algonquin Nation to say, "Happy Black History Month."

I want to extend my deepest appreciation to the Algonquin and Anishinaabe Peoples, who have lived in and cared for this land for a millennium such that I could have the opportunity to speak today.

This year marks 30 years of celebrating Black History Month in Canada. As we highlight the contributions and legacy of Black Canadians, I want to take time to pay homage and remember those who came before us and to honour Canadians who have demonstrated immense courage and selfless action, instilling in each of us a sense of pride that inspires change.

The legendary Honourable Jean Augustine is one such woman. I thank her for laying the ground for institutionalizing this celebratory month three decades ago. It is because of her legacy that institutions across all sectors honour the contributions of accomplished Black Canadians. Her brilliance set the example, encouraging us to champion the recognition of Black Canadians in our daily lives.

In this spirit, I'd like to highlight one more trailblazer, Chloe Cooley. Chloe Cooley was an enslaved African woman living in Upper Canada. In the 1790s, she resisted being sold to American enslavers and transported to the United States. Her outcry in the face of incomprehensible injustice led the lieutenant-governor of Upper Canada John Graves Simcoe to introduce a new law, entitled an Act to Limit Slavery in Upper Canada. This law freed enslaved people aged 25 and over and made it illegal to traffic enslaved people into Upper Canada.

The introduction of the act in Upper Canada as well as a series of Nova Scotian court decisions in the 1790s were very significant, leading to the decline of African enslavement in Canada. Chloe Cooley's courage shifted the Canadian landscape, slowly shaping Canada into an important base for the growing transatlantic abolitionist movements.

Today, as we focus our collective efforts on appreciating the struggles and achievements of the past, we look to Black Canadians like Chloe Cooley and Dr. Jean Augustine, who remind us that the future we yearn for will not be "a fleeting illusion." Rather, it is one we can pursue and attain through justice and equity.

Thank you.

Hon. Senators: Hear, hear.

[*Translation*]

NOVA SCOTIA HERITAGE DAY

Hon. Réjean Aucoin: Esteemed colleagues, Monday, February 16, is Nova Scotia Heritage Day, a statutory holiday that celebrates the province's unique history and contributions, honouring a specific individual or event each year.

This year, the honouree is Joseph Willie Comeau, an Acadian educator, entrepreneur, legislator and senator born in Comeauville in Baie Sainte-Marie, Nova Scotia, in 1876.

First elected as an MLA in 1907, he was a proud Acadian who represented his riding in the Nova Scotia Legislature for 38 years, having been elected nine times. He was known as a tireless advocate for Acadian language, culture and education.

He was later appointed to the Canadian Senate, where he served from 1948 to 1966. He was the very first Acadian from Nova Scotia to be appointed to the Senate.

• (1410)

He dedicated his life to preserving and recognizing Acadian history and culture.

For over four centuries, Acadians have shaped the land, memory and identity of Nova Scotia. Their history is marked by a great tragedy, the 1755 deportation, which forced families from their homes in an attempt to erase a people from their own land. However, despite the exile and suffering, Acadia never disappeared.

Université Sainte-Anne perfectly illustrates how the Acadian heritage is passed on. For over 130 years, it has been training generations of leaders, teachers and community builders, such as our two former colleagues, Senators Joseph Willie Comeau and Gerald J. Comeau. This institution promotes the French language and Acadian culture in Nova Scotia and far beyond. In fact, we are fortunate to have a former dean of the university among us, Senator Allister W. Surette.

I would also like to take this opportunity to acknowledge Black History Month. The Black community in Nova Scotia makes a critical contribution to the province's heritage through its historical presence, civil rights struggles and rich cultural, social and community heritage.

In New Glasgow, in 1946, Viola Desmond courageously challenged racial segregation by refusing to leave a seat reserved for White people in a movie theatre. This act of dignity marked one of Canada's first civil rights struggles in Canada.

Ms. Desmond was honoured at the first Nova Scotia Heritage Day on February 16, 2015. On this Nova Scotia Heritage Day, we pay tribute to the outstanding contributions of Joseph Willie Comeau and Viola Desmond.

Thank you.

Hon. Senators: Hear, hear.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Jamie Quistberg and Randee Cupolo. They are the guests of the Honourable Senator Deacon (*Ontario*).

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

Hon. Senators: Hear, hear!

CURTIS POZNIAK

CONGRATULATIONS ON BERTEBOS PRIZE

Hon. Tracy Muggli: Honourable senators, I rise today, Canada's Agriculture Day, to acknowledge an incredible achievement and to congratulate Curtis Pozniak, a professor at the University of Saskatchewan's College of Agriculture and Bioresources and the Director of the Crop Development Centre, or CDC, who was recently awarded the BERTEBOS Prize in Sweden by His Majesty King Carl XVI Gustaf of Sweden, becoming just the second Canadian to win this prestigious award.

The BERTEBOS Prize has been awarded every second year since 1996 by the Royal Swedish Academy of Agriculture and Forestry for highly qualified, pioneering development methods referring to food, agriculture, animal health or ecology.

In their announcement, Curtis was recognized for:

... his groundbreaking work in developing resilient, high-yielding wheat varieties adapted to sustainable farming systems in a changing climate.

They further stated:

He has developed new varieties that require little water and are resistant to diseases and insects. He has also mapped genes for disease resistance in wild grasses — an effort that may have practical value in developing future sustainable crops. His work is a significant contribution to increased and sustainable food production that reduces humanity's environmental footprint.

In Saskatchewan and beyond, Curtis Pozniak's research with his teams translates directly into results on the ground. He played a leadership role on an international team that led the development of a comprehensive wheat genome atlas by sequencing 15 different wheat varieties, which supports plant breeders and producers around the world.

Through his research and leadership in crop genetics and breeding, Dr. Pozniak has contributed directly to the development of improved wheat varieties with tangible benefits for farmers. His work addresses real-world challenges: productivity, resilience and sustainability in food systems.

Awards like this are never the result of one person. They reflect strong teams and the help of many partners. Curtis Pozniak has consistently acknowledged those contributions, and this recognition reflects that shared success.

I could not be more proud to recognize this fellow Saskatchewanian and his remarkable success. Indeed, he is our gold medallist.

Please join me in congratulating Curtis Pozniak. Thank you, *meegwetch, marsee*.

HEART MONTH

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today in recognition of Heart Month. February is often associated with the symbols of the heart — with affection and connection. Yet, for hundreds of thousands of Canadians, the heart represents a different reality: a resilient organ under siege. We focus on the heart this month to shed light on a quiet crisis: cardiovascular disease and, specifically, the heavy burden of heart failure.

Heart failure is not merely a medical diagnosis. It is a progressive journey that currently affects over 750,000 Canadians. It is a condition where the heart, the very engine of life, struggles to meet the body's demands. It is often silent in its onset yet devastating in its progression, claiming lives and fracturing families in every corner of our country.

The statistics tell only half the story. Behind every number is a grandmother in Vancouver, a father in the Maritimes or a young person in our own community fighting to catch their breath. Raising awareness is our first line of defence. It is the key to early detection, the catalyst for prevention and the bridge to a life lived with dignity and hope.

We are not powerless in this fight. I was deeply honoured to table Bill S-204, An Act to establish a national framework on heart failure. This legislation is currently before the Standing Senate Committee on Social Affairs, Science and Technology. There, we will listen — not just to the data but to the lived experiences of patients and the clinical wisdom of experts.

Our goal is simple yet profound: to ensure that no Canadian faces this disease in the dark and our health care system provides a unified, robust response to this growing epidemic.

Progress is never a solitary pursuit. I wish to recognize the unsung heroes who have been the architects of change and the heartbeat of this movement: the HeartLife Foundation, established by patients of heart failure themselves, whose lived experience was the spark for Bill S-204; the Heart and Stroke Foundation and the Canadian Heart Function Alliance; the Canadian Heart Failure Society; and the Canadian Cardiovascular Society, with whom I had the privilege of meeting earlier today.

This Friday, February 13, many of these organizations and thousands of Canadians will take part in Wear Red Day to raise vital awareness and funds during Heart Month and to stand in solidarity with everyone living with heart failure and other cardiovascular conditions.

Honourable senators, during Heart Month and throughout the rest of the year, let us ensure that the pulse of our nation remains strong, steady and full of hope. Thank you.

KIRSTY COVENTRY

Hon. Mohamed-Iqbal Ravalia: Honourable senators, I rise today to recognize an extraordinary leader in the world of sport, Ms. Kirsty Coventry, the current president of the International Olympic Committee, or IOC.

Kirsty Coventry's journey is one of remarkable achievement and historic firsts. Born in my native Zimbabwe, she became our nation's most decorated Olympian, earning seven medals — including two gold medals — in swimming across four Olympic Games. Her excellence in the pool inspired countless young athletes, particularly in Africa, where Olympic success stories can be rare but powerfully symbolic.

In March 2025, Ms. Coventry was elected the tenth president of the IOC, the first woman and the first African to hold this prestigious position in the organization's 130-year history. This milestone shattered long-standing barriers and marked a significant step toward greater diversity, inclusion and representation in global sports governance. As the youngest IOC president in over a century, she brings a fresh vision, athlete-centred leadership and a deep understanding of the challenges facing sport today.

Under her presidency, the Olympic movement continues to emphasize its core values of unity, respect, fairness and the power of sport to transcend divisions. As we watch and reflect on events like the Milano Cortina 2026 Winter Olympic Games, her emphasis on pushing boundaries while protecting the integrity of competition resonates strongly.

• (1420)

Canada, as a nation deeply committed to Olympic ideals, which include gender equality and international cooperation through sport, celebrates this historic leadership. Kirsty Coventry's rise exemplifies what is possible when talent, determination and opportunity align. Her story encourages young Canadians and young people all over the world, especially girls and those from under-represented communities, to dream big in sport and beyond.

Colleagues, this gives me the opportunity to recognize the outstanding contributions of Senators Chantal Petitclerc, Marnie McBean and Marty Deacon — three remarkable Canadian women whose extraordinary achievements in sport, leadership and advocacy have inspired so many Canadians and have advanced the values of excellence, inclusion and healthy living as they continue to strengthen our nation's commitment to the power of sport as a force for good.

On behalf of this chamber, I extend our warmest congratulations to President Kirsty Coventry. May her tenure advance the Olympic spirit, promote inclusivity and inspire generations to come.

In closing, we applaud the extraordinary courage, determination and excellence being displayed by our Canadian athletes at the Milano Cortina 2026 Winter Olympic and Paralympic Games. Their presence on the world stage has united our nation in pride and continues to exemplify the very best of this country we love. Thank you, *meegwetch*.

ROUTINE PROCEEDINGS

JUSTICE

CHARTER STATEMENT IN RELATION TO BILL C-19—
DOCUMENT TABLED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, a Charter Statement prepared by the Minister of Justice in relation to Bill C-19, An Act to amend the Income Tax Act, pursuant to the *Department of Justice Act*, R.S.C. 1985, c. J-2, sbs. 4.2(1).

BUDGET 2025 IMPLEMENTATION BILL, NO. 1

THIRD REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS
COMMITTEE ON SUBJECT MATTER TABLED

Hon. David M. Arnot: Honourable senators, I have the honour to table, in both official languages, the third report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with the subject matter of Bill C-15, An Act to implement certain provisions of the budget tabled in Parliament on November 4, 2025.

(Pursuant to the order adopted November 26, 2025, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting of the Senate.)

FIRST REPORT OF NATIONAL SECURITY, DEFENCE AND VETERANS
AFFAIRS COMMITTEE ON SUBJECT MATTER TABLED

Hon. Hassan Yussuff: Honourable senators, I have the honour to table, in both official languages, the first report of the Standing Senate Committee on National Security, Defence and Veterans Affairs, which deals with the subject matter of Bill C-15, An Act to implement certain provisions of the budget tabled in Parliament on November 4, 2025.

(Pursuant to the order adopted November 26, 2025, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting of the Senate.)

QUESTION PERIOD

FINANCE

STATE OF THE ECONOMY

Hon. Leo Housakos (Leader of the Opposition): My question is for the Leader of the Government in the Senate.

Government leader, the numbers do not lie. For the past three years, Canada's economy has barely kept its head above water. According to the International Monetary Fund, Canada's real GDP growth has stagnated, reaching an anemic 1.2% last year. This is the legacy of the Liberal government over the last decade: stagflation, spiralling debt, declining productivity, a weakening Canadian dollar, investment fleeing our country and investment not coming into our country.

Given these results, do the Carney Liberals still believe in the failed debt-financing strategy of the last 10 years, trying to spend their way to economic growth by indebting the country?

Hon. Pierre Moreau (Government Representative in the Senate): You are right, Senator Housakos. The numbers don't lie.

The facts are that total employment is up by 134,000 over the last year. The government is committed to strengthening our economy, diversifying it and making sure that Canada gets through this tough time in the best way possible. What the Prime Minister has been doing over the last nine months is bringing the Canadian economy to a high level by diversifying it and by establishing commercial agreements with other countries in order to open new markets to the Canadian economy.

Senator Housakos: I guess from that non-answer, you agree that you're going to continue indebting the country in an effort to grow the economy.

If your government will not listen to Conservatives because we are too partisan, perhaps you will listen to Liberals. Former Liberal finance minister John Manley reiterated just last week the same warning he gave Trudeau three years ago. I quote the former Minister of Finance: "We can't keep borrowing our way to prosperity."

Why can't your government learn from these past mistakes and finally pull Canada's economy out of this downward spiral and come with a fiscal anchor —

The Hon. the Speaker: Senator Moreau.

Senator Moreau: As far as fiscal anchors are concerned, let me tell you what the fiscal anchors are. The Canadian government has a mandate to spend less and invest more, capitalize private capital, unleash investment and build the strongest economy among the G7. The government will cut waste and reduce government spending so that it can make the big, generational-investment promise to Canadians.

EMPLOYMENT AND SOCIAL DEVELOPMENT

YOUTH EMPLOYMENT

Hon. Leo Housakos (Leader of the Opposition): Senator Moreau, if there is any indictment of the failure of a government, it is when the youth — the future of this great country — face a 17.9% unemployment rate, which is what they faced in the summer of 2025 when they were trying to find work. Talk about giving a generation no cash and no hope.

The unemployment rate has been fluctuating throughout the year of 2025 from 13% to 14%, almost doubling the unemployment rate for the average Canadian.

Enough with the semantics, enough with the slogans. We see the end result of a government that has indebted future generations of Canadians. Not only has it indebted them about \$60,000 per head — that's the debt load of every Canadian — but you've given them no hope, as these young people leave universities and their homes, seeking employment so they can provide a better future for their children.

Hon. Pierre Moreau (Government Representative in the Senate): The 134,000 jobs created over the last year is not a slogan; it's a reality, Senator Housakos.

The government has plans to build the strongest economy in the G7. The Prime Minister is opening access to 2.2 billion new customers for Canada.

• (1430)

For almost two years, inflation has remained within the Bank of Canada's target. It was at 2.4% recently, and interest rates are stabilized at 2.25%.

Senator Housakos: Government leader, with all due respect, how many of those jobs have been part-time jobs? Furthermore, no one will deny that Canada's unemployment rate is hovering around 6.5% to 7% now, depending on which statistic you look at, which is the highest level it has been over the last decade. That's reality.

Particularly, my question is about young people, who are facing 14% unemployment, young people who, last summer, had almost 20% unemployment when looking for summer jobs. It's a critical situation for those young people. They feel hopeless in the country that was once a beacon of hope.

What will your government do specifically —

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

Senator Moreau: You remind me of my answer to Senator Cardozo's question on youth employment and the fact that the government is investing more to ensure that young people will work over the summer.

Now, again, if you don't want to recognize that over the last year we have increased employment by 134,000 jobs, I think that you are not facing reality, because the figures are there, and the jobs have been created.

EMPLOYMENT EQUITY ACT

Hon. Dawn Arnold: My question is for the Government Representative.

A lot of time, effort and money go into substantive reports on issues important to Canadians. Unfortunately, it often seems they end up on a website with very little application and tangible change.

In 2023, the Employment Equity Act Review Task Force produced a report entitled *A Transformative Framework to Achieve and Sustain Employment Equity*. Government Representative, the report contained 187 recommendations, some of which require legislated change. To date, there has been no apparent action taken.

Would you please tell us when the government intends to put forward legislation to address changes to the Employment Equity Act? If you do not currently know the timeline, can you commit to asking the Minister of Labour to provide one?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the question, Senator Arnold.

The government is committed to advancing employment equity and recognizing that diversity is a core national strength. The Employment Equity Act plays a central role in addressing systemic barriers and improving workplace outcomes for women, Indigenous Peoples, persons with disabilities and members of visible minorities in the federally regulated sector.

While no specific timeline has been announced for introducing legislative amendments, the government remains committed to moving this work forward, and I will seek an update from the Minister of Labour, as appropriate.

PUBLIC SAFETY

EDUCATION FOR INDIVIDUALS IN INCARCERATION

Hon. Bernadette Clement: Senator Moreau, I learned from the excellent journalists at *La Presse* that cuts are coming to education in Quebec, that is, to CEGEP classes in Quebec's federal prisons. Then my office discovered that librarians, teachers and community employment coordinators are also at risk of being cut across the country. We are told that staff will be replaced by AI and computer software. It's hard to imagine that when floppy disks are still in use in Canada's correctional institutions.

Here is the crux of my concern, though. Incarcerated individuals want — need — the chance to improve themselves, to think about the future and to plan for the day when they reintegrate into their communities. They cannot do that when tools for education are being cut.

Senator Moreau, how far can we expect these cuts to go?

Hon. Pierre Moreau (Government Representative in the Senate): I will give you the information that I have from that department.

Inmates actually may pursue post-secondary education while incarcerated. The post-secondary education program allows inmates to learn a trade or profession or update trade qualifications. Inmates who want to take post-secondary courses must meet the university or college academic requirements. Courses are usually completed through correspondence with community colleges or universities. Part of this includes providing culturally sensitive education that is key to the successful rehabilitation of inmates in the care and custody of the Correctional Service Canada, or CSC. That's the information that I have as of today.

[Translation]

Senator Clement: Thank you, Senator Moreau. In Canada, public discourse is increasingly focused on incarceration. Bill C-14 will soon reform the bail system. Politicians would have us believe that putting people in prison will solve all our problems.

There is much less talk about rehabilitation, yet rehabilitation is one of the main objectives of incarceration. Does this government really believe that these additional cuts to Correctional Service Canada will promote rehabilitation?

Senator Moreau: Thank you, senator. According to the information I have, some of the courses offered are specifically aimed at rehabilitation. The government believes in a prison system that focuses on rehabilitation rather than incarceration alone. That is the information I have received from the minister responsible.

[English]

PRIVY COUNCIL OFFICE

DIGITAL PRIVACY

Hon. Marty Klyne: Senator Moreau, Canada hasn't meaningfully updated privacy laws in over 20 years, even as social media and AI have transformed how companies use our data. Experts, including Jim Balsillie from the Council of Canadian Innovators, warn this outdated model no longer reflects today's economy.

This directly drives up the cost of living. In the surveillance economy, dominant data-driven firms use tracking and profiling to entrench market power and impose exploitative algorithmic or personalized pricing. Each new data set collected magnifies their dominance, suppresses competition and accelerates market

concentration, leading to higher prices and fewer choices for Canadians. Previous federal privacy bills failed to address these economic harms and were widely criticized by experts and civil society.

As the government prepares new privacy legislation, will you commit to including provisions that explicitly address surveillance-based pricing practices and data concentration that are costing Canadians more every day?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you, Senator Klyne, for the question.

You are well aware that I cannot comment on legislation before it has been tabled by the government, but I will certainly raise your concern with the minister. We will be waiting for the legislation to be tabled in the other place.

Senator Klyne: Thank you for that. As a quick note, in 2018, Europe passed the General Data Protection Regulation, or GDPR, giving citizens the right to be forgotten and the right to delete their data, and requiring companies to ask permission before tracking them online. Six years later, Canada still relies on outdated privacy laws that leave Canadians exposed when their data is breached or misused with real consequences.

When will Canada follow Europe's lead?

Senator Moreau: Well, the answer to the first question was that we are currently working on the legislation to be tabled. I guess the answer to your supplementary question is probably soon — let's hope, at least. You can be sure that I will send your concerns to the minister.

PUBLIC SAFETY

CRIME PREVENTION

Hon. Yonah Martin (Deputy Leader of the Opposition): Government leader, a new survey conducted by Save Our Streets, a community safety organization in British Columbia, highlights what your government has ignored for years, which is that more than half of British Columbians no longer feel safe in their own communities.

Senator Housakos: Shame.

Senator Martin: More troubling still, Senator Moreau, among crime victims surveyed, 71% say they did not report the crime committed against them because they have lost confidence in our justice system.

Senator Housakos: More shame.

Senator Martin: As Save Our Streets co-founder Jess Ketchum is reported as saying, “. . . despite some authorities saying progress is being made, British Columbians are not feeling or seeing any difference in their communities.”

Senator Moreau, Canadians no longer believe your government's reassurances. Isn't it time to admit that your approach to justice and public safety has failed them?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you, Senator Martin, for raising the question of security in our communities again, especially in British Columbia.

I answered your question last week about extortion, especially in Surrey. At that time, I pointed out what actual action the government is taking to reassure people. The government provides significant resources to specifically fight extortion on top of other criminal justice reforms. For instance, there is \$4 million in federal funding to bolster the B.C. Extortion Task Force; \$1 million to support victims, alongside the Government of British Columbia; we are deploying additional federal RCMP officers, along with helicopter resources, to support on-the-ground enforcement; and we have listed the Bishnoi Gang as a terrorist organization.

• (1440)

The government is taking real actions to make sure that Canadians everywhere in Canada feel safe, including those in British Columbia.

Senator Martin: Sadly, the government's actions are a decade too late; it has been far too long, senator. It is no surprise that British Columbians feel unsafe. Recent provincial news underscores the seriousness of this crisis. Within the past few days, we have seen a surge in distraction thefts and an armed home invasion in North Vancouver.

Enough is enough. Canadians need a strategy right now; words are no longer sufficient. Will your government finally reset its approach to justice and public safety, starting with the resignations of Minister Anandasangaree and Minister Fraser?

Senator Moreau: Senator, \$4 million are not just words; it is money invested in making sure our communities are secure everywhere, including in British Columbia. There is \$1 million to support victims. There has been a deployment of additional RCMP officers.

Those are not words; those are actions. You should at least recognize that.

NATIONAL DEFENCE

RESERVE FORCE

Hon. Yonah Martin (Deputy Leader of the Opposition): On another very serious note, Canada's military reserves are essential to our national defence, yet your government's record on addressing reservist health care and benefits inequities remains deeply troubling. This week, Canada's National Defence and Canadian Armed Forces Ombudsman once again highlighted

a decade-long failure to fix systemic gaps in compensation and health care supports for reservists. These gaps leave part-time service members with unequal access to care compared to their Regular Force counterparts, which undermines recruitment and retention. Reservists should never be subjected to a two-tiered system.

Why has your government ignored repeated warnings from the ombudsman and failed to ensure that reservists receive clear, consistent health care and benefits commensurate with their service?

Hon. Pierre Moreau (Government Representative in the Senate): Respectfully, Senator Martin, why did your colleagues at the House of Commons vote against the budget while you are asking for more spending here in this chamber?

Budget 2025 is investing more than \$81 billion in defence over the next five years. Those are not words. Those are not only commitments, those are investments.

At the same time, you are asking for more money, but when the government put money in the budget, your Conservatives in the other place voted against those measures. You have to follow the message: Either you are against or you are for, but you have to decide.

Senator Martin: Leader, specifically how much of that is for the reservists? That is the point I am making. There has been a decade of neglect. The ombudsman's report shows that these issues have persisted for years, and have contributed to morale problems and administrative frustration in the reserves.

Will your government commit today to implement all of the ombudsman's recommendations in full so that the men and women who serve Canada part-time are treated with the fairness and respect they deserve?

Senator Moreau: The announcement of the Prime Minister concerning our investment in the Canadian Armed Forces is unprecedented; the total investments are unprecedented. I could provide you with the spreadsheet of how much has been invested in the reserves, but the fact is that when the government wants to spend \$81 billion on the Canadian Armed Forces, you vote against that.

PRIVY COUNCIL OFFICE

SOCIAL MEDIA

Hon. Paula Simons: My question is for the Government Representative in the Senate.

Last week, the Province of New Brunswick announced it would no longer use X, the social media platform formerly known as Twitter, for any official government communications, citing concerns over harmful content and inadequate safeguards. The City of Fredericton also stopped using X after a city survey showed that fewer and fewer residents were still on the platform.

When will the Canadian government follow New Brunswick's lead and stop relying on X for official communications with Canadians?

Hon. Pierre Moreau (Government Representative in the Senate): I'm sorry, I don't think I heard your question properly. I did not wear my earpiece. I would like to answer your question, but, unfortunately, I did not understand properly.

Senator Simons: Last week, the Province of New Brunswick announced it would no longer use X, the social media platform formerly known as Twitter, for any official government communications, citing concerns over harmful content and inadequate safeguards in the wake of the Grok AI scandal. The City of Fredericton also stopped using X after a city survey found that fewer and fewer residents were using the platform.

When will the Canadian government follow New Brunswick's lead and stop relying on X for official communications with Canadians?

Senator Moreau: Senator, I have no information whatsoever on whether the government will continue to use that platform. I will bring your concerns to those above me, and I will get back to you with an answer. However, at this time, I have no specific information concerning a decision regarding that issue.

Senator Simons: The Supreme Court of Canada stopped using X a year ago this month, well before the Grok AI program turned the platform into the world's largest engine for creating "deepfaked" non-consensual nude images of women and girls. Given the declining number of Canadians using X — because many have quit for reasons of moral revulsion — will the government consider embracing new social media platforms, such as Mastodon and Bluesky instead?

Senator Moreau: I will give you the same answer. I will raise the issue and provide you with an answer if there are any decisions that have been made concerning that issue.

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

IMPACTS OF ARTIFICIAL INTELLIGENCE

Hon. Marilou McPhedran: This is a question about AI and young people.

The recent strategy developed by the government also includes reference to research on the addictive nature of many of the applications and the fact that those applications that look specifically to mental health supports are among the most dangerous.

Could I please have a commitment that protecting young people and helping addicted young people as a result of AI use will be a top priority in this government's AI strategy?

Hon. Pierre Moreau (Government Representative in the Senate): I cannot comment for the government on the AI strategy, but I will bring your concerns regarding AI to the attention of the minister.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-12(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: Motion No. 44, followed by second reading of Bill C-19, followed by all remaining items in the order that they appear on the Order Paper.

THE SENATE

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO CONSIDER SUBJECT MATTER OF BILL C-19 ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 5, 2026, moved:

That, notwithstanding any provision of the Rules, usual practice or previous order:

1. at 3 p.m. on Wednesday, February 11, 2026, the Senate resolve itself into a Committee of the Whole on the subject matter of Bill C-19, An Act to amend the Income Tax Act;
2. the Committee of the Whole receive the Honourable François-Philippe Champagne, P.C., M.P., Minister of Finance and National Revenue, accompanied by at most two officials;
3. the committee rise no later than 65 minutes after it begins;
4. the minister's introductory remarks be limited to a maximum of five minutes;
5. if, during the Committee of the Whole, a senator does not use the entire period of 10 minutes for debate provided under rule 12-31(3)(d), including the responses of the witnesses, that senator may yield the balance of time to another senator;
6. the provisions of rule 3-3(1) and any provision of the Rules or previous order relating to the ordinary time of adjournment be suspended until the chair of the Committee of the Whole has reported to the Senate;

7. if the bells are ringing for a vote at the time the committee is to meet, they be interrupted for the Committee of the Whole at that time, and resume once the committee has completed its work for the balance of any time remaining;
8. if a standing vote was deferred to a time that would occur during the meeting of the Committee of the Whole, that vote be further deferred so that the bells only begin once the committee has completed its work;
9. for greater certainty, all witnesses appear in person; and
10. committees scheduled to meet on that day be authorized to meet, even though the Senate may then be sitting, with rule 12-18(1) being suspended in relation thereto.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

INCOME TAX ACT

BILL TO AMEND—SECOND READING

Hon. Victor Boudreau second reading of Bill C-19, An Act to amend the Income Tax Act.

He said: Honourable senators, It is a privilege for me today to take part in our initial debate on Bill C-19, the Canada Groceries and Essentials Benefit Act.

• (1450)

As the sponsor of this bill in the Senate, I'd like to thank the Minister of Finance and National Revenue for entrusting me with this responsibility. It is an honour because I strongly believe that the targeted financial support provided for in this bill will make everyday essentials, such as groceries, much more affordable for Canadians who are still struggling to make ends meet in the wake of the recent period of inflation.

[*English*]

In this regard, the bill's intent is singular and focused, and its structure is effectively designed to achieve its goal of targeting relief to those who truly need it most. That is because it is based on, and builds upon, the solid foundation of the existing Goods and Services Tax credit, commonly referred to as the GST credit. The prominent economic analyst Claude Lavoie in

The Globe and Mail article entitled "The good, the bad and the puzzling of Carney's new GST rebate," published on January 29, 2026, wrote the following with respect to the GST credit:

Many see it as an ideal stimulus measure because it satisfies the three standard criteria: targeted, timely and temporary. The benefit flows to low-income Canadians who are more likely to spend it rather than save it, making it more potent than broad-based tax cuts to stimulate the economy. It can be rapidly delivered through existing systems, providing faster economic support than infrastructure spending which typically suffers implementation delays. And by being time-limited, it avoids creating permanent fiscal obligations and creating inflationary pressure when economic conditions improve.

This analysis continues by pointing out:

Many economists also view it as an effective way to improve financial security for lower-income households and enhance the progressivity of Canada's tax and transfer system. The Affordability Action Council, for instance, identified the GST/HST credit as the federal government's best option for reaching vulnerable families. In 2023, the council proposed restructuring and expanding the credit to deliver more income support amid elevated food and shelter costs. Available analysis suggests recipients do indeed use the additional funds for household necessities — food, rent and heating — as intended.

Indeed, honourable colleagues, the Affordability Action Council was just one group amongst many working to address issues of affordability who favoured using the GST credit mechanism to deliver targeted financial support to those who need it most.

Right To Food Canada, for example, is a national organization whose mission is to transform the way we address food insecurity through an innovative, dignity-first model. Working with its 450 partners across the country, they accomplish this by creating and supporting community food centres, working to strengthen the community food sector and advocating for policy change.

As part of this advocacy, Right to Food Canada, in collaboration with the Affordability Action Council and in consultation with food security and poverty reduction organizations across the country, actually called on the federal government in October 2025 to use the GST credit mechanism to create a groceries and essentials benefit.

[*Translation*]

So it is not surprising that, when the Prime Minister announced the new Canada groceries and essentials benefit on January 26, Right to Food published a statement confirming its support for the measure. The statement said the following:

With more than 10 million Canadians struggling to put food on the table, we welcome this announcement. For many years, Right To Food, our partners, and other leaders in the food security sector have advocated for a Groceries and Essentials Benefit to help people afford everyday needs, especially food. The announced 25% increase over five

years, combined with a one-time 50% top-up in 2026, will provide meaningful short-term relief to individuals and families working hard to make ends meet.

This statement goes on to say, “This is a meaningful step that will make a difference to our neighbours who are under deep stress.”

Honourable senators, we can clearly see that those on the front lines of the fight against food insecurity and its related challenges support the new Canada groceries and essentials benefit. We can also see how professional economists recognize that the existing GST credit mechanism is well suited to ensuring that this assistance is properly targeted.

I’d now like to take a moment to talk about what the benefit will actually mean. To sum up, starting in the spring of 2026, it will help more than 12 million low- and modest-income Canadians meet their basic daily needs, subject to Royal Assent, of course. In practical terms, this will involve an additional \$402 for a single individual without children, \$527 for a couple and \$805 for a couple with two children. Through this supplement, the Government of Canada will effectively offset the rising cost of groceries, which has exceeded the overall inflation rate ever since the pandemic.

This will involve two steps. First, a one-time top-up will be paid as soon as possible in the spring — no later than June 2026 — equal to a 50% increase in the annual 2025-26 GST credit amount. This measure will provide \$3.1 billion in additional support to individuals and families currently receiving the GST credit.

Second, the value of the Canada groceries and essentials benefit will increase by 25% for five years starting in July 2026. Gradually, over time, this increase will deliver \$8.6 billion in additional support over the 2026-27 to 2030-31 period to over 500,000 new individuals and families.

What does this mean in concrete terms for people facing affordability challenges? It means that a single senior with \$25,000 in net income would receive a one-time top-up of \$267 plus a longer-term increase of \$136 for the 2026-27 benefit year, for a total increase of \$402.

In total, thanks to the top-up, they would receive \$950 for the 2026-27 benefit year. A couple with two children with \$40,000 in net income would receive a one-time top-up of \$533 plus an increase of \$272 for the 2026-27 benefit year, for a total increase of \$805. In total, with the top-up, they would receive \$1,890 for the 2026-27 benefit year.

To ensure that people who need this support get it when they need it most, the benefit would be paid out quarterly, at the start of the quarter, to permit timely access to the funds. Also, these amounts are in addition to existing benefits such as the Canada Child Benefit, the Canada Disability Benefit and the Guaranteed Income Supplement.

[English]

Now, I fully appreciate that the issue of food affordability is a complex one. Its origins are rooted in unfortunate developments from well beyond our borders, like the COVID-19 pandemic, Russia’s illegal invasion of Ukraine, rising global protectionism and the increased use of tariffs, and extreme weather events caused by climate change, all of which contributed to significant supply chain and commodity market disruptions that have adversely impacted countries around the world, including right here in Canada.

• (1500)

This is a problem with dimensions both on the supply side, in terms of rising food prices, and on the demand side, in terms of individuals’ ability to pay, which rests on broader employment and economic conditions. But this is something that the government recognizes and is working to address. For example, when the Prime Minister announced the Canada groceries and essentials benefit, at the same time, he announced a range of measures aimed at bringing down food prices on the supply side. He announced, for example, that the government is setting aside \$500 million from the Strategic Response Fund to help businesses address the cost of supply chain disruptions without passing those costs on to Canadians in the checkout line.

To that same end, in response to developments on the trade and tariff front, the Prime Minister announced that the government will create a \$150-million food security fund under the existing Regional Tariff Response Initiative for small- and medium-sized enterprises and the organizations that support them.

To lower the cost of food production, the Prime Minister also announced that the government is introducing immediate expensing for greenhouse buildings. This allows producers to fully write off greenhouses acquired on or after November 4, 2025, and that become available for use before 2030. This measure supports increased domestic supply and investment in food production over the medium term.

To ease immediate pressures with food banks, the Prime Minister announced that the government is providing \$20 million to the Local Food Infrastructure Fund. This supports food banks and other national, regional and local organizations to deliver more nutritious food to families in need.

To tackle the root causes of food insecurity, the government is also developing a national food security strategy, one that strengthens domestic food production and improves access to affordable nutritious food. This strategy would also include measures to implement unit-price labelling and support the work of the Competition Bureau in monitoring and enforcing competition in the market, including food supply chains.

But the government has also been clear that strengthening the demand side of the equation is also key to overcoming food affordability challenges. In this regard, the Canada groceries and essentials benefit builds on other important supports that the government has introduced to make life more affordable. This includes cutting taxes for 22 million middle-class Canadians, eliminating GST for first-time homebuyers on new homes up to \$1 million, reducing GST for first-time homebuyers on new

homes between \$1 million and \$1.5 million, cancelling the federal consumer fuel charge and making the National School Food Program permanent, to name just a few examples.

By building on these cost-saving measures with further temporary and targeted relief, the Canada groceries and essentials benefit can and should play a role in shoring up demand and in supporting our most vulnerable through affordability challenges. But the government has also — and I believe rightly — positioned the new benefit as a bridging measure to carry us through these challenges until its investments in growth kick in and translate to more jobs and rising incomes, which represent a permanent and enduring long-term solution to issues of food affordability.

The Prime Minister's top-line message in this regard is fundamental: The government is building a stronger economy to make life more affordable for Canadians. The way forward for the government has also been made clear: It is committed to securing new trade and investment partnerships abroad and to building our strength at home to create good career opportunities with high wages for Canadians.

This is an important nuance to recognize and take note of, honourable colleagues. The government recognizes here that the Canada grocery and essentials benefit is not a permanent solution to issues of food affordability. Rather, it represents material financial support for those Canadians who need it the most while the government's plan to build the strongest economy in the G7 takes effect. But this in no way undermines the importance of delivering the Canada groceries and essentials benefit for Canadians on a timely basis.

[*Translation*]

The Canada groceries and essentials benefit is the right measure to bring in, and now is the right time to do so.

The measures in this bill are supported by people working on the front lines of the fight to address food affordability issues.

Professional economists have recognized the GST credit mechanism on which the benefit is based as ideal for this type of economic stimulus, because it provides targeted, temporary support at the right time.

Because parliamentarians recognized these advantages, they decided to fast-track the passage of Bill C-19 in the House of Commons.

For all these reasons, I believe that the bill deserves to be passed quickly in the Senate as well.

Thank you, colleagues, for giving me the opportunity and privilege to advocate on this issue today.

Thank you. *Meegwetch*.

Hon. Senators: Hear, hear.

[*English*]

Hon. Denise Batters: Would Senator Boudreau take a couple of questions?

[Senator Boudreau]

Senator Boudreau: Certainly.

Senator Batters: Thanks very much. First of all, the Carney Liberal government finally brought forward its budget for 2025 on November 4, more than a year and a half after the last budget was tabled by the Liberal government. Now a major budget item involving about \$12 billion is being put before us just a few months after that. Why didn't the government bring this forward as part of its budget?

Senator Boudreau: I thank the member opposite for the question. Obviously, Bill C-19 clearly deals with the Canada groceries and essentials benefit act. It doesn't deal with the budget. That is a separate bill that was tabled in Parliament, in both houses, and is still being debated. I don't think it's my role to argue why it wasn't part of the last budget.

The important thing is it is here today because Canadians need that support today. That support was clearly shown in the House of Commons by the fast-tracking of the approval of this bill, and I hope that the Senate will do the same thing.

Senator Batters: Well, you are the sponsor of the bill for the government on this. I would like the chance to ask the Leader of the Government in the Senate these questions, but I don't think he is giving a speech on this topic, so you are the person I have to ask to answer these questions on behalf of the government.

This is a major budgetary item. Are you telling me that the government never contemplated this when they were putting their budget together for over a year and a half or even in the six months before that, from the time the government was elected to the budget time frame? Why didn't they include a \$12-billion item in their budget?

Senator Boudreau: I thank the member for the question. Again, I would remind my colleague that I am the sponsor of Bill C-19, so I am not the sponsor of the budget. I can't speak to the budget. I can speak to Bill C-19 and what's being proposed as part of Bill C-19.

It is an investment of over \$11.7 billion over the next six years to help families and individuals most in need across our country. That's why I wanted to be the sponsor of this bill in particular — because of its importance. Canadians need this help now. They need it as soon as possible. The government has committed to delivering these allocations as quickly as possible. That's why they chose to take an existing program, an existing benefit, and build upon it, as opposed to trying to build something from scratch. They wanted to make sure that they were able to put these cheques into the hands of Canadians as quickly as possible, and that's what Bill C-19 would do.

Hon. Leo Housakos (Leader of the Opposition): Would Senator Boudreau take a question?

Senator Boudreau: Yes, certainly.

Senator Housakos: Thank you, senator. Thank you for your speech. I have a couple of questions pertaining to things you said in your speech.

First, you highlighted the various reasons we find ourselves in this dilemma where we have to take these measures in order to help Canadians who are definitely suffering and having difficulties. Of course, the opposition wholeheartedly supports the measures because we recognize the hardships that Canadians are going through, even though, from time to time, the government paints this rosy picture of how things are, a contrarian picture nonetheless.

You mentioned in your speech the various international causes of inflation and food inflation, but you didn't mention a bad fiscal order, debt and deficits rising consistently for over a decade, which always have a monetary impact on fiscal policy.

• (1510)

You didn't mention the fact that Canada has one of the weakest performances over the past decade with respect to foreign investment coming into the country, and Canadian investment is fleeing Canada at a rapid pace, which has a huge impact on the dollar.

No one seems to be talking about the fact that if your business is participating in any form of importing and exporting, in order to spend US\$100 to buy a product, you need to spend C\$135. That is probably one of the biggest driving forces affecting the cost of food. I would like you to comment on that.

You said the government is using this as a temporary measure, but this is the fourth time since 2022 we're using this form of credit to help underprivileged Canadians. Bill C-30, Bill C-46 and Bill C-78 were all the same story of facing the same problem over the past four years.

My last question is this: Is this an indictment of the government and an admission that it has brutally failed in helping poor Canadians?

Senator Boudreau: I thank my colleague for the question. The point I was trying to make, when I talked about some of the international factors that are at play and affecting us, is that the challenge we're facing in terms of food insecurity and the rising cost of food isn't just a phenomenon happening here in Canada; it's happening in countries around the world because of multiple issues affecting them. It's not just a problem in Canada or in any particular province or territory in Canada; it's a global problem. With Bill C-19, the government is trying to find a way to address it.

Basing it on the GST credit was the fastest way to help over 12 million low- and modest-income individuals and families across the country. I would remind all my colleagues here in the chamber that the GST credit has been around since 1991 and has a proven track record of producing results. People who are eligible receive this credit four times a year. It's easier to administer than some of the other tax regimes, credits and rebates that have been put in place over the years.

Bill C-19 is building and improving on it to quickly put money in the pockets of Canadians — as soon as this spring. With a decent-sized bump this year and a 25% increase for the next five years, it will give people the chance to get over the hump we're dealing with right now — globally, not just in Canada.

The federal government has been putting measures in place to address some of these challenges, but doing so, like with any measure, will take time. This is meant as a bridge to help Canadians get to the other side.

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

Senator Batters: Yes, I do.

I was watching when Prime Minister Carney was making this announcement on, I believe, January 26. He kind of looked back at his finance minister for confirmation, but I recall him saying it was going to be about \$9 billion. However, on February 2, the Parliamentary Budget Officer costed this measure at \$12.4 billion, and I think, near the end of one of your answers to me today, you stated the measure has an \$11.7-billion cost. Why the large difference between these numbers, and what is the actual cost of this major program?

Senator Boudreau: I thank my colleague for the question. To the best of my knowledge, the cost of this program will be \$11.7 billion over six years. That's the number that I received from the department in my briefing notes.

The difference between the \$12.4 billion released by the Parliamentary Budget Officer and the \$11.7 billion from the Department of Finance is due to a slightly different calculation by the PBO. The Department of Finance does not calculate the last quarter payment of the last fiscal year, but the PBO does. So that's the difference of \$600 million. That would be that extra quarter. So it's really just the different ways they calculated it.

I have been assured — after asking the question multiple times — that 100% of the people who receive the GST credit today will receive the increases this year, and that number is expected to grow moving forward in the subsequent five years because of the 25% increase and the eligibility being set year after year.

It's expected that up to over 500,000 more Canadians will benefit from this credit over the next five years.

Senator Batters: I would be curious to hear why Prime Minister Carney thought the amount was more like \$9 billion, but I'll move on.

What is the income threshold that someone would need to meet in order to be able to receive this? Is it the same as the GST credit? If so, what is that threshold?

You noted that 12 million Canadians would receive it. I'm assuming that the income threshold for receiving the GST credit is very low, and isn't it unfortunate that 12 million Canadians would potentially earn so little that they would be receiving this?

Senator Boudreau: I thank the member again for the question. I'm not sure I can give a fulsome answer to the question in terms of eligibility because it all depends on one's revenue and on the number of kids one has — it's a scale. There is a chart, though I don't have that here in front of me.

As I said in my previous answer, 100% of the people who qualified for the latest GST credit in January of this year will qualify for this 50% top-up, as well as for the 25% bump starting in July. Then, year after year, the previous year's income tax will determine what people's qualification amounts are, so those will vary. But 100% of the people receiving it today will continue to receive it, and it is expected that over 500,000 more Canadians — over and above the 12 million who receive it now — will receive it at the end of the program.

Hon. Percy E. Downe: I thank Senator Boudreau for that speech. Given his extensive experience — and as the former finance minister of New Brunswick — he is well suited to sponsor this legislation.

I have a question. I received an email from a Prince Edward Islander, and I'm trying to get the information to respond. I have not been able to obtain it yet. I'm wondering if you either have it or could make a commitment to get it to me so I can respond to this person's concern.

The person wrote me an email that stated:

According to my review of the proposed legislation, a single person with a \$40,000 net income would get a payment of \$399.75, while a single person with a net income of \$10,000 would receive \$261.75. The question, of course, is: Does the government feel someone with a \$40,000 income needs more help than someone with a \$10,000 income?

Senator Boudreau: I thank my colleague for the question. That's certainly not an answer I can provide on the fly, but I will commit to getting an answer for my honourable colleague and make sure that he receives a response.

Senator Downe: Senator, I appreciate that. The person goes on in their email, and this is the heart of their concern:

The problem here is that the proposed legislation is based on the GST credit. Simply put, the GST credit gives a larger credit to some people with higher incomes because the government of the day was trying to honour an election promise that their credit would offset the impact of the GST. Since people with more money would spend more, they were expected to pay more GST. The GST credit is odd. It should not be the basis for this new credit.

Could you find a rebuttal from the government for that concern?

Senator Boudreau: Thank you for the question. I certainly will. As I committed to do for the first question, I'll try my best to get an answer on the second one. Again, all I can say is this certainly goes deeper than what I received in terms of a legislative briefing for Bill C-19. But again, the idea of building this new program, this new benefit, on the GST credit that has been in place since 1991, is a point that can't be neglected here.

• (1520)

This credit has been around for a long time. It has survived successive governments, it has helped tens of millions of Canadians, and it was deemed to be the quickest way to get this additional money into the pockets of Canadians who need it most. That's the intent behind Bill C-19.

[Translation]

Hon. Clément Gignac: Would the senator take another question?

Senator Boudreau: Yes, of course.

Senator Gignac: First of all, I'd like to congratulate you on your speech. I believe this is the first time you're sponsoring a bill in this chamber. It's an interesting experience that will give you a better understanding of how the Senate works.

Before I ask you my question, I'd like to share an observation with my colleagues. Many of my fellow economists and I agree that this tax measure is much more targeted and better designed than a certain temporary GST cut, which some called a gimmick. I believe there is a great deal more support for this measure in the House of Commons and the Senate.

This is the most significant tax measure since the pandemic. Outside of the budget cycle and the pandemic, we rarely see amounts as high as \$11 billion.

I would like to know if you can provide this chamber with any assurance that we can afford this measure without a new budget framework. In my opinion, during the Department of Finance briefing, Mr. LeBlanc was less cautious than he should have been when he said that he believes Canada can afford such a measure. What did he base that statement on?

Senator Boudreau: Thank you for your question, colleague, and for referencing economists. Although I am not one myself, I agree with them that a targeted measure is preferable for helping those who need it most.

I'm obviously very pleased with the government's decision. Twelve million Canadians will be affected by this measure. As for whether the government can afford such an initiative, it is not my role, as the sponsor of the bill, to answer that kind of question. I'm sure there are people in the Department of Finance who could provide you with a more detailed answer.

[English]

Hon. Leo Housakos (Leader of the Opposition): Thank you, Senator Boudreau, for your work as sponsor of this bill, and congratulations, since this is the first government bill you have sponsored. I'm sure there will be many more to come.

I rise today, honourable colleagues, to speak to Bill C-19, An Act to amend the Income Tax Act, which will increase benefits under the Goods and Services Tax credit and rename it as the Canada Groceries and Essentials Benefit.

At its core, Bill C-19 takes the existing GST/HST credit, an established quarterly, non-taxable payment meant to help low- and modest-income Canadians, and transforms it in two ways.

First, it provides a one-time payment equal to 50% of the current benefit, tied to eligibility in January 2026, with the stated intent of delivering relief as early as possible in the spring of 2026. This measure is estimated to deliver \$3.1 billion in immediate assistance to individuals and families who currently receive the GST credit.

Second, it bakes in a multi-year increase by raising the maximum annual credit amounts by 25% for five years, with payments continuing quarterly, beginning July 2026 and running through April 2031. This measure is estimated to deliver \$8.6 billion in additional support over the 2026-27 to 2030-31 period. In total, the government projects that 12.6 million individuals and families — about 30% of the population — will benefit.

We are told that the practical impact of these changes will look like this: A single senior with \$25,000 in net income would receive a one-time top-up of \$267, plus a longer-term increase of \$136 for the 2026-27 benefit year. In total, they will receive \$950 for the 2026-27 benefit year.

A couple with two children, with \$40,000 in net income, would receive a one-time top-up of \$533, plus an increase of \$272 for the 2026-27 benefit year. In total, they would receive \$1,890 for the 2026-27 benefit year.

Regrettably, this bill is necessary because millions of people are under acute pressure at the checkout line, and they have been for years. According to Statistics Canada, the overall Consumer Price Index inflation in December 2025 was 2.4% year over year, but food purchased from stores was up 5% year over year.

These are not academic numbers. They are the difference between a family keeping up and falling behind, and Canadians are falling behind.

Food Banks Canada reports nearly 2.2 million food bank visits in a single month, colleagues, with children representing one third of those visits.

Abacus Data found in late 2025 that 81% of Canadians cite grocery prices as a concern, making it among the most universal affordability pressures in the country.

The 2026 edition of *Canada's Food Price Report* states that the average family of four is expected to spend \$17,572 on groceries in 2026 — about \$1,000 more than in 2025 — and compares that to \$12,180 for a family of four way back in 2019, an increase, colleagues, of \$5,000 from pre-pandemic times to today.

Yes, help is needed, but the real question is this: Why are we here again with another patch, another cheque and another press conference?

You may recall that, in October 2022 and March 2023, the Trudeau government passed what was framed as an affordability measure through GST-credit doubling and a so-called grocery rebate. Then, in late 2024, they implemented a temporary GST holiday on certain items, another short-term fix. Now, under the new Liberal government of Mark Carney, we are back here again to approve another bigger, stronger Band-Aid.

Honourable senators, Conservatives support this bill because we recognize that this is the best that Canadians, unfortunately, can expect from this government. This is the best they can do, because the government is failing to do what it promised, which was to govern competently, manage the economy responsibly, deliver affordability through growth and productivity, unleash our natural resources, get the economy revving again and start creating wealth for all Canadians. That was the promise.

Just over a year ago, Prime Minister Carney stood in a community hall in Edmonton, Alberta, and launched his campaign to become the leader of the Liberal Party of Canada. His message was clear: While the opposition had nothing but sound bites and slogans, according to him, he had a plan to get Canada's economy back on track and deal with Donald Trump. He positioned himself as the grown-up in the room who understood economics, had navigated global crises and possessed the gravitas to deal with the unpredictable American president and the growing international and Canadian inflationary crisis that we are facing. Yet, we are now almost a year into his tenure as Prime Minister, and Canadians who thought they were getting a steady hand on the rudder are likely now dashing and looking for Graval at all costs.

In fact, I would argue that Prime Minister Carney's leadership has increased the turbulence by becoming precisely what he criticized: a leader who substitutes rhetorical flourishes for a coherent strategy and swings between narratives, depending on what serves his political brand rather than Canada's economic interests.

It has been a year, colleagues. There are no excuses after 10 months of seeing a government continually implement inflationary programs which are absolutely immune to growing deficits and debt. The debt over the last 10 months has hit new historic levels. The deficit under this government has hit new historic highs, regardless of how they use the accounting magic of what only Liberals do when they audit books.

• (1530)

His recent performance at the World Economic Forum in Davos exemplified this approach. The speech was polished and widely praised for its cohesive arguments, yet beneath the surface, it was riddled with and full of contradictions. He compared the United States and China as coequal hegemony threatening global stability, yet days earlier he celebrated renewed trade engagement with Beijing as if it represented a turning point in the international world order.

He warned that authoritarian powers weaponize markets yet treats deals with those same regimes as routine pragmatism rather than strategic risk. He called for middle powers to band together in defence of shared values, yet his actions suggest that Canada's principles bend conveniently whenever a headline beckons.

But it is his signature line which is most troubling to me: Canadians can "... give ourselves far more than the Americans can ever take away." Remember that one?

This is a stirring sentiment, designed to invoke national pride and resilience. But when scrutinized, the proposed path to achieving this independence collapses. Yes, removing interprovincial trade barriers will help. But the notion that eliminating barriers between provinces can somehow replace or rival the scale, proximity and infrastructure advantages of the American market is economically illiterate.

But I want to go deeper. In the last 10 months, how many first ministers' meetings were there? How many press conferences next to premiers were there? How many press releases were there celebrating that we're tearing down trade barriers between provinces?

The truth of the matter is that 10 months later, and after umpteen press conferences, press releases and first ministers' conferences, we have not torn down a single thing or moved the yardsticks at all.

Similarly, his pledge to double non-U.S. exports within a decade and conjure \$1 trillion in domestic investment through massive government spending reads more like campaign theatre than executable policy. These are not strategies; they are slogans dressed up as solutions.

The stubborn reality is this: Roughly three quarters of Canadian exports still flow to the United States. After decades of talk about diversification, our export concentration has not meaningfully changed. Diversification is worthwhile at the margins, but it cannot replace the foundational relationship that geography, infrastructure, supply chains and decades of integration have created.

The real question is not how to replace the United States as a trading partner. The real question is why Canada is becoming less competitive everywhere, including with our closest ally.

Why has foreign investment abandoned this country? Why is Canadian investment leaving at records we have never seen before? Why is Canadian productivity one of the lowest in the OECD of the G20 countries?

These are the questions that the government has to tackle. If we do not tackle these questions, we are going to continue to deal with legislation that deals with poverty, and we will get into semantics.

Senator Percy Downe says very often — and he is absolutely right — there are pros and cons to this particular program, but the truth is, colleagues, the more that somebody spends at the grocery store, the more they will get back in rebates. Obviously, if you have more to spend, you are not as poor as the person who has less to spend. Again, this is nothing more than a Band-Aid solution. It is far from perfect. It does not tackle the core problem. The core problem is that bad monetary policy as well as irresponsible debt and deficit spending have weakened our dollar to the point where everyone is fleeing from it.

That brings us to the problem that Carney's rhetoric is designed to obscure: Canada's catastrophic productivity decline. Our GDP per capita has fallen from 94% of the U.S. level in 1981 to just 78% in 2023. Labour productivity sits at US\$74.70 per hour worked compared to US\$97 in the United States. Investment in machinery and equipment per worker has collapsed from 60% of the U.S. level in 2008 to 41% today.

It is catastrophic, colleagues, when we think of that.

Intellectual property investment per worker has dropped from 50% to 30% of the U.S. level. These are not abstract statistics; they are the scoreboard of national decline. In practical terms, this productivity crisis is why Canadians feel like life is getting harder even when they are working just as hard. When each hour of work produces less value than in competing economies, businesses cannot pay competitive wages, governments collect less revenue without raising taxes and we have fewer resources for health care — 6.5 million Canadians without a doctor — as well as less money for infrastructure, defence and considerably less for social programs.

Over time, this manifests as stagnant wages, fewer quality jobs and rising costs for housing, vehicles and imported goods without corresponding increases in Canadian paycheques.

You cannot message your way out of that gap. Unless Canada invests more in better tools, technology and innovation and actually gets projects built, our standard of living will continue to drift and spiral downward.

Colleagues, it is my firm conviction that our trading relationship with the United States should and will outlast Donald Trump, just as it has outlasted every other president. This is because geography does not change with political winds, and it certainly cannot change the economic and geographic realities of our continent.

Our economies have been stitched together by pipelines, rail corridors, highways and integrated supply chains that make cross-border commerce structurally cheaper and faster than any other alternative anyone can dream up.

Ottawa's job today is to manage turbulence without pretending we can simply pivot away from the market that matters most — the market that every nation in the world is trying to find ways to penetrate.

A serious strategy would stabilize and strengthen the U.S. relationship rather than antagonize it for domestic political points. It would remove the internal barriers choking investment and focus relentlessly on capital formation, innovation and project execution.

Diversification should be pursued steadily as insurance, not sold as a substitute for the only market that can absorb Canada's production at a competitive cost.

Prime Minister Carney promised substance over slogans. Instead, he has delivered slogans disguised as strategy, contradictions masked as principle and a foreign policy that oscillates between confrontation and flattery depending on the audience and depending on the moment.

And this is what we are seeing once again with the legislation before us today. In his January 26 press release, the Prime Minister said his government is introducing, “. . . new measures to make groceries and other essentials more affordable . . .” to bring down our costs.

But Bill C-19 does nothing of the sort. Dalhousie Professor Sylvain Charlebois called the measure “political theatre,” saying it treats the symptoms of high food prices, not the root causes. He warned that putting more cash directly into the hands of consumers could backfire by potentially allowing grocers to raise prices even further.

And I would remind you, colleagues, that this is not the first time the Liberals staged a performance and promised results that never materialized.

In 2023, the finance minister made a big show of calling grocery CEOs to Ottawa and threatening them, promising to ensure prices would come down. There was all kinds of theatre there. We saw the results. The CEOs came and went, and nothing changed. Canadians were left with higher prices and higher food bank usage.

That show definitely might have made for a good headline, but it did not make groceries affordable, and neither will the legislation before us today.

Conservatives support the relief provided in Bill C-19 because Canadians need relief badly, but we will not pretend it is a plan. It is not. It is a stopgap measure that was cobbled together to buy the Liberals more time to try to figure out what to do.

By the way, as I said earlier in my question to Senator Boudreau, it has been tried four times by the same government expecting the same result. We know what happens when you try the same thing over and over again while expecting a different result. We know what we call that. Perhaps you think that I'm being too hard on the government; I understand that. It is my

role, but I'm trying to be constructive. But consider for a moment that Budget 2025, a 405-page document, included pages and pages of affordability measures, such as tax cuts, automatic benefits administration and school food programming, but did not once mention a permanent GST credit expansion of the kind now being proposed through Bill C-19.

• (1540)

The ink on the budget document has barely dried, and the first budget implementation act has not even been passed, colleagues, and yet this government is already tacking on an ad hoc program and blowing past its deficit and debt projections.

This is no small thing. The government is asking Parliament to legislate a one-time payment and ongoing increases for millions of Canadians.

Yet this initiative arrives in a manner that once again raises serious questions about planning and fiscal discipline. We are not looking at a carefully sequenced affordability strategy anchored in a stable fiscal framework. We are looking at another bolted-on policy afterthought with no consideration for the long-term financial implications.

Former finance minister John Manley correctly had it right when he warned last week, “We can't keep borrowing our way to prosperity.”

Colleagues, relief without reform becomes a permanent dependency on temporary cheques and schemes. And although the government claims that the 25% increase in the GST tax credit is only for a five-year window, I can guarantee you that, no matter who is in government, it will not be reversed in 2031. That is just the political reality, and we all know it — those of us who understand how this town and politics work. The government is building in a permanent increased cost, instead of tackling the root causes behind our unaffordability crisis. This is what they have been doing for 10 years.

Honourable senators, Bill C-19 is necessary because Canadians are under pressure. The data is unmistakable and clear: Food inflation remains elevated relative to overall inflation, and food bank usage has hit record levels.

But Bill C-19 is also an indictment. It is proof that the government's promises to make life affordable have not been met with any tangible results. There is the proof: the fact that we need to go back to the well with this smoke-and-mirrors piece of legislation.

So let us do two things at once, because Canadians deserve both. First, we should pass the relief and pass it quickly so that low- and modest-income Canadians get support through a system that can deliver it immediately.

Second, we should tell the truth about what this bill represents, tell the truth that it is a stopgap that exists because of a decade of mismanagement, fiscal drift and a governing style that too often substitutes theatre for substance. It is our obligation in this place of sober second thought to speak the truth.

Conservatives will support Canadians getting help at the checkout line, because Canadians need it now. They are desperate. We have met with them. We have talked to them. We have gone out. I encourage all of you independent senators to go out and meet your constituents in your respective regions of the country. They will tell you how much they are suffering, and the grocery store will be the first place they will talk to you about.

But we will not pretend that this is a success. It is not. Bill C-19 is nothing to celebrate. It is a warning. It is another flashing danger sign. It should be a turning point for this country, away from improvisation and political theatrics and towards more serious, disciplined economic leadership — one that is thoughtful, long-term and that provides results to Canadians. 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?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

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

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

[*Translation*]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I wish to inform you that the Senate will resolve itself into a Committee of the Whole in order to receive Kelly Burke respecting her appointment as Commissioner of Official Languages. This will occur at 6:30 p.m., pursuant to the order adopted Thursday, February 5, 2026.

[*English*]

CHIGNECTO ISTHMUS DYKELAND SYSTEM BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Quinn, seconded by the Honourable Senator Osler, for the second reading of Bill S-216, An Act to declare the Chignecto Isthmus Dykeland System and related works to be for the general advantage of Canada.

[Senator Housakos]

The Hon. the Speaker: I wish to inform the Senate that if Honourable Senator Quinn speaks now, his speech will have the effect of closing debate on the motion for second reading of this bill.

Hon. Jim Quinn: Honourable senators, in preparation for my remarks today, I found myself reflecting on what has transpired to bring us to this moment in debate and the misplaced hesitation to proceed with a bill that has widespread support, essentially, everywhere you look on the East Coast.

If one were to consider testimony from the prior Parliament in the chamber and in committee, unanimous support from legislative assemblies in New Brunswick and Nova Scotia, letters of support from the Governments of Prince Edward Island as well as Newfoundland and Labrador, reports in local media of Atlantic Canada, support from Acadian, Indigenous and, indeed, local communities, as well as other stakeholders who see this as an important opportunity to safeguard the isthmus, one would bear witness to a loud rallying cry for federal leadership in the form of this legislation.

In fact, in the fall of 2025, La Société Nationale de l'Acadie passed a resolution endorsing this bill specifically. It is also supported by Amlamgog, or Fort Folly First Nation, whose traditional lands are in the Chignecto Isthmus, who also reaffirmed their support for this bill last fall.

All this underscores one of our primary responsibilities in representing and presenting issues from our region here in our independent Senate that might otherwise never be heard in our parliamentary process.

Thank you for allowing me to repeat to this chamber what I have said in three speeches across two parliaments — most recently, my first speech at second reading in June 2025 — for now, offering some further clarity on the necessity of this bill, as the issue is as pertinent as ever.

But since then, a court decision has come and gone, and it has been interpreted by some as suggesting that the passage of this bill would be an affront to the judiciary and could create a constitutional quandary. That could not be farther from the truth.

I thank Senator Ringuette for raising concerns she had in this chamber that, she believed, warranted careful examination. However, after consultation with relevant stakeholders, as well as with provincial and municipal officials and elected office-holders, again, I can assure Senator Ringuette that her concerns have no basis in law.

• (1550)

First, are we derailing the Chignecto Isthmus rehabilitation project with this bill? The answer is no. In conversation with the Governments of New Brunswick and Nova Scotia, they indicated that passing Bill S-216 would expedite consultation processes and the regulatory approvals pertaining to this project by a matter of years.

Given the rising tides in the area, every day saved in this process is reducing the risk of a potential humanitarian and infrastructure disaster should the dykes breach. If that happens, we will see the destruction of one of Canada's most important corridors for trade and transportation, which will result in the Port of Halifax being cut off from the majority of its two-way trade. Much of that volume would divert to U.S. East Coast ports, and, like so many things in life, when the cargo is gone, it is no doubt gone forever.

Second, are we creating a total void of provincial legislation and regulations? Again, the answer is no. This has no basis in constitutional law. My office drafted this bill in coordination with the Attorneys General offices of the Provinces of New Brunswick and Nova Scotia, and this hypothetical idea of a legislative gap was discussed and was determined to have no basis in law due to interpretive principles of constitutional law.

Simply, the use of the declaratory power does not invalidate provincial laws of general application without there being a federal substitute. Furthermore, this bill only applies to dykes, as defined in clause 2 of the bill itself, as ". . . a dyke, aboiteau or breakwater associated with the Chignecto Isthmus Dykeland System" within the Chignecto trade corridor.

In addition, addressing Senator Ringuette's concerns, the bill does not affect schools, private lands, wind farms, et cetera, as she stated.

Furthermore, the declaratory power only applies to works. It cannot apply to unimproved land like forests or pastures. It certainly does not apply to the entire isthmus, as my colleague suggested in her speech. Therefore, this concern has no basis in constitutional law. Both governments agree with this assessment. There is no legislative void; the area is explicitly defined.

Finally, I took to heart the senator's suggestion to seek reassurances from the Provinces of New Brunswick and Nova Scotia that they agree with transferring jurisdiction, which is at the heart of the legislation. I did just that and, in fact, received assurances from New Brunswick Premier Susan Holt in person at a federal announcement at Port Saint John in mid-January. The prior unanimous resolutions of the Legislative Assembly of New Brunswick stand. She confirmed that, "Nothing has changed."

Similarly, I subsequently had the opportunity to speak with the Nova Scotia Minister of Public Works, Minister Fred Tilley, who, likewise, after consultation with Premier Tim Houston, reaffirmed that same opinion. Further, my staff spoke with the Mayor of Tantramar, who indicated that local communities support this bill to ensure that their municipalities are protected from rising sea levels.

Colleagues, there is no untrodden or novel constitutional question before us regarding my bill. Bills involving the use of the declaratory power traditionally go to the Standing Senate Committee on Transport and Communications because they deal with infrastructure. Again, this, in fact, is what is happening right now respecting the use of the declaratory power in Bill C-15, the

Budget Implementation Act, for the proposed high-speed rail project connecting Quebec City and Toronto, Ontario. I struggle to see how anyone could find a difference in the application of the use of the declaratory power in this instance and that of the isthmus, as both are for the same principle, for the general advantage of Canada.

Colleagues, regarding the Court of Appeal reference, it does not use the same part of the Constitution, and any reference to that ruling in relation to Bill S-216 confuses the issue. It has no bearing or impact, from a legal perspective, on using the declaratory power. In fact, the court declined to answer the referenced question related to 92.10(a) of the Constitution because it was political. They did so on the basis that it is a policy decision.

Let me underline and highlight these next words concerning the question that courts considered: It is best left for politicians.

On October 23, Senator McNair highlighted from the court statement:

It is difficult to envision how members of Parliament would be guided in their deliberations by an advisory opinion requested by a provincial government from its Court of Appeal.

I couldn't agree more with this statement. The court failed to see how they could help Parliament in their deliberation. It is, indeed, for politicians in Parliament to decide, and that is entirely the point. The declaratory power is all about federal leadership.

Senator Prosper spoke on this fact during his speech, discussing the difficulties faced by the Mi'kmaq, one nation that exists across two provinces. By virtue of the current arrangement, the nation has to engage with two different processes for the same issue. Engagement at a single level — the federal government, which would be the default should the isthmus project fall under federal jurisdiction — would not only harmonize requirements into a single jurisdiction by declaring that the Chignecto Isthmus project is for the general advantage of Canada or for the advantage of two or more of the provinces, but we are also ensuring that the duty to consult and the honour of the Crown are held to the highest standard.

As Senator Prosper further stated:

. . . without the leadership of Parliament to invoke the declaratory power, the Mi'kmaq peoples are left necessarily divided across an arbitrary boundary line in the Chignecto Isthmus. We are a people divided between two provincial environmental impact assessment schemes and caught between two provincially led consultation processes that have been, in many ways, proven to be deficient in their ability to address Mi'kmaq concerns.

Honourable senators, is it not to the general advantage of Canada to support the government's priority of diversifying our country's trade lanes and trading partners in order to lessen our dependency on trade with the United States?

Is it not to the general advantage of Canada to support the government and its partners in investing in major projects across the country that will strengthen our economy and whose success is strongly tied to our supply chains?

Is it not to the general advantage of Canada to strengthen and improve our infrastructure as that action will be essential in strengthening our economy, efficiency and reliability as a global leader in trade?

Is it not to the general advantage of Canada to support the government's commitment to undertake meaningful consultations with Indigenous Peoples who are affected by projects? Is it not to the general advantage of Canada to protect the rich cultures of the First Nations and Acadian peoples?

I think a resounding "yes" to all of these questions is accurate, and all of them are relevant to the Chignecto Isthmus project and demonstrate why section 92.10(c) of our Constitution was seen as an important tool by the Fathers of Confederation in our Constitution by allowing Parliament to bestow federal leadership on projects Parliament considers to be for the general advantage of Canada. Colleagues, this is why the bill should be read a second time.

I respectfully ask each of you to support this bill so that we can again provide the other place — the elected chamber — an opportunity to debate, study and vote on this bill.

Thank you.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

REFERRED TO COMMITTEE

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

Hon. Jim Quinn: Honourable senators, with leave of the Senate, I move:

That,

1. the bill be referred to the Standing Senate Committee on Transport and Communications;
2. the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the subject matter of the bill; and
3. the Standing Senate Committee on Transport and Communications be authorized to take into account any report from the Standing Senate Committee on Legal and Constitutional Affairs to the Senate on the subject matter of the bill, during its consideration of the bill.

[Senator Quinn]

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.)

[*Translation*]

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. Pierre J. Dalfond: Honourable senators, allow me to share some remarks on Bill S-218, introduced by our colleague, Senator Harder.

• (1600)

Based on his speech and the interviews he gave, this bill is his response to remarks by the Conservative leader, the Honourable Pierre Poilievre, to the effect that, should he become Prime Minister, he would use the "notwithstanding" clause of the Canadian Charter of Rights and Freedoms to ensure that his government's criminal law policies, particularly with respect to sentencing and release, would take precedence over court rulings.

I also note that the Conservative leader in the Senate, Senator Housakos, recently introduced Bill S-240, which proposes to use the "notwithstanding" clause to reinstate two minimum sentences and set aside a Supreme Court decision.

For those of you who are unaware, I was always keenly interested in constitutional law, particularly as it relates to fundamental institutions and standards, when I was in law school, where I won the constitutional law award a very long time ago, almost 50 years ago, and also as a lawyer working for various clients, including the speakers of the Senate and of the National Assembly of Quebec, and of course, as a judge presiding over many cases involving the Constitution or the Charter.

So I was very excited when Bill S-218 was introduced, and I've been keenly interested in the debates it sparked here and elsewhere. In the style made famous by my friend Senator Cotter, here is an outline of my intervention.

In the first part, I'm going to address the bill's content and the framework it proposes to constitutionally impose on Parliament.

Second, I will discuss the origin and scope of section 33 of the Canadian Charter of Rights and Freedoms, the "notwithstanding" clause.

Third and last, I will talk about two cases currently before the Supreme Court of Canada that will have a decisive impact on the scope of the “notwithstanding” clause.

Essentially, the bill would add to the Constitution a rigid framework for Parliament’s use of the “notwithstanding” clause. Proposed subsection 33.1(4) seems to indicate that this process would apply in two different situations.

In the first situation, at the government’s suggestion, Parliament is invited to declare that a provision of an existing federal law must continue to apply after a Supreme Court of Canada decision has declared it to be of no force or effect on the grounds that it infringes without sufficient justification on one or more Charter-protected rights.

I would note that this means the Attorney General of Canada would have to go all the way to the Supreme Court in all cases, even if he or she is convinced that trial court or Court of Appeal decisions are sound.

I would also note that the federal government has proposed a number of amendments to acts only after trial court rulings declared some of their provisions to be of no force or effect because they violate the Charter.

In addition to the costs associated with the proposed requirement to exhaust all remedies, it’s also important to recognize that it takes years to get a case all the way to the Supreme Court. The fact is, the time needed for the Supreme Court to issue a ruling will often exceed a government’s maximum four-year term, preventing it from using the “notwithstanding” clause, even if it was elected on a promise to use it to override certain case law. This scenario strikes me as problematic. One might even wonder whether this is a way of amending section 33 without respecting the requirements of the constitutional amendment process, which, of course, requires the provinces’ consent.

The second situation that the bill apparently seeks to address has to do with the passage of a bill that would contain a “notwithstanding” clause, but this time as a preventive measure. Senator Harder is proposing that the Constitution require the government to obtain an opinion from the Supreme Court before passing such legislation. This would ensure that parliamentarians and the public are informed of the proposed legislation’s impact on Charter-protected rights before voting on the proposed legislation, including the “notwithstanding” clause.

This is an interesting idea on the surface. However, such a requirement would add at least several months to the legislative process because of the time required to obtain the Supreme Court opinion. Practically speaking, this would prevent section 33 from being used for at least the final 12 months of a government’s term.

Moreover, such a constitutional requirement would prevent a “notwithstanding” clause from being included in legislation required to deal with a national emergency, even if the clause was deemed to be absolutely necessary.

In light of the challenges I have just described, I wonder whether the better option would be to draw inspiration from the approach used in a recent Manitoba government bill. If passed, this bill would require that any legislation passed by the Manitoba legislature containing a statement that it applies notwithstanding the Charter be referred within 90 days of its passing to the provincial court of appeal for its opinion on whether it violates the Charter.

As an aside, the Supreme Court Act provides for an automatic right of appeal for references, which means that any of the parties involved could then easily seek the opinion of the Supreme Court.

[English]

Bill S-218 also imposes as a constitutional requirement that an infringing bill — one that relies on the “notwithstanding” clause — may only be introduced by a minister of the Crown in the House of Commons. In other words, it could not be proposed by a senator or initiated in the Senate by the government, even if it were introduced by a senator who happens to be a minister.

Thus, for example, a senator could not introduce an amendment to the Criminal Code similar to the one introduced by our colleague Senator Housakos a few weeks ago.

For me, as one of the writers of the Quebec Court of Appeal reference case on Senate reform, a decision later cited with approval by the Supreme Court, this seems like a constitutional amendment dealing with the role and powers of the Senate and is thus a provision that, to be amended, requires the consent of seven provinces representing 50% of the Canadian population.

The Supreme Court in its own *Reference re Senate Reform* has been clear that Parliament alone cannot adopt amendments to the role and powers of the Senate. It can only adopt measures that “. . . change the Senate without altering its fundamental nature and role.” The court went further and gave an example of what it meant, citing the requirement for a senator to have a net worth of at least \$4,000. That does not affect the way we conduct business; that does not affect our power. Another one could be removing the compulsory retirement age limit of 75 years, which for someone like me might be an interesting option as I’m getting closer to it.

It is also interesting to note that if this constitutional amendment proposed by Senator Harder were to be adopted in the manner proposed, any senator could subsequently propose to repeal this constitutional amendment by introducing a bill to do so.

Also, any senator could still initiate the procedure to remove section 33 from the Canadian Charter of Rights and Freedoms, since section 46 of the Constitution Act, 1982 provides that the procedures for such an amendment of the Constitution may be initiated either by the Senate or the House of Commons or by the legislative assembly of any province. So, we have the power to remove section 33, but we do not have the power to adopt declarations that the Charter would not apply. I wonder about the logic of such things.

• (1610)

In such a context, I find it surprising, if valid, to put in the Constitution that the authority to propose a bill using the “notwithstanding” clause will rest exclusively in the House of Commons and at the initiative of a minister.

Bill S-218 would also impose a significant constraint on the House of Commons because a bill relying on the “notwithstanding” clause would require a two-thirds majority of MPs to pass third reading. In addition, this supermajority would have to include MPs from at least two recognized parties. In practice, this would almost always require the support of the official opposition or, at least, another major party.

This particular supermajority may make it virtually impossible for a government to use the “notwithstanding” clause, even if it holds a majority of the House of Commons but less than two thirds. To add such a requirement in the Constitution amounts to a major change to the way the House of Commons has always worked.

This supermajority is also surprising, considering that a resolution to amend the Constitution to remove these provisions, if validly adopted, would require only a simple majority of the Senate and the House of Commons. Thus, under the proposed scenario, a majority government in the House of Commons could choose to initiate and push through, including time allocation, a constitutional amendment to repeal the proposed constitutional amendment — everything this bill is trying to achieve — and then get the consent of the Senate.

Colleagues, as you can see, by choosing to proceed through a constitutional amendment, Senator Harder is proposing a route that raises serious concerns about the functioning of our Parliament and the amending process for our Constitution, and all of this will likely lead to constitutional challenges.

As a contrasting example, consider An Act respecting constitutional amendments, enacted in 1996, to express the undertaking of the government — not the Parliament — never to move a motion to make a constitutional amendment without the consent of Quebec, Ontario, British Columbia and a majority of the governments and people in the Prairies and the Atlantic provinces. This was not an amendment to our Constitution but a legislative requirement regarding the process a government would have to follow before it could introduce a motion to amend the Constitution.

It is not about the functioning of the House of Commons or the power and role of the Senate, and it does not strip any MP or senator of any power, unlike Bill S-218.

In my view, the rest of the bill can be described as a matter of form and procedure covered by section 44 and, thus, could be added to the internal constitution of our Parliament without the consent of the provinces. This would be the case for the requirement that any infringing bill include a preamble setting out the reasons for relying on the “notwithstanding” clause, as well as an accompanying Charter statement describing the potential effects of the use of the “notwithstanding” clause on rights contained in the Charter.

[Senator Dalphond]

I support these kinds of amendments because they favour democratic participation and accountability. If Canadians cannot discern the precise consequences of an override or understand which rights are affected, they are deprived of the ability to assess the government action and it becomes exceedingly difficult to hold parliamentarians accountable.

I now turn to part two of my speech: the effect of a declaration under section 33 of the Charter. I won't comment on the history of section 33. Previous speakers have covered this very well, especially Senator Saint-Germain and Senator Wallin.

Suffice it to say, as Senator Harder and others have reminded us, “Those who attended the constitutional discussions agree that without section 33, there would have been no Charter.” The clause cannot, therefore, be fairly characterized as an anomaly or an afterthought to the Charter; rather, it is part of the very bargain that allowed it to exist at all.

With these comments in mind, let me turn more directly to the content and mechanics of section 33 as it appears in the Charter.

Section 33 is relatively brief. It permits Parliament or the legislature the option to “. . . expressly declare . . .” that an act or provision of an act shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of the Charter. In practical terms, this means that Parliament or a legislature may, on a temporary basis, shield a law from judicial invalidation on the basis that it violates fundamental freedoms, even if it cannot be justified under the test developed by the Supreme Court in the application of section 1 of the Charter — the famous *Oakes* test.

Section 33 permits the temporary override of certain Charter rights. The override must appear in an act, not in subordinate legislation such as regulations, and it must be express rather than implied. Section 33 also sets a time limit. It states that a “notwithstanding” declaration ceases “. . . to have effect five years after it comes into force . . .” — or earlier if it is specified in the declaration — at which time, the legislature has the option of adopting a new declaration, subject to the same maximum five-year limit.

[*Translation*]

In addition, section 33 of the Canadian Charter of Rights and Freedoms makes it possible to suspend the application of only certain provisions of the Canadian Charter of Rights and Freedoms, not all protected rights. For example, the “notwithstanding” clause cannot be used for democratic rights, mobility rights or language rights.

[*English*]

Finally, it must be remembered that prior to the enactment of the Charter, Canadians were not living in a country where fundamental rights were not protected. In fact, many fundamental rights have deeper roots than the Charter. Suffice it to say, the preamble and the architecture of the Constitution Act, 1867, were used by the courts to declare that our Constitution was to be read as protecting essential features of a democratic society, including the rule of law, separation of powers and independence of the judiciary.

[*Translation*]

For example, the habeas corpus procedure was available to any unlawfully detained person prior to the adoption of the Canadian Charter of Rights and Freedoms, this authority being considered inherent to the jurisdiction of the superior courts, which is protected by section 96 of the Constitution Act, 1867.

In addition, various human rights laws were already in place before the Charter, including the Canadian Bill of Rights, enacted in 1960 under Prime Minister Diefenbaker.

In Quebec, a Charter of Human Rights and Freedoms based on European and international sources has been in force since 1976, before the Canadian Charter of Rights and Freedoms.

Of course, the suspension of certain specific rights recognized in the Canadian Charter of Rights and Freedoms does not mean that similar rights — if they exist under another part of the Constitution or another act — are suspended by the use of the “notwithstanding” clause.

[*English*]

The Supreme Court has already recognized that “. . . the scope of one *Charter* right does not circumscribe the scope of another. . . .”

It follows, then, that section 33 cannot be interpreted in a way that affects constitutional territory beyond the rights enumerated in sections 2 and 7 to 15 of the Charter.

I now turn to the third and last part of my remarks: two pending cases before the Supreme Court of Canada dealing with the “notwithstanding” clause.

Last December, the Supreme Court announced that it will hear the first case — an appeal concerning Quebec’s secularism law, widely known as Bill 21 — for five days in March, next month.

[*Translation*]

As my colleagues know, this law affirms the secular nature of the Quebec state and prohibits certain public servants from wearing religious symbols or covering their faces while performing their duties. By the time the Supreme Court examines this appeal, almost seven years will have gone by since Bill 21 was passed.

• (1620)

[*English*]

The stage is now set for a landmark decision on a delicate issue, the backdrop of which concerns the pre-emptive use of the “notwithstanding” clause.

It’s no surprise that in addition to the parties to the case — the Attorney General of Quebec and the complainant — we now have as intervenors the Attorneys General of Canada, Alberta, British Columbia, Manitoba, Ontario and Saskatchewan plus more than 50 other intervenors from a wide range of organizations and individuals, including our former colleague senator Serge Joyal.

This appeal raises many relevant questions for us in relation to Bill S-218. The most important one concerns the pre-emptive use of the “notwithstanding” clause. Can a legislature invoke section 33 at the same time it enacts a new law before any court has had the opportunity to assess whether the statute actually breaches a protected Charter right or might be saved under section 1 as a “reasonable limit”? Or must the legislature wait for a judicial decision before turning to the use of the override provision as a last resort?

Unsurprisingly, most provinces involved in that case argue that pre-emptive use of section 33 is legal, with some going even further, arguing that invoking section 33 also removes a court’s ability to issue a judicial opinion that addresses how the subject legislation impacts the rights at issue.

On the other hand, by my count, at least seven organizations have advanced arguments opposing or expressing concerns about the pre-emptive use of section 33 of the Charter. This includes our former colleague Senator Joyal. Senator McPhedran quoted from his factum in the chamber last week. Thank you, Senator McPhedran.

These intervenors are suggesting that the Supreme Court should ignore the comments it made in 1988 in the *Ford* case. If the Supreme Court were to conclude accordingly that pre-emptive use is not authorized by section 33, Bill S-218 would become totally unnecessary as an attempt to prevent the pre-emptive use of the “notwithstanding” clause.

Another issue to be debated is the role of the courts once a declaration to invoke section 33 has been made. Many intervenors argue that even if section 33 can be used pre-emptively, it does not prevent courts from opining on the content of a provision or bill in light of the Charter. This is a position I personally support.

This is going to be a crucial part of the debate before the Supreme Court and of the judgment to be delivered. This is confirmed by the fact that, on November 6, the Supreme Court granted leave to appeal in another case, this one challenging Saskatchewan’s legislation concerning the use of pronouns and chosen names for students. That law requires parental consent for students under 16 to change their names or pronouns at school. The Saskatchewan bill invoked the “notwithstanding” clause to shield the law from a challenge under three sections of the Charter — sections 2, 7 and 15 — which protect freedom of expression; life, liberty and security of the person; and equality rights.

In the Bill 21 case, the Quebec Court of Appeal held that the *Ford* decision forecloses any substantive judicial review when a legislature validly invokes section 33. The Quebec Court of Appeal emphasized that, under *Ford*, review is strictly limited to assessing whether the formal requirements of section 33, to which I referred previously, have been met. It held that the use of section 33 exempts the statute not only from the application of the specific Charter rights but also from judicial review.

In the second case, a four-judge majority, out of five, of the Saskatchewan Court of Appeal came to the exact opposite conclusion. It found that a court retains its jurisdiction to determine whether a law infringes a Charter right and could issue a declaratory judgment, even when that law is shielded by the “notwithstanding” clause. The majority of the Saskatchewan Court of Appeal agreed that *Ford* sets out the formal requirements for a section 33 declaration but rejected the claim that *Ford* bars courts from conducting Charter review. It held that courts still maintain a meaningful role in identifying rights violations, even without the ability to declare a law invalid. In a particularly apt passage, the Saskatchewan Chief Justice wrote:

There is no principled reason why the courts’ voice on whether legislation limits rights is legitimate if it is heard before s. 33 is invoked, but not after. . . .

I also note that in England, the English courts can declare that a bill adopted by Parliament breaches a protected right but cannot declare the law ineffective as a consequence. I also add that every five years this “notwithstanding” clause has to be used again if you want to continue the effect of the derogation. Therefore, when it is used again, if it’s attempted, parliamentarians and citizens will be informed about the extent of the breaches that were made when the first bill was adopted. So it is important that we have judicial opinions in order to have a better informed debate in society and, later on, if another use of a similar provision is made after the first five years has expired.

In such a context, the Supreme Court has no choice but to take a stand on this issue. I hope they take the stand I’m proposing. Before it, the intervening Attorneys General of Canada, British Columbia and Manitoba will argue in March that courts retain some role to provide an opinion or conduct a Charter analysis. By my count, close to 20 intervening organizations take this position. On the other side, however, the respondent Attorney General of Quebec and the intervening Attorneys General of Alberta, Saskatchewan and Ontario will sharply contend that a valid override brings such review to an end and prevents it.

If the Supreme Court were to side with the Saskatchewan Court of Appeal, this will mean that Manitoba may not have to enact the legislation they are contemplating adopting, which is, I think, a good piece of legislation. Courts will be able to opine, even if the litigation must not always reach the Supreme Court, as Bill S-218 would require.

A court opinion may do a lot of good in these circumstances. In practice, it would mean that a group or individuals could ask the courts to make a declaratory judgment about the extent of the infringements on protected rights. This will force the enacting government to explain the intent of the contested provision and its scope of application.

This, of course, will inform the public and the concerned legislators about options, such as redrafting to become Charter-compliant, ending the application of the “notwithstanding” clause or preventing its extension after

five years. Thus, it would likely have a chilling effect on legislators who are contemplating over-broad use of section 33, legislators who wish to rely on a blanket exclusion of the Charter and override several rights at once without providing much justification as to why or who expect that the issues will die out over a few weeks or years.

This result would align with the theory that section 33 of the Charter affirms the supremacy of the legislature over the non-elected judiciary and that it is up to voters to decide ultimately if the use of the “notwithstanding” clause is legitimate and acceptable or not.

• (1630)

Of course, if the electorate is the ultimate check on the legislative misuse of the override provision, then an informed public is essential.

A third issue before the Supreme Court concerns how the override of specific Charter rights interacts with parallel guarantees of those rights found outside the enumerated provisions of the Charter.

These issues are addressed squarely by the Attorney General of Canada in the brief to the Supreme Court, stressing the fact that section 33 is limited in scope. The Attorney General says that, by its very text, it operates only in relation to sections 2 and 7 to 15, and no further. If the rights are otherwise protected under the Constitution or inherent rights of the courts, they are not affected by the “notwithstanding” clause.

This becomes especially important where rights are protected outside the Charter. In his factum, the Attorney General of Canada gave an example involving judicial independence, which has roots not only in section 11(d) of the Charter but also in several provisions of the Constitution Act, 1867, provisions that lie entirely beyond the reach of section 33.

Take the habeas corpus procedure, for instance — as I discussed earlier — the centuries-old vehicle for reviewing the state’s justification for a person’s imprisonment. While section 10(c) of the Charter entrenches this protection explicitly — and could be subject to the “notwithstanding” clause — the remedy long predates the Charter and is deeply rooted in the common law and the inherent powers of the superior courts. Therefore, it is implicitly protected by section 96 of the Constitution, and the “notwithstanding” clause could not remove it.

While one could argue that section 10(c) falls within the scope of section 33, yes, but it will not affect the rights protected under the Constitution Act, 1867.

Also of great interest for us is the fact that some parties and intervenors have focused their arguments on sections 27 and 28 of the Charter, and how those sections must function to place important limits on how section 33 could be used. Again, this is a point that Senator McPhedran briefly referred to in her speech last week.

Section 27 requires that the Charter be interpreted in a way that protects Canada's multicultural heritage. And section 28 guarantees that rights are enjoyed equally by men and women, "Notwithstanding anything in this Charter . . ." — a phrase understood by some to include section 33 itself.

I myself have doubts about whether an override of section 15 or other enumerated rights could be used to dismantle the guarantees of equality between men and women in section 28 of the Charter. So we'll have to be careful when we use that "notwithstanding" clause. If the impact is to prevent equality between men and women, this may not be an effective use of section 33.

When the Charter bargain was struck, the original wording of section 33 would have permitted an override not only of the equality guarantees in section 15, but also of section 28. The federal and provincial governments agreed to exclude section 28 from the scope of section 33 in response to massive pressure organized by feminist and human rights groups across Canada, to which I think Senator McPhedran referred to, including during the cold winter. Senator McPhedran, thank you for reminding us of that.

All of this brings me to my conclusions, you will be happy to hear.

Since many issues, such as formal requirements, substantive limits, court jurisdictions and preemptive use, will be canvassed in depth before the Supreme Court in the coming months, and considering that the court's answers will shape the legal landscape in which any federal legislation about the use of section 33 could be done in the future, what should we do with Bill S-218?

Colleagues, we're approaching a moment when developments outside this chamber will inevitably shape our work and the content of this bill, if it is still considered useful or necessary.

The legal landscape surrounding section 33 is about to be squarely addressed by the Supreme Court, and its reasons will, I expect, clarify much of the ground on which we can assess Bill S-218. In that context, the wiser course is to be patient. As Rousseau is attributed with saying, "Patience is bitter, but its fruit is sweet." It's a reminder, perhaps, that good things take time.

I look forward to hearing further views from colleagues as this debate unfolds.

[*Translation*]

Thank you for your attention, colleagues.

[*English*]

Hon. Paula Simons: Will Senator Dalphond take a question?

Senator Dalphond: Yes, I have 45 minutes, and maybe there's time left.

Senator Simons: There are 11 minutes left.

Senator Dalphond: Oh good; it's more than I need.

Senator Simons: Senator Dalphond, I always believed that the democratic will of the people would be an effective bulwark against overreach and overuse of the "notwithstanding" clause, and when the Ralph Klein government first invoked the "notwithstanding" clause in Alberta, the public reaction was so extraordinary that they walked back the decision in less than 24 hours.

But, as you said in your speech, that kind of response requires an informed electorate — informed by news media, by knowledge of what's happening in their political world.

In the last few months, Alberta has invoked the "notwithstanding" clause not once or twice but four times. The reaction has been, shall we say, fairly muted. There was no will-of-the-people electoral brake on the use of the Charter to override people's fundamental democratic rights.

So in a world in which the people are not doing the work they were expected to do as guardians of the Charter, how do we achieve a balance where people's rights are protected and we don't end up with the kind of majoritarian tyranny?

Senator Dalphond: Thank you for this very interesting question. I hope that some people are listening on the other side of Wellington Street. I know the briefs make it clear this is a very important issue; it is the core of the issue.

The solution proposed by the Saskatchewan Court of Appeal is an interesting one. When the legislatures start using the "notwithstanding" clause as an almost routine thing — four times in a few weeks — it is difficult for the public to gauge what is going on, to react, to organize when already there's the next one, the third one, the fourth one.

If the Supreme Court were to conclude that, despite the use of section 33 of the Charter, the "notwithstanding" clause, the courts still have the ability to review the use of it, that would force the Attorney General of Alberta — in the example you gave — to appear before the courts and justify what they have done: "Well, the rights affected were this, this and this." The onus would be on those initiating the judicial review to make the case, but they would have to respond to it.

The courts have a quality — and sometimes it's not considered a quality — but most of the time legal proceedings take time. They have to be informed. There will be factums, briefs, debates and appeals, and the media will follow. Some people are going to better understand. This is going to inform, and inform to the point, I hope, that some people who were silent the first time will say, "Oh, is that what it means? That is going too far."

I still believe that the addition of this judicial review, after the use of the "notwithstanding" clause, will be an opportunity for the population, the voters, to decide, "We still have the last say on these things, and we're better informed, and we'll vote you out because we don't agree with what you are doing."

• (1640)

Senator Simons: The problem is if the minority that is under attack is sufficiently unpopular, and at a time when newspapers simply don't have the moral force that they did when everyone

read them, I worry that in Alberta and Saskatchewan, we're talking about vulnerable children who have the fundamental right to determine their own identity, while governments are acknowledging that what they are doing is unconstitutional and in violation of the Charter. The moment that you invoke the "notwithstanding" clause, you acknowledge that you are taking away someone's Charter rights. What do we say to a 13-year-old, 14-year-old, 15-year-old or 16-year-old child who has the right to their identity as well as their rights and their parents' rights to make medical decisions in their own best interests taken away while we cogitate?

Senator Dalphond: Yes, where is the limit? It is a very challenging question.

The fact remains that this use of the "notwithstanding" clause is subject to some limits: It's five years, for example. I know five years is too long for those who are affected, and the dates have passed.

Maybe we have to do a different constitutional bargain, but it cannot be done by us. It cannot be done by judges. It has to be done by the constituents and the federal and provincial governments sitting together and making some adjustments, such as removing section 33 from the Charter.

I suspect that this will not happen because the use of it now and the briefs from many attorneys general are absolutely to the contrary.

I believe that we still live in a democracy. At the end of the day, the more chances that we have to be informed, the better choices that society will make.

[*Translation*]

Hon. Réjean Aucoin: Would Senator Dalphond take another question?

Senator Dalphond: With pleasure, Senator Aucoin.

Senator Aucoin: Thank you. The initial reaction to the many invocations of the "notwithstanding" clause might suggest that it is considered an abuse and an erosion of the fundamental rights that so many Canadians hold so dear. Without this bill, are fundamental rights sufficiently protected?

Senator Dalphond: I think this bill could turn out to be a Trojan horse, giving the impression of offering protection that, in reality, it does not.

I don't think that's the answer to the problem you're raising. It will be very easy for a majority government to set it aside by amending the Constitution to remove that amendment, and, in the meantime, arguments will be made before the courts as to whether this is valid or not. I see this as a Trojan horse that doesn't deserve to be allowed to run for too long.

(On motion of Senator Martin, debate adjourned.)

[Senator Simons]

[*English*]

JURY DUTY APPRECIATION WEEK BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Moncion, seconded by the Honourable Senator McNair, for the second reading of Bill S-226, An Act respecting Jury Duty Appreciation Week.

Hon. Rose-May Poirier: Honourable senators, I rise to speak as the friendly critic of Bill S-226, An Act respecting Jury Duty Appreciation Week.

As you may know, the bill would designate the second week of May each year as jury duty appreciation week across Canada. Many will recall that an identical proposal received unanimous support in this chamber in the previous Parliament before dying on the Order Paper. I thank Senator Moncion for bringing it forward again.

Colleagues, trial by jury is a pillar of our justice system — rooted in law, history and our democratic traditions. When citizens serve as jurors, they uphold the right to a fair trial and bring the community's voice into the courtroom. Jury service allows ordinary Canadians to contribute directly to the administration of justice, ensuring diverse perspectives within decisions that profoundly affect people's lives.

In criminal matters, especially those involving serious offences, the judgment of one's peers remains a fundamental safeguard of liberty.

Creating a jury duty appreciation week is not just a symbolic gesture. It aims to address a real gap in public understanding and in the support provided to those who fulfill this civic responsibility. A dedicated week would help bring further awareness to Canadians about the essential role that jurors play and foster greater respect for this duty so that citizens may answer the call with pride rather than reluctance.

One of the clearest reasons this recognition is needed relates to the mental and emotional toll that jury duty can impose. Jurors may be exposed to graphic evidence, hear traumatic testimony or carry the burden of determining guilt or innocence — experiences far removed from daily life.

They perform a vital role, often at a considerable personal cost: time away from family and work, emotional strain and, for some, lasting psychological effects.

As Senator Moncion emphasized, many jurors emerge from difficult trials with anxiety, depression or symptoms that resemble post-traumatic stress. For years, these individuals were constrained by strict jury secrecy rules that prevented them from discussing aspects of their experience with a mental health professional.

Parliament addressed this in 2022 when legislation initiated by our former colleague Senator Boisvenu created an exception allowing jurors to speak to health care providers for therapeutic purposes. That reform was essential, but awareness remains limited.

This is exactly where a national appreciation week could make a difference. By publicly recognizing jurors, we can highlight the human dimension of jury service and promote mental health supports. It creates a platform for courts, governments and the media to speak more openly about juror well-being, reducing stigma and helping build momentum for further improvements.

These concerns were also echoed in committee study during the previous Parliament. The Canadian Juries Commission, led by former juror and advocate Mark Farrant, has long called for better recognition and assistance for jurors. Mental health experts, including Dr. Patrick Baillie, testified that some jurors exhibit symptoms similar to operational stress injuries seen in other high-stress professions. A dedicated week could help bring more attention to these concerns.

Beyond mental health, jurors often face very real financial pressures. In some provinces, compensation remains very low. In New Brunswick, for example, jurors receive only \$20 for a half day or \$40 for a full day, with that amount doubling only after the tenth day of service.

The CBC recently profiled several New Brunswick residents who struggled with lost income, disrupted schedules and out-of-pocket costs while fulfilling their civic duty. These stories underscore that many jurors absorb real financial losses simply for answering a summons.

Some jurisdictions have begun to modernize these supports. Ontario, for instance, recently announced an increase to \$120 per day starting on the first day of service, replacing an outdated system that offered very little compensation for the early days of a trial. Measures like these demonstrate that juror compensation is not a minor administrative detail. It has real consequences for the people who serve.

A national jury duty appreciation week would give us a yearly opportunity to highlight these issues, improve public understanding and encourage continued progress in how jurors are supported.

Financial concerns are one part of the story; public understanding is another. For many Canadians who have never served, the realities of jury duty are not well understood. They may not realize that jurors can, in certain circumstances, be sequestered during deliberations, or they may spend weeks hearing complex or disturbing evidence.

• (1650)

As Senator Seidman noted during her speech at third reading last Parliament, many employers are not fully aware of what jury

service demands of their employees. A national week would give courts, legal associations and the media an annual opportunity to inform Canadians and share jurors' stories.

By declaring a national appreciation week, Parliament can send a clear and united message that supporting jurors is important and that we value their service from coast to coast. That national recognition can help stimulate further local efforts to improve juror support.

Honourable senators, jury duty is a vital component of our justice system and democracy, yet jurors themselves have too often been overlooked. Bill S-226 gives us the chance to correct that. It affirms that Canada values its jurors, the time they give, the discomfort they endure, and the mental and emotional burdens they shoulder. It reinforces public understanding of jury service and encourages a culture where citizens are supported, respected and willing to serve.

It is worth noting that when this proposal was previously studied, the witnesses who appeared before the committee expressed strong support for the creation of jury duty appreciation week.

Honourable senators, this bill offers a simple but meaningful way to recognize jurors' contributions and to give long-overdue appreciation to those who serve. Like our former colleague Senator Boisvenu said during second reading debate last Parliament, raising Canadians' awareness about civic duty is essential because criminal trials take place across the country every day, where Canadians put their lives on pause to perform their civic duty in the name of justice.

It is only fitting that we express our gratitude to the Canadians who bear this responsibility with integrity and care. Therefore, I encourage all senators to support Bill S-226.

Thank you.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

THIRD READING

Hon. Leo Housakos (Leader of the Opposition): Honourable senators, with leave of the Senate, I move third reading of Bill S-226, An Act respecting Jury Duty Appreciation Week.

He said: Senator Poirier, thank you for that very compelling speech on Bill S-226. You are always to the point and accurate.

This bill, colleagues, is one that we have already studied in-depth. It has obviously been tested. It was passed, went to committee, went to the other place and now it is before us again. All we're doing is spinning our wheels when there is obvious consensus for this bill.

With leave, I move that we bypass spending any more time and go right to third reading if the chamber is amenable.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

[*Translation*]

ENACTING CLIMATE COMMITMENTS BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Galvez, seconded by the Honourable Senator Pate, for the second reading of Bill S-238, An Act to enact the Climate-Aligned Finance Act and to make related amendments to other Acts.

Hon. Julie Miville-Dechêne: Honourable senators, I rise to speak in support of Senator Galvez's Bill S-238.

The act to enact the climate-aligned finance act and to make related amendments to other acts has ambitious objectives. It invites us to think about how our financial system, which drives our economy, can help us shift gears toward achieving our climate goals rather than putting the brakes on the transition.

I believe that, despite the trade war with the United States, we must not give up on reducing our greenhouse gas emissions. The future of our planet and our children is at stake.

The facts are clear, overwhelmingly clear. They demand action and clarity. First, the science is unequivocal about the source of climate change. This is no longer up for debate; it is a reality we can all measure and feel. Climate change is undeniably caused by GHG emissions resulting from human activities.

These emissions are primarily from the fossil fuels that still fuel the majority of our energy systems, our modes of transportation, our industries and even, at times, our agricultural activities. Despite repeated warnings from scientists and the

international commitments Canada has made since the Paris Agreement, overall emissions from the energy sector continue to rise.

In Canada, emissions from the oil and gas sector account for about 28% of our national total. That is the main reason why, despite our best efforts, the country has never met a single climate target.

Second, our financial institutions are over-invested in fossil fuels. Unfortunately, Canada's financial sector remains one of the most exposed to fossil fuels in the developed world. The country's five largest banks have gradually increased their exposure to fossil fuel financing, from an average of 15.5% in 2020 to 18.4% in 2022. That is, on average, three times higher than U.S. banks. This means that our money — Canadians' savings, our retirement funds and our bank deposits — continues to support projects that exacerbate the climate crisis.

Another striking example is that our largest pension fund, the Canada Pension Plan, has abandoned its net-zero target and continues to invest more than others in the energy sector. This is in stark contrast to Norway, for example, whose \$2-trillion sovereign wealth fund is reinforcing its climate commitment with the companies in its portfolio.

Third, climate change is already having a significant impact on our financial institutions. Losses are not limited to destroyed homes and infrastructure. They also involve economic disruption, lost jobs and growing instability in financial markets.

The World Economic Forum's Global Risks Report 2025 notes that environmental risks are growing in intensity and frequency. It states that environmental risks — storms, droughts, wildfires and rising water levels — are among the most serious and likely threats to the global economy over the next decade.

Fourth, other jurisdictions have begun to enact legislation and regulations to make their financial systems more resilient to climate change while diverting investment flows away from the fossil fuel projects that are causing climate change and toward clean energy sources that will power our future.

In the United States, for example, the Securities and Exchange Commission, or SEC, introduced new climate risk disclosure requirements for publicly traded companies.

Canada, in contrast, is moving more slowly. We launched the Sustainable Finance Action Council and adopted some disclosure guidelines, but they remain voluntary. Without legal obligations, progress remains piecemeal.

This brings me to Senator Galvez's Bill S-238, which proposes an innovative solution to a complex problem: ensuring that finance serves our country's climate goals. The new act would require public and private financial institutions to explain how they align their loans and investments with our climate commitments, including net-zero emissions by 2050. It would also require Crown corporations, such as Export Development Canada, or EDC, and the Canada Infrastructure Bank, to incorporate climate expertise at the highest level of decision

making. This would ensure that investment decisions take into account not only financial returns, but also climate risk and environmental impact.

• (1700)

Finally, the bill seeks to promote financial transactions that accelerate the transition.

This bill is bold, yes, but it is necessary. It challenges the idea that the financial sector is an untouchable domain, aloof from climate imperatives and social responsibilities.

This bill was introduced for the first time during the last parliamentary session and came in for some criticism. Several people, myself included, felt that the bill was too prescriptive. There was criticism that the requirements regarding the guidelines for adequate capital could infringe on the prerogatives of the Superintendent of Financial Institutions. These were legitimate concerns. I want to point out that the current version of the bill incorporates several amendments that address those criticisms by offering greater regulatory flexibility.

Those criticisms notwithstanding, this bill deserves to be studied without undue delay. In the last Parliament, this bill was referred to the Standing Senate Committee on Banking, Commerce and the Economy in June 2023, more than a year after second reading began. The committee finally began its study of the bill five months later in November 2023, but it ultimately set it aside.

Having participated in those spread-out meetings, I believe we could have done better. Isn't it our duty as legislators to create laws for the benefit of future generations of Canadians? Without a clear legislative framework, our financial institutions will not make the necessary changes of their own accord. The argument that markets will regulate themselves no longer holds water.

Colleagues, 15 or 20 years from now, most of us will no longer be sitting here. However, the decisions we make today will shape the world our children and grandchildren will live in. By voting in favour of sending the revised Bill S-238 to committee, we are choosing integrity and accountability. We are saying that Canada must fulfill its commitments, that our financial institutions must reflect our values, and that the country's economic prosperity can no longer grow at the expense of the climate.

Once debate at second reading is completed, I urge you to send the bill to committee for thorough study without undue delay.

Thank you.

Some Hon. Senators: Hear, hear.

(On motion of Senator Martin, debate adjourned.)

[English]

CRIMINAL CODE INDIAN ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Osler, for the second reading of Bill S-241, An Act to amend the Criminal Code and the Indian Act.

Hon. Marty Klyne: Honourable senators, I rise in our debate on Bill S-241, An Act to amend the Criminal Code and the Indian Act. Senator Tannas reintroduced this bill from the last Parliament, previously numbered as Bill S-268. This legislation proposes to grant First Nations the power to lift the default Criminal Code prohibition on gaming in their jurisdictions. This bill would give First Nations a similar, though perhaps broader, power compared to the provinces in terms of authorizing and regulating gaming.

Thank you, Senator Tannas, for commencing this debate. Thank you also to my Saskatchewan colleague Senator Muggli for sharing her perspective last week. I approach this bill through the lens of having served as president and CEO of the Saskatchewan Gaming Corporation, or SGC, the Crown corporation that operates Casinos Regina and Moose Jaw.

Legally, this new version of the bill contains a significant change. Whereas the original bill referred throughout to operating gaming schemes “on the reserve,” the new bill refers to operating gaming schemes “from or within the reserve.” This change appears to authorize online gaming services, including to customers outside of the province where the relevant First Nation is located.

For context, provincial gaming authorities cannot provide online gaming to customers in other provinces or territories without that jurisdiction's consent, as affirmed by a 2025 Ontario Court of Appeal ruling on provincial limits.

With the new bill's change, if proceeding, an important point to clarify is where potential customers of a First Nation's online gaming operation may be located. For example, could they be in another province, and if so, would or should that province's agreement be required?

Senators, I spoke to the original version of this bill on May 9, 2024. My speech today will have two parts. First, an overview of four issues I raised in the past debate. Overall, I have an open mind on this bill. I also expect that the studies at our Indigenous Peoples Committee and our Legal Committee, as decided previously by the Senate, will provide due diligence. I trust that will include providing this chamber with conclusions and guidance on the four issues I raised in my last speech, which I will briefly revisit.

Second, I will highlight concerns about online gaming in our Canadian federation, given that this version of the bill would likely expand that activity.

In my previous speech, I raised concerns relating to four topics. One issue is the risk of oversaturating the marketplace in terms of casinos, video lottery terminals, or VLTs, and other gaming, causing market cannibalization. This is a scenario in which existing ventures would lose market share and revenue. In turn, market cannibalization would likely impact household incomes in affected communities, which would have a ripple effect on local businesses.

For me, a metric of viability for a new casino is that it should demonstrate support among local jurisdictions at the municipal, rural and provincial levels. There should also be consideration given regarding displacing any existing authorized gaming establishments, including compensation for sunk costs and loss of jobs created by any new establishment. In other words, we wouldn't want to see stranded or devalued assets or jobs lost without a clear plan for replacement jobs in terms of a just transition.

Second, another risk of oversaturation could be a race to the bottom in terms of responsible gaming. In other words, in opening a saturated and responsible market to new entry and competition, we don't want to create an incentive to attract customers by reducing the safeguards for responsible gaming.

Certainly, the Responsible Gambling Council, or RGC, should be among the committee witnesses. This is a Canadian NGO focused on preventing problem gambling. RGC offers the public resources to recognize signs of problem gambling and to find help. Through their RG Check accreditation program, they also offer industry and regulators support in developing, measuring and evaluating their programming, including around new technologies and forms of gambling.

For example, it's important to consider best practices for in-person responsible gaming, such as around casinos. I'm thinking of measures like voluntary limit setting, self-exclusion, employee training and advertising restrictions. It's also vital to look at tools for problem gaming online, such as the apps that block access to gambling sites and apps. BetBlocker and GamBlock are two examples.

Helpfully, Senator Tannas told us about the development of a national Indigenous gaming authority. An example in the U.S. may be the National Indian Gaming Commission. Our committee members will no doubt hear more, and our chamber will look forward to their findings, including around the new organization's readiness and reach.

A third issue I spoke about is the risk of jeopardizing existing profit-sharing agreements in Saskatchewan that address the economic and social issues of First Nations and Métis non-governmental and community organizations.

In Saskatchewan, we have the Gaming Framework Agreement between the province and the Federation of Sovereign Indigenous Nations, or FSIN. Under that framework, SGC casino's net profit is redistributed: 50% to the First Nations Trust, which is distributed among the 74 First Nations in the province, and 25% to community development corporations, which reinvest the money into local community initiatives, including Métis communities, and 25% to the provincial General Revenue Fund. In 2021, the province and the Federation of Sovereign Indian Nations, or FSIN, agreed to an online gaming site, with a 50-50 split of that revenue.

• (1710)

I would like our committees to look at how these dynamics may be affected by this bill — positively or otherwise — and whether any amendments or observations would be appropriate. My initial thinking is that this chamber may, for example, expect a plan in place before flipping the switch, leaving no one behind in Saskatchewan relative to the status quo. This includes First Nations and Métis communities not running gaming operations but which currently benefit.

Senator Duncan has raised similar issues in the Yukon. I also agree with Senator Muggli that the committee should hear from Métis communities. In addition, I would echo Senator Batters's suggestion to hear from the provinces on this bill at committee, including Saskatchewan, given their financial stake and role in the Gaming Framework Agreement. This includes their perspectives on revenue sharing with First Nations and Métis communities and on responsible gaming. That's not to mention that the Gaming Framework Agreement requires Saskatchewan Gaming Corporation, or SGC, casinos to have an employment force made up of a minimum of 50% Indigenous employees.

We should also invite the federal government's perspective on these proposed changes to the Criminal Code.

The fourth subject I will revisit is a legal clarification from our committees on the nature of the proposed First Nations gaming jurisdiction. The bill's preamble refers to First Nations gaming authorities as being within their ". . . Inherent and Treaty rights . . ." However, in our last debate, another Saskatchewan colleague, former Senator Cotter, said:

Here is what the Supreme Court has had to say. In a case called *R. v. Pamajewon*, the Supreme Court of Canada refused to recognize that there was a section 35(1) right to gaming or to the regulation of gaming, and said it did not exist. The author of that majority decision agreed that commercial gaming was a "twentieth century phenomena" that did not exist among Aboriginal peoples and "was never part of the means by which those societies were traditionally sustained or socialized."

In 2000, in a case called *Lovelace v. Ontario*, the Supreme Court stated that in *Pamajewon*, it had found that gambling and the regulation of gambling were not Aboriginal rights. These positions were once again adopted in 2019 in the Ontario Divisional Court in a case called *Wauzhushk Onigum Nation v. Minister of Finance (Ontario)*. I hope the committee will address this question.

As former Senator Cotter noted, if First Nations gaming isn't a section 35 constitutional right, it may still be good policy.

Senator Muggli pointed out that the U.S. model supports greater autonomy for Indigenous governments' gaming operations. The committee should look at that. I believe Senator Muggli was referring to a compact agreement, a legally binding intergovernmental agreement required under the Indian Gaming Regulatory Act of 1988. I would recommend looking into the compact agreements for good reasons. If I have time, I will come back to them.

As I said before, we're talking about lifting an otherwise criminal prohibition. The existence of this prohibition as part of the criminal law indicates that there are some universal social risks and concerns around gaming. After all, the application of inherent rights through the United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan is consistent with the general application of criminal laws in Canada. This includes in Indigenous jurisdictions from time to time.

One purpose of the criminal law is to protect all Canadians. Accordingly, while this change may be a good idea, I personally don't see this bill and the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, as necessarily being a package deal, so to speak. The inherent Indigenous right of self-government intersects with other valid laws in our Canadian federation. This is because valid universal restrictions or general regulations are consistent with inherent Indigenous rights. We can envision universal risks, for example, such that criminal laws, will continue to apply in areas like firearm sales, controlled drugs and substances or sensitive materials like explosives, where safeguards prevail. Certainly, we all know — or should know — that gambling addictions can cause serious harm. Gaming is not simply a business like any other. Harm from gambling can take many different forms, including financial harm; relationship disruption, conflict or breakdown; emotional or psychological distress; decline in health; reduced performance at work or study; and criminal activity.

On the other hand, responsible gaming is legitimate entertainment and an important source of revenue for Indigenous Peoples, as it is for the provinces. I'm proud to have played a leadership role in the gaming sector, with a focus on responsible gaming. That's why I think it's appropriate to proceed with committee study on this bill, with both an open mind grounded in facts and a dose of caution.

Colleagues, this brings me to the second part of my speech, which concerns universal concerns around online gaming in our federation. This new bill is clear that First Nations will be able to authorize online gaming, with some clarification needed on the locations of potential customers. Online gaming can be a highly addictive and sometimes financially ruinous activity, with health and social consequences. Our deliberations on this potential change must therefore reflect caution, awareness and education.

Senators know of this issue. With Senator Marty Deacon and Senator Percy Downe's leadership, over 40 senators signed a letter to the Prime Minister in November requesting that the CRTC ban all advertising for sports gambling apps and websites. This would be like the existing ban on cigarette advertising. That letter highlights the growth in this advertising since Parliament legalized single event sports betting in 2021. As Senator Downe and others have said, Canadians now have casinos in their pockets.

In October, this chamber passed Senator Deacon's Bill S-211, proposing a national framework on sports betting advertising. We have also seen scandals in the news where gambling has corrupted the integrity of sports, including in the NCAA, the NBA and Major League Baseball.

Of course, sports betting is but one form of online gaming. There are also traditional games, like poker and blackjack.

Now, even CNN has partnered with an app to facilitate betting on the news. This area is seeing explosive growth. In the U.S., revenue from betting on predictions is expected to increase fivefold by 2030. These dynamics carry risks around continued addiction and related harms, with no relief in sight. Supporting responsible gaming is vital.

This is all to say that First Nations are rightly looking for innovative ways to generate own-source revenue. Gaming is already a part of that. I wholeheartedly support this as a responsible industry and legitimate entertainment, including as one of many avenues for economic reconciliation.

In the big picture, growing Indigenous businesses is essential for Canada's economy. We're seeing successes in sectors across the board, which many senators highlighted in our inquiry during the last Parliament. However, when it comes to gaming, there are universal risks. With this bill — at the expense of being repetitive — our watchwords must be "open-mindedness," "awareness," "education" and "caution." I support this bill going to our two committees, and I appreciate Senator Tannas's hard work on this bill and his openness to amendments.

Thank you, *hiy kitatamihin*.

(On motion of Senator Martin, debate adjourned.)

LIBRARY OF PARLIAMENT

FIRST REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee on the Library of Parliament, entitled *Mandate and Quorum of the Committee*, presented in the Senate on December 9, 2025.

Hon. Scott Tannas 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.)

• (1720)

STUDY ON CANADA'S INTERESTS AND ENGAGEMENT IN AFRICA

FIRST REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled *Canada-Africa: Seizing a Strategic Opportunity*, deposited with the Clerk of the Senate on December 11, 2025.

Hon. Peter M. Boehm moved:

That the first report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled *Canada-Africa: Seizing a Strategic Opportunity*, deposited with the Clerk of the Senate on Thursday, December 11, 2025, be adopted and that, pursuant to rule 12-23(1), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs being identified as minister responsible for responding to the report, in consultation with the Minister of International Trade and the Secretary of State (International Development).

He said: Honourable senators, I rise today to begin debate on the first report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled *Canada-Africa: Seizing a Strategic Opportunity*, deposited with the Clerk of the Senate on December 11, 2025.

Colleagues, as you know, this report has been a long time coming, both in terms of Parliament addressing the significant issue of Canada's vital relationship with the African continent — which successive governments have failed to do in a meaningful way — and due to the stops and starts this study endured at committee.

The committee received its first order of reference to study Canada's interests and engagement in Africa on October 26, 2023, and began meetings with witnesses on December 7, 2023. Between that date and prorogation on January 6, 2025, the committee held 18 meetings with witnesses, ranging from Canadian and African government officials, including heads of mission, academics and experts from various fields, businesspeople and entrepreneurs, and representatives of civil society and non-governmental organizations.

Having been unable to discuss a draft report before the 2024 winter recess, and wanting to complete this important study, the committee sought a new order of reference at the start of this session of Parliament, which was adopted on October 7, 2025. Given the amount of time that had passed since the committee's last meeting on the study on December 12, 2024, it held one final meeting with witnesses from Global Affairs Canada on October 30, 2025.

All told, the committee heard from more than 65 witnesses over 26 hours of testimony. The result is a thoughtfully prepared report, of which all committee members, and indeed all senators, can be proud. In particular, I wish to highlight the contributions of our colleague Senator Amina Gerba, who, as a longtime member of the committee, advocated strongly for this study before, during and since.

[Translation]

Senator, your dedication to strengthening the relationship between Canada and Africa comes across clearly in this report, and I thank you for that.

[English]

I also wish to thank the committee's analysts, Brian Hermon and Zak Black, for their research and writing; the clerk, Chantal Cardinal, for the sometimes challenging task of coordinating witnesses, especially across different time zones, and for overseeing the production of the report; and the communications team, led by Sabryna Lemieux, for the graphic design and public promotion of the report.

A sincere thank you, also, to the staff of committee members who keep us on track — a job made easier for some staff than for others — and who ensure we are well prepared for committee meetings.

As stated in the report, the main conclusion reached by the committee is that Canada must fully engage in Africa or risk being left behind. Despite Africa's expanding global role and impact, the committee heard that Canada has not adjusted its engagement with the continent accordingly, resulting in missed opportunities and the gradual erosion of its relevance in Africa.

Colleagues, this is the blunt reality for a country that likes to see itself as more impactful on the world stage than is really the case. For too long, Canada's engagement in Africa has been largely as a donor of development assistance. While that help is still critical in many regions, the committee heard that Canada must move beyond just the donor-recipient relationship and engage with Africa as the dynamic, youthful and economically and geo-strategically influential continent that it is.

In discussing Canada's relationship with Africa, we can also no longer rest on the leadership of the Mulroney government in ending apartheid in South Africa. That was in the late 1980s. Canada's role in bringing that racist policy to a close is an important and meaningful part of our history with Africa, but it is a laurel on which we cannot rest.

A vital element of that period that must be carried forward, however, is the integral and coordinated role played by the Commonwealth in forcing South Africa to abandon apartheid. With 56 member countries, of which 21 are African, the Commonwealth serves as an important multilateral forum through which Canada — its second-largest donor — can engage with African countries and strengthen relationships.

Colleagues, this report outlines 21 wide-ranging recommendations based on the comprehensive testimony provided by witnesses. As always, I look forward to the government's timely and thorough response after this report is adopted, which will come from the Minister for Foreign Affairs in consultation with the Minister of International Trade and the Secretary of State for International Development.

In the time I have left today, I wish to personally highlight recommendations 2, 5, 15, 19 and 21.

[*Translation*]

Recommendations 2 and 5 refer to a simple but fundamental reality. For Canada's engagement in Africa to be credible, it must have both a solid policy foundation and a sustained diplomatic presence on the ground.

Regular, institutionalized dialogues with the African Union and a move toward meetings with heads of government are essential.

They ensure continuity and enable priorities to be aligned. In that regard, the Organisation internationale de la Francophonie is a major strategic asset for Canada's engagement in Africa, one that is too often underestimated.

Of the 53 member states of the Organisation internationale de la Francophonie, 27 are African countries. Given Canada's active role within the Francophonie, this represents a real comparative advantage for Canada, which is the second largest financial contributor to the institutions of the Francophonie. It is a natural, credible, and well-established bridge, a lever for aligning our priorities and embedding our action in networks that are deeply rooted on the continent. However, dialogue is not enough: It must be backed up by a real capacity on the ground.

It is essential to strengthen Canada's engagement with the African Union and regional economic communities and to expand our network of missions on the continent.

Today, Canada has 27 diplomatic missions in Africa, significantly fewer than countries such as France and China, which have 57 and 53 embassies and consulates, respectively.

Furthermore, the committee already noted in its 2023 study on Canada's foreign service that too many foreign service officers are assigned to HQ in Ottawa rather than abroad.

However, there are the skills that we need to see more of in the field. This is how Canada can gain the credibility and operational capacity needed to transform political exchanges into lasting partnerships.

[*English*]

As the government expects government entities such as the foreign service to do more with less, the government's Africa Strategy includes no new money to implement it and track its progress. In fact, despite the launch of the strategy last March, Budget 2025 made no mention at all of Africa — a rather clear indication of the lack of priority the government places on Canada's relationship with Africa.

• (1730)

Fortunately, Parliament understands the importance of the relationship, as the House of Commons Standing Committee on Foreign Affairs and International Development has also been holding meetings — three since last November — on Canada's Africa Strategy.

Furthermore, while Canada's engagement in Africa must move beyond a charity mindset, it is unfortunate that the government will spend \$2.7 billion less on aid over the next four years to return to pre-pandemic levels.

It is especially troubling that aid budgets are being cut around the world at the same time the United States has chosen to abandon its global leadership role, which, in part, includes the shutdown one year ago of the United States Agency for International Aid, or USAID, which had immediate and devastating consequences in Africa.

Canada's cuts include a decrease of 17% to Canada's contribution to The Global Fund, which works to end AIDS, tuberculosis and malaria, all of which are big problems in parts of Africa, with impacts on global health security. The drop last year was the first time in The Global Fund's 20-year history that Canada decreased its donation. A reminder here that development assistance is not just money given to countries in need; it is an investment that benefits both receiving countries and donor countries.

Cutting international assistance budgets hurts rich countries such as Canada just as much as it hurts the developing countries helped by our financial contributions. With no new money, cuts to existing contributions and no real high-level political backing behind the government's Africa Strategy, it is up to organizations, businesses and individuals — including parliamentarians — to push for a mutually beneficial partnership between Canada and Africa.

To that end, recommendations 15 and 19 encourage the government to provide more money to FinDev Canada and more support to Export Development Canada to foster more Canadian commercial engagement in Africa. As stated in the report, in the absence of robust public commitments to development spending, Canada needs to mobilize private finance and use existing international assistance resources as effectively as possible,

including by identifying gaps in global funding, where Canada possesses a comparative advantage, and directing resources to those gaps.

In terms of FinDev Canada, which plays a vital role in supporting sustainable development in Africa, the committee heard that sub-Saharan Africa represents 40% of FinDev's portfolio. However, while FinDev received \$750 million from the government as part of the Indo-Pacific Strategy, there were no new funds for FinDev under the Africa Strategy.

Regarding Export Development Canada, or EDC, and in contrast to FinDev Canada, EDC's work in Africa is limited, and the continent represents a disproportionately small portion of EDC's business portfolio. Despite the significant benefit Canada would enjoy by deepening commercial engagement in Africa, the committee heard that, in 2023, EDC facilitated \$1.4 billion in exports, foreign investment and trade development activities in Africa. Colleagues, that accounted for merely 1% of the total business facilitated by EDC globally in 2023.

For Canada's relationship with Africa to take the next step and evolve toward its full potential, especially in the face of ever-decreasing aid budgets, we must leverage the power of private finance and support agencies such as FinDev Canada and Export Development Canada in deepening Canadian commercial engagement in Africa. While money, for better or worse, makes the world go round, people-to-people connections are invaluable to building relationships, and that cannot happen if Africans continue to face barriers even entering Canada.

Recommendation 21 responds to a message the committee heard again and again: Canada's visa system is too often an obstacle to building the relationships we need with Africa and Africans. Witnesses told the committee that scholars, business leaders and even government officials frequently face long, complex and discouraging processes to come to Canada to attend conferences and to participate in training and exchange programs. The limited visa processing capacity on the continent restricts high-level engagement and people-to-people connections across academia, the private sector and government.

That is why recommendation 21 calls on the government to review visa processing systems to ensure that timelines and service standards are fair and reasonable. This is as much a strategic recommendation as it is a practical one. If Canada wants to be a serious, trusted and long-term partner for Africa — and, as the report makes clear, Canada needs that — our systems must support connections, not constrain them.

Colleagues, a strong partnership with Africa based on mutual respect and shared prosperity is in the best interests of both sides. Make no mistake, Canada needs Africa just as much as, if not more than, Africa needs Canada. We must look beyond the paternalistic view of Africa as a monolith of poor countries in need of saving by the rich West. African countries compose a vibrant, dynamic, culturally and religiously diverse continent full of brilliant and talented people with whom Canada and Canadians can collaborate to build a thriving relationship that will benefit all sides.

[Senator Boehm]

Honourable senators, a strong, mutually beneficial partnership between Canada and Africa is not merely a wish list item; it is a strategic imperative for the 21st century that Canada must work toward with genuine resolve, lest we risk being left behind in a fast-changing world.

I thank colleagues in both houses of Parliament for recognizing this necessity and hope the government will act swiftly on the committee's recommendations. Thank you.

[Translation]

Hon. René Cormier: Would Senator Boehm take a question?

Senator Boehm: Of course.

The Hon. the Speaker: There are 20 seconds left. I must ask your colleagues for their consent to give you the time you need to respond.

Is leave granted, honourable senators?

Hon. senators: Agreed.

Senator Cormier: Thank you, Senator Boehm, for this important report. Thanks to the committee for its work.

Canada's relationship with the African continent is important and essential. Having travelled in Africa many times with the Canada-Africa Parliamentary Association, I've observed a number of issues pertaining to Canada's engagement. During these visits, we noticed shortfalls in the resources allocated to embassies across Africa for cultural diplomacy initiatives.

I don't know if you're going to address that here. However, subsection 42(1) of Part VII of the modernized Official Languages Act states the following:

The Government of Canada is committed to advancing the use of English and French in the conduct of Canada's external affairs and to promoting French as part of Canada's diplomatic relations.

You wrote a report on cultural diplomacy. Based on the testimony given by the Government of Canada or conversations you've had with officials, do you believe that it's seriously going to implement specific strategies to promote French outside of Canada, especially on the African continent?

Senator Boehm: Thank you for the question, Senator Cormier.

I believe there are systems already in place for promoting Canadian culture and the French language. However, in times of budget cuts, often the cultural programs are some of the first to go.

In the case of Africa, I believe that we are talking about 54 countries, including English-speaking, French-speaking, Portuguese-speaking, and other countries. Major efforts are being made with the resources available to the government to do what is necessary. Cultural policy leads to the use of the French language in French-speaking African countries.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

• (1740)

[English]

STUDY ON ISSUES RELATING TO HUMAN RIGHTS GENERALLY

EIGHTH REPORT OF HUMAN RIGHTS COMMITTEE PRESENTED
DURING FIRST SESSION OF FORTY-FOURTH
PARLIAMENT ADOPTED

The Senate proceeded to consideration of the eighth report (interim) of the Standing Senate Committee on Human Rights, entitled *Ripped From Home: The Global Crisis of Forced Displacement*, deposited with the Clerk of the Senate on February 5, 2026.

Hon. Paulette Senior moved:

That the eighth report of the Standing Senate Committee on Human Rights, entitled *Ripped From Home: The Global Crisis of Forced Displacement*, deposited with the Clerk of the Senate on December 3, 2024, 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 February 5, 2026, be adopted and that, pursuant to rule 12-23(1), the Senate request a complete and detailed response from the government, with the Minister of Immigration, Refugees and Citizenship being identified as the minister responsible for responding to the report, in consultation with the Minister of Foreign Affairs.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[Translation]

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. Amina Gerba: Honourable senators, I would like to take this opportunity to thank Senator Boehm for this report and for his excellent summary about the African continent. Thank you.

Honourable senators, I would first like to thank Senator Sorensen for raising this inquiry into the nation-building value of tourism.

In her initial remarks, she rightly pointed out that tourism is not a marginal industry. It's an economic pillar, a catalyst for social unity and a powerful tool for preserving and transmitting our cultural heritage.

The ensuing discussions highlighted a widely shared reality. Tourism contributes to the resilience of communities across the entire country. Whether in regions undergoing an industrial transition, remote areas or communities with a strong sense of identity, tourism supports employment, stimulates local entrepreneurship and helps tell the story of Canada in all its diversity.

[English]

I would like to begin by sharing the perspective of Quebec, which I have the privilege to represent here.

As one of Canada's founding provinces in 1867, alongside Ontario, New Brunswick and Nova Scotia, Quebec holds a special place in the country's history. Its French language, richly built heritage, cultural institutions and diverse landscapes are an integral part of Canada's identity and a major attraction for visitors.

[Translation]

Today, tourism continues to be a mainstay of Quebec's economy. According to Quebec's department of tourism, 24.1 million visitors generated \$16.7 billion in economic benefits in 2023, directly or indirectly supporting hundreds of thousands of jobs. Tourism brings in so much foreign currency that it is Quebec's fourth largest export. Its benefits span the entire territory and are indispensable to many regions.

The Gaspé Peninsula is a prime example. Thanks to the region's exceptional beauty, famed landscapes, coastline and cultural wealth, tourism is one of its main economic drivers.

The sector supports local businesses, generates seasonal employment and helps sustain communities. The Quebec City region also illustrates this potential. Its four-season tourism strategy led it to its best tourism year ever in 2024, proving that balancing growth, quality of life and social licence is possible.

My enthusiasm today stems from the fact that tourism has been an integral part of my life. After finishing my bachelor's degree in tourism management at UQAM's school of management, I interned at the former Greater Montréal Convention and

Tourism Bureau Inc., now known as Tourisme Montreal. My job was primarily to put together tourism packages for American visitors, who were the primary market for North America's biggest French-speaking city back then. Gaining this professional outlook early in life now leads me to a different way of thinking, dictated by the current economic, environmental and geopolitical situation.

I believe it is time to further encourage Canadians to discover their own country, from coast to coast to coast. Travelling within Canada means investing in our communities, supporting local businesses, strengthening regional economies and deepening our mutual understanding as a society.

Transportation infrastructure plays a key role in that. The high-speed rail project is a strategic asset for stimulating domestic tourism, making inter-regional travel easier and reducing the sector's environmental footprint. Not only would it help bring our regions closer together, but it would also make tourism more accessible, sustainable and inclusive.

Several colleagues have pointed out that labour shortages continue to be one of the major challenges facing the sector. Last year, more than one in five Quebec businesses, or 22%, planned to hire someone from a foreign country. Tourism is a powerful driver of economic and social integration, often serving as a first point of entry into the labour market and promoting language learning, intercultural exchange and regional integration.

Yet immigration alone can't address these challenges. Issues such as housing, transportation, credential recognition and training limit recruitment and retention, particularly in regions under high tourism pressure. Added to this are the impacts of climate change, which are altering the seasons, weakening infrastructure and increasing operating costs, particularly for nature-based tourism.

• (1750)

In light of these findings, the solutions are well known. They require a coordinated effort between governments, local communities, and industry; better alignment between immigration, training and housing; modernized transportation infrastructure; the development of four-season tourism; and a faster transition to sustainable, ecosystem-friendly tourism.

Honourable senators, again I want to thank Senator Sorensen for initiating this vital debate and all my colleagues for their contributions. Tourism is a powerful tool for nation building.

It supports our regions, fosters integration, promotes our cultures and strengthens our sense of belonging. As a founding province and major tourist destination, Quebec continues to play a key role in tourism. Thank you.

(On motion of Senator Kingston, debate adjourned.)

[Senator Gerba]

NATIONAL FLAG OF CANADA DAY AND EXTRA RELEVANCE OF FLAG GIVEN CURRENT GEOPOLITICAL SITUATION

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cardozo, calling the attention of the Senate to National Flag of Canada Day and the extra relevance of our flag given the current geopolitical situation.

Hon. Lucie Moncion: Honourable senators, my new role affords me unlimited speaking time, but I assure you that I won't avail myself of it. In my speech for this inquiry, I will speak to two topics simultaneously.

Colleagues, I rise to speak to Senator Cardozo's inquiry in the context of National Flag of Canada Day this coming February 15. It is an opportunity to reflect on the significance of the emblem that has united our country for more than half a century and that has a special geopolitical resonance in 2026.

The maple leaf adorning our national flag is instantly recognizable and has, over time, become one of the most respected emblems on the international stage. It represents our history, our diversity and our commitment to peace and cooperation. It stands for a country that acknowledges its challenges yet moves forward with confidence and determination.

Our expression of national pride is particularly intense these days with the Winter Olympics in full swing. People across the country are watching our athletes wear the red and white maple leaf with pride. As they launch themselves around an icy track or face off against snow, speed or gravity with their "elbows up," they are embodying a symbol of unity that characterizes our country. Every time the flag is raised behind them, every time it unfurls above a podium, everyone in Canada identifies with their courage and determination.

The presence of these athletes on the world stage reminds us that Canada's values shine through even in times of global tension or uncertainty. The consistency and composure they display while performing are exactly the qualities our country must emulate, especially in the current geopolitical context. Only we can uphold our principles, defend our values without giving in to economic or political intimidation, and remain a reliable, receptive partner committed to international cooperation.

As a country recognized for its human rights leadership, Canada has a special responsibility to act consistently and with integrity, both abroad and within its own institutions.

We can be proud of what we are: a country where the rights and freedoms enshrined in the Canadian Charter are not abstract ideas, but are part of Canadians' lives; a country where everyone can live and breathe their culture, affirm their identity and contribute fully to society, regardless of their origins; a country where diversity isn't a hindrance, but an asset that defines and uplifts us.

On National Flag Day, let's remember that this emblem is a reflection of our history, our struggles, our successes and our deepest values. It brings us together in celebration of the richness of our diversity.

As our athletes proudly wear our country's colours in Milano Cortina, let's appreciate every podium moment for making us all the more proud to be Canadian. Go, Canada, go.

(On motion of Senator White, debate adjourned.)

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO STUDY THE NEED TO MODERNIZE AND CLARIFY THE CRIMINAL CODE OF CANADA AND THE CONTROLLED DRUGS AND SUBSTANCES ACT

Hon. David Arnot, pursuant to notice of December 4, 2025, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the need to modernize and clarify the *Criminal Code of Canada* and the *Controlled Drugs and Substances Act*, including an assessment of current structural deficiencies in the legislation and options for moving toward a comprehensive review;

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

That the committee submit its final report to the Senate no later than December 31, 2028, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

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

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO STUDY THE CURRENT STATE OF COURT DELAYS IN THE CRIMINAL JUSTICE SYSTEM

Hon. David Arnot, pursuant to notice of December 4, 2025, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the current state of court delays in Canada's criminal justice system following its final report tabled in June 2017, entitled *Delaying Justice is Denying Justice: An Urgent Need to Address Lengthy Court Delays in Canada*, including an examination of what progress has been made in implementing the recommendations made in that report;

That the papers and evidence received and taken and work accomplished by the committee on this subject during the First Session of the Forty-second Parliament be referred to the committee;

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

That the committee submit its final report to the Senate no later than December 31, 2028, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

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

Hon. Senators: Agreed.

(Motion agreed to.)

VITAL ROLE OF PHYSICAL ACTIVITY AND SPORT

INQUIRY—DEBATE

Hon. Marnie McBean rose pursuant to notice of Senator Deacon (*Ontario*) on December 4, 2025:

That she will call the attention of the Senate to the vital role that physical activity and sport play in enhancing our well-being, strengthening our communities and shaping the fabric of the Canadian experience.

She said: Honourable senators, the Olympic Winter Games have begun in Milano Cortina. Canadians from coast to coast are gathering around televisions in schools, community centres and living rooms to cheer, of course, for athletes wearing the maple leaf, but also for athletes from over 90 countries. We will cheer as they create moments of "wow."

For these few weeks, sport will do what it does best: inspire us, encourage us to dream and, most importantly, bring us together across differences of language, region and background, reminding us of our shared pride and common identity. It welcomes us all in.

Sport has been one of the greatest teachers of my life. The collective interest in the Olympics, the Paralympic Games and World Cup tournaments reminds us why sport and physical activity matter so deeply to Canadians and should flag to us why we should value them as more than just games.

Not all Canadians play sports — although I wish they did — and they don't all watch or even follow sports. Yet, overwhelmingly, we understand what sport does for people.

In Davos, just before our Prime Minister gave a globally significant speech, he was introduced as a hockey player with the ability to know where the puck is going and to remain calm in

fast-moving, high-pressure moments. That he was an athlete was a complement to the rest of his career achievements. Why? What do sport and activity bring to us as Canadians?

Senator Deacon, Senator Petitclerc and I have started this inquiry, calling the attention of the Senate to the vital role that physical activity and sport play in enhancing our well-being, strengthening our communities and shaping the fabric of the Canadian experience, with the goal of hearing from you. How has sport and activity shaped you and your Canadian experience?

• (1800)

I have countless stories to share about how sport has shaped my life, and the stories that stand out to me are not the highlight reels. They are often the experiences that happened before the races, behind the scenes and far away from the field of play. They are the moments that happened innocently but taught me great life lessons. For rowers, racing in Lucerne, Switzerland, is special. The Rotsee is our Wimbledon. It is revered.

In the year that Kathleen Heddle and I were just starting to win races, we arrived there as unknowns. Our first race in Lucerne was a terribly unfair heat. The draw put us against gold, silver, fourth and fifth from the previous year's world championships. But we surprised everyone when we won that heat with apparent ease.

Next, in the semifinal, we beat the rest of the top challengers and advanced to the finals the next day. There was a buzz around the boat sheds. People were talking about us and pre-emptively anointing us not only as the Lucerne champs but also as the next world champions.

I heard the buzz and tried to keep my cool — so did Kathleen. But that night, as we tried to sleep, we spoke in the dark of our hotel room. I said, “We beat everyone already.” She quietly responded, “Yes, I know.” I said, “People are saying we are going to win and that we’re going to be the next world champions.” Kathleen said quietly, “Yes, I heard that too.” And then I said that thing that people try not to admit: “I’m scared,” I said. “Me too,” came from Kathleen.

This moment was such a revelation for me. I had such respect for Kathleen Heddle, and if she was scared, then it was okay to be scared.

I learned that fear wasn't a problem; it was along for the ride like many of my other emotions, like excitement and curiosity.

To this day, the most important piece of advice I share with anyone taking on any difficult task is that fear and doubt are a normal part of the path. You don't need to make them go away, just turn down the volume.

My involvement with sport showed me what is possible when dreams are met with support and opportunity. As a parliamentarian, I can promote the fact that sport and physical activity are not merely recreation. It is public policy. It is health policy. It is social policy. And increasingly, it's a question of equity, safety and trust.

The benefits of sport and physical activity are well established. Participation improves physical and mental health, reduces social isolation, keeps youth in school and supports lifelong well-being. It builds confidence, leadership and resilience in young people. It strengthens communities, particularly rural, northern and Indigenous communities, where sport and physical activity often serve as social infrastructure and provide shared civic space. At its core, sport brings us together in a good way.

There are many things in our communities that divide us into silos: culture, faith, politics, economic status and geography. Sport and activity have the ability to connect us and to bring us in, collectively spellbound by the simple consequence of how a game — be it professional or peewee — is going to go and how we felt watching it, even feeling it, together.

I was introduced to this collective pride when we returned home to Canada after the Barcelona Olympic Games with my first two gold medals. I was blown away by the reaction from Canadians. The fact that people had been watching rowing and knew who I was — that was crazy. And what they were saying, I didn't expect.

I could have expected people to say “congratulations,” but what we heard over and over again was “thank you,” such as “We were jumping up and down on our couches cheering, and we had so much fun together. Thank you.”

“Thank you for making us feel proud to be Canadians.”

And I'll never forget meeting a couple who told me that they had just become Canadian citizens, and this was their first opportunity to cheer for Canada — their new home. They said “thank you” to me. What perspective they gave me. Decades later, I still want to thank them.

Those experiences echo what our former colleague Senator Omidvar so powerfully described in this room about the vital role sport played in her family's journey of inclusion in Canada. It was on the soccer pitch, watching her daughters play, where she met and connected with other parents and families. Through that team, the Omidvars found a sense of belonging, shared purpose, mutual support and the feeling of being truly included. That is sport and physical activity at its best.

But the evidence tells us that this experience is not universal. The *Rally Report* from Canadian Women and Sport highlights a persistent gap in participation between boys and girls, particularly during adolescence. While many girls begin sports at similar rates to boys, participation drops sharply in the teenage years. Women remain under-represented in coaching, officiating, governance and senior leadership across Canadian sport.

Cost, time pressures, a lack of safe and welcoming environments, limited access to female coaches and sports cultures that prioritize performance over enjoyment all contribute to this decline. This is not a failure of women and girls. It is a failure of the systems we have built around them.

The modern way of including is to include in ways that are flexible. We must stop expecting people to contribute and behave in the same way that we contribute and behave. Sport teaches us that strong teams aren't a result of meeting in the middle. They are about creating space, adjusting our approaches and moving together toward a shared goal.

I learned this from my rowing partner Kathleen Heddle. Kathleen was an introvert; I am not. She was calm and quiet. I thought I needed to show her how to be competitive and aggressive like me. Whoa, that was a mistake. It could be a much longer story, but I'll just say that when I started paying attention, I saw that Kath was the strongest competitor and the most aggressive Canadian rower ever. Kathleen didn't need to demonstrate or communicate to me the way I communicated to her. That just wasn't who she was.

I learned that relationships are not 50-50; we give 100% of what we've got, and we earn the same from those around us. We focus on people's strengths and protect their weaknesses.

When we stopped trying to reshape one another and instead leaned into what each of us naturally brought, we became stronger, faster and more cohesive as a team. Our success came not from sameness but from complementarity — from trusting that different personalities, instincts and approaches could combine into something greater than either of us alone. This is learned through sport and applied to everything else.

The *Rally Report* echoes this: Including people in sports and activities, and thus keeping them active, means including them in the way that they want to express themselves, whether they're an introvert or extrovert. How they express their faith or the way an athlete does their hair, nails or makeup doesn't make them any less fierce a competitor. What a person wears to participate is far less important than the fact that they are participating.

At the same time, other reports such as the Future of Sport in Canada Commission's preliminary report and Jumpstart's *State of Youth Sport in Canada* highlight structural barriers that limit access. They confirm that while youth sport delivers enormous physical, social and emotional value, the financial and time demands placed on families are increasing, which too often determines who can take part.

Sport and activity are more than a game. We need to remember its value and nurture it and make choices that keep it accessible to all.

Yet even as evidence indicates that sports and activity are underfunded and participation is challenging and even declining in some areas, the sport and activity community asks us to believe there can be a victory ahead.

What emerges from the Future of Sport in Canada Commission's preliminary report is a clear direction for renewal — one that places participation at the centre of our sports system, recognizes community sport as the foundation of excellence and treats athlete well-being as fundamental rather than optional. It is a direction that asks governments, sports organizations and communities to move forward together.

At the federal level, this means using the tools we already have in ways that reflect these priorities. Many ministers could recognize the positive impact that an increase in activity would have on their portfolios. Sport Canada funding can be structured to value participation, retention and equity alongside high performance.

Federal-provincial-territorial agreements can support community sports infrastructure, coach education and inclusive programming, helping to ease cost pressures and strengthen local capacity, particularly in rural, northern and underserved communities.

• (1810)

My personal journey in sport took me to Olympic podiums — and those were truly great moments — but I've also played at schools, coached young kids and cheered for my daughter. The true legacy of sport is not found in medals but in participation, belonging and the communities that it helps build every day.

If we take the lessons of the Rally Report, the Future of Sport in Canada Commission and the State of Youth Sport in Canada seriously, we can build a sports system that is healthier, more inclusive and more trusted.

Heed the words of King Charles III:

We owe it to this generation, and those who succeed us, to think and act for the greater good of all.

We can build this, but we have to act together. That is not just good sport policy. It is nation building.

I will close by saying thank you.

Thank you to the athletes, coaches and families of Team Canada at the Olympic and Paralympic Games. What you do at the games is more than just chasing your dreams. You give a nation a reason to feel hope and pride together.

Thank you to the athletes in the upcoming Arctic Winter Games being held in Whitehorse this March. I will be attending these games and am excited to watch athletes from the Northwest Territories, Yukon, Greenland, Alaska and other Arctic nations display athletic excellence, culture and cooperation across the circumpolar world. At a time of heightened global tensions, these games remind us that sport can serve as a quiet but powerful arbiter of peace.

Thank you to you, my colleagues, for listening and for sharing your stories over the coming weeks on the importance and value of sport and activity as they shape our Canadian experience and bring us together. Let's go, Canada!

Hon. Tony Loffreda: Honourable senators, I rise today to speak to the vital role that physical activity and sport play in enhancing our well-being, strengthening our communities and shaping the fabric of the Canadian experience.

I want to thank Senators M. Deacon, McBean and Petitclerc for bringing forward this inquiry. I can think of no better three individuals, whose achievements in sport and lifelong commitment to healthy living are exemplary, to initiate this national discussion.

Colleagues, while I remain humbled and deeply privileged to serve in the Senate of Canada, it's no secret that, as a young teen, I sometimes felt I was destined for a different red chamber. Back then, I dreamt and imagined myself at the Montreal Forum, skating alongside Guy Carbonneau, Larry Robinson, Bob Gainey and Chris Nilan. Life, however, had other plans.

Needless to say, the legacy of the Montreal Canadiens shaped my childhood. How fortunate I was to grow up in Montreal during the Habs dynasty of the 1970s. Imagine — by the time I left Concordia University in my early twenties, the Stanley Cup had paraded 10 times through the streets of Montreal. It has paraded 12 times through the streets of Montreal during my lifetime and 24 times in franchise history.

For many of us, sport was never just entertainment. It was a shared ritual, a sense of belonging and a language spoken across neighbourhoods and generations.

[*Translation*]

The Habs' impact on our collective consciousness cannot be measured. There's a good reason that the Canadiens are referred to as a true religion in Quebec. They have fostered a sense of belonging, pride, and discipline, values that extend far beyond the ice. Whether on the radio, on television, or in the stands, we watched our idols with admiration. We wanted to imitate them. This desire to participate, to move, to be part of the action drove an entire generation toward organized sports and neighbourhood ice rinks.

[*English*]

Professional athletes may not always realize the depth of their influence. Legends like Guy Lafleur, Yvan Cournoyer, Ken Dryden and Serge Savard inspired countless young people, including kids in my neighbourhood, to lace up their skates, grab a stick and spend hours outdoors. Those moments were about more than competition; they were about friendship, teamwork and healthy habits that stayed with us for life — one of sport's greatest gifts.

Physical activity improves cardiovascular health, builds strength and coordination and supports lifelong mobility. Just as important, it strengthens mental health, reducing stress, improving mood and fostering resilience. I can certainly attest to the mental benefits of spending a couple of hours at the gym.

Programs like Play On!, a national initiative for which I've been a strong advocate, illustrate how sport can be a powerful engine for social cohesion. It increases youth engagement, supports mental and physical wellness and stimulates local economies.

More importantly, it creates shared experiences that bridge backgrounds and bring communities together around common goals. I encourage you to learn more about Play On! and support bringing the largest street hockey festival in the world to your community.

Of course, no reflection on sport in Canada would be complete without mentioning our love affair with the Olympic and Paralympic Games. The games symbolize excellence, friendship and respect, values that transcend borders. At a time when the world often feels divided, they remind us that we can come together in celebration of human achievement. The games inspire us to be "Faster, Higher, Stronger — Together."

Each Olympic and Paralympic cycle rekindles dreams in young Canadians. Hearing athletes speak about their responsibility as role models is deeply moving. Over the decades, they've inspired countless young Canadians to pick up a pair of skis or skates or grab a hockey stick or curling broom. I've never picked up a curling broom, but it's never too late.

Of course, this year marks the fiftieth anniversary of the Montreal Olympic Games, a coming-of-age moment for my city and our country. Those games showcased Canada's ambition while planting seeds that would grow into generations of athletic achievement.

I turned 14 the year Montreal welcomed the world. It seems like yesterday, but boy, time flies when you're having fun. I vividly remember the silver medal performance in the high jump of Canada's very own Greg Joy.

And what can we say about Nadia Comăneci's historic perfect-10 performance? Her grace, artistry and athletic prowess inspired millions. Even I was inspired, though I quickly realized gymnastics was not my destiny. I couldn't do the splits or flips or land on my feet.

Instead, years later, I became a politician, where sticking the landing is optional, the balancing act is constant, flexibility is mostly verbal and the real balance beam is public opinion. You always hope for a good score at the end; I hope you'll give me one after this speech.

[*Translation*]

All joking aside, the Montreal games left a lasting legacy. They showed us how sport can inspire pride, raise aspirations and bring communities together in celebration. Although I never wore the Canadiens jersey or competed in the Olympics, my passion for sport turned into a commitment. Like many parents in this chamber, my journey began by supporting my children's teams. What started as family time turned into a lasting commitment to community sport.

[English]

Anyone who has stood on the sidelines of youth sports knows it's a full workout in itself — pacing, cheering, carrying equipment and occasionally pretending you understand the referee's decisions. It turns out community sport builds cardio for parents too. One of the proudest chapters of my life was serving as president of the Montreal Concordia elite soccer club, the AAA team in Montreal. We've put players on national and professional teams. Some are living through the sport today. Our teams achieved national success, but our true victories were always collective. Championships were earned not only by athletes, but by parents, coaches, volunteers and an entire community that stood behind them. I remain deeply grateful to all those who contributed to making the club what it was. Thank you.

Montreal's love for soccer is well known. I was honoured to help establish the city's first AAA girls' soccer program. As a proud "girl dad," I believed — and still believe — that sport is a powerful vehicle for opportunity, confidence and equality. When girls are given equal access to play, entire communities benefit. But the proudest moments were never about the trophies. They are the moments I experience today when I see the citizens and great Canadians these young players have become. Many still reach out from time to time, and we relive those unforgettable moments. Sometimes, I get very emotional thinking about those moments.

• (1820)

We treated them like professionals, travelled across the country through our many provincial championships and made sure they always felt valued through sport.

We also made it a mission to reach young people who needed opportunity the most. We scouted in local parks, and when we found talented players who could not afford the fees, we brought them into the program. We helped many stay off the streets, giving them structure, purpose and a sense of belonging — belonging to the Montreal Concordia Elite Soccer Club and making them proud. Through sport, we showed them the discipline, teamwork and hard work required to succeed in life.

Some players even came from other cities just to be part of our program, and that spoke volumes about the environment we were building.

[Translation]

Those final years at Concordia helped shape who many of them are today: confident, disciplined, resilient and community-minded individuals. In the end, that is what has always mattered — not medals or banners, but people. That is the true legacy of sport, and I remain deeply grateful to have been part of this journey.

[English]

That is the real legacy of amateur youth sport, and I remain deeply grateful to have been part of that journey.

My involvement then extended to supporting Canada's role in hosting the FIFA World Cup in North America, which we will see this year, a reminder that sport can connect cities, nations and cultures around the world on the global stage.

We cannot talk about sport without recognizing the ecosystem that sustains it. Parents provide encouragement and sacrifices; coaches offer mentorship and discipline. Fans — classmates, neighbours, extended family — create belonging. Together, they transform practices into life lessons, games into shared memories and challenges into opportunities for growth. Sport becomes a community classroom where teamwork, resilience and respect are learned through experience.

We see similar stories among our Olympians and Paralympians. Their achievements are rooted in networks of support that mirror the communities cheering them on. Whether wearing the Maple Leaf internationally or representing a neighbourhood team or the colours of their high school, athletes at all levels carry the hopes and pride of those around them.

So, to the youth of our nation, I say this: Discover a sport, move your body, embrace the outdoors, get off your phones.

Honourable senators, sport is far more than competition or recreation. It is a public good that strengthens our bodies, supports our mental well-being and binds our communities together. It teaches discipline, resilience and respect. It gives young people purpose — purpose is all we need in life; everyone needs purpose — it gives families connection, and neighbourhoods a shared sense of pride. In arenas, fields, parks and community centres across this country, Canadians are not simply playing games. They are building relationships, confidence and healthier futures.

If we truly believe in strong communities and a healthy nation, then promoting access to sport and physical activity must remain a collective priority. The benefits ripple far beyond the scoreboard. They shape citizens, reinforce social cohesion and reflect the very best of who we are as Canadians.

Let us continue to champion sport, not only for medals or victories but for its power to unite us, to uplift us and to remind us that when Canadians move together, we move forward together.

Thank you, *meegwetch*. Go, Team Canada, go!

The Hon. the Speaker: Senator Smith, we have Committee of the Whole at 6:30.

Hon. Larry W. Smith: I will not speak for very long, Your Honour, probably five minutes.

The Hon. the Speaker: I'm sorry, could you say that again?

[Translation]

Senator Smith: It will take about five minutes, Your Honour. Would that be okay with you?

The Hon. the Speaker: That's fine. You have the floor.

Senator Smith: I have taken too many hits in my life, and it is getting difficult for me to remember certain things.

[English]

Honourable senators, I rise to speak on the inquiry brought forward by Senators Deacon, Petitclerc and McBean, which calls the Senate's attention to the importance of physical activity and sport, its impact on our well-being and, in general, how it improves our collective society.

[Translation]

I would like to share my perspective on the influence sports have had in my life. I would also like to share my personal experience on how sports and physical activity bring communities together and empower individuals at all levels.

[English]

In 1975, during my fourth year in the Canadian Football League, or CFL, as well as my second year at McGill law school, I found myself inside the bitterly cold McMahon Stadium in Calgary, at -32 °F, at the centre of the 63rd Grey Cup against the mighty Edmonton Eskimos.

The game came down to a 19-yard field goal in the final moments of the fourth quarter. Our kicker, Don Sweet, known as Mr. Automatic, lined up for what should have been a routine kick. Guess what? He missed the field goal. We were defeated 9 to 8. That was tough.

I did not have time to reflect on this heartbreaking loss. Within hours, I was on the next flight back to Montreal to study for my law school exams. Do you think I studied that week during the Grey Cup?

That moment for me was a forceful reminder that you must accept defeat. You must learn from it, and you must carry on with determination.

Two years later, we beat Edmonton 41 to 6 at "The Big O" in front of 58,000 people. It shows you how life goes around.

This was a lesson that only sport could teach. For me, however, this lesson did not begin on a frigid night in Calgary. It began much earlier.

[Translation]

It all started on the icy streets of Baie-D'Urfé, a small town outside Montreal. I was nine years old and playing hockey with my older brother Ron and his friends. They were three years older than me, bigger, faster, and I always struggled to keep up with them. Competing against players stronger than me taught me discipline, focus and mental strength. My brother was a role model for me, and his example pushed me to excel.

[English]

Looking up to athletes, whether it was my older brother Ron or football players I would watch playing at Molson Stadium in Montreal, fuelled my passion for sport and motivated me to work hard and stay disciplined throughout my professional career and to leave a legacy that young people could look up to.

These lessons stayed with me long after my playing days ended. As president of the Montreal Alouettes, I made it my mission to travel to small towns across Quebec with our star athletes. Seeing young children meet the players they admired on television or at the stadium reminded me of how I was first inspired by sport. Those moments proved to me that the real impact of professional sport goes well beyond the stadium or arena.

Later, as commissioner of the CFL, I carried that same commitment across the country, visiting cities, towns and Indigenous communities, using football as a way to connect with people and encourage young Canadians to dream big.

During my time with the Canada Games Council, I witnessed the same. Canada Games bring together thousands of young athletes from all provinces and territories. It provides them with many opportunities that go far beyond sport, including building confidence, learning about leadership and developing as people. Canada Games also leave a lasting impact on the communities that host them.

[Translation]

For me, despite all this, one thing has remained true: Sport is never a one-person affair. It takes families who make sacrifices, coaches who mentor young people, volunteers who give their time and communities that believe in them.

[English]

As I look ahead, watching the 2026 Olympic and Paralympic Winter Games unfold in Italy, I know young people across Canada will be watching their favourite athletes with enthusiasm and pride. Whether they win or lose, those athletes who carry the Canadian Maple Leaf have the opportunity to inspire the next generation. I know this personally because as a young child I was inspired by great athletes who came before me, and I aspired to be like them through sport.

Honourable senators, sport and physical activity teach discipline, hard work, respect, teamwork and inclusion. Sport binds communities together by their shared passions. By promoting sport and physical activities, we are promoting not only healthier societies but mentally stronger, more resilient ones.

I thank Senators Petitclerc, McBean and Deacon for their dedication to sport and for shining a light on this important topic.

Thank you.

• (1830)

[*Translation*]

BUSINESS OF THE SENATE

The Hon. the Speaker: Pursuant to the order of February 5, 2026, I leave the chair for the Senate to resolve into a Committee of the Whole in order to receive Kelly Burke respecting her appointment as Commissioner of Official Languages. The Honourable Senator Cormier will chair the committee.

COMMISSIONER OF OFFICIAL LANGUAGES

KELLY BURKE RECEIVED IN COMMITTEE OF THE WHOLE

On the Order:

The Senate in Committee of the Whole in order to receive Kelly Burke respecting her appointment as Commissioner of Official Languages.

(The sitting of the Senate was suspended and put into Committee of the Whole, the Honourable René Cormier in the chair.)

The Chair: Honourable senators, the Senate is resolved into a Committee of the Whole in order to receive Kelly Burke respecting her appointment as Commissioner of Official Languages.

Honourable senators, in a Committee of the Whole, senators shall address the chair but need not stand. Under the Rules, the speaking time is 10 minutes, including questions and answers, but, as ordered, if a senator does not use all of their time, the balance can be yielded to another senator. The committee will receive Kelly Burke and I would now invite her to join us.

(Pursuant to the order of the Senate, Kelly Burke was escorted to a seat in the Senate Chamber.)

[*English*]

Ms. Burke, welcome to the Senate. I would ask you to make your opening remarks of at most five minutes.

[*Translation*]

Kelly Burke, nominee for the position of Commissioner of Official Languages: Good evening. Thank you for this opportunity to address you, honourable senators.

[*English*]

Good evening to all of you. Thank you for inviting me to appear before you today.

[*Translation*]

It is an honour and a privilege to be able to share with you my career, my motivations and my vision, which I hope to put to work for the benefit of Canada as Commissioner of Official Languages.

The coming into force of the modernized Official Languages Act in June 2023 was a pivotal moment in Canada's linguistic history. This ambitious reform calls for strong leadership, a keen understanding of the issues and a demonstrated ability to work collaboratively with federal institutions, provincial and territorial governments and linguistic communities across the country.

[*English*]

As commissioner, it is important to champion a modern, confident and inclusive bilingualism that strengthens our democracy, empowers every community and ensures Canada's linguistic future thrives for generations. I am ready to take on this responsibility with rigour, determination and a strong sense of duty.

[*Translation*]

The mission of the Commissioner of Official Languages is essential to the vitality of our linguistic communities in an officially bilingual Canada. The mission aims to ensure respect for French and English, protect and strengthen the place of French in Canada and support the development and vitality of communities. These objectives are not abstract concepts to me. They have been central to my identity, my career path and my commitments for over 25 years. I was born and raised in a large family deeply rooted in both cultures covered by the Official Languages Act. My francophone, anglophone and bilingual parents, grandparents and great-grandparents instilled in me a sincere appreciation for both official languages, passed down from generation to generation.

Long before the act was passed in 1969, my parents made the wise decision to enrol me in French-language schools. I was educated, from kindergarten to high school, in Cornwall, Ontario. This early exposure to both official languages shaped my intimate understanding of Canadian bilingualism on a daily basis. This understanding quickly translated into concrete action. Early in my career, I taught French to hundreds of students in immersion schools in several regions of Ontario. I saw first-hand the fundamental importance of access to quality education in French, both for francophones and for learners of French as a second language.

[*English*]

There was nothing more rewarding for me as a teacher than to observe the pride, hope and tremendous gratitude expressed by mostly anglophone parents whose children were in my classroom learning to speak French and acquiring the knowledge and skills that would enable them to participate fully in a bilingual Canadian society.

[Translation]

Subsequently, as a lawyer, assistant deputy minister at the Ministry of Francophone Affairs and French Language Services Commissioner, I contributed directly to the advancement of language rights in collaboration with anglophone and francophone partners across the country. These duties enabled me to navigate the country's different language regimes and to see how heavily their harmonious coexistence depends on sustained, structured intergovernmental collaboration focused on concrete results.

[English]

They have also enabled me to develop a deep understanding of the challenges faced by minority language communities as well as the institutional levers required to address them effectively. I am committed to working in partnership with anglophone and francophone communities, governments and institutional actors to strengthen linguistic vitality across the country.

[Translation]

Like you, I am convinced that our official languages are at the heart of our Canadian identity, our cultural and economic sovereignty and the national unity we must preserve.

Rigorous implementation of the modernized Official Languages Act is essential to ensuring the longevity of this one-of-a-kind language regime.

[English]

I aspire to champion a bilingual Canada, where substantive equality between our official languages is fully realized.

[Translation]

I hope I can count on your support and be honoured with this appointment. If I am entrusted with this responsibility, I will carry it out with integrity and dedication. I will take great pride in serving Canada and its two official languages. Thank you.

The Chair: Thank you, Ms. Burke. We will now move on to questions.

Senator Carignan: Hello, Ms. Burke. We will likely be speaking often, as it appears that I am one of the Commissioner of Official Languages' clients, given the issues I'm raising. I imagine there will be others.

One of the complaints I made was about respect for official languages in emergency communications.

Last June, the Office of the Commissioner of Official Languages published a follow-up to the recommendations made in the 2020 report titled *A Matter of Respect and Safety: The Impact of Emergency Situations on Official Languages*. This follow-up report notes that the Privy Council Office has still not developed a strategy to encourage and support intergovernmental collaboration to ensure effective bilingual communications in emergency situations, despite repeated concerns from the commissioner.

[Ms. Burke]

More than five years after these recommendations were made, and given the continued lack of progress and collaboration on the part of the Privy Council Office, what concrete measures do you intend to take to ensure they are implemented, thus ensuring this issue gets resolved?

Ms. Burke: Thank you for your question.

First, one thing that is very helpful is the fact that the law now codifies the legal obligations that apply to official languages at all times, including in emergency situations. That will be a big help to the appointed commissioner, to use the act as a road map to set a course for the commissioner and for Canada more broadly, so that services get delivered in times of crisis.

• (1840)

When I was the French Language Services Commissioner of Ontario, the same issue came up over the course of my duties. Indeed, emergency messages were often in English only, and I noticed at the time that such a message, one not disseminated in French, wouldn't reach Ontario's francophone community. This means that the Privy Council Office absolutely must plan for certain circumstances. It's only a matter of time before emergency messages have to go out in response to some unforeseen event.

As Commissioner of Official Languages of Canada, I'd ensure that the Privy Council Office had a good plan in place to deliver services in both of Canada's official languages in the event of an emergency. I'd rely on existing legislation to clearly show that this is an obligation prescribed by law.

Senator Carignan: I want to talk about the Privy Council Office.

In July 2024, the Commissioner of Official Languages issued a report to follow up on a complaint of non-compliance with the Official Languages Act that I had filed about the Foreign Interference Commission, the Hogue Commission.

In that report, the commissioner expressed his disappointment with the level of official languages support that the Privy Council Office provided to the commission. This was also the subject of another complaint and another report on another inquiry that had not complied with the Official Languages Act in the context of inquiries. Once again, the offender is the Privy Council Office.

What decisive action do you intend to take to encourage the Prime Minister's Office to enforce the Official Languages Act?

Ms. Burke: The new act grants the commissioner powers that are now expanded.

The approach I used in my role as French Language Services Commissioner — and this also applies to a federal commissioner position — is that we must work closely with the offices first to try to find solutions.

The new powers will be administered in such a way as to ensure a gradual increase of powers to give organizations the opportunity to comply with the act. In this case, the Privy Council Office must comply with the act in the context of a commission of inquiry, as is the case with providing services. Federal institutions must provide these services as part of their duties.

The commissioner must address this issue using the powers granted by the act. As you know, there are now mechanisms that go beyond mere influence, which is toothless. With the new powers, the commissioner will be able to address this issue with compliance agreements, orders, and accountability mechanisms to assess whether or not the institutions are complying with the act.

Senator Carignan: My other question concerns the posting of reports. Many of the published reports of the Commissioner of Official Languages are not available on the website. I tried to look for two reports that I had filed complaints about, and neither the report of the Public Inquiry into the Public Order Emergency Commission, the POEC, nor the Hogue Commission's Public Inquiry into Foreign Interference were available on the website. There were several others, but those were the ones that were most important to me.

Do you know why the Commissioner of Official Languages doesn't post all reports on the institution's website?

Ms. Burke: I don't know why they're not available on the office's website. Obviously, the excellence expected of such an office would dictate that all reports, investigations and information of importance to the Canadian community should be available on the website. I don't know why they're not there right now.

Senator Carignan: If you notice that they're still missing, do you intend to take the necessary steps to have them all posted on the website?

Ms. Burke: Yes.

Senator Carignan: I have two minutes, just enough time to ask about Valentine's Day.

On Friday, your office posted an image on social media promoting the use of both official languages. This post caused quite a stir because, in the French version of the message, the expression "Ma queue et mon cœur s'emballent. . ." was interpreted as having a sexual connotation. The Office of the Commissioner of Official Languages removed the post shortly thereafter.

The controversy clearly shows that some staff working at the Office of the Commissioner of Official Languages do not fully understand French, since they missed the double entendre in the message. It appears that a ChatGPT-type translation was used.

What steps do you plan to take to ensure that the people responsible for posting messages understand the language in which they are posted?

Ms. Burke: It is very important for all departments and offices that support the commissioner's office to be held to a standard of excellence.

In this case, I don't know the exact circumstances, but obviously a translation like that is unacceptable, and measures must be put in place to allow employees to thoroughly review messages coming out of that office. What's more, the commissioner should conduct a final review of what is to be published before the messages are posted. In this case, I'm not aware of the circumstances surrounding what happened.

Now that I'm up for the job, and if I'm appointed to the position, this would obviously be one of the first things I would put on the list of priorities, communications —

The Chair: Thank you, Ms. Burke.

Senator Moncion: Good evening, Ms. Burke. Allow me to offer my sincere congratulations. The fact that you are here today is a major step forward for Ontario's French-speaking community.

Ms. Burke: Thank you.

Senator Moncion: As a Franco-Ontarian, I want to acknowledge your long-standing commitment to Ontario's francophonie, as well as the depth and breadth of your understanding of the realities of minority language communities. I have every confidence that these qualities will be valuable assets as you carry out your important responsibilities.

As you know, the Official Languages Act was modernized in 2023, marking a milestone with its historic recognition of the substantive equality of Canada's two official languages. Naturally, you will be called upon to play a leading role in implementing this renewed act.

Another essential element of your mandate is promoting official languages, both to the general public and to federal institutions. To that end, I would like to know what your vision is for this aspect of your role, and what your priorities will be as soon as you take up your duties.

Ms. Burke: My vision is consistent with the purpose of the act. As you correctly noted, senator, substantive equality is central to that purpose.

My vision is of a truly bilingual Canada and federal public service in which people express themselves in both official languages across the country. It's an ambitious vision, but if everyone in Canada shares the same vision, I'm positive we can make progress. Obviously, the priority is to be well informed about the issues facing official language minority communities, namely the English-speaking community in Quebec and the French-speaking community in the other provinces and territories.

• (1850)

In my opinion, my main duty in taking on this role, should I be appointed, is to truly understand official language minority communities. I understand the Ontario perspective well and, as you rightly said, I contributed a great deal to the francophone

communities of Ontario and Canada as an assistant deputy minister, the French Language Services Commissioner and a teacher. That said, the work isn't over. There is still much to be done. My priorities are to engage with official language minority communities, encourage organizational culture change within the federal public service and ensure that I clearly understand the challenges to achieving substantive equality.

We're familiar with the challenges. I have plenty of experience from working in the Ontario public service, and I'm well aware of where the greatest challenges lie. They are often related to planning, leadership, resistance, linguistic insecurity and a lack of resources and oversight.

All that to say, I will focus mainly on resolving these challenges, which I believe will position us well to achieve the act's objective, which is substantive equality across the country.

Senator Moncion: You have extensive experience, including as French Language Services Commissioner of Ontario and assistant deputy minister at the Ontario Ministry of Francophone Affairs. How will you use what you learned in those positions to benefit all official language minority communities?

Ms. Burke: These experiences taught me to navigate not only Ontario's linguistic environment, but the country's linguistic environment. Across the country, Canada's language ecosystem is rich. What I can offer as Commissioner of Official Languages is the ability to bring communities from all parts of the country together.

When I was co-chairing the Minister's Council on the Canadian Francophonie in my capacity as assistant deputy minister, one of my duties was to engage linguistic communities across the country, including those in Quebec. While fulfilling this duty, I realized that for Canada's official languages to survive and thrive, we need to coexist and collaborate.

As French Language Services Commissioner, I was also a member of the International Association of Language Commissioners. I had the opportunity to work not only with commissioners from around the world, but with several commissioners here in Canada, including those from the Northwest Territories, Nunavut and New Brunswick. This experience gave me a solid understanding of the Canadian dynamic, which is very similar to Ontario's dynamic. Considering the large number of francophones in Ontario, our voice carries a lot of weight across the country for other official language minority communities.

Senator Clement: Ms. Burke, it is such a pleasure to see you here in the Senate chamber. Cornwall is very proud of you.

I will ask all of my questions at once so that we can devote the rest of my time to listening to your responses.

There is a bit of tension in my office. I have a graduate from La Citadelle who was educated entirely in French, and she has a colleague who did not have that opportunity. We often talk about how hard it is to catch up when you haven't had access to a French-language education. You are well aware of the advantages of a French-language education and the work it took to guarantee this right.

[Ms. Burke]

The Patriots at La Citadelle Catholic High School in Cornwall are very proud to count you as one of their own. In fact, the Grade 12 students in Ms. Filion's Franco-Ontarian leadership class have a question for you:

How will your experience as a former student at a French-language high school in an English-speaking environment inspire your work?

Now for my second question.

[English]

I'd also like to talk about Indigenous languages. We now have two language commissioners in Canada: one for official languages and one for Indigenous languages. How will you be working with your commissioner colleague?

How do you view the role of Indigenous languages in the broader Canadian context?

[Translation]

The Chair: Ms. Burke, you still have 90 seconds.

Ms. Burke: First of all, I had a great experience at the La Citadelle Catholic High School. It really set me up well for my career. In fact, I would like to commend the teachers at that school for their dedication.

I would say that they taught us not only why we should respect official languages, but also how to use those languages to position ourselves professionally.

I was very into sports in high school. I heard what Senator McBean said earlier. The school instilled in us a very competitive approach to life, including when it comes to official languages. We also learned to try to bring about major changes in society, since there are challenges in this area.

I'm not telling you anything that you don't already know. However, I am prepared to face these challenges with confidence, and I want to fight for a fully bilingual Canada in accordance with the Official Languages Act.

Second, with regard to Indigenous languages, I would say that they are an integral part of Canada's linguistic ecosystem. As I said earlier, I have had the privilege of working with colleagues from across the country who had the mandate to protect not only English and French, but also nine Indigenous languages in western Canada and three in Nunavut. It would be a privilege for me to work with the current Commissioner of Indigenous Languages and to share best practices with him. That is exactly what I did with my commissioner colleagues across the country when I was the commissioner in Ontario.

The Chair: Thank you, Ms. Burke.

Senator Aucoin: Ms. Burke, I'm from Chéticamp, Nova Scotia. You say that you met with language commissioners from across the country, but Nova Scotia doesn't have one.

I commend you for applying for this position. It is a credit to Ontario and to the entire francophone community.

Francophone minority communities, particularly in Acadia and elsewhere in the country, continue to face significant challenges when it comes to accessing services in French. If you are appointed to this position, what concrete role will you be able to play in strengthening the vitality of our minority communities?

Ms. Burke: The road map is in the act itself. Parliament has spoken on the issue of official languages in this country, and we now have the act to guide us toward that substantive equality. As commissioner, I will remain very faithful to the act, which contains some superb provisions that will make a real difference, especially on the legal side.

• (1900)

I bring a very legal perspective that has served me well in my roles in Ontario. You're asking me how I would make a difference for official language minority communities if I'm appointed to this position. My answer is that I will look to the basic principles of the act and the expanded powers it confers. The goal is a broad and liberal interpretation of substantive equality. The act applies at all times, even in emergencies. These basic principles will be very helpful in shaping enforcement going forward.

Senator Aucoin: You hit a raw nerve on the legal side. You say that you'll be able to strengthen the RCMP's role. For years, when I was practising law in Chéticamp and elsewhere in Cape Breton, the RCMP offered us no services in French. Even francophone members of the RCMP were unaware that they had linguistic obligations to minority communities. The RCMP in Chéticamp can't fill the bilingual positions it advertises. It's always been a challenge to staff bilingual positions with bilingual people. What are you going to do to improve this service in the RCMP and in all federal departments that deal with francophone minority communities?

Ms. Burke: One of the biggest challenges I have dealt with is the shortage of French-speaking workers. Whenever I made statements as assistant deputy minister and as the French Language Services Commissioner, I emphasized the need to address the issue of the French-speaking workforce. We must encourage more and more young people to continue their education not only through high school, but beyond, so that educated individuals in our society can fill these gaps and tackle the labour shortage issue.

Ultimately, these positions have to be filled. If there are no French speakers available to fill them, the natural reaction is to choose someone who speaks English and can learn French once they have the job. I think we need to encourage young people to continue their education in French well beyond high school.

Education is an important part of this, but another aspect is organizational culture, which must evolve. One of the biggest challenges we face with federal institutions is bringing about change, because the culture is so deeply rooted. This poses difficulties in terms of job postings, interviews, and the need to fill these positions with French speakers or bilingual individuals.

The Chair: Thank you.

Senator Quinn: Thank you. Good evening, Ms. Burke. I come from New Brunswick, the only officially bilingual province in Canada. I am going to be asking questions on behalf of Senator Patterson.

[English]

The modernized Official Languages Act adopted through Bill C-13 explicitly recognizes the existence of provincial language regimes, including Quebec's Charter of the French language. The act recognizes asymmetry in Canada's linguistic landscape, particularly the distinct situation of French in Quebec and its minority status in North America. While the act affirms the importance of protecting and promoting French, including in Quebec, it simultaneously confirms that the English-speaking community of Quebec remains a rights-bearing official language minority community.

The Government of Canada remains accountable for how its funding objectives and governance decisions affect official language minority communities, even where programs are delivered by provinces under their own language laws. The modernized Official Languages Act makes clear that federal language obligations travel with federal power. They do not stop at provincial boundaries and cannot be delegated away.

The objectives of the act depend on discipline, implementation, effective oversight and the federal government's willingness to manage and reconcile competing language objectives openly, deliberately and in good faith.

How will you, as commissioner, ensure that the act delivers real, measurable outcomes for the English-speaking community of Quebec?

Ms. Burke: I would like to start by saying that we must recognize that Quebec has a language richness that is at the heart of the language debate across the country, and that richness is both anglophone and francophone. The anglophones of Quebec in a minority community are comprised of the largest percentage of a minority community situation for English-speaking people in the country.

The key objective of the act is to ensure that there is a linguistic duality, and that includes rights for both francophones and anglophones. We have to protect the rights of all communities across the country, particularly for those who feel slighted by language laws, provincial or municipal, that prevent them from exercising their language rights.

The responsibility of the commissioner is to ensure that the act is implemented in a way that sees the rights of both anglophone and francophone communities respected.

What I intend to do if I become commissioner is to ensure that I understand the challenges that are being faced by minority communities. With respect to the anglophones in Quebec, we know there are some serious issues around the ability to feel connected to the community. Identity and more and more socio-economic issues that are surfacing in the anglophone

community are issues that are very comparable to — if not the same as — the challenges faced by francophone communities in minority situations across the country.

My undertaking is to ensure that I fully understand the perspective of anglophones in Quebec. I bring an Ontario perspective to this. I bring a legal mindset as well, and I plan to look at the law in a way that would afford equality for everyone under the act, while being very pragmatic along the way.

[Translation]

Senator Aucoin: Would you be prepared to publish clear performance indicators to assess the compliance of federal institutions, and to name those that are slow to meet their obligations, if you're confirmed in your position?

Ms. Burke: That is indeed the aim of the new version of the act. Performance measurement is built into not only the act, but the regulations associated with the act. Performance indicators, better oversight and accountability mechanisms are needed. Yes, we need data that shows when progress is being made because the act is fulfilling its mission, which is to ensure better compliance with the act.

Senator Gerba: Welcome and congratulations on your appointment, which will hopefully be confirmed, given your background, which our colleague highlighted.

You will be taking office at a pivotal moment for Canadian bilingualism, at a time when the country's linguistic duality is facing significant structural challenges. Of these, two issues really stand out.

First of all, we are seeing a worrisome decline in the French language in Canada, including in Quebec, in terms of both the proportion of speakers and the use of French in public institutions. In this context, do you believe that the modernized version of the Official Languages Act is a sufficiently robust tool to halt this decline and strengthen the position of French? If so, how does your office intend to maximize its impact?

• (1910)

Ms. Burke: The decline is a concern across the country. The data from the 2021 census shows that there are also issues in Quebec. Communities need to be further encouraged to exercise their language rights, which could help stop the erosion of French across Canada.

What I'm seeing, however, is that the bilingualism rate has remained stable at 18% across the country. Although we would like to see it increase further, this is proof that progress can be made, thanks to immersion programs that continue to expand across the country. In Ontario, we have immersion programs that serve as a model for other provinces and territories, which also have immersion programs that partially address the issue of the decline of French.

Francophone immigration will help greatly. However, we know that newcomers to Canada do not necessarily follow a path that enables them to live and thrive in French. We must therefore encourage them with an education system, a legal system and an employment system that will enable them to work in French, but

[Ms. Burke]

above all to live and thrive in French in their communities. This will help partially address the issue of the decline of French, among other things.

I didn't catch the second part of the question. Could you repeat that?

Senator Gerba: How will your office maximize the impact of strengthening bilingualism in our country and prevent the decline of French?

Ms. Burke: We'll have to spend more time on the ground to identify gaps. I aim for excellence in our offices, and we really need to be present on the ground, not only so we can be aware of what's really happening, but also so we can listen to people and develop solutions to make communities even richer.

One important question we must constantly ask ourselves is this: Are there supports in place that enable communities to thrive? That's where the Official Languages Act makes it possible to provide better services that will go some way toward addressing issues. I will have to work with the office to interpret the act in a way that enables communities to make significant progress.

Senator Gerba: The federal government is increasingly integrating artificial intelligence systems into the delivery of language services to citizens. How do you intend to ensure that these technologies fully comply with the obligations set out in the Official Languages Act? In addition, will your organization have or does it currently have the human and financial resources needed to effectively oversee this transition?

The Chair: Senator Gerba, your time has expired.

Senator Miville-Dechêne: Good evening and welcome to the Senate, commissioner. I would like to take you a little further away from the legal realm. I would like to know how concerned you are, or not, about the decline or growth of francophone minorities in Canada.

This morning, a French teacher wrote in *La Presse* that teenagers spend so much time reading content and watching videos in English on social media that it is threatening the French language, because language acquisition is correlated with practising it. This poses a danger for francophones in Quebec, of course, but isn't it even worse for francophone minority communities? You spoke a lot about services, laws and schools, but here we are talking about an incredibly powerful medium, the internet, which is literally wiping out French in some cases.

Ms. Burke: Indeed, the digital realm is now an important issue when it comes to maintaining French, including the issue of AI, which generally provides service in English. The active offer in the digital realm as in AI is mainly in English.

That's a real concern. I don't have all the answers to the questions. That's something new for the vast majority of us. The fact that this technology is entering society so quickly is a major issue that needs to be addressed now. Ideally, we need to take stock of the situation to understand its scope and advise governments on national programs that might respond to or at least assess this technology's impact.

Senator Miville-Dechêne: As commissioner, you don't necessarily have the tools to intervene in this area, which poses the biggest threat to French for minority francophones.

Ms. Burke: Indeed, technology can help us. In my previous role, I saw that it can deliver services in both French and English. Equivalence is an issue on some websites, and this has been a big help in determining whether we would have a skilled workforce to offer this service in all departments.

People are less likely to come ask questions in person; they ask them through technology instead. This technology, often available in both official languages, allows us to meet the needs of both English-speaking and French-speaking communities while providing a very high quality of service.

On the one hand, there are challenges; on the other, technology can help us. It is a matter of finding the right balance.

The Chair: Thank you.

Senator Poirier: Welcome, Ms. Burke. Several studies and testimonials indicate that some francophone employees, including those in the federal public service, are reluctant to use French in their daily work, which can undermine efficiency, clarity of communication and compliance with internal policies. Do you see this situation as a gap between the principles set out by the government and the operational reality of its institutions? Furthermore, what concrete role can the Office of the Commissioner of Official Languages play to ensure that existing rules are applied consistently, without adding to the administrative burden?

Ms. Burke: The issue of bilingualism in the federal public service is addressed in part in the act. It aims not only to strengthen services provided by federal institutions, but also bilingualism within the federal public service. It is the responsibility of federal government leaders to ensure that language rights in the workplace are respected.

This ties in with my earlier point that we need a change in organizational culture, and that those responsible for implementing the act must also be held accountable. This can be achieved through annual reviews of the activities carried out in these offices, as well as the progress made.

• (1920)

I do see that work remains to be done by the Treasury Board and Canadian Heritage to ensure that the policies and measures put in place by these organizations to protect language rights in the workplace are properly respected. They must ensure they have the necessary tools to conduct a self-assessment to determine whether they are meeting their language obligations and providing their employees with the opportunity to work in the language of their choice.

I welcome the fact that, under the act, deputy ministers must take training if they don't have a sufficient level of proficiency to communicate in French. That's a good start. As for assistant deputy ministers and senior management, again, there are directives within the public service that apply to them as well. First of all, as soon as they take up their position, it is a priority

for them to have these language skills. However, once they are in the position, I strongly encourage continuing education so that they are well equipped and so that employees can also exercise their rights by continuing to learn both official languages.

Senator Housakos: Ms. Burke, thank you for joining us.

For nearly a decade, the federal government has made repeated announcements and devised strategies on francophone immigration outside Quebec, while admitting that the demographic weight of francophones keeps declining. In your opinion, is this a realistic, objective problem or an implementation and monitoring problem on the part of the federal government?

Ms. Burke: I don't know the details or the reasoning behind what has been said about the data. I realize that francophone immigration alone cannot resolve this decline in Canada. However, newcomers must be able to follow a path that allows them to keep living and thriving in French. More importantly, however, language learning and employment opportunities must be available.

I don't know if I've fully answered your question. Lastly, we have to focus on integrating newcomers into Canada in order to stop the erosion of our francophonie across the country.

Senator Housakos: Thank you for your answer.

You mentioned newcomers. There are many neighbourhoods in Canada, particularly in urban areas such as Montreal, Toronto and Vancouver, where it is a struggle to find Canadian citizens who speak one of the two official languages. They don't speak English or French. I would like to hear your thoughts on that. What can we do to resolve this problem? What role should the Commissioner of Official Languages play in resolving this problem that we're currently seeing in several Canadian cities?

Ms. Burke: The commissioner's role stems from the Official Languages Act. Their mandate relates specifically to Canada's two official languages: English and French.

That said, we also need to recognize that Canada is incredibly diverse. We need to promote harmony between our languages and cultures. I think that our Indigenous languages need to be protected in this ecosystem that is rapidly evolving, particularly from a linguistic point of view. The Commissioner of Official Languages must work closely with the Commissioner of Indigenous Languages. That said, French and English remain the Official Languages Commissioner's priority.

As for other languages, we absolutely need to welcome them. They are part of who we are. However, the language rights arising from the Official Languages Act are limited to English and French. If I'm appointed commissioner, that is what I will focus on in the coming years.

Senator Housakos: Thank you for that answer. If we want harmony in this country, we need to focus on the two official languages. People can't communicate in 55 different languages. Even two languages is a big challenge.

I have another question.

[*English*]

Quebec's recent Bill 96 has introduced significant changes to the application of language laws in the province. Some observers have raised the concern that certain provisions could have the effect of limiting the rights of the English-speaking minority in Quebec, particularly with regard to accessing government services and education.

How should the federal Commissioner of Official Languages engage with situations like this, where provincial legislation may affect the rights of a minority-language community, both francophone minorities in various regions of the country and the anglophone minority in Quebec? Within your mandate, what tools or approaches can the commissioner use to ensure that the rights of minority-language communities are protected and promoted, while fundamentally respecting provincial jurisdiction?

Ms. Burke: It is a very important question that has arisen in Quebec. We need to ensure that all communities across the country have equal rights as far as language is concerned. That said, yes, Bill 96 has an added dimension that we have to pay attention to with regard to how it impacts on the rights of the anglophone community in Quebec.

In these kinds of situations, my approach has always been to be collaborative and to have a respectful way of addressing issues where there could be an infringement between the provincial laws and the federal law that the commissioner would be responsible for in Quebec.

I say "law;" there will be a second one with the private enterprises that are under federal charter.

I see that, yes, there is a crossover between jurisdictional issues that will need to be addressed. As commissioner, I will have to focus on those that fall within my mandate and, again, look to the law as a map of the powers that I have to address the situation, clearly informing people of what impact laws have on the rights of the anglophone community where the francophone law applies.

Impact is very important to me. What impact does the law have? What consequences flow from people not being able to receive services?

You spoke about education. It is a critical piece of the puzzle, particularly because educational rights are enshrined in the Charter in the Constitution of Canada. We have to ensure that anglophones in Quebec have access to the educational rights that the Constitution affords them, as others have in other languages across the country.

The Chair: Thank you, Ms. Burke.

[*Translation*]

Senator Surette: Good evening.

You referred to the act a number of times this evening. I imagine you know that a few regulations are still not in force. Two regulations were introduced in Parliament before the

holidays. Two of our committees and the House are studying these two regulations right now. You may be the first Commissioner of Official Languages to have an administrative monetary penalty tool.

Do you think the regulations go far enough to ensure better compliance and effective implementation of the act?

Ms. Burke: It's a bit too early for me to comment at length on the matter, but I can answer to some extent. Administrative monetary penalties are a last resort, a final approach to ensuring compliance. Part IX and the related administrative monetary penalties regulations are on track for approval and implementation in the near future. I see these regulations as an approach that affects a very limited sector, namely transportation. As a result, because of the way the regulations are currently worded, there is a rather cumbersome process that will have to be followed if sanctions are ever successfully imposed.

• (1930)

In my view, the regulations will be as robust as the future commissioner wants them to be, depending on their interpretation. It will be an additional tool in the commissioner's tool box in exceptional cases. Does that answer your question?

Senator Surette: I was also asking about Part VII.

Ms. Burke: The Part VII regulations can also be as robust as the future commissioner wants them to be. I see opportunities here. They can't be interpreted in a way that makes the act meaningless. They must be interpreted in a way that helps meet the objective of the act, which is substantive equality. These regulations will have a lot to say about positive measures. We will see how positive measures will be implemented to ensure respect for all of the Part VII commitments, promote French, enhance the vitality of official language minority communities and support lifelong learning.

We will see how all of this plays out, but as commissioner, I plan to be very active on this file.

Senator Surette: Thank you. I have a quick question about the Action Plan for Official Languages, which we haven't talked much about this evening. The former commissioner was concerned about the implementation of the action plan. You are well aware of the challenges facing minority communities. How will you deal with the challenges related to the implementation of the Action Plan for Official Languages 2023-2028?

Ms. Burke: The action plan allocates significant funds to strengthening bilingualism in Canada. We need to see whether meaningful results are being achieved with that funding, whether there is sufficient accountability on the part of those who are distributing the funds and whether the results indicate that progress is being made with that funding.

The commissioner's role will be to oversee the implementation of the action plan and the implementation of the act and its regulations. If I become commissioner, I will have powers that will enable me to conduct more in-depth investigations into how the funding is being used to help the communities, including the

community associations and organizations that are receiving funding to support official language minority communities across the country. These community organizations are vulnerable.

The Chair: Thank you, Ms. Burke.

Senator Oudar: Welcome, Ms. Burke. Thank you for agreeing to answer our questions this evening.

Ms. Burke: My pleasure.

Senator Oudar: I want to continue discussing the new act, which grants the commissioner considerably expanded powers, such as the power to issue orders, enter into compliance agreements and impose administrative monetary penalties. It's true that some people are waiting for the regulations, but in the meantime, the commissioner has important tools at their disposal, particularly with regard to proposing mediation and entering into compliance agreements with federal institutions. These compliance agreements are legally binding under section 64.1. I would like to hear your views on the proposals that will be included in the regulations and the powers you can use under the act.

Can you give us specific examples of situations where you would use the compliance agreements provided for in the new act to strengthen the use of French, as opposed to traditional recommendations? How would you determine afterwards whether your efforts were successful?

Ms. Burke: First of all, I welcome compliance agreements, because they allow the parties themselves to determine how they will comply with the law.

I see a lot of potential for using them to address systemic issues, where the same complaints come up year after year.

According to the outgoing commissioner's annual report, 66% of the cases handled by the Office of the Commissioner of Official Languages were related to government services and communications, and 22% were related to language of work — twice as many as 10 years ago.

In these circumstances, compliance agreements are an opportunity to address the causes of systemic issues and to incorporate ways to overcome the obstacles that organizations face.

Based on my experience in this area, I have identified some of the causes of these problems, including a lack of planning. Will compliance agreements ensure better planning and leadership? How can we overcome obstacles related to resistance and linguistic insecurity? As the commissioner pointed out, and as I myself have observed, it is essential to consider ongoing training within the federal government. This could be done within the framework of compliance agreements.

To ensure that the compliance agreements are adhered to, we'll need to measure performance, and we'll need to decide how organizations can meet their commitments under the agreements. Generally speaking, what's needed is better accountability and reporting on activities, as well as sharing of the results of these

activities. That's what I did in Ontario: I emphasized the importance of these issues not only in the here and now, but for the future and for generations to come.

Monitoring is very important. The commissioner's role is to monitor the enforcement of the act, and that's what I intend to do if I'm appointed to this position.

Senator Oudar: The Office of the Commissioner of Official Languages is itself bound by the Official Languages Act. How do you think the Office of the Commissioner of Official Languages could embody excellence in official languages?

The Chair: Honourable senators, the committee has been sitting for 65 minutes. In conformity with the order of the Senate, I am obliged to interrupt proceedings so that the committee can report to the Senate.

Ms. Burke, on behalf of all senators, thank you for joining us today.

Hon. Senators: Hear, hear!

The Chair: Honourable senators, is it agreed that the committee rise and I report to the Senate that the witness has been heard?

Hon. Senators: Agreed.

• (1940)

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

REPORT OF THE COMMITTEE OF THE WHOLE

Hon. René Cormier: Honourable senators, the Committee of the Whole, authorized by the Senate to receive Kelly Burke respecting her appointment as Commissioner of Official Languages, reports that it has heard from the said witness.

[English]

VITAL ROLE OF PHYSICAL ACTIVITY AND SPORT

INQUIRY—DEBATE ADJOURNED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Deacon (*Ontario*), calling the attention of the Senate to the vital role that physical activity and sport play in enhancing our well-being, strengthening our communities and shaping the fabric of the Canadian experience.

Hon. Stan Kutcher: Honourable senators, it is a privilege to rise today to speak briefly about the importance of physical and mental health for us, our loved ones, our friends and all Canadians.

I will focus on the relationship between physical and mental health as well as those things that impact both.

First, we need to understand that mental health is dependent upon brain health, and brain health and rest-of-body health cannot be separated. Just as there is no health without mental health, there is no mental health without health. Simply put, what is good for the bicep is good for the brain.

From here on, I will use the word “health” to mean a healthy brain —

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

Is it agreed to not see the clock?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: I hear a “no.”

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

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

Senator Kutcher: Thanks to everybody who came back to hear me speak, and my mother thanks you.

I’ll start where I left off: Simply put, what is good for the bicep is good for the brain. From here on, I will use the word “health” to mean a healthy brain in a healthy body or, for the Latin scholars among us, *mens sana in corpore sano*.

This phrase was coined by the Roman poet Juvenal, noting the connection between physical fitness and mental health, identifying that what is good for the one is also good for the other. Since Juvenal lived about 2000 years ago, I’m not telling you anything new.

Second, we also need to understand that attaining good health is both an individual responsibility and a whole-of-society responsibility. That means it’s the things we as individuals can do to help optimize our health, but it’s also the things that communities can do to optimize our health, like turning our

phones off. The latter are called the social determinants of health and include, but are not limited to, such things as eradicating poverty and social inequality, ensuring rapid access to needed health care and providing safe environments in which children can develop.

We in this chamber are in a unique situation. We are simultaneously responsible for our own health and, at the same time, we have some responsibilities to Canadians for their health. We do that by ensuring the social determinants of health can be available to all.

I will spend the next few minutes focusing on our responsibilities for our health. What can we do to improve our health? This was the question I faced when creating the first global mental health literacy curriculum for young people about 20 years ago.

What I created then rings true today, except there is more scientific data. I originally called them “five to thrive plus one.” The reason for that is because “six” doesn’t rhyme with “thrive.” I have now refined the list; it’s called “five to thrive plus four.” This demonstrates the beauty of science. As our knowledge improves, we have to improve our messaging. I have no skill in advertising because nobody would use the phrase “five to thrive plus four” as a trendy attention grabber.

I asked Senator Deacon if I should go into the research studies supporting each of these items, and she said, “No. Then I asked her if I should discuss the physiology and chemistry of the brain-body interaction, focusing on the impact each item has on the neurobiology of synaptic membrane development, improvement of neuroplasticity and neuroamine transmission efficacy, brain-derived neurotrophic factor production, endorphin release and grey and white matter synaptogenesis — and she said, “No.”

If you are interested in these things, please see me later, and I would be happy to share with you as many dense research papers as I can.

I’m only going to talk about a couple of the things on the list: exercise; proper nutrition; good sleep; solid and continuous personal relationships; helping others; limiting the use of brain-altering substances such as drugs and alcohol, as some drugs are a “never use”; protecting your brain by wearing a seat belt and helmet; getting off that phone and spending more time face to face with people; and don’t be fooled by the products or services the wellness industry is selling.

Each of these things is our personal responsibility. Nobody can do them for us. Avoid the wellness industry and its products that promise you effortless health, happiness and heaven on earth. Do the hard work needed.

I have frequently heard Senators McBean and Petitclerc say, “No pain, no gain.” And they would know.

First, I'm going to talk about exercise. It's probably the one most important thing we can do to improve our health; it's a cognitive enhancer. That means it improves the activity of the frontal cortex.

The frontal cortex is where problem solving, abstract thought, logical thinking and moral and ethical reasoning reside. It is the last part of our brain to mature.

Usually, but not for everyone, this maturation is mostly complete around age 30 years old. The cerebral cortex is also the part of the brain that controls the limbic system, which is the part that responds emotionally to existential challenges.

It causes us to slow down, think and modulate our emotional responses. In language that this chamber can resonate with, the cerebral cortex is the place where sober second thought resides.

Exercise has a profound positive impact on all parts of our bodies. It is a metabolic regulator. It improves cardiovascular function. It strengthens muscles, bones and our cerebellum's ability to coordinate our movements.

Colleagues, there is even some evidence that exercise can improve sexual functioning and arousal, but over-exercise can decrease libido. You need to be able to hit the right spot.

Colleagues, if there is one thing we can do to improve our health now and help us prevent or slow down mental and physical deterioration, it's exercise. Simply put, some is good but more is better — I'm talking about the exercise. There are two pieces of disinformation I've heard in this chamber, which I need to address.

First, there is a myth going around that lifting a glass of good wine to our lips is a form of exercise, but sadly it's not. Senator Varone, who has the palate of an expert sommelier, will no doubt be unhappy about that news.

Second, there is a story percolating that chewing sugarless gum for 30 minutes per day is good exercise because you burn more calories than you take in. I am assured that Senator Osler can help set us straight on that one.

Moving from disinformation to evidence, while all movement is good, we need to have at least 15 consecutive minutes of rapid walking daily to meet the minimum exercise quota. Those of you who want to see how this is done, please go to the downstairs lobby of our building every Tuesday to Thursday during the late morning to see Senator Ravalia pacing out his 10,000 daily steps.

But that is not all that we need to do. We need to raise our heart rate to 80% of maximum output, sustained over 30 minutes at least three times per week. This is called aerobic exercise. It takes commitment and endurance.

Senator Yussuff does this by running outdoors almost daily, rain or shine, wind or snow. That blur you see scooting down Wellington Street is Senator Yussuff.

On a related but slightly different point, I have been hearing from some people that curling and ice hockey are good ways to get into shape. Our previous colleague Senator Cotter was a big proponent of the curling hypothesis, and he managed to keep a straight face while doing so.

When it comes to ice hockey, we can turn to our resident expert Senator Housakos, who I am sure will agree ice hockey is a highly anaerobic exercise. We don't play ice hockey to get into shape; we get into shape to play ice hockey.

• (2010)

Personally, I have stopped playing ice hockey due to having taken a cross-check to my chest that broke a few ribs during a non-contact, friendly game.

And that is not all. Getting healthy is hard work. Here we go. We need to do weight-bearing exercises at least three times per week. This often means going to the gym or some place where we can lift or move heavy stuff. My good friend Senator Boehm does. He goes to two different locations every week. He lifts weights in the gym and moves furniture at home.

With all these activities, if you exercise with others, you get additional health benefits from the social interaction. I do my best to get to the gym daily whenever I am here in Ottawa. I used to banter with Senator Smith every morning at six o'clock in the gym of the Château Laurier. We became gym buddies; it was great. Sometimes, to our delight, we were joined by Senator Loffreda. He was the only one in the gym wearing a three-piece suit.

Additionally, if we can combine exercise-related activities with learning a new skill, that type of exercise increases our ability to slow down our inevitable physical and cognitive decline. It doesn't stop it, but it slows the rate.

So taking up something such as dancing — if you do this with a partner and with other people, you get the additional benefit of building social relationships. I know that there are many fine dancers in our chamber, and while I would like to publicly acknowledge each and every one of you, I won't in case I leave someone out.

So there you have it. One of the most important things that we can do to promote our health is exercise. But it is hard work, and it needs to be done regularly. We are all busy people, and we live by daily schedules. So in order to get the health benefits of exercise, we have to put it into our daily schedules; otherwise, we won't get around to doing it.

Speaking of which, according to the website called The Knot, even scheduling sex is recommended by marriage therapists and sex therapists. As they say, "We promise: It really is more fun than it sounds." And they did some sort of survey to demonstrate this.

Finally, on the exercise theme, in this audience, I need to address pickleball. According to the Mayo Clinic and the Cleveland Clinic, there is some evidence that it helps cardiovascular fitness, improves balance, and the social aspect helps mental health. Every retired person whom I know plays it, and they are impressed by it, so there we go.

I recently tried it. Hitting a superb slice shot across the net is called a “dink in the kitchen.” Really? A sport that has a dink in the kitchen? I don’t know. Anyhow, I’m going on to the wellness industry.

The wellness industry is a massive, multi-trillion-dollar global market that is growing faster than global GDP, promising easy solutions to problems that you didn’t know you had. It uses “science-y” language to promote pseudo-science and lure people into buying things that they don’t need. Have you heard of “wellness water” or “quantum healing”? What about “wellness dog food” —

The Hon. the Speaker: Senator Kutcher, I have to interrupt. The time allowed has expired. Are you asking for more time to finish your speech?

Senator Kutcher: Less than one minute.

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

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted.

Senator Kutcher: Thank you.

Have you heard of “wellness water” or “quantum healing”? True. What about “wellness dog food” — look it up — or “quantum detoxes”? If you just put the word “wellness” in front of what you are selling, or a scientific term that almost nobody understands, such as “quantum,” people will buy it. And you can even add the two words together, such as in this sales pitch: “Purchase Kathy Freston’s *Quantum Wellness Cleanse*.” It’s a thing. It was on “Oprah.”

So, colleagues, as my time has expired, I will not be able to discuss the other things on the list. Thank you for taking the time to listen, and thank you to Senator Deacon for initiating this inquiry.

Oh, and by the way, laughter is good medicine.

Hon. Marty Deacon: Honourable senators, it will come as no surprise that I value building interconnected and healthy communities that are inclusive and safe for all. I believe we all have a narrative, a past that influences our actions every day. Today, I will share a little bit about my early years that might assist in better understanding the value I place on sport and activity.

My early life was unpredictable, unstable and quite fearful. I grew up accepting responsibilities very young. Three weeks before Christmas in Grade 5, the house we rented caught fire and we could not return. We lived in a hotel for a while, which I actually thought was fun for a bit. We changed schools, moved to a new community and carried on.

I quickly realized in Grade 5 that I needed to do something for myself — something to help me feel better about myself, something to connect with others, something to help create my own experience. With very limited funds, I bought a badminton racquet and started playing at a local club. I loved all of my time on the courts. Some other parents helped me with some early technical coaching. The local tennis pro thought badminton was just the same as tennis, and he became our instructor. Meeting new people, working hard on court and managing my time was very important to me. It was me and eight very talented boys. I watched, listened and learned, just happy to be on the court.

On my first day of high school, when most people are excited about school, I could not wait until the end of the day. That was the day a “real” coach, someone who had coached national-level athletes, was going to start with us.

When our new coach John Gilbert arrived at our club, we were all nervous. He was quiet and he got us right to work. There was a lot of hard work, drills and training. Our Christmas training camps were my favourite — on the courts at 8 a.m. on Boxing Day right through to New Year’s Day. Days of working hard. John, our coach, was critical for me at that moment in time. He may never know just how critical. For the next five years, we trained and competed. I babysat to make sure I could pay for my travel and my equipment.

I know John did not bill me fees he knew I could not pay. And, to this day, I also know it was badminton that saved my life and put me on a better path. I knew one day I wanted to make this possible for many other people.

One highlight was competing in my first nationals, here in Ottawa, sleeping at the train station for free — yes, this train station — and a youth hostel, the former jail down the street, which I thought was fantastic.

Another memory was the day before the Montreal Olympics opened. Badminton was not an Olympic sport yet, but I had been selected to attend what was called a “junior Olympic badminton camp” in Sudbury, Ontario. This was a huge deal for me. That day, in my day job, we were introducing campers to horseback riding. Some of the campers were frightened, as the horses seemed agitated, and a few of them reared up. I took a young girl off her horse and mounted the horse to return it back to the barracks. The horse reared up and bucked me off, resulting in my leg being broken in four places. I can still remember saying to the doctor, “Can I still go to training camp today?” Suffice it to say, no. Sixteen weeks of recovery followed.

I share this because part of this recovery exposed me to 14 hours a day of Olympic coverage in 1976. I watched and tucked more statistics into my head than I thought possible. But looking back, what those weeks really did for me was build a desire to give back, to get badminton on the Olympic program. It was really important to me.

In 1978, a few years later, friends paid for a flight to get me to volunteer at the Commonwealth Games in Edmonton, Alberta, Canada, and I was hooked.

I returned to playing for five more years, but also started coaching. At Western University, in grad school, I was invited to a pilot coaching module. I learned later that I was the first female to become nationally certified to work with national team athletes. I continued to coach athletes at a local club while teaching and becoming a mom. I loved coaching my first Canada Games in P.E.I. I was then tapped by our national organization to be an apprentice coach at the Commonwealth Games in 1994, a true highlight of my life. I will never forget those games and the return of South Africa to the Commonwealth post-apartheid. We embraced the whole South African team as we prepared for the opening ceremonies.

• (2020)

I was also exposed early to the complexity of the games, all of the functioning units, the security aspects and the team behind the team. It was at those games as well that I started a project called “Canada Gives Back,” a donation project involving sharing gently used equipment with countries that are not as fortunate.

I have since tried to leverage sport at every opportunity I can, from playground to podium and back. Sport, I have learned, is about so much more than a game. My lens of experience for the first decade was in the role of coach and team leader. Over the next two decades, I evolved, supporting all of Team Canada at games, being a member of the Team Mission, leading Team Canada as head of mission in Delhi and shaping policy that best helped and supported Team Canada. I have had the opportunity to contribute to and attend 19 international multi-sport games. My desire to make conditions best for our athletes and coaches has never waned.

So what has sport taught me? Why am I telling you all of this?

At all levels, athletes and coaches are incredible. Watching athletes and coaches at their first Olympics is a thrill. They are so excited that they cannot sit or stand still. It’s their first athletes’ village, first bag full of clothing for Team Canada and first photo taken in front of the real Olympic rings. Then, the gravity of the culmination of years of training hits like a freight train. Our job as coaches is not to kill the excitement, but to keep them grounded so they are not swallowed by these moments.

Sport also brings families, communities and nations together. It is a builder. At my first Olympics, on day two of competition, I stepped outside the gym to regroup. I stopped to look at an outdoor Jumbotron screen, and there, in front of my eyes, Simon

Whitfield finished his run to win gold in the triathlon in Australia. It was an awesome moment, jumping and screaming with about 500 other people all wearing different colours and jerseys from around the world. It did not matter where we were from. This togetherness might be seen as random, but it was not that different from FanFest at Nathan Phillips Square in Toronto this past weekend, where strangers came together and wanted to be together to share these moments.

Like with any complex event, many people work behind the scenes to create the best conditions for success. This can be a grind. Most games I have been to have had me away from my home for three to five weeks. But it is all worth it when you see the athletes and coaches march in the opening ceremonies — the flags, the smiles, the pride and the rawness of it all.

Each event brings something unique. They bring no promise, no guarantee, but these athletes are striving to be the best in the world at the right moment. We have seen already Canadian athletes who did not make it to the starting line in Milano Cortina. This is also a reality.

Families and friends are critical to athletes’ performance, but their needs are different. As a coach, we have to know the exact mix that works best. The pandemic and empty stands in Tokyo and Beijing were very rough. When they are interviewed, athletes in Milano Cortina who were in Beijing repeat, over and over, how great it is to have their families spectating at these games.

As coaches and team leaders, we usually have training down to the minute. However, we have to watch and listen closely to the noise that can impact their best performance. Protecting energy, sticking to your process, having one person to respond to, staying true to your values and sticking with the familiar is how you show up ready, like in the Senate.

And then there is failure. I think what we consider with athletes is so applicable to our everyday lives. If an athlete never fails, they may be either playing it pretty safe or not training hard enough. Failure is not a weakness but a process. Failure is feedback. The goal is to fail in practice, learn what happened, fix it and show up better the next day. As coaches, we don’t treat it as a crisis but an opportunity.

Sport is also inclusion. In 2004, in Athens, I ended up at a Starbucks with seven badminton athletes from four countries. Each identified as LGBTQ. This led to some incredibly open dialogue on the challenges they faced at games and at home. I will never forget this conversation, as it guided my work and the need to do it better. I also assisted my athletes when they came out to their families. This led to a report I presented to our international federation and our Olympic committee. The bottom line is that if athletes do not feel safe, included and valued, they simply cannot perform at their best.

By the way, Senator Petitcherc, this group of seven joined me to watch you that day and were also the ones who went to watch you win gold in the 800-metre wheelchair exhibition race in Athens.

Sport is also education and community. You may not know that in 2010, the Youth Olympic Games were born. I have attended both the winter and summer Youth Olympic Games and sat in an adviser role. What is amazing about these games is that the athletes compete at their best for a week and then participate in an education program. Imagine athletes under the age of 18 participating in activities that help them learn about Olympic values and cultures from around the world. Some meet, then compete against each other at the Olympics. The energy is amazing, and the next Youth Olympic Games will be held this summer in Dakar, Senegal, the first to be organized in Africa.

For young girls in particular, sport plays an integral role. My experience tells me that if we lose girls before around the Christmas of Grade 4, it is very hard to get them back. I have led school curriculum projects that redesigned our curriculum from a fitness model rather than a sport model, which encourages participation for all girls through to Grade 12. We ran junior varsity programs where any girl could play on a basketball or volleyball team, with no cuts. On my basketball and volleyball teams, we had 60 to 70 girls who were thrilled to put a school jersey on, whether it was new or 20 years old, and spend time on the court.

Internationally, I have immensely enjoyed mentoring women in Africa and South America. Supporting girls and women in sport represents a tremendous opportunity in Canada. When girls play and lead in sport, their full potential is unlocked, expanding their contributions to our communities and our country.

At this moment, momentum is strong for girls and women in sport. Sustained government attention and support, committed organizational leadership and investment have partially led to this. The rapid expansion of professional women's sport in Canada is a game-changing development. We now have a full calendar year of women's sport on our screens. The resulting growth in visibility, value and respect for women's sport will have a positive effect on the entire women's ecosystem, especially with respect to grassroots opportunities.

As a woman in a sphere of leadership that was male dominated, I have faced directly many forms of harassment in many arenas. I have been in international meetings as the only female. I am dedicated to ensuring it is better for the next generation.

Of course, colleagues, sport costs money. In a school where families could not afford to outfit their children in hockey equipment, the school custodian and I collected some, negotiated ice time and found volunteers and a bus to take students to a local

rink at 7 a.m. I will never forget the faces of these students and their parents as they put on equipment and stepped onto the ice for the first time. Grassroots sports must be attainable for all youth.

The recent Jumpstart report, *State of Youth Sport in Canada*, is an important read, highlighting the cost of sport and the significant barriers that exist. Investing in sport and physical activity is not exclusively about health and well-being. We know sport has the capacity to transform lives, foster community and drive positive social change.

Sport is also good business. From the \$7.6-billion GDP impact on amateur sports to the \$2-billion projected boost from the FIFA World Cup, sport is a massive economic driver and a significant nation-building tool. Ultimately, we will need to work together to realize the full power of sport.

Colleagues, from playground to podium and back, I dream that the cost of sports can be more affordable for more Canadians, that schools and recreational facilities can be accessible seven days a week, that all schools can offer quality daily physical activity and that our sports system finds efficiencies, from municipalities to provinces and territories and national sports organizations, while funding across ministries is addressed. This will require a transformation of present structures. I hope all Canadians benefit from the power and possibility of sport.

• (2030)

Finally, and importantly, I hope that all of society can live and act by the Olympic manifesto that originated in 2018 and is again posted in Canadian spaces at these games. That manifesto reads:

Within these walls, you are welcome, accepted and respected, no matter who you are or where you come from.

You are Team Canada, regardless of sexual orientation, race, family status, gender identity or expression, sex characteristics, creed, age, colour, ability, disability, language, political or religious belief, or culture.

The Hon. the Speaker: Senator, I wish to mention that time your time has expired. Are you asking for more time?

Senator M. Deacon: Yes.

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

Hon. Senators: Agreed.

Senator M. Deacon: Thank you. To finish that quote:

Here, you are safe to chase your dreams. All we ask is that you be respectful and kind, and treat others with fairness and dignity. Strive to be the best teammate possible.

Together we are one community, one country, one team.

Thank you. *Meegwetch.*

(On motion of Senator Kingston, debate adjourned.)

(At 8:32 p.m., the Senate was continued until tomorrow at 2 p.m.)

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