



# DEBATES OF THE SENATE

---

1st SESSION



45th PARLIAMENT



VOLUME 154



NUMBER 75

---

OFFICIAL REPORT  
(HANSARD)

Wednesday, May 27, 2026

The Honourable RAYMONDE GAGNÉ,  
Speaker

## CONTENTS

(Daily index of proceedings appears at back of this issue).

*Publications Centre:* [Publications@sen.parl.gc.ca](mailto:Publications@sen.parl.gc.ca)

---

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



## THE SENATE

Wednesday, May 27, 2026

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

Prayers.

[*Translation*]

### SENATORS' STATEMENTS

#### WALTER CUP

##### CONGRATULATIONS TO MONTREAL VICTOIRE

**Hon. Tony Loffreda:** Honourable senators, I rise today to pay tribute to the Montréal Victoire.

For the first time in its short history, the Professional Women's Hockey League's Walter Cup went to a Canadian team, and what better team than Montreal's?

After finishing the regular season at the top of the overall rankings, the Victoire went into the playoffs with high hopes, knowing that they had a difficult road ahead of them.

[*English*]

After five gruelling games in the opening round, Montreal defeated the two-time defending champions, the Minnesota Frost, to earn a place in the Walter Cup Finals against the Ottawa Charge.

**Hon. Kim Pate:** Go, Charge, go.

**Senator Loffreda:** Seeking redemption after last year's playoff disappointment against Ottawa, the Victoire demonstrated composure, discipline and determination throughout the series.

Three years into the history of this league, Canadians witnessed the very first all-Canadian Walter Cup Finals.

While my seatmate Senator Pate may be disappointed with the result, I am delighted to see a Montreal hockey team once again capture a championship title.

Led by captain Marie-Philip Poulin, who was deservedly named the playoff MVP, along with standout players Laura Stacey and Ann-Renée Desbiens, the Victoire proved that championships are won through collective effort, depth and resilience.

Congratulations to the coaching staff and front office for assembling a team that overcame a difficult start to the season. In January, they sat at the bottom of the standings. By February, they had found their rhythm and never looked back. They finished first overall, and today they are champions.

Beyond Montreal's victory, this season marked another important milestone for women's hockey. Thanks in part to Ottawa's outstanding fan support, game three of the Walter Cup finals set a new playoff attendance record with nearly 17,000 spectators.

Even more impressive, more than 1.2 million fans attended Professional Women's Hockey League, or PWHL, games this year, averaging over 9,200 spectators per game. These numbers confirm what many of us already know: Women's hockey is dynamic, entertaining and rapidly growing across North America.

That growth continues with the league's recent announcement of expansion franchises in Hamilton, Detroit, Las Vegas and San Jose next season, bringing the PWHL to 12 teams.

[*Translation*]

Honourable senators, I'm also excited to announce that the traditional victory parade will take place on Saturday in the streets of Montreal. Let's hope that this is a forerunner of a second parade next month.

[*English*]

Colleagues, please join me in celebrating the Montréal Victoire's PWHL championship — a proud moment for Montreal, for women's hockey and for Canada.

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

#### FUTURE OF CANADIAN NEWS MEDIA

**Hon. Andrew Cardozo:** Honourable senators, I do have to start with "Go, Charge, go."

Colleagues, there is a crisis in the economic stability of Canadian news media. The traditional advertising-supported model of news media is no longer functioning sufficiently to sustain a robust, diverse and independent media in Canada. News media's share of advertising revenue has been precipitously declining for two decades. Subscription revenues have failed to expand enough to fill the gap.

News media is an essential pillar of democracy. Without it, voters cannot find out what is being done in their name. They cannot adequately hold their representatives to account, including the Senate, and they cannot make informed choices at election time.

In this context, public subsidy of news has become a pressing matter. I have written a report, co-authored with media policy analyst Howard Law, entitled *Making News Media Sustainable: Options for the Long Term*. My report provides a comprehensive analysis of the existing public subsidy set of programs.

[*Translation*]

In this report, we argue that public subsidies will remain essential to the news media sector's survival. Existing subsidy programs have played a vital role in the survival of news media to date. Ideally, public intervention should be systematic and subject to transparent accountability. That is the best way to ensure value for money for taxpayers and support the news media we need.

[*English*]

We propose 15 policy options, and let me just mention 3. Governments need to spend 50% of their advertising budgets in Canadian media. Currently, governments provide about 2% of their advertising to Canadian media. The rest of it goes to foreign-owned social media.

We need to ensure that public funding is distributed through a body that is at arm's-length from the government and insulated from political intervention. We also encourage charitable foundations to support news media.

Copies of the report can be found on my website, senatorcardozo.ca. If you would like a copy, in either official language, we can send that to you.

The quest to maintain and build credible Canadian news media is critical at this time of worldwide instability with rapidly growing disinformation. Thank you.

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

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Claude Briand and Salina Ladouceur. They are the guests of the Honourable Senator McPhedran.

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

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

#### MENTAL HEALTH WEEK

**Hon. Tony Ince:** Honourable senators, earlier this month Canadians marked Mental Health Week. Although this statement comes after that week of reflection, this issue is urgent every day of the year.

Today, I want to share what it looks like for Black communities in Canada, particularly Black men and boys.

This past weekend, I had the opportunity to attend the Black Men's Health Summit in Nova Scotia. I was moved by the willingness of participants to fully engage and be vulnerable.

• (1410)

Over 160 participants attended throughout the weekend this year, a significant increase from 83 at its first summit in 2023.

Men and boys came together for conversations about mental wellness. They participated in workshops led by Black physicians and facilitators, shared meals and simply spoke honestly with one another. It was a powerful space.

There were intergenerational conversations, young people meeting role models and strangers introducing themselves to one another, then leaving with a sense of brotherhood and connection. This experience stays with me to this day.

While evidence shows that Black Canadians experience higher rates of trauma and significant mental health challenges, Black men remain far less likely to access mental health services.

Higher unemployment rates and lower average incomes can limit access to insurance and care. Many struggle to find a family physician, often the first point of access to mental health support.

Racial discrimination continues to be one of the strongest predictors of depression, anxiety, post-traumatic stress and low self-esteem. Many Black Canadians report experiencing discrimination regularly and sometimes daily.

Yet despite these challenges, communities continue to create spaces of healing and support. The Black Men's Health Summit is one example of what becomes possible when culturally safe spaces are intentionally created.

However, resilience must not be mistaken for immunity. Community efforts alone cannot carry the burden of systemic inequities. Improving mental health outcomes requires addressing social determinants of health, such as poverty, housing, education, food insecurity and racism itself. It requires investing in community-led initiatives and increasing representation within the health professions.

Mental health is not experienced equally in this country, and our response must reflect that reality.

Thank you, *wela'lin*, *meegwetch* and *shukran*.

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

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of representatives from the Canadian Muslim Healthcare Network. They are the guests of the Honourable Senator Ataullahjan.

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

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

### EID AL-ADHA

**Hon. Salma Ataullahjan:** Honourable senators, I rise today to mark Eid al-Adha, an occasion celebrated by approximately 2 billion Muslims across the world.

As Senator Al Zaibak so eloquently stated yesterday, Eid is one of the most meaningful occasions in Islam. It is a celebration rooted in faith, sacrifice and devotion to God, but it is also a reminder of something that connects billions of people across different faiths.

At the heart of Eid al-Adha is the story of Prophet Ibrahim — or Abraham — a figure revered not only by Muslims but also by Jews and Christians. His story is ultimately about patience, obedience and love for Allah. Across the Abrahamic traditions, Ibrahim represents a shared spiritual inheritance that continues to shape how people understand duty, mercy and humanity.

That shared connection matters, especially today. In a world that often focuses on what divides people, occasions like Eid invite us to remember what we hold in common.

Muslims, Christians and Jews all believe in the importance of charity, family and care for the vulnerable. All three traditions teach the values of compassion, humility and responsibility toward one another.

For Muslim families, Eid al-Adha is a time for prayer, sacrifice and selflessness. It is a day spent visiting relatives and friends and extending generosity to neighbours and the less fortunate.

In my area of Pakhtunkhwa in Pakistan, you can feel the general excitement as Eid approaches. We Pukhtun people are meat eaters, and the barbecues are fired up early in the morning after prayers.

For most, the spirit of Eid al-Adha is about supporting those in need. Also known as the Feast of Sacrifice, the meat of the sacrificed animal, called *qurbani*, is traditionally divided into three equal portions. One third goes to the household, one third goes to family and friends and one third is donated to the underprivileged. I know that in Canada, specifically in the Greater Toronto Area, food banks are overwhelmed with the number of *qurbani* donations during this time.

The spirit of Eid is something worth celebrating. Our country is home to people of many faiths and backgrounds, and our diversity becomes stronger when we approach one another with curiosity, respect and openness.

Eid al-Adha reminds us that faith can be a bridge. It reminds us that understanding begins when we recognize the humanity we all share and that while traditions may differ, the values beneath them can still speak to one another.

To everyone celebrating Eid, may this occasion bring peace, renewal and hope for the days ahead. On behalf of my Muslim colleagues and fellow Senators Al Zaibak, Gerba, Mohamed, Ravalia, Yussuff and myself, Eid Mubarak.

[Editor's Note: Senator Ataullahjan spoke in Pashto.]

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

[Translation]

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Émile Gallant, President, and Émilie Caissie-Richard, Executive Director, accompanied by a delegation from the Société nationale de l'Acadie. They are the guests of the Honourable Senator Surette.

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

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

### LA SOCIÉTÉ NATIONALE DE L'ACADIE

**Hon. Allister Surette:** Honourable senators, I am very proud to rise today to draw your attention to the presence of the president of the Société nationale de l'Acadie, or SNA, Émile Gallant, its executive director, Émilie Caissie-Richard, and all of the other organization delegates who are here with us today. For over a century, the SNA has been bringing together Acadians from the four Atlantic provinces and acting, both at home and internationally, as an inspiring and steadfast voice for a resilient people with a rich history and culture.

The SNA was founded in 1890 at the third Acadian National Convention, which took place near my home in Pointe-de-l'Église, Nova Scotia, and it has been helping to promote the Acadian community ever since. The fact that the organization has been around for so long, 136 years, is a testament to its ability to always adapt in order to properly represent the changing interests and needs of the Acadian community.

Even today, the SNA plays a key role in promoting and developing Acadian culture and heritage in the Atlantic provinces, across Canada and internationally. One of the SNA's major achievements includes an event that is near and dear to me. I am very proud to have my name associated with it, having served as chair of the organizing committee for the 2004 and 2024 editions held in Nova Scotia. I am of course talking about the World Acadian Congress, or WAC.

Held every five years since 1994, the World Acadian Congress is the largest gathering of the Acadian diaspora. This event could not happen without the SNA. For example, the SNA is responsible for selecting the host regions and supporting the organizing committees in their preparations.

The SNA also plays a vital role as the political voice of the Acadian people. Its presence here this week is a testament to this long-standing commitment. I would also like to highlight an interesting and deep historical connection between the SNA and the Senate of Canada. The very first Acadian appointed to the Senate in 1885, Senator Pascal Poirier, was also the very first president of the SNA in 1890. In addition, our colleague Senator Cormier also served as president of the SNA before joining the upper chamber.

I wish to salute and express my deepest gratitude to anyone and everyone who helps, has helped or will help sustain and develop this institution, which is essential to Acadia's vitality.

Thank you and long live Acadia.

• (1420)

[English]

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of members of the National Assembly of the Republic of Korea: Yong Weon Yu and Sung-Kyu Maeng, Chair of the Canada-Korea Interparliamentary Friendship Group. They are the guests of the Honourable Senator Martin and the Canada-Korea Interparliamentary Friendship Group.

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

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

#### CANADA-KOREA RELATIONS

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, it is an honour to rise and recognize the historic significance of this week in the 138-year friendship between Canada and the Republic of Korea. I have the honour of joining Speaker Raymonde Gagné and the visiting parliamentary delegation from Korea, including national assembly members Yong Weon Yu and Sung-Kyu Maeng, my counterpart as chair of the Canada-Korea Interparliamentary Friendship Group. Also, Senators Black, MacDonald, Patterson, Ravalia, Yussuff and I discussed shared priorities for prosperity, security and partnership with our counterparts.

As chair of the Canada-Korea Interparliamentary Friendship Group, I speak with deep gratitude for a relationship grounded in service, sacrifice and enduring friendship. As we commemorate the seventy-fifth anniversary of the Korean War, we remember that Canadian courage and sacrifice became part of the foundation upon which modern Korea was able to survive, rebuild and thrive beyond all expectations.

However, the story of Canada and Korea did not begin with war. It began in 1888, when Canadian missionaries and scholars first arrived on Korean soil to stand alongside the Korean people in their struggle for independence and dignity. From those beginnings, our relationship has grown into a comprehensive, strategic partnership, spanning trade, technology, energy, innovation, defence and security cooperation across the Indo-Pacific and beyond.

Honourable senators, we now stand at the threshold of a new chapter. A pending decision regarding Canada's next-generation submarine program represents the possibility of elevating Canadian-Korean cooperation to an entirely new level. What a truly full-circle moment for our two nations.

Seventy-five years ago, Canadians crossed the Pacific Ocean to defend Korea in its hour of need. This week, the state-of-the-art Korean submarine KSS-III crossed the Pacific in the opposite direction to Canada's West Coast, in my home province — our home province — of British Columbia. If acquired by Canada, a submarine of this class would strengthen our sovereignty, deepen our interoperability with allies and help ensure that Canada can defend its interests for generations to come.

History is not something we simply commemorate. It is something we build on. The sacrifices of the past created the trust we share today, and that trust now gives Canada and Korea the opportunity to shape the future together.

*Gamsahamnida.* Thank you.

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mavis Morton, professor and Chair of the Department of Sociology and Anthropology at the University of Guelph. She is the guest of the Honourable Senator Sorensen.

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

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

---

[Translation]

### ROUTINE PROCEEDINGS

#### CRIMINAL CODE INDIAN ACT

#### BILL TO AMEND—FIFTH REPORT OF INDIGENOUS PEOPLES COMMITTEE ON SUBJECT MATTER TABLED

**Hon. Michèle Audette:** Honourable senators, I have the honour to table, in French and in English, the fifth report of the Standing Senate Committee on Indigenous Peoples, which deals with the subject matter of Bill S-241, An Act to amend the Criminal Code and the Indian Act, and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

(Pursuant to the order adopted March 12, 2026, the report was deemed referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[English]

## ADJOURNMENT

### NOTICE OF MOTION

**Hon. Patti LaBoucane-Benson (Acting Government Representative in the Senate):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, June 2, 2026, at 2 p.m.

---

## QUESTION PERIOD

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### BUSINESS OF THE COMMITTEE

**Hon. Denise Batters:** Honourable senators, my question is for the Chair of the Internal Economy Committee, Senator Loffreda.

A group called 4 My Canada, comprised of concerned Canadians, sent thousands of postcards about Bill C-9 to senators in a mass mailing campaign. We have just learned that 143,000 postcards are being held in a Senate mail room in Gatineau. The Senate Property and Services Directorate had emailed senators that a “very large number of postcards had been received,” and that only “a box of postcards” would be delivered to senators’ offices today. My office received just 30 postcards, and only one of those was from a constituent in Saskatchewan. Each of these postcards bears a Canadian’s full name and address.

Why is the Senate Administration curtailing the right of Canadians to express their opposition to this highly controversial amended government bill to senators before we vote on it in this chamber?

**Hon. Tony Loffreda:** Thank you, Senator Batters, for the question.

Correspondence from Canadians is extremely important and is taken seriously by the Senate of Canada and the administration. As you know, the Senate Administration advised all senators on May 19 that we received more than 10,000 identical postcards related to Bill C-9. It speaks volumes about the bill. A sample of those postcards was sent to each senator.

To be efficient, the steering committee for the Standing Committee on Internal Economy, Budgets and Administration, or CIBA, agreed that we would not distribute all of the postcards in order to prevent disruptions and delays to regular mail services. Each senator received sample cards addressed to them. The rest of the postcards, which have now reached more than 200,000, are

being kept in our warehouse in Gatineau. Senators are welcome to visit the warehouse by contacting the administration if they so choose.

Further, it was decided that the postcards would be kept at the warehouse for 90 days, which is the same procedure CIBA has adopted for mass electronic mail campaigns. I could go further, but I think my time is up.

**Senator Batters:** That is not acceptable. As I said, I received 30, only one of which was from Saskatchewan. Mail to parliamentarians has been postage-free for decades because we have a responsibility to listen to the views of Canadians on issues that we vote on here.

• (1430)

Why is the magnitude of this campaign being downplayed to senators? We received no details about the 10,000 identical ones. Also, why are these postcards being held where they are not accessible? We received no information previously about their being inaccessible to senators or our office staff.

**Senator Loffreda:** This decision was not made to silence anyone or diminish the importance of public participation in the democratic process. Senators continue to receive correspondence from Canadians every day. All perspectives and concerns remain important and valued, and Canadians should know that their engagement with public policy matters and that nothing in this process prevents individuals from continuing to contact senators directly to share their views.

We understand that many Canadians feel strongly about Bill C-9, and these postcards are accessible to all —

[Translation]

**The Hon. the Speaker:** Thank you, Senator Loffreda.

[English]

**Hon. Yonah Martin (Deputy Leader of the Opposition):** I have a follow-up question, Senator Loffreda. It is my understanding that though it may appear to be a mass-mailing campaign and the postcards may have the same front, they are individually paid for by individuals across Canada, so the return addresses are all different.

In essence, it is being organized through an organization, but individuals are paying for the printing of the postcards. It appears to be a mass-mailing campaign, but it is an organized effort to show the voices of Canadians who are very concerned about Bill C-9.

**Hon. Tony Loffreda:** Thank you for that question.

It is important. Nobody is downplaying this. We received on May 15 — I have the date because I prepared for a few questions. Because there was no Question Period, I said, “Maybe on a few issues that are important.” This is an important issue, and I have come prepared for it.

We received from our mail-screening provider that the Senate received more than 10,000 identical postcards. I could read the email, but I don't have the time to now. The only exception was that they were from different citizens to different senators.

I cannot vouch for who paid for them. I haven't seen the postcards. I've seen the same, identical boxes that were distributed to the senators.

This comes out to close to 2,500 postcards per senator. It is huge. It is a large amount. There are efficiency issues involved in the mailing system — there are a lot of issues — but they are there. They are available —

[*Translation*]

**The Hon. the Speaker:** Thank you, Senator Loffreda.

[*English*]

**Senator Martin:** They have the same front, but the printing cost is paid for by individuals, though it is organized through 4 My Canada. That is my point.

Canadians are writing to senators. They may appear the same, but they are from individuals. That's the point I wanted to raise, and I wanted to know if you were aware of that.

**Senator Loffreda:** Thank you for the question, and thank you for making me aware of that. I was not previously.

I will speak to my steering committee, and we can raise the issue with the Standing Senate Committee on Internal Economy, Budgets and Administration. The chair is just a facilitator. The power is not with the chair. It is with the steering committee and the board. The power is with you. If we want to distribute them to senators, that will be the decision, and that will be that.

Let us understand that there are 10,000 postcards here. Mostly, they are very similar. They were paid for by Canadians. It speaks volumes for Bill C-9 —

[*Translation*]

**The Hon. the Speaker:** Thank you, Senator Loffreda.

[*English*]

**Hon. Salma Atallahjan:** Senator Loffreda, if a concerned citizen writes to me, I think it should be for me to decide whether I look at that mail and what action I take.

Don't you think this is overstepping?

**Hon. Tony Loffreda:** We have received many mass-mailing campaigns, and the decision taken was similar with those mass-mailing campaigns. As I said, those postcards are available. The decision was taken by steering at the time. All senators can access their postcards.

Our mail-screening provider specified that they were all similar — identical except for being from different citizens to different senators. It was a mass-mailing campaign, and that's the decision that was taken.

The decision is yours. If we want to come back to it and distribute the 10,000 postcards, we will do so.

**Senator Atallahjan:** Thank you. Senator Loffreda, you said 200,000 Canadians. Are they individual names?

**Senator Loffreda:** Yes.

**Senator Atallahjan:** I think we owe it to Canadians to look at the mail that they send us.

**Senator Loffreda:** Well, that's a statement. I mean, it is 200,000 —

**Senator Atallahjan:** Would you agree?

**Senator Loffreda:** I always agree with the voice of Canadians. It is important to listen to Canadians. It is important to consider what they are saying. We're here for the people, we represent the people and we must do what is best for all Canadians.

Again, it is 200,000 postcards that are similar in content. I have not seen all 200,000, obviously, but this is what we were told by our mail-screening provider, and it is a mass campaign. It speaks volumes for Bill C-9 —

[*Translation*]

**The Hon. the Speaker:** Thank you, Senator Loffreda.

**Hon. Lucie Moncion:** Senator, are you aware that there is a policy for that, that it was adopted a number of years ago by the Standing Committee on Internal Economy, Budgets and Administration, and that Senate Administration staff have been following that policy?

**Senator Loffreda:** Thank you for the question, Senator Moncion. As I said a little earlier, the same policy applies to emails that we receive.

[*English*]

It's a mass-mailing email campaign, and they are stored. It is a policy, but if we want to revisit those policies — it's a very dynamic process we are in. It's not a static process, but there are mass-mailing campaigns that go on continuously. In this case, it was postcards. Policy was followed, and steering made the decision in consequence.

**Hon. Marilou McPhedran:** Senator Loffreda, would you take a question from me?

**Hon. Tony Loffreda:** Yes.

**Senator McPhedran:** Thank you very much.

As I have mentioned many times in this chamber over the almost 10 years I have been here, the anti-harassment policy for the Senate changed very substantially a number of years ago and went into a private, closed circuit controlled by the Standing Committee on Internal Economy, Budgets and Administration.

Could you update us on my previous questions and let us know — if not today, then fairly soon — how many non-disclosure agreements have been used since the policy changed and the Standing Committee on Internal Economy, Budgets and Administration took complete control of dealing with these cases?

**Senator Loffreda:** Senator McPhedran, thank you for that question.

I have prepared for many questions, but with that one, you got me. I will have to take it under advisement. As a former banker, we want to be accurate with some of the numbers. The consequences would be huge if we were not.

I will get back to you on that. Thank you for the question.

---

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Patti LaBoucane-Benson (Acting Government Representative in the Senate):** Honourable senators, pursuant to rule 4-12(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: second reading of Bill C-11, followed by consideration of the seventh report of the Standing Senate Committee on Legal and Constitutional Affairs, followed by all remaining items in the order that they appear on the Order Paper.

• (1440)

#### MILITARY JUSTICE SYSTEM MODERNIZATION BILL

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

**Hon. Rebecca Patterson** moved second reading of Bill C-11, An Act to amend the National Defence Act and other Acts.

She said: Honourable senators, I rise today to speak to Bill C-11, An Act to Amend the National Defence Act and other Acts, better known by its short title, “Military Justice System Modernization Act.”

Before I address this bill, I would like to take a moment to share what I believe our role is in debating legislation at second reading. But before I say that, I would like to thank my fellow senators for giving me a chance to speak at second reading before you have had the technical briefing, and I hope that this speech will help shape how you listen to the technical briefing tomorrow.

Second, debate at second reading is not just a question of referral to committee for further study. This is our opportunity as senators to debate the merits and the principles of the bill before us. After all, if we as a chamber cannot support the merits and principles of the bill, then why would we send it to committee?

I hope that by the end of my remarks today, colleagues will agree that the principles of Bill C-11 have merit and that it is worth further study in committee. As such, I will address the principle of Bill C-11, which is the modernization of the military justice system in Canada.

Colleagues have heard me speak repeatedly on the Canadian Armed Forces, or the CAF — I will use “CAF” to save time — because the CAF is more analogous to a province. It has its own health system, its own education system, its own employment system and the part that I will be expanding on: its own justice system.

The CAF is not simply part of the government, and members of the CAF are not public servants. Yes, they serve Canada, but they are not public servants. I would like to reinforce that idea in all of your minds as I speak about Bill C-11 and as you think about the impacts on members of the Canadian Armed Forces.

An independent and separate military justice system is essential to the Canadian Armed Forces to maintain discipline, efficiency and morale. The CAF is the only institution in Canada — and exists as a tool of the state — to manage and engage in violence on behalf of Canadians. Left unchecked or undisciplined, the threat or the use of violence against people would be disastrous.

In a democracy, the military must be subject to proper civilian control. In Canada, authority for command, control and, ultimately, discipline of and over the Canadian Armed Forces flows from the Crown through to the government of the day. To ensure that discipline, the Canadian Armed Forces operates a military justice system that is unique and separate from the civilian justice system in Canada.

This separate and unique system is recognized by the Supreme Court of Canada as necessary to meet the needs of the Canadian Armed Forces.

In *R v. Généreux*, in 1982 — but there have been further cases since then — the Supreme Court said:

The safety and well-being of Canadians depends considerably on the willingness and readiness of a force of men and women to defend against threats to the nation’s security. To maintain the Armed Forces in a state of readiness, the military must be in a position to enforce internal discipline effectively and efficiently. Breaches of military discipline must be dealt with speedily and, frequently, punished more severely than would be the case if a civilian engaged in such conduct. As a result, the military has its own Code of Service Discipline to allow it to meet its particular disciplinary needs. In addition, special service tribunals, rather than the ordinary courts, have been given jurisdiction to punish breaches of the Code of Service Discipline. Recourse to the ordinary criminal courts would, as a general rule, be inadequate to serve the particular

disciplinary needs of the military. There is thus a need for separate tribunals to enforce special disciplinary standards in the military. . . .

Colleagues, discipline for the sake of control is not the only reason that the CAF is subject to the high standards of good order and discipline. It is also a matter of trust.

As I said, members of the CAF are not public servants. Members of the CAF assume military status and operate in a unique work environment. As lawful combatants, they are legitimate targets in a theatre of operations. They have what is referred to as unlimited liability.

The chain of command may order members of the Canadian Armed Forces into danger, to operate under fire or the threat of other violence and to respond in kind if necessary. No civilian employer in Canada can ask that of their employees.

Members of the CAF need to trust their fellow sailors, soldiers and aviators to have the discipline to carry out such orders, but they also need to know that their teammates have their backs, whether that is as part of a fire team in the hot desert, sailing the South China Sea or conducting combat air patrols over Eastern Europe. The CAF needs to operate as a cohesive team with the necessary discipline to carry out the mission as ordered and, normally, in the most dire of circumstances.

Further, CAF members also need to trust the system. They need to know that their fellow members are subject to the military justice system and that the system operates equitably for all members.

This is what brings me to Bill C-11.

All institutions evolve and modernize, including the military justice system and the CAF writ large. Part of the evolution of the military justice system, as recognized by the Supreme Court in *R. v. Edwards* in 2024, was a move away from a command-centric system — meaning the chain of command — to a parallel system similar to that found in the civilian world. This is because, at the end of the day, members of the CAF are Canadians like all of us. They share the same constitutional framework, including the Charter, as we do, even with some restrictions owing to their military status and the concept of unlimited liability.

Colleagues, in some ways the National Defence Act operates like a quasi constitution for the Canadian Armed Forces. Within it is contained the authority for the CAF to operate its own military justice system, administered by the Judge Advocate General, with military prosecutors and defence counsel. The act also authorizes a separate military police system, all of which are touched on in Bill C-11.

The National Defence Act, since 1998 and the recommendations made by the Somalia inquiry, has been subject to regular statutory judicial reviews, originally done every five years, now every seven years. The first took place in 2003, led by Justice Lamer, and the third and most recent, by Justice Morris

Fish, was released in 2021. Much of what is contained in Bill C-11 flows from the judicial review undertaken by Justice Fish, who looked at the entire military justice system. He made over 100 recommendations. The majority of his recommendations dealt with the military justice system, including how issues of sexual misconduct are addressed, military policing and police oversight.

Separate from these reviews required by the National Defence Act, there have been other independent reviews and audits regarding sexual misconduct in the Canadian Armed Forces. These include parliamentary committee studies undertaken by committees in both chambers, the 2015 independent review by Justice Deschamps, as requested by the Minister of National Defence, and a performance audit done by the Office of the Auditor General in 2018 in response to Justice Deschamps' report.

Most recently, in 2022, former Justice Arbour released her independent review report examining the culture of sexual misconduct in the Canadian Armed Forces. Justice Arbour undertook an independent review of the CAF at the request of the Minister of National Defence. The name of the report is the *Report of the Independent External Comprehensive Review on sexual misconduct* — I had to say that many times in the past — and she brought forward 48 recommendations, including one that requires amendments to the National Defence Act and is found in Bill C-11.

Let me now turn to what modernizations to the military justice system in Canada are contained in Bill C-11.

Overall, Bill C-11 seeks to modernize the military justice system in line with recent changes to the civilian justice system and best practices of ensuring the independence of the judiciary. It also makes changes that are unique to the military justice system.

• (1450)

Notably, it formalizes the transfer of Criminal Code sexual offences committed in Canada to the civilian justice system. However, Criminal Code offences alleged to have taken place outside of Canada on operations will continue to be under the jurisdiction of the military justice system and police.

In response to the 2021 independent review by Justice Fish, Bill C-11 changes the appointment process for the Director of Military Prosecutions and the Director of Defence Counsel Services. The Director of Military Prosecutions will be patterned after the civilian system's Director of Public Prosecutions. They are federal appointees. They will now be appointed by the Governor-in-Council rather than the Minister of National Defence, thereby enforcing independence. They will be eligible to serve a non-renewable term of seven years, and they will serve that term subject to good behaviour. While no comparable civilian position exists, the Director of Defence Counsel Services will also be appointed in a similar manner and will be subject to the same tenure as the Director of Military Prosecutions.

Bill C-11 also implements recommendations made by Justice Fish as they relate to the Canadian Forces Provost Marshal. The Provost Marshal will be restyled as the Provost Marshal General of Canada. Yes, it does make a difference, and it requires legislation. It means that they will hold a rank that is not less than a Brigadier-General. The post will be a Governor-in-Council appointment serving a four-year term at their pleasure with the option to be renewed. For context, colleagues, the Provost Marshal General is akin to the Commissioner of the RCMP and is the head of the Canadian Military Police.

These changes reflect a move toward more independence within these positions as part of the broader operation and administration of military justice. By moving the appointment power from the Minister of National Defence to the Governor-in-Council, it raises the status and increases the independence of the position. By making all three posts directly responsible to the minister as opposed to the Judge Advocate General, it reinforces the independent role of each player in the military justice system in Canada.

Another section of Bill C-11 undertaken in response to Justice Fish's report relates to the class of persons who may be appointed as a military judge. Currently, only military officers are eligible for these federally appointed judicial positions. Bill C-11 will expand this to include non-commissioned members, meaning non-officers, of the Canadian Armed Forces, or CAF. This will expand the pool to potentially include those civilian members of the legal community who concurrently serve as reservists. That is because we do have lawyers and judges who drive trucks as reservists in their day jobs, but that does not take away who they are and the professionalism they bring to the table.

Bill C-11 also expands the class of persons who may make interference complaints to the Military Police Complaints Commission and requires military police, or those serving in such a capacity, to make complaints in certain circumstances. This is in alignment with the civilian justice system. In expanding the potential pool of military judges and those who can report interference, the military justice system expands as well and becomes more adaptable to the broader CAF community.

Colleagues, much of the attention regarding the debate on Bill C-11 has focused on the independent review performed by Justice Arbour. As I mentioned previously, her report contained 48 recommendations, only one of which requires legislative changes. Since 2015, Canadians have been confronted with deeply troubling accounts from members of our armed forces: accounts of misconduct, harassment, abuse and, perhaps most concerning of all, silence. Unfortunately, these are not isolated incidents. To its great credit, the Canadian Armed Forces chose to confront these issues directly.

Justice Arbour's report did not simply diagnose the problem; it laid out a clear and actionable path forward. The government accepted all of Justice Arbour's recommendations in full, and they made a promise to Canadians and to CAF members that we would implement them all in due course.

That's going to bring us back to Bill C-11 and the one recommendation that requires legislative change, and it is called recommendation 5. Now, recommendation 5 is clear.

Allow me to quote directly from the report:

Criminal Code sexual offences should be removed from the jurisdiction of the CAF. They should be prosecuted exclusively in civilian criminal courts in all cases.

Some of you may ask, "Is this not the practice already?" The answer is yes — sort of.

Since December 2021, at the direction of the Director of Military Prosecutions, investigations of potential Criminal Code sexual offences committed by CAF members in Canada have been referred to civilian authorities. This excludes alleged Criminal Code sexual offences committed by CAF members outside of Canada, and you will hear me coming back to that. They still remain subject to the military justice system.

Bill C-11 would codify this interim directive in law, within the National Defence Act, with one small adjustment. But the Canadian Forces Provost Marshal and Military Police continue to have jurisdiction over all CAF members even in regard to Criminal Code sexual offences outside of Canada. At this moment, that jurisdiction remains with the Military Police. The difference between what has been going on since 2021 and what will happen once this bill comes into force is that Bill C-11 will remove the concurrent jurisdiction of the Military Police, clearly placing responsibility and authority in the hands of Canadian civilian authorities.

Why is enshrining an already existing practice in law important? After all, the interim directive seems to be working. The answer is because, like the Senate and formal changes to our Rules, to modernize the military justice system, those serving Canadian Armed Forces members need to know that there will be fairness and consistency in their military justice system. In short, they need to trust the system regardless of the people sitting in the seat.

Continually relying on interim directions or practices can work, but they may not be consistently applied, and they are not necessarily fair. Consistency and fairness, like independence, are cornerstones of the justice system, particularly the military justice system.

As I said, this section of Bill C-11 received most of the attention when the bill was debated and studied in the other place. Many questioned whether or not the Military Police should maintain concurrent jurisdiction and allow victims the right to choose which justice system they wish to use. This risks creating a two-tiered justice system. To give you an analogy, it is very challenging to have two trains running on one track at the same time.

There are also questions about the ability of the accused to adequately face charges if they do not know which system they are entering. CAF members serve across Canada in almost every province and territory, and a new posting may take one member

from Newfoundland and Labrador to British Columbia. These great distances may prove a burden to access justice — absolutely for the victim, but also for the accused.

If we adopt the bill at second reading, it is my sincere wish that the committee to which it is referred examine the second and third order of consequences of this transfer and that we study the matter deeply to make sure that, above all else, we are not causing more harm.

One amendment made at committee in the other place that is not yet contained in the bill that has been sent to us is a sunset clause for recommendation 5. I hope that the committee receiving this bill will also take time to study that sunset clause and consider whether it is something we wish to introduce again.

I would also like to note that, in Question Period recently in the other place, the Minister of National Defence indicated some support for the reinsertion of the sunset clause regarding the removal of military justice jurisdiction over Criminal Code sexual offence violations in Canada. I hope that the Senate committee to which Bill C-11 may be referred will examine this issue in depth.

There are many people who have been harmed in this system watching this, and they are watching it closely. We owe it to them to engage in that sober second thought that we are so good at.

Colleagues, before concluding, there are other elements of Bill C-11 that do not tie back directly to the work done by Justice Fish and Justice Arbour. These are updates to the military justice system that flow from recent changes and modernization of the civilian justice system. We have passed a number of bills relating to such changes since I have been in the Senate. Namely, they update the National Defence Act to reflect amendments made to the Criminal Code in Bill S-12 from the last Parliament relating to the Sex Offender Information Registration Act and the International Transfer of Offenders Act.

• (1500)

These changes will bring the National Defence Act in compliance with these acts and be consistent with the Charter of Rights and Freedoms.

Outside of the above provisions, there are sections of Bill C-11 that amend the National Defence Act as it relates to military justice in Canada, such as excluding military judges from the summary hearing system.

Bill C-11 also expands access to victim's liaison officers, or VLOs, to include persons acting on behalf of victims.

To conclude, at its core, Bill C-11 modernizes the military justice system to make it more fair, more transparent and more aligned with the values that Canadians expect from their institutions and certainly from their Canadian Armed Forces.

It is about creating an environment where every member of the Canadian Armed Forces — regardless of rank, gender or background — can serve with dignity and respect, and they will all receive justice.

And while legislation cannot change culture in and of itself, culture will be positively affected by this legislation.

Ongoing Canadian Armed Forces culture change efforts are what makes this bill possible and attainable. This bill is about modernizing the military justice system and codifying existing practices in law so that Canadian Armed Forces members can have confidence in the credibility of the system — a system that they can trust.

Permit me now to speak to those who serve and have served in the Canadian Armed Forces and their families.

Bill C-11 is but a small component of the work done to modernize the Canadian Armed Forces in recent years. We have seen historic investments in capabilities, equipment, infrastructure and people. And in an ever-increasingly conflicted world, that is needed and that is what you deserve.

But at the heart of the Canadian Armed Forces are you, the people.

Parliament has an opportunity with this bill to bolster confidence in the military justice system, ensuring a system that is fair, modern and worthy of members' trust.

We must ensure all the work that the Canadian Armed Forces has done to date and the progress it has made in changing the culture to make it more inclusive and fair is not a temporary thing but lasting.

It has been said that militaries are a reflection of the society they serve to protect. But we must always remember that those who serve in the Canadian Armed Forces are Canadians. Their values are not a reflection of broader Canadian values because they are our fellow Canadians. They share our values. They are us.

Lastly, my fellow senators, if you, like me, feel that the military justice system is worthy of modernization, I ask you to adopt Bill C-11 at second reading as a step in that modernization process. Thank you.

**Hon. Percy E. Downe:** Would Senator Patterson take a question?

**Senator Patterson:** Yes.

**Senator Downe:** Thank you for your speech, and thank you for your long career in the Canadian Armed Forces. It is wonderful to have that expertise in the chamber as we consider these issues and as defence becomes more important over the next number of years.

In your remarks, you indicated that for some of the new positions, rather than being appointed directly by the Minister of National Defence, they would be appointed by order-in-council and cabinet. You mentioned as well that they are at pleasure. I wonder if you could find out or maybe raise it at committee with witnesses about why they are not term positions, which would give them much more independence and security.

**Senator Patterson:** Senator Downe, that is a critical question that we do ask at committee. It was of concern in the other place as well. As the sponsor of this bill, I will commit to making sure that we delve into that and provide a fulsome response as to why this was the selection made.

**Senator Downe:** Thank you.

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

**Senator Patterson:** Yes.

**Senator Batters:** You briefly mentioned in your speech that part of this is to amend the National Defence Act to transfer jurisdiction of offences of a sexual nature to civil authorities when the offence takes place in Canada. But offences that occur outside of Canada will remain within the jurisdiction of the Canadian Armed Forces. Why is there a difference between those two things?

**Senator Patterson:** I actually think that is a pivotal question. When the Canadian Armed Forces serve elsewhere in the world, there are other jurisdictional challenges, as well as jurisdictional challenges within Canada. There are two components to this. There is the investigative phase: When it impacts a Canadian, that is one of the key roles of military police. It is for the Canadian Armed Forces overseas. From an investigation perspective, it ensures that when we talk about justice seen to be served, the investigation is done. It remains with the military police because realistically they will collaborate with the jurisdiction of choice, but it remains there. On the prosecution side, I had the same question: How does this work?

We think of Latvia as our primary theatre of operations. This has to be a change that is enduring and can be measured up against environments that are not like Latvia. Right now, as they look at how to manage something like two Canadians involved in a potential criminal sexual offence, there are directives that help decide where it is best to prosecute it based on the complexity of the case and the investigation. There may be times when it does come back to a Canadian civilian jurisdiction. Otherwise, the court martial capability remains for that incident only.

**Senator Batters:** Thank you. I appreciate that answer. I understand that the overwhelming majority of witnesses at the House of Commons committee recommended keeping concurrent jurisdiction to allow victims to actually be able to choose which justice system works best for their particular circumstances in these very personal sexual offence situations. They wanted to keep that in order to guarantee choice in the amendments, and there were amendments that the Conservatives, the Bloc Québécois and the NDP all agreed on, but the Liberals voted down all of them, including the sunset clause. Why was that? And why isn't the choice of victims in these very personal and very difficult situations being respected by the government?

**Senator Patterson:** Thank you, Senator Batters. I think that will be part of our deep dive when we do the study on this so that we actually get some transparency on it. I am skating around the question on this right now, and this is where I separate my former life from my current life. When we talked about having a choice, again, it is about doing justice in the right jurisdiction based on

all the challenges in the law. What needs to happen is that people who have been victimized by criminal sexual behaviour must be supported, and they must have representation, which includes access to lawyers. What I will say is that this point, in particular, is worth a very good deep dive and study to help us understand completely why it is.

Regarding your sunset clause component, that was one of the areas that was talked about. We have never had this. There has been talk: This is like going back to 1998 when jurisdiction came to the Canadian Armed Forces or it is just like 2021. As those of you who are in the legal or policing profession know, it is a continuous chain. What has changed now is that you're taking the military police concurrent jurisdiction out of the act.

I think it would benefit from having a sunset clause to make sure that what we are doing and passing into law does no further harm above all else.

**Senator Batters:** To briefly follow up, if there was already an overwhelming majority of witnesses and a lot of witnesses who wanted victims to have that choice, what do you believe a deep dive is going to show? It sounds like they have already done one. The victims want the choice. They have been the victims of criminal sexual behaviour. They want to be able to choose. Why isn't the government respecting that?

• (1510)

**Senator Patterson:** I obviously don't know exactly what they were thinking. But the one thing I can tell you is that Ms. Arbour met with many victims of this behaviour during the development of this report, and it was her conclusion that this was not in their best interest.

I have heard some interesting comments about them not being able to make the decision, but I reject that. I don't believe that is the case. The part that does come solid is that it's about the complexity and delays in the system and Jordan's Principle. If you are flip-flopping from one system to another, we need to find out why that is.

It is about justice as well as taking into consideration what has happened to the harmed person. That is why we need to hear with our own ears what this means exactly from officials, other experts in civilian jurisdictions, as well as from people who have been harmed.

**Hon. Paulette Senior:** Senator Patterson, will you take another question?

**Senator Patterson:** Absolutely.

**Senator Senior:** Senator Batters' first question was one I was going to ask, so I will follow up with another question. In the discussions and deliberations in the other place, were there some more recent comparative analyses done in terms of charges, prosecutions and conviction rates in the military police compared to the civilian system? Thank you.

**Senator Patterson:** Thank you for the question. This is information I don't have at my fingertips right now. I can tell you that when Justice Arbour did her report — we know what the situation is in the civilian justice system for people harmed by

criminal sexual behaviour. From her perspective, she concluded that the handling of sexual misconduct by the military justice system has eroded trust and morale amongst the organization.

This is why giving civilians exclusive jurisdiction will help rebuild trust in the military justice system. It's kind of that two-tiered thing. Going back to my earlier comment, each Canadian Armed Forces member is a Canadian who belongs to or is a Canadian taxpayer in a province. It is a very good question we can ask and get more depth on.

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

**Senator Patterson:** Yes.

**Senator McPhedran:** I want to begin by thanking you, Senator Patterson, for the work you did in your former life that made significant progress in changing the culture, as we are seeing in the goal of Bill C-11.

I also want to thank both Senator Batters and Senator Senior for asking questions I also had in mind, which allows me to ask you this question.

You've been very careful to be gender neutral in the way you presented this bill; however, most of us in the chamber, and certainly you and I, know there is a highly disproportionate number of women who experience this kind of violence.

So I have two parts to my question. First, what kind of gender-based analysis was done in developing this bill? Second, if alleged victims will be denied choice through this bill, what kind of oversight is going to take place to see what is happening in the civil system?

I ask that because I am a co-founder of the oldest organization in Canada that looks specifically at violence against women and children, and let me tell you, the grade for the civil system in dealing with these kinds of offences is not high.

**Senator Patterson:** There are mechanisms in the system in order to have reporting come back. Each year, the Judge Advocate General is responsible for submitting a report to the minister on this very issue. It's the same with the military police, though their connection is lower. So the numbers are there. I think this is a report we should all see for ongoing monitoring. That's the first part.

On the second part, I talked earlier about the independent review of the military justice system, as I said when I talked about Justice Fish. He put a focus on issues impacting sexual misconduct from policing and legal. This tool will still remain in the hands of the minister to determine, once this bill is passed, if he so chooses, to do another independent review. There can be internal things done, and there can be independent reviews as well.

Watching the numbers and making sure that, above all else, we are not causing more harm by what we are doing now will require some data to see what is happening.

And I do apologize. I missed one of your questions because I couldn't find my pen to write it down.

**Senator McPhedran:** Thank you. It was a question about any gender-based analysis that was done in developing this bill, given that a highly disproportionate number of victims are, in fact, female.

**Senator Patterson:** I apologize for that. I knew this question was coming because it's also important to me. The Government Representative's Office, or GRO, is working with the minister's team, and we will make sure that is made available. I don't have the details on it, but we have been assured it has been done. We do want to see it.

To comment on precedents versus incidents, we know, with the data collected since 2015, that while only 12% to 16% — I will use gender here — of Canadian Armed Forces members are women, the precedents are much higher for them. If you broke that down, we know the intersections of identity also impact that. So collecting data must continue.

Second, the number of incidents is actually higher with the remaining population who identify as man or male. However, we don't know what is unreported. I just wanted to add that on there.

**Hon. Hassan Yussuff:** Would Senator Patterson take another question?

**Senator Patterson:** Yes.

**Senator Yussuff:** Senator Patterson, let me start by thanking you for taking on this responsibility. As has been said before, this is a very complex piece of legislation. It is trying to recognize there are two systems in this country: the civilian reality and, of course, the military side.

We are trying to remedy what Justice Arbour eloquently laid out in her recommendations in her report. One of the difficulties we will have, as the House did, is that when we have individuals who have been victims of the system coming to testify to the committee, we will need to have broad sensitivity as to how we ask our questions, as difficult as that might be, in trying to get victims to provide a reasonable answer that satisfies the committee.

In the absence of that, either we pretend we can't ask the question or we pretend we know what the answer is. So recognizing this reality, to which I'm sure you've given a lot of thought, is there some consideration that will help guide the committee to ensure that those of us who are members of the committee, who will be engaged in this process, do not make ourselves look stupid in the context of doing our job?

**Senator Patterson:** I will say two things. The best thing is for it never to have happened in the first place. This is why efforts that are not legislative in nature need to continue, and the work the Canadian Armed Forces is doing in finishing the implementation — this is the last recommendation to be implemented — is absolutely critical, and we need to support that. So, above all else, stop the harm.

But, second, when you talk about survivors — and we have many with great expertise in this area — I think it is quite important for us to at least understand trauma-informed communication, which is what we also expect in our justice system. Our job is not to squeeze out the story of what happened to them; it is asking them about the impact of what happened to them.

I strongly recommend we do some trauma-informed training before whichever committee ends up with this bill so that, when we have a panel of survivors, we don't end up adding to the trauma they have already suffered by having them retell their story. Thank you for your question.

• (1520)

**Senator Yussuff:** To follow up, I know our colleagues in the House had to do this process in the context of the bill. Had there been an inquiry as to how we could be better informed? How could we take greater care to ensure we don't repeat some of the mistakes, if they were made, and to ensure we don't do the same thing in the Senate if the bill does come to the Standing Senate Committee on National Security, Defence and Veterans Affairs?

**Senator Patterson:** May I clarify something? Are you referring to people who have been victimized or the survivors?

**Senator Yussuff:** Yes.

**Senator Patterson:** I think that in the selection of people who have been harmed by sexual violence — because I will use the right word for this — we should make sure that the framework we have for them supports their being present in some way. If they need to take a breather, we take time and give them a chance to answer. We make sure that when we look for people to testify — because remember that this affects all genders; this is not a women's issue — we must watch whether we have a mixed panel. We need to talk to the witnesses and make sure that we listen to what they need so they can be as forthcoming as they feel welcome to, and we need to make sure we also have supports, as needed, when they testify. If the testimony ends, then the testimony ends.

**Senator McPhedran:** I would like to build on that previous question and on the questions that I asked you.

To hone it somewhat, I think this emphasis on listening to witnesses respectfully in a trauma-informed way actually extends to a question about the accountability and the reporting that is to be done. It's a fairly vague description of the reporting.

First, do you think there is sufficient transparency and accountability in this reporting process, and, if not, would there be room for a friendly amendment on that?

Second, in the assessment process for these reports, does there not need to be a specific requirement for feedback from survivors themselves? You've mentioned impact, but if we could take it into a more specific area and look at the impact after having gone through the processes and what level of satisfaction — if that's a possible word to use in a situation like this — survivors have actually experienced.

**Senator Patterson:** Thank you.

[ Senator Patterson ]

You're looking at a qualitative and quantitative assessment of this. Does this need to be in legislation, or is this better served through directives or even regulation as to what needs to be included?

I will have to think about that, but I would suggest that in the legislation itself it would potentially be outside of what the bill is doing on the reporting because the two reports that I talked about are not included in this bill. These already exist as reporting requirements for the military justice and police systems. So, it would be somewhere in here, other than the report itself going to the minister.

**The Hon. the Speaker:** Senator McPhedran, if you have another question, I will have to ask Senator Patterson if she accepts. If she does accept, she will have to ask for more time.

Senator Patterson, would you like to have more time to answer the question?

**Senator Patterson:** I would, and I request more time to finish this question.

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

**Hon. Senators:** Agreed.

**Senator McPhedran:** Thank you.

The question is an obvious follow-up to the important clarification that you just made. In Bill C-11, what are the accountability and transparency of any kind of reporting back?

**Senator Patterson:** That is something I will get back to you about. You said it is one clause that is vague, and I think that will be an important question to have answered.

(On motion of Senator Housakos, debate adjourned.)

## ENERGY EFFICIENCY ACT

BILL TO AMEND—THIRD REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE PRESENTED

Leave having been given to revert to Presenting or Tabling Reports from Committees:

**Hon. Joan Kingston:** Honourable senators, I have the honour to present, in both official languages, the third report of the Standing Senate Committee on Energy, the Environment and Natural Resources, which deals with Bill S-4, An Act to amend the Energy Efficiency Act.

(For text of report, see today's Journals of the Senate, p. 938.)

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

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

## BAIL AND SENTENCING REFORM BILL

### BILL TO AMEND—SEVENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Legal and Constitutional Affairs (*Bill C-14, An Act to amend the Criminal Code, the Youth Criminal Justice Act and the National Defence Act (bail and sentencing), with amendments and observations*), presented in the Senate on May 26, 2026.

**Hon. David M. Arnot** moved the adoption of the report.

He said: Honourable senators, I rise today to move the adoption of the seventh report of the Standing Senate Committee on Legal and Constitutional Affairs on Bill C-14, An Act to amend the Criminal Code, the Youth Criminal Justice Act and the National Defence Act (bail and sentencing), as amended by the Standing Committee on Legal and Constitutional Affairs.

At the outset, I would like to thank Senator Dalphond, the Senate sponsor of the bill, for his thoughtful and diligent work in bringing this important legislation before the Senate. His contributions helped frame the bill's objectives and the difficult balance it seeks to strike between public safety, constitutional rights, judicial discretion and the practical realities of the justice system.

I would also like to thank Senator Batters, the critic of the bill, for her careful and engaged work throughout this process and for bringing sustained attention to the concerns of victims, families and communities affected by violent and repeat offending. The contributions of these two senators were from different perspectives, but they assisted the Senate and the committee in their consideration of this bill.

Senators, Bill C-14 responds to serious public concerns about violent and repeat offending, bail compliance, intimate partner violence, extortion, auto theft, home invasions, sexual violence and public confidence in the administration of justice. It also engages fundamental criminal justice principles: public safety; the presumption of innocence; reasonable bail; judicial discretion; proportionality; and the overrepresentation of Indigenous Peoples, Black Canadians and other marginalized communities in the criminal justice system.

The committee undertook a thorough and serious study of Bill C-14. Over the course of nine meetings, two of which were dedicated to clause-by-clause consideration, the committee heard from 56 witnesses, including 5 witnesses during clause-by-clause consideration. In total, the committee spent 20 hours examining the bill and received 35 written briefs.

The study of the bill began on March 25, 2026, and clause-by-clause consideration began on May 6, 2026.

• (1530)

During that process, nine amendments were proposed by Senators Prosper, Clement, Simons, Dalphond, Pate, Saint-Germain and Tannas. Four amendments were adopted by the committee, affecting three clauses in total; two subamendments were proposed; and one subamendment was adopted.

This work reflects a serious and collaborative effort by the committee to examine the bill's public safety objectives, legal architecture and practical consequences.

Honourable senators, at its core, Bill C-14 seeks to strengthen bail and sentencing rules in response to serious and repeat offending. It expands or modifies reverse-onus provisions for certain serious offences, including offences related to violent and organized crime-related auto theft; break and enter of a dwelling-house; trafficking in persons; human smuggling; violent extortion; and assault or sexual assault involving choking, suffocation or strangulation. It also addresses release plans made by accused individuals, outstanding charges, aggravating factors, conditional sentence orders, consecutive sentences, contempt penalties for youth criminal justice record breaches and bail-related data collection.

The committee heard evidence supporting the bill's public safety objectives. Police representatives, provincial officials, victims' advocates and others emphasized the need to respond more effectively to the violent repeat offending, bail breaches, extortion, intimate partner violence, home invasions, auto theft and sexual offences we see in the community.

At the same time, other witnesses cautioned that expanding reverse-onus provisions and tightening bail and sentencing rules may increase pressure on courts, contribute to pretrial detention and have disproportionate impacts on Indigenous Peoples, Black Canadians, women, youth, people living in poverty, people with mental health needs and people living in rural, northern and remote communities.

In short, the evidence reflected both a shared concern for public safety and a recognition that criminal justice reform must be precise, constitutional, workable, evidence-based and fair.

The written briefs submitted to the committee reinforced many of these themes. They reflected a wide range of perspectives from legal organizations, civil liberties groups, Indigenous organizations, Black legal advocates, victims' advocates, police and prosecution representatives, academics and community organizations.

Honourable senators, I would now like to place on the record the summary of the amendments adopted by the committee.

First, regarding sureties, is subclause 23(1.1).

During the study of Bill C-14 in the other place, the Standing Committee on Justice and Human Rights added a new provision barring an individual who has been convicted of an indictable offence within the previous 10 years from being a surety. This was done in subclause 23(1.1), which effectively adds a new subsection to the Criminal Code, 515(2.11).

The Standing Senate Committee on Legal and Constitutional Affairs amended this provision to add an exception where the court is satisfied that no other suitable surety is available and that naming the surety is in the interests of the administration of justice. In this case, the court must record its reasons for naming a surety on the record.

The second regards considering overrepresented groups in the criminal justice system. Under section 493.2 of the Criminal Code, when a police officer or a court makes a decision about the release of an accused, they must give particular attention to the circumstances of individuals who are Indigenous, Black or belong to another group that is overrepresented in the criminal justice system. Subsection 515(13.1) of the Code requires a court to include an explanation of how section 493.2 was implemented, and that must be done on the record.

The Standing Senate Committee on Legal and Constitutional Affairs amended Bill C-14 to further clarify that if no party raises the issue of section 493.2, the court must inquire on the record whether that section applies to the accused before the court. This is a new subclause, 23(12), and it adds a new subsection to the Criminal Code, 515(13.2).

The third regards annual reports.

During the study of Bill C-14 in the other place, the Standing Committee on Justice and Human Rights added a clause amending the Department of Justice Act to require the Minister of Justice to prepare an annual report on the state of the bail system, clause 58.1. That added clause specifies certain data and analysis that must be included in the report.

The Standing Senate Committee on Legal and Constitutional Affairs made two principal changes to this clause. First, the committee added the rates of pretrial detention as a data point that must be included in the report. Second, it added a requirement that the Minister of Justice consult with experts in criminal justice data collection and coordinate the collection of data with Statistics Canada.

Fourth, regarding coming into force, is clause 84.

The committee amended clause 84 in Bill C-14 so that clauses 71 and 72 come into force on a day to be fixed by order of the Governor-in-Council, rather than coming into force 30 days after Royal Assent. Clauses 71 and 72 relate to the retention period for investigative records under the Youth Criminal Justice Act and the parties permitted to access them.

Honourable senators, these four amendments reflect the committee's effort to improve the bill in light of the evidence before it without altering its core public safety objectives.

The surety amendment preserves the concern underlying the House of Commons amendment while restoring a measure of judicial discretion in exceptional circumstances where no other suitable surety is available and the interests of justice support the appointment of a surety.

The amendment concerning section 493.2 helps ensure that the circumstances of Indigenous accused persons, Black accused persons or those persons who are accused and members of other overrepresented groups are not overlooked in bail proceedings.

The annual reporting amendment responds to one of the clearest themes in the committee's study: the need for better national bail data, including data on pretrial detention, developed with appropriate expertise and in coordination with Statistics Canada.

Certainly, Senator Pate made this an issue of great moment, as the committee was surprised by the lack of data and the clear need to have better data — because you can't make good policy unless you have good data.

Finally, the coming-into-force amendment recognizes that changes to the Youth Criminal Justice Act records require careful implementation.

Honourable senators, in reviewing the testimony, three themes stand out.

First, there was broad agreement that serious violence, repeat offending, intimate partner violence, extortion, auto theft, home invasions and sexual offences require an effective response.

Second, there was also a clear caution that bail and sentencing reforms must preserve individualized decision making, judicial discretion, proportionality and Charter compliance.

Third, witnesses repeatedly emphasized that implementation matters. Public safety cannot be achieved by legislation alone. It also depends on police, prosecutors, defence counsel, courts, legal aid, bail supervision, victim services, correctional systems, treatment, housing and community supports.

These are not contradictions. They are the realities of criminal justice reform.

• (1540)

Before concluding, I would like to express my sincere appreciation to the members of the committee and to all those who contributed to this study.

I would also like to recognize the senators who participated in the committee's consideration of this bill, including Senator Batters, Senator Miville-Dechêne, Senator Clement, Senator Kristopher Wells, Senator Oudar, Senator Simons, Senator Tannas, Senator Pate, Senator Saint-Germain, Senator Dhillon, Senator Prosper, Senator Dalphond and others who contributed to the committee's work.

I would also like to thank the assigned committee staff for their exceptional work: the law clerk Philippe Giguère, analysts Michaela Keenan-Pelletier and Dana Phillips, the administrative assistant Natassia Ephrem and the clerk Vincent Labrosse. Their expertise, diligence and professionalism were essential to the committee's work.

Honourable senators, Bill C-14 asks Parliament to respond to serious and repeat offending while preserving constitutional rights, judicial discretion, proportionality and fairness. The bill, as amended, reflects careful consideration of those responsibilities. It is not perfect. No legislation is. But the amendments adopted by the committee improve the bill. They preserve discretion where it is needed, strengthen consideration of overrepresented groups, improve data collection and reporting, and allow for more careful implementation of sensitive youth justice provisions.

For these reasons, senators, I invite you to adopt the report of the committee. In addition, I support Bill C-14, as amended by the committee, and I will be voting in favour of the bill in that form at third reading. I invite you to do so as well. Thank you.

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

**Hon. Denise Batters:** Senator Arnot, will you take a question?

**Senator Arnot:** Yes.

**The Hon. the Speaker:** If so, you will need to request leave for more time because your time has expired.

**Senator Arnot:** I ask my colleagues for more time.

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

**Hon. Senators:** Agreed.

**Senator Batters:** Thank you very much for your report on the report. I also appreciate your kind words regarding our committee members. Thank you.

I would like to clarify something. You described the amendments that did pass the committee, of which there were four. Three of them were independent senators' amendments, and one of them was from Senator Dalphond, which was on behalf of the government. I would like your clarification about that.

Also, according to my recollection, none of those four amendments passed unanimously. I know that, certainly, the amendment about sureties was an extremely close vote, and I believe it passed by one vote at committee. If you have the information in front of you about the vote totals for those amendments, that would be great. If not, perhaps you could clarify that with regard to the amendments, including those from the government. Thank you.

**Senator Arnot:** I don't have the exact information, but I accept that you probably do. Certainly, the amendments were agreed to by the majority of the members. However, there were a number of votes that were on division.

Also, we did record every vote in the course of the two days of meetings and the five hours of clause-by-clause consideration. I hope that clarifies that. I don't disagree with your assessment of how it went. Thank you.

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

**Hon. Senators:** Question.

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

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

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

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

#### BUSINESS OF THE SENATE

**Hon. Patti LaBoucane-Benson (Acting Government Representative in the Senate):** Honourable senators, with leave of the Senate and notwithstanding rule 5-13(2), I move:

That the Senate do now adjourn.

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

**Hon. Senators:** Agreed.

(At 3:48 p.m., the Senate was continued until tomorrow at 1:30 p.m.)

## CONTENTS

Wednesday, May 27, 2026

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		<b>Adjournment</b>	
<b>Walter Cup</b>		Notice of Motion	
Congratulations to Montreal Victoire		Hon. Patti LaBoucane-Benson . . . . .	
Hon. Tony Loffreda . . . . .	2350	. . . . . 2354	
Hon. Kim Pate . . . . .	2350	<hr/>	
<b>Future of Canadian News Media</b>		<b>QUESTION PERIOD</b>	
Hon. Andrew Cardozo . . . . .	2350	<b>Internal Economy, Budgets and Administration</b>	
<b>Visitors in the Gallery</b>		Business of the Committee	
The Hon. the Speaker . . . . .	2351	Hon. Denise Batters . . . . .	
<b>Mental Health Week</b>		Hon. Tony Loffreda . . . . .	
Hon. Tony Ince . . . . .	2351	Hon. Yonah Martin . . . . .	
<b>Visitors in the Gallery</b>		Hon. Salma Ataullahjan . . . . .	
The Hon. the Speaker . . . . .	2351	Hon. Lucie Moncion . . . . .	
<b>Eid al-Adha</b>		Hon. Marilou McPhedran . . . . .	
Hon. Salma Ataullahjan . . . . .	2352	. . . . . 2355	
<b>Visitors in the Gallery</b>		<hr/>	
The Hon. the Speaker . . . . .	2352	<b>ORDERS OF THE DAY</b>	
<b>La Société nationale de l'Acadie</b>		<b>Business of the Senate</b>	
Hon. Allister Surette . . . . .	2352	Hon. Patti LaBoucane-Benson . . . . .	
<b>Visitors in the Gallery</b>		. . . . . 2356	
The Hon. the Speaker . . . . .	2353	<b>Military Justice System Modernization Bill (Bill C-11)</b>	
<b>Canada-Korea Relations</b>		Bill to Amend—Second Reading—Debate Adjourned	
Hon. Yonah Martin . . . . .	2353	Hon. Rebecca Patterson . . . . .	
<b>Visitor in the Gallery</b>		Hon. Percy E. Downe . . . . .	
The Hon. the Speaker . . . . .	2353	Hon. Denise Batters . . . . .	
<hr/>		Hon. Paulette Senior . . . . .	
<b>ROUTINE PROCEEDINGS</b>		Hon. Marilou McPhedran . . . . .	
<b>Criminal Code</b>		Hon. Hassan Yussuff . . . . .	
<b>Indian Act (Bill S-241)</b>		. . . . . 2361	
Bill to Amend—Fifth Report of Indigenous Peoples		<b>Energy Efficiency Act</b>	
Committee on Subject Matter Tabled		Bill to Amend—Third Report of Energy, the Environment	
Hon. Michèle Audette . . . . .	2353	and Natural Resources Committee Presented	
		Hon. Joan Kingston . . . . .	
		. . . . . 2362	
		<b>Bail and Sentencing Reform Bill (Bill C-14)</b>	
		Bill to Amend—Seventh Report of Legal and Constitutional	
		Affairs Committee Adopted	
		Hon. David M. Arnot . . . . .	
		. . . . . 2363	
		Hon. Denise Batters . . . . .	
		. . . . . 2365	
		<b>Business of the Senate</b>	
		Hon. Patti LaBoucane-Benson . . . . .	
		. . . . . 2365	