SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION • 45th PARLIAMENT • VOLUME 154 • NUMBER 102

OFFICIAL REPORT
(HANSARD)

Tuesday, November 17, 2026

The Honourable RAYMONDE GAGNÉ,
Speaker

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

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

THE SENATE

Tuesday, November 17, 2026

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

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I would like to take a moment to advise you that tomorrow, at 1:55 p.m., a test of the Alert Ready emergency alert system will take place. The time differs from one province to another, so some senators may receive the alert at a later time. The alarm may disrupt interpretation, so kindly turn off your mobile devices and keep them away from microphones.

SENATORS' STATEMENTS

THE LATE HONOURABLE DOUGLAS JUNG, C.M.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to pay tribute to the late Honourable Douglas Jung — a distinguished son of British Columbia and the first member of Parliament of Asian descent in Canadian history — alongside the brave Chinese Canadians of Force 136 and Operation Oblivion. Their extraordinary heroism during the Second World War deserves a permanent, revered place in our nation's story.

During World War II, more than 600 Chinese Canadians stepped forward to serve. In 1944, Britain recruited Chinese Canadians for dangerous undercover operations behind enemy lines in Asia.

Thirteen men were chosen for Operation Oblivion. Trained in secret in British Columbia and Australia, they prepared for guerrilla warfare, knowing that capture meant torture or execution. Douglas Jung himself suffered a serious injury during parachute training, yet persevered to serve as an intelligence instructor.

As Douglas Jung later recalled, though Canada had stamped "alien" on their birth certificates, denied them the vote and barred them from professions, they were, ". . . prepared to lay [themselves] down for nothing," risking everything without any promise that their sacrifice would earn them equality at home.

When the war ended, these veterans brought that same courage to the fight for civil rights. Their service dismantled decades of prejudice, leading to the 1947 repeal of the Chinese Exclusion Act and the restoration of the franchise, opening the democratic process to all Canadians of colour who had long been excluded.

Douglas Jung's devotion to Canada never wavered. He earned his law degree from the University of British Columbia, becoming the first Chinese-Canadian lawyer to appear before the B.C. Court of Appeal, and in 1957, he was elected by Vancouver Centre as Canada's first Asian-Canadian member of Parliament.

In the spring of 2007, just after winning my nomination to run for federal office, I watched a documentary entitled *I am the Canadian Delegate*. It captured the moment Douglas Jung took his seat at the United Nations at the request of Prime Minister Diefenbaker. Stopped by an official who said that the seat was for the Canadian delegate, Douglas Jung replied, "I am the Canadian delegate," and took his rightful seat. At the very start of my own political journey, that moment was profoundly moving and inspirational.

Honourable senators, learning of Douglas Jung's courage gave me strength on the campaign trail for the 2008 federal election. Later, when former prime minister Stephen Harper appointed me to this chamber, I knew with deep humility that I was standing on the shoulders of giants. Every privilege we hold today as senators is owed to those who came before us.

We will remember them.

[*Translation*]

THE LATE PIERRE MONTGRAIN

Hon. Éric Forest: Honourable senators, another great builder from eastern Quebec left us recently. Pierre Montgrain, violinist, teacher and major contributor to the cultural vitality of the Lower St. Lawrence, passed away on October 31 at the age of 82.

He made a very valuable contribution to our region. Thanks to the institutions that he helped to establish, generations of young people have been able to learn music close to home. Musicians have been able to practise their craft in the region, and the people of eastern Quebec have had the opportunity to discover the symphonic repertoire through the concerts put on by an orchestra with strong roots in the community.

Pierre Montgrain trained at the Conservatoire de musique de Québec and then in Switzerland. When he returned from Europe, he settled in Rimouski. He helped to establish the Conservatoire de musique de Rimouski, where he taught violin for 32 years while pursuing a career as a soloist.

In 1977, he founded what would later become the École de musique du Bas-Saint-Laurent. Nearly half a century later, this school continues to welcome children and adults who want to learn to play an instrument or further their musical education.

In 1993, he and his wife, Annie Lévesque, co-founded the Orchestre symphonique de l'Estuaire, which he directed until 2005. The orchestra is now in its thirty-first season. Its longevity is a testament to the important role that Mr. Montgrain played in eastern Quebec's cultural vitality.

Pierre Montgrain was also a painter. His pastels, many inspired by the light and landscapes of the Lower St. Lawrence, have been exhibited in Canada and in the United States.

I wish to offer my sincerest condolences to his wife, Annie, his daughter, Dominique, as well as his loved ones, colleagues and former students.

The Lower St. Lawrence has lost a great musician and a man who devoted a considerable portion of his life to passing on his knowledge and giving his region the means to bring our homegrown music and culture to life.

For that, we are deeply grateful to him.

Thank you. *Meegwetch*.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Harold Calla, Executive Chair of the First Nations Financial Management Board, and Scott Munro, Chief Executive Officer. They are accompanied by other members of their team. They are the guests of the Honourable Senators White, Wilson and Prosper.

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

Hon. Senators: Hear, hear!

HAROLD CALLA, C.M.
FIRST NATIONS FINANCIAL MANAGEMENT BOARD

Hon. Judy A. White: Honourable senators, I rise today to recognize the remarkable leadership of Harold Calla and the lasting impact of the First Nations Financial Management Board, or FMB.

Over the past 20 years, the FMB has worked alongside First Nations from coast to coast to coast, helping communities strengthen governance, build financial capacity and create pathways to greater self-determination. More than 400 First Nations have benefited from this work, and the results are being felt in communities across our country.

What makes this achievement so meaningful is that it is not simply about financial management. It is about creating opportunities for nations to make their own decisions, build their own economies and shape their own futures.

Through the FMB's staff and supports, First Nations are building their own capacity for self-determination to be their own project owners, investors and job creators; to own an entire Maritime fishery; to manage their own services for clean water and waste water across the Atlantic provinces; to raise revenue through taxation; and to have the confidence to manage prosperity, not poverty.

Each step gives new meaning to section 35 of Canada's Constitution, turning aspirations that were once only dreams into realities seen within our lifetime.

• (1410)

This chamber has twice unanimously supported the First Nations Fiscal Management Act, recognizing the importance of Indigenous-led institutions in advancing economic reconciliation and nation building.

While Budget 2026 has provided support for the FMB's mandate, I encourage Canada to continue providing the resources needed to meet the growing demand from First Nations seeking these tools and opportunities.

I would also like to extend an invitation, on behalf of Senator Prosper and Senator Wilson, to all colleagues to join us this evening at the Wellington Building in Room 330 to celebrate the progress First Nations are making through these institutions. Festivities will begin around 5 p.m.

On a personal note, I had the privilege of serving on this board. That experience has given me a first-hand appreciation for the dedication of its staff, its leadership and the communities it serves. It is, therefore, a particular honour to recognize Harold Calla today for his vision, perseverance and commitment to helping First Nations succeed on our own terms and in our own time.

Wela'lioq. Thank you.

NICHOLAS HERRING

CONGRATULATIONS ON GILLER PRIZE

Hon. Percy E. Downe: Honourable senators, I have a good-news statement today. I rise to congratulate Prince Edward Island writer Nicholas Herring, who was one of five writers shortlisted for the Giller Prize. Last night, he won the Giller Prize for his second book, *Your Breath in Charcoal*.

Mr. Herring's first book, *Some Hellish*, won the 2022 Atwood Gibson Writers' Trust Fiction Prize. That is two books and two major awards. There were 140 books submitted for the Giller Prize, then a long list of 14 and a short list of 5. Finally, Mr. Herring's was selected by the jury as the winning novel.

His book is published by Goose Lane Editions, Canada's longest-running independent publisher. Formed in 1954, Goose Lane Editions is based in Fredericton, New Brunswick. This is a wonderful Eastern Canadian success story. I'm sure all senators will join me in toasting Mr. Herring and Goose Lane Editions for their win.

Colleagues, the holiday season is approaching, and Mr. Herring's books are wonderful gifts for your family and your friends, and don't deny yourself sitting down to read them.

Thank you, colleagues.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Paul Wong, the first Parliamentary Visual Artist Laureate.

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

Hon. Senators: Hear, hear!

PAUL WONG, C.M.

PARLIAMENTARY VISUAL ARTIST LAUREATE

Hon. Salma Ataullahjan: Honourable senators, in 2021, I served as critic of then-senator Patricia Bovey's bill to establish a Parliamentary Visual Artist Laureate. Today, I am pleased to congratulate Paul Wong on becoming the first artist to hold that position.

Having supported this initiative through its legislative journey, I welcome the opportunity to see what an artist of his experience will bring to Parliament.

This moment owes much to former senator Wilfred Moore, who began the initiative in 2016, and to former Senator Bovey's persistence. I also want to thank Senator Cardozo, who helped guide the bill through its final parliamentary stage before it became law in 2024. Their work has created an opportunity that Paul Wong is exceptionally well placed to develop.

Over more than five decades, this Vancouver-based artist has explored the possibilities of visual and media art, including video and photography. He has consistently contested conventional boundaries and asked audiences to shift their perspectives. His work has been exhibited internationally, including at the Museum of Modern Art in New York, the National Gallery of Canada and the Venice Biennale.

He was part of a generation of artists who believed that art should not simply occupy gallery walls; it should engage with communities, confront tough questions and make room for different voices that have often been overlooked.

As a member of the Senate's Artwork and Heritage Advisory Working Group and as someone who dabbles in paint — though I wouldn't call myself an artist — I value the encounters that art makes possible.

Mr. Wong brings his own judgment and imagination to this new position. I look forward to seeing which artists he introduces to Canadians and what their work invites us to consider.

I congratulate him on this historic appointment. May his tenure encourage Canadians to discover one another through art and give us here in Parliament a good reason to pause and look more closely.

Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Carolina Palacios, Executive Director of the Elizabeth Fry Society of Ottawa, and Tania Hasbani, Director of Programs. They are the guests of the Honourable Senator Pate.

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

Hon. Senators: Hear, hear!

ELIZABETH FRY SOCIETY OF OTTAWA

Hon. Kim Pate: Honourable senators, I rise today to recognize the seventy-fifth anniversary of the Elizabeth Fry Society of Ottawa.

In 1951, inspired by British Quaker Elizabeth Fry, who, more than a century earlier, worked to ensure women in prison were treated with humanity, five volunteers from the University Women's Club of Ottawa started visiting women in the Ottawa Jail. Those visits led to an organization that has now served more than 100,000 people, supported by thousands of committed volunteers and staff.

The women and gender-diverse people whom the Elizabeth Fry Society of Ottawa serves have experienced inequality and intersecting systemic barriers such as poverty, racism and homelessness as well as disabling mental health and addiction issues, substance use, abuse and trauma.

Indigenous, Black and racialized women are hit hardest. From the start, the Elizabeth Fry Society of Ottawa has held to the basic principled idea that every human being deserves to be treated with humanity and dignity, and when we do so, individuals and communities thrive.

Today, the Elizabeth Fry Society of Ottawa supports women and gender-diverse people through the courts and into diversion and assists them in planning for life after detention, accessing housing and developing the tools they need to rebuild their lives and integrate into the community.

The Elizabeth Fry Society of Ottawa offers safety, belonging, hope and opportunity. In addition, they understand that prevention is achieved by building humane, community-based options to both provide alternatives to incarceration and assist in community integration. They recognize that the best investments in community ensure productive outcomes for people and prevent individuals from ending up in custody.

On behalf of Ottawans, Ontarians and Canadians, we congratulate the generations of the Elizabeth Fry Society of Ottawa's staff, volunteers, board, allies, donors and funders, and we thank them for honouring the women and gender-diverse people whose lives, courage and resilience drive and inspire their work.

Meegwetch. Thank you.

[*Translation*]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

COMMENTARY ON THE 2025-26 FINANCIAL AUDITS—
REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Auditor General of Canada to the Parliament of Canada, entitled *Commentary on the 2025-26 Financial Audits*, pursuant to the *Auditor General Act*, R.S.C. 1985, c. A-17, sbs. 8(2).

[*English*]

BUDGET 2026

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, Budget 2026, entitled *Masters of our destiny*.

THE ESTIMATES, 2026-27

SUPPLEMENTARY ESTIMATES (B) TABLED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Supplementary Estimates (B), 2026-27.

RECEIVER GENERAL

PUBLIC ACCOUNTS OF CANADA—2025-26 REPORT TABLED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Public Accounts of Canada for the fiscal year ended March 31, 2026, entitled (1) Volume I — Summary Report and Consolidated Financial Statements, (2) Volume II — Details of Expenses and Revenues, (3) Volume III — Additional Information and Analyses, pursuant to the *Financial Administration Act*, R.S.C. 1985, c. F-11, sbs. 64(1).

TREASURY BOARD

2025-26 DEPARTMENTAL RESULTS REPORTS TABLED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Departmental Results Reports for the fiscal year ended March 31, 2026.

JUSTICE

CHARTER STATEMENT IN RELATION TO BILL S-7—
DOCUMENT TABLED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Charter Statement prepared by the Minister of Justice in relation to Bill S-7, An Act to modernize certain regulatory and administrative processes, pursuant to the *Department of Justice Act*, R.S.C. 1985, c. J-2, sbs. 4.2(1).

THE ESTIMATES, 2026-27

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE
COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (B)

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

> That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2027;
>
> That, for the purpose of this study, the committee have the power to meet, even though the Senate may then be sitting or adjourned, with rules 12-18(1) and 12-18(2) being suspended in relation thereto.

• (1420)

BUILDING CANADA STRONG ACT

NOTICE OF MOTION TO AUTHORIZE SPECIAL COMMITTEE TO EXTEND ITS DURATION AND STRIKE A SUBCOMMITTEE ON THE ALLEGED UNAUTHORIZED DISCLOSURE OF CONFIDENTIAL COMMITTEE DOCUMENTS AND PROCEEDINGS

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

That:

1. notwithstanding the order of the Senate adopted on Tuesday, October 6, 2026, the Special Senate Committee on the Building Canada Strong Act be authorized to continue its work, after the presentation of its final report on Bill C-39, An Act respecting certain measures to strengthen the economy, to complete its investigation and report to the Senate, pursuant to Appendix IV of the *Rules of the Senate*, on the circumstances surrounding the alleged unauthorized disclosure of confidential committee documents and proceedings, and the resulting harassment of one or more senators;

2. the committee expire following the tabling of its final report concerning the alleged leak, but no later than April 29, 2027;

3. a subcommittee be established to conduct an investigation into the circumstances surrounding the alleged unauthorized disclosure of confidential committee documents and proceedings, and the resulting harassment of one or more senators;

4. the subcommittee be composed of five members: the chair of the committee, two members from the Independent Senators Group, one member from the Progressive Senate Group and one member from the Canadian Senators Group;

5. the members of the subcommittee, other than the chair of the committee, be named by means of a notice signed by their respective leader or facilitator, or their respective designates, and filed with the Clerk of the Senate;

6. the subcommittee be chaired by the chair of the committee;

7. the provisions of rule 12-5 for membership changes apply to the subcommittee;

8. pursuant to the order of October 6, 2026, the committee's authority to send for persons, papers and records, whenever required, and to publish from day to day such papers and evidence as may be ordered by it, be conferred on the subcommittee;

9. the committee's authority, pursuant to paragraph 8(3)(a) of the Senators Attendance Policy, be conferred on the subcommittee; and

10. notwithstanding rule 12-12(6), the subcommittee be authorized to report to the Senate.

BUDGET 2026

NOTICE OF INQUIRY

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the budget entitled *Masters of our destiny*, tabled in the House of Commons on November 5, 2026, by the Minister of Finance and National Revenue, the Honourable François-Philippe Champagne, P.C., M.P., and in the Senate on November 17, 2026.

[*Translation*]

YOUTH CRIMINAL JUSTICE ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-231, An Act to amend the Youth Criminal Justice Act.

(Bill read first time.)

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

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

[*English*]

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PRIVATE INVESTMENT IN MAJOR CANADIAN AIRPORTS

Hon. David M. Wells: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on private investment in major Canadian airports;

That, in particular, the committee examine:

(a) issues pertaining to the current ownership and governance model of major Canadian airports;

(b) issues pertaining to the partial or total privatization of major Canadian airports, including:

(i) the impacts on infrastructure, passengers, neighbouring communities, airport employees, air carriers and service providers (NAV CANADA, the Canadian Air Transport Security Authority, restaurants, hotels, etc.);

(ii) the impacts on the development of airport lands;

(iii) the impacts on Canada's aviation network as a whole;

(iv) the access and risk to potentially sensitive data, information and electronic systems under such an ownership model; and

(v) the regulatory framework to be established and the issue of balancing the interests of investors and users; and

(c) other ownership and governance models of major airports abroad;

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 June 30, 2027, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

QUESTION PERIOD

GLOBAL AFFAIRS

CANADA-CHINA RELATIONS

Hon. Leo Housakos (Leader of the Opposition): Government leader, "This is Chinese territory." That is what a man told a peaceful protester outside the Chinese consulate in Toronto after he shoved and kicked her. He said, "I can shoot you dead."

Beijing no longer attempts to conceal its intimidation. It blocks Tiananmen Square memorials. Its ambassador issues orders to Canadian parliamentarians not to visit Taiwan. It operates 18 illegal police stations right here in Canada. Yet the government remains silent.

When will the government stop appeasing this terrible totalitarian regime, and when will this government put an end to transnational repression right here in Canada against Canadian citizens?

Some Hon. Senators: Hear, hear.

Hon. Pierre Moreau (Government Representative in the Senate): The government takes very seriously any transnational situation with Canadian citizens. But that being said, Senator Housakos, one of the reasons why we have to maintain communication with every country in the world is to be able to tell them what Canadian values are, where we stand and why this government is protecting Canadians across the world.

Senator Housakos: Senator Moreau, the readout of the Prime Minister's meeting with President Xi just today says nothing about foreign interference or intimidation, not a single word. Instead it says that the two leaders ". . . agreed that the Canada-China strategic partnership is working successfully." Working successfully for whom? If the Prime Minister needs to stand up and fight for Canadian values and principles, shouldn't he, at least, put our concerns on the table to the President of China about what is going on right here on Canadian soil?

Senator Moreau: To the question of "for whom," the answer is for Canadians. Canada's partnership with China restored market access to over 90% of trade previously affected by tariffs, which is worth nearly $7.5 billion.

The Prime Minister continues to work to bring a new Association of Southeast Asian Nations, or ASEAN, agreement into force, which would expand Canada's preferential market access to 3 billion consumers worldwide. Senator Housakos, when we have trade negotiations, at the same time we explain to the country —

[*Translation*]

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

CANADIAN HERITAGE

LA FRANCOPHONIE

Hon. Jim Quinn: Senator Moreau, according to a recent article in *La Presse*, the Premier of Quebec indicated that his government is prepared to vote differently from Canada when the Organisation internationale de la Francophonie elects its next Secretary General. Can you confirm that Quebec and New Brunswick are both participating governments in the Organisation internationale de la Francophonie, which means that they are therefore free to vote as they see fit on matters concerning the Francophonie, including the election of the Secretary General, and that the comments reported in *La Presse* are simply a restatement of the political reality that has prevailed for more than 40 years?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you very much for your question, Senator Quinn. I will take this opportunity to answer it in the language you so skilfully used to ask it.

• (1430)

La Francophonie brings together more than 90 states and governments united by the French language, culture and a commitment to diversity. Your understanding, however, is correct. To answer your question directly, Canada, Quebec and

New Brunswick share a long history of cooperation within the Organisation internationale de la Francophonie. Each of these governments, namely Canada, Quebec and New Brunswick, participate in their own right and, as members, have the right to vote within the organization as they see fit.

Senator Quinn: The Prime Minister announced that New Brunswick will be hosting a Francophonie youth pre-summit in Moncton in August 2028. Senator Moreau, can you tell us how much the federal government will contribute to this summit?

Senator Moreau: Thanks again for your question, Senator Quinn. The government is committed to working very closely with the provincial government and the municipalities to ensure that this summit is a success.

To get right to your question, Budget 2026 proposes an investment of $393.2 million over three years, starting in 2027-28 for this very summit.

[*English*]

WOMEN AND GENDER EQUALITY

GENDER-BASED ANALYSIS PLUS

Hon. Kim Pate: Senator Moreau, when discussing Bill C-22's expansion of online investigative powers for law enforcement, ministers stated at committee that the aim ". . . is not to repeat the failures of the past . . ." with respect to disproportionate surveillance and criminalization of marginalized communities, including politically motivated surveillance.

Since then, we have received the Gender-based Analysis Plus for the bill, which acknowledges ". . . risks of . . . negative consequences for . . . Indigenous Peoples and Black persons . . ." and offers safeguards that experts emphasize are inadequate.

Given that we were unable to question the government about the GBA Plus at committee, please clarify how the government will be monitoring and proactively redressing negative consequences for Black and Indigenous people as a result of Bill C-22.

Also, what is the timeline for meeting the government's missed Truth and Reconciliation Commission commitment to eliminate Indigenous overrepresentation in prisons by 2025?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for your question. The measures proposed in Bill C-22 would apply generally; they do not target any specific population group. However, the government knows the measure may affect communities differently in practice. This reality will be considered during the comprehensive regulatory process that follows the adoption of Bill C-22, as well as during the decision-making process that is included in any exercise of the authorities proposed in Bill C-22.

Senator Pate: Indigenous experts point to inadequate consultations on Bill C-39 — on major projects — as well as Bill C-22, which could be used to surveil and criminalize land and water protectors. This situation risks inciting protest, police action and charges, disrupting projects and investor confidence and forcing Indigenous Peoples to defend themselves and their rights in courts.

How does the government plan to rectify this situation prior to the passage of these bills?

Senator Moreau: The Government of Canada respects and protects the right to peaceful protest, guaranteed in the Charter of Rights and Freedoms. Judicial and legal authorization structures included in Bill C-22 are expected to uphold that right and mitigate potential unintended consequences.

The government will continue to monitor practical implications as the measures in the bill move forward.

CANADIAN HERITAGE

COMPETITIVENESS OF CANADIAN TELECOMMUNICATIONS

Hon. Andrew Cardozo: My question is for the government leader. Senator Moreau, my question is with regard to the potential purchase of Telus by Quebecor. I wonder if you could share the views of the government.

Four years ago, we had five major companies providing telecom services: Shaw, Rogers, BCE, Telus and Quebecor. A few years ago, Rogers purchased Shaw and there were four. We are now potentially down to three. Does the government have concerns about that constrained level of competition in the telecom and technical world?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the question. The government has taken note of Quebecor's important announcement. This transaction will be subject to rigorous independent review by the Competition Bureau and the CRTC, in addition to processes under the Telecommunications Act. The government will not prejudge the outcomes of that review.

However, let me be clear: Canada's priority remains unchanged. Canadians expect a telecommunication sector that creates and sustains good jobs, invests in the network of the future, keeps people connected everywhere in Canada and offers real value.

The government has confidence in Canada's regulatory framework and will allow the process to run its course before any decisions are made.

Senator Cardozo: Thank you. My supplementary question is with regard to what comes next for competition. One of the ideas has been to allow for international competition in the telecom world. I would suggest that would be a problematic area if we are concerned about digital sovereignty. Does the government have concerns about digital sovereignty? We have only three competitors. Will they maintain a position of not encouraging foreign ownership in our telecom industry?

Senator Moreau: This regards not only sovereignty but national security as well. Telecommunication infrastructure is critical to Canada's economic security, national sovereignty and the resilience of our communities.

The government is strengthening Canada's telecommunication framework to protect critical infrastructure and ensure reliable connectivity. Throughout that transaction, we will follow the work of the CRTC and other government agencies that are involved.

JUSTICE

MISCARRIAGE OF JUSTICE REVIEW COMMISSION

Hon. Tony Ince: Senator Moreau, when Bill C-40 was before the Senate, then-Minister of Justice Virani wrote to the Standing Senate Committee on Legal and Constitutional Affairs, on November 5, 2024, making a number of commitments to address systemic racism and sexism in Canada's criminal justice system. These include ensuring diverse appointments to the commission, allowing applications to be grouped to identify patterns of discrimination and recognizing intersectional and social context evidence when reviewing cases.

Senator Moreau, the government's response to my question last month made no reference to the former minister's commitments. Can you explain how the government intends to honour the former minister's commitments and ensure that these systemic barriers are addressed by the commission?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you, Senator Ince. Indeed, the Miscarriage of Justice Review Commission will help to address systemic barriers and provide support. The commission will reflect Canada's sovereignty and take into account the overrepresentation of certain groups in the criminal justice system, such as Indigenous people and Black and racialized Canadians.

While details are still forthcoming on the commission's operation, the government remains committed to addressing systemic barriers. The government is committed to appointments, guided by principles, that include diversity in terms of linguistic, regional and employee equity groups as well as members of ethnic and cultural groups.

Senator Ince: The former minister also committed to ensuring that the commission would be well staffed and resourced. He urged the passing of Bill C-40 in a timely fashion so the commission ". . . can swiftly commence its work . . ." However, the commission is still not operational, and the government is still working to identify a Chief Commissioner.

What is the government's implementation timeline? When will the commission actually begin reviewing cases?

Senator Moreau: I cannot comment directly on the appointment process. However, the government is currently working on identifying and appointing a suitable Chief Commissioner as an important step toward full implementation of the commission. The Chief Commissioner will determine the commission's launch date, once appointed, and will be responsible for ensuring the organization is ready to fulfill its mandate effectively.

• (1440)

PUBLIC SAFETY

FLOOD PREVENTION

Hon. Yonah Martin (Deputy Leader of the Opposition): Government leader, last month, when I asked your Minister of Emergency Management and Community Resilience about flood prevention efforts in British Columbia's Sumas Prairie, she deflected responsibility to the province while claiming to be working with local stakeholders. Yet this week, the Mayor of Abbotsford, Ross Siemens, told the CBC that local communities are simply not being heard.

Senator Moreau, the Fraser Valley is a region of national importance. It contains some of Canada's most productive farmland and serves as a critical transportation and energy corridor, moving more than $65 billion in goods each year. If your government is committed to protecting regions that serve the national interest, why is it failing to act on the flooding threats facing the Fraser Valley?

Hon. Pierre Moreau (Government Representative in the Senate): The government is well aware of the situation in the Fraser Valley, and that's the reason why Budget 2026 is strengthening Canada's ability to respond to natural disasters and protect vulnerable communities, with up to $2.5 billion in financing to double Canadian water bomber production and to strengthen wildfire response, $14.8 million annually for First Nation wildfire protection and fire prevention and $50 billion for an earthquake insurance facility to support recovery following major earthquakes.

As far as flooding is concerned, the government is working closely with provincial governments throughout the nation to make sure that Canadians feel safe.

Senator Martin: Those may sound like big numbers, senator, but we have a huge country. Your minister pointed to a $20-million fund for mitigation studies, yet Mayor Siemens has called that funding a drop in the bucket, noting that approximately $1.5 billion is needed for long-term flood protection in the region. Will your government move beyond studies and announcements and commit to the necessary funding? I know that you have looked at the numbers, but we need even more to build the real infrastructure needed to protect —

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

Senator Moreau: I am quite surprised that you, from a Conservative point of view, would characterize $50 billion, $2.5 billion and $14.8 million as a drop in the bucket, honestly. The government is very committed to public safety, and I can assure you of the strong commitment of this government to continue to work closely with provinces to make sure that the flooding recurrences that we are living through are taken into consideration.

[*Translation*]

EMPLOYMENT AND SOCIAL DEVELOPMENT

SUPPORT FOR CANADIAN WORKERS

Hon. Richard Martel: Government leader, according to its recent budget, the government plans to increase the number of jobs in Canada's defence industry from 38,000 to 89,000. This is extremely ambitious, but on the ground, businesses are already struggling to recruit welders, machinists and other skilled workers.

Has the government estimated how many new workers will need to be trained to achieve its objective without exacerbating the labour shortage facing our SMEs?

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

Generally speaking, as you're well aware, the government's overall approach in Budget 2026 is to make the necessary funds available to businesses across Canada, including in Quebec, to attract investment, such as the Mega Deduction, to improve their tax situation, create jobs and help grow our economy.

The government will work closely not only with governments, provinces and municipalities, but also with businesses. The measures set out in the budget are the result of discussions the government, including the Minister of Finance and National Revenue, held with business representatives to ensure that the measures put in place enable them to secure the workforce they need, ensure that workers are paid decent wages and help the economy continue to grow.

Senator Martel: Leader, training workers takes time, and our companies need them now.

Can the government tell us how many new workers it expects to train each year to reach its objective?

Senator Moreau: To have employees and maintain good jobs, the first thing that companies need is predictability. Picking up where Budget 2025 left off, Budget 2026 offers businesses predictability, increased borrowing capacity, improved fiscal capacity and access to new markets, especially the markets that the Prime Minister is opening through international agreements.

[*English*]

ENVIRONMENT AND CLIMATE CHANGE

CROSS-BORDER AND BOUNDARY WATERS

Hon. Flordeliz (Gigi) Osler: Honourable senators, my question is for the Government Representative in the Senate.

Over 40% of the Canada-U.S. border is water, shared basins that power our economies, irrigate our crops and sustain millions of people. Yet an internal memo from the Canada Water Agency warns that our long-term national security is threatened by growing pressures on these cross-border waters. Alongside climate change and severe U.S. droughts, the memo specifically flags the rapid rise of water-intensive emerging technologies as a critical risk.

As south of the border water demands intensify and industrial demands grow, what concrete steps is the government taking to protect Canadian water sovereignty, enforce the Boundary Waters Treaty and ensure our communities are not left dry?

An Hon. Senator: Great question.

Hon. Pierre Moreau (Government Representative in the Senate): Thank you very much, Senator Osler. That is a very important question because water is at the heart of Canada's identity, economy and security. Protecting it is not optional but fundamental to the government. That is why action to safeguard our lakes, including Lake Ontario, rivers and wetlands, which protect biodiversity and keep our waters healthy, is non-negotiable. The government has undertaken public consultation on Canada's first National Water Security Strategy to protect fresh water in Canada for the people, economy and environment that depend on it.

The government is working on this in partnership with Indigenous Peoples, provinces and territories because we need water security to build a stronger future here at home. This is simply about responsible stewardship.

Senator Osler: Thank you for that response, Senator Moreau; however, Canadians need more than ongoing consultations.

The Canada Water Agency memo warns that nearly a third of our groundwater remains unmapped, even as water-intensive emerging technologies rapidly increase demand.

We as a country cannot effectively defend our transboundary sovereignty if we do not have a full inventory of what we are protecting. Will the government commit to a firm timeline to finish mapping our border aquifers and establish clear federal safeguards against heavy industrial water —

The Hon. the Speaker: Thank you, senator.

Senator Moreau: Minister Dabrusin classified the National Water Security Strategy as a mission-critical priority. A concrete policy framework is still pending. Public and stakeholder consultations for the strategy only recently concluded on October 25, 2026. I hope we can look forward to the result of this very soon.

NATIONAL DEFENCE

RESERVE FORCE

Hon. Yonah Martin (Deputy Leader of the Opposition): Government leader, Canadians recently gathered to honour the sacrifice and service of our veterans on Remembrance Day, the most important ceremonial occasion for the men and women of the Canadian Armed Forces. Yet a CBC report indicates that some reserve units were forced to limit participation in Remembrance Day events because of budget constraints, with commanders warning that participation at these events could come at the expense of training.

Senator Moreau, how can your government justify the situation where billions in new defence spending are being announced while reservists are being told that there is not enough money for basic training and full regimental participation on Remembrance Day?

Hon. Pierre Moreau (Government Representative in the Senate): I totally agree with you that Remembrance Day is a very moving and important day. I was there, and I thank Senator Cardozo, Senator Duncan and Senator Patterson, who accompanied me at that ceremony.

I am not aware of the fact that you raised in your question. You know that I come from a family who lost members during World War II, and I am very committed to being respectful to our veterans. I will inquire about your question and get back to you with an answer.

Senator Martin: Thank you for your commitment to do that. As you know, Remembrance Day is vital to the morale and esprit de corps of those serving today. It also inspires the next generation to put on the uniform. But I am aware that reservists are often shortchanged. They have issues and delays with claiming expenses. I hope you could inquire specifically about the support to our reservists.

Senator Moreau: I can assure you that I will raise the question with the minister, and I will get back to you with an answer.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, please be careful when handling papers around an open microphone. Impact noises when accidentally hitting a microphone could incur interruptions in interpretation. Thank you, senators.

• (1450)

[*Translation*]

ORDERS OF THE DAY

CUTTING RED TAPE FOR ALL CANADIANS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Petten, seconded by the Honourable Senator Moreau, P.C., for the second reading of Bill S-7, An Act to modernize certain regulatory and administrative processes.

Hon. Robert Black: Honourable senators, today I rise to speak about Bill S-7, Cutting Red Tape for All Canadians Act.

[*English*]

This massive bill brings about significant regulatory and administrative changes across 31 federal laws and 11 different departments. Clocking in at nearly 200 pages, its scope is massive and far-reaching. While there are many parts of this bill dealing with various topics, such as digital reforms, borders and natural resources, I will, as usual, focus my time on its agricultural impacts and implications.

Let’s start with the good.

According to the Canadian Federation of Agriculture, or CFA, Bill S-7 is generally a positive step for the agriculture sector. Reducing red tape and administrative burden, improving competitiveness, and accelerating access to inputs and technologies would all help farmers and producers with their bottom line and their workload. The CFA also flagged that many of the changes we see in Bill S-7 were in direct response to recommendations from the sector. It’s always refreshing to see government taking notes from stakeholders who know their own issues the best.

Part 1 of this bill is where we find most of the specific changes that would see positive movement for our farmers and producers.

First, we have the Advance Payments Program, which would become more streamlined with the passing of this bill. This move could help reduce the administrative burden with obtaining and repaying advances. Farmers and producers often face significant cash flow pressures as they deal with contracts and orders throughout the season, so timely access to financing would certainly be a win. Also, removing the requirement for the Minister of Finance to approve adjustments to advance limits would open up the ability to respond more quickly to changes in the economic environment.

Another positive element in Bill S-7 highlighted by the CFA is the recognition of foreign regulatory systems. Canadian farmers and producers can face significant competitive disadvantages when inputs and technologies are available in other countries and jurisdictions but are not available to them. Under Bill S-7, the Governor in Council would be able to recognize foreign regulations for feeds, fertilizers, seeds and veterinary biologics entering the Canadian market.

On paper, this could help with more timely approvals and reduce duplication, as long as our Canadian science and risk standards were maintained. Practically, we would have to see how the Governor in Council selects jurisdictions and products, and how quickly the necessary regulations could be put together. I will say more on that in a minute.

Among other positive changes are those that would be made to the Canadian Food Inspection Agency, where a new system for electronic administration could reduce paperwork and improve efficiency. As we know, some rural communities face connectivity and digital access challenges, so we would have to see whether the implementation of a digital system streamlines the processes for our farmers and producers or makes it more difficult.

Unfortunately, not all parts of this bill offer clear, positive changes for the agricultural community. For example, the Canadian Seed Growers' Association, or CSGA, has commented on foreign regulatory systems recognition, cautioning that it is vital to ensure that access to these systems does not turn into back door access into Canada or reduce the government's responsibility to administer a modern, efficient and effective domestic approval system in our country.

The CSGA has also identified a grey area with regards to the details of the foreign regulatory systems. Does the government intend to use the regulatory authority for variety registration only, that is, the regulatory requirement that new crop varieties must meet before getting approval, or are they hoping to apply this new standard to plants with novel traits — those plant varieties that have a new characteristic — as well?

There are a few more questions on this section that deserve to be put on the record. For example, how are foreign regulators going to be verified? Why were certain products, like pesticides and veterinary medicals, excluded from the regulation of foreign systems?

Without clarity on those questions, it is hard to say what the environmental, safety and other risks could be when a new agricultural input or technology is made available in Canada through this system.

Another part of Bill S-7 that was flagged by the CSGA is the amendment that removes the authority of the minister to specify weed seeds by order, as defined in the Seeds Act. Presently, those are published in the Weed Seeds Order, which categorizes them based on their danger levels, specifying the amount of them allowed in any seed sample. For example, a prohibited noxious weed would not be allowed in any sample at any level.

The bill changes this current system, replacing it instead with a regulation-making authority.

The CSGA hopes to see a list of noxious weeds incorporated by reference so that changes to that list could be made in a timely manner.

I've also heard from the Grape Growers of Ontario, whose members are concerned with clauses 6 and 7 in Part 1 of Bill S-7. Clause 6 covers accessibility of information, and they are concerned that it might include access to proprietary grower information, which might affect their delegated regulatory powers. Clause 7 is concerning, as it could give the minister the authority to change marketing boards and other provisions, as required.

According to the Grape Growers of Ontario, those powers might affect the marketing board's ability to represent their members, and they were not consulted prior to this decision. I would like to make note of the fact that they told us they were not consulted.

Colleagues, a bill of this broad scope requires extensive review. We need to listen to what our stakeholders have to say, and we must ask questions along the way so that we can give thorough sober second thought to Bill S-7.

One other question worth asking is why labour access through temporary foreign workers was not addressed by this bill, which is specifically intended to cut red tape and regulatory requirements. We've heard from so many voices in the agricultural community that labour concerns continue to bog down the sector, so I question why this wasn't included or addressed in Bill S-7.

It is also important to ensure that Bill S-7 strikes a proper balance between Governor in Council decisions and ministerial responsibilities. Bill S-7 makes several such shifts in power, and it is only by studying the bill more closely and by listening to stakeholders that we can determine which responsibilities would be better suited as more rigid, but stable, legislation, and which would make sense to keep in regulation. This must be discussed as this bill moves forward through committee and third reading, and the solutions should reflect what will best answer the needs of the agriculture sector, not what is simply easiest for government.

Colleagues, as this bill proceeds to committee, let us continue asking these and many other vital questions and listening to stakeholders along the way. This will ensure that we give Bill S-7 the thought and study it needs as it continues through our chamber.

Thank you, *meegwetch*.

(On motion of Senator Martin, debate adjourned.)

COMMISSIONER FOR MODERN TREATY IMPLEMENTATION BILL

THIRD READING—DEBATE ADJOURNED

Leave having been given to revert to Government Business, Bills, Third Reading, Order No. 1:

Hon. David M. Arnot moved third reading of Bill C-10, An Act respecting the Commissioner for Modern Treaty Implementation.

He said: Honourable senators, before becoming a senator, I served as Treaty Commissioner of Saskatchewan. The responsibilities of that office were different from those of the commissioner for modern treaty implementation proposed in Bill C-10. My work was concerned principally with the historic numbered treaties, treaty education and the relationship between First Nations and the Crown.

However, there is something important that these two offices have in common: The work of honouring treaties depends upon having good information and data. It depends upon knowing what was promised, understanding what was intended, examining what has been done and identifying what remains unfinished.

During my time as treaty commissioner, I often wished that we had better access to reliable information about treaty implementation. That includes information that could identify where progress was occurring, where it had stalled and why; information that could help us understand whether difficulties arose from inadequate resources, poor coordination, conflicting interpretations of obligations or a lack of political will; and information that could help First Nations, Indigenous governments and Canadians distinguish between promises made and promises fulfilled.

• (1500)

I know how valuable that information would have been to the work that I was undertaking. I believe that the Indigenous modern treaty partners who have advocated for Bill C-10 understand that value very well. They know that good information is not simply useful for preparing reports; it is essential to effective government. It informs decisions about priorities, resources, programs and public policy. It helps governments identify problems before they become entrenched. It allows Parliament to assess whether the Crown is fulfilling the obligations it has undertaken. Without reliable information, accountability is difficult. Without accountability, implementation can become little more than an aspiration. That is why I regard Bill C-10 as an important step forward. Reconciliation must be informed by evidence.

Honourable senators, in my second reading speech, I spoke about treaties as a bridge to the future. I spoke about the hope that rests in our hearts and hands and about the responsibility to honour the commitments that define our relationships. I continue to believe that reconciliation must come from the heart. It must be grounded in respect, empathy, mutual understanding and a genuine willingness to build relationships between peoples.

I want to add something to that proposition today. Reconciliation may begin in the heart, but it must be informed by evidence and demonstrated through action. Good intentions matter, but good intentions alone do not fulfill treaty obligations. When the evidence reveals shortcomings, governments must be prepared to correct them. That is the promise of independent oversight. It's not that every problem will disappear and every disagreement will be resolved but that Parliament and modern treaty partners will have better information about whether the federal government is doing what it has committed to do.

Colleagues, one of the most compelling features of Bill C-10 is the manner in which it was developed. This legislation was not simply drafted by the federal government and presented to Indigenous Peoples for comment. It was jointly developed and jointly drafted with Indigenous modern treaty partners. That distinction is unique and very important.

For more than two decades, modern treaty partners have called for independent oversight of federal treaty implementation. The Land Claims Agreements Coalition, established in 2003, has been central to that advocacy. The legislation before us reflects years of discussion, negotiation and collaborative work.

During our committee's hearings, Eva Clayton, President of the Nisga'a Nation and Co-Chair of the Land Claims Agreements Coalition, put it plainly when she said:

> Indigenous modern treaty partners asked for Bill C-10 and co-drafted it. In other words, it is as much a government bill as it is ours.

"Ours" means the Nisga'a Nation.

Honourable senators, that is a remarkable statement. We do not always hear Indigenous leaders speak about federal legislation in those terms. It reflects not simply consultation but meaningful participation in developing the legislation itself.

Minister Rebecca Alty confirmed that process when she appeared before the committee. She described federal officials and modern treaty partners working together throughout the drafting process, rather than involving the partners only after the principal decisions had already been made.

This is an important example of what genuine collaboration can achieve. It does not mean that every provision is beyond criticism, nor does it diminish Parliament's responsibility to examine legislation carefully. But it does mean that we should respect the process that produced this bill and listen carefully to the governments that participated in creating it.

Those governments have delivered a clear message. They want this legislation passed. They want it passed without amendment. And they want it passed without unnecessary delay. I believe that message deserves considerable weight.

Honourable senators, I want to thank the members of the Standing Senate Committee on Indigenous Peoples for their careful consideration of Bill C-10. I also want to thank Senator Michèle Audette, the committee's chair; Senator Paul Prosper, who chaired the clause-by-clause meeting; and all the senators who participated in the study. The committee heard from

representatives of the Nisga'a Nation, Nunavut Tunngavik Incorporated, the Nunatsiavut Government and Miles Richardson, Chair of Reconciling Ways of Knowing. It also heard from Minister Alty and senior officials.

The testimony was particularly valuable because it moved our discussion beyond the general proposition that treaty implementation is difficult. It provided concrete examples of what happens when the Crown's obligations are not fulfilled, and it demonstrated why independent information and continuing oversight clearly matter. Let me offer three examples.

The Nisga'a Nation: when implementation becomes litigation.

Eva Clayton told the committee that it took the Nisga'a Nation 27 years to negotiate its modern treaty. Those negotiations involved substantial compromises. The Nisga'a Final Agreement, which came into effect in the year 2000, established a new constitutional relationship and created important opportunities for self-government, land management and economic development. As President Clayton explained, the signing of the agreement did not end the challenges. She described a long-lasting dispute involving the Department of Fisheries and Oceans.

The Nisga'a Nation had raised concerns about federal arrangements that could affect its constitutionally protected fishing and co-management rights. Despite efforts to resolve those concerns, the Nisga'a Nation has had to pursue formal dispute resolution processes.

President Clayton explained that an independent oversight body could provide another avenue for addressing these difficulties before they escalated. That matters because litigation and dispute resolution consume time, money and expertise. Those are resources that Indigenous governments could otherwise devote to governing, delivering services and improving the lives of their citizens.

Brianne Paulin, legal counsel for the Nisga'a Nation, made another important point. She explained that the commissioner could provide earlier intervention and assist in clarifying treaty obligations that federal departments sometimes interpret differently. That is a practical benefit. When one department interprets an obligation one way and another department interprets it differently, the resulting uncertainty will almost certainly delay implementation. An independent examination can help establish a common understanding of the problem, identify the relevant obligations and provide information that the parties can use to move forward.

The commissioner will not replace treaty-specific dispute resolution mechanisms. However, the office may help governments resolve some problems before those mechanisms become necessary. That is a meaningful distinction, and it is one of the reasons the Nisga'a Nation supports this legislation.

Nunatsiavut: when recommendations are not enough.

A second example came from Johannes Lampe, President of the Nunatsiavut Government. He described difficulties implementing provisions of the Labrador Inuit Land Claims Agreement, which came into force in 2005. In particular, he discussed access to northern shrimp fishing opportunities.

The Nunatsiavut Government sought assistance from the Office of the Auditor General in 2015 because important treaty provisions were not being implemented. The Auditor General examined the issues and made recommendations. Some matters were subsequently resolved, but the fisheries issue still remains outstanding.

• (1510)

President Lampe told the committee that, more than a decade after the Auditor General's review, the Nunatsiavut Government was still seeking the allocation it understood its agreement was to provide.

That example is important for two reasons.

First, it demonstrates that a treaty implementation problem can persist even after an independent examination identifies it. Second, it raises the question of what continuing attention might accomplish.

The Auditor General has a broad mandate across the federal government. The proposed commissioner would have a dedicated mandate focused on modern treaty implementation. That specialization could allow the office to examine recurring problems, monitor developments over time and identify systemic issues affecting more than just one treaty.

It would not guarantee a resolution. But it could make it more difficult for an unresolved problem to disappear from institutional attention. That is precisely why Parliament must take the commissioner's reports seriously.

Nunavut: the human and economic cost of delay.

A third example came from Gloria Uluqsi, President of Nunavut Tunngavik Incorporated and Co-Chair of the Land Claims Agreements Coalition. She described the implementation of the Nunavut Agreement, signed in 1993. That agreement includes commitments concerning Inuit employment in government, government contracting and participation in the management of lands and resources.

These are not merely administrative provisions. They are connected to employment, income, economic opportunity and the ability of Inuit to participate meaningfully in the institutions that govern their territory.

President Uluqsi explained that Nunavut Tunngavik Incorporated commenced litigation in 2006 concerning implementation of the agreement. It took nine years to reach a settlement.

Her colleague Alastair Campbell told the committee that the settlement amounted to $250 million.

But the financial settlement is only part of the story. Consider the years consumed by litigation. Consider the resources devoted to establishing obligations that had already been negotiated. And consider the opportunities that may have been delayed while the parties remained in a legal dispute.

President Uluqsi's message was clear. Modern treaty partners should not have to spend years in court to secure the implementation of commitments that Canada has already made to them. The proposed commissioner cannot guarantee that litigation will be avoided. However, the office can provide independent scrutiny, identify problems and supply information that treaty partners may otherwise struggle to obtain. That can help make more constructive resolution possible.

Here's why data and information matter.

Colleagues, these examples bring me back to the experience I had, which I mentioned at the beginning of my remarks this afternoon.

It's the importance of good information and good data. The value of the proposed commissioner's model is not simply one that will produce another report. It is that the office can examine implementation across the federal government and provide independent information about what is happening.

Consider the questions that this information could help answer.

One, are federal departments meeting their treaty obligations? Two, where are implementation delays occurring? Three, are those delays isolated, or do they reveal a systemic problem? Four, are federal departments interpreting similar obligations consistently? Five, are resources being provided as agreed? And six, when shortcomings are identified, what is being done to correct them?

These questions matter to Indigenous governments. They matter to Parliament. And they matter to all Canadians.

The information can also assist modern treaty governments in their own planning and decision making. Reliable evidence can help identify priorities, assess progress and support discussions with federal departments. Further, it can reduce the time and resources required to establish facts that should already be known. And it can provide a more transparent foundation for government-to-government relationships.

There is, however, an important distinction. Providing better information about Indigenous governments is not the same as ensuring Indigenous governments have meaningful access to information relevant to their rights. The commissioner must approach this work with respect for Indigenous governments, their institutions, their treaty relationships and their legitimate interests in the governance of information.

The purpose is not simply to collect more data. It is to produce credible, useful information that supports better implementation. Information must serve accountability, and accountability must serve the fulfillment of treaty obligations. Next is economic reconciliation and treaty certainty.

Honourable senators, modern treaties are also important instruments of economic reconciliation. They establish frameworks for landownership, resource management, governance and economic participation. They provide a foundation for Indigenous governments to pursue opportunities according to their own priorities. And they can provide greater certainty for investors, communities and governments.

President Clayton spoke about the Nisga'a Nation's participation in developing the proposed Ksi Lisims liquefied natural gas project. That project illustrates the potential scale of economic opportunities in modern treaty territories. Of course, proposed projects remain subject to their own financial, regulatory, environmental and other considerations.

But the broader point is clear: When treaties are effectively implemented, they can support the conditions necessary for long-term economic development. When implementation is uncertain, delayed or inconsistent, economic opportunities can be lost.

Treaty certainty is valuable not only to Indigenous governments. It is valuable to all Canadians. It supports relationships, reduces uncertainty and helps establish the conditions in which communities and businesses can plan for the future while working together.

But economic reconciliation is not simply about major projects. It is also about employment, housing, education, public services, cultural continuity and the capacity of Indigenous governments to exercise their responsibilities.

These are interconnected dimensions of reconciliation. Honouring treaties is not an obstacle to building Canada. It is part of how we do build Canada. The honour of the Crown remains the government's responsibility.

Colleagues, I want to return to a principle that has guided much of my professional life: the honour of the Crown. I have written and spoken about this principle over many years.

It is not simply a legal doctrine to be considered when litigation arises. It is a standard that should guide the conduct of governments in their relationships with Indigenous Peoples. It requires integrity, good faith and a serious commitment to fulfilling obligations. And it requires governments to recognize that promises made in the name of the Crown must be honoured in substance, not merely acknowledged in principle.

The creation of a commissioner does not transfer that responsibility. The honour of the Crown remains the responsibility of the Crown. The new commissioner can identify shortcomings. The commissioner can examine federal conduct. The commissioner can make recommendations and report to Parliament. However, the government must respond and has the ultimate responsibility to do so. Parliament must be prepared to examine whether those responses are adequate.

This distinction is fundamental. We should not create an independent institution and then imagine that our responsibility as parliamentarians has been discharged. The passage of Bill C-10 is not the completion of reconciliation. It is the creation of a mechanism that may help us do the work of reconciliation more effectively.

Here are the legitimate limits of the legislation.

Honourable senators, as sponsor of this bill, I have tried to approach this issue as an honest broker. That means acknowledging its strengths, but it also means being candid about some of the limitations.

Bill C-10 does not give the commissioner binding enforcement powers. The commissioner cannot compel departments to implement every recommendation. And the office will not replace the courts or the dispute resolution processes established under individual modern treaties. Those limitations are real.

• (1520)

Senator McCallum and other members of the committee asked important questions about the federal government's record of responding to independent recommendations.

Senator Pate raised concerns about oversight bodies whose reports are repeatedly ignored. Those concerns deserve respect. Indeed, the Nunatsiavut example demonstrates why that matters.

The testimony also revealed that modern treaty partners understand the design of this legislation. They are not asking us to transform the commissioner into a court or an enforcement tribunal. They are asking for an independent institutional capability of providing sustained, specialized oversight and credible information to Parliament.

Brianne Paulin explained that the office was deliberately designed to maintain its independence and impartiality. Its purpose is to provide oversight, not to assume the government's responsibility for implementation. That is a distinction we should preserve.

At the same time, the government's response to the commissioner's findings will be an important measure of whether this legislation succeeds. Independent reporting is valuable, but independent reporting followed by continued inaction will not fulfill treaty obligations.

There are three conditions required for success. Colleagues, I believe these practical conditions will determine whether the legislation achieves its potential.

First, government must appoint the right commissioner; second, government must assemble the right team, or the commissioner must be allowed to assemble the right team; and third, government must provide proper funding.

First, on the commissioner, this appointment will be enormously important. The commissioner must understand the constitutional character of modern treaties and the relationships between Indigenous governments and the Crown.

The person selected must possess sound judgment, independence, credibility and the ability to examine complex legal and administrative questions. They must be capable of making findings that may not always be welcomed by the government of the day. They must be someone in whom Indigenous modern treaty partners and Parliament can have confidence.

Minister Alty confirmed that the selection process will involve consultation with the modern treaty partners. That is appropriate. It will be important to get this appointment correct.

Second, with respect to the team, the commissioner will need people with expertise in modern treaties, constitutional law, Indigenous governance, public administration, performance auditing and economic analysis.

The office will also need the capacity to work with treaty partners across different regions of Canada. Modern treaties are not identical. Their provisions, the histories behind them and the implementations face different challenges. The office must be able to respect those differences while identifying problems that arise across the federal system. It must be capable of producing reports that are rigorous, understandable and useful.

Third, with respect to funding, I wish to emphasize this point: An independent commissioner without adequate resources will be independent in name but limited in effect. The office must be able to recruit and retain qualified staff. It must have the resources to undertake meaningful reviews, engage treaty partners and produce timely reports.

Minister Alty told the committee that the government anticipates a timeline of approximately three years to complete the appointment, create the staffing process and deliver the first report.

However, I would encourage the government to proceed with a genuine sense of urgency. Modern treaty partners have already waited more than two decades for this legislation. They should not face unnecessary delays in seeing the institution become operational.

The minister also indicated that the office would be funded on a basis comparable to other agents of Parliament. That commitment will need to be reflected in practical decisions. The government must demonstrate that it is prepared to provide the resources necessary for the commissioner to carry out the mandate that Parliament establishes. It must recognize that modern treaty partners require the capacity to participate meaningfully in implementation and oversight processes. These responsibilities go hand in hand. Parliament must follow through.

There is a fourth condition for success, and it rests with us.

Parliament must use the information the commissioner provides. Reports should not simply be tabled and forgotten. They should inform committee studies, departmental accountability, public expenditures and future policy decisions.

When a commissioner identifies an implementation problem, parliamentarians should be prepared to ask what has been done about it.

When a department accepts a recommendation, Parliament should be prepared to examine whether the proposed action has, in fact, occurred. When the evidence reveals a recurring systemic problem, Parliament should be prepared to ask whether changes in policy, administration or funding are necessary. The commissioner will provide that information.

Parliament must give that information consequence; that is how independent oversight can contribute to meaningful accountability and how the legislation can support the honour of the Crown in practice.

This is a non-partisan and continuing obligation. Honourable senators, Senator McCallum made an important point during the debate on this legislation. Modern treaty implementation must be understood as a non-partisan responsibility. Treaty obligations do not change when governments change. They are not obligations of one minister, department or political party. They are obligations of the Crown, and they endure. That is one reason the proposed commissioner is important.

The office is intended to provide continuing, independent scrutiny across successive governments. It can preserve institutional knowledge. It can identify recurring problems. It can help Parliament assess whether implementation is improving over time. That is a worthy objective. It is also consistent with the Senate's responsibility to examine constitutional questions, protect minority interests and hold the government to account.

Honourable senators, when I served as Treaty Commissioner, I often spoke about treaties as a bridge to the future. I believed then and believe now that treaties offer a foundation for a better relationship between Indigenous Peoples and the Crown, grounded in mutual respect, mutual benefit and shared responsibility.

I have also spoken about the hope that rests in our hearts and hands. Our hearts carry the values that should guide us. Our hands carry the responsibility to act upon those values.

Today, I would add a third element.

Our decision must be guided by evidence because the honour of the Crown cannot be measured by good intentions alone. It must be demonstrated through conduct; reflected in the way governments fulfill their commitments; and visible in the political, social, cultural and economic opportunities that treaty implementation is intended to support.

Reconciliation requires the heart to understand, the hands to act and reliable information to tell us whether our actions are making a difference. Bill C-10 offers an important opportunity to bring those elements together. It is legislation that modern treaty partners asked for, helped develop and asked Parliament to pass without amendment or unnecessary delay.

The committee has now examined the bill and reported it without amendment. I believe we should respect the work and the expressed wishes of the modern treaty partners who brought the proposal forward.

The success of this legislation will ultimately depend on the quality of the commissioner, the expertise of the team, the adequacy of its funding and the seriousness with which governments and Parliament respond to its work. Those responsibilities will remain after our vote. However, today, we have an opportunity to take an important step — a step toward more reliable information and stronger accountability, ensuring that the promises contained in Canada's modern treaties are honoured in practice.

• (1530)

I support Bill C-10. I respectfully ask you, honourable senators, to support its passage, unamended, as soon as possible. Thank you.

Some Hon. Senators: Hear, hear.

[*Translation*]

Hon. Patrick Brazeau: Would Senator Arnot take a question, please?

[*English*]

Senator Arnot: Yes.

Senator Brazeau: Thank you, Senator Arnot, for your speech. I have one question: What is the intention of the federal government in introducing this piece of legislation with respect to moving forward with treaties? Do they want to move forward with treaties with individual Indian Act bands or with the concept of a greater nationhood?

Senator Arnot: I don't think I am qualified to answer what the government's intention is. It speaks through this legislation. It is an interesting question, but the legislation speaks for itself.

Senator Brazeau: Thank you for that.

Let's make no mistake about it. It was the federal government that introduced the Indian Act in 1876, which, basically, fragmented First Nations communities all across the country. It has been the position of the federal government that they only have jurisdiction over and deal with First Nations living on-reserve, so it is important to put on the record that it has been the practice of the federal government to deal only with Indian Act bands, while they are the very ones who fragmented those communities. In my case, we had the Algonquin Nation, but now there are 10 individual First Nations communities in Ontario and Quebec. It is important, going forward, that we talk about the concept of nationhood rather than dealing with individual Indian Act bands, because I don't think it is a direction in which we should be going.

The Hon. the Speaker: Was there a question for Senator Arnot?

Senator Brazeau: The question is this: Senator Arnot, will you convey that to the federal government, asking what their intention is, going forward?

My personal view is that this is another smokescreen of the federal government. We have been talking about the treaty implementation process for generations. Here we are now, in 2026, and the federal government is proposing this treaty commissioner, but we need to know, as parliamentarians, the intention of the federal government. Would you kindly go back to the government and ask them what their intention is in terms of moving forward on treaty implementation? Do they wish to move forward with individual Indian Act bands or with the concept of nationhood?

Senator Arnot: There are limitations, which I outlined in this bill. Fundamentally, the government has stated that it would like to see the Indian Act repealed. This would be a model, I believe, for replacing the Indian Act with modern treaties, land management and the integrity that First Nations, Inuit and Métis peoples have to run their own affairs. I have a lot of hope in what this commissioner will do within the scope of authority given to that person in this bill. That's about all I can say. I have hope here.

I'm not as cynical as you, perhaps, but you have a lived experience that is very different from mine. I am hoping that this will be a foundation for economic, social and cultural reconciliation. I see it in the potential of this commissioner. Whether it is fulfilled or not will only be answered in time, based on those four big issues that I cited. Thank you.

(On motion of Senator Martin, debate adjourned.)

COMBATTING FINANCIAL CRIMES AND DRUG TRAFFICKING BILL

SECOND READING—DEBATE ADJOURNED

Hon. Tony Loffreda moved second reading of Bill S-8, An Act respecting certain measures relating to proceeds of crime, terrorist financing, sanctions evasion and the detection of non-mailable matter transmitted by post.

He said: Honourable senators, I rise today, at second reading, as the sponsor of Bill S-8, the combatting financial crimes and drug trafficking act.

I would like to thank Senator Moreau and the government for asking me to shepherd this important piece of legislation that would strengthen Canada's response to financial crime.

The world is becoming increasingly interconnected, and technology is moving forward at warp speed, making financial crime a persistent threat to Canadians, businesses and the overall integrity of our financial systems.

As noted in Budget 2026 earlier this month, "Financial crimes have broad repercussions on the lives of Canadians and their communities." The government takes financial crime seriously and has taken significant steps in recent years to combat increasingly sophisticated schemes thanks to Bill C-29, Bill C-12 and now Bill S-8.

Organized crime groups are exploiting financial innovation faster than regulations can adapt. Cyber-enabled crime threatens national security, sanctions evasion enables war and dictators, and the financing of terrorism supports horrific acts in Canada and around the world.

Money laundering is not a victimless crime. Laundered illicit proceeds sustain criminal networks involved in drug trafficking, child exploitation, human trafficking, fraud, theft and extortion. These crimes threaten the safety of Canadians, take money straight out of their pockets and enable violence in our communities.

Canadians expect to feel safe in their communities. That is why the federal government is bringing forward Bill S-8, a robust and coordinated response to safeguard the safety, security and economic well-being of Canadians and Canadian businesses.

[*Translation*]

Since 2019, the federal government has invested nearly $379 million to combat financial crime. These investments have helped to strengthen financial oversight and intelligence functions and provide more resources and tools to support financial crime investigations. However, we must continuously strengthen our efforts to enforce the law to track risks.

Bill C-29, which is currently at committee stage in the House of Commons, seeks to create the financial crimes agency, which will become the lead Canadian agency for the enforcement of the act in serious and complex cases of financial crime. The Spring Economic Update 2026 earmarked more than $400 million over five years so that the agency has the resources necessary to effectively fulfill its mandate.

It is against this troubling backdrop that the government is proposing the Combatting Financial Crimes and Drug Trafficking Act. Bill S-8 provides for new measures to protect Canadians from fraud and the laundering of proceeds of crime. The main goal of this legislation is to combat profit-driven crimes that threaten the safety of communities and jeopardize the livelihoods of small business owners across the country.

The bill is made up of two parts containing five separate but equally important measures.

First, Bill S-8 seeks to crack down on criminal wrongdoing by financial services firms.

Second, it seeks to make the operation of illegal cryptocurrency automatic teller machines a criminal offence.

• (1540)

Next, the bill commits to fight some of the more common forms of money laundering by limiting large cash transactions and cash deposits made by third parties.

Fourth, it seeks to authorize law enforcement agencies to legally search and seize mail during the course of their investigations.

Finally, it seeks to clarify the transfer of information between the public and private sectors.

[*English*]

I appreciate that I have up to 45 minutes for my remarks, but I will only take about 15 minutes to summarize what each of these five measures seeks to achieve and why they are necessary.

I'll start with money services businesses, or MSBs. Now, it should be clear — and the government recognizes — that these businesses are intended to be an important source of competition and financial inclusion, providing services such as remittances, currency exchange and digital payments to consumers across the country.

However, Canada's 2025 National Risk Assessment found that MSBs are highly vulnerable to money laundering and terrorist financing and that criminals are increasingly abusing MSBs to launder money, finance terrorism, evade sanctions and defraud Canadians. They are also vulnerable to exploitation by hostile foreign actors who seek to undermine Canada's national security.

Bill S-8 proposes amendments to the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, the PCMLTFA for short, and its regulations to address the criminal abuse of money services businesses. It does this in five ways.

The first is by introducing new ministerial directive oversight to protect national security and the integrity of the financial system. These powers would include the ability to direct the Financial Transactions and Reports Analysis Centre of Canada, or FINTRAC, to deny or revoke an MSB's registration. Of note, since March 2026, FINTRAC has already revoked the registration of 156 MSBs.

MSBs will also be ineligible for registration under the PCMLTFA if their registration as a payment service provider is refused or revoked under the Retail Payment Activities Act for national security reasons. This is meant to promote consistency between the two acts because many payment service providers are also MSBs.

Second, the bill would expand ministerial directive powers to require enhanced due diligence for MSBs, to temporarily suspend the registration of all MSBs or certain classes of MSBs and, in prescribed circumstances, to temporarily restrict or prohibit certain domestic transactions. Similar measures can already apply to transactions entering or leaving Canada.

Third, it would strengthen FINTRAC's ability to keep non-compliant and criminal MSBs out of the system by expanding its ability to refuse or revoke registration.

Fourth, it would strengthen criminal record check requirements for direct or indirect owners or investors in an MSB by narrowing the ownership threshold for criminal record checks from 20% to 5%.

And, fifth, the bill would give FINTRAC a clearer picture of the risks posed by MSBs by ensuring it has accurate and up-to-date information regarding the commencement of business, financial information and services they provide.

I want to be clear: Canadians will continue to have access to the full range of services provided by MSBs. This bill will in no way impact individuals or businesses that conduct legitimate transactions.

Colleagues, the bill's second measure would crack down on crypto-currency ATMs. These machines have become a primary method for scammers to embezzle cash from Canadians and for criminals to place their cash proceeds of crime in Canada. Crypto ATMs are also used to evade sanctions and fund terrorism.

Unlike the mainly lawful services provided by MSBs, studies have found that between 85% and 98% of crypto ATM transactions are linked to illicit activity. They also charge fees that are two to four times higher than at in-person and online crypto-currency exchanges, making their legitimate use extremely limited. What is more, Canada has the most crypto ATMs per capita in the world. The current number of crypto ATMs in Canada is estimated to be around 3,900.

Furthermore, the Canadian Anti-Fraud Centre conservatively estimates that only between 5% and 10% of fraud is reported, meaning that Canadians are estimated to have lost between $142 million and $284 million due to fraud facilitated by crypto ATMs in 2024.

Bill S-8 proposes amendments to the PCMLTFA and its regulations to protect Canadians from fraud and other financial crimes by making it a criminal offence to operate a crypto ATM that is not licensed in a province or territory.

To support this offence by ensuring there is not a permissive environment for crypto ATMs, additional amendments in Bill S-8 propose to make it a criminal offence to provide the space where the ATM is used; to load with and empty the machine from cash; and to offer for sale, sell or otherwise make available software in Canada either that can only be used in a crypto ATM or that the person or entity knows will be used for operating a crypto ATM in Canada.

The bill also proposes enhanced federal regulatory requirements for crypto ATMs not subject to the ban that reflect the highest regulatory standards that currently exist internationally. One such measure is a $1,000 limit on daily transactions for any customer, as is the case in California.

These regulatory amendments would come into force 90 days following Royal Assent to allow time for implementation. The ban for unlicensed crypto ATMs would come into force 18 months following Royal Assent to allow provinces and territories without a licensing regime to implement one should they choose to. Today, only Quebec has a regime in place.

The message is simple: If you want to operate a crypto ATM in Canada, you must meet the highest standards of integrity, transparency and consumer protection. The government expects the changes will result in some crypto ATM operators adopting stronger controls and others leaving the market outright.

I should note that Canada is not alone in this effort, as other jurisdictions have or are moving to address criminal abuse of crypto ATMs.

But rest assured Canadians can continue to make crypto-currency transactions through licensed and regulated crypto ATMs, as well as in person and on online regulated platforms. In fact, they should feel more comfortable with the idea of knowing that the system is being strengthened with these measures.

[*Translation*]

Honourable senators, the third measure in Bill S-8 has two objectives. First, it would limit cash transactions of $10,000 or more. Second, it would restrict anonymous third-party cash deposits, where one person deposits cash into another person's account.

These measures target profit-driven crimes such as fraud and drug trafficking, which generate cash proceeds. Criminals favour this method because it provides anonymity and facilitates the movement of these funds.

Many countries already restrict large cash transactions. Canada and Japan are the only G7 countries that do not have an economy-wide framework to limit or regulate such transactions. In 2024, the European Union adopted an EU-wide ban on cash payments exceeding €10,000.

Bill S-8 would amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and its regulations to protect businesses from this type of criminal abuse.

Once again, the impact on the Canadian public would be minimal. In 2025, cash payments accounted for only 1% of the total value of transactions in Canada, and the average value of a transaction was only $24.

• (1550)

The impact of the restriction on cash deposits made by third parties would also be limited. Canadians will still be able to transfer funds to another person's account by cheque, electronic transfer, or bank transfer. Bill S-8 doesn't change these common and legitimate practices.

On the contrary, these are solutions tailored to the Canadian context that capitalize on Canada's unique strengths. As you know, everyone in Canada has a legal right to a bank account. In fact, Canada has the highest rate of financial inclusion among G7 countries: More than 99% of the Canadian working-age population has an account with a financial institution.

Depository institutions would be exempt from the restrictions so that cash can continue to be integrated into the financial system and so that convenient, secure, and cost-effective electronic payment options remain available for large purchases.

Given the widespread access to the financial system, the low number of cash transactions exceeding $10,000, and the abundance of practical, secure, and cost-effective alternatives, this measure is the best way to combat the laundering of criminal proceeds through cash transactions.

[*English*]

Honourable colleagues, the bill's fourth measure would enable law enforcement to intercept mail in support of their investigations into the trafficking of contraband. The bill would make amendments to the Canada Post Corporation Act to allow law enforcement to search and seize mail if they have lawful authority to do so. In other words, if they have a warrant under the Criminal Code, the Controlled Drugs and Substances Act or the Cannabis Act, they will and can have lawful authority to seize mail.

Essentially, the bill seeks to remove the existing legal impediment that prevents law enforcement from searching or seizing mail moving through the domestic postal system. It would ensure law enforcement can use the existing tools, as set out in the three aforementioned laws, to combat the use of the mail service to commit crimes.

To be clear, these proposed amendments do not create new search or seizure powers for law enforcement, nor do they lower the legal threshold required to obtain a warrant. All existing Charter rights and privacy protections would continue to apply. And all existing judicial oversight and constitutional safeguards, including the requirement to demonstrate reasonable grounds to believe a crime has been, is being or will be committed, would continue to apply.

This measure is needed because organized crime groups and other criminal actors are using the mail system to transport contraband, including potent illegal drugs like fentanyl, counterfeit currency, stolen goods and child sexual abuse and exploitation material. Right now, law enforcement is limited in its ability to search and seize mail in transit, even when they have sufficient evidence to obtain a warrant. This limitation does not apply to items shipped via private courier companies, such as FedEx, UPS, DHL or Purolator.

Unlike Bill C-2, which is currently before Parliament, these amendments would not allow Canada Post inspectors to open letters. Postal inspection authorities would remain unchanged and would continue to apply only to inspecting parcels for non-mailable matter.

These enforcement measures are part of the government's broader commitment to make communities safer and address organized crime by repairing vulnerabilities in the mail system exploited by criminal actors to traffic harmful contraband.

And, finally, the fifth measure in the bill is to improve public-to-private information sharing. Specifically, Bill S-8 would amend the PCMLTFA and make related changes to the Personal Information Protection and Electronic Documents Act, or PIPEDA. The amendments would clarify that regulated entities, such as banks, may receive and use information disclosed by the RCMP for anti-money laundering purposes. They would also provide a "safe harbour" from legal liability when these entities act in good faith.

This would strengthen efforts to detect and deter money laundering and support the Integrated Money Laundering Intelligence Partnership between law enforcement and Canada's big banks, which was launched in February 2025.

Information sharing is internationally recognized as a best practice for an effective anti-money laundering and anti-terrorist financing regime, and this partnership bolsters Canada's response to organized crime and sophisticated money laundering schemes. Participants in the partnership identified this measure as essential for their work to achieve its objectives. Notably, the collection and use of information by reporting entities would be subject to privacy safeguards, including ensuring that the purpose of the collection and use is consistent with detecting or deterring money laundering, terrorist financing and sanctions evasion.

The Office of the Privacy Commissioner will continue to be engaged on the implementation of this measure to respect considerations around privacy protection. I also want to mention that Bill S-8 includes coordinating amendments with Bill C-36, which seeks to enact the protecting privacy and consumer data act and to amend PIPEDA.

Colleagues, these five measures that constitute Bill S-8 are part of broader federal efforts to fight organized and financial crime, building on recent investments in law enforcement.

Budget 2025 provided $1.7 billion over four years for the RCMP to strengthen its response to transnational organized crime, including financial crimes and money laundering, while enhancing its investigative and national security capacity and improving coordination with law enforcement and intelligence partners.

Bill S-8 also complements measures to protect Canadians from extortion by strengthening financial intelligence and coordination with law enforcement and financial institutions, as well as the forthcoming whole-of-government National Anti-Fraud Strategy. The strategy aims to establish a robust multi-sector approach to fraud prevention, detection, disruption and response, and Canada's efforts are being noticed.

The Financial Action Task Force's recent *Mutual Evaluation of Canada* report — an independent international assessment of Canada's anti-money laundering and anti-terrorist financing regime — recognizes the significant steps Canada has taken in recent years to combat financial crime, strengthen prevention and detection capabilities, enhance information sharing and introduce new law enforcement tools.

Canada must continue adapting to evolving risks. A strong anti-money laundering and anti-terrorist financing regime protects Canadians from fraud, organized crime, sanctions evasion and terrorist financing. Bill S-8 would strengthen our ability to detect and disrupt financial crime, protect Canadians and businesses and reinforce confidence in the integrity of our financial system.

I encourage my honourable colleagues to support the bill, and I very much look forward to the study of the bill at committee.

Thank you. *Meegwetch*.

The Hon. the Speaker: Senator Loffreda, will you take a question?

Senator Loffreda: Yes.

Hon. Colin Deacon: Senator Loffreda, I will ask this question with the greatest respect to the many lawyers in our chamber, our honourable colleagues, but there is one group of professionals who are not included in this very important bill. I want to know the extent to which you are aware of whether or not this was discussed or considered. The PCMLTFA does not include lawyers. Lawyers can, as a profession, still move money for criminals without any requirements at all outside of their own law societies.

I'm just wondering to what extent this was something that was considered and what the reasons are why we are still not moving forward. I know the Supreme Court decision in 2015, in my mind, didn't push us to find another way of doing it, a way of lawyers being allowed to be self-regulated in a far stronger manner, with real teeth. Without this being addressed, we have remaining a huge hole in our anti-money laundering activities and capabilities in this country.

• (1600)

Was that something that was discussed as you took on the responsibility — and thank you for taking it on — of this important bill? Thank you.

Senator Loffreda: Thank you for the question, Senator Deacon.

I'm not a lawyer, but nobody is above the law. I don't believe that you can engage in money laundering or illegal activities and be above the law. Everybody must respect the law.

I said it this morning at one of our meetings: Rules are rules, laws are laws, and they must be respected. I didn't take part in those discussions, but we will do a deep dive into this bill in one of our committees, and those are great questions to bring up to our experts, legislators and government officials, who will testify before us. I haven't been a part of those discussions, but I do support this bill fully, and I have always said that nobody is above the law, whether you are a lawyer or any other profession. Thank you.

Senator C. Deacon: Absolutely. Nobody is above the law until some are. The challenge here is that good lawyers are potentially victims because they can be coerced and put into a position where the bad guys know what they can do without oversight. From my standpoint, our committee really needs to look at why this was not included. I know there are challenges. I respect Finance Canada and the work they have done to update the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, or PCMLTFA. I respect this bill entirely, but this is a loophole that we as a chamber need to close because it is crucial to the success of these updates to the PCMLTFA and of the act itself.

I'm just hoping you might consider doing that as the bill's sponsor when it is examined in committee.

[*Translation*]

Senator Loffreda: Thank you for the question.

Lawyers' trust accounts are overseen by each province's bar.

[*English*]

The trust accounts are supervised by the legal authorities in every province — by the bar. So they are verified. I recall, in my 35 years of banking experience, that trust accounts are verified by banks too, and there is jurisprudence on that. The banks keep a watchful eye on those accounts.

I am proud to say that, based on my experience, this only strengthens our efforts in anti-money laundering, anti-drug trafficking, and anti-crypto theft. It strengthens what we already have in place. I'm confident that it will improve matters. However, we will, as I said, do a deep dive in our committee work, and you can raise those issues and great questions, as usual, with our committee exerts. I'm confident that it is well covered, and we are in good hands with Bill S-8.

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

Senator Loffreda: Yes.

Senator Batters: First of all, dealing with the cash transaction, as you specified, Bill S-8 introduced in the Senate just recently would prohibit cash transactions of $10,000 or more. You indicated that it was to ". . . prevent fraud or drug trafficking." You also stated in your speech that ". . . the impact on the Canadian public of this part would be minimal."

Senator Loffreda, I want to challenge that a bit. In many remote and rural areas of Canada, completely legitimate cash transactions are not that uncommon.

I recall practising law in my early years in the small Saskatchewan city of Estevan, where I would have to go to the branch offices in smaller towns, and there were many farmers who did cash transactions in real estate deals, and they were completely legitimate. The requirements of the Financial Transactions and Reports Analysis Centre of Canada, or FINTRAC, have existed for decades to prevent anything that might go horribly wrong with such things. There is also mandatory reporting of cash transactions of $10,000 or more, which is already required under post-9/11 security measures such as the Proceeds of Crime (Money Laundering) and Terrorist Financing Act.

Why has the government decided to prohibit cash transactions — as you said yourself, there's only a small percentage — rather than just to use our existing laws and requirements?

Senator Loffreda: Thank you for that question. For some Canadians, cash transactions are their only way into the financial system. I do realize that. However, as I have said, it represents 1% of the total value of operations in Canada, and the average cash transaction is $24.

There is no perfect bill, but this bill, which deals with cash transactions of $10,000 or more, will be able to detect when the financial crime community is using cash transactions to launder money. We will be able to solve that issue very quickly by putting this bill into effect. I agree with you that there are some Canadians — not many — who rely on cash transactions. However, as I mentioned, it is 1%, and the average cash value is $24 per transaction. That 1% will still be able to be done in cash.

I've spent many years in banking, Senator Batters, and I have never seen real estate cash transactions. At one point, I was observing every transaction of over $5 million in Canada since 2008 — for over a decade — where I used to work, and there were no cash transactions. However, I agree that some Canadians do use cash, and hopefully they will still be able to do so under Bill S-8.

Senator Batters: Well, maybe come to small-town Saskatchewan. Perhaps not in Montreal downtown, but in small-town Saskatchewan, cash transactions are still done legitimately for many reasons. They probably don't have banks in some of those places as well.

My other question to you is this: The Carney Liberal government actually tried to add this exact provision prohibiting cash transactions of $10,000 or more in a previous bill, Bill C-2. It is still sitting on the Order Paper in the House of Commons, and they basically abandoned it. They are not moving it at all. They stopped proceeding with that part. They brought other parts back in other bills because there was major pushback from members of the public and also MPs. Why is the government bringing back this prohibition on $10,000 cash transactions in this Senate bill, Bill-S8? Why don't they just listen to the public?

Senator Loffreda: Thank you for that question. When I spoke about observing real estate transactions of over $5 million, it was all over Canada, not just in Montreal. I had that privilege. As I said, I didn't see cash transactions. I don't deny that there are cash transactions.

I can't comment on what is going on in the other place. They run their own chamber. However, I believe that Bill S-8, which I presented here today, is to detect, deter and investigate financial crimes. It is for the good of all Canadians. Financial crimes are becoming more sophisticated. Cash is a major issue when it comes to money laundering, proceeds of crime and proceeds of drug trafficking. Even today, $10,000 is not a small amount. There is still room for cash transactions and a cash economy. If you look at what I mentioned in my speech, it is 1%, and the average transaction is $24. We're now talking about $10,000.

For over a decade, I saw every deal in Canada of over $5 million. I didn't see a single cash transaction, and we saw those real estate deals, even from Saskatchewan. It was a national committee. I'm comfortable that this bill will do what it is intended to do. The intended purposes are to deter, detect, investigate and reduce financial crimes, and that is essential today. We have cybersecurity, anti-drug trafficking and anti-money laundering.

I have heard your caucus raise many questions about anti-money laundering: How Canada should do much more and how Canada is not doing enough. Those were great questions. I have heard them for years. It is my eighth year here now, and we now have a bill that is going to do exactly that.

Is it a perfect bill? There is no bill that is perfect. But for the people who won't be able to get into the financial system because they are doing transactions of more than $10,000 in cash, well, if they have more than $10,000 in cash, I'm sure they have the resources and methods to do otherwise and be a part of that financial system.

• (1610)

Regarding banks, I don't want to go through the map we had — my memory was a lot better 40 years ago — but we had many bank branches all over Canada. I'm sure we had many branches in your neck of the woods, which is a great area of Canada I intend to visit one day.

Senator Martin: Senator Loffreda, I know you mentioned that Bill C-29 is going through the House, which will create a financial crimes agency, though there are many entities, and coordination will be very important.

What we are talking about is very much in line with what the financial crimes agency will aim to do as well as what is already happening with law enforcement. I think coordination is important.

Why is this bill in this house? It's a government bill, but it is a big bill. I was listening to all of the parts of this bill. I'll just focus on one question to start, given there may be other questions, too.

My concern is about the coordination of everything. What we are aiming to do is in a very crowded field. We are all concerned about money laundering, transnational crime and all of that. We know we have to do it right, but there is a lot going on. It has to be well coordinated.

Given that Bill S-8 gives extraordinary unilateral enforcement powers directly to the Minister of Finance, including emergency powers to halt domestic transactions and revoke registrations without prior representation, what are the independent checks and balances and judicial oversight mechanisms that are embedded in this bill to give reassurances to prevent administrative overreach, arbitrariness or political interference?

We are giving the Minister of Finance some powers through this bill.

Senator Loffreda: This bill was clear. I didn't speak to the powers given to the Minister of Finance. I spoke to the fact that we are attacking three issues with five measures, as I mentioned in my speech. We are looking at three acts in one.

It is important to collaborate. Not every bill has every single solution to what the objective is. This is a new bill presented here, Bill S-8. The bills we have in the House will complement it, and it will do what it is intended to do, which is to deter, detect and fight financial crime.

It involves anti-money laundering, Canada Post — it gives powers to the Royal Canadian Mounted Police, or RCMP, to open Canada Post mail if they have suspicions, which are powers they didn't have beforehand — and the ATMs on the crypto side regarding anti-crypto theft. It is a pretty specific bill here. I didn't mention the powers to the Minister of Finance, obviously, but there will be collaboration as with every other bill. It will exist and it will come.

Senator Martin: I don't have the bill in front of me, but it is referring to the powers for the Minister of Finance, including the ability to issue directives, restrict domestic transactions and unilaterally suspend or revoke money services business, or MSB, registrations, which you referenced in your bill, sometimes via temporary orders before a business can make a representation.

My question was not so much on the coordination, even though I did lead with that; it was on checks, balances and oversight. We have to keep ministerial powers transparent, clear and in check. That was my question.

Senator Loffreda: That's a great question. We will raise those issues in committee. Nobody wants to give them too much power, obviously. The public is being protected through this bill. We'll raise those issues in committee and get back to you on that. I'm sure there will be a deep dive when we do get into those issues.

Obviously, there are powers. The Financial Transactions and Reports Analysis Centre of Canada, or FINTRAC, will have many of those powers. I did mention the powers FINTRAC will have to deregister, eliminate and authorize, and those are powers that FINTRAC did not have previously and will now have. Those are important powers that the Minister of Finance is giving FINTRAC. There will be other powers, too. But we'll do a deep dive at committee on those issues, and we'll get back to you.

I will be more than pleased at third reading to address the limitations of power that you are concerned with or referring to. Thank you.

Hon. Rebecca Patterson: Senator Loffreda, would you take a question?

Senator Loffreda: Yes.

Senator Patterson: My question is not as clever as the previous ones. It is more of a clarifier.

We do need to hear more about what the actual financial crimes agency will do, as it will come under the Minister of Finance, and what FINTRAC as an oversight and audit does versus a financial crimes agency, which has bits of the RCMP in it. That coordination part will be key so that nothing falls through the cracks.

I have a very basic question for someone who has not done banking her whole life. This act talks a lot about chartered banks, what information can be shared, et cetera. How are we going to be managing non-chartered banks such as community banking that we have in certain provinces? Maybe that does apply in Saskatchewan. Will this act cover those?

We talked about financial crimes, but as you mentioned, there are things like terrorist financing coming into the country. Maybe one day we will want to know if it's leaving the country.

Does this act speak about non-chartered banks, or will it only apply to relationships, information sharing, et cetera, with chartered banks?

Senator Loffreda: The act covers non-chartered banks, too. I can tell you that many of the banks, chartered or non-chartered, have sophisticated divisions when it comes to anti-money laundering. They collaborate fully with the RCMP and the police authorities. I can talk about my experience. I was at a chartered bank. We used to collaborate fully across the full financial sector because many of the criminal actors had many different accounts across many banks. They are sophisticated.

Former RCMP officers and former investigators work for many of those non-chartered banks. I'm confident there will be privacy. Privacy is not an issue. But if there is suspected activity, I'm confident that, across the non-chartered banks, it will be caught.

You are right; we'll do a deep dive in our committee with respect to the powers given to the minister and FINTRAC and ensure that nothing falls between the cracks. We'll do that diligently, as we always do, and report back to the chamber.

Senator Patterson: I have a quick supplementary. We have been very fortunate because we do know that non-chartered banks have been very cooperative. There is always that question of: Do we need to actually codify it at the federal level or not? The answer is probably not, but I do look forward to hearing what comes out of the committee. Will you be looking at the voluntary role of these non-chartered banks in this particular law?

Senator Loffreda: That's a good question. Yes, we will.

[*Translation*]

Hon. Amina Gerba: Senator Loffreda, will you take another question?

Senator Loffreda: Yes.

Senator Gerba: Thank you.

Congratulations, Senator Loffreda, on your very informative speech. As former bankers, we understand.

That said, I must admit that I was somewhat surprised to learn that cash accounted for only about 1% of the value of transactions and payments in Canada. In our ridings and communities, local businesses, such as hair salons, specialty stores, ethnic stores and all kinds of other small shops continue to rely heavily on cash.

You say that cash transactions of $10,000 will be restricted. Can you confirm whether these local businesses will be exempt from the bill? Small businesses really are the ones that still depend very much on cash.

• (1620)

Thank you.

The Hon. the Speaker: Senator Loffreda, you're almost out of time. Would you like more time to answer Senator Gerba's question?

Senator Loffreda: Yes.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Loffreda: Senator Gerba, thank you for the question.

Based on the numbers I have, it is indeed 1%, and the average transaction is $24.

We're talking about cash deposits of $10,000 or more. We all patronize the restaurants, hair salons and businesses you mentioned. Remember, we're talking about cash. Speaking from experience, people carry very little cash these days, even when going to a restaurant or hair salon. People often pay by credit card. These businesses would have to be very successful to have $10,000 or more in cash. I'm sure they have the necessary resources and the means to overcome this problem. That is quite a lot of money for small businesses.

As you know, I worked in banking for 35 years. Based on my experience, and on what I see in our economy and saw at the bank, only very successful companies make deposits over $10,000. They will certainly have the resources to do so. In banking, there are risks and mitigating factors. The bill exists for a reason, and it's important that we achieve everything we hope to obtain and accomplish through it. These risks must be overcome and mitigated for companies that attain this level of success and want to make cash deposits over $10,000.

Our economy's GDP will soon reach $3 trillion. That's a lot. That's a sizeable economy. There you go.

(On motion of Senator Martin, debate adjourned.)

[*English*]

NATIONAL FRAMEWORK ON FETAL ALCOHOL SPECTRUM DISORDER BILL

THIRD READING

Hon. Mohamed-Iqbal Ravalia moved third reading of Bill S-234, An Act respecting a national framework for fetal alcohol spectrum disorder, as amended.

He said: Honourable senators, I rise today as the sponsor of Bill S-234, An Act respecting a national framework for fetal alcohol spectrum disorder, or FASD. I do so with gratitude for the thoughtful and collaborative work that has brought this bill to third reading.

At its core, Bill S-234 seeks to strengthen Canada's response to FASD by bringing greater coordination, accountability and consistency to the considerable work already under way across the country. Its ultimate objective is to improve outcomes for individuals living with FASD, their families and caregivers.

FASD is a lifelong neurodevelopmental disability resulting from prenatal alcohol exposure. Its effects vary considerably from person to person and can include challenges with learning, memory, attention and emotional regulation. Diagnosis often requires multidisciplinary assessment, yet access to diagnostic services and ongoing supports remains inconsistent, particularly in rural and remote communities.

FASD is often described as an invisible disability. Individuals may experience significant challenges that are not immediately apparent to others. Without appropriate recognition and understanding, their needs may be overlooked, and difficulties arising from their disability may be mistakenly attributed to behavioural problems. These misunderstandings can have lasting consequences, affecting educational experiences, employment opportunities, relationships, mental health and interactions with health care, social services and the justice system.

Early recognition, appropriate accommodations and consistent, individualized supports can make a profound difference. Yet, too often, individuals and families must navigate fragmented systems to obtain the assistance they need.

Prevention is also an essential part of our response to FASD. Efforts to prevent prenatal alcohol exposure must be grounded in compassionate, evidence-based education and culturally appropriate approaches that avoid stigma and blame, while recognizing the dignity and value of individuals already living with FASD.

Colleagues, the importance of a coordinated national approach was reinforced during the Standing Senate Committee on Social Affairs, Science and Technology's examination of Bill S-234. I wish to thank Senator Moodie for her leadership as chair and all the committee members for their thoughtful and collaborative consideration of this bill.

Over the course of four meetings, the committee heard from 17 witnesses and received 24 written briefs. These contributions brought together perspectives from federal departments, researchers, health care professionals, Indigenous organizations, advocates, parents and caregivers. I am grateful to each of these individuals and organizations for sharing their expertise, experiences and recommendations. Their contributions have helped strengthen this bill and deepen our collective understanding of the challenges faced by Canadians living with FASD.

• (1630)

In particular, I would like to thank our former colleague the Honourable Dan Christmas and his daughter Gail, whose guidance and lived experience have been invaluable throughout the development of this bill.

One of the central themes that emerged during the committee's study was the importance of building upon the work that has already been done across Canada. Provincial and territorial governments, researchers, health care professionals and community organizations have made important contributions to FASD prevention, diagnosis and support. While critical gaps in knowledge and services remain, we must also ensure that existing expertise and initiatives are better coordinated and translated into meaningful improvements for individuals and families.

At the federal level, efforts to bring greater coordination and consistency have existed for decades. In 2003, Health Canada published a framework for action. This was an important starting point. It helped raise public awareness, encouraged collaboration across jurisdictions and contributed to the development of Canadian FASD diagnostic guidelines.

However, as we heard from representatives at the Public Health Agency of Canada, or PHAC, during their appearance before the Social Affairs Committee, that framework was largely aspirational. While it established a shared vision, it lacked clear performance indicators, a baseline against which to measure progress and sufficient accountability mechanisms. PHAC's representatives acknowledged that implementation of the 2003 framework has been uneven across provinces and territories and that limited resources remain a significant challenge.

Bill S-234 seeks to address these shortcomings by establishing a clearer legislative foundation for federal action. It does so in three important ways.

First, it introduces greater legislative accountability. The bill requires the Minister of Health to develop and table a national framework within 18 months of the legislation coming into force, followed by a report on its implementation and effectiveness within five years of tabling. These requirements establish clearer expectations for federal action and provide Parliament with an opportunity to assess the progress being made. Importantly, the objective is not simply to produce another framework but to establish a process for identifying priorities, evaluating progress and highlighting areas requiring further attention.

Second, it strengthens collaboration and coordination. Representatives at PHAC emphasized that one of the federal government's most valuable roles is that of a convenor, bringing together jurisdictions, Indigenous communities, individuals with lived experience, researchers, health care professionals and other stakeholders to share knowledge and identify effective practices.

Across Canada, there are already important initiatives supporting FASD prevention, diagnosis and intervention. However, these efforts are not always coordinated, and access to services can vary significantly depending on where an individual lives. A national framework offers an opportunity to learn from successful approaches, strengthen collaboration and identify opportunities to address gaps without duplicating programs that are already working effectively.

Third, it recognizes the need for a more comprehensive, evidence-informed approach to FASD. Significant gaps remain in our understanding of FASD across Canada, including its prevalence, the availability of services and the outcomes experienced by individuals throughout their lives. Without consistent and reliable data, it is difficult to identify unmet needs or determine where additional resources are most needed. A comprehensive national framework offers an opportunity to strengthen research and data collection, helping ensure that future policies and supports are informed by a clearer understanding of the needs of individuals living with FASD.

Bill S-234 is not intended to reinvent the wheel. Rather, it establishes a legislative foundation for bringing existing knowledge and expertise together, identifying gaps, establishing shared priorities and reporting on progress.

Honourable colleagues, while the fundamental purpose of the bill remains unchanged, the committee's amendments have strengthened its commitment to Indigenous rights, reconciliation and meaningful participation in the development of the national framework. The bill, as amended, now explicitly incorporates the Truth and Reconciliation Commission's Calls to Action 33 and 34. Call to Action 33 emphasizes the development of culturally appropriate FASD prevention programs in collaboration with Indigenous Peoples, while Call to Action 34 calls for reforms within the criminal justice system to better respond to the needs of individuals living with FASD.

The committee carefully considered the relationship between these justice-related measures and the scope of a national framework led by the Minister of Health. While the bill itself does not enact criminal justice reforms, it now requires the national framework to include measures aimed at reforming the justice system to better address the needs of individuals with FASD. This recognizes that the impacts of FASD extend beyond health care and that a meaningful national response requires coordination across departments and jurisdictions.

I thank Senator Muggli for bringing this forward, for her constructive and collaborative approach and for the work she has done in this area.

The committee also strengthened the bill's provisions concerning Indigenous rights and consultation. The amendments explicitly recognize First Nations, Inuit and Métis communities, as well as Indigenous governing bodies and organizations that serve or represent them, among those to be consulted. They also require the national framework to include measures ensuring that it can be implemented in a manner consistent with the United Nations Declaration on the Rights of Indigenous Peoples while responding to the unique circumstances and needs of different Indigenous groups, communities and individuals.

Together, these amendments reinforce the importance of meaningful Indigenous participation and recognize that an effective national framework must respect the distinct rights, priorities and circumstances of Indigenous Peoples.

I thank Senator Greenwood for her thoughtful contributions to this work.

Throughout this process, I have remained mindful of the guidance I received from our late colleague former senator Murray Sinclair — may his soul rest in peace — who cautioned against reinforcing the misconception that FASD is an Indigenous-specific disability. FASD affects individuals and families in every part of Canada, across all communities and backgrounds. Recognizing the distinct rights and circumstances of Indigenous Peoples must go hand in hand with ensuring that the national framework responds to the needs of everyone affected by this disability. I believe the committee has struck that balance.

These amendments strengthen the bill's commitment to reconciliation while preserving its fundamental purpose: providing a comprehensive, inclusive and population-wide national response to FASD.

In addition to these legislative amendments, the committee adopted observations highlighting the importance of continuity of support for individuals living with FASD throughout adulthood. Although FASD is a lifelong disability, access to support can diminish considerably as individuals transition out of school-based and youth services. I thank Senator Hay for bringing forward observations encouraging the Minister of Health to consider continuity of support across the lifespan, engage directly with adults living with FASD and include adult outcomes when reporting on the national framework.

These considerations are particularly important for young adults transitioning into employment, individuals receiving diagnosis later in life and families who must continually advocate for appropriate services.

Honourable colleagues, these considerations are not merely theoretical. They are reflected in the experiences of individuals living with FASD, several of whom recently wrote to me about what this legislation could mean in their lives.

Reinier deSmit, an advocate from Nova Scotia, received his FASD diagnosis at the age of 56. After decades of struggling to understand his challenges, he described how that diagnosis transformed his understanding of himself and even helped heal his relationship with his parents.

Myles Himmelreich, who has spent decades advocating for greater understanding of FASD, spoke candidly about the absence of appropriate services, particularly for adults.

• (1640)

He wrote:

> We often hear people talk about individuals with FASD falling through the cracks in the system. I challenge that, because it's not a crack if there's not another side to step on. That's a cliff.

R.J. Formanek similarly described the difficulties faced by young adults who lose access to services when they turn 18, emphasizing the need for greater continuity and consistency of support across Canada.

And Tanya, an adult living with FASD who received her diagnosis in Newfoundland and Labrador, shared how little individualized support was available to her afterward, despite finally having an explanation for the challenges she had experienced. She also offered an important reminder:

> Too often, policies and services are developed without listening to the people who actually live with FASD every day. Nothing about us should be decided without us.

Honourable senators, these experiences remind us why this bill matters. Behind the policy discussions are individuals who have spent years seeking understanding, recognition and appropriate support. Their voices must be central to the development of a national framework that responds to their needs. I am sincerely grateful to each of these advocates for sharing their experiences and perspectives.

Throughout my years as a rural physician in Newfoundland and Labrador, I have come to appreciate the profound difference that early recognition, compassionate care and appropriate support can make in people's lives. I have also seen the other side of the coin — how difficult it can be for individuals and families to navigate systems that are fragmented, under-resourced and lack coordination.

Bill S-234 on its own will not resolve all these challenges. However, it offers an important opportunity to bring greater coordination, accountability and sustained federal leadership.

My hope is that this framework will help us move toward a Canada where individuals living with FASD are better understood, families and caregivers are better supported, and access to appropriate services is not determined by geography or circumstance.

Honourable senators, I hope that we pass this bill unanimously and send a strong message to the other place.

Thank you. *Meegwetch*.

Hon. Senators: Hear, hear.

Hon. Colin Deacon: Thank you, Senator Ravalia, for your speech, which focused on those living with FASD, and for the work you have done.

Honourable senators, I rise in support of Bill S-234, which would establish a national framework for fetal alcohol spectrum disorder. I really thank Senator Ravalia for his persistence.

I'd also like to thank the Standing Senate Committee on Social Affairs, Science and Technology for their important work and the amendments, so well described by Senator Ravalia.

Bill S-234 identifies FASD as a lifelong disability. This was reinforced in the testimony before the committee, but it is important to emphasize there is considerable evidence indicating that the effects of FASD can be substantially reduced through early intervention. I think it makes early diagnosis all the more important, and it's the motivator behind so much that you have done, Senator Ravalia.

Colleagues, immediately before my appointment to the Senate, I was vice-chair of the Kids Brain Health Network, supported by the national Networks of Centres of Excellence. Our mandate was to advance and apply the latest research to improve the lives of children and families living with neurodevelopmental disabilities, including autism and FASD. That background is why I spoke in support of this bill's predecessor, Bill S-253, in 2022. It died on prorogation, but I will briefly revisit the points I made then.

First, FASD can touch any family, in any community, regardless of income or background. Let's be clear: Stigma and shame don't prevent FASD; they only stand between families and the help they need, and make the harm worse.

About three in four Canadian women drink alcohol, a ratio that's only slightly lower than among men. This matters because nearly half of all pregnancies in Canada are unintended, and roughly one in three women learn they are pregnant at six weeks or later. Consequently, many exposures happen before anyone knows.

Canada's 2023 alcohol guidance is clear: There is no known safe amount when pregnant or trying to conceive. But that advice can't help a woman who doesn't know she's pregnant. When mothers fear judgment, they don't seek a diagnosis, and children who aren't diagnosed don't get support.

I personally believe the greatest risk facing children born with FASD is shame, and we have to really think hard about that in our own lives.

Second, inaction is enormously costly. At least 4% of Canadians — more than 1.5 million people — live with FASD, and the Canada FASD Research Network's best estimate for North America is now 8%. That's more than autism, cerebral palsy and Down's syndrome combined.

Canada's most comprehensive national cost study assumed a prevalence of just 1%, and it still found costs to be $1.8 billion a year, driven predominantly by lost productivity and corrections. At today's estimates, the true cost is many times that amount.

Youth with FASD are 19 times more likely to be incarcerated than their peers. Without early diagnosis, effective treatment and ongoing support, we pay much more and for much longer. And that is only the financial cost; it says nothing of the toll on families and communities.

Third, early diagnosis works, but most Canadians can't get one. Senator Ravalia has underlined this challenge, especially as it relates to rural and remote communities. Children need to be identified as at risk well before school age, when early interventions can have the greatest impact. Yet, a 2024 study by the Centre for Addiction and Mental Health, or CAMH, found it took up to four and a half years to receive a diagnosis. It is also estimated that 98% of Canadians with FASD are undiagnosed or misdiagnosed.

In the Northwest Territories, there is no adult diagnostic clinic at all. A child who isn't diagnosed doesn't stop having FASD; they just meet it later in life, in a classroom that can't support them or in a courtroom.

Fourth, we have the ability to support families through remote services. Canada leads the world in FASD research. What we lack is a reliable path from research to practice. It's too common in this country: We have the innovators and the ability to do things differently, but we do not implement them. We leave it in studies and on the shelf.

In my home province of Nova Scotia, the Strongest Families Institute has shown that trained coaches can support families by phone and online. Its programs are designed for families raising a child with a neurodevelopmental disability, including autism and FASD. Similar programs exist elsewhere.

What matters most is that they are backed by proven results and that they meet families where they are and when they need help. Those of us who have raised kids know that at certain stages in life it is just too busy to get everything done. Kids with neurodevelopmental disabilities need the help, and families need it to be delivered reliably.

Colleagues, we need a framework that unites. FASD falls across health, education, social services and justice and across every level of government. When care is siloed, families fall through the cracks.

In 2022, I cautioned against the risk of pitting one disability community against another as we considered Bill S-203 on autism. That bill became law in 2023, and a national autism strategy followed in 2024. FASD families deserve the same as part of a broader, inclusive approach to neurodevelopmental disabilities as a whole, not one or another.

I am glad that Bill S-234 recognizes FASD in its preamble as one of the leading causes of neurodevelopmental disabilities, an addition from the previous version of this bill.

Colleagues, the case is stronger and more urgent than when we last debated the earlier version of this bill. Let's pass Bill S-234 and send it to the other place without delay. Thank you.

Hon. Senators: Hear, hear.

Hon. Salma Ataullahjan: Honourable senators, I rise today as the friendly critic of Bill S-234, An Act respecting a national framework for fetal alcohol spectrum disorder, to support its passage at third reading.

For Canadians living with FASD, access to appropriate support can shape the course of a lifetime. When a disability goes unrecognized, a child may struggle in school without anyone understanding why. Families can spend years seeking help, only to discover that the services they need are unavailable where they live.

• (1650)

These gaps carry a human cost. Every person living with fetal alcohol spectrum disorder, or FASD, deserves the opportunity to learn and participate fully in their community. Their rights should not depend on their postal code or their family's ability to navigate disconnected systems.

Bill S-234 would establish a national framework to improve diagnosis and support through better coordination and professional training. The committee's amendments strengthen it by requiring culturally appropriate prevention measures developed with Indigenous Peoples. They also require measures to better address the needs of people with FASD in the criminal justice system, reflecting the Truth and Reconciliation Commission's Calls to Action.

I want to once again thank Senator Ravalia for his compassionate and sustained leadership. Bill S-234 offers a practical foundation for a more consistent national response. Its passage would move us closer to ensuring that Canadians living with FASD can receive appropriate support throughout their lives.

Thank you.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

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

CHIGNECTO ISTHMUS DYKELAND SYSTEM BILL

SEVENTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Transport and Communications (*Bill S-216, An Act to declare the Chignecto Isthmus Dykeland System and related works to be for the general advantage of Canada, with an amendment*), presented in the Senate on November 5, 2026.

Hon. David M. Wells 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 Transport and Communications concerning Bill S-216.

The committee adopted one amendment, which adds a new clause — 6.1 — to the bill. The purpose of this amendment is to clarify that nothing in Bill S-216 affects the existing rights or obligations of the federal government and the governments of Nova Scotia and New Brunswick under agreements concerning the design, construction or improvement of the Chignecto Isthmus Dykeland System and related works.

Senator Arnold's amendment preserves existing intergovernmental commitments, while allowing the bill to proceed with its intended purpose.

Therefore, honourable senators, I move the adoption of the report.

[*Translation*]

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

Hon. Senators: Yes.

[*English*]

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

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

CONSTITUTION ACT, 1982

BILL TO AMEND—SECOND READING

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. Denise Batters: Honourable senators, I rise to speak at second reading as the opposition critic for Senator Peter Harder's Bill S-218, which places major limits around the federal use of the "notwithstanding" clause.

This clause, of course, is section 33 of the Canadian Charter of Rights and Freedoms, which allows the federal Parliament or a provincial or territorial government to temporarily suspend the application of only certain sections — section 2 or sections 7 to 15 — of the Charter. In other words, legislation would apply notwithstanding a particular provision of the Charter.

Bill S-218 dictates that an infringing bill — one that would invoke the "notwithstanding" clause — must be introduced in the House of Commons and by a government minister. It further stipulates that the Supreme Court of Canada must have ruled, either through a reference or through the court's own ruling, that a law contravenes — or could contravene — a relevant section of the Charter.

In addition, Bill S-218 directs that the preamble of an infringing bill must give reasons for declaring the "notwithstanding" clause. The minister must also table a Charter Statement outlining the potential impact of the bill on rights and freedoms as well as the reasons the government contends those infringements cannot be justified under section 1 of the Charter.

Bill S-218 also stipulates that the infringing bill cannot be limited by time allocation and cannot be studied in Committee of the Whole in either the House of Commons or the Senate. Finally, this bill instructs that an infringing bill can only be adopted in the House of Commons with a so-called supermajority, stated as two thirds of the members of the House consisting of members from at least two different political parties.

Senator Harder claims that the changes to the Constitution resulting from his bill would be allowed under section 44 of the Constitution Act, which allows the federal Parliament to unilaterally make "manner and form" amendments to the Constitution without requiring the use of the general amending formula usually required for changes to the Constitution. This is very much a matter of debate, as I will address later.

To evaluate the proposals in Senator Harder's bill, it is necessary to first have an understanding of the genesis of the "notwithstanding" clause. The negotiation of the Canadian Charter of Rights and Freedoms occurred during the first Trudeau government: the Pierre Trudeau Liberal government. As you may know, when Canada's Constitution was eventually repatriated in 1982, it was the inclusion of the "notwithstanding" clause that broke the serious negotiating impasse with the Canadian provinces and paved the way for the adoption of the Charter. In fact, it is not an overstatement to say that without the "notwithstanding" clause, there would be no Charter of Rights and Freedoms.

Former senator Pamela Wallin, who worked as a broadcast journalist covering the entirety of the constitutional negotiations in the early 1980s, described the fight for the "notwithstanding" clause this way:

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

The "notwithstanding" clause was designed by its framers to be used when a rebalancing of rights is necessary. Even former prime minister Pierre Trudeau, in a 1981 media interview, said that it was to ensure ". . . that the last word is held by the elected representatives of the people rather than by the courts."

The Western provinces proposed the clause as a compromise to negotiate a careful balance between the protection of rights and the democratic right to legislate for the electorate. From the perspective of the provinces involved, it also served to protect against federal overreach and the threat of unaccountable judges straying into law-making territory that rightfully rests with legislators.

The "notwithstanding" clause was initially proposed by the Government of Saskatchewan in 1980 and was quickly supported by the other Western provinces. Notably, it was not just Conservative governments who supported the clause. Saskatchewan's former NDP premier Allan Blakeney was a major force in pushing for its inclusion. Blakeney, a former president of the Canadian Civil Liberties Association, recognized

the importance of protecting rights, but he also respected the need for a counterbalance with the will of the electorate. Looking back on the constitutional patriation negotiations years later in 2005, Premier Blakeney said:

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

• (1700)

Blakeney recognized the "notwithstanding" clause as a critical tool for navigating the delicate balance between the courts and the legislatures.

As a slight aside, in the last year of my undergraduate degree at the University of Regina, I was fortunate to have Professor Howard Leeson as my third-year advanced political science professor in a class that focused on constitutional federalism. Professor Leeson had been the deputy minister to Premier Allan Blakeney at the time of the 1981 constitutional negotiations, and he was one of the authors of the text *Canada... Notwithstanding: The Making of the Constitution 1976-1982*. The class was in the spring of 1991 against the backdrop of the constitutional conferences of the Meech Lake Accord and the Charlottetown Accord. Of course, I was glued to following all of that constitutional wrangling on television. As you might know, some of the Meech Lake Accord negotiations were held in this very building.

The final project in our course was a mock Meech Lake conference, where each of us played the role of either a premier or a deputy minister. I played Saskatchewan Premier Grant Devine.

Professor Leeson died recently in November 2024, after a brief battle with cancer, at the age of 82. It is an honour for me to have learned directly from one of the architects of the "notwithstanding" clause.

The "notwithstanding" clause is not absolute. The creators of the clause were mindful to place careful limitations around this power, recognizing that overriding Charter rights was not something to be done lightly. First, as I have already mentioned, it can only apply to certain categories of rights. It cannot be used, for example, to override mobility, language or democratic rights. Second, there is a five-year limit on the use of the power, as Senator Housakos noted in his speech on this bill. This ensures that the electorate will have the opportunity to express their views on the matter through a general election before the government renews or extends the clause. This is how it should be in a democracy: It is the people — the voters — who should have the say.

Finally, the intended use of the clause must be stated explicitly in legislation — that the measure will operate notwithstanding a given Charter right. This ensures there is no ambiguity.

The "notwithstanding" clause has been used many times in Quebec. For the first number of years, in fact, Quebec pre-emptively put it in every piece of legislation they introduced. However, the clause has also been employed in Ontario, Saskatchewan, Alberta, New Brunswick and the Yukon.

Senator Harder has stated that he was prompted to create this bill, in part, due to reactions to Conservative Leader Pierre Poilievre's 2025 election promise to use the "notwithstanding" clause to implement consecutive sentencing for mass murderers. Senator Harder called this "single-issue fervour."

Let's look at the facts of that so-called "single issue" that Mr. Poilievre was talking about during the election: the case of multiple murderer Alexandre Bissonnette. On January 29, 2017, Bissonnette approached a Quebec City mosque with a semi-automatic rifle and pistol. He killed two men outside the mosque, then entered the prayer room and opened fire on the worshippers there — Muslim men at prayer — emptying dozens of shots into the crowd over the course of two minutes, stopping only to reload his gun. By the time Bissonnette had finished his killing spree, 6 men were dead and 19 were wounded. They left behind 17 children who now grow up fatherless.

But Bissonnette's regret, as he relayed to a social worker after the killings, was the following: "I regret not having killed more people."

Bissonnette pled guilty to six counts of first-degree murder, each of which carries a sentence of life with no chance of parole for 25 years, but the lower court gave him some increased punishment for the killings, sentencing him to a 40-year minimum, making the 27-year-old Bissonnette eligible for parole at 67 years of age. The increased sentence was overturned on appeal, and he was given concurrent life sentences with the chance for parole after only 25 years.

That is the usual sentence for only one murder.

The Supreme Court of Canada upheld that "volume discount" for Bissonnette's six murders, ruling the original 40-year minimum to be "cruel and unusual punishment" and declaring consecutive sentencing to be unconstitutional. Canadians were rightfully horrified by this judgment. Bissonnette was a convicted multiple murderer six times over.

Correcting this situation was the underpinning of the recent Conservative election promise.

In Senator Harder's second reading speech, he said Mr. Poilievre's promise to invoke the "notwithstanding" clause for consecutive sentences "worried" him. I'll tell you what worries me and what worries millions of Canadians: a man convicted of murdering six Muslim men at prayer, who will potentially get out of prison after serving a sentence of the length he would serve for killing only one person and then the Supreme Court of Canada saying that him serving any more jail time, even only 15 more years, is "cruel and unusual." That worries me, honourable senators.

It seems the "cruel and unusual punishment" is reserved only for those men's surviving families.

In a media interview on CBC's "Power & Politics" that spring, Senator Harder framed Mr. Poilievre's promise to invoke the "notwithstanding" clause to address this injustice as the Conservative Party "being tough on the little guy." He was actually referring to a convicted mass murderer as the "little guy"? What about the murder victims, their grieving families and those severely injured by this killer? What about their rights?

Senator Harder alleged in his speech that Mr. Poilievre was "more concerned with politics than the Constitution," but to examine the "political," let's look at some facts surrounding this bill, which is Senator Harder's first Senate public bill.

Senator Harder has had substantial ties to the Liberal government. He served as the Trudeau Liberal government's first transition team head in 2015, and immediately after that, Prime Minister Trudeau appointed him to the Senate and then as Trudeau's first Senate government leader, where he served the Liberal government in that role for four years.

I am curious about the level of support within the Liberal government for Senator Harder's bill. Some things strike me about the way Bill S-218 has rolled out. First, there is Senator Harder's hesitation to answer about the origin of this bill. In a 2025 interview with *The Hill Times*, he was asked directly whether he had consulted anyone in the House of Commons and particularly Government House Leader Steven MacKinnon's office in preparing the bill. He declined to answer, saying only "a number of members of Parliament have contacted me to indicate their support for the bill." Minister MacKinnon's office, on the other hand, refused to comment entirely.

Senator Harder introduced Bill S-218 right after the Carney Liberal government's election win, using some constitutional reasoning to prevent the use of a section of Canada's Constitution. He introduced it at the very first day he could, and this was the only new and consequential bill introduced that day. The others were bills reintroduced from the previous Parliament.

In the Senate Chamber debate and his media interviews, Senator Harder has mentioned his "delight" at the prospect of his Senate bill becoming a Liberal government bill. Meanwhile, the federal government's submission to the Supreme Court of Canada on the Quebec case before it right now discussed placing limits on the use of the "notwithstanding" clause.

Is all of this unrelated? Time will tell.

If Bill S-218 is really a government bill, it would be fair to put it forward to us as a government bill, and we should debate it as such.

The "notwithstanding" clause is a legitimate part of our Canadian Charter of Rights and Freedoms within the patriated Canadian Constitution. I wonder whether legislative initiatives like this Bill S-218 are meant to chip away at that — perhaps an end run attempt to renegotiate the original agreement while bypassing the significant constitutional process required to do so. I agree with now former senator Pamela Wallin, who stated in her speech on this bill:

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

Senator Harder's bill directs that federal legislation employing the "notwithstanding" clause could only be initiated in the House of Commons, not in the Senate. In fact, he called the Senate an "illegitimate starting point" for such a bill. Yet, curiously, he initiated this senator's bill, which prevents the use of a section of the Constitution, in the Senate. Quite the contradiction. When I asked Senator Harder about this in the Senate following his speech, his answer was that ". . . we have to start somewhere." Wow.

• (1710)

Senator Harder bases this on the fact that money bills must originate in the House of Commons, but that is because that is specifically established in the Constitution of 1867. This issue was not. To stipulate that this kind of "notwithstanding" clause bill can only be introduced in the House of Commons appears to be unconstitutional.

Senator Harder claims that, with his bill, the federal Parliament can unilaterally amend the Constitution under section 44 because this constitutes a "manner-and-form" change. That is to say, he suggests it changes only procedural matters, rather than a fundamental component of the Constitution itself. And so, he contends this type of change in his bill does not require the general constitutional amending formula in section 38 of the Constitution requiring the support of at least seven provinces with more than 50% of Canada's population. I wholeheartedly disagree.

The changes Senator Harder proposes to the use of the "notwithstanding" clause would directly impact the powers of the Senate, clearly falling outside the scope of the unilateral federal amending procedure in section 44.

Section 42(1)(b) of the Constitution Act, 1982, stipulates that:

> (1) An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with subsection 38(1):

— that is, the 7/50 amending formula of the Constitution —

> (b) the powers of the Senate and the method of selecting Senators;

If the Senate passed Bill S-218 and it became law, limiting the use of section 33 of the Charter, we would actually be removing significant powers from the Senate's own authority. As now former senator Raymonde Saint-Germain said in her speech, "This bill, colleagues, would make the Senate limit its primary purpose, which is to legislate."

We would not be able to determine what we are going to debate and how. Since Bill S-218 requires that any infringing bill must be initiated in the House of Commons, not in the Senate, and must be introduced by a minister, we as a Senate would be undermining our own parliamentary authority in this place.

The bill prevents senators from bringing forward legislation, something that is well within our rights as legislators in one of the two federal chambers of Parliament. If a minister of the Crown is a senator, as was frequently the case until about 13 years ago, it similarly precludes that person, a member of the cabinet, from introducing legislation here. I submit that both of these scenarios improperly limit "the powers of the Senate" and, as such, would be unconstitutional.

The restrictions in Bill S-218 would mean that we could not debate Senator Housakos's Senate public Bill S-240, for example, because it proposes to invoke the "notwithstanding" clause to restore mandatory minimum penalties struck down by the courts regarding possessing and accessing child sexual abuse and exploitation material. This is a measure supported by a lot of Canadians, honourable senators. And regardless of Senator Housakos's vast experience of 18 years as a senator, his former tenure as Speaker of the Senate and his current position as the opposition Senate leader, he would be silenced in this way here.

Similar bills to Bill S-240 have been brought by official opposition members in the House of Commons as well. Those MPs may have knocked on thousands of doors during a federal election campaign to discuss their proposed private member's bill with their constituents. What right do we as senators have to tell an elected member of Parliament that he or she can't introduce a bill that is important not only to them but also to their constituents? That is an affront to democracy.

It is not clear to me whether Senator Harder's definition of a "minister" who can introduce an infringing bill would include the Carney Liberal government's secretaries of state, just like the one the Liberal government sent over here for ministerial Question Period in our last sitting week. They don't have their own departments or attend cabinet meetings regularly, but would they be eligible to do this? This is an open question. But Senator Harder's bill would definitely prohibit a government backbench MP from introducing a bill that proposes to use the "notwithstanding" clause, as well as all MPs on the opposition benches.

The provisions of Bill S-218 unbalance the separation of powers, giving the executive this major role in the legislative process. And it does so without requiring the general amending formula in the Constitution, which is seven provinces and 50% of the population.

Senator Harder also has not sufficiently explained why his Bill S-218 prohibits the study of a bill using the "notwithstanding" clause by a Committee of the Whole. He says it is to not limit debate. But we have seen scenarios in this chamber where a Committee of the Whole is used as a way for the entire Senate to question ministers about the subject matter of a bill before it is sent to a committee for in-depth study. Those of you who were here during the study of Bill C-45 on the legalization of marijuana and the original assisted suicide legislation, Bill C-14, will remember that the Senate handled those bills exactly that way. In fact, Senator Harder was the Liberal government's Senate leader when those Committees of the Whole were held in the chamber. In some instances, a Committee of the Whole could be used to have more discussion around a bill, not less.

Both of Senator Harder's speeches on the "notwithstanding" clause, first on his motion and now Bill S-218, decry populists for using the "notwithstanding" clause. But Saskatchewan NDP Premier Blakeney certainly was not a populist. He was a Rhodes scholar and a constitutional law scholar. Yet, if it wasn't for him, there would be no "notwithstanding" clause in the Charter, and Canada then wouldn't have a patriated Constitution. That was his demand. And in the early years after the patriation of the Constitution, the Quebec provincial government pre-emptively used the "notwithstanding" clause on almost all their bills as a matter of course. That wasn't a populist government either.

In Senator Harder's chamber speeches, he made some injudicious comments about the Canadian electorate. He said:

> Today, Canadians often don't understand Charter rights or what they mean, and they are largely ignorant of the "notwithstanding" clause.

He later said:

> The "notwithstanding" clause is meant to check the courts, and the people are meant to check the government, but what checks an uninformed populace?

Regrettable.

Senator Harder also said:

> Politics have turned into a blood sport. The rhetoric and histrionics used by political parties — some more than others — seek to divide and create an "us versus them" mentality. Where the party goes, the base blindly follows, and facts, logic and reason hold no persuasion.
>
> Compromise becomes futile because there is no talking with the perceived enemy.

But what is Senator Harder doing by referencing an "uninformed populace"?

Bill S-218 sets an extremely high threshold for the "notwithstanding" clause to be used. To pass the House of Commons, it would require a two-thirds majority with members from no fewer than two recognized parties. I pointed out to Senator Harder that, in the current House of Commons, this would require both of the two largest parties, the governing Liberals and the official opposition Conservatives, to support such a bill. This seems extremely unlikely. As such, it seems quite clear that Senator Harder's bill is designed to prevent the "notwithstanding" clause from ever being used.

Senator Harder has noted two of his inspirations for Bill S-218 as former Alberta premier Peter Lougheed and the Canadian Bar Association, or CBA. His proposals for amending the "notwithstanding" clause differ significantly from theirs, however. The threshold for passing an infringing bill required in Bill S-218 — 66% — far exceeds the 60% suggested by Peter Lougheed many years after the constitutional negotiations in which he took part. Senator Harder's bill also requires the additional requirement for supportive MPs to come from two or more political parties.

The Canadian Bar Association's letter to the Minister of Justice in October 2024 called for the requirement that "the notwithstanding clause not be used absent meaningful and transparent public consultation." There is no mention of any such consultation in Bill S-218.

Additionally, the CBA letter also calls for a requirement that the "use of the notwithstanding clause require a two-thirds majority vote in the legislature or Parliament."

Senator Harder's bill only mentions the two-thirds vote required in the House of Commons. Obviously, "Parliament" means the House of Commons and the Senate, yet Senator Harder's bill is silent on what vote percentage is needed in the Senate. Maybe Senator Harder thinks he has made passage of such a bill using the "notwithstanding" clause so utterly impossible in the House of Commons that it will never come to the Senate. This may be a definite oversight, particularly for an amendment to the Constitution.

Further, the Canadian Bar Association letter lists as one of their proposed requirements that "the notwithstanding clause not be used preemptively without prior consideration of the proposed legislation by the courts." In contrast, in Senator Harder's Bill S-218, a Supreme Court of Canada decision is required.

• (1720)

This is a major difference, given the massive amount of time and expense involved in the Supreme Court of Canada's decisions.

Senator Harder suggests that the way his bill is written, it will only affect the federal government and not the provinces and territories and that, because of this, the default 7-50 constitutional amending formula would not be required. But this bill would affect the regions because it would affect federalism.

If two thirds of the House of Commons want something, and one third don't, it may unfairly rewrite the balance of the House of Commons. A certain type of infringing bill could have the support of every province and region except Ontario, for example.

Also, it is a substantial component of our role as senators to represent our regions. A bill imposing dramatic limits on our ability as senators to legislate could definitely affect our provinces and territories.

The unilateral amendment procedure in section 44 that Senator Harder wants to employ in this legislation has limited jurisprudence. The carve-outs from the general amending formula that have been granted in the past have been very narrow.

As the majority held in the Supreme Court of Canada case *Alford v. Canada*:

> . . . s. 44 . . . cannot be used to fundamentally alter the architecture of the Constitution by way of ordinary legislation . . . .

The "powers of the Senate" are carved out from section 44 by section 42(1)(b). This is part of the fundamental structure of the Canadian Constitution and cannot be unilaterally undone via section 44.

This confirmed the Supreme Court of Canada's ruling in *Reference re Senate Reform* of 2014, where the court held that changes to the fundamental architecture of the Constitution are always off limits from section 44, whether they affect the provinces or not. As the Supreme Court ruled, the section 44:

> . . . unilateral federal amendment procedure is limited. It is not a broad procedure that encompasses all constitutional changes to the Senate which are not expressly included within another procedure in Part V. The history, language, and structure of Part V indicate that s. 38, rather than s. 44, is the general procedure for constitutional amendment. Changes that engage the interests of the provinces in the Senate as an institution forming an integral part of the federal system can only be achieved under the general amending procedure. Section 44, as an exception to the general procedure, encompasses measures that maintain or change the Senate without altering its fundamental nature and role. . . .
>
> In our view, this understanding of the unilateral federal procedure applies to Part V. The Senate is a core component of the Canadian federal structure of government. As such, changes that affect its fundamental nature and role engage the interests of the stakeholders in our constitutional design — i.e. the federal government and the provinces — and cannot be achieved by Parliament acting alone. . . .
>
> . . . the Senate's fundamental nature and role is that of a complementary legislative body of sober second thought. . . .

All this was said by the Supreme Court of Canada.

By disempowering the Senate, Bill S-218 would make our Senate Chamber inferior to the House of Commons, undermining equality between the two parliamentary chambers. This clearly would alter the fundamental nature of the Senate's role, meaning such a change would fall outside a limited "manner and form" amendment and, instead, would require a constitutional amendment agreed to by seven provinces representing 50% of the population under the general section 38 amending formula.

In his speech on Bill S-218, Senator Harder refers to an example of "manner and form" amendments. Senator Harder gave the example of a bill increasing the size of the House of Commons. Clearly, the subject matter of Bill S-218 — preventing the use of the "notwithstanding" clause, a section of the Canadian Constitution, by precluding many parliamentarians' ability to legislate — is a far cry from that.

Section 33, the "notwithstanding" clause, is time-limited. It is up for renewal every five years, as I mentioned. Bill S-218 is not time-limited. But should it be? Why is it that Senator Harder's restrictions on the "notwithstanding" clause would not be subject to the same metric as a bill seeking to employ it?

The Supreme Court ruled in the *Reference re Senate Reform* decision of 2014 that measures such as Senate consultative elections and even lengthy Senate term limits were beyond the scope of the unilateral federal amending procedure in section 44 because they ". . . fundamentally alter the architecture of the Constitution . . . ." But altering the application of the "notwithstanding" clause and removing the "powers of the Senate" to legislate also fundamentally alter the architecture of the Constitution.

Without the existing "notwithstanding" clause as it was negotiated, there would be no Charter of Rights and Freedoms in the Constitution. For the federal government to unilaterally change the terms of the "notwithstanding" clause, even if only for federal bills, is to change the terms that brought the constitutional negotiations to a successful conclusion.

As Sir John A. Macdonald said during the parliamentary debates during the time of Confederation, the Senate ". . . will never set itself in opposition against the deliberate and understood wishes of the people."

Similarly, this is why the "notwithstanding" clause was adopted in 1982 — to ensure that the courts, in rendering decisions about certain rights, cannot run roughshod over "the deliberate and understood wishes of the people."

It is not for this Senate, this House of Commons or this federal government to limit the clause's application without invoking the general amending formula required by the Constitution for such a significant change.

Bill S-218 is also troublesome in that it insists all infringing bills must have approval from the court, but not just any court — the Supreme Court of Canada. Not only is that impractical, as it's very costly and time-consuming; essentially, Bill S-218 would insert the Supreme Court as a mandatory participant in the legislative process for section 33 bills, raising major issues of the separation of powers between the legislative and judicial branches.

Let's recall that Bill C-7, the expanded assisted suicide law introduced in 2020, was brought forward by the Liberal government after only one judge on the lowest federally appointed court in Quebec ruled on the matter. The Trudeau government did not even appeal that judgment to the provincial Court of Appeal, let alone the Supreme Court of Canada, and there we were dealing with life and death.

Constitutional law scholarship has evolved a lot since 1982, so it is important not to just rely on scholarship from that time 45 years ago. We have seen an evolution in jurisprudence in recent years as the courts have continued to expand the rights agenda.

There has been a trend over the past several years from the courts to nullify mandatory minimum penalties, which has brought us to the point I described earlier. Now the courts are citing parole ineligibility as "cruel and unusual punishment" for convicted offenders.

Governments have started to push back. This is where we have seen more use of the "notwithstanding" clause. But this is exactly the friction the clause was made for.

Former Saskatchewan premier Allan Blakeney described the tension between the courts and the electorate this way:

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

Many of the arguments Senator Harder has brought forth as fact on Bill S-218 are actually questions currently before the courts that have not yet been settled, including the matter of the pre-emptive use of the "notwithstanding" clause.

In fact, there are two cases currently on the docket of the Supreme Court that will deal with some of the constitutional issues we must consider on Bill S-218. One is the *English Montreal School Board, et al. v. Attorney General of Quebec, et al*, and the other is the *UR Pride v. Saskatchewan* case from Saskatchewan.

It is anticipated that we could have a Supreme Court decision on the *English Montreal School Board* case by about November 30, within the next couple of weeks. I submit it is premature for us to consider Bill S-218, as the Supreme Court of Canada may directly pronounce upon elements of what Senator Harder's bill proposes.

In addition, there are several legal experts who disagree with Senator Harder's notions about how the "notwithstanding" clause should or should not be used. Constitutional law professor Dwight Newman said this pre-emptive ". . . use of the notwithstanding clause is exactly what its framers intended." Philip Cross said, "The notwithstanding clause helps maintain the balance of power in our federation." Former premier Lougheed, frequently vaunted by Senator Harder, said the clause was intended ". . . to curb an errant court."

Senator Dalphond and I seem to share some similar perspectives on this bill. He called Bill S-218: ". . . a Trojan horse, giving the impression of offering protection that, in reality, it does not." I concur with many of Senator Dalphond's concerns about this bill, including the requirement for a bill invoking the "notwithstanding" clause to proceed all the way to the Supreme Court of Canada for reference first. As Senator Dalphond points out, that would lead to major delays and would mean the federal government could not do anything on these issues in the last year of their mandate.

• (1730)

It is also a contradiction that Bill S-218 requires a supermajority in the House of Commons on "infringing bills," yet a bare majority is needed for practically everything else, even time allocation and budget bills.

Honourable senators, here in the Senate, we pride ourselves on our sober second thought. I'm asking you to employ yours today as we consider how to handle Bill S-218. The Senate is supposed to be the guardian of the Canadian Constitution, the protector of minorities and the defender of our country's regional interests. In that role, we must act prudently and judiciously.

But, honourable colleagues, I will be blunt: Bill S-218 is rife with problems. It attempts to circumvent the Constitution to make changes to a carefully negotiated deal that brought most of the country together. And it is a first step to dismantling the very tool — the "notwithstanding" clause — that led to a united Canada in the first place. Do we want that, having just come through a referendum in Alberta and facing the threat of another in Quebec?

It is remarkable that Senator Harder is asking senators to pass this bill in this chamber, inside the same building where the negotiations to patriate Canada's Constitution occurred. Because if this bill is to ultimately pass this chamber and later this Parliament, it will disempower the Senate, make our chamber subordinate to the House of Commons and upset the delicate regional balance upon which our country was founded. No matter what you think of the "notwithstanding" clause, honourable senators, are you willing to pass a bill that takes away the power of the Senate? If you are, I ask you: What are you doing here? I submit this bill could be unconstitutional, and I believe it will ultimately find its way to the courts for that determination one way or the other.

The changes in Bill S-218 are far beyond what would properly fall into the simple procedural matters of a manner and form amendment to the Constitution. I submit to you that it is obvious that this type of constitutional change included in Bill S-218 would require the general constitutional amending formula to achieve — including not just the federal Parliament but seven provinces, representing 50% of Canada's population. The "notwithstanding" clause was a compromise arrived at to protect Canadians from judicial overreach. To pass this bill — even just to pass it on to committee — would be doing Canada a grave disservice. I ask you to join me and please vote against sending this bill to committee since it improperly removes the powers of the Senate contrary to the Canadian Constitution.

Honourable senators, your stance on this bill should not even really be determined by how you feel about the "notwithstanding" clause — whether you like it, you don't like it or you don't mind it, but you don't want it used pre-emptively. It's really about whether you are going to stand up for the Senate and senators' authority to legislate, which is clearly one of our most fundamental duties in this chamber for Canadians.

Thank you.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker pro tempore: Senator Ataullahjan has a question. Would you take a question, Senator Batters?

Senator Batters: Yes.

Hon. Salma Ataullahjan: Senator Batters, you raised the horrific terrorist attack on the Quebec mosque. As someone who visited that mosque, I feel compelled to stand up and ask you a question. We went to that mosque, and we heard from the imam who said that worshippers stopped coming because of the blood stains that they couldn't get out of the carpets and about how the gun jammed when the killer tried to kill a nine-year-old. The stories go on and on. What message does this bill send to the Muslim community of over 2 million of us? Does it say that your life does not mean that much? How do you think the families of those who were killed and those who have life-altering injuries will feel when we — the house of sober second thought — pass this bill?

Senator Batters: That's an excellent point. In my speech, I thought it was important to indicate the actual facts that underlie why this bill is being brought because it was an election promise that our Conservative colleagues and Mr. Poilievre made in that election campaign in dealing with that horrific situation. This was not a minor crime committed. This was someone who murdered six people and shot up, as I indicated, a mosque for two minutes, targeting people who were praying and injuring so many others, many of them very seriously. That's why it is important to know the underlying facts of this, which was something that really hasn't been a big feature of this every time that I have been trying to speak about this bill when asking questions. It is important to honour those people because, yes, it is important that we realize: Sometimes there might be situations where you don't agree with the "notwithstanding" clause. In this sort of case, I think it is exactly the type of situation where the courts have gotten a bit out of balance with the Canadian populace, and that's why Pierre Poilievre suggested that we use it because we need to honour those victims. This was only a sentence of potentially 40 years without the chance of parole — slightly more than the 25 years that this killer would have received for just one

murder. There should not be a volume discount, and that's what we are trying to prevent. Thank you for putting forward those very poignant remarks.

Hon. Yonah Martin (Deputy Leader of the Opposition): Will Senator Batters take another question?

Senator Batters: Yes.

Senator Martin: Thank you so much for the speech. It was filled with very important history, including the professor whom you learned directly from. I know your interventions in the Senate are always very thoughtful and insightful. Not everyone will agree, and this is why debate is so important.

When we say the "notwithstanding" clause, it elicits a lot of reaction, and we have had different debates about it. There is so much more to say. You have limited time. If this were to go to committee, it could be an opportunity to actually hear more and really understand what this bill is intending and how it could limit our very powers as the Senate. Although I know you vehemently oppose this bill, do you think that a study could elicit and bring forward witnesses and information that will be useful for all of us for consideration?

Senator Batters: Well, there are certainly a lot of legal experts who want to come to committee and tell us all about how unconstitutional this bill is, so it will provide that. I just think it sends, potentially, a terrible message, where the Senate is potentially willingly diminishing its own powers. We are supposed to be an equal, complementary chamber to the House of Commons. We shouldn't be doing anything that takes away from that. There are certain very required limitations, like money bills, and that's because it is in the Constitution.

Certainly, there is much discussion that can happen at committee. I worry about the signal that this sends, where we're willing to diminish our own authority.

A second reading vote is supposed to be about the principle of the bill. I couldn't more vehemently disagree with the principle of this bill that takes away the powers of the Senate.

Senator Martin: I agree with you in terms of the importance of careful consideration, and we have various options. There are things we could do now. And at committee, the committee members will make decisions at clause by clause. There are many things that could happen to a bill at every stage. I was just thinking: Your speech was excellent, but there are so many more things that could be said. It would require certain expertise and real careful study. For me, I just think about the value of a committee looking at this from different points of view and hearing from experts. That will really inform us as to what we need to do. I trust the Legal Committee to which this bill will be sent, and you are the deputy chair, and there will be excellent witnesses called. If this does go to committee, as we vote on it at second reading, I will entrust our committee to do a very thorough job and thorough study of this bill.

• (1740)

Senator Batters: All I would say is that I think a better way to study the "notwithstanding" clause is to actually have a study of that clause, not to bring a bill forward that deliberately limits the powers of the Senate, contrary to the Constitution.

The Hon. the Speaker pro tempore: 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.)

[*Translation*]

REFERRED TO COMMITTEE

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

(On motion of Senator White, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[*English*]

CHRISTIAN HERITAGE MONTH BILL

SECOND READING—DEBATE ADJOURNED

Hon. Leo Housakos (Leader of the Opposition) moved second reading of Bill S-249, An Act respecting Christian Heritage Month.

He said: Honourable senators, it is my pleasure to rise today to move second reading of Bill S-249, An act respecting Christian Heritage Month. Colleagues, this is a simple bill with a straightforward purpose: It would designate December as Christian Heritage Month throughout Canada.

[*Translation*]

Colleagues, Bill S-249 has a straightforward purpose: to designate December as Christian Heritage Month across Canada. The bill seeks to recognize the significant contributions that Christian Canadians have made to our society, culture and institutions, and to acknowledge the role that Christianity has played in shaping our country's development.

[*English*]

December is a fitting month for this recognition. For many Christians, it marks a cornerstone period in the Christian calendar, beginning with Advent and leading to the celebration of the birth of Jesus Christ on December 25. We recognize, of course, that some Christian traditions follow a different liturgical calendar and celebrate the Nativity in January. Although the precise date may differ, the birth of Christ stands at the heart of the Christian faith and makes the season especially appropriate for recognizing Canada's Christian heritage.

However, this bill is about much more than Christmas. It recognizes the contribution Christian Canadians have made and continue to make to the social, cultural and institutional fabric of Canada and invites Canadians to reflect upon the significant influence Christianity has had on the development of our great country. This is reflected in the bill itself.

Its preamble recognizes that Christianity has profoundly influenced the principles of compassion, justice and service upon which Canada is founded. It recognizes the significant contributions of Canada's Christian community to the growth and prosperity of our country throughout its history. More importantly, it affirms the value of the diverse expressions of faith that continue to enrich Canadian communities.

Colleagues, that last point is an important one that I wish to underscore. This bill is not about elevating one faith by diminishing another. It is not about asking Canadians to believe what Christians believe. It is about recognizing the role Christian Canadians have played in helping shape the nation's cultural, social and institutional fabric.

Canada, quite rightly, celebrates the heritage of many communities that make up this great country. We recognize Jewish Heritage Month, Islamic History Month, Hindu Heritage Month and Sikh Heritage Month among many more. These occasions give Canadians an opportunity to learn about the histories, traditions and contributions of people with whom they share this country. The more we understand one another, the deeper our respect for one another and the stronger our commitment to pluralism — which is at the core of our nation — become.

Christian Heritage Month should be understood precisely that way. Christianity has exercised a significant influence on the history and development of Canada, and Bill S-249 gives us an opportunity to acknowledge that contribution. According to the 2021 census, more than 19.3 million Canadians — 53.3% of the population — reported being Christians. Christianity remains the largest religious affiliation in Canada, even as our country has become increasingly secular and religiously diverse.

That looks very different from the religious landscape at the time of Confederation. The 1861 census, the last one before Confederation, recorded more than 96% of the population of the colonies that would form the four original provinces of Canada as belonging to a major Christian denomination specifically identified in the census. That gives us some sense of the society out of which Confederation emerged. Christianity was the overwhelmingly dominant religious affiliation and was deeply embedded in the institutions, culture and community life of the time.

However, the significance of any heritage is not measured by its share of the population. Although Christianity represents a smaller percentage of Canadians today, its influence on the development of this country remains an important part of our national story.

That influence stretches back centuries. Christian communities were present in what became Canada long before Confederation. Catholics played an important role in New France. In later generations, Anglicans, Presbyterians, Methodists, Baptists, Mennonites and many others established churches and communities across the country. Orthodox Christians, Eastern Catholics, Evangelicals, Pentecostals and successive generations of newcomers have added still more traditions to Canada's Christian story. Those communities did not simply build churches. They created hospitals and schools and established universities and charities. They cared for the sick and elderly, fed the hungry, assisted the poor and helped newcomers build new lives in Canada.

[*Translation*]

In Quebec, the Augustine Sisters began caring for the sick in the 17th century. At the Hôpital général de Québec, they looked after the poor, the sick, the elderly and the wounded. During the Seven Years' War, they cared for wounded soldiers from both sides. The Government of Canada's website highlights the fact that their convent plays a major role in Canada's medical, religious and social history.

[*English*]

In education, Queen's University owes its origins to the Presbyterian Church. It was founded in 1841 to train ministers and, in the words of its original mandate, to provide instruction in science and literature. Queen's eventually separated from the church and became the secular university that we know today, but those Christian roots remain part of its history.

Christian influence can also be seen in our public life and across political lines. Tommy Douglas, one of the fathers of Canadian medicare, was an ordained Baptist pastor. His concern for social justice helped draw him into politics, where his government in Saskatchewan pioneered publicly funded hospital insurance and helped lay the foundation for national medicare.

Tommy Douglas later went on to become the first federal leader of the NDP. I mention that because it underscores an important point: Christian heritage does not belong to any one political tradition in Canada. It is not Conservative, Liberal or NDP. It is not confined to one denomination, one province or one region of the country. It is woven throughout Canada and across our political history. It exists everywhere on the political spectrum.

This diversity extends across Christian traditions as well. One of those traditions is my own. As many of you know, I am Greek Orthodox, and that church has been part of the Canadian story for well over a century. Some of the earliest Greek Orthodox

communities in this country were established in Montreal, my home city, as well as in Toronto and Thunder Bay. Those churches became much more than places of worship. For generations of newcomers, they served as centres of community life and places where families could preserve their faith, language and culture while putting down roots and becoming part of our country.

Over the years, the Greek Orthodox Church in Canada has established schools and child care centres, social service programs, housing for those in need, homes for seniors and institutions for theological and cultural education. It is one example among many of how Christian communities have helped newcomers build lives in Canada while also giving back to the country that welcomed them so generously.

My own connection to that tradition is deeply personal. In 2018, I had the profound honour of being invested as an archon of the Ecumenical Patriarchate of Constantinople in recognition of service to the church and the broader community. An archon carries a particular responsibility to support the Orthodox Christian faith, the ecumenical patriarch, and the defence of human dignity and fundamental rights.

• (1750)

I mention that not simply as a personal honour but because it has deepened my appreciation for something that lies at the heart of this bill. Faith is not simply something to be inherited or professed; it calls us to serve our families, communities and fellow citizens.

That spirit of service has characterized generations of Greek Orthodox Canadians just as it has so many other Christian traditions and many other faith groups across this great country. That same spirit of service remains very much alive today. Across this country, churches and Christian charities operate food banks and shelters. They sponsor refugees and support people struggling with addictions. They visit the sick, the elderly and the imprisoned. They provide international humanitarian relief and respond when disasters strike.

Much of that work happens quietly. There are no press conferences and no government programs. There is simply a person who sees a neighbour in need and believes that their faith requires them to help them.

That tradition of service is one of the things that Bill S-249 seeks to recognize.

However, Christians' contributions to Canada go beyond institutions and charitable work. They also help shape many of the ideas that have become pillars of our Western democratic society. Our democratic traditions draw from many sources: ancient Greece and Rome, English common law and constitutionalism, the Enlightenment and other intellectual traditions. Here in Canada, Indigenous People possess sophisticated traditions of law, diplomacy and governance — of their own ways, a long time before Confederation.

However, Christianity was undeniably one of the major moral and intellectual streams of Western democracy, from which the ideas of human dignity, equality, liberty and the limits of political power developed. Christianity teaches that every person possesses inherent worth before God, which helps reinforce the idea that human dignity does not depend on wealth, social status or political power. The principle that rulers and citizens alike stand under a moral law greater than themselves reinforced the idea that political authority has limits.

The equality of human beings before God helped nourish the principle of equality before the law. Christian teachings placed an obligation on believers to care for the widow, the orphan, the poor, the sick and the stranger. Over the course of centuries, sometimes through difficult lessons and painful failures, Christian thought contributed to the development of freedom of conscience and the principle that religious beliefs cannot legitimately be coerced by political power.

These are values that, today, belong to Canadians of every faith and Canadians of no faith. Colleagues, we need only look at our own national symbols and institutions to see further evidence of this heritage. The preamble to the Canadian Charter of Rights and Freedoms states that Canada is founded upon principles recognizing the supremacy of God and the rule of law. The Coat of Arms of Canada bears the motto *A Mari Usque Ad Mare*, "From Sea to Sea," derived from Psalm 72:8: "He shall have dominion also from sea to sea . . . ." That motto has been a part of the Coat of Arms of Canada since 1921.

Biblical passages are literally carved into the architecture of Parliament. Our Peace Tower bears three prominent scriptural inscriptions above its exterior windows. On the east side are the words from Psalm 72: "He shall have dominion also from sea to sea . . . ." On the south side are the words "Give the king thy judgments, O God, and thy righteousness unto the king's son." On the west is the verse "Where there is no vision, the people perish . . . ." from the Book of Proverbs.

Those words were incorporated into one of the most recognizable symbols of our national Parliament. They are artifacts of the moment our institutions were founded and evidence of the cultural and intellectual inheritance our founders were working from, preserved in stone and text.

None of that makes Canada a Christian state, colleagues, nor does it imply that Christianity should have a favoured status in the country. The Charter's reference to the supremacy of God, our national motto and the Biblical inscriptions carved in parliamentary buildings do not impose a religious belief upon any Canadian today, but they do reflect something true about our history. They remind us that Christian language, ideas and traditions form part of the cultural and intellectual inheritance from which Canadian institutions developed. Recognizing that inheritance does not establish the state religion; it simply acknowledges an important part of Canadian heritage.

That distinction, colleagues, matters.

Canada is a secular state. I believe that. Canada should not tell Canadians what they must believe.

The state should not impose Christian worship, doctrine or observances. A Christian, a Jew, a Muslim, a Hindu, a Sikh, a Buddhist, an atheist and an agnostic all enjoy the same rights and standing within the Canadian state. That principle is fundamental to religious freedom.

The Supreme Court of Canada addressed that directly in its 2015 decision *Mouvement laïque québécois v. Saguenay (City)*. In its decision, the court held that the state must remain neutral in matters of religion. It must neither favour nor hinder belief, and the same applies to non-belief.

However, the court also made a distinction that I think is very important when considering this bill. Justice Clément Gascon wrote that neutrality is required by institutions and the state, not individuals. The court affirmed that religious communities and their members continue to have an important place in public life, while the state itself remains neutral.

The court went further and expressly acknowledged that religious neutrality does not require us to erase or ignore our religious heritage. Justice Gascon wrote:

> I concede that the state's duty of neutrality does not require it to abstain from celebrating and preserving its religious heritage.

That, colleagues, is an important distinction. State neutrality and the recognition of religious heritage are not incompatible. Neutrality requires that the state itself not profess, impose or favour a religious belief. It does not require that we disregard the role religion has played and continues to play in shaping our country and society. Canadians must remain completely free to believe or not to believe.

At the same time, Canada could recognize that religious faith, and Christianity, in particular, has played a profound role in our history, institutions and communities. That is precisely the distinction at the heart of Bill S-249.

Colleagues, there is another part of this discussion that we cannot overlook, and I want to speak to it directly rather than in passing.

Recognizing Christian heritage does not mean suggesting that every chapter in the history of Christianity in Canada is one to celebrate; there are serious and painful chapters, as well. The most serious is the role that Christian churches played in Canada's residential schools. For more than 150 years, the Government of Canada and churches operated residential schools that forcibly removed more than 150,000 Indigenous children from their families and their communities. The system was designed to assimilate Indigenous children, and many suffered physical, sexual and emotional abuse. The damage done to survivors, families and communities continues to this very day.

Christian churches were deeply involved in that system. Roman Catholic entities operated a majority of residential schools. Anglican, United, Presbyterian and other Christian churches and organizations also operated residential schools. Children were separated from their parents. Indigenous languages and cultures were suppressed. Indigenous spiritual traditions were denigrated. Church institutions participated in a system that caused profound and lasting harm.

That responsibility should not be minimized or set aside in any way. Churches involved in the residential school system have apologized and undertaken various efforts toward reconciliation. The Truth and Reconciliation Commission specifically called upon church communities to continue educating their members about their roles in colonization and residential schools.

Colleagues, I raise that not as a footnote to diminish the issue but because I believe recognizing Christian heritage honestly requires holding both truths at once: the institutional harms that churches caused through residential schools as well as the long record of hospitals, schools, charities and community services that Christian Canadians also built.

However, Bill S-249 does not ask this chamber to weigh one against the other or to resolve the tensions between them. It asks only that Canadians have the opportunity to acknowledge and celebrate the good, while not diminishing the historical failures.

• (1800)

That is the purpose of Christian Heritage Month.

[*Translation*]

Recognizing Canada's Christian heritage does not mean ignoring the difficult chapters of our history. It means acknowledging our history as a whole, with both its positive contributions and its mistakes. Canada is a secular country where everyone is free to believe or not to believe. Bill S-249 does not seek to impose a religion, but simply to recognize the role that Christianity has played in the development of our country and to acknowledge the contributions that Christian Canadians have made over generations.

[*English*]

Colleagues, I also want to underscore that this initiative did not begin here in the Senate. It has grown from communities across Canada. In 2025, Saskatchewan, three regions and 60 municipalities recognized Christian Heritage Month. Communities ranging from Toronto and Ottawa to Calgary and Regina have taken part. The Legislative Assembly of Alberta approved Motion 509 recognizing Christian Heritage Month earlier this year.

This movement has crossed party lines. In the previous Parliament, Liberal Member of Parliament Jean Yip introduced Motion M-171 supporting the recognition of Christian Heritage Month.

In Ontario, Liberal MPP Stephen Blais has introduced Bill 83 to establish Christian Heritage Month in that province, noting that such recognition can encourage greater interfaith dialogue, mutual respect and shared knowledge.

There is also legislation before the Manitoba legislature. I think that is significant. This is not a partisan issue. We are talking about recognizing Canadians who have played a role in building our country. Nor is Christian heritage simply something preserved in old churches or history books.

Canada's Christian community today includes Catholics, Protestants, Orthodox, evangelicals, historic Black churches, Indigenous Christians, families rooted here for generations and newcomers from Africa, Asia, the Middle East, Latin America and the Caribbean. Christian heritage remains alive in communities right across this country.

Honourable senators, Christian heritage is a significant part of Canada's heritage, both past and present. Bill S-249 is an invitation to recognize that heritage and the generation of Canadian Christians who have quietly served their communities and whose devotion to charity, compassion and human dignity have helped strengthen the values that we share as Canadians.

Honourable senators, I ask for your support for this bill, and I am happy to answer any questions. Thank you, colleagues.

Hon. Daryl Fridhandler: Honourable senators, I rise today in support of Bill S-249, the Christian heritage month act, because I am a Canadian who believes in multiculturalism and the recognition and tolerance of religious and cultural diversity in the Canadian mosaic.

I support Bill S-249 because I believe that historically one of Canada's greatest strengths has been the freedom of its people to practise their faith openly, peacefully and without fear. Still we must do more to redouble our efforts in this regard.

I thank Senator Housakos for introducing this overdue legislation and the important lessons of the history of Christian Canadians.

This bill asks us to recognize an important part of Canada's story. It asks us to provide recognition to the contributions of Christians in Canada and the communities and institutions that have made this country what it is today.

For some, supporting a Christian Heritage Month may seem unusual coming from a Jewish senator. To me, however, the logic is simple if there needs to be logic. One of the freedoms I value most as a Canadian is the legal right to live openly according to my faith, religion and cultural traditions. That same freedom belongs to Christians, Muslims, Sikhs, Hindus, Buddhists and Canadians of every other faith and background. It also belongs to those who choose not to practise any faith at all.

Religious freedom is one of the defining characteristics of our country. Canada's commitment to religious freedom is reflected in both the Canadian Charter of Rights and Freedoms, which guarantees freedom of conscience and religion, and the 1985 Canadian Multiculturalism Act, which reaffirms Canada's commitment to preserving and promoting the diverse cultural and religious traditions that contribute to our national identity. Together, these acts ensure that Canadians are free to practise their faith while participating fully in Canadian society.

Around the world, including in Canada, people continue to face discrimination, persecution and even violence because of what they believe. In many places, religious identity remains a source of division and conflict. Canada as well has its issues, but I am hopeful we can settle into a better path forward in the days to come.

We built and are continuing to build a country where people from every corner of the world can bring their traditions, beliefs and cultures with them and, at the same time, contribute to Canadian society and become part of the Canadian mosaic.

We have, through numerous acts of Parliament, recognized religious and cultural heritage. For example, the Canadian Jewish Heritage Month Act, the Sikh Heritage Month Act, the Hindu Heritage Month Act, the Chinese Canadian Recognition and Redress Act, which established Chinese Heritage Month, and the Latin American Heritage Month Act all reflect Parliament's commitment to recognizing various communities and traditions that contribute to the Canadian mosaic. Christian heritage, as with these others, is important to celebrate.

Recognizing Christian heritage does not diminish the heritage of any other community. It does not elevate one faith above another. Rather, it reflects an important Canadian principle, which is that the communities that helped build this country deserve to have their precepts and histories recognized, understood and celebrated for the benefit of all Canadians. The more we learn about one another's histories, traditions and contributions, the stronger our society becomes.

On a lighter note, as a Jewish child growing up in Yarmouth, Nova Scotia, I was often thrilled by the kindness of my neighbours, the Comeau family. Every Christmas, they would invite my sister and me over and make sure we had a present to open. Looking back, what I remember most is not the gift itself but the generosity of a Christian family sharing their traditions with the Jewish kids from across the street.

Christian heritage is unquestionably one of the more significant influences in the Canadian mosaic. As a matter of fact, our earliest settlers, and for hundreds of years, were primarily Christians from Britain and France.

Whether one is Christian or not, whether one practices a faith or not, one will more fully appreciate the richness of Canadian history by understanding the role Christianity has played in the development of our institutions, our communities and our social fabric.

As an Albertan, I see that reality very clearly in my province, and I am certain all of you can say the same of your provinces and territories. Christian communities have helped shape Alberta's social, cultural and civic landscape from its earliest days through to today.

Long before many Prairie communities had municipal governments, hospitals, social services or public institutions, churches often served as the centre of community life. For many early settlers arriving on the Prairies, the local church was far more than a place of worship. It was a gathering place, a support network, a community centre and often a symbol of permanence

and hope in an unfamiliar land. Across Alberta, generations of settlers brought their various Christian traditions with them as they established new communities.

Ukrainian immigrants built churches whose distinctive domes still dot the Alberta landscape. German Catholics raised parish churches and monasteries that became landmarks in many rural communities. The buildings they constructed became landmarks, but, more importantly, the communities they built around them became the foundation of modern Alberta. Those churches helped newcomers support one another through difficult times. They organized charitable efforts. They created social networks. They offered education and assistance to families trying to build a future in a demanding environment. Their contributions extended well beyond religious life. Religious orders helped establish hospitals and provide care in regions where few services existed. Churches sponsored schools, supported vulnerable families and organized charitable initiatives long before many public programs were available.

Across Alberta and throughout Canada, faith-based organizations continue to operate shelters, food banks, addiction recovery programs, refugee sponsorship initiatives, seniors' programs, youth outreach services and countless other community supports. Many Canadians have benefited from these services regardless of their faith, background or beliefs. This tradition of service, as with most religions, is an important part of Christian heritage in Canada. It reflects values that many Canadians, regardless of their faith, can appreciate: compassion, generosity, community and responsibility toward our neighbours.

Of course, acknowledging Christian heritage does not mean we ignore the more difficult chapters of history. No serious discussion of Christianity in Canada can avoid confronting the painful legacy of residential schools and the profound harm experienced by many Indigenous Peoples through their assimilation activities. Those truths must be acknowledged honestly and openly. Indeed, I would suggest that a meaningful heritage month requires precisely that kind of honesty and openness.

• (1810)

Resilient societies do not hide or erase difficult history, nor do they attempt to reduce history to a simple narrative of heroes or villains. Instead, they seek truth and reconciliation; they strive to ensure that future generations understand both their achievements and faults.

A society secure in its values should be capable of examining its history in its entirety, including chapters that are uncomfortable. In my view, that should be one of the purposes of any heritage month, and this should carry over to the other 11 months of the year as well.

The focus during a heritage month is an opportunity to learn, reflect and develop a full understanding of the people, institutions and ideas that shaped the country we know today.

Honourable senators, we are not united because we all share the same ancestry, culture, language or religion. We are united because we share a commitment to and understanding of freedom, democracy, mutual respect and the belief that people can maintain their individual identities while contributing to a Canadian future with our important common foundational elements. That balance is one of the greatest accomplishments of the people who make up our country.

Canada allows people to remain distinctive and proud of who they are and where they came from, while embracing our Canadian common values. We ask them to bring their heritage and traditions, contribute to our society, respect the freedoms of others and participate in building a strong Canadian mosaic. Recognizing those contributions is entirely consistent with the values of a free, diverse and confident nation.

For these various reasons, I am pleased to support Bill S-249, and I encourage my colleagues to do the same.

Thank you. *Meegwetch*.

(On motion of Senator Kingston, debate adjourned.)

RELIEVING GRIEVING PARENTS OF AN ADMINISTRATIVE BURDEN BILL (EVAN'S LAW)

BILL TO AMEND—SECOND READING

Hon. Sharon Burey moved second reading of Bill C-222, An Act to amend the Employment Insurance Act and the Canada Labour Code (death of a child).

She said: Honourable senators, I begin by acknowledging that I am speaking from the traditional, unceded territory of the Algonquin Anishnaabe People.

I rise today with an immense and deep sense of gratitude and humility to sponsor my first bill in the Senate, colleagues, Bill C-222, An Act to amend the Employment Insurance Act and the Canada Labour Code (death of a child), also known as Evan's law.

Colleagues, this bill received unanimous support in the House of Commons at every stage of its journey to get here. It also received — as a private member's bill — a very rare Royal Recommendation.

I would like to acknowledge Senator Martin for her support and willingness to act as critic for this very important bill.

[*Translation*]

To begin with, I would like to express my deep gratitude to the member for Burnaby North—Seymour, the Honourable Terry Beech, and his team for their efforts to introduce this important bill and ensure its passage to the Senate

I would also like to thank the members of the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities — also known as HUMA — for their thorough scrutiny of the bill.

Furthermore, I would like to express my sincere thanks to the research analysts at the Library of Parliament and to my team.

[*English*]

This bill, with all its technical amendments designed to ensure a seamless and swift implementation — including discussions with the Québec Parental Insurance Plan — would not have been possible without the Minister of Jobs and Families, the Honourable Patty Hajdu; the Minister of Finance, the Honourable François-Philippe Champagne; their parliamentary secretaries; and, indeed, the Prime Minister's Office.

Moreover, I wish to thank the bereaved parents, advocacy organizations and experts for sharing their knowledge and, in many cases, for sharing their personal stories of grief and pain.

Above all, I wish to thank Jennifer, Evan's mother; Andrew, Evan's father; and 7-year-old Olivia, Evan's sister. In the depths of their own grief, Jennifer and her beautiful family found the courage to speak up and speak out so that other families do not have to face what they faced. To Jennifer, Andrew and Olivia, and to every family who has lost a child: We hear you, and your Parliament is acting.

Colleagues, this bill amends the Employment Insurance Act to provide that a person to whom Employment Insurance benefits are payable to care for a newborn child or a child placed with them for adoption remains eligible to receive those benefits, even if the child dies during the benefit period, and that person must receive at least five weeks of benefits following the week in which the child dies.

It also amends the Canada Labour Code to provide that an employee who is entitled to parental leave remains entitled to it, even if the child dies during the period for which the leave has been granted.

Colleagues, the loss of a child is a profound, unimaginable and tragic event which no Canadian parent should ever have to experience.

I would like to issue an alert here to acknowledge that this may be an extremely difficult subject to talk about in this chamber and for those watching online. Should you need support, please contact your mental health or health care provider or the 9-8-8 mental health line.

The existing parental leave program and processes for families facing this loss are extremely challenging and need to be modernized. This bill represents a compassionate and practical approach to supporting grieving parents who lose a child while on parental leave. It restores dignity and a sense of hope and allows ordinary Canadians to see their government working for them.

I want you to imagine for a moment the immense joy and excitement of welcoming a newborn child into your life. It is a moment you have dreamed of and planned for, for what feels like a lifetime. You have carefully thought about every little detail. Now imagine losing your child, quickly turning your dream into a living nightmare. Amid all of this, you realize very quickly that you must put your grief aside and navigate a web of bureaucracy to ensure you continue to receive the benefits that pay your bills and feed your family.

Jennifer, Evan's mom, shared some of these obstacles and the toll it took on her and her family. She credits her member of Parliament, Karina Gould, for showing compassion and providing help navigating a way forward and getting this bill to the Senate.

Colleagues, in 2023, 3,223 child deaths were reported. Approximately 1,631 infants passed under the age of 1, with the vast majority dying within the first month of life.

As things stand, Employment Insurance parental benefits support a parent caring for a newborn or a newly adopted child. In the event of a child's death, parental benefits cease in the same week the child dies. If the death is not reported right away, the beneficiaries of the program can be asked to pay the money back.

Megan Fockler of the Pregnancy and Infant Loss Network testified at the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities on March 12, 2026, and shared the story of a mother who, during tax season, received a bill from the government for $4,000 for the benefits she received after her daughter passed away. As parental benefits stop, many parents must then apply to different programs — for example, sickness benefits.

• (1820)

This means they must apply for a medical certificate that declares that they are unwell, and to make matters worse, they must report to the government every two weeks, asserting that they are still unwell, continuously reliving the trauma of losing a child.

Bill C-222 aims to change this, and, as Ms. Fockler told the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, or HUMA, "Evan's Law is compassion in action." I could not agree more. Bill C-222 makes simple but practical changes to the Employment Insurance Act and the Canada Labour Code. Clauses 1.1 to 3.2 amend the Employment Insurance Act, clause 4 amends the Canada Labour Code, and clause 5 specifies the coming into force.

First, and most importantly, under clause 2 of the bill, a parent who loses a child would keep receiving parental benefits for the time they were already entitled to, ensuring continuity of income.

Second, under clauses 1.1 and 1.2, if a child dies near the end of a parent's benefit period, that parent would receive up to five additional weeks of support so that families have enough time to grieve no matter when the loss occurs.

Third, under clause 2.1, the bill would ease the burden of paperwork by allowing the federal government to set up a simple and compassionate process for parents to report their loss.

Finally, under clause 4, the bill would protect their jobs. Parents working in federally regulated workplaces would be guaranteed job-protected parental leave after the death of their child.

Moreover, under clause 3, the bill would apply equally to self-employed parents who qualify for these benefits.

Technical amendments at the report stage in the other place ensure that benefits continue for the entire eligibility period, including any extensions granted for special circumstances. The amendments also ensured that the additional five weeks of support introduced can be accessed in practice, within the existing Employment Insurance framework.

Colleagues, this bill received unanimous support in the other place. Not a single member voted against this bill at second reading, committee stage or third reading. Furthermore, every witness who appeared before the committee spoke in favour of it.

Evan's Law is one additional chapter in a much longer story, which I would like to briefly trace back to its origins.

Canada's Employment Insurance system was created in 1940 to protect workers who lost their jobs, not to support families experiencing the loss of a child. Over time, benefits were extended to parents, but significant gaps remained for families facing a child's critical illness or death.

Progress began in 2012 with Bill C-44, the Helping Families in Need Act, introduced by the Honourable Diane Finley. It provided job-protection leave for parents dealing with the death or disappearance of a child and EI benefits for those caring for a critically ill child.

Further reforms followed. In 2016, M.P. Blake Richards launched a study through motion M-110, which led to a 2019 report by HUMA entitled *Supporting Families After the Loss of a Child*, which recommended more compassionate support for bereaved families. In 2021, MP Matt Jeneroux's Bill C-220 strengthened workplace protections for grieving parents, while MP Tom Kmiec's advocacy resulted in eight weeks of bereavement leave being incorporated into Bill C-3. Most recently, in 2024, Parliament introduced leave provisions for parents experiencing pregnancy loss.

Colleagues, each of these measures was built on the progress that came before it. Together, they paved the way for the legislation before us today. Evan's Law is the next step in that journey.

Here in the Senate of Canada, we now take up the baton from those who have championed this cause before us. Colleagues, it is our turn to carry it forward and help build a more just, secure and compassionate Canada for all.

To add to the broad, cross-party support, Bill C-222 has something that few private members' bills obtain: a Royal recommendation, which it received in May this year. In our parliamentary system, only the government of the day has the authority to propose legislation with spending attached to it. While any member of Parliament can propose and bring forth legislation, a private member's bill cannot proceed if it requires the spending of public funds. These bills cannot legally proceed unless the federal government formally agrees to fund them. The government, in this case, didn't just show its support for this legislation; it chose to stand behind it fiscally and work tirelessly to put the necessary pieces into place. This matters deeply to Canadians.

The loss of a child is one of the most devastating experiences a parent can face, and the consequences are reflected in both health and economic outcomes.

A landmark 2005 study published in the *New England Journal of Medicine* found that parents who lose a child are significantly more likely to be hospitalized for mental illness, with mothers 80% more likely and fathers 40% more likely.

More recently, HUMA heard testimony from Professors Sophie Meunier and Francine de Montigny, whose research found that half of bereaved mothers experienced high levels of grief during the first year following a loss, whilst nearly one third showed signs of an anxiety disorder. Professor de Montigny also noted that the effects of grief often extend throughout the family, increasing the risk of mental health challenges for their children.

There is a moral imperative to address this reality, but there is an economic one as well.

Professor Meunier found that 85% of bereaved mothers took leave following a loss. Mothers who had access to maternity benefits returned to work in better psychological health than those forced to rely on sick leave or no leave at all. Nearly 60% said financial pressures were the main reason they returned to work before they felt ready.

The consequences are felt in the workplace. Grief can impair concentration, motivation and productivity. For some fathers who often return to work very quickly after a loss, Professor de Montigny warned that grief-related brain fog can create safety risks, particularly in occupations involving heavy machinery.

These costs do not disappear when parents return to work. A 2014 American study found that parental grief resulted in significant productivity losses and financial costs for families. As researchers observed, returning to work does not necessarily mean a return to full functioning.

Here in Canada, we too often overlook these broader impacts. Bereaved parents make greater use of health services in the months following a loss, often seeking help for symptoms rooted in grief. When we force grieving parents back to work before they are ready, we are not saving money. We are simply shifting the cost to our workplaces, health care systems, emergency rooms and communities.

I want to explain why I believe Evan's Law and mental health parity are part of the same conversation, connecting the dots.

I would like to repeat the words of the Canadian physician Dr. Brock Chisholm: "Without mental health there can be no true physical health."

Let me share one story from HUMA that captures this problem. Professor de Montigny used an example of a grieving father who had been on leave for two months and asked for an extension. His doctor refused his request, citing concerns from the employer. During this time, he attempted to climb a ladder to remove Halloween decorations at his home. He fell off the ladder, broke his leg and was granted six months of leave. As he put it, he wasn't given time off because of his broken heart but because of his broken leg.

There could not be a clearer, real-world example of what a lack of parity means. Evan's Law is a small but meaningful step towards recognizing grief for what it is.

• (1830)

It asserts that the weeks and months after the death of a child are a critical period during which parents deserve support and compassion, not paperwork. This is why, in my more than 30 years of pediatric practice, I have always taken a whole-of-person and whole-of-society approach. My focus as a senator continues down that path, examining legislation through a whole-of-government lens.

This bill touches the Canada Labour Code and the Employment Insurance Act. These may not necessarily be viewed as health legislation, but they are. Job protection and income security are some of the biggest drivers of mental and physical health.

A father worrying about a clawback notice from the government or a grieving mother having to attest to a government official every two weeks in order to receive benefits that help pay her bills create harms that will be far-reaching and impact not only immediate families but extended families and communities.

The witnesses who testified at the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities spoke about what this larger system could be. It would provide compassionate training for health care professionals who care for bereaved families and include training for employers and employees about bereavement.

Finally, this system would include better data collection because — as Professor de Montigny noted — right now, we don't even know the full scale of the problem.

Evan's law doesn't aim to create this system today. It was never the intention. What this bill does is fix one part of a larger system that sees families fall through the cracks. It provides a window into what is possible when we see problems through the lens of the whole person — for when we work together, listen deeply and remain in dialogue, we can accomplish great things.

Make no mistake: There is still a lot of work to do in modernizing the Employment Insurance Act and the Canada Labour Code. As Martin Luther King Jr. observed, ". . . the arc of the moral universe is long, but it bends towards justice. . . ." Honourable senators, that arc does not bend by chance. It bends because individuals and institutions choose to act when confronted with injustice. Today, we have an opportunity to be part of that work. By supporting Evan's law, we can help bend that arc a little further toward justice, compassion and dignity for Canadian families facing an unimaginable loss.

The principle of this bill is quite simple: No grieving parent should have to fight the system that was put in place to protect them.

After due deliberation, colleagues, I urge you to move this bill to the committee stage and join me in supporting this bill. The other place spoke with one voice. I hope this chamber will do the same.

Thank you, *meegwetch*.

Hon. Senators: Hear, hear.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today as the official critic of Bill C-222, the relieving grieving parents of an administrative burden act (Evan's law). I am pleased to support this legislation, which seeks to protect grieving parents from unnecessary administrative and financial hardship following the loss of a child.

I would like to thank our colleague Senator Sharon Burey for sponsoring this bill in the Senate, as well as the Honourable Terry Beech, who introduced it in the House of Commons.

Senator Burey, your speech was elegant and so moving. Thank you for the heart that you poured into the speech.

Above all, I wish to recognize the families whose experiences have brought this issue to Parliament's attention, particularly Jennifer, whose late son, Evan, inspired this legislation, Evan's law. As Senator Burey said, it is compassion in action.

As a mother, I cannot imagine anything more devastating than losing a child. While no amount of financial assistance can take away that pain, we should at least ensure that grieving parents are not faced with additional hardship because of the way our laws are written.

Under the current Employment Insurance system, parents may lose their eligibility for parental benefits when their child dies. To continue receiving financial assistance, they may have to apply for EI sickness benefits instead, requiring them to submit a new application and complete regular reports. For parents who have just experienced an unimaginable loss, these administrative requirements can be deeply distressing.

Jennifer's experience illustrates precisely why this legislation is needed. Her son Evan was only four months old when he passed away. Jennifer was receiving parental benefits at the time, but, following his death, she learned that she was no longer eligible for benefits to maintain financial support. She had to switch to sickness benefits and was subsequently required to contact Service Canada every two weeks to confirm her eligibility. Senator Burey explained this very well.

This meant repeatedly explaining her circumstances to government representatives, sometimes to someone who was unfamiliar with her situation. No parent should have to repeatedly recount the death of their child simply to receive financial assistance during what may be the darkest period of his or her life.

I commend Jennifer for her courage in sharing her family's experience and advocating for change. Through her efforts, Evan's memory has become the inspiration for this legislation, which could make a meaningful difference for other grieving families.

Honourable senators, I also wish to recognize the contributions of our Conservative colleagues who have advocated for greater support for bereaved parents. Tom Kmiec was mentioned, and he has definitely been an advocate. Member of Parliament Blake Richards has also been a longstanding advocate for bereaved families. His motion M-110, adopted in 2018, led to a parliamentary study and a report in 2019 containing recommendations to better support parents following the loss of a child.

Although progress has taken time, I am pleased to see that Bill C-222 now brings forward legislative changes addressing concerns that were raised many years ago.

I was also moved by the personal experience shared by our colleague member of Parliament Dave Epp, who lost his son, Brenton, after just 31 days of life. On the morning of his son's funeral, his family received a call from a government agency concerning an administrative matter related to a birth certificate application.

Dave Epp did not blame the public servants involved, who were simply carrying out their responsibilities. However, his experience reminds us that even routine administrative procedures can become deeply distressing for families experiencing profound loss. This is precisely the kind of situation that our government programs should be sensitive to.

Bill C-222 proposes amendments to the Employment Insurance Act that will allow eligible parents to continue receiving parental benefits following the death of their child rather than having those benefits interrupted. The bill would also ensure that eligible parents receive at least five weeks of benefits following their child's death, even if their remaining entitlement would otherwise be shorter. This is an important protection for parents whose benefits are approaching their end, allowing them some financial stability during an extremely difficult period.

The legislation would also extend these protections to self-employed individuals who qualify for EI parental benefits.

In addition, Bill C-222 proposes amendments to the Canada Labour Code to preserve an employee's entitlement to parental leave following the death of their child. Together, these changes would provide eligible families with greater financial security and employment protection during a period of profound grief.

• (1840)

What I particularly appreciate about this legislation is that it addresses a specific problem within our existing system without requiring the creation of an entirely new program. It is a relatively straightforward change but one that could make a significant difference for the families affected.

That said, as we consider this legislation, I believe it is important to ensure that its implementation remains consistent with its central purpose. Bill C-222 seeks to reduce the administrative burden on grieving parents. We should, therefore, ensure that any procedures introduced to implement these changes remain as simple and sensitive as possible. Families who have just lost a child should not be confronted with unnecessary paperwork or repeated requests for information at a time when they are already dealing with so much.

There was also a related issue raised in the other place that I believe deserves continued attention at committee. Member of Parliament Jamil Jivani raised the experience of a constituent whose wife passed away while receiving parental benefits. Following her death, the surviving father faced difficulties involving the interruption of benefits and a request for repayment.

While Bill C-222 addresses situations in which a child dies, this example raises a similar question about how our Employment Insurance system supports families when a parent passes away during the parental benefit period. I support the decision of the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities to examine this matter separately, including its potential financial implications. Although this issue falls outside the immediate scope of Bill C-222, I believe it is important that Parliament continues considering how we can better support families experiencing such immeasurable losses.

Honourable senators, I am encouraged by the broad support this legislation has received. Bill C-222 was supported unanimously at third reading in the House of Commons, demonstrating that parliamentarians can work together on matters that transcend partisan differences.

The loss of a child is an unimaginable tragedy, and families facing such circumstances deserve our compassion and understanding. Sometimes, relatively small changes to existing legislation can make a meaningful difference in people's lives. In this case, that difference may mean that a grieving parent does not have to make another painful phone call, complete another application or worry about suddenly losing financial support.

Again, I commend Jennifer, the families and parliamentarians whose efforts have brought this legislation forward, and I thank Senator Burey for sponsoring it in the Senate.

As the official friendly critic, I look forward to the further examination of Bill C-222 at committee. For these reasons, I support this legislation and ask all honourable colleagues to support Bill C-222 at second reading so it can be referred to committee for further study.

Thank you.

Hon. Senators: Hear, hear.

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.)

REFERRED TO COMMITTEE

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

(On motion of Senator Burey, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

THE SENATE

MOTION TO URGE GOVERNMENT TO ESTABLISH A FEDERAL LEGAL FRAMEWORK THAT ENSURES PARITY BETWEEN MENTAL HEALTH AND ADDICTION CARE AND PHYSICAL HEALTH CARE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Burey, seconded by the Honourable Senator Black:
>
> That the Senate recognize:
>
> (a) that the World Health Organization and the Canadian Mental Health Association have identified mental health parity as a critical objective for an equitable health care system; and
>
> (b) the urgent need to address disparities in mental health care access and coverage; and
>
> That the Senate urge the Government of Canada to establish a federal legal framework that ensures mental health and addiction care are treated on an equal footing with physical health care.

Hon. Mohamed-Iqbal Ravalia: Honourable senators, I rise in support of the motion moved by Senator Burey that calls on the Senate to recognize that the World Health Organization and the Canadian Mental Health Association have identified mental health parity as essential to an equitable health care system. It urges the Government of Canada to establish a federal legal framework that places mental health and addiction care on an equal footing with physical health care.

This is not a new idea. As Dr. Brock Chisholm, a Canadian physician and the first director-general of the World Health Organization, famously stated, “Without mental health, there can be no true physical health.”

The Canada Health Act aims to protect, promote and restore both the physical and the mental well-being of Canadians. Yet, the promise of equal regard has never been fully realized.

We know the national scale of the challenge. Roughly one in five Canadians experience mental health challenges in any given year. By age 40, one in two have experienced or are experiencing mental health challenges. Approximately 70% of mental health disorders begin in childhood or adolescence. Canada allocates only 7% of health spending to mental health, well below comparators such as France and Germany.

The economic cost is enormous, with recent estimates placing the annual burden of poor mental health in the range of billions of dollars, and with projections rising sharply if we continue on the current path. These challenges are felt acutely across the country, including in my province of Newfoundland and Labrador. The waiting time for counselling in Newfoundland and Labrador through central intake can stretch to nearly nine months, while waiting for psychiatrists, ADHD assessments and specialized child and family support can take years.

However, some progress is being made. In 2025, my province opened a new 102-bed Mental Health and Addictions Centre in St. John’s, providing modern facilities and expanded therapeutic spaces. The provincial government has also announced an $8.25-million expansion of the Humberwood treatment centre in Corner Brook to increase the capacity for detoxification and in-patient addiction treatment. Community-based initiatives, including the Doorways program, have helped reduce barriers by providing rapid access to publicly funded mental health and addiction counselling, often on a same-day or next-day basis.

However, disparities in access, coverage and continuing care remain clear. The province reports some of the highest rates of self-reported poor mental health and hospitalizations for self-harm in Canada, alongside ongoing staffing shortages.

A federal legal framework for parity would support provinces and territories, including Newfoundland and Labrador, in closing these gaps while respecting their jurisdiction. Parity means equal value, equal access, equal coverage and equal accountability. It means treating mental health and substance use care as full and equal partners in our universal, publicly funded system.

Federal leadership can set clear expectations, support sustained funding beyond short-term transfers, improve data and accountability and help shift resources upstream toward prevention, developing partnerships with provinces, territories and Indigenous governing bodies.

• (1850)

Senator Burey's work through inquiry, round tables and consistent advocacy have kept this issue before us, and I thank you for that. And 20 years after the landmark Senate report *Out of the Shadows at Last*, we have the evidence, the economic case and the moral case to act.

Honourable senators, mental health is health. Brain health, physical health and mental health are inseparable. A resilient, productive and compassionate Canada requires that we treat them as such. I urge you, colleagues, to support this motion and call on the Government of Canada to establish the federal legal framework that will place mental health and addiction care on an equal footing with physical health. Thank you. *Meegwetch*.

The Hon. the Speaker: Senator Ravalia, will you take a question?

Senator Ravalia: With pleasure, thanks.

Hon. Farah Mohamed: Thank you very much for your speech. As you were talking, I was looking at Senator Kirby's report *Out of the Shadows*, and you mentioned that this is not the first time this has been tried. I ask this question, particularly in the case of young people who, more and more, are in need of mental health support. Do you have any comments on why this has not moved forward, despite the many attempts?

Senator Ravalia: Speaking from my own experience, the history of our publicly funded system has focused on curative care. It is the squeaky wheel that gets the grease, so it is the cardiac care, the cardiac care labs, the hip and knee replacements, and acute care hospital beds, emergency room supports. Mental health has always lived in the shadows. Today, we are beginning to realize the consequences of our actions, and were it not for advocates like Senator Burey and others, we would continue to fall behind.

Today, we are discussing the impact of digital advancements on children's health as well. Recent discussions I have had with psychiatrists in both the pediatric and adult fields are that if we do not address these issues, we have a tsunami ahead of us.

The opportunity is ripe; this is something we must push for. We have a federal funding system, a global envelope that goes through the provinces. It is time for dedicated funding for mental health issues.

Hon. Flordeliz (Gigi) Osler: Would Senator Ravalia take another question?

Senator Ravalia: With pleasure.

Senator Osler: I was thinking about that question that you just answered. Could you tell us more about what is funded within the Canada Health Act? Is it hospital care? Is it physician care? What about psychologists or mental health counselors? Are they covered under the act? What have governments done over the years? For example, do they have bilateral agreements that work outside the act to transfer funding to the provinces? Finally, could you tell us how a framework could help solve some of those problems?

Senator Ravalia: Thank you for that very complex question.

As we all realize, we talk about a publicly funded system, which, at times, is, in reality, a myth. Many of the services you have alluded to fall outside the publicly funded system. Access, in particular to clinical psychologists and other mental health workers, is outside of the realm of what our publicly funded system affords.

Furthermore, interest in psychiatry and pediatrics, if we look at national statistics, has fallen far behind the needs that this country has. Some of this is attributable to the funding mechanisms we use. Unfortunately, unless we make these professions more easily accessible within our medical training, we will continue to fall behind many of our G7 and OECD countries.

Again, the funding, primarily, is a single envelope. There have been situations where there has been dedicated mental health funding to the provinces, but the results have not been tangibly positive. We need to work towards equal access for physical and mental health, and it will only come through education and advocacy, as we have seen from Senator Burey.

(On motion of Senator Osler, debate adjourned.)

[*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. Réjean Aucoin: Honourable senators, I rise today to speak to Inquiry No. 8, which has to do with the nation-building value of tourism.

I would like to approach this broad topic from a very specific perspective, that of my region of Cape Breton and even more specifically, the Cabot Trail, the wonderful place that I call home.

The tourism industry is about more than economic impacts that can been measured in reports and statistics. It is a lot more personal than that. It is the joy of seeing people discover our corner of the country for the first time, marvel at our landscapes, stop in our villages and take the time to talk with locals. It is the small, rather unquantifiable sense of satisfaction we feel when a visitor tells us before they leave that they will be back to see us.

When a person leaves with fond memories of our community, they also take with them a little piece of our history, culture and hospitality.

It is often the people that our tourists meet along the Skyline or Le Buttereau trails, at La Rigouèche, le buttereau à Pépin or a café or restaurant that encourage them to come back.

The tourism industry makes a significant contribution to the Canadian economy, supports hundreds of thousands of jobs and supports businesses in all regions of the country, from the big cities to rural and coastal communities.

Tourism is also something else. It's a gateway to our identity; it's a driving force for regional vitality; it's an opportunity to showcase our languages, traditions and heritage. In addition, it's often the best form of advertising we have to persuade people to come back or even settle in our communities.

Take Nova Scotia, for example. In 2025, tourism revenue reached a record-setting $3.7 billion and created more than 55,000 jobs. That same year, Nova Scotia welcomed over 2.1 million visitors, including 891,000 people from Atlantic Canada; 584,000 from Ontario; 128,000 from Quebec; 236,000 from Western Canada; 179,000 from the United States; and 105,000 from other countries.

Behind those numbers are real people: a family running a small guesthouse, a restaurant owner preparing the catch of the day, an artisan selling their creations, a guide sharing regional history and local trails. Thanks to this thriving tourism sector, young people can find work close to home instead of having to move elsewhere to earn a living.

In our rural communities, these spinoffs matter a lot. A successful tourism season doesn't just benefit a single company or a single village. It can sustain a whole network of businesses, suppliers and local services. When a young person can earn a living in their own community, start a family there and contribute to its growth, then we're talking about a lot more than tourism. We're talking about the future of our regions.

When visitors are asked why they came to Nova Scotia, one destination is often mentioned: the Cabot Trail. Some claim it to be one of the most beautiful scenic trails in the world.

• (1900)

Though I may be a little biased, I can assure you that this claim is no exaggeration.

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

Is it agreed to not see the clock?

Hon. Senators: Agreed.

Senator Aucoin: The Cabot Trail isn't just a road that runs through Cape Breton Highlands National Park; it's an experience.

It features spectacular cliffs plunging into the Gulf of St. Lawrence on one side and into the Atlantic on the other. It also boasts mountains lost in the mist, forests adorned with magnificent colours in autumn and villages dotted amongst valleys and cliffs, where you can still hear the voices and discover the Acadian, Gaelic and Mi'kmaq traditions. However, what makes this region so special is not just the beauty of the landscape, but also the people who live there.

It's the conversations that start almost by chance, the recommendations from a shopkeeper who knows the area like the back of their hand, the stories told around a table and the little detours you end up taking because someone told you, "You should go see that, just a little further." Back home, we sometimes discover the most beautiful places thanks to a conversation with someone we've only just met. That is one of the great strengths of tourism. It creates opportunities for people to come together, when they might not have crossed paths otherwise.

I remember a tourist stopped me one day to ask me how long it would take to do the Cabot Trail. I told them that it depends. Did they just want to drive around it or did they really want to experience and explore it? It is possible to do the Cabot Trail in five hours, but actually experiencing it is something else entirely.

It is about taking time to stop at a lookout point because of the breathtaking view. It is about discovering a small business that you did not plan to visit or an art gallery like Élizabeth LeFort's in Chéticamp with her hooked rugs. It is about visiting a small museum like the one in Cape North that tells about the age of the tall ships, or the Alexander Graham Bell Museum in Baddeck, where you can learn about the famous inventor of the telephone. Those are just a few examples.

It is also about taking time to chat with the locals and to try a bowl, or maybe even two, of seafood chowder.

Cape Breton Island is a destination in its own right. Travel and Leisure magazine ranked it the number one island in Canada for the past five years in a row, and it came in at number 10 on the magazine's list of the 25 best islands in the world.

Visiting Cape Breton also means embracing unexpected encounters and discoveries that make us want to slow down and explore places like Bras d'Or Lake and the Fortress of Louisbourg National Historic Site. It also means savouring lobster, attending the Celtic Colours Festival, experiencing a Mi'kmaq powwow, or enjoying an Acadian festival in Petit-de-Grat or Chéticamp. It is precisely this kind of discovery and adventure that many visitors are seeking today.

Cape Breton and the Cabot Trail remind us that the value of a destination is not measured solely by the number of cars on the road or the number of occupied hotel rooms, but also by the memories people take home with them.

Honourable Senators, for a region like Cape Breton, tourism is also a tremendous opportunity to showcase its cultural heritage. I'm thinking in particular of our Acadian community, our French language and our traditions. In our villages, our culture is not found solely in museums and history books. It lives on in our

families, in our songs, in our community gatherings, in our cuisine and in the history we continue to pass down from one generation to the next.

Tourism can help keep this heritage alive. It gives visitors the opportunity to experience a community from the inside, rather than simply observing it from the outside. For francophone minority communities, this aspect is particularly important.

The possibility of hosting visitors in French, introducing them to our history and sharing our traditions with them helps sustain the vitality of our language and culture.

I would also like to draw attention to the vital role of the Mi'kmaq in developing Nova Scotia's tourism sector. Their presence in the area far predates our borders or tourism destinations. Their history, language, traditions and connection to the land and the sea constitute a foundational cultural resource.

Cultural experiences offered in communities like Eskasoni and Membertou help visitors better understand Mi'kmaq history and traditions, and grasp the depth of their relationship to the land.

The Celtic Colours Festival can't be missed. Visitors come from far and wide to see the fall colours, listen to Celtic and Acadian music and enjoy a good measure of dance and tradition on the side.

I also want to draw your attention to another region that means a lot to me: the south-east coast of Nova Scotia, a region of breathtaking beauty, peaceful coasts, welcoming villages and vibrant Acadian culture. It also possesses something equally precious: the charm of its communities, authentic encounters and the chance to discover another side of Nova Scotia.

Some visitors might extend their stay to explore another village, sample the local cuisine or take part in a cultural event. Sometimes it is precisely these lesser-known places that leave the most lasting memories, including Pointe de l'Église, Grosses Coques, Corberie, Saulnierville, Petit Ruisseau, Wedgeport, Quinan, Surette's Island and so on. An encounter or discovery can transform a visit into a genuine encounter with history. What could be better than a visit to the historic Acadian village of Pubnico in the very south of Nova Scotia?

Of course, we can't talk about tourism in Nova Scotia without mentioning Grand-Pré. This historic site, a UNESCO World Heritage site, tells the story of the Acadians, their deep roots in this land, their attachment to their communities and the tragedy of the deportation. Grand-Pré is much more than a tourist destination. It is a place of remembrance, of passing on traditions and of reflection. Every visitor who discovers Grand-Pré has the opportunity to gain a better understanding of this history and to grasp why it remains so important today.

Of course, we must also recognize that successful tourism can bring its own challenges. Our infrastructure must keep pace with visitor numbers. We need roads in good condition, adequate services, sufficient accommodation capacity and a workforce that businesses can recruit and retain.

We also need to think about the seasonal nature of the tourism industry. How can we encourage visitors to come in the spring and fall? How can we support businesses so that they can provide more stable employment and better plan their operations throughout the year? Our tourism industry also depends on the beauty of our landscapes, the quality of our environment and the health of our coastlines and forests.

In closing, tourism is much more than an economic sector. It is a driver of regional development, a tool for raising our international profile and a way of preserving our heritage and passing it on.

The Cabot Trail, the Acadian communities in southern Nova Scotia and the historic grounds of Grand-Pré are all extraordinary assets.

Our responsibility, as legislators, is to support this industry, to invest in the necessary infrastructure, to protect our natural spaces and to promote our cultures, including those of our francophone, Acadian and Indigenous communities.

We must also ensure that the success of the tourism industry benefits those who keep these regions alive, not only during the tourist season, but all year long.

For me, the success of the tourism industry is also measured by a community's ability to continue to live in its own language, pass on its traditions, offer a future to its young people and welcome visitors with the same pride and generosity year after year. It means giving visitors a reason to come, a reason to stay a little longer and, above all, a reason to want to return. It also means creating opportunities for visitors to discover not only our beautiful landscapes, but also our hospitable communities and our rich histories.

• (1910)

In Cape Breton, as everywhere in Canada, we have some wonderful stories to tell. Sometimes all you need to do is take the time to stop, listen and meet the people who bring them to life.

Thank you. *Wela'lin*.

(On motion of Senator White, debate adjourned.)

(*At 7:11 p.m., the Senate was continued until tomorrow at 2 p.m.*)

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