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Wednesday, May 11, 2022

The Honourable PIERRETTE RINGUETTE,  
Speaker pro tempore

## CONTENTS

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

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## THE SENATE

Wednesday, May 11, 2022

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

Prayers.

### SENATORS' STATEMENTS

#### CANADIAN UNDER-18 CURLING CHAMPIONSHIPS

**Hon. Donald Neil Plett (Leader of the Opposition):** Honourable senators, my wife Betty and I had the privilege of watching a wonderful sporting event recently, the 2022 Under-18 Canadian Boys and Girls Curling Championships. This week-long event was hosted by the Oakville Curling Club from May 1 to May 7, and they put on a world-class event. There were more than 200 curlers in attendance, along with 42 coaches and a multitude of parents, grandparents, siblings and friends.

I want to thank the City of Oakville and the Oakville Curling Club for hosting the championships and congratulate them for putting on a professional, well-organized event. It truly was exceptional and no small undertaking, with most provinces putting forward two women's and two men's teams.

I had the privilege of taking part in this fabulous event over the past two weekends as an active and enthusiastic participant from the bleachers. However, colleagues, I must confess that I was not cheering for a Manitoba team like I normally would. Instead, I was rooting for the Alberta provincial champion, skipped by none other than my granddaughter Myla Plett, as they competed tirelessly for the win.

Honourable senators, what a competition it was. Alberta had two women's teams at the championships, with the second Alberta team skipped by a young lady named Claire Booth. Over the last two years, Claire and her team have given Myla's team their biggest challenges on the ice, and the Canadian Under-18 Championships were to be no different. Team Booth went into semi-finals with a record of five and one, while Team Plett had four wins and two losses. When Team Booth beat Saskatchewan in their semi-final game, and Team Plett beat Quebec in their pool, the Alberta teams found themselves again face to face for an all-Alberta final. In the end, patience combined with strategy worked to the advantage of Team Plett, as they scored a 5 to 1 win, becoming the gold medal winners of the Under-18 Canadian Girls Curling Championships.

I want to offer my congratulations to the entire team for their victory, including Myla Plett as skip, Rachel Jacques as third, Alyssa Nedohin as second, Lauren Miller as lead and Chloe Fediuk as alternate, along with their coach, Blair Lenton. I am proud of them all, but it probably goes without saying that I am beyond proud that the best women's under-18 curler in Canada calls me grandpa.

Myla, you have my love and my congratulations. And to paraphrase my good friend, colleague and Paralympian gold medallist Senator Chantal Petitclerc's kind words, I am delighted to see that we both share the same fighting spirit. Colleagues, please join me in congratulating not only Team Plett but all of the athletes who competed, wishing them the very best in all future competitions. Thank you.

#### LGBTQ+ NATIONAL MONUMENT

**Hon. Patricia Bovey:** Honourable senators, I rise today to congratulate the winners of the international public competition to create the National LGBTQ+ Monument in Ottawa. The selected group for this major monument is the only all-Canadian shortlisted group — Winnipeggers Liz Wreford, Peter Sampson and Taylor LaRocque of Public City, a multidisciplinary architecture and landscape architecture studio; visual artists Shawna Dempsey and Lorri Millan; and Indigenous and two-spirited people subject-matter expert and adviser, Albert McLeod.

Their winning design, "Thunderhead," will be installed in 2025 on Wellington Street, next to the Ottawa River, close to the Judicial Precinct. It meets all the competition goals: to educate, memorialize, celebrate and inspire. Minister Rodriguez said in the March 24 announcement that "Thunderhead":

... embodies the strength, activism and hope of LGBTQ+ communities. It will be a lasting testimony to the courage and humanity of those who were harmed by the LGBT Purge, homophobic and transphobic laws and norms, and Canada's colonial history. . . .

In selecting this team, the jury sought public input through a national survey, which had 5,469 valid responses. The shortlisted teams were graded on each of the principles and goals in the call, with the winning group being a favourite. This team was set on creating a dynamic place "for gathering and honouring, for contemplation and performance." Meant to be a people place, its landscaped park traces the history of LGBTQ+ people in Canada and includes a healing circle, the stones for which will be hand-picked by two-spirit elders. The monument is a cylinder containing the impression of a thundercloud. It is solemn and luminous. As artists Dempsey and Millan say:

The thundercloud is an expression of energy transmuting, rising and transforming. It is a symbol of renewal and hope, cleansing the earth through life-giving rain. . . .

This inclusive, innovative, inspiring, commemorative design bears both truth and optimism. Reflecting on past wrongs and looking to the future with hope, this visionary landmark will be timeless.

I extend my sincerest congratulations to my fellow Manitobans for their integrity, honesty and innovative approach. I wish them all the best as they undertake the next steps for this important installation — the development of the detailed design and then its construction. I will follow the project with interest and pride. Thank you.

### VISITORS IN THE GALLERY

**The Hon. the Speaker pro tempore:** Honourable senators, I wish to draw your attention to the presence in the gallery of representatives from Canadian charities attending Imagine Canada Hill Day. They are the guests of the Honourable Senator Omidvar.

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

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

**The Hon. the Speaker pro tempore:** Honourable senators, I wish to draw your attention to the presence in the gallery of recipients of the Global Pluralism Award. They are the guests of the Honourable Senator Omidvar.

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

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

• (1410)

### CHARITABLE AND NOT-FOR-PROFIT SECTOR GLOBAL PLURALISM AWARD

**Hon. Ratna Omidvar:** Honourable senators, I rise today to pay tribute to civil society and the thousands of charities and not-for-profits who do amazing work here in Canada and overseas in good times, bad times and in really hard times. Like others, the charitable sector has been hit hard during the COVID crisis. Demand for services has risen, even as its revenue has fallen. Notwithstanding, the sector has been ever-present and ever ready to serve Canadians. I'm delighted to see their leaders in the gallery today. They include the leadership of Imagine Canada, Philanthropic Foundations Canada and the Network for the Advancement of Black Communities.

The sector and its work is so deeply embedded in our daily lives that I fear we tend to take it for granted. We don't grasp that there are 170,000 charities and not-for-profits that are the veritable glue that hold our society together. We don't see the more than 2 million jobs that the sector creates. We don't always appreciate that it contributes over \$150 billion to our economy.

They are here on the Hill today to knock on the doors of Parliamentarians and to make their requests. So, please, if they knock on your door, open it and listen to them.

Next to them in the gallery, we have the recipients of the Global Pluralism Award for this year. The award celebrates the extraordinary achievements of individuals and organizations who are tackling the challenge of living peacefully with diversity side by side.

I was honoured to serve on the selection jury this year under the able leadership of former prime minister Joe Clark, and I appreciate so much more that they work in places such as India, Israel, Kenya, Afghanistan, Dominican Republic and Malawi, but also here in Canada. They make a significant contribution to the notion of pluralism, which is a uniquely Canadian idea.

It is very appropriate that we are celebrating them here in Ottawa this week. Please join me in acknowledging these individuals and their organizations in our chamber.

### NUNAVUT MINING

**Hon. Dennis Glen Patterson:** Honourable senators, I rise today to applaud the second-largest contributor to Nunavut's economy: mining. This week, hundreds gathered in my hometown of Iqaluit for the Nunavut Mining Symposium.

According to the latest numbers from the NWT & Nunavut Chamber of Mines, mining in Nunavut has accounted for almost 5,000 person-years of Northern employment between 2009 and 2019 and contributed \$4.98 billion in Northern spending over that same time frame. In 2019 alone, the Hope Bay, Meliadine, Meadowbank and Mary River Mines have spent \$897.3 million in the North. Focusing on 2019 as the last normal year of activities prior to COVID, Agnico Eagle's 2019 Socio-Economic Monitoring Program Report shows that 20% of its employees are Inuit, and Agnico Eagle Mines spent 58% of its total spend of \$501 million contracting dollars on registered Inuit businesses.

These numbers are reflective of the contributions mining has made, not just in terms of salaries and contracting, but to propping up secondary and tertiary sectors. Mining operations have paid many tens of millions of dollars in royalties to regional Inuit organizations as well as Nunavut Tunngavik. These monies are then spent on important priorities to Inuit including, but not limited to, elder supports, education initiatives and scholarships, as well as hunter support programs. *Nunavut News* reported that:

Since the development of Baffinland Iron Mines' Mary River project, approximately \$1.1 billion worth of contracts have been awarded to Inuit-owned businesses and joint ventures.

Baffinland and other Nunavut firms have also funded a myriad of valued community projects, ranging from arenas to training centres and daycares in impacted communities.

According to Duane Wilson, Vice-President of Stakeholder Relations for Arctic Co-ops:

Since 2018, the 3,430 Members of the Taqut, Hall Beach, Igloolik and Tununiq Sauniq Co-ops have enjoyed Patronage Dividends from their Co-ops totalling **\$5.48 million**, which include any profits from contracting activities with Baffinland.

Honourable senators, while there is still always work to do in increasing the percentage of Inuit employment and balancing protection of the environment and traditional values with development, mining has presented a source of jobs, training and revenue generation for Nunavummiut across the territory.

Thank you, *qujannamiik, taima*.

### MAISON ALBERT HOUSE

**Hon. Nancy J. Hartling:** Honourable senators, on this National Hospice Palliative Care Week in Canada, it is time to celebrate and share achievements. I would like to offer my congratulations on the recent opening of our new hospice residence Maison Albert House in Moncton, New Brunswick. My gratitude to Dennis Cochrane, former chair of the not-for-profit Hospice SENB, and to the board of directors and volunteers whose tireless efforts over the past 15 years made this project possible. It is truly a labour of love and compassion with so many people working to make it a reality. I toured the facility before it opened and later attended the ribbon-cutting ceremony, and I am so proud to see such an outstanding project in my hometown.

It was named in recognition of Albert Arseneault, a prominent member of our community whose family donated \$1 million to the project. In addition, financial backing from all levels of government ensured success. The residence was built on land generously donated by the Hum-Lew-Sun Lions Club. This is truly a community effort.

Maison Albert House in southeast New Brunswick is the first residential hospice and will eventually serve up to 150 palliative care patients a year. The residence operates in close collaboration with the New Brunswick Extra-Mural Program run by Medavie.

The type of care most of us will need at the end of our lives can be very complex and it needs to include consideration for physical comfort, emotional and spiritual needs, daily care and other practical considerations. In Canada, hospitals have become the default providers of end-of-life and palliative care because of the multitude of tests and scans that are needed at this stage of life, and because alternatives are sometimes difficult to find. This is very taxing on hospitals and stands in contrast to most patients' stated desire to spend their last treasured days at home or in a quiet, private place. Maison Albert House and the Extra-Mural Program are working to provide better options.

The need for this new facility was clear. Despite Moncton being the fastest-growing region in New Brunswick, there were only 13 palliative care beds available at our two major hospitals.

Maison Albert House will be able to provide personalized palliative care free of charge for up to 10 residents who will each have their own private room. Families from out of town will be

able to visit their loved ones and stay in one of four guest rooms. Residents will be served by 12 full-time and 9 part-time nurses and support care workers, along with trained volunteers. An in-house chef will prepare healthy, delicious meals. Also, it's pet friendly — a wonderful policy, as our furry companions can bring us much joy and comfort. Sweetpea is the in-house therapy dog and will also be doing her rounds, visiting the residents on a daily basis.

My sincere thanks to all the volunteers, the staff and the board of Hospice SENB for making Maison Albert House a reality through this wonderful, much-needed initiative. Thank you.

### EXPRESSION OF GRATITUDE

**Hon. Marty Deacon:** Honourable senators, first let me thank my colleague Senator Martin for generously giving her statement spot to me today.

Senators, I stand today to speak to what I call those "5 Days in May," after the song. If I can borrow a few lines from Greg Keelor and Jim Cuddy of Blue Rodeo:

How will you ever know  
The way that circumstances go?  
Always gonna hit you by surprise

We are entering that time of year when emotions run high and debate runs deep but, as I left Ottawa last week after finishing the first five days in May, I was struck by a number of thoughts and emotions — and I am sure I was not alone.

Very quickly a number of things were at play that required our thought, being truly present, time for celebration and time for empathy. We celebrated the life and accomplishments of our colleague Josée Forest-Niesing. Behind this, we had staff and a senators team attending to every detail with a grieving family who still deeply mourn the loss of their loved one. From the music, the planning, the speeches, thank you to so many. To mention one person would result in leaving someone out. However, this loss and celebration gave us much to think about.

• (1420)

Layered on top of this, we celebrated the departure of a senator who has left a deep and solid history in the Senate. Senators spoke beautifully from all corners of the Senate. We learned more about Senator Mercer, and this had to remind each of us of why we are here, what we are doing and how we can collectively be great.

As one senator is moving on to his post-Senate life during these five days in May, we listened to Senators Gignac, Sorenson, Audette and Clement as they gave their inaugural speeches. We learned more about each of you and your diverse contributions.

One of the greatest joys I have in the Senate is meeting and listening to colleagues from all groups of the Senate. All perspectives inform me. Last week we had much common ground to share, mourn and collectively celebrate.

So the five days in May will evolve into a rush to the June finish. For today, let us just stand or sit still for this moment. Let us not forget this past week — the kind of week that we had. I continue to show great gratitude to be here in the Senate with such an impressive array of Canadians.

Thank you, *meegwetch*.

#### VISITOR IN THE GALLERY

**The Hon. the Speaker pro tempore:** Honourable senators, I wish to draw your attention to the presence in the gallery of Victoria Perrie from Nunavut Legal Aid. She is the guest of the Honourable Senator McPhedran.

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

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

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[*Translation*]

### ROUTINE PROCEEDINGS

#### ADJOURNMENT

#### NOTICE OF MOTION

**Hon. Raymonde Gagné (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, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, May 17, 2022, at 2 p.m.

#### BUSINESS OF THE SENATE

**The Hon. the Speaker pro tempore:** Honourable senators, pursuant to the order adopted by the Senate on December 7, 2021, Question Period will begin at the later of the end of Routine Proceedings or at 2:30 p.m.

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### ORDERS OF THE DAY

#### CUSTOMS ACT PRECLEARANCE ACT, 2016

#### BILL TO AMEND—SECOND READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Boniface, seconded by the Honourable Senator Gold, P.C., for the second reading of Bill S-7, An Act to amend the Customs Act and the Preclearance Act, 2016.

**Hon. Pierre J. Dalphond:** Honourable senators, as we prepare to conclude debate on the principle of Bill S-7, allow me to offer a few comments that may be useful during the committee's study.

First, I would like to thank Senator Boniface for her April 28 speech, in which she did a very good job explaining the origins of the bill and its substance. In essence, the government is proposing that personal digital devices, such as smartphones, tablets and computers, be subject to a search or examination only if the customs officer has a reasonable general concern that an offence has been committed under the acts that the officer is responsible for enforcing.

As the senator said, this bill is the government's proposed response to a Court of Appeal of Alberta ruling on October 29, 2020. In *Canfield*, the court found that the application of paragraph 99(1)(a) of the Customs Act to the inspection of these devices was a violation of section 8 of the Charter of Rights and Freedoms, which guarantees all Canadian citizens a sphere of autonomy and privacy. The ruling also gave Parliament 12 months to amend the legislation. That deadline was extended to April 28, 2022, and no further.

In a ruling issued in the *Pike* case on April 14, after this bill was introduced, the Ontario Superior Court came to the same conclusion as the Alberta Court of Appeal. The judge also refused to grant the government a further one-year extension, choosing to uphold the deadline set by the Alberta Court of Appeal. As a result of these two rulings, as of April 29, 2022, customs officers in both Alberta and Ontario may search one of the above-mentioned digital devices only if they have a reasonable suspicion that an offence has been committed under a law that they are responsible for enforcing.

[*English*]

It means that currently, at the busiest airport in Canada, Toronto Pearson International Airport, customs officers can only ask for access to the content of a digital device if they entertain a reasonable suspicion that it contains a document that cannot be legally imported to Canada. This is, of course, also true at all international airports in Alberta and Ontario and at all border customs stations located in these two provinces. In other words, since April 29 a large proportion of travellers entering Canada can only be subject to a search of their personal devices if the customs officer entertains a reasonable suspicion that the

traveller is trying to import illegal material — a threshold that has been described, and rightly so, by Senator Boniface as being higher than the one proposed in the bill.

During committee study of this bill, this important new fact should be studied in order to measure the difficulties, if any, met in the operations of customs officials in Alberta and Ontario compared to the rest of the country. The rest of the country can still operate under the existing regime where customs officers apply section 99(1)(a) of the Customs Act to search personal devices, being restricted only by internal guidelines issued by the Canada Border Services Agency. These guidelines have been found by both the Court of Appeal of Alberta and the Superior Court of Justice in Ontario to be insufficient to meet legal requirements because they are not legally binding.

Incidentally, this is the same test that customs officers have always applied to the inspection of material in the mail without complaining about their inability to ensure that illegal products such as child pornography are not imported to Canada through the mail service. This is certainly another feature of the current system that could be studied in committee.

As observed by the Court of Appeal of Alberta, the content of a personal device is incredibly larger in terms of personal information than what you could find in a letter, even a long one.

• (1430)

[*Translation*]

## QUESTION PERIOD

(Pursuant to the order adopted by the Senate on December 7, 2021, to receive a Minister of the Crown, the Honourable Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency, appeared before honourable senators during Question Period.)

## BUSINESS OF THE SENATE

**The Hon. the Speaker pro tempore:** Honourable senators, we welcome today the Honourable Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency, to ask questions relating to her ministerial responsibilities.

Pursuant to the order adopted by the Senate on December 7, 2021, senators do not need to stand. Questions are limited to one minute and responses to one-and-a-half minutes. The reading clerk will stand 10 seconds before the expiry of these times. Question Period will last one hour.

[ Senator Dalphond ]

## MINISTRY OF CANADIAN HERITAGE ATLANTIC CANADA OPPORTUNITIES AGENCY

### PROCESSING TIMES FOR FRANCOPHONE VETERANS' BENEFITS

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Minister, a 2018 report by the former Veterans Ombudsman found that francophone veterans were waiting longer than anglophone veterans for decisions from Veterans Affairs Canada after applying for disability benefits.

According to an Order Paper answer tabled in the Senate, francophone veterans are still waiting longer than anglophone veterans. As of last February, the average processing time for applications was nearly 39 weeks for francophones and 31.5 weeks for anglophones.

Minister, since your government has been aware of this situation for four years now, why does it continue to accept this inequity in the treatment of francophone veterans when it comes to the services offered?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** First of all, I thank honourable senators for inviting me to this Question Period. This is the first time I have met you for such an exercise, and I am very pleased to appear before you today.

Thank you for this very important question about our veterans. It is completely unacceptable that our francophone veterans have to wait longer to access services. As Minister MacAulay mentioned in the House of Commons a few months ago, the government has hired additional staff to address the issue of wait times, so that veterans have access to services in their first language.

It is vital that Canadians have access to services in the language of their choice. That is why Minister MacAulay made it very clear that additional staff were needed to address this situation, and that is exactly what has been done.

[*English*]

### THE USE OF FRENCH IN FEDERALLY REGULATED PRIVATE BUSINESSES

**Hon. Judith G. Seidman:** Minister, welcome to the Senate. In Bill C-13, your government is giving up on the long-held principle of symmetry. That is the principle that the two languages, English and French, have equal status and rights in law in the federal jurisdiction. It is important for Canadians to understand that fact, and the reasons why, especially the impact on the English-speaking community of Quebec, who are completely abandoned. Why?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you so much for that question. Once again, I want to be extremely clear that our goal with respect to Bill C-13 is to make sure that we have real and substantive equality between our two official languages.



I made it very clear when I put forward Bill C-13 that I wanted to make sure that all Canadians could see themselves in this legislation. All official language minorities need to be reflected within this bill. Our official languages legislation is to make sure we are there as a federal government to defend official language minorities.

Coming from the province of New Brunswick, I am a francophone who lives in an official language minority situation, and I know the importance of our Official Languages Act to make sure that our rights are protected and upheld.

I have also made it extremely clear to anglophones in Quebec that we will always be there to protect their rights as the federal government. In Bill C-13, we have made sure as well that we have enshrined in the legislation the protection of the Court Challenges Program, a program that was abolished by a previous government, which had a detrimental impact on official language minority communities. That's why in Bill C-13 we wanted to make sure it was in the legislation so that future governments would not be able to withhold that type of tool, which is so important to minority communities.

Furthermore, I had the opportunity over the past few weeks to meet several stakeholders in the province of Quebec, English-speaking stakeholders, to hear from them about their issues with respect to Bill C-13 and their reality on the ground, and I look forward to continuing to work with all official minority language communities to make sure that I have a good understanding of their situation.

[Translation]

#### BILINGUALISM REQUIREMENT FOR DEPUTY MINISTERS

**Hon. René Cormier:** Minister, welcome to the Senate of Canada. We all know what a critical role deputy ministers play in implementing our public policies.

In its final report on the modernization of the Official Languages Act, the Standing Senate Committee on Official Languages recommended the following:

Amend the Official Languages Act to require that, on appointment, deputy ministers have a sufficient understanding of English and French to be able to perform their duties in both official languages, orally and in writing.

Bill C-13, currently at second reading stage at the House of Commons, has no such provision.

Minister, my question is the following. Do you believe that deputy ministers should be bilingual on appointment? If so, how precisely does your government intend to follow through on this important recommendation from the Standing Senate Committee on Official Languages, particularly in the context of the current review of the Official Languages Act?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you for your question, senator, and thank you for your work on official languages.

Respect for both official languages is more than an obligation. For our government, it's a priority. As we acknowledged last year in our reform document, we know that, too often, executives do not have the capacity to supervise their employees in the official language of their choice and are slow in setting an example for their organizations.

The result is that some government employees do not feel comfortable using their mother tongue at work. That must change. We must maintain the use of both official languages in federal workplaces because, in my opinion, the right to work in French in the public service is non-negotiable.

The reforms we will make to the Official Languages Act will give more power to the Treasury Board to realize the vision of a public service where everyone can work in the official language of their choice. We will also ensure that employees have the tools they need to work in the official language of their choice.

As we announced in our reform document, we are also revising the official languages qualification standards, the standards for second-language evaluations and the minimum second-language requirements in the case of bilingual supervisory positions in designated bilingual regions.

We're also developing a new training framework for the public service that will ensure quality instruction and be adapted to learners' specific needs.

The federal government must show leadership and take positive measures to protect and promote French in the public service, and this must be reflected in our laws and in our actions. Thank you.

#### INDIGENOUS LANGUAGES

**Hon. Bernadette Clement:** Good afternoon, minister.

[English]

Bill C-13 makes references to Indigenous languages, noting that the act does not abrogate or derogate legal or customary rights with respect to Indigenous languages. We often hear about founding languages, languages as a binary, and of the two official languages in Canada. I believe in the protection of English and French.

[Translation]

I'm a proud Franco-Ontarian.

[English]

But I also believe Indigenous languages need more attention, resources and protection.

[Translation]

What role should your office play in the reclamation, revitalization and strengthening of Indigenous languages?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Again, thank you for this very important question.

[*English*]

It is a truly important question, and one I take to heart. In our official languages legislation in Bill C-13, we have made it clear in two or three areas of the legislation that through our legislation we absolutely do not want to infringe or impede on any part of Indigenous languages.

[*Translation*]

We recognize that there are 70 Indigenous languages in Canada. As Minister of Official Languages, I want to be clear that we absolutely do not want to impede the development of Indigenous languages. A bill on official languages designed to promote and protect the 70 official languages of Canada received Royal Assent in 2019. Furthermore, our government has allocated funds to ensure that these official languages will continue to be taught.

[*English*]

It's important to make sure we recognize that our language is a part of our identity, a part of our culture. That is why the Indigenous language legislation that passed in 2019 was so critical.

For myself, as the Minister of Official Languages, I was eager to speak to the Commissioner of Indigenous Languages, Commissioner Ignace. We spoke about the work we could do collaboratively. They also indicated that while they are putting the Indigenous language office together, that if the Commissioner of Official Languages could work collaboratively with them, they were absolutely pleased to do so.

• (1440)

[*Translation*]

#### EFFORTS TO MAKE THE CONSTITUTION BILINGUAL

**Hon. Pierre J. Dalfond:** Welcome to the Senate, minister.

On March 29, the Senate adopted a motion reminding the government of its commitment to have a fully bilingual Constitution, as set out in section 55 of the Constitution Act, 1982, and noting that, of the 31 enactments that make up the Constitution, 22 are not officially bilingual in both official languages, including almost all of the Constitution Act, 1867.

The motion also calls upon the government to consider, in the context of the review of the Official Languages Act, the addition of a requirement to submit, every 12 months, a report detailing the efforts made by you or another minister to finally comply with section 55 of the Constitution Act, 1982.

How can we have a country that calls itself officially bilingual when our Constitution, our supreme law, is not bilingual?

Are you willing to amend Bill C-13 to add this obligation and the obligation to submit an annual report detailing the government's efforts to finally make the Constitution bilingual?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you for that important question, senator.

The government is committed to ensuring that Canadians have access to justice in the official language of their choice. Many important parts of the Constitution, including the Canadian Charter of Rights and Freedoms, are officially bilingual. However, as you mentioned, many equally important documents, such as the Constitution Act, 1867, were passed in English only, and their French versions are not legally binding.

My colleague, Minister David Lametti, recognizes that it is his duty to prepare and propose, for communication purposes, a French version of any Constitutional statutes that have not yet been made official in French. This work is ongoing at the Department of Justice.

The Minister of Justice also stated that he is fully committed to ensuring that the work done by the French Constitutional Drafting Committee is publicly known and easily accessible.

As Minister of Official Languages, I am pleased to support him in this important work since, once again, access to justice is a fundamental right for all Canadians. We want to ensure that the document is prepared properly.

#### GOVERNMENT COMMITMENT TO FRANCOPHONE RIGHTS

**Hon. Jean-Guy Dagenais:** Good afternoon, minister.

I find it hard to believe your government's promises to ensure respect for the French language. Publicly, your Prime Minister and the Minister of Transport are up in arms about the fact that there are no francophones on CN's board of directors, yet this is the same Prime Minister who appointed a Governor General who does not speak a word of French. This is also the same Prime Minister who appointed a unilingual anglophone Lieutenant-Governor in your own province, New Brunswick. He was just told by the Court of Queen's Bench that his choice was unconstitutional, but he has not yet fixed it.

How can you possibly defend such political inconsistency regarding the constitutional rights of francophones in this country and your province?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you for the question.

There is no doubt that the issue of protecting and promoting French is a top priority for me as Minister of Official Languages and for the government. I think our work on Bill C-13 shows that we want to move forward with a bill that has teeth, a new version of the bill.

The Lieutenant-Governor of New Brunswick, Brenda Murphy, is a very dedicated woman who has served her community. She improved her French language skills by taking courses for several years.

Mary Simon is another woman who has made an effort. She wants to learn and be able to communicate with all Canadians.

Let us be clear: Many criteria are considered during these appointments to ensure that the best person is chosen to serve Canadians. As an Acadian and as Minister of Official Languages, I think it goes without saying that the ability to communicate in both official languages must always be at the top of the list of criteria to be considered, and it is important for our leaders to lead by example. That is why I am pleased that Ms. Murphy and Mr. Simon are taking French courses, since they know how important it is to represent all Canadians from coast to coast to coast.

#### APPOINTMENT OF A UNILINGUAL LIEUTENANT-GOVERNOR

**Hon. Rose-May Poirier:** Good afternoon minister, and thank you for being with us.

On April 14, 2022, the Court of Queen's Bench of New Brunswick ruled that the Lieutenant-Governor of New Brunswick must be bilingual and be able to perform all of the duties of that role in both French and English.

The last time French-speaking minorities won a case, which was last January with regard to Part VII of the Official Languages Act, your government was going to appeal.

Could you tell us today whether the federal government intends to appeal the April 14 ruling?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you very much, senator. It's always a pleasure to see senators from New Brunswick. Thank you for your work.

Once again, Justice DeWare's ruling is currently being analyzed by the Minister of Justice. It is being reviewed.

As I mentioned, the Lieutenant-Governor of New Brunswick, Ms. Murphy, is a woman who has served her community and province for many years. She made a clear commitment to becoming proficient in French.

As for the appeal court ruling, the Minister of Justice is reviewing the decision and we hope to give you an update about the next steps as soon as possible.

**Hon. Claude Carignan:** Minister, the decision is dated April 14. The deadline for appealing is May 16. It is now May 11. Having worked in private practice, I know that it takes

time to prepare an appeal. I have a hard time believing that, today, you don't know whether you're going to appeal. I believe that you are holding something back.

I will help you and persuade you not to appeal. The judge states the following on page 41 of the ruling:

In circumstances where members of one of the two constitutionally recognized linguistic communities are unable to interact directly, in their language, with the head of state — how can that be considered equality of both linguistic communities?

Do you agree with this statement? If you do, the case should not be appealed.

**Ms. Petitpas Taylor** Thank you very much, senator.

As I clearly stated, I don't know what decision the Minister of Justice will make on this matter. I can't give you any information in reply to this specific question.

I can tell you that the Minister of Justice is reviewing the matter. I will be happy to inform you once the decision is made. The Department of Justice will certainly take the time to study the decision and determine the next steps.

We remain committed to protecting and promoting the French language across the country and advancing linguistic duality. As Minister of Official Languages, that is truly my priority.

Concerning the bills on the Lieutenant-Governor and the Governor General that are before the Senate, we are watching their progress in the Senate to see exactly what the outcome will be.

#### FRANCOPHONE MINORITY COMMUNITIES

**Hon. Mobina S. B. Jaffer:** Thank you for being here, minister.

I'm from British Columbia and I dream of having everyone in B.C. speak French. As you know, my fellow British Columbians don't have the opportunity to learn it.

What, in particular, has the department done to promote the French language and francophone culture in Canada outside Quebec? Your mandate letter states the following:

... support the maintenance and vitality of official language minority communities by helping to build, renovate and develop educational and community spaces serving them.

Minister, what, specifically, have you done to fulfill this commitment?

What's your plan, minister?

• (1450)

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you very much for that important question, senator.

Our government has made significant investments in official languages in recent years, and I'll mention three of them.

As part of our action plan that ends in 2023, we made investments to support official language minority communities.

We want to affirm and support the vitality of official language minority communities, and that means making the necessary investments. These investments must be made in the areas of post-secondary education, as well as in community activities and centres, in order to ensure, again, that francophones can come together and receive support. In recent months, we have made some very important announcements about post-secondary education, again to support these communities. We recognize that we want to encourage our young people by promoting the French language so that they can speak it, and to do that, you have to start at a young age.

All of this, supporting this education continuum, from early childhood through to post-secondary education, is extremely important. That is why our action plan provides for the necessary investments.

In addition to Bill C-13, we want to ensure that we are doing everything we can as a government to protect and promote the French language, both in Quebec and outside Quebec, because that's one of our top priorities. We recognize that French is in decline in Canada, and we need to ensure that we continue making investments to promote our wonderful official languages.

[*English*]

#### BLACK ENTREPRENEURSHIP PROGRAM

**Hon. Jane Cordy:** Welcome, minister.

My question relates to your responsibilities as Minister for the Atlantic Canada Opportunities Agency. In 2020 the Prime Minister announced funding for the first-ever Black Entrepreneurship Program, committing \$93 million in federal money along with another \$127 million from major Canadian financial institutions over a four-year period. In your Departmental Plan, it states that the agency will deliver key funding under the Black Entrepreneurship Program.

Minister, can you share with us how much money has been delivered to date and the number of Black entrepreneurs in Atlantic Canada who have received funds through this program?

Also, minister, the fund committed \$6.5 million to creating the Black Entrepreneurs Knowledge Hub, which is being led by Carleton University's Sprott School of Business and the Dream Legacy Foundation. Minister, is the Knowledge Hub up and running, and if not, when will it be? Also, when the Knowledge Hub is collecting data on Black entrepreneurship in Canada, how will it report its findings to the public?

Thank you.

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you so much for that question.

With respect to the work that is being done at the Atlantic Canada Opportunities Agency, a lot of great work is being done on the ground with respect to helping and supporting small- and medium-sized businesses. Being the minister responsible for ACOA, I oftentimes indicate that the secret sauce for the success of ACOA is the folks on the ground and the staff that we have in over 40 offices across Atlantic Canada, to make sure that they really know the pulse of what is needed in the communities. That is really the beauty of ACOA.

I'm happy to say that we'll be celebrating 35 years this year for ACOA in Atlantic Canada. It's hard to believe that it's already been operational for that long, but we have certainly seen a lot of progress and a lot of support provided to small- and medium-sized businesses.

With respect to the Black Entrepreneurship Program, ACOA focused on a group in Nova Scotia that was able to deliver the programs that were needed for Black entrepreneur small- and medium-sized businesses. Through that Knowledge Hub as well, the monies have been provided to that group, and then from there they are able to do the analysis to make sure where the money should be invested.

Again, we're extremely pleased to say that there is also a partnership that has been provided through another group in Moncton to make sure that through the Knowledge Hub program there was also a francophone component, because we wanted to make sure that the francophone Black entrepreneurs as well were going to have access to that program. The group in Nova Scotia is the lead, but we also have a group in Moncton that will be able to ensure the analysis of the funding requests that are made, and then from there, the proper disbursements of the funds will be able to be provided to them.

[*Translation*]

#### RESPECT FOR BILINGUALISM BY AIRLINES

**Hon. Jean-Guy Dagenais:** Minister, you told a House of Commons committee on March 22 that your official languages bill gives the commissioner additional tools to impose decisions not only on Air Canada, but on all airlines. The very next day, you qualified your statement by saying that the French requirement will be regional and covered by regulations, not by the law itself. I look forward to reading those regulations, but I have the impression that you are talking out of both sides of your mouth when it comes to respect for French in this country.

Here is what I want to know. Why is respect for francophones, one of the two founding peoples recognized by the Constitution, not equal throughout Canada?

Aside from Quebec, where in Canada will your government enforce the use of French in the air transportation sector?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you very much for your question, senator.

Obviously, I have spoken to many stakeholders and the commissioner himself in my six months as Minister of Official Languages and before I introduced Bill C-13. They all asked us to ensure that the Commissioner of Official Languages would have more tools to do his job. The government recognizes that the Commissioner of Official Languages has a very important role to play in protecting and promoting official languages in Canada.

Since Bill C-13 has not yet received Royal Assent, the only tool that the commissioner has at his disposal right now is the ability to conduct investigations and publish reports. This bill, which will have more teeth, will give him more tools to do his job. Now, the commissioner will be able to mediate between the parties and negotiate compliance agreements. He will also have the power to make orders and will be able to impose administrative monetary penalties on companies in the transportation sector that are already subject to the Official Languages Act.

The regulations cover companies like Air Canada, CN, VIA Rail Canada and the airport authorities. We have been very clear that these institutions will be identified in a regulatory framework, but so far, we have clearly stated that these four companies will be subject to administrative monetary penalties if they fail to comply with the Official Languages Act.

FEDERAL SUPPORT FOR ENERGY PROJECTS IN  
THE ATLANTIC REGION

**Hon. Percy Mockler:** Congratulations, minister.

Much has been said about the Atlantic Loop and the possible closure of the Belledune generating station in 2030. Many concerns have been raised about a possible rate hike because of the high cost of this infrastructure. Port of Belledune officials came up with an ambitious green plan to create a green energy hub featuring a green hydrogen production facility right on port lands.

What are ACOA and the federal government doing to ensure that energy flowing through the Atlantic Loop does not cause excessive rate hikes, and what are your department and your government doing to support the green energy hub?

If you don't have enough time to answer these two little questions, minister, a written response in a few days' time would be appreciated. Thank you.

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you, senator. Again, it's

always nice to see senators from New Brunswick, and I thank you for your hard work.

To be honest, these are not little questions, and I would really need more than 90 seconds to answer them. However, I would be more than happy to send you a detailed written response.

As for the Atlantic Loop, this is a priority for us. In one of my first meetings with the Premier of Nova Scotia, Premier Houston, it was the first issue he wanted to discuss. We realize that if the government wants to achieve its goal of net zero by 2050, we need to find innovative, green solutions. I also had the opportunity to meet with people from Belledune and they told me about the green energy hub project, which is very interesting. As the federal government, we want to work with our provincial and Atlantic partners, with the four premiers, to ensure that we come up with a solution that will meet everyone's needs.

As you mentioned, high electricity rates are a concern for everyone, especially in Newfoundland and Labrador and Nova Scotia, as their prices are even higher than the national average. That's why this is a top priority for them, and the federal government wants to work in close cooperation in order to find a solution to this situation.

• (1500)

I would like to mention one last aspect of Budget 2022. We set aside money for developing a game plan to allow us to begin this work. We look forward to working with the premiers of the four provinces to find an innovative, green solution to address this situation.

[English]

INFRASTRUCTURE PROJECTS

**Hon. Mary Coyle:** Minister, thank you for joining us today.

On April 6, 20 Atlantic senators wrote to Minister LeBlanc, copying you, regarding obstacles that our universities are facing in accessing federal infrastructure investments to support campus modernization, including decarbonization and accessibility.

Atlantic Canada is home to many high-quality universities that play an outsized role in driving economic growth and innovation in our region, as you know. In your role as Minister responsible for the Atlantic Canada Opportunities Agency, you support the Atlantic Growth Strategy. Minister, we have heard about serious obstacles faced by our universities, including narrow eligibility criteria for federal infrastructure programs and problematic requirements for provincial approvals and matching funds.

Minister, could you tell us if you and your colleagues would agree to reviewing the criteria for those existing infrastructure programs, and would you consider dedicated funding for post-secondary campus modernization?

Thank you so much.

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you so much for that important question.

We recognize that the need for making investments in post-secondary institutions is truly important. Yes, in Atlantic Canada I have met with a series of university presidents who are looking for investments from both the federal and provincial levels of government.

Just last week alone, I was at Université de Moncton, my alma mater. We were able to make an announcement not only for Université de Moncton but also for UNB to make sure that increased funding was provided so that we could prepare the youth of today for the jobs of tomorrow. That involved increased enrolment in the field of cybersecurity and others.

With respect to the federal government, Minister LeBlanc and I are always committed to making sure we can do all that we can to support our post-secondary institutions, because we know they are vital for the growth of our communities in the Atlantic region.

Finally, with my ACOA hat on, I often meet with employers who indicate to me that they sometimes need to ensure that their workforce receives specialized training in specific fields. That is why, through ACOA as well, we have been making strategic investments to make sure people could get micro-certifications to advance the skills they need in certain areas. That is one investment area.

With respect to infrastructure, I know Minister LeBlanc is committed to looking at ways to properly support our Atlantic-Canadian institutions, because we have stellar institutions here that are well known internationally.

[Translation]

#### FRENCH ON THE INTERNATIONAL STAGE

**Hon. Dennis Dawson:** Thank you, minister, and welcome to the Senate. I'm going to open a debate on a new topic, the issue of French on the international stage. As you know, at the UN, the International Olympic Committee, the Inter-Parliamentary Union, and other organizations, French has the same status as English. However, that status is not respected and the use of French is decreasing every year. This week, you are meeting with the president of the Organisation Internationale de la Francophonie. I also know that the APF is meeting in Quebec City on the weekend to promote French. Should we be ensuring that French is used wherever we have the right to do so? In light of the growing use of English in the digital world, we in the international francophone communities need to work together on finding a way to combat the growing presence of English internationally and ensure the presence of French.

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you, senator. It's always nice to see you, and you are quite right. With 8 million

francophones in Canada living amongst more than 360 million anglophones from coast to coast in North America, protecting the French language warrants special and immediate attention. Protecting French and promoting French internationally are also top priorities for me. Minister Joly and I are promoting it because we want to make sure we're doing our part to protect our French language. The digital world is indeed causing some real concerns, and we must work tirelessly to ensure that French is used equally on the international stage.

**Senator Dawson:** Thank you, minister.

[English]

#### FEDERAL PUBLIC SERVICE JOBS

**Hon. Percy E. Downe:** Minister, thank you for being here. I hear nothing but positive comments about the work you are doing as Minister responsible for the Atlantic Canada Opportunities Agency. It's in that capacity that I want to ask you a question.

One of your duties regarding ACOA is to ". . . promote . . . long-term job creation and economic development in Atlantic Canada . . ." To that end, will you be instructing ACOA officials to look at increasing regional employment opportunities by reversing the concentration of federal government jobs in the greater Ottawa area? Historically, only one third of federal jobs were based in the greater Ottawa area, but that has grown in recent years to almost one half.

Given the success many years ago of moving the national headquarters of Veterans Affairs Canada to Charlottetown, bringing some 1,600 employees and an annual payroll of over \$120 million, can you, as minister, push for more federal departments to relocate their national headquarters to the other provinces of Atlantic Canada?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you, senator. It is great to see you as well. Thank you for your great representation of Prince Edward Island.

ACOA is a fantastic department. I'll say it again: The secret sauce is the boots on the ground in Atlantic Canada, because they know the pulse of what's going on in the communities.

I absolutely agree with you, senator, that more jobs need to be diverted to local areas. When I was part of the Treasury Board a few years ago, every time we had Treasury Board submissions that would come forward for approvals, I would always ask where the jobs would be located. Do they always have to be in the big centres, or can they be in smaller areas as well? It's important to me to ensure that not all jobs are in Ottawa or the big cities.

I use my being in the Moncton area as an example. In Shediac we have a pay centre with more than 500, if not 600, employees working there. The employees stay there for 20 to 30 years. They are good-paying jobs. They retire in our communities as well. We have a lot to learn from putting into place those types of centres

in different parts of the country to provide economic opportunities, not just for the big centres but also for regional areas.

Thank you so much for your question. I will absolutely continue in that vein to make sure that jobs are dispersed across the country.

[Translation]

#### REQUIREMENT TO APPOINT FRANCOPHONES TO BOARDS OF DIRECTORS

**Hon. Pierre-Hugues Boisvenu:** Welcome, minister. My colleagues, Senators Dagenais and Cormier, have pointed out two flaws in your bill. I will tell you about two more. The day before yesterday, the federal Minister of Transport, Mr. Alghabra, stated that Canadian National Railway, CN, must set an example by appointing francophones to its board of directors. Unfortunately, that was merely lip service because Bill C-13 does not have a mechanism for requiring the appointment of francophones to the boards of directors of corporations that are subject to the Official Languages Act.

Why didn't you include something in the bill to require influential companies such as Air Canada and CN to appoint francophones to their boards of directors? Also, why doesn't Bill C-13 provide for the inclusion of language provisions in agreements between the federal and provincial governments so that francophone minority communities can have French-language services in their province?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you very much for these important questions, senator. Once again, the federal government recognizes that French is declining in Canada, including in Quebec. That is why we are addressing these concerns with a more ambitious bill that has more teeth. Federally regulated private companies like Air Canada and CN, which are subject to the Official Languages Act, need to step up and lead by example by respecting their official language obligations. Like you, I was angry to see that CN had not appointed a francophone to its board of directors. We would have expected the board of directors to be representative of Canada's population and of our linguistic duality.

• (1510)

Our government has established strong measures in Bill C-13 to protect the use of French as a language of work and service in private and federally regulated businesses in Quebec, as well as in regions with a strong francophone presence. Again, with respect to the language provisions, which was part of your second question, we took the time to ensure that the text of Part VII clearly defines "positive measures." We did that because we want to make sure that, in the context of issues such as language provisions, once Bill C-13 receives Royal Assent, the federal government will consider the impact that these issues will have on official language minority communities. As a government, we must ensure that we take positive measures to address these situations.

#### FRANCOPHONE IMMIGRATION

**Hon. Julie Miville-Dechêne:** Welcome, minister. As we know, many of the services offered to francophone minority communities depend on their demographic weight, which is declining. Francophone immigration is probably the most effective remedy. However, Bill C-13 merely states that the future immigration policy is one of the factors that contributes to maintaining or increasing the demographic weight of the francophone and Acadian communities.

Minister, isn't this vocabulary too weak, too vague, to ensure that we have an ambitious policy, considering that, for more than 20 years, Canada hasn't met the targets set in this area at all? The current rate of francophone immigration outside Quebec is only 2%, when we would need a target of 8% just to maintain our demographic weight.

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you very much for that important question. We certainly have a lot of work to do to address the demographic weight issue. We recognize that French is in decline in Canada and in Quebec. If we look at some statistics, in 1971, the francophone population outside Quebec was 6.6%. Projections indicate that it will be 3% by 2036. That is a 3.6% loss of francophones outside Quebec, which is huge.

That is why we drafted this bill with Minister Fraser. We want to go further than Bill C-32. We want to make sure we have an ambitious immigration strategy with targets and indicators. If we want to adjust this country's demographic weight, we need targets and we have to do the work to meet them. We want to establish this policy for francophones outside Quebec, but we also have to make sure we can offer French integration services to immigrants to Quebec.

Once again, I'm very happy I had the opportunity to work with Minister Fraser to make sure that Bill C-13 includes an ambitious immigration policy complete with targets and indicators. This is a step in the right direction towards correcting that loss of demographic weight in this country.

[English]

#### EMPLOYMENT ON PRINCE EDWARD ISLAND

**Hon. Brian Francis:** Welcome, minister. Prince Edward Island has one of the highest unemployment rates in the country. At the same time, a wide range of industries face ongoing labour shortages, especially in remote areas. What exactly is the Atlantic Canada Opportunities Agency, or ACOA, doing to address the mismatch between people without jobs and jobs without people on Prince Edward Island? Could you point to specific programs and initiatives?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you so much, senator, for your work and for those questions.

Again, the Atlantic Canada Opportunities Agency is an agency on the ground mandated to help tackle the challenges of small- and medium-sized businesses. I like to say that if it's an economic issue or hurdle, it becomes an ACOA issue; if it becomes an ACOA issue, it becomes a Minister Petitpas Taylor issue. We want to ensure we can address these issues hand in hand in order to promote economic growth within the area.

When I meet with small- and medium-sized businesses — whether in New Brunswick, Prince Edward Island, Nova Scotia or Newfoundland and Labrador — the number one issue I am hearing about from businesses is the labour force shortage, especially when it comes to rural parts of the country. That is why, through ACOA, we are looking at ways that we can help address those matters. One thing is for certain: We know the issue of automatization and digitalization is a tool that many small- and medium-sized businesses are using. However, we recognize that, for some jobs, it is very difficult to find people who want to do them day in, day out. So automatization and digitalization are really key. That is why ACOA is providing specific funding, namely, to encourage small- and medium-sized businesses to incur the expenses and make the needed investments in order to automate and digitalize their industries.

ACOA has supported some community groups with respect to immigration-type projects as well. If we are finding small communities that are successful in receiving immigrants in their areas, we have to ensure that we have the support services in place to keep them in those communities. I'll use Chipman, New Brunswick, as an example. It is a small, rural community —

#### FEDERAL PUBLIC SERVICE JOBS

**Hon. Percy E. Downe:** Minister, I have a follow-up question. In your first answer, you spoke about various agencies located in Atlantic Canada. However, the only national headquarters of any department is Veterans Affairs, and that's located in Charlottetown.

I would suggest for your consideration that a first step for decentralization of federal government national departments would be to move the national headquarters of Fisheries and Oceans Canada, which is currently located on the fifteenth floor of a high-rise office tower on Kent Street in downtown Ottawa — where they cannot see a fisher or the impact of their policies as far as their eyes can see — to Sydney, Cape Breton, home of the Canadian Coast Guard College.

Will you request a study of this opportunity to provide secure, well-paying federal government jobs to all Atlantic provinces so they can enjoy the same benefit that Prince Edward Island currently enjoys with the national headquarters of Veterans Affairs Canada in Charlottetown? That is, over 1,200 permanent jobs are now located in P.E.I., and there are summer student jobs and contract employees who provide professional services to

veterans and their families. The pandemic has shown that remote work can be done from anywhere. Why not move more of these national headquarters, jobs and payroll to Atlantic Canada?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you so much for that important question. Again, as I have indicated, there is a lot of benefit to the decentralization of jobs. I am a strong proponent of that as well.

You are absolutely correct. If the pandemic has taught us one thing, namely, it is that we can work from any part of the country; we can work remotely. With respect to ACOA, for example, many of our staff are still working from home but are still extremely — if not even more — efficient with their time. Therefore, when it comes to the decentralization of different departments, I don't think all jobs need to be in the National Capital Region or in capital areas across the country. I think we can look at ways to disperse jobs across the country in order to provide opportunities for different provinces and territories along the way.

#### SENATE VACANCIES

**Hon. Michael L. MacDonald:** Minister, Nova Scotia has 10 senatorial positions. There's a long-standing convention going back to 1907 that one of these seats is always set aside for a representative of Nova Scotia's Acadian community. However, there has not been an Acadian senator from Nova Scotia in this place since the retirement of our esteemed colleague Gerald Comeau in 2013, although your government has had multiple opportunities to correct this situation.

There are two vacancies presently in Nova Scotia. Minister, do you think the Prime Minister should address this omission? Will you advocate for such an appointment?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you for that question. When it comes to making sure that we have the proper representation, that is really important. I was not aware of that process where there's always been an Acadian senator appointed from Nova Scotia. I will certainly be following up with the Prime Minister's Office on that with respect to the vacancy. Being an Acadian from New Brunswick myself, I'm proud of my culture and my heritage. We always hope there will be proper representation of senators within specific communities. I commit to you that I will certainly be following up on that matter with the Prime Minister's Office.

#### GUARANTEED LIVABLE INCOME

**Hon. Kim Pate:** Minister, given your excellent engagement, both as the Minister responsible for the Atlantic Canada Opportunities Agency and as a member of Parliament, I'm sure you are aware that P.E.I. is eager to move forward with a guaranteed liveable basic income. They would be a valuable demonstration project and site because of the diversity of industries and income levels, as has already been mentioned by some of my colleagues. Also, P.E.I. leaders, including the



premier, have emphasized the necessity of federal government support. In addition, Newfoundland and Labrador is also interested in exploring a guaranteed liveable basic income and is focused on poverty as the number-one social determinant of health.

• (1520)

Economic security and stability ensure basic needs are met in addition to promoting dignity, equality and meaningful participation by enabling people to exercise agency in their own lives and communities. Can you advise what concrete steps have been taken by you as Minister responsible for the Atlantic Canada Opportunities Agency and your government to ensure federal involvement in the implementation of a guaranteed liveable income project on Prince Edward Island? Also, are there any action plans for Newfoundland and Labrador?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you so much, senator, and thank you for the work that you have done, even prior to being in the Senate; I followed your career closely. Thank you for the work that you continue to do in the Senate as well.

With respect to addressing the social determinants of health — perhaps that will be the beginning of my answer — I think that our government has done a significant amount of work when it comes to addressing poverty within this country. And there is still a lot of work to be done; don't get me wrong. But when it comes to the Canada Child Benefit, just to give you an example, back in 2015-16, we put in place the Canada Child Benefit program. This has helped lift hundreds of thousands of children out of poverty in this country. I know that in my office and being a boots-on-the-ground MP, I speak with a lot of my constituents who tell me that that program has made a real difference in the lives of Canadians.

We also know that, in the height of the pandemic, when we had over 4 million Canadians who lost their jobs, the federal government was very quick to put in place — not a perfect program but a program to make sure that Canadians had access to money in order to keep the lights on and put food on their tables. Once again, through the CERB program, we were quite successful in making sure that we were able to help Canadians during that time of need. So, through the course of the past six and a half years, our government has been there with substantive initiatives to make sure we were there to support Canadians.

Furthermore and finally, I will also mention our child care program. That is really a legacy item, if you ask me, for our country, now knowing that Canadians will have access to \$10-a-day child care services. That, again, will make a real difference in the lives of Canadian families where they will be able to afford good, safe and affordable child care services for their children.

[Translation]

#### ACOA SUPPORT FOR CULTURE

**Hon. Patricia Bovey:** Welcome, minister. My question is about Atlantic Canada Opportunities Agency funding for culture.

[English]

With Atlantic Canada so rich in cultural diversity — Indigenous, Acadian, Black and Scottish, amongst others — what support exists at ACOA to promote these rich cultures and their histories to the benefit of all aspects of life, including business, in each of these communities?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you so much, again, for that very important question. You are absolutely right. Culture and the arts are very important parts of our communities. I can tell you, during the course of the pandemic, the arts have certainly kept our spirits alive. If you ask me, it certainly did something for me.

Through the Atlantic Canada Opportunities Agency, significant investments are made to support the arts and cultural components of our society. I know that, through the course of different festivals and events that go on during the course of the year, ACOA is always there to help promote these types of initiatives.

Furthermore, ACOA has been there to support community groups and cultural buildings, as well, in order to help with the growth that is needed. When it comes to Atlantic Canada and the Atlantic Canada Opportunities Agency, that is a pillar of investment, and we make sizable investments in that area because, once again, it promotes Atlantic Canada, it fuels the economy and it is good for growth.

#### TRANSITION FROM COAL

**Hon. Salma Atallahjan:** Minister, two weeks ago, the Commissioner of the Environment and Sustainable Development released a report which criticized your department in spending funds that are intended to help communities in Nova Scotia and New Brunswick to transition away from coal. This audit found that the Atlantic Canada Opportunities Agency funded many projects that “. . . lacked a connection to the coal transition.”

Minister, your department still has over \$30 million from the Canada Coal Transition Initiative—Infrastructure Fund to spend between now and March of 2025. What are you doing to ensure that those taxpayer dollars are better targeted to specifically help coal workers and their communities in those two provinces?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you so much for that question. Once again, I'm fully aware and have read the report that was provided by the commissioner. The transition to a low-carbon economy is a massive economic opportunity, and ACOA is certainly vigilantly working towards that. Creating sustainable jobs will look different across the country to meet the needs of each region's unique landscape. Because a one-size-fits-all approach is not ideal, ACOA officials are working closely with communities across Canada to build inclusive solutions that can mitigate potential future projects for employers and workers. We are focused on outcomes that create non-coal jobs that

diversify local and regional economies and that allow our communities to develop and prosper economically now and well into the future.

Once again, we welcome the commissioner's report, and we really are looking at finding ways to boost economic growth while also doing so in a green way.

**The Hon. the Speaker pro tempore:** We will suspend until the minister returns from the vote.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1530)

[*Translation*]

#### ACTION PLAN FOR BILL C-13

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate):** Welcome, minister.

Can you share with us the government's timeline for developing the action plan on official languages and the regulations for implementing the ambitious and long-awaited bill you introduced in the House of Commons?

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you very much for that question. Again, I apologize for having to step away for a few minutes to participate in a vote.

I am very pleased to announce that we will soon begin consultations for our 2023-28 action plan. Over the coming months, I will have the opportunity to hold cross-Canada consultations to hear from stakeholders and have them share their priorities for the next five-year plan.

We would also like to begin consultations on the regulatory framework of the bill, since that will establish the nitty-gritty details. However, we cannot begin those consultations until Bill C-13 receives Royal Assent.

We hope that both chambers will be able to work together to pass this bill so that we can pursue our very important work on implementing the bill and on the 2023-28 action plan.

#### MINORITY LANGUAGE RIGHTS

**Hon. Tony Loffreda:** Thank you, minister, for being with us this afternoon. I would like to speak about the issue of minority language rights in Canada.

[*English*]

My question is on protecting the rights of English-speaking minorities in Quebec and French-speaking minorities across Canada. Although the question has been asked, I noticed that the

[ Ms. Petitpas Taylor ]

minister wanted to elaborate further on how you plan to protect minority rights in Quebec. I welcome additional comments on this important issue.

**Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency:** Thank you so much for that. Yes, it's a very important issue. When I became the Minister of Official Languages, in putting together the new Bill C-13, I really wanted to ensure that all Canadians saw themselves in this legislation. Being a francophone who lives in New Brunswick, and belonging to an official language minority community, I know the importance of protecting and promoting our rights, may it be anglophones in Quebec or francophones outside of Quebec. That is why, in the piece of legislation we brought forward, we have enshrined in the legislation, if you will, to ensure that the Court Challenges Program was not going to be optional for future governments. We want to make sure that the Court Challenges Program is going to remain, because it is an important tool for many official language minority communities to use when their rights are not respected. So moving forward in the bill, we wanted to make sure that was defined there as well.

Finally, my message to English-speaking Quebecers and to francophones outside of Quebec is that we want to ensure that people are aware that, through this legislation, we want to protect the official language minority rights all across the country. It is absolutely imperative that we do so, and again, as I have indicated, if I had the advantage of living in Moncton, studying in Moncton and doing my post-secondary education in Moncton, it's in part because of the official languages legislation that existed when I went to school.

[*Translation*]

**The Hon. the Speaker pro tempore:** Honourable senators, the time for Question Period has expired. I'm sure that all senators will join me in thanking Minister Petitpas Taylor for being with us today and in inviting her to return.

[*English*]

## ORDERS OF THE DAY

### CUSTOMS ACT PRECLEARANCE ACT, 2016

#### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Boniface, seconded by the Honourable Senator Gold, P.C., for the second reading of Bill S-7, An Act to amend the Customs Act and the Preclearance Act, 2016.

**Hon. Pierre J. Dalphond:** Honourable senators, as said by Senators Boniface, Simons and Wells, the constitutional question that Bill S-7 attempts to answer is the balancing of two competing values.

On one hand, it is widely acknowledged that officers at the border, in dealing with travellers coming into Canada, are entitled to ask questions, to inspect goods, including personal belongings, and to detain and search persons in order to ensure compliance with the Customs Act and related laws, all in order to protect our country. In fact, officers at the border are often entitled to act in ways that would not be acceptable for police officers dealing with citizens within the country.

On the other hand, there is the ever-increasing recognition by the courts of the informational privacy inherent in a personal digital device. The Supreme Court has stated that cellphones, like computers, implicate important privacy interests that are different in both nature and extent from the search of other places. The high courts added that it is unrealistic to equate a cellphone or a computer with a brief case, even if they all store material.

As stated in the recent Ontario Superior Court judgment, the core biographical information to be gleaned from a personal digital device can be used to construct an extraordinary, intricately detailed profile of the owner of the device. Judge Harris wrote:

A personal digital device mirrors who we are. It is the manifestation of both our external and internal life.

The intrusion of the state into informational privacy through investigation of digital media has the potential to extend well beyond anything George Orwell could possibly have imagined.

Within Canada, to perform a legal search, police officers have to meet one of two thresholds depending on the context: reasonable grounds to believe that a crime has been committed or is in progress, or a reasonable suspicion that such is the case. Both thresholds are reviewable by courts pursuant to an objective analysis, and not according to the subjective state of the mind of the police officer. Case law has established that the highest threshold is reasonable grounds to believe. I am not suggesting that it shall apply to customs operations, except maybe for an intrusive body search.

As for reasonable suspicion, it is defined by the Supreme Court as meaning the following:

The “reasonable suspicion” standard is not a new juridical standard called into existence for the purposes of this case. “Suspicion” is an expectation that the targeted individual is possibly engaged in some criminal activity. A “reasonable” suspicion means something more than a mere suspicion and something less than a belief based upon reasonable and probable grounds.

The fundamental distinction between mere suspicion and reasonable suspicion lies in the fact that in the latter case, a sincerely held subjective belief is insufficient. Instead, to justify

a search, the suspicion must be supported by the factual elements, which can be adduced in evidence and permit an independent judicial assessment.

As said by the Supreme Court in 1996, in the context of section 99(1)(f) of the Customs Act, a hunch based on intuition gained by experience cannot suffice as reasonable suspicion.

Before the courts of Alberta and Ontario, representatives of the border agency have testified that to apply the lowest threshold, reasonable suspicion, would seriously impede their operations, and I suspect this is the reason why the bill proposes a new threshold called “reasonable general concern,” intended to be defined by courts as being lower than reasonable suspicion.

In the Ontario judgment, the judge seems to be unconvinced by the border agency’s resistance to a threshold. He wrote:

In my view, skepticism is the appropriate reaction to an assertion by law enforcement that a search threshold will stymie investigations. Naturally, law enforcement officials would prefer not to have legislative obstacles regulating their ability to search. They would be more effective and productive without them. But there would be a cost to individual rights and to liberty.

• (1540)

Colleagues, I believe we need a threshold. However, if Parliament decides to enact the proposed new threshold, we have to realize that it is an unknown concept to the law, and that the court will have to flesh out its contents considering the content of the binding regulations — which we don’t know yet, but have been promised after the bill is adopted.

On the whole, in order to meet the constitutional requirements under section 8 of the Charter, nobody can predict the end result of this process, but it is fair to say it’s going to take years, including judgments from Courts of Appeal and the Supreme Court of Canada. In the meantime, there will likely be criminal charges arising from the search of digital devices dropped or dismissed.

Of course, the use, instead, of the reasonable suspicion test will not bring such uncertainty. This is another area that should be studied by the committee, including the pros and the cons of having new tests in connection with documents found on digital devices rather than applying an existing test — reasonable suspicion — which is used for documents in the mail.

The studying committee should look at the existence — or not — of equivalent thresholds in other democratic societies. In the U.S., the use of an applicable threshold is a complete mess, controversial and subject to conflicting case law.

Moreover, considering this bill is a response to the Court’s decisions concluding in the unconstitutionality of the current regime if applied to a device, the committee shall hear evidence from legal experts about the ability of the proposed threshold to survive legal challenges that are promised to come.

Finally, this bill proposes that the new concept be applicable to the U.S. pre-clearance areas located in eight Canadian airports. However, in the United States, this concept does not exist. Moreover, as I said, the issue of access to personal devices is currently quite controversial and unsettled in the U.S. This means that if you go to the U.S. by car instead of flying from an airport, where there is a U.S. pre-clearance, you will most likely be subject to a different threshold. However, I am content to see that the Canadian Charter of Rights and Freedoms will be fully applicable across Canada, including in U.S. pre-clearance areas.

[*Translation*]

In conclusion, like Senators Simons and Wells, I believe that this bill raises some fundamental issues of constitutional law that will need to be thoroughly studied in committee.

I also believe that it would be preferable to have a committee study it soon, in order to put to an end, in the months to come, to the two different regimes that currently exist in Canada for the inspection and seizure of documents found on digital devices, that is, the regime that applies in Ontario and Alberta and the one that applies in the rest of Canada.

Thank you very much. *Meegwetch.*

[*English*]

**Hon. Paula Simons:** I have a question for Senator Dalphond, if there is enough time.

**Senator Dalphond:** With pleasure.

**Senator Simons:** I had a question because you, of course, bring to the chamber your experience as a judge. If you were on the Court of Appeal and a case came to you that had this threshold test of reasonable general concern, what is the process for a court to look at such a novel test that has no precedent in Canadian law? How do you adjudicate it?

**Senator Dalphond:** Yes, I will be careful not to try to give an answer to colleagues that are still doing the work.

The first and most critical element will be the content of the regulations to be adopted by the minister or the government because they will provide some indicators — like taking notes and having a record of what was done in what type of circumstances — because what the courts will not accept is a process which is not reviewable by the court.

The word “reasonable,” within the rest of the sentence, normally refers to something that is an objective criterion. The court, in order to find if this objective criterion has been met, will have to get a record that shows, for example, how it was applied, what the questions were, whether the device was disconnected from the cloud — because you are entitled to search only the device, not outside the device — and whether there are notes taken because the officer may not remember because perhaps he has done hundreds since then. All factors that are critical will be found, unfortunately, not in the law, but in the regulations because the concept is undefined in the law. As I said, it will have to be fleshed out by the courts, and the courts will be careful to balance all the interests at stake.

[ Senator Dalphond ]

You may end up with criteria that are a bit lower than reasonable suspicion but maybe not far from it.

**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.)

REFERRED TO COMMITTEE

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

(On motion of Senator Boniface, bill referred to the Standing Senate Committee on National Security and Defence, on division.)

## THE ESTIMATES, 2021-22

SUPPLEMENTARY ESTIMATES (C)—THIRD REPORT OF NATIONAL FINANCE COMMITTEE WITHDRAWN

On Government Business, Reports of Committees, Other, Order No. 4:

Consideration of the third report of the Standing Senate Committee on National Finance, entitled *Supplementary Estimates (C) for the fiscal year ending March 31, 2022*, tabled in the Senate on March 30, 2022.

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, pursuant to rule 5-7(k), I move that Order No. 4 under Reports of Committees other, which deals with the Supplementary Estimates (C) for the fiscal year ending March 31, 2022 be discharged from the Order Paper.

(Order withdrawn.)

## BUDGET 2022

INQUIRY—DEBATE ADJOURNED

**Hon. Peter Harder** rose pursuant to notice of Senator Gagné on April 26, 2022:

That she will call the attention of the Senate to the budget entitled *Budget 2022: A Plan to Grow Our Economy and Make Life More Affordable*, tabled in the House of Commons on April 7, 2022, by the Minister of Finance, the Honourable Chrystia Freeland, P.C., M.P., and in the Senate on April 26, 2022.

He said: Honourable senators, before I begin my remarks on the Senate inquiry into the federal budget, I want to start by underlining what the inquiry is and what it isn't. It is not a vote on whether or not to approve the budget unveiled by the Minister

of Finance, nor is it an effort to amend the budget or to move a motion to condemn or improve it. Senator Gold, I want to assure you that my views on the budget bill and the Senate's approach to the budget bill have not changed. However, this is an opportunity for the Senate to engage on what it does best — discuss, evaluate and offer alternatives to make the outcomes better for Canadians. It is in this spirit in which I make my remarks.

It was heartening last month to see the words productivity, innovation and fiscal anchor dot the pages of the Minister of Finance's 2022 budget. It was also encouraging to see the minister frame the budget using the following words, and I quote:

. . . now is the time for us to focus—with smart investments and a clarity of purpose—on growing our economy and on making life more affordable for Canadians. . . .

— and —

— . . . to tackle the Achilles heel of the Canadian economy: productivity and innovation.

These are important goals, made more so by the increased anxieties Canadians are feeling at a time when we expected a reprieve from the apprehension triggered by the COVID pandemic. The war in Ukraine has exacerbated our worries over inflation, interest rates and personal economic security. This budget is even more consequential than we would have imagined a few short months ago.

I commend the government for what appears, at the outset, to be an evolving policy direction in favour of growth. It is just as important, however, to evaluate whether the specific measures announced in the budget are adequate for achieving this policy intent.

In this, I believe, the budget has some ways to go. Given what I believe is an overemphasis on distributive programs and an underemphasis on improving our collective prosperity, the budget lays out, in the minister's words, three pillars designed to grow the economy and make life more affordable. The first focuses on investments in Canadians themselves through support for housing, skills development, immigration and child care; the second supports a transition to a greener economy through spending on carbon capture, incentives on electric vehicle purchases and investment in mining of critical minerals; and the third focuses on economic growth, underpinned by a new innovation and investment agency and a growth fund. Each of these pillars are crucial components in growing the economy.

• (1550)

Welcoming more immigrants and focusing on training can help fill the needed employment gaps while mining minerals that are essential to developing a greener economy with reliable supply chains can put Canada on a leadership track.

As an aside, these two pillars are also important parts of an economic report put together last fall by the Senate Prosperity Action Group, of which I am a member. I'll speak more about that later.

The third pillar, economic productivity, is one that I believe requires clearer and stronger focus. Indeed, the minister herself said in her speech that Canada's underperformance in this area constitutes an insidious problem. I agree completely, which is why I think we must be more creative, more focused and more ambitious.

Take, for example, the two lynchpin initiatives designed to tackle the issue: a new \$15 billion growth fund and the creation of a new innovation and investment agency, which will provide advice. It seems to me both these instruments already exist in various forms. How, for example, will they be different from the Canada Infrastructure Bank; the Venture Capital Catalyst Initiative; the National Research Council of Canada Industrial Research Assistance Program, or NRC IRAP; or a myriad of other initiatives already in existence? Public investments like those contemplated in the growth fund won't really lead to improved productivity if we don't better incentivize innovation.

Parenthetically, the growth fund is actually not even new money, given that it will be sourced from the existing fiscal framework. In fact, the \$6 billion for growth will come from a reprofiling of the infrastructure spending, presumably from the aforementioned Canada Infrastructure Bank, which I dare say was slow in getting started.

I would prefer to have seen the budget apply a greater emphasis on the innovation side of the equation. The notion that our country's ability to innovate is constrained only by our inability to commercialize those areas is erroneous. Canada's capacity to do industrial research is inadequate, and we spend too much time on incremental innovation and not enough pursuing groundbreaking radical inventions. As Robert Asselin of the Business Council of Canada wrote in a recent article in the *Financial Post*, where would the health of Canada's and the world's citizenry be today without the breakthrough development of mRNA vaccines? How would we reach our climate goals without revolutionary initiatives in carbon emissions reduction? Our performance record on innovation and the digital economy has so far been mixed at best.

According to *The Global Competitiveness Report 2019*, published by the World Economic Forum, we are ranked sixteenth internationally in innovation capacity, eighteenth in patent applications and twenty-third in R&D expenditures. Similarly, OECD and World Economic Forum data rank us nineteenth in university-industry collaboration. With respect to growth overall, the average annual Canadian GDP rate dropped by half since the beginning of this century when compared to the years between 1960 and 2000.

As mentioned in the Senate Prosperity Action Group's report last fall, we have much to overcome, including the fact that we lag behind other nations in commercializing innovations. We

have failed to develop an adequate pool of talent in the STEM sector, we are slow to adopt new technology and we lack availability of high-speed internet in remote areas.

Solutions are too numerous to itemize in a short speech, but we could start by spending more on research and development on high-risk and mission-driven research. The United States' DARPA comes to mind. We could make other strategic investments in supporting entrepreneurship and in the scaling up of Canadian-based companies. We must also look at co-investing with venture capital and commercialization opportunities such as biotech. Regulatory burdens should be reduced.

Before turning to some other potential remedies, I would be remiss if I failed to comment on the fiscal anchors upon which this budget rests. As the minister mentioned, dealing with the deficit incurred during the pandemic is imperative. The anchor put forward in the budget is to simply ensure that the country's debt-to-GDP ratio continues to decline. The view of the Prosperity Action Group is that we should go further if we wish to maintain our nation's fiscal advantage as a G7 country with the lowest debt-to-GDP ratio pre-pandemic. Rather than the anchor proposed in the budget, the government should limit debt servicing costs to no more than 10% of the government revenues and cap federal program expenditures as a percentage of GDP. Doing so would form the basis of a fiscal management plan that allows the country to continue to make appropriate investments on high-priority economic and social programs while reducing expenditures on those that have been shown not to work.

As it stands, the budget calls for new net spending of \$56 billion offset by a projected \$26 billion in savings that stem from a growth-enhancing tax of \$6 billion on banks and insurers, another \$10 billion from tax enforcement as well as other savings from government efficiencies. This is not a huge fiscal impact, but it still calls for increased spending in areas like dental care, defence commitments, subsidies for electric vehicles, housing, reconciliation and others.

Moreover, I'm concerned that the assumptions for the fiscal framework are based on overly optimistic economic assumptions given the uncertainties facing Canada and the world at large. The projection for inflation, for example, is 3.7%, which is at the more modest — and dare I say hopeful — end of the spectrum. While these projections are plausible, slight deviations can throw the plan out of whack completely.

In the few minutes I have left, I would like to turn to a final suggestion for promoting growth, which is the need for renewed fiscal cooperative federalism. Aside from some of the prescriptions in the budget and others that I outlined earlier, I believe the government could have taken lessons from the way in which all orders of government cooperated in tackling the pandemic. The successful federal-provincial-territorial approach

in dealing with the coronavirus ought to be a model for forging a new path for sustainable, inclusive shared prosperity in Canada — a grand bargain to be forged between government, business, Indigenous peoples, racialized communities, Canadian labour unions, hard-to-reach citizens and all other members of civil society.

To that end, the Prosperity Action Group recommended last fall that a new body, which we labelled the prosperity council, be established to spark energy and foster dialogue in pursuing solutions to our economic challenges. It's way past time, of course, that we dealt with interprovincial trade barriers, variable apprenticeship criteria and barriers to labour movement, not to mention how we deal with other interjurisdictional challenges like the carbon tax, creation of new daycare programs and the like. A body such as the one we propose would also keep our governments accountable by reporting on how we are competing on key performance indicators that measure economic progress. How does Canada fare vis-à-vis other nations when it comes to the ease of doing business, public spending on training or global talent attraction? These are measurables that exist and may be included in a government plan as recommended by the Prosperity Action Group.

In my view, there aren't enough of them in the budget tabled last month, and a new prosperity council would lay out these targets in much finer detail for all to see.

Such a renewal might also go some way towards ameliorating the federal-provincial-territorial differences that often emerge when Ottawa develops shared programs that far too often result in decreasing the share of federal contributions to those very programs.

While I am not inherently opposed to new programs for dental care, Pharmacare, long-term care or housing, I am concerned these programs adequately recognize provincial jurisdiction in design and sustainability. To be sure, we need to perfect our social union, but frankly, we also need to enhance and focus on our economic union — hence the need for a grand bargain. Aside from whether a national prosperity council like we are suggesting is the perfect model to follow, it is imperative that some kind of wide and ongoing national conversations on the economy take place. Premiers and the Prime Minister have met, by my count, some 39 times since the onset of COVID. Surely we can organize four or five first ministers meetings on the economy.

Let me conclude by saying that we are in an age during which polarization and identity politics sow increased mistrust among Canadians for their institutions. For our governments to achieve anything approaching consensus on where our economy should go, we need dialogue and to walk in each other's shoes. So while I do think that the budget may not have completely lived up to the rhetoric, developing a plan for prosperity for Canada is a project that goes well beyond an annual economic plan. I urge the

government to reach out to all Canadians to build trust and a culture of innovation that will make us resilient in the face of economic challenges to come and become a global leader again.

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

(On motion of Senator Gagné, debate adjourned.)

*(At 4 p.m., pursuant to the order adopted by the Senate on May 5, 2022, the Senate adjourned until 2 p.m., tomorrow.)*

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## CONTENTS

Wednesday, May 11, 2022

	PAGE	PAGE		
<b>SENATORS' STATEMENTS</b>				
<b>Canadian Under-18 Curling Championships</b>				
Hon. Donald Neil Plett . . . . .	1352	Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . . 1356		
<b>LGBTQ+ National Monument</b>				
Hon. Patricia Bovey . . . . .	1352	The Use of French in Federally Regulated Private Businesses Hon. Judith G. Seidman. . . . . 1356		
<b>Visitors in the Gallery</b>				
The Hon. the Speaker pro tempore. . . . .	1353	Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . . 1356		
<b>Charitable and Not-for-profit Sector</b>				
<b>Global Pluralism Award</b>				
Hon. Ratna Omidvar . . . . .	1353	Bilingualism Requirement for Deputy Ministers Hon. René Cormier . . . . . 1357		
<b>Nunavut Mining</b>				
Hon. Dennis Glen Patterson . . . . .	1353	Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . . 1357		
<b>Maison Albert House</b>				
Hon. Nancy J. Hartling . . . . .	1354	Indigenous Languages Hon. Bernadette Clement . . . . . 1357		
<b>Expression of Gratitude</b>				
Hon. Marty Deacon . . . . .	1354	Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . . 1358		
<b>Visitor in the Gallery</b>				
The Hon. the Speaker pro tempore. . . . .	1355	Efforts to Make the Constitution Bilingual Hon. Pierre J. D'Alphond . . . . . 1358		
<hr/>				
<b>ROUTINE PROCEEDINGS</b>				
<b>Adjournment</b>				
Notice of Motion Hon. Raymonde Gagné . . . . .	1355	Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . . 1358		
<b>Business of the Senate . . . . .</b>			1355	Government Commitment to Francophone Rights Hon. Jean-Guy Dagenais . . . . . 1358
<hr/>				
<b>ORDERS OF THE DAY</b>				
<b>Customs Act</b>				
<b>Preclearance Act, 2016 (Bill S-7)</b>				
Bill to Amend—Second Reading—Debate Hon. Pierre J. D'Alphond . . . . .	1355	Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . . 1358		
<hr/>				
<b>QUESTION PERIOD</b>				
<b>Business of the Senate</b>				
The Hon. the Speaker pro tempore. . . . .	1356	Appointment of a Unilingual Lieutenant-Governor Hon. Rose-May Poirier . . . . . 1359		
<b>Ministry of Canadian Heritage</b>				
<b>Atlantic Canada Opportunities Agency</b>				
Processing Times for Francophone Veterans' Benefits Hon. Yonah Martin . . . . .	1356	Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . . 1359		
		Francophone Minority Communities Hon. Mobina S. B. Jaffer . . . . . 1359		
		Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . . 1360		
		Black Entrepreneurship Program Hon. Jane Cordy . . . . . 1360		
		Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . . 1360		
		Respect for Bilingualism by Airlines Hon. Jean-Guy Dagenais . . . . . 1360		
		Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . . 1361		
		Federal Support for Energy Projects in the Atlantic Region Hon. Percy Mockler . . . . . 1361		
		Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . . 1361		
		Infrastructure Projects Hon. Mary Coyle . . . . . 1361		
		Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . . 1362		



## CONTENTS

Wednesday, May 11, 2022

	PAGE		PAGE
French on the International Stage		ACOA Support for Culture	
Hon. Dennis Dawson . . . . .	1362	Hon. Patricia Bovey . . . . .	1365
Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . .	1362	Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . .	1365
Federal Public Service Jobs		Transition from Coal	
Hon. Percy E. Downe . . . . .	1362	Hon. Salma Ataullahjan. . . . .	1365
Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . .	1362	Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . .	1365
Requirement to Appoint Francophones to Boards of Directors		Action Plan for Bill C-13	
Hon. Pierre-Hugues Boisvenu . . . . .	1363	Hon. Raymonde Gagné . . . . .	1366
Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . .	1363	Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . .	1366
Francophone Immigration		Minority Language Rights	
Hon. Julie Miville-Dechéne . . . . .	1363	Hon. Tony Loffreda . . . . .	1366
Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . .	1363	Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . .	1366
Employment on Prince Edward Island			
Hon. Brian Francis . . . . .	1363		
Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . .	1364		
Federal Public Service Jobs			
Hon. Percy E. Downe . . . . .	1364		
Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . .	1364		
Senate Vacancies			
Hon. Michael L. MacDonald . . . . .	1364		
Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . .	1364		
Guaranteed Livable Income			
Hon. Kim Pate . . . . .	1364		
Hon. Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency. . . . .	1365		

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### ORDERS OF THE DAY

<b>Customs Act</b>	
<b>Preclearance Act, 2016 (Bill S-7)</b>	
Bill to Amend—Second Reading	
Hon. Pierre J. Dalfond . . . . .	1367
Hon. Paula Simons . . . . .	1368
Referred to Committee . . . . .	1368
<b>The Estimates, 2021-22</b>	
Supplementary Estimates (C)—Third Report of National Finance Committee Withdrawn	
Hon. Raymonde Gagné . . . . .	1368
<b>Budget 2022</b>	
Inquiry—Debate Adjourned . . . . .	1368