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The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Tuesday, May 31, 2022

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

Prayers.

VICTIMS OF TRAGEDIES

UVALDE, TEXAS AND BUFFALO, NEW YORK—SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, we were all shocked to learn of the tragic and senseless attack that took place at Robb Elementary School in Uvalde, Texas, on May 24, 2022, and that claimed the lives of 21 victims, including 19 children and 2 of their teachers, and left 18 more injured.

This comes on the heels of other shootings, including one in Buffalo, New York, where African Americans were expressly targeted, that left 10 dead and 3 more wounded.

I know we all stand together in offering our deepest condolences to the families and friends of those who have died and wish a swift recovery to those who were injured in these atrocities.

I now invite all honourable senators to rise and observe one minute of silence in memory of the victims.

(Honourable senators then stood in silent tribute.)

SENATORS' STATEMENTS

NATIONAL TOURISM WEEK

Hon. Robert Black: Honourable senators, I rise today to highlight the Tourism Industry Association of Canada's National Tourism Week, which takes place from May 29 to June 4. I would also like to take this opportunity to acknowledge my honourable colleague Senator Sorensen for her work in supporting this important sector.

As we know, the tourism industry was hit hard by the COVID-19 pandemic. It is also clear that it will be one of the last industries to recover, despite the increase in travel in recent weeks. In 2019, 1 out of every 10 workers in Canada had a job related to tourism. However, by 2020, that changed considerably: The number of direct jobs decreased by close to 30%, and all related jobs dropped by 23%.

Tourism plays an important role from coast to coast to coast, including in rural communities. Rural Canada offers tourists many unique experiences that often cannot be replicated elsewhere in the world, such as the fairs that agricultural societies have been hosting for decades across this country.

As we approach the summer, we also approach the beginning of fair season. Fairs have a long-standing history in Canada and around the world. However, they've changed a bit since their inception. Early fairs were more like markets allowing local farmers to sell their produce, while other fairs held competitions for livestock, grains and other agriculture and home-crafted products. Today, fairs are the backbones of our rural communities, telling the history of rural life and providing an opportunity for people to reconnect with and learn about agriculture.

• (1410)

In fact, several fairs are older than Canada itself, including Hants County Exhibition in Nova Scotia, Williamstown Fair just south of Ottawa and the Lachute Fair in Quebec. Honourable colleagues, if you have the opportunity to do so this year, I encourage you to visit and support a fair in your local community.

At this time, I would also like to thank the Tourism Industry Association of Canada for their devotion to serving Canadian tourism businesses and promoting positive measures to help the industry grow and prosper. I would also like to thank the many agricultural societies that organize fairs across this country for their continued dedication to our rural communities.

Honourable colleagues, I have had the opportunity to attend and participate in a number of fairs across Canada, so I know just how important fairs and exhibitions are to our communities. I hope that you, and Canadians across the country, take the opportunity to continue supporting our domestic tourism industry, whether that's by visiting a fair, taking a "staycation" or touring a rural side of a new province. Thank you, *meegwetch*.

Some Hon. Senators: Hear, hear.

Hon. Karen Sorensen: Honourable senators, as senator for Alberta — and the Alberta Rockies — and Co-Chair of the Parliamentary Tourism Caucus, I too am happy to rise in this chamber to speak about Tourism Week in Canada. When it comes to tourism, Canada has it all. Our country is home to natural wonders, important historical sites, world-class museums, performing arts venues and other attractions that have thrilled legions of visitors and made memories for countless families.

From the Rocky Mountains in Alberta and B.C., to the iconic beaches and lighthouses of the Atlantic; from the incredible tundras of the territories to the pristine national parks in Manitoba and Saskatchewan; from the historic architecture in Quebec to the vibrant cities and remote getaways of Ontario, Canada has sights and experiences that draw visitors from around the world.

We have innovative ecotourism experiences that promote conservation and respect for our environment, and a growing number of authentic Indigenous tourism opportunities and vibrant multicultural events that allow people of all backgrounds to come together in peace and in understanding.

Whether you want to ride a roller coaster in the middle of a city or fish on a secluded lake, there is truly something for everyone in Canada. Every region of this country, every province or territory that you represent, benefits from tourism.

Tourism hits very close to home for me, quite literally. I live in Banff National Park and had a long career in the hotel and hospitality sector before becoming Mayor of Banff. I've always taken pride in showing off our incredible trails and slopes and telling people about the welcoming, friendly atmosphere they can expect to experience when they visit our town.

That is why it was incredibly difficult, two years ago, to have to tell people to stay home — to stay away — in order to protect our small community.

Tourism has always been vulnerable to outside events, whether it's economic downturns, public health crises, political instability, the threats of terror attacks or the impacts of natural disasters.

But COVID-19 was the most severe shock this sector has ever weathered. Many tourism operators lost their businesses, and many others fought tooth and nail to make it to this point. Stores, restaurants and other businesses in tourist towns also suffered without their regular visitors. I think I can speak for everyone when I say that we are delighted that things are opening up and we can once again welcome the world back to Canada.

The next tourism season might look different than it has in the past — we may have to work a little harder to keep ourselves and the people around us safe — but what has not changed is our welcoming spirit, our sense of adventure and the multitude of experiences waiting for us.

I'm proud to stand in this chamber today to promote tourism and celebrate everything our country has to offer. As we begin Tourism Week in Canada, I hope my colleagues in this place will join me in this endeavour.

And for the prospective travellers from across Canada and around the world, I have two words: Welcome back. Thank you, *ishniyes*.

CANADIAN ARTISTS WITH DISABILITIES

Hon. Patricia Bovey: Honourable senators, today I rise to draw your attention to and celebrate Canadian artists with disabilities and those who are deaf. Their substantial contributions in all artistic disciplines are too often forgotten or put to the side.

The three international languages — movement, music and the visual arts — take on particular prominence for creators with disabilities. Special organizations and associations provide services or arts programming for people with disabilities, like Kingston's H'Art Centre, which I have spoken about before. Their multidisciplinary programming includes visual art, music and theatre. Musicians with disabilities perform alongside members of the Kingston Symphony, plays are produced with actors of various disabilities and the richness of their visual arts is well known.

[Senator Sorensen]

Arts AccessAbility Network Manitoba, the voice for the province's artists and audiences with disabilities, is dedicated to the full inclusion of artists and audiences with disabilities into all facets of the arts. Supporting artists in achieving their artistic excellence and gaining a higher visibility, they also promote policies and practices to make the arts more accessible to all Manitobans. Providing access to resources, they bring artists with disabilities and stakeholders together. The disability-led and disability-informed front of house and backstage audit of concert halls and theatres, now under way, will develop a database of accessible venues.

Vancouver Adapted Music Society supports and promotes musicians with physical disabilities in the Metro Vancouver area. Formed in 1988 by two musicians with high-level disabilities, they operate a fully accessible recording studio, proving disability is not a barrier to creativity.

Individual artists with disabilities or those who are deaf have certainly made an impact in Canada and abroad. Deaf actress Elizabeth Morris, for instance, has been on stage at the Edinburgh International Festival. Playwright Debbie Patterson's work, filled with poignant and honest insights, has been presented to great acclaim across Canada. Frank Hull is a well-known, inspirational movement wheelchair dancer and choreographer living with cerebral palsy. Winnipeg's Ted Howorth, an acclaimed printmaker who has exhibited internationally for decades, did not let his life in a wheelchair stop his innovative and complex printmaking practice, or compromise his excellence as a fine arts professor.

We have all received a beautiful cushion woven by Senator Cotter's daughter and her colleagues. No one can say that art, in all disciplines, made by artists with disabilities lacks creativity or excellence.

Colleagues, the needs are great across this country for both artists and audiences who have to deal with their disabilities or deafness. May we listen to their voices, act and celebrate their work and help to ensure everyone can participate as they wish and as they can. Thank you.

[*Translation*]

LIEUTENANT-GOVERNOR OF QUEBEC'S FIRST PEOPLES MEDAL

Hon. Renée Dupuis: Honourable senators, on the eve of National Indigenous History Month, I would like to draw your attention to the recipients of the First Peoples (First Nations) Medal, one of the honours created by the Lieutenant-Governor of Quebec, the Honourable J. Michel Doyon. This medal has just been awarded for the second time on May 19 to members of the First Nations of Quebec for their exceptional contribution as citizens of the First Nations of Quebec.

Awarding a medal to First Nations members and a medal to members of the Inuit Nation is in keeping with the tradition of the presentation of medals by the Lieutenant-Governor, which dates back to 1884. Lieutenant-Governor Doyon considers these two medals to be a special symbol of the outstanding contribution that First Nations and Inuit members make to

society as a whole and a gesture to foster closer ties and reconciliation between First Nations and Inuit Nation members and Quebecers. This institutional recognition is significant.

When this award was created, the first ceremony, held on December 16, 2019, honoured Anne Archambault of the Malecite Nation, Dr. Kenneth Atsenhaienton Deer of the Mokawk Nation, Viviane Gray of the Mi'kmaq Nation, Dr. Darlene Kitty of the Cree Nation, Kim O'Bomsawin of the Abenaki Nation, Eva Ottawa of the Atikamekw Nation, Major-General Jocelyn Paul of the Huron-Wendat Nation, Dominique Rankin of the Algonquin Nation, Glenda Sandy of the Naskapi Nation, Dr. Stanley Vollant of the Innu Nation and Edith Cloutier of the Algonquin Nation.

The First Peoples Medal for members of the Inuit Nation was awarded for the first time on October 12, 2021, in Kuujuaq, to the following individuals: Lolly Annahatak of the municipality of Kangirsuk, Zebedee Nungak of the municipality of Kangirsuk, Tommy Palliser of the municipality of Inukjuak, Aani Palliser Tulugak of the municipality of Puvirnituk and Eliyasi Sallualuk of the municipality of Puvirnituk.

• (1420)

The second ceremony to present the First Peoples (First Nations) Medal took place on May 19, 2022, at Parliament House in Quebec City, and honoured the following individuals: Lise Bastien of the Huron-Wendat Nation, Denys Bernard of the Abenaki Nation, Daniel Brière of the Malicite Nation, Pénélope Guay of the Innu Nation, Dr. Ojistoh Horn of the Mohawk Nation, Robert Kanatewat of the Cree Nation, Oscar Kistabish of the Algonquin Nation, and Loretta Robinson of the Naskapi Nation.

These individuals are involved in a very wide range of human and professional activities, including everything from cinema, Indigenous culture and spirituality, medicine, media, support for women who are victims of violence, education, politics, administration, community health and sports. They have all made invaluable contributions.

Colleagues, as an honorary witness for the Truth and Reconciliation Commission, I appeal to each of you to reflect on what the Senate can do, as an institution, to contribute to the necessary work of fostering reconciliation and closer ties.

[English]

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

Hon. Rosemary Moodie: Honourable senators, on May 17 and 18, Canada's performance on children's rights was reviewed by the United Nations Committee on the Rights of the Child, which monitors the implementation of the Convention on the Rights of the Child. This convention is an invaluable human rights treaty that secures a list of rights for all children and youth and has become the most widely ratified human rights treaty in history, with good reason. It has made a transformative impact on children's well-being in Canada and throughout the world.

By ratifying this convention in 1991, Canada committed to protect and promote the rights of children and youth and agreed to be reviewed by a panel of independent experts on our performance every five years. This was our joint fifth and sixth. How did we do?

The committee was pleased to note some progress since 2012, including progress with national strategies on housing and poverty and progress within provinces on health care and suicide prevention. However, there were mixed reviews on Canada's performance respecting the rights of Indigenous children.

The Truth and Reconciliation Commission and the implementation of Jordan's Principle are some examples of progress, but concerns about the impact of poverty on Indigenous children and the failures of the child welfare system were among the many ongoing concerns raised.

Disappointingly, Canada remains stagnant in our overall performance. Once a leader in children's rights, we are steadily falling to the rear. Why are we doing so poorly? Colleagues, the committee noted Canada's failure to implement the convention because of poor collaboration with the provinces. It is worth noting that Ontario did not send a delegation to participate in this review.

Another issue is that key landmark policies do not sufficiently consider the needs of children and youth. As an example, the UN suggested that the National Housing Strategy lacks proportionate resources for low-income families and lacks targets, timelines and mechanisms to ensure that they meaningfully benefit from this strategy.

Finally, Canada has failed to ratify the third optional protocol, which is a communications procedure that would give children in Canada and their allies the means to raise concerns on the rights' violations directly to the UN. When asked why it had not been ratified, the Canadian delegate had no meaningful response.

Honourable senators, we should have been able to celebrate successes, but instead we are left focusing on areas for improvement. It is time that political leaders at all levels make the choice to work together for the good of children. Canada must retake its place on the world stage as a leader in children's rights. Thank you to the organizations, the hundreds of volunteers and staff who prepared alternative reports for their passion and for their dedication. Thank you, *meegwetch*.

NATIONAL HEALTH AND FITNESS DAY

Hon. Marty Deacon: Good afternoon, honourable senators. As the sun shines, there is certainly a solid feeling of renewed energy here in Ottawa and across this beautiful country. This weekend, Ottawa hosted many performing arts events and activities in the downtown area. There were a variety of performing arts activities taking place, particularly in hotel rooms with young performers. They were inspiring. They were phenomenal to see and hear. Outside, Ottawa calls this race weekend, and all of this was not to be for sure until late Wednesday night, early Thursday. The debris of the storm, and the damage done, had a serious impact on whether or not race weekend could carry on after a two-year absence. But finally, and

with great thanks to the city, the mayor, the city staff and Ottawa Hydro, they were able to make the race course as smooth as possible even for people a little older than usual to navigate their way through on the weekend.

You could feel the streets alive, feel the streets coming back and the feeling that Ottawa folks were just thrilled to be together, whether it was families or folks at the front of their houses. The signs that people made for the community were absolutely embracing, engaging and phenomenal — and also very funny at times.

This is a great prelude to National Health and Fitness Day, which is Saturday, June 4. This is our week leading up to it.

Senators, I urge you to look after yourselves first and how we find that balance with our physical, emotional and mental health. I encourage you to get out, be active and find best what works for you.

The bill that was passed for National Health and Fitness Day was passed with the intent of us, parliamentarians, working with the House and our communities to do our very best to make sure the support, infrastructure and things that we need are there to ensure every Canadian — every Canadian — has the opportunity to be active.

So beyond this, and looking to some examples of this, tomorrow we're going to have a special group of guests in the Senate. I'm really delighted to be able to host them, and you will certainly be introduced to them.

It is an example of where folks take the lead and find activities that work best for young people. So here in Ottawa, and in our local community, there is the first, frankly, women's tackle football team. Yes, it is, and you have to really think about that. Made up of athletes from St. Mark High School and St. Joseph High School, under the leadership of their coaches Blaine and Andy, they are doing something very special. These girls are in the sport that is the last sport to have an equal opportunity in the province of Ontario in all sports. They are very excited about visiting. They are a great example about being active and finding ways to make it all work. I'm giving them an early welcome, but I also welcome all of you to be reminded of National Health and Fitness Day. Thank you, *meegwetch*.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the guests of the Honourable Senator Greene: his wife, Shami Netonze and his stepson, Shabram Ali.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I also wish to draw your attention to the presence in the gallery of Garry and Margo Cranford, owners of the esteemed publishing firm Flanker Press of St. John's. They are accompanied by their son Justin Cranford of Ottawa.

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

Hon. Senators: Hear, hear!

[*Translation*]

ROUTINE PROCEEDINGS

BILL RESPECTING REGULATORY MODERNIZATION

SECOND REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ON SUBJECT MATTER DEPOSITED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Paul J. Massicotte: Honourable senators, I have the honour to inform the Senate that pursuant to the order adopted by the Senate on April 28, 2022, the Standing Senate Committee on Energy, the Environment and Natural Resources deposited with the Clerk of the Senate on May 20, 2022, its second report, which deals with the subject matter of those elements contained in Parts 2 and 3 of Bill S-6, An Act respecting regulatory modernization.

• (1430)

[*English*]

THIRD REPORT OF AGRICULTURE AND FORESTRY COMMITTEE ON SUBJECT MATTER DEPOSITED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Robert Black: Honourable senators, I have the honour to inform the Senate that pursuant to the order adopted by the Senate on April 28, 2022, the Standing Senate Committee on Agriculture and Forestry deposited with the Clerk of the Senate on May 20, 2022, its third report, which deals with the subject matter of those elements contained in Parts 4, 5 and 6 of Bill S-6, An Act respecting regulatory modernization.

SEVENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ON SUBJECT MATTER DEPOSITED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Ratna Omidvar: Honourable senators, I have the honour to inform the Senate that pursuant to the order adopted by the Senate on April 28, 2022, the Standing Senate Committee on Social Affairs, Science and Technology deposited with the Clerk of the Senate on May 27, 2022, its seventh report, which deals with the subject matter of those elements contained in Part 8 of Bill S-6, An Act respecting regulatory modernization.

[Translation]

THE ESTIMATES, 2022-23

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

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 the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2023;

That, for the purpose of this study, the committee have the power to meet, even though the Senate may then be sitting or adjourned, and that rules 12-18(1) and 12-18(2) be suspended in relation thereto; and

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

JUSTICE FOR VICTIMS OF CORRUPT FOREIGN OFFICIALS ACT (SERGEI MAGNITSKY LAW)

BILL TO AMEND—FIRST READING

Hon. Leo Housakos introduced Bill S-247, An Act to amend the Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law).

(Bill read first time.)

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

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

[English]

QUESTION PERIOD

FOREIGN AFFAIRS

CANADA-IRAN RELATIONS

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, my question today for the government leader concerns a now-cancelled soccer game between Canada and Iran that was scheduled to take place in Vancouver. Instead

of showing leadership and immediately condemning this game, first the Prime Minister said it was up to the organizers to explain it. A few days later, he said border agents would determine whether Iran's team would be permitted into Canada.

Leader, the NDP-Liberal government has failed the families of Flight PS752 at every turn. Just weeks after the Islamic Revolutionary Guard Corps shot down this plane, the Prime Minister bowed his head to the Iranian foreign minister and shook his hand.

Last year, a lawyer for the families called the Trudeau government unhelpful in their civil case — and now this.

Leader, could you confirm that, prior to the cancellation of this game, your government approved visas and work permits for the Iranian team to come to Canada?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I will have to make inquiries and report back.

Senator Plett: Thank you, leader. We will await that reply. Hopefully, it will come fairly soon.

Leader, although the Prime Minister said the NDP-Liberal government had not delivered any funding for the game against Iran, Canada Soccer has recently received millions in taxpayer dollars and offered \$400,000 to Iran to play that so-called friendly game. So \$400,000 of taxpayer money was almost diverted to Iran. Fortunately, leader, this was stopped following public outrage, but we need to make sure that Iran does not get one penny.

Leader, what is your government doing to ensure that Canadians, including the families of victims of Flight PS752, will not see their tax dollars go towards paying a cancellation fee to Iran or bailing out Canada Soccer for whatever they spent organizing and promoting this game?

Would you also ensure, leader, that you provide that answer to us? I know you won't have it today.

Senator Gold: I certainly will. Thank you.

CANADIAN HERITAGE

OFFICIAL LANGUAGES ACT

Hon. Judith G. Seidman: Honourable senators, my question is for the Leader of the Government.

Bill C-13, An Act to amend the Official Languages Act, is now before the House of Commons for second reading. There is a motion before this chamber for the Official Languages Committee to conduct a pre-study.

Bill C-13 is a complicated piece of legislation. It significantly reorients over 50 years of federal official languages policy and seriously affects constitutional language rights that are fundamental and foundational to Canada. It is possible that this bill may be changed in committee or at third reading in the other place, which makes a pre-study here in the Senate problematic.

Therefore, will the government leader in the Senate withdraw the motion for a pre-study so that this chamber of sober second thought and its committees can conduct a fully informed study of this bill only once it reaches the Senate?

Hon. Marc Gold (Government Representative in the Senate): The answer is no. The government's position, which I have stated publicly in this chamber, is that the Senate has an opportunity with the motion — on which we will vote later today — to begin its work on this important bill. I agree with you, senator, as to the significance of this bill — all the more reason that the Senate, with its long experience and engagement on official languages, take as much time as is available to it to make sure it understands all the aspects of this important bill. This is what we were summoned to do. Therefore, I hope I can count on the support of at least a majority of senators in this chamber to allow the Senate committee to begin its work as soon as possible.

Senator Seidman: Bill C-13 includes approving references to Quebec's Charter of the French Language, Bill 101 — the only provincial legislation mentioned in the federal bill.

I remind my honourable colleagues that Quebec's Charter of the French Language was recently amended by Quebec's Bill 96 and now operates notwithstanding the Canadian Charter of Rights and Freedoms and the Quebec Charter of Human Rights and Freedoms. I stress that Bill C-13 is complex and raises issues beyond official languages, especially serious constitutional questions in these elements of the bill.

Will the Leader of the Government ensure that Bill C-13 is properly referred to both the Official Languages and Legal and Constitutional Affairs committees once the Senate is ready to do a study?

• (1440)

Senator Gold: Thank you for your question. When we get the bill, and when it is being debated at second reading, will be the time for the Senate to decide to which committee or committees the bill will be sent.

IMMIGRATION, REFUGEES AND CITIZENSHIP

AFGHANISTAN CRISIS

Hon. Ratna Omidvar: Honourable senators, my question is once again about Afghanistan.

We all know how brutal that regime is. As an example, a few weeks ago Yama Naseemi, a young 24-year-old boy who applied for protection to Canada, was shot brutally outside his home in Kabul. His application was supported by Operation Abraham, which is headed up by former minister of justice Irwin Cotler.

We know that we have promised to resettle 40,000 Afghan refugees. We know that roughly 13,000 have applied to come, but the point of protecting vulnerable refugees is that they need to be protected soon, and quickly. That should be our operating motto. Senator Gold, can you tell me what new efforts the government is making to extract those most vulnerable in Afghanistan and bring them to safety?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. If it were only a matter of will, there would be at least 40,000 Afghan refugees in Canada already, but the reality is that at every step of the way there are obstacles facing the government that were not present in other large-scale resettlement efforts to which Canada was a party. There are a number of significant factors that the Government of Canada simply does not control, such as safe passage out of Afghanistan and the ability for those Afghans that the government wants to resettle here to leave the country. The government continues to work on these each and every day.

As colleagues know, the Government of Canada has no military or diplomatic presence in Afghanistan, which makes travel difficult and, indeed, dangerous. As Afghanistan is currently controlled by the Taliban, which this government does not recognize as a legitimate government, this prevents any diplomatic engagement or negotiations on the exit of Afghan nationals from Afghanistan. Moreover, colleagues, third countries determine the entry and exit documents required to transit through their country, which may include the need for an Afghan visa and passport.

Despite these challenges, we have now welcomed over 15,000 Afghan refugees to Canada. The government continues to process Afghan refugees' applications day and night. The government has mobilized its entire global network to process visas and issue them on an urgent basis.

Senator Omidvar: Thank you, Senator Gold. That was very fulsome answer. I appreciate that.

Although Afghanistan is not Syria — the context is extremely different — I also want to give credit to the government for that Herculean effort just six years ago. That history, I think, is still fresh in our minds.

The government has so far produced three reports outlining the lessons learned from that experience. My concern is that the lessons learned may well be lessons lost, because we're not applying them. Can you tell me what the government is doing to train Immigration, Refugees and Citizenship Canada, or IRCC, staff so that they can be better prepared for these crises, which will no doubt come again, and apply them at this moment to Afghanistan?

Senator Gold: I don't have a specific answer to what training is being done in response to this particular situation, but, again, it gives me the opportunity to underline the tragic difference. Both situations are tragic, to be sure, but there is a difference in what we were facing in Syria and what we're facing with Afghanistan.

In the case of Syria, we were taking people from camps in Lebanon and Jordan. They had already been processed by the United Nations High Commissioner for Refugees. There was an ability to get a bit of a heads-up on the situation. It is just not the case, unfortunately, with regard to Afghanistan. It's hard to apply a rigorous screening process when a country is still in the state that Afghanistan is.

The government remains committed to working on it. I will make inquiries about whatever additional training may be taking place and report back when I can.

EMPLOYMENT AND SOCIAL DEVELOPMENT

NATIONAL POVERTY RATE

Hon. Bernadette Clement: Honourable senators, my question today is for the Government Representative, Senator Gold. As a poverty lawyer and a proud member of the African Canadian Senate Group, I have keenly followed Canada's progress in decreasing our poverty rates, particularly for racialized communities. Therefore, I was happy to see that in the 2020 Canadian Income Survey, poverty rates for people designated as visible minorities were included for the first time.

However, in reviewing this data, I had some concerns over the discrepancies between the poverty rates for racialized communities. The 2020 national poverty average is 3.6%. The poverty rate for persons designated as visible minorities was 8%, well above the national average. Within that, Black Canadians have a poverty rate of 7.5%.

My questions, Senator Gold, are: How has the government acted on this information to address the disparity between the poverty rates for visible minorities versus non-visible minorities, and what approaches, mechanisms or strategies has the government been using since the survey to specifically target poverty rates for members of racialized communities, like Black Canadians?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for the question. It's an important one. As you know, in 2018, this government made a historic commitment to reduce poverty and set some concrete targets — a 20% reduction by 2020 and a 50% reduction by 2030 — based on 2015 levels.

During the pandemic, the government introduced a whole host of measures to mitigate the effects of the pandemic and to keep Canadians with the means to carry on. These were effective in helping millions of Canadians. However, the government recognizes that all of these measures, which did lead to significant poverty reductions in 2020, masked the systemic inequalities that perpetuate poverty in Canada for those most marginalized. It's not only populations of African Canadians, but 2SLGBTQ people, Indigenous people and persons with disabilities are also disproportionately affected.

I'm advised that the government recently made a number of commitments that will help to address the issue of poverty. This includes working with provincial, territorial and Indigenous partners to give all families in Canada access to building high

quality, affordable, flexible and inclusive early learning and child care systems with investments totalling \$30 billion over the next five years, and previous investments up to a minimum of \$9.2 billion every year in permanent funding as of 2025-26. This is in addition to introducing child and housing benefits, expanding worker and disability benefits, increasing the Guaranteed Income Supplement, or GIS, and developing a national school food policy.

The government remains committed to working on these, and the hopes and expectations are that this will not only reduce poverty levels generally but also start to close the gap that you quite properly pointed out in your question.

[Translation]

JUSTICE

EFFORTS TO MAKE THE CONSTITUTION BILINGUAL

Hon. Pierre J. Dalfond: Honourable senators, my question is for the Government Representative in the Senate. In 1982, the country's francophones were promised that Canada would finally have a fully bilingual Constitution. In December 1990, the translation of the text was tabled in the Senate and in the House of Commons. Today, more than 30 years later, that text is still not officially part of the Constitution.

On March 29, 2022, this chamber unanimously adopted a motion calling on the government to amend Bill C-13 to add an obligation for the government to report annually on the efforts made to fulfill the promise that was made to francophones in 1982. Could you, as the Government Representative in the Senate, tell us what steps you have taken with the government to follow up on this motion? I would also like to know what results have been achieved so far.

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question, honourable senator. Respect for both official languages is always a concern for the government, because Canadians deserve to have access to Canada's constitutional texts in English and in French. The Minister of Justice is aware of the motion adopted by the Senate and of the senator's interest in this issue in particular. I have been assured that the government will closely examine this issue, as it has for other matters pertaining to official languages and for Bill C-13. I will keep the Senate informed of any developments.

Senator Dalfond: Could the government demonstrate its responsiveness to this matter with concrete action? Do we need to conduct a pre-study to repeat once again that the chamber has asked that Bill C-13 be amended so that it is finally amended or that we are told it will be amended?

• (1450)

Senator Gold: Thank you for the question. I hope that, by the end of the day, if the Senate authorizes the pre-study, the committee will be able to start studying this issue and all other issues related to this bill.

[English]

TRANSPORT

CAMPOBELLO ISLAND

Hon. David Richards: Honourable senators, my question is for Senator Gold. This is the fourth time over the last couple of years that I have asked this particular question. It being Tourism Week or close to it, I'm going to speak about Campobello Island for a moment. Veterans Affairs Minister Lawrence MacAulay spoke last August of a government commitment to ferry service in Atlantic Canada. How vitally important it was, he said. However, he didn't mention Campobello, which has no ferry service three quarters of the year, has no longer a bank and no longer a hospital, and the only link to the mainland is through a foreign country, which causes all kinds of disruptions, especially during the winter.

To travel into Canada, they must go to their closest neighbour. Their closest neighbour is the home of Franklin Delano Roosevelt. Campobello was a childhood home of Franklin Delano Roosevelt who, unfortunately, got polio at the age of 14 in Campobello. It is a historic island, and it should be protected by the Canadian government.

Would it be completely mystifying to this government if the remaining people on Campobello — and I think they are down by about a third now — were to leave Canada and join that country that they are already joined to?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for continuing to raise this question and pointing out the challenge that the island and its residents face. Unfortunately, I'm not in a position to comment on what the Government of Canada's position would be were residents to decide to leave the island or to seek alignment with another country.

Senator Richards: The island, because of the lack of participation by Canada, is now pretty much up for sale. People are buying up lots and oceanfront. I do imagine most of these people, or a lot of them anyway, would be Americans. I feel this area of the country, simply by neglect, is being betrayed, sir, and I have to bring it to the attention of the Senate.

Senator Gold: Thank you for bringing it to our attention, senator.

HEALTH

COVID-19 PANDEMIC—VACCINE MANDATE

Hon. Denise Batters: Senator Gold, according to a recent article, a U.K. public health agency report published this month showed that, after a second dose of Pfizer or Moderna COVID vaccine, effectiveness fell from 65% to 70% to as low as 15% by 25 weeks afterwards. Most people in Canada received their second dose a year ago.

Further, it showed that after a third booster shot, which many Canadians received last December, vaccine efficacy reduced to having no effect whatsoever after 20 weeks. Vaccinated and unvaccinated Canadians are essentially all in the same boat, except that the Trudeau government continues to try to divide us with federal mandate rules that no longer make any scientific sense. Senator Gold, when will the Prime Minister end his pointless COVID mandates and return freedom to all Canadians?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. As colleagues undoubtedly know, certain mandates surrounding travel were just extended for another month, so the answer is at least not for the time being.

Senator Batters: Senator Gold, it is appalling that this Trudeau government has divided Canadians into two classes of people based on their vaccination status. Millions of Canadians now can't travel by plane, even within their own country. Large numbers of Canadians have been fired from their jobs or suspended without pay simply because of their personal health choice. Now that vaccine efficacy is declining to practically nothing for most, quote, unquote, fully vaccinated people, i.e., two doses perhaps one year ago, essentially a vaccinated person may very well have only the same protection from COVID as the unvaccinated person beside them.

Science is rendering the federal mandates useless. The only possible reason for keeping them now is punishment. Is that what the Prime Minister wants? If not, why won't he do the right thing and end the mandates now?

Senator Gold: The position of the government is not to punish Canadians; it's to protect Canadians. Governments, both at the federal level and, I assume, at provincial levels encourage Canadians to avail themselves of vaccines, whether it's a third booster or a fourth, as I have the good fortune to have taken. The Government of Canada will continue to follow the guidance that it gets from Health Canada and other experts in the interests of protecting Canadians.

COVID-19 PANDEMIC—TRAVEL RESTRICTIONS

Hon. Leo Housakos: Honourable senators, my question is for the government leader. Senator Gold, yesterday, your Liberal-NDP government voted against dropping or even easing the onerous travel restrictions in this country that are crippling our airline industries, crippling our airports and having a devastating effect on our tourism industry, on which so many Canadians are depending. Furthermore, today, your government, the Trudeau government, pokes Canadians in the eye by announcing that they will extend these travel mandates until the end of at least another month.

Senator Gold, the Canadian government and our country are increasingly becoming outliers as we see the vast majority of nations around the world removing these vindictive travel restrictions, including friends and allies like New Zealand and Australia.

I have a simple question on behalf of Canadians, and I would like a simple answer, outside of the usual political variety that we hear in this chamber. Can you tell us, from the Trudeau government, what science are you and your government using that the rest of the world is unaware of?

Hon. Marc Gold (Government Representative in the Senate): The government is relying upon the advice from Health Canada and others to whom it turns. It is seized with the issue. It is aware of the disruption that is taking place in our airports. It has taken a number of measures, including hiring hundreds of more staff, who are in the process of being trained, and will continue to work to ensure that Canadians can travel safely.

Senator Housakos: Senator Gold, as mentioned, two of the most COVID-locked-down nations in the world during this pandemic, New Zealand and Australia, have dropped their vaccine requirements for international travellers. Others are going even further. Nations, like our allies in the United Kingdom, have dropped all restrictions, including masking when travelling on planes.

You just mentioned, Senator Gold, what I think is not accurate. I do not see anywhere the Public Health Agency of Canada having put out a statement saying that the science backs up what this government is doing. Furthermore, if you can, also point out any medical journal around the world that will back up what this government is doing. If you have something that justifies this nothing-more-than-vindictive policy on the part of this government, please table it in this chamber in a concrete, written form.

Will you provide in this chamber the justification for what clearly the rest of the world and all our other allies don't seem to be aligned with? Why are we continuing to have these restrictions?

Senator Gold: I think I have answered the question on a number of occasions. The government relies on the advice that it gets. It doesn't necessarily only wait for press releases. In that regard, the government will continue to act in the best interests of Canadians. If and when there are changes to the policy, they will be announced.

[Translation]

IMMIGRATION, REFUGEES AND CITIZENSHIP

PASSPORT SERVICES

Hon. Claude Carignan: Honourable senators, my question is for the Government Representative in the Senate. Leader, some public health measures have been lifted and a relative calm seems to be setting in with respect to the pandemic, so Canadians would like to start travelling again. However, travel requires getting a Canadian passport.

Last March and April, Canadians submitted more than 500,000 passport or passport renewal applications. Passport Canada appears to be experiencing the same issues as Immigration, Refugees and Citizenship Canada, where slow processing has become the institutional norm. Canadians who

want to apply for or renew their passports are facing unbelievably long wait times. What is worse, the minister responsible for the issuance of passports has not given Canadians any indication of how long they can expect to wait. It is taking weeks or even months, leader. Desperate people are showing up at dawn at the Guy-Favreau complex in Montreal to try to get an expedited passport.

What concrete action does the government intend to take to remedy this unacceptable situation?

• (1500)

Hon. Marc Gold (Government Representative in the Senate): I thank the honourable senator for his question and for raising this important issue. The government is aware of the challenges and is listening to the staff on the ground. I have been advised that the government has created new centres to increase production capacity. It has hired approximately 500 new staff members and created a new online tool to assist passport applicants and direct them to the best option for submitting their application. The government will continue to work on this issue to reduce the wait times that Canadians are facing.

Senator Carignan: Thank you, leader. I would like to read from a message a citizen sent me:

Dear senator, I am supposed to go to Morocco with my son this Thursday. He applied for his passport on April 13 and was supposed to get it on May 20. I called for a status update two weeks ago. After waiting two hours to speak with someone, I was told the file had been transferred to the Laval office and that we would get an update by May 20. No word on May 20. This morning, I am at the Saint-Laurent office. We are supposed to leave in 48 hours. It is 6:21 in the morning, and look at the lineup, which is unacceptable. Can you do something about this?

I replied, "Wow!" Here's what he wrote back:

Mr. Senator, this is chaos. After waiting for eight hours and thanks to my own resourcefulness, I managed to get a passport a few hours before my departure.

How will the government be compensating people who, like this individual, were put through this utterly unacceptable stress or, worse still, missed their trip and their departure altogether?

Senator Gold: The government is aware of the difficult situation caused by these delays and is doing its utmost to solve the problem.

[English]

HEALTH

FUNDING FOR PRIMARY HEALTH CARE

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, my question is in regard to what is happening in my home province — and, I think, across Canada — regarding the shortage of family physicians. Leader,

during last year's federal election campaign, your government promised to provide \$3.2 billion to the provinces and territories for the hiring of 7,500 new family doctors, nurses and nurse practitioners, beginning this fiscal year. However, the recent NDP-Liberal budget failed to include this commitment. Could you tell us why?

Hon. Marc Gold (Government Representative in the Senate): The question of funding on health matters is one of ongoing negotiation and discussion between the federal government and provincial and territorial partners. It is no secret to senators, either experienced or less experienced, that the push and pull between provinces and their demands and the federal government's response is an ongoing feature of Canadian federalism and will continue to be so.

This government has made historic increases in health care provisions to the provinces, and the provinces can expect to continue to have a good partner in the federal government to help them meet challenges with their health care systems.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to the order adopted on December 7, 2021, I would like to inform the Senate that Question Period with the Honourable Marie-Claude Bibeau, P.C., M.P., Minister of Agriculture and Agri-Food, will take place on Thursday, June 2, 2022, at 4 p.m.

SUBSTANTIVE EQUALITY OF CANADA'S OFFICIAL LANGUAGES BILL

BILL TO AMEND—OFFICIAL LANGUAGES COMMITTEE
AUTHORIZED TO STUDY SUBJECT MATTER

On the Order:

Resuming debate on the motion of the Honourable Senator Gagné, seconded by the Honourable Senator Gold, P.C.:

That, in accordance with rule 10-11(1), the Standing Senate Committee on Official Languages be authorized to examine the subject matter of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts, introduced in the House of Commons on March 1, 2022, in advance of the said bill coming before the Senate; and

That, for the purposes of this study, the committee be authorized to meet even though the Senate may then be sitting or adjourned, with the application of rules 12-18(1) and 12-18(2) being suspended in relation thereto.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I rise today to speak to Motion No. 41. As you know, this motion is very similar to Motion No. 42, which we will also be debating later this day.

I oppose both of these motions for the same reasons and will thus make most of my remarks on the motion before us now, although my arguments apply equally to both motions.

The motion before us now is asking:

That, in accordance with rule 10-11(1), the Standing Senate Committee on Official Languages be authorized to examine the subject matter of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts, introduced in the House of Commons on March 1, 2022, in advance of the said bill coming before the Senate; and

That, for the purposes of this study, the committee be authorized to meet even though the Senate may then be sitting or adjourned, with the application of rules 12-18(1) and 12-18(2) being suspended in relation thereto.

Colleagues, pre-studies are a legitimate tool for the Senate to use at its discretion. They have been used many times in the past and will, undoubtedly, be used again. However, when considering whether to authorize a pre-study, it is imperative that the Senate consider if the request qualifies as a legitimate use of pre-studies.

The Senate rules do not give any criteria regarding whether or when pre-studies should be used. Rule 10-11(1) simply says:

The subject matter of a bill originating in the House of Commons may be referred to a standing committee for study at any time before the bill is received in the Senate.

This means, colleagues, that in order to determine the criteria of what constitutes the legitimate use of a pre-study, we need to take a look at the historical practice of the Senate, and then we must consider the purpose of the requests before us in that context.

Over the last 150 years, 193 pre-studies have been approved by this chamber. That is fewer than four bills per year. Of those, 103 were bills that went to the National Finance Committee or the Banking Committee, and the majority were bills amending the Income Tax Act, the Bank Act and the Combines Investigation Act.

In other words, they addressed matters typically dealing with budget bills or the implementation of other policy measures with broad support. The issue to be considered in committee pre-studies was rarely whether the policy should be implemented, but rather how.

These were pre-studies initiated for procedural or policy purposes. This is a legitimate use of pre-studies in the Senate.

Pre-studies that are authorized for procedural purposes fall roughly into three categories. One, they can be implemented for the purpose of soliciting amendments prior to passage in the House of Commons. This is done in order to prevent having a Ping-Pong match between the two houses where the legislation goes back and forth with amendments.

To prevent this, the government will ask the Senate to consider a bill ahead of time so that any proposed amendments can be incorporated into the bill on the House of Commons side. The last time a pre-study was used this way was for Bill C-23, An Act to amend the Canada Elections Act and others, in 2014. On March 24, 2015, Senator Grant Mitchell told this chamber that in his view this was an excellent reason for a pre-study. I will quote Senator Mitchell. I will not do it in Senator Mitchell's voice, although I would like to try:

• (1510)

We have had an experience in the not-too-distant past where a Senate pre-study of the Fair Elections Act did result in amendments being accepted by the house, before the bill got out of the house, because they were done in parallel. With that in mind and with the minister establishing an open mind, that's a very positive argument for a pre-study.

I have not very often agreed with Senator Grant Mitchell, but I do here. This is an example of a legitimate reason for a pre-study. But colleagues, that is not what we have before us today.

The second legitimate reason for the House of Commons to request a pre-study from the Senate is to draw from specific expertise of the Senate. If the government thinks that a bill will receive a better study in the Senate than in the House, and it often does, because it is very technical, and the Senate has subject-matter expertise, then a pre-study makes sense.

We saw this in 2019 with Bill C-91, An Act respecting Indigenous languages, and Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families. In each case, colleagues, the Senate had expertise which the House leaned on in order to draft better legislation. Our Aboriginal Peoples Committee made numerous amendments, many of which were accepted by the House and incorporated into this legislation.

There have been numerous other times when the government has tapped the expertise of the Senate through an in-depth pre-study on bills specific to the Bank Act, anti-trust laws and more. There are examples of legitimate uses of pre-studies.

However, in the two cases before us today, there is no indication that this is what the government has in mind. On the contrary, the Senate seems to be viewed as a bit of a nuisance that the government is hoping to get out of the way as quickly as possible.

The third legitimate reason for a pre-study is to expedite the passage of a bill when it reaches the Senate. We have seen this with pre-studies used for budget measures, COVID-related bills and bills that are coming as a result of a decision of the Supreme Court when there is an established deadline.

For example, the Senate conducted a pre-study in 2014 on Bill C-36, an Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts. The Supreme Court had struck down part of the Criminal Code and gave a deadline to Parliament to redraft the legislation. A pre-study was necessary and legitimate to ensure that we met this deadline.

The same thing happened with Bill C-14, the assisted suicide bill. Parliament had a limited window to respond to the court's decision, and the Senate took that seriously and undertook a pre-study.

This happened again on Bill C-7, when the legislation on assisted suicide had to be amended due to another court decision. All of these are excellent examples of the legitimate use of a pre-study in order to respond to an urgent need to pass legislation. But, once again, that is not the case with either Bill C-11 or Bill C-13.

There is no court-appointed mandate and no impending due date that are pressing us to hurry up. On the contrary, colleagues, these bills both need ample time to be exposed to sunlight. There is no consensus on the issues, and there are many concerns.

Pre-studies undertaken because the government is pre-emptively seeking amendments, planning to intentionally defer to the expertise of the Senate, or there is a need to expedite the passage of critical time-sensitive legislation are legitimate.

This is what we saw during the years of the Harper government.

Between 2006 and 2013, pre-studies were used for seven budget bills, two bills regarding changes to the Criminal Code and two bills on Employment Insurance.

Between 2013 and 2015, the Second Session of the Forty-first Parliament, pre-studies were used for four budget bills in order to appropriately expedite their implementation, two bills on Indigenous or Northern Affairs because the Senate had expertise on these matters and one bill on the Elections Act because many senators were at that time current or former party officials with lots of expertise on elections.

Furthermore, when it came to the Canada Elections Act, the House of Commons waited for the Senate committee to give their suggested amendments so that they could incorporate them into the legislation.

There was also one pre-study on a bill to amend the Criminal Code that I mentioned earlier, which made changes in response to a Supreme Court decision on prostitution, along with one pre-study on citizenship and one on national security.

So, in nine years, there were 11 budget bills. Non-budget bills totalled 10, or an average of one per year, which included bills on which the Senate had specific expertise or were urgent.

This is entirely different than what we see the government leader in the Senate proposing today.

While legitimate pre-studies are initiated for procedural or policy reasons, the pre-studies we are being asked to approve today have been initiated entirely for political purposes. Rather than seeking to improve legislation, the government seems to be intent on bypassing sober second thought in order to rush the bills through unnecessarily. This, colleagues, is not the role of this chamber.

But this is not the first time this government has tried to use pre-studies as a means of compensating for their ineptitude.

In 2017, former senator Joseph Day said:

The House of Commons should not take for granted that we will bypass or circumvent our normal and traditional practices in order to compensate its own failings in managing its agenda.

Our recently retired colleague Senator Mercer added:

This pre-study will continue to allow the House of Commons to treat the Senate with little or no respect. This pre-study will continue to allow the House of Commons to be lazy and too lazy to get their work done in a timely fashion. Canadians expect better than that. Voters expect better than that. . . .

I have a message for the House of Commons: Stop wasting our time and get off your butts and do your job. Public expectation is that the House of Commons will do its job. We expect the House of Commons to do its job because everyone knows we're ready to do ours and I will not be supporting a pre-study.

Amen, Senator Mercer.

Regardless of which party is in power, using pre-studies to try to make up for lost time has been long considered a bad idea.

In 2015, again, my friend Senator Grant Mitchell said:

It is a concern, particularly for the opposition side, often to permit or agree with pre-studies. Often there are good reasons given. One reason is the pressure of time. That is the least good reason and often that's because the House of Commons didn't show the Senate adequate respect and just dumped the bill on us at the last minute. . . .

Colleagues, I'm not opposed to the Senate authorizing pre-studies which are for legitimate purposes. But that is not the case before us today.

• (1520)

The House is not pre-emptively and proactively seeking amendments, nor does it have any intention of soliciting the expertise of the Senate in deference to us, nor is there a need to expedite the passage of critical, time-sensitive legislation. Instead, they just want us to hurry up.

This government and this Government Representative in the Senate are seeking to normalize the practice of pre-studies by suggesting that they are a way of ensuring in this chamber that “. . . there be sufficient time for adequate study and debate regardless of how quickly or not legislation arrives.”

I will again quote Senator Gold:

. . . the authority to pre-study proposed legislation is within our power and affords us the time to properly scrutinize legislation without prejudice to the time . . .

Colleagues, with respect, this is nonsense. The Senate doesn't need to pre-study in order to have sufficient time to do our job properly. Our timetable is in our own hands, not the government's.

Senator Gold is making the absurd suggestion that the Senate should rush the bills now so we do not have to rush them later. I would argue that we should not be rushing them at all.

The legislation Senator Gold is referring to is not part of a budget implementation act. It does not amend the Income Tax Act. It does not implement policy which has already been considered and approved by the other place. In fact, we have every expectation that before we receive either of these bills in this chamber, they will be amended in the other place, possibly making our work redundant and a complete waste of time.

MP Chris Bittle, Parliamentary Secretary to the Minister of Canadian Heritage, acknowledged that amendments to Bill C-11 were likely a couple of months ago when he said:

We are eager to see this bill before committee and to engage in discussion on how to make it better, ensuring its principles and what we and the minister have set out are met. There is room for amendments and room for discussion, and the proper place is in committee. . . .

The Senate is supposed to provide sober second thought, but that is difficult to do when we won't even have the final copy of the bill.

This is not a new concern. Our previous colleague Senator Joan Fraser raised it back in 2014 when she said:

As the Leader of the Opposition has just suggested, what exactly are they going to be studying? We don't know what's going to be coming to us from the House of Commons. I would gather, from listening on the weekend to various interviews with the minister in charge, Mr. Poilievre,

that the bill will be stuck in the House of Commons committee for the next month. Is it still going to be the same bill when it gets out? If not, why are we doing the pre-study?

Senator Mercer made a similar observation in 2017 when he said:

My fundamental question: What if we had time to do the pre-study and in the process, by some miracle, something happened down the hall and they changed something in the budget, they found something wrong and they fixed it while we're up here wasting our time studying something that's different? We want to study what's actually going to be before us.

Last week, Minister Petitpas Taylor launched the consultations for preparations of the 2023-28 plan for official languages. These are very important this year because they will help to inform the work of parliamentarians on Bill C-13. So why is the government rushing Bill C-13 in committee while it launches consultations with the Canadian public on how this bill could be improved and implemented? Would it not make more sense, colleagues, for the Senate to wait until the results of the consultation are in its hands before we do our review of the bill?

Colleagues, the only reason we would be required to expedite these bills is to facilitate the government's political agenda before it has concurrence in the other place. This is an affront to the role of the Senate, and especially a Senate which the Prime Minister says he wants to be apolitical.

Senator Gold said himself:

I stand here as the Government Representative, and I'm telling you I do not know when it will arrive. It is nonetheless a top priority of the government that is doing all it can to get it to the finish line. . . .

The legislation is ". . . a top priority of the government . . ." so we should apparently just jump into line and accelerate its passage into law.

I would remind Senator Gold that the working majority which the government wrangled out on supply and confidence measures does not give them a majority in the public's eyes. Politically, they were granted a minority. So it is absurd to suggest that just because something is a priority to them, it suddenly becomes a priority to all Canadians and the Senate should be expected to treat them like they have a majority.

If they want to speed things up, then the NDP-Liberal government has the tools it needs at its disposal. It has the majority of votes in that chamber, and they don't need our help to get their work done.

I understand that even though they have a working majority in the House, they still can't get anything done in a timely fashion. But that, colleagues, is not our responsibility to solve.

Colleagues, pre-studies are legitimate when used for the right reasons, but this government wants to use them simply to make up for its own ineptitude. And I would argue that when a government gets in a hurry to pass legislation which has no clear policy or procedural reason to be expedited, we better slow down and take a careful second look.

Contrary to what this government wants us to believe, time is an essential ingredient in the democratic process, especially when a bill is as controversial as these two bills are.

Time allows for increased public awareness, increased public debate and increased public buy-in. It is not just senators who need to be convinced that legislation is worth supporting, colleagues; it is Canadians who also need to be convinced, and this takes time.

Having studies run concurrently in both the House of Commons and the Senate is a terrible way to create public policy. It gives everyone the impression that something is being rammed through Parliament, and it does nothing but stoke the fires of cynicism and suspicion.

I would argue that in today's environment, that is the last thing we need. We need to restore trust in our public institutions. We need to take the time necessary to do so. Otherwise, we are merely pouring fuel on the fires of disinformation and conspiracy theories.

Senator Dasko spoke for many of us when she said:

. . . We also need assurances that the committee will have the time it needs to do its work. When I hear about the urgent need to pass a bill, I can't help but wonder whether we will really have the time to review a bill. If we keep hearing about the urgent need, it most certainly raises questions about whether we will be given the time.

It raises questions, indeed, colleagues. On the one hand, we are supposedly not being rushed, but on the other hand, the motion calls for the committees to be able to sit while the Senate is sitting and even when it is adjourned. It is urgent, but take your time. But don't take too long because it is a priority.

There is no clear rationale for these pre-studies, and we need to deny these motions.

Colleagues, the Senate provides an important role by providing sober second thought. This means that after the other place has sent us the legislation, we take a second, unhurried look at it. We need to be cautious of using pre-studies and only approve them if there is a clear legitimate reason to do so.

• (1530)

Again, in 2017, Senator Day said:

I am generally cautious about pre-study. I know it's in the Rules. I know it can be a useful tool from time to time. But in my view, it takes us away from being a chamber of sober

second thought. It puts us into a concurrent role with the House of Commons, and that has always caused me concern. . . .

Pre-studies of legislation distract from the role we traditionally have of providing sober second thought.

This is why, as Senator Harder put it, pre-studies should be occasional. In May of 2018, Senator Harder said:

. . . the use of pre-study in this chamber is occasional where the appropriate circumstances present themselves. Obviously, that has been more regularly on budget matters.

Senator Raynell Andreychuk noted the same fact in 2011 — when we were in government, I might add — saying “. . . a pre-study is not the normal course of conduct of committees.”

Rather than enabling us to do better work, pre-studies — which have no legitimate basis — hobble us in our work. They do not allow us to do a proper examination of legislation and inhibit our responsibility to provide sober second thought.

Colleagues, I am having a great deal of difficulty seeing the rationale in the motions before us. By the time a pre-study on any of these bills could be started, we would only have two to three weeks left before our summer recess. I'm not sure what to make of this. Does the government expect us to complete a pre-study of highly contentious bills in two to three weeks? Committees typically get one time slot a week.

What if they manage to get the bills over to us before July? Do they expect us to deal with them prior to the summer recess? If so, are they planning on bringing the House back in the summer in order to deal with our amendments? Not likely. Colleagues, we all know they would do no such thing. They would be quite happy for us to rush it through this chamber and even sit in July, but there is no way on this earth that they would deal with any of our amendments until the end of September at the very earliest. The only thing a pre-study would do is serve as an incentive for us to rush through our work instead of taking the time necessary to do it right.

At this point, I can't help but find myself agreeing with the words of my friend Senator Jane Cordy that she made in April 2014 when she said:

Honourable senators, if I believed a pre-study would make a difference, I would be the first in line to promote it; but I do not believe that it would make a difference. If I believed that the voices of Canadians would be listened to in a pre-study, I would be first in line to promote the pre-study; but I don't believe that a pre-study would do this. If I believed that the committee doing the pre-study would use the time to travel to the regions of Canada to let Canadians talk to them, I would promote the pre-study; but . . . I do not believe that this will happen.

Colleagues, a pre-study is a tool for urgent matters, yet none of these bills are urgent. The government waited for years to table them and did not care when they delayed it further by proroguing Parliament and then calling an unnecessary election that not one Canadian wanted.

Senator Gold is trying to defend the indefensible. We should defeat these motions, colleagues, and get back to doing the good, important work of the Senate.

Thank you.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker pro tempore: Do you have a question?

Hon. Marc Gold (Government Representative in the Senate): Will the senator take a question?

Senator Plett: Certainly.

Senator Gold: Since I'm not rising on debate, I will not even try to smuggle in references and counter-arguments to much of what you said. Thank you for your speech, senator, but some of your assumptions, certainly with regards to the government's intentions on this bill, are simply not true. I'm on record to that effect, but I will turn to my question.

You quite properly identified, senator, how Senate pre-studies of Bill C-91 and Bill C-92 were legitimate, in your taxonomy, because they resulted in enhancements and improvements of the bills. You cited, and properly so, the expertise of our Aboriginal Peoples Committee.

Would you not agree that the same logic applies to Bill C-13, which is now before us? Our Official Languages Committee has a unique expertise, a unique composition — indeed, this chamber is unique, because linguistic minorities are appointed and represented very well in this chamber.

As everyone in this chamber knows or ought to know, the Official Languages Committee has spent years, if not decades, on this issue and wants to review this bill thoroughly in the same way as was done for Bill C-91 and Bill C-92. Should they not, therefore, Senator Plett, be afforded an opportunity to do so?

Senator Plett: Since you are asking me the question, I will, in the words of your answers occasionally — not usually — answer with one word: no.

Senator Gold: Would the senator take another question?

Senator Plett: Sure.

Senator Gold: Again, we all, I think, appreciated the way in which you packaged the history of pre-studies in previous Parliaments and the taxonomy that you presented, but in my reading of, at least, the Forty-first Parliament, when you were in government, I am having difficulty finding where some of the bills where your government initiated pre-studies fit. I can cite a few of them, but I will focus simply on one: Bill C-51, the Anti-terrorism Act, 2015, a major piece of legislation that you introduced that effected significant changes to our national security and defence regime, many of which have been changed

by subsequent acts. You'll recall that a pre-study was authorized for that bill. Can you please explain how that fits into the rationale and the taxonomy of those?

While you're at it, because I don't want to abuse my time, you could also, perhaps, refer to how Bill C-15, on the devolution of the Northwest Territories Act fits in, and the changes to the Citizenship Act as well.

Senator Plett: Well, Senator Gold, no, I cannot, because it's a long time ago. You haven't done the investigation on that, clearly, as you just said, and I haven't either. I believe we were in a minority Parliament for those, and so that clearly would be one.

The NDP-Liberal government is not in a minority over there. They can get us their bills any time they want, and so I would say no, it is not the same.

I did allude to some bills going to the National Security and Defence Committee, that we had supported the pre-studies. There are occasions when we need them, and in this case, Senator Gold, when we are at the sunset of our session, you are bringing us bills for a pre-study that we will not even have time to properly get into.

Let's take Bill C-11, and I spoke more on Bill C-13 — or my debate was on Bill C-13 — but it applies to both. The Transport and Communications Committee typically meets on a Wednesday, so this is probably too late for them to meet tomorrow. As a matter of fact, the Energy Committee has taken their spot to deal with another one of the government bills, and so they won't meet tomorrow. The earliest they can have their meeting and get organized is Wednesday of next week. Likely the earliest they would have witnesses is the following week.

Senator Gold, I have asked you the question: When do you expect us to leave here? If you're expecting us to stay here until the end of August, then tell us that, and then we'll adjust our calendar. If we're supposed to be here until the end of June — the House of Commons is rising on June 21 — and you are asking us to do something that is in no way reasonably possible for us even to get into, to rush something through that has no reason, when this government themselves prorogued Parliament and called an election when they were promising these bills.

• (1540)

Now they have them over there — they are stalled over there — and you are the only one who seems to see an urgency here. They don't seem to think there is an urgency. You seem to think there is an urgency, but you tell us to take as much time as we want. Well, if we can take as much time as we want, then what is the urgency? Why would we have a pre-study? If your answer will be that with the pre-study we will have more committee slots, we won't. The committee slots aren't there. If we did what we have asked for this chamber and this government to do, which is to get back to normal Senate hours and sittings, we wouldn't have a lot of these problems.

These problems exist because of your government, Senator Gold, not because of us. You're taking time away from the Senate, and now you're asking us to rush something through. And the words you always use are "This is the government's priority." If this is their priority, where are the bills?

Senator Gold: Senator Plett, thank you for the answer, but you will allow me to respectfully say that I have done the research. Every bill that I mentioned, Bill C-15, Bill C-23, Bill C-33, Bill C-24, Bill C-36, Bill C-51 and others, were all pre-studied at a time when your government had a majority in the House and a majority in the Senate.

The fact is that there is still a minority Parliament in the House of Commons. There is obstruction at every step of the way, and that is well known to those who wish to know. The fact also remains that the government in the House of Commons has scheduled 14 hours of hearings on Bill C-11 just this week. If the Senate committee is willing to work more than one session a week, they can avail themselves of slots that we made available through the adjusted hybrid motion. We do not agree that there is time for the Senate to make progress on Bill C-13 and to begin a study of Bill C-13. It will be seized of it at such time as we receive the bill, and we would be doing our duty to dig in. Would you not agree that this is a proper use of Senate time and taxpayer resources for us to address these important public policy issues?

Senator Plett: No, I actually would not, Senator Gold. If more committee meetings are held over there, the fewer we can have over here. How does that possibly help us if they take more? You say we made more committee spots available to them. Whose committee spots?

If you didn't say that, I misunderstood you. You said they have slotted more, and if the other parties — and again we're blaming everybody else — will only cooperate with this NDP-Liberal majority government, then they will be able to hold more committee meetings. They have tools in their tool box. The NDP has promised them. You, I, and everybody in this chamber know that. They have the tools in their tool box to get us the bills.

So, no, Senator Gold, we do not have the committee spots available. We are being asked every day, "Can we have a committee meeting here?" "Can we have one there?" We don't have the spots available to them. So find us the spots available before you ask us to do something that is not possible.

[Translation]

Hon. René Cormier: Honourable senators, as an Acadian senator from New Brunswick, I want to speak briefly today on Motion No. 41, which would allow us to conduct a pre-study of Bill C-13. This bill seeks to modernize the Official Languages Act.

Since this quasi-constitutional act passed in 1969, and thanks to amendments made since that time, the Acadian people have benefited greatly from its implementation, which has contributed to the development and advancement of many sectors of Acadian society. Its implementation has contributed to the existence of strong economic, educational, cultural and social institutions in Acadia.

[English]

Honourable senators, allow me to remind you that the purpose of the Official Languages Act is to:

. . . ensure respect for English and French as the official languages of Canada and ensure equality of status and equal rights and privileges as to their use in all federal institutions, in particular with respect to their use in parliamentary proceedings, in legislative and other instruments, in the administration of justice, in communicating with or providing services to the public and in carrying out the work of federal institutions

It also aims to support the development of French and English linguistic minority communities and generally advance the equality of status and use of the English and French languages within Canadian society. Finally, it set out the powers, duties and functions of federal institutions with respect to the official languages of Canada.

The Supreme Court of Canada has reaffirmed its quasi-constitutional nature, notably in the case *Thibodeau v. Air Canada* in the following matter:

. . . the OLA has a special status: “. . . it belongs to that privileged category of quasi-constitutional legislation which reflects ‘certain basic goals of our society’”

[Translation]

Between 2017 and 2019, the Standing Senate Committee on Official Languages conducted an important study on modernizing that act. That study led to the release of several reports that had a major impact on the bill currently being considered in the other place. The committee made 20 recommendations that sought to address issues with the implementation of the act under four main themes: leadership and cooperation, compliance, enforcement principles and judicial bilingualism.

That study, while stimulating reflection and discussions on the work done in the other place, clearly brought to light the scope and complexity of the Official Languages Act, as well as the need to ensure sufficient time to conduct an in-depth and rigorous study of a new bill to amend it.

Colleagues, a pre-study would give us the time needed and the opportunity to better understand all of Bill C-13's provisions and the associated issues identified by various experts and witnesses.

Indirectly, it would also help us achieve an important educational goal, as it would enable Canadians who are following our work here in the Senate to learn more about what is in the bill before it is introduced in this chamber.

At present, and even though Bill C-13 was just referred to a committee in the other place, we do not know when it will be introduced in this place. Let us take advantage of the time being provided to begin our work as legislators by carrying out a pre-study.

[Senator Cormier]

As I have already pointed out in this chamber, and as was said today, the *Rules of the Senate* allow us to examine the subject matter of a bill before that piece of legislation is passed by the House of Commons.

[English]

Honourable senators, considering the growing fragility of the French language in Canada, considering the issues of all linguistic minority communities and, finally, considering the extraordinary involvement of all stakeholders in the modernization process of the Official Languages Act and given its importance for the future of our country, I sincerely believe that a pre-study would allow us to deeply examine certain issues identified and to prepare us for the important study of this legislation when it arrives in this chamber.

[Translation]

Esteemed colleagues, my argument in favour of a pre-study is simple: Let's use all the time at our disposal to fully exercise our role as legislators by undertaking a rigorous review of Bill C-13 with a pre-study. Appropriate amendments should be made to the Official Languages Act so that it can meet the current and future needs and aspirations of all citizens. Canadians deserve it. Let's begin the work now by adopting this motion.

Thank you for your attention.

[English]

Senator Plett: Thank you, Senator Cormier. You say that a pre-study will help, but you didn't say why. Why would we not be able to do all of the things you were suggesting in a regular study if the House could ever get their act together and get us the legislation? They haven't even started committee meetings over there.

• (1550)

I don't think there is anybody in this chamber who believes that bill is coming to us the way that bill is written today. So we're going to have a piece of legislation that will come to us different than what it is today.

It is now May 31. If the Official Languages Committee meets on Mondays, you would have a maximum of three Mondays, that is if you could get started and have meetings next week on Monday, which is not really realistic. So there would be two meetings. I cannot see what you can accomplish in those two meetings when you are studying a bill the contents of which you don't even know.

Aside from the fact that you really want to support this government — I can understand that — but aside from that, why is a pre-study better than a study after we have the bill? What makes it better?

Senator Cormier: Thank you for the question, senator. I don't want to support the government; I want to support Canadians. We have been waiting for this bill. We have done an important study for two years on this bill. It had an impact; the work of the Senate did have an impact on the legislation in the other place.

Doing a pre-study would allow us to deepen certain questions that are really important. It's a complex bill. I don't sensibly think we can do the work in two or three weeks, but it's important for us to start that work right now.

The *raison d'être* of the pre-study is not to finish by the end of June; it's to start the process, which is very important. Also, the House of Commons can hear what we have to say here when we meet people during the pre-study.

For me, there is no issue of rushing the bill. That's not my *raison d'être*; my *raison d'être* is to start the conversation right now and not wait until the fall. Start it right now. It is not to rush the adoption of the bill but to make sure that Canadians can hear what the committee can do as a pre-study.

That's my *raison d'être*, senator.

I'll say it again: I'm not here to support the government; I'm here to support Canadians, especially linguistic minorities in Canada, who have been waiting and working on this bill for so long. I think they deserve this. They deserve a pre-study. Thank you.

[Translation]

Hon. Claude Carignan: Would Senator Cormier take another question?

Senator Cormier: Absolutely.

Senator Carignan: Senator Cormier, you understand, of course, the importance of defending both official languages. Any minute now the House of Commons will be voting to refer the bill to a committee following second reading stage.

Over the next few days, the House of Commons committee should be starting to study the provisions of the bill to modernize the Official Languages Act; the debate will be held first in the House of Commons and then in the Senate.

Doesn't the committee have other important topics to study on official languages, to ensure that the government respects both of our official languages?

Senator Cormier: Thank you very much for your question. Indeed, there are other topics to discuss. In fact, the Standing Senate Committee on Official Languages is currently conducting a study on francophone immigration.

Bill C-13 addresses this immigration issue, among others, and proposes that the Minister of Immigration adopt a national policy on francophone immigration. In the context of a pre-study, we would have the opportunity to delve further into certain aspects, such as francophone immigration, for example. This of course would be useful with respect to modernizing the Official Languages Act, but I should also say — and I agree with you on

this — that the issue of francophone immigration is an extremely important theme for the future of official language minority communities and for all Canadians.

[English]

Senator Gold: Would you take a question, Senator Cormier?

Senator Cormier: Absolutely.

Senator Gold: I notice you have a motion on the Order Paper to authorize the committee to meet at their approved time on any Monday that immediately precedes a sitting Tuesday, consistent with the recommendations of the Selection Committee. Would this not help manage the workload?

Also, am I correct in thinking that you had hoped to have a committee meeting this past Monday? Can you explain why you were not able to have that meeting?

[Translation]

Senator Cormier: The committee chair and committee members had nothing to do with the fact that the Standing Senate Committee on Official Languages was not able to sit on Monday.

I am speaking for myself, and not for the other committee members. The Standing Senate Committee on Official Languages expressed a genuine desire to work on the modernization of the Official Languages Act, and it is committed to diligently and meaningfully studying this issue.

We hope to meet as often as possible to get this job done, but, yes, some of the decisions that were made prevented us from meeting as often as we would have liked.

I think that we need to undertake this work that is so important to Canadians as soon as possible.

[English]

Hon. Leo Housakos: Honourable senators, I want to speak on this important debate. I don't want to debate the merits of Bill C-13 or Bill C-11, but my comments will equally apply to both the motions on the Order Paper, the current one and the one to follow.

Clearly, there is no urgency requirement, colleagues, in order to have a pre-study. I think anybody who attempts to make the argument that a pre-study is urgently needed here is doing nothing more than acquiescing to what may be the government's agenda, for political reasons.

Senator Plett made a very compelling case in his speech about all the examples where pre-studies have been used. It's an important tool in Parliament. It's a tool we use whenever there is an urgent public interest in order to address an issue. We have seen it done time and time again. More often, it seems to happen toward the end of a parliamentary session because government wants to get something out before we rise either for the summer break or for the Christmas break. It's not done ever, to my knowledge, because all of a sudden they — successive

governments — want Parliament to dive into an issue for as long a time as possible, study it and analyze it because it's so important.

That seems to be the impression we're getting from our honourable colleague Senator Cormier.

So if this is such an urgent and pressing issue in the case of Bill C-13 and Bill C-11, why has the government putzed around for seven years before in both these instances of moving legislation forward? They haven't because, clearly, there hasn't been an outcry.

In the case of Bill C-13 and Bill C-11, if they don't pass by the end of June — and, clearly, the government's objective is to get it out of the House and this chamber as quickly as possible before we rise — but if it doesn't happen, what will happen?

We have been operating with our Official Languages Act now for a very long time before this has come before us. Our Telecommunications Act and Broadcasting Act have been neglected for decades by governments. For this government, it wasn't much of a priority either because they tried to drop it in this chamber on the eve of prorogation last year around this time, before they were going into an election.

I have come to the conclusion that this pre-study is an attempt to do what governments historically have done when it's not an urgent public issue: They usually try to use a pre-study and try to ram stuff through Parliament because it's controversial. There is no consensus; there are two sides that just don't agree. As a result, governments don't like for such bills to linger. They don't like them to linger in the House or in the Senate.

Well, I'm sorry to the executive branch of government, but as we have experienced with Bill C-11 — it was called Bill C-10 in the previous Parliament — we all understood what the government was doing and we stood up on the eve of the last prorogation as parliamentarians, in consensus, and we said that it required an in-depth debate. I was happy to hear Senator Cormier, who all of a sudden embraces pre-studies, say that it required a long and lengthy debate.

• (1600)

Now to the fundamentals of reality, Senator Gold. Again, we look at the life of this session before we rise for the summer. Normally, it would be at the end of June. Again, Senator Plett appropriately highlighted the challenges we're currently having for our committees to meet in the actual times that we require to do our work, let alone add pre-study requirements to the government agenda, which is already taking up all our resources. As the House is adding more resources, the chamber here gets hurt with that reality as well.

If I can remind people of another government motion — and we should start reviewing these government motions a little more diligently when they are tabled — we were promised when we accepted the last government motion to extend until the end of June hybrid and virtual sittings that somehow that will be a catalyst in returning our committees to their times of two

meetings a week, because we all have come to the realization that we're not producing the output of work the way we used to as a chamber.

We were given the commitment that, if we support that government motion, committees will get their two slots a week and we'll get back to getting this place revving forward and doing its work.

Now in addition to the government not delivering on that promise, they want us to add a pre-study to two particular bills that none of us see the urgency of getting out before June. All of us see that they are contentious bills and require in-depth study. We know that many, many witnesses have expressed a desire to come before the respective committees in order to address the issues. Yet the government continues to insist that we need to have a pre-study.

Furthermore — and I don't want to repeat everything that Senator Plett said, because his speech was an outstanding one — the truth of the matter is these two chambers are independent in our Westminster model. If committees are going to do their respective work in a diligent fashion, they also have the right to amend bills, right?

We should not assume that they are going to be steamrolled through a House committee without amendments and steamrolled through this chamber and a Senate committee without amendments, particularly when we know that both these bills are controversial and that many stakeholders have concerns.

We have an obligation to independently hear the committees on both houses. We have an obligation to hear the debate in terms of second and third readings. What we particularly have an obligation to do in this place is to take the politics outside of all bills, including government bills, which inadvertently will happen on the other side. That is why it is called the House of Commons.

I think only where necessary should we accept the use of this tool of allowing pre-studies to happen in extenuating circumstances. We've done it many times when there is a public need, when we're dealing with an existential crisis that requires funding and there is a general consensus and we know that there is a consensus from the public in order to get money bills through here quickly. We did it through COVID non-stop. If there is a particular crisis or emergency of sorts, again, we understand that we have to make exceptions, and then the traditional parliamentary rules in order to accommodate those public interests.

But, government leader, in both these instances, there is no emergency — we all know it and you know it — other than the fact that the government doesn't want these two contentious issues to be dragged out in either part of our two chambers, because like any government they don't like to get a headline where someone is criticizing their agenda.

The other thing I have to highlight, colleagues, is that this particular Trudeau government has not been very good at identifying emergencies. The last time that they had this chamber debating on something which was an emergency it was called the Emergencies Act, if you all recall. Some of us were up on our

feet questioning that emergency at the time, and there were other senators who were embracing that emergency as the Prime Minister was running to a press gallery to basically say, “Sorry, I’m pulling the plug now, it is not as big an emergency as it was yesterday.”

So there is a track record here, government leader, of this government not being good at identifying emergencies and dealing with emergencies.

Again, I asked the question last week when this motion was tabled. I never got a legitimate answer from the government leader. Given the resource challenges that we have as a chamber and as a Parliament, given the fact that no one has made a compelling case that there is an outcry by the Canadian public either for Bill C-13 or for Bill C-11 to be rammed through this Parliament without thorough debate, the reality is even if we accept this pre-study, I still have not had an answer from this government: What is a timeline that you think is reasonable for this bill, government leader, to become law?

Because given our agenda the next three to four weeks both in the House and in the Senate it is very unrealistic to think even if there is a pre-study, even if a majority of senators here will stand up to support the government on this motion, I still find it difficult to believe, realistically, that this bill can pass, unless the government thinks that it is such an emergency that they are willing to keep Parliament here past the month of June through July and August — which, by the way, you had the right to do last year as well and chose not to, right? We need clarity on all of those things, government leader, and we have not had it up to this point.

For all of those reasons I have highlighted and outlined, I do not believe, colleagues, that this is in any way a compelling case for a pre-study, neither on Bill C-13 nor on Bill C-11, and, of course, we’ll leave it to the good judgment of this chamber to decide. Thank you very much.

[*Translation*]

Hon. Lucie Moncion: I am not certain my comments will contribute much to the discussion, but we shall see.

I rise today in support of Senator Gagné’s motion proposing that the Standing Senate Committee on Official Languages be authorized to study the subject matter of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts.

I am a member of the Senate Standing Committee on Official Languages and have been part of the study on modernizing this law, and I am convinced that such a study will enrich debate in the House of Commons and the Senate. This pre-study will not prevent the Senate from conducting a proper study once the bill arrives here. Believe me when I say that we have waited too long for this bill to rush it through.

In recent sessions, senators have debated whether it would be appropriate to conduct a pre-study of Bill C-11. That discussion is also relevant to the debate on the pre-study of Bill C-13. In particular, several senators emphasized the benefits of the two

chambers maintaining a dialogue in order to achieve a more refined final product that better represents what stakeholders and Canadians are looking for. I share this view as well.

[*English*]

The context of the pandemic and the hybrid session format makes it difficult to follow the usual committee meeting schedule. The uncertainty of committee schedules and the labour shortage that also affects the Senate is another reason to have a pre-study of Bill C-13 at the Official Languages Committee. It would be unfortunate, in my view, not to take advantage of the valuable meeting time that is available in the coming weeks to study the subject matter of the bill and to get ahead of the game. Giving ourselves time should be a priority in such an uncertain environment.

As Senator Saint-Germain pointed out in her speech on the pre-study of Bill C-11, many pre-studies of non-budgetary bills have been conducted in previous parliaments, including under previous governments. Therefore, we would be continuing a well-established practice. I thank the senator for providing the historical context in this chamber.

Also, the current political environment suggests that there will be sufficient time to do a proper study of this bill, in addition to the pre-study. This is a bill that official language minority communities have been awaiting for over 30 years. I believe that we need to give time and proper consideration to this quasi-constitutional piece of legislation, which is at the heart of Canada’s social contract.

[*Translation*]

I sincerely believe that, by proposing a pre-study with no constraints related to exchanges and procedure as we approach the end of the session, this motion offers us a reasonable and judicious way to begin our work.

Many of the stakeholders who have been waiting a long time for this have already expressed their concerns about some aspects of the bill. They are ready and we are ready, so why wait?

For one thing, a pre-study would enable us to be proactive in our study of the following aspects.

Stakeholders want Treasury Board to be designated as a central agency responsible for implementing the bill as a whole, but the bill makes Canadian Heritage responsible for exercising leadership in relation to the implementation of this act. We have to examine the complex issue of the central agency.

• (1610)

Next, the clause about francophone immigration policy does not explicitly state that the policy must increase the demographic weight of French-speaking Canada. Should this clause be amended to clarify its remedial purpose?

Many stakeholders are concerned about the fact that this bill does not contain a provision requiring the government to include linguistic provisions in agreements with the provinces and

territories. What jurisdictional issues prevent the government from including a clause requiring linguistic provisions? Are there viable alternatives that could satisfy stakeholders?

[*English*]

The bill does not contain a provision for the disposal of federal real property, a long-standing request by stakeholders to facilitate the acquisition of such property by French-language school boards whose infrastructure is insufficient to meet the needs of their communities.

Finally, we must also consider how the bill will affect the English-speaking minority in Quebec. The Quebec Community Groups Network has expressed significant concerns about various issues that deserve our attention.

The Official Languages Committee has particular expertise in the reform of the Official Languages Act, having conducted an extensive study on this subject matter during the Forty-second Parliament. We should build on this expertise by initiating a pre-study as soon as possible, in parallel with the study of the bill by the Standing Committee on Official Languages in the other place. The other place could benefit from our knowledge. A productive dialogue between these two committees would be an asset to stakeholders and to Canadians.

[*Translation*]

This bill is long overdue and we need to do it justice. Esteemed colleagues, I urge you to support this motion to ensure that we can start studying the substance of Bill C-13 as soon as possible.

Thank you for your attention.

[*English*]

Hon. Pamela Wallin: Senator Moncion, I'm curious; you seem to suggest that if these committees sat and examined these pieces of legislation that somehow the House would respond to it. Do you have assurances that is their intention?

Senator Moncion: Thank you for the question. No, we do not have that assurance. However, for the last couple of years we have conducted a study of the Official Languages Act and the reforms we were looking for in the act. The government did take notice of the amount of work, and the number of recommendations we provided to them. When they were working on the new legislation, they were inspired by what had been created and prepared by the Official Languages Committee. Six different reports were provided to the Minister of Official Languages, Ms. Joly, and the government did take notice. The minister also had extensive consultation with stakeholders, but thorough work was done within the Senate.

Senator Wallin: I understand that Senate committees study issues and forward those reports to government, hoping they will listen and respond — sometimes they do and sometimes they don't, as I well know from the MAID legislation.

[Senator Moncion]

However, are you suggesting that during this brief period where pre-study might happen for a day between now and the end of session, they have agreed to pause and wait until we've completed our study before they send us the final bill?

Senator Moncion: I am not sure that I understand your point correctly. In terms of the pre-study, we know that by putting forth this motion and agreeing to have this pre-study now, this matter will go into the fall so that when we come back we will be able to continue our pre-study. There is no timeline such that we have to be done by the end of June. We will be working with our colleagues within the Official Languages Committee.

I'm not sure if I am answering your question.

Senator Wallin: I will try again.

If you think this work is so important, that they will listen and that the studies will continue into the fall, then you are assuming they are not trying to rush this legislation forward; and that if there is a pre-study — somehow, magically — we will receive these bills and we will be asked to pass them before the end of this session.

Senator Moncion: I can speak for Bill C-13, and it will not be passed by June. However, a lot of work can start now.

Hon. Jim Quinn: Would the senator take another question? Thank you.

This debate is very important for me. It seems to me that a non-urgent situation sounds urgent. I'm a senator from New Brunswick, La Société de l'Acadie du Nouveau-Brunswick spoke with me and said they prefer that we not rush things. We have heard that we are not going to rush things. At the same time, they said they would prefer that a pre-study not be done because of the official languages implications of Bill C-13 and what is going on in Quebec in terms of its impact on official languages in New Brunswick. They want to have time and space to let things unfold in a non-urgent environment.

I'm in the awkward position of hearing the debate in favour of a pre-study while trying to represent a region in which an association that is directly affected has urged me to not support a pre-study.

How would you respond to that? We have a significant part of our province — the only bilingual province in Canada — for which I feel I provide some representation, along with other colleagues from New Brunswick.

Senator Moncion: Thank you for the question, and it is an important one. I think people believe that a pre-study is something that will be done right away and that we will approve the bill by the end of June. That is not the purpose of the pre-study.

It is important that people in your province are concerned about issues of a linguistic nature, and the fact that you are hearing them is also important. I understand the loyalty you have towards the people of your province, just as I have loyalty for the people of my province.

It is important to understand that with this pre-study we are not pushing to have this bill passed by June. We want to start our work on specific issues that are very contentious right now. We want to work with our francophone colleagues who represent Canadians from coast to coast to coast in order to find resolutions within what is being provided to have the best bill we can for linguistic minorities in Canada.

This bill has been 50 years in the making. The last bill we had was 50 years ago. It was amended along the way, but what we currently have is not what is needed for minorities in our country, whether in Quebec or outside of Quebec.

The Hon. the Speaker pro tempore: Senator Quinn, I'm sorry, but the time for debate with Senator Moncion has expired.

[*Translation*]

Senator Carignan: Honourable senators, I rise today to speak to Motion No. 41, to authorize a pre-study of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts.

Again, the government is asking us to do a pre-study of a bill that may not have moved far enough through the House of Commons.

• (1620)

In our recent debates on Senator Gold's motion, much was said about the Senate being responsible for the use of its time. Indeed, esteemed colleagues, the Senate is an independent legislative body that manages its affairs according to its rules, practices, customs and traditions.

Although the Senate, as conceived by the Fathers of Confederation, is a chamber of sober second thought, it also has a duty to undertake inquiries in order to hold the government accountable for its decisions. We conduct these inquiries of our own free will and at our own direction. Furthermore, you know as well as I do that the Senate has the power to legislate, except in the case of money bills.

Let's return to the Senate's main role of taking a second look at government bills and, more generally, at bills passed by the House of Commons.

We must undertake this task with consideration for our specific mandate of representing the regions and protecting minorities. The Senate was created as a counterbalance to an elected chamber that represents the people, but where the anglophone majority could overwhelm the francophone minority. The equal representation of regions thus became a foundational principle and ensured greater protection for less populated provinces.

Confederation in 1867 was made possible by this commitment to a Senate serving as the counterbalance to the government and supporting the principle of equitable representation of the regions.

The Senate is then one of the three fundamental pillars of the democratic system that make up the Parliament of Canada. It is a pivotal player in shaping our body of law, and its role cannot be trivialized or relegated to that of a mere advisory body. When legislation is passed in the House of Commons, it is sent back to us for a thoughtful and, ideally, non-partisan second look.

The Senate is known and respected for its thorough and studious review of legislation. Similarly, Senate studies regularly end up influencing the passage of public bills because of their quality.

The predecessor to Bill C-13 is Bill C-32, An Act to amend the Official Languages Act and to make related and consequential amendments to other Acts. It was introduced for first reading on June 15, 2021, a few days before the summer recess and a few weeks before the prorogation of Parliament, which occurred in August 2021 and came as no surprise to anyone. When we look at the history of Bill C-32, we can see that it went through first reading on June 15, 2021, but the second reading, committee review and third reading stages were not completed.

The Trudeau government waited five years and eight months to introduce its bill to modernize the Official Languages Act, with the only result being that the bill was introduced in the other place at first reading and then it was never debated.

So, yes, I was quite surprised when I learned that we would be debating a motion regarding a pre-study of Bill C-13. This government dragged its feet for so long on this file that the fact it is asking us now to do a pre-study of this bill seems very odd indeed.

I would remind colleagues that the Senate does not normally begin studying a bill before the other place has completed its study. Bill C-13 is still at second reading in the House of Commons at this time. After four sittings during which the House debated this bill, the government adopted a time allocation motion on May 20, which means that the bill will be referred to the Standing Committee on Official Languages today.

Aside from the fact that the government, for unknown reasons, suddenly seems inclined to expedite the study of this bill, there is absolutely no reason the Senate should bow to the government's will and abandon its customary and constitutional practice of carrying out a second review of the bill once it has been passed in the other place.

During debate on Motion No. 41, Senator Gold and Senator Saint-Germain quoted statements I made when I was government leader in support of the pre-study of certain bills. Indeed, as I said earlier, I recognize that a pre-study can be useful under certain specific circumstances. However, it must not become routine, because that would distance the Senate from its fundamental role as a chamber of sober second thought. Most importantly, a second study carried out by the Senate must not supplant committee work in the House of Commons.

Therefore, when considering a pre-study, the bill to be studied must at a minimum be in the legislative process in the other place, the committee study must ideally have been completed and amendments must have been presented. There must be a certain urgency to moving the bill along, whether because the end of the session is imminent, or there is a legal requirement or the bill has such a narrow but important application that it is vital to deal with it as quickly as possible. Those are some elements that need to be considered. However, the Senate is master of its own schedule and it may take into account any other consideration in determining the pertinence of a pre-study of a bill. I must insist that pre-studies should not become the norm, but rather the exception.

In that sense, Professor Paul G. Thomas, in a work edited by our former colleague, Senator Joyal, entitled *Protecting Canadian Democracy: The Senate You Never Knew*, rightly points out, and I quote:

The original role of the Senate was to complement . . . the House of Commons, which . . . was seen as the centre of political life in the country.

Other than the pre-studies on supply bills that are usually done in the Senate, six pre-studies were done under my leadership in two years, in 2013 and in 2014. With two exceptions, namely the pre-studies for bills C-15 and C-23, all of these pre-studies were done after second reading stage in the House of Commons, and especially after the committees tasked with studying them held their meetings.

Bill C-15 was a bill to implement certain provisions of the Northwest Territories Land and Resources Devolution Agreement, a very specific bill limited to a region. With regard to Bill C-23 on reforming the Elections Act, the House of Commons committee began its meetings before the Senate did, but we agreed with the government that we would conduct a parallel study so that the government could benefit from the considerable electoral experience of several senators. This was actually effective, because several amendments that were made in the House of Commons came from the Senate.

If you will bear with me, we could take a look at some of the examples of pre-studies we did in the Senate when I was the government leader.

The committee concluded its study of Bill C-24 on citizenship on June 3, 2014, and the Senate started its pre-study on June 10, 2014. A House of Commons committee finished studying Bill C-36, to amend the Criminal Code in response to a Supreme Court ruling, on July 15, 2014, and the Senate started its pre-study on September 9, 2014.

A House of Commons committee finished its study of Bill C-51, An Act to enact the Security of Canada Information Sharing Act and the Secure Air Travel Act, on March 31, 2015, and the Senate started its pre-study on March 30, 2015.

Honourable senators, I don't think I could be accused of excessive or inappropriate use of pre-studies in the Senate. In nearly every case, the Senate committee started its study after the

House of Commons committee completed its own study and had already heard from witnesses and made amendments, all before the pre-study.

I reread the statement Senator Gagné made when she moved her motion, and, frankly, I did not see even a shred of justification for a pre-study of Bill C-13.

Actually, honourable senators, there are more reasons to refuse this pre-study than there are to authorize it. The first and most important reason is that this pre-study flies in the face of the very reason the Senate exists. A number of us point out every once in a while that we are a chamber of sober second thought, which is what the Senate was conceived to be. It is becoming increasingly worrisome to see the government use the Senate to advance its own legislative agenda, either through pre-studies or by simply introducing government bills in the Senate. In doing so, the government is adding to the Senate's workload and preventing it from fulfilling its duty of sober second thought, relying on the wisdom and vast expertise of its members.

• (1630)

Also, as I have already amply demonstrated, no one has provided us with any evidence of whatever urgency might justify a pre-study. Quite the opposite is true. While I am in no way denying the importance of modernizing the Official Languages Act, I believe that this must be done in an orderly, careful manner, taking the time to do it properly, without putting the cart before the horse.

In response to a question from Senator Plett, Senator Gagné said the following to justify a pre-study of Bill C-13:

I believe that's one more reason to conduct a pre-study, in order to guide the government and inform its analysis.

You see, colleagues, with all due respect to Senator Gagné, this statement clearly illustrates that the government's representatives in the Senate do not have a clear understanding of the duties of our institution. If we want to guide the government and inform its analyses, our preferred tool is our power of inquiry. That is how we should be informing the government's actions, as much as possible. Using pre-studies to guide and inform the government would pervert our own actions. It would essentially turn us into an advisory committee and betray the role we have played in the federation since 1867.

To give Senator Gold some credit, when he was trying to justify a pre-study of C-11, he at least could point to the somewhat more extensive history of that bill's predecessor, Bill C-10. He certainly did not convince us, but at least he had a few slightly more substantial arguments to rely on.

In the case of Bill C-13, other than the text of the bill itself, we are faced with a complete lack of analysis, debate, testimony or any kind of serious thought from the other place. Asking us to proceed with a pre-study of Bill C-13 is tantamount to asking us to do the work of the House of Commons, which is certainly not our role. I have said it and I will say it over and over again, this is a chamber of sober second thought whose objective is to enrich the work of the House of Commons and improve bills, not to do the House's work.

If we constantly stray from our purpose and allow ourselves to be drawn into the legislative vagaries of the government, our very essence will be lost, and we will certainly lose our way in the confusion of purposes, not to mention it will be difficult to distinguish between the two chambers.

As I briefly mentioned earlier, in preparing for this speech, I had a quick look at the book edited by our former colleague Senator Joyal on the history and functions of the Senate. The book is entitled *Protecting Canadian Democracy: The Senate You Never Knew*, and I highly recommend reading it.

To explain the importance of sober second thought, I have selected a passage written by Professor C.E.S. Franks, who recounted a situation that occurred in the Senate as follows:

The “Son of Sam” Bill. In October 1997, Bill C-220, with unanimous consent and without amendment passed second reading, committee, and third reading stages in the House of Commons all in one day and was forwarded to the Senate. The bill, a private members’ bill amending the Criminal Code and Copyright Act to prevent convicted persons from profiting by writing works describing their crimes, was essentially similar to bill that had died on the Order Paper of the previous Parliament. That bill had received Third Reading in the House despite potentially serious concerns expressed by the House committee that had examined it: that it exceeded the criminal law power, that its effect would reach beyond the incarceration period, and that it addressed a problem that was already being resolved intergovernmentally.

The Hon. the Speaker pro tempore: Pardon the interruption, Senator Carignan. Are you asking for five more minutes?

Senator Carignan: Yes.

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

Hon. Senators: Yes.

Senator Carignan: I will continue reading the quote.

At second reading in the Senate several senators expressed concern that the bill, as reintroduced, had received so little attention in the Commons. Its supporters pointed out that the bill’s predecessor had been examined by a Commons committee and, despite the expressed concerns, had been passed unanimously. However, the Senate’s Standing Committee on Legal and Constitutional Affairs held thirteen meetings on the bill and examined it in considerable detail, hearing from almost thirty witnesses, including among others representatives from the Canadian Bar Association, the Writers’ Union of Canada, the Department of Justice, and the Elizabeth Fry Society.

Following this study and in light of the many concerns presented at public hearings:

. . . the Committee recommended that the bill not proceed, and the full Senate adopted this recommendation without division.

The Senate’s decision on this bill was based on a far more intensive investigation than occurred in the Commons . . .

What does this example show us? It shows us that if the Senate properly and meticulously performs its role, it is beyond question essential to our democracy. I therefore urge honourable senators to not be led astray and to focus on our fundamental role of being a chamber that complements the House of Commons.

I will be voting against Motion No. 41. Thank you.

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Senator Carignan, would you take a question?

Senator Carignan: Certainly.

Senator Gagné: Here is my question. In 2019, the Senate began its pre-studies on Bill C-15, the United Nations Declaration on the Rights of Indigenous Peoples Act, and Bill C-91, the Indigenous Languages Act. If I am not mistaken about the order in which the bills were introduced and referred to committee, Bill C-19 was referred to a committee in the other place on February 20, 2019. The committee started hearing witnesses on February 21, 2019, and the Senate agreed to start a pre-study around one week later. There is a good example of when the Senate made a decision on one of the Indigenous language bills that was very important for this country. Could you comment on why the Senate would have decided to conduct a pre-study on that bill but there is no good reason to have a pre-study on the official languages bill now?

Senator Carignan: I do not want to repeat my speech in my response, because I do not have enough time. The important thing is to avoid a slippery slope where eventually we stop playing our role as the chamber of sober second thought. This morning I made the following observation: At the Standing Senate Committee on Energy, the Environment and Natural Resources, we are studying a bill for which 75 amendments were proposed. I was listening to us and I realized that we are quite skilled at taking a second look at bills, but maybe less so at reviewing them the first time around.

We allotted seven or eight meetings, and there are several technical aspects of government policy to address as well. I think that I would like to be able to benefit from the discussions among MPs and the direction they plan to take from a policy perspective in the House of Commons on a bill of this nature, so that we can learn from these discussions and the witnesses. Senators could then complete their study with the testimonies they will have not heard, including evidence from lobbyists that were not heard at the other place, and look at them from a certain distance. I think that is the rule in the Senate and one we should maintain, except in special situations.

• (1640)

As I already mentioned, when I was government leader, for most of the pre-studies we did, the work was already done at the other place. The committee had concluded its study, the witnesses had been heard, and almost all of the amendments had been proposed, because, as you know, at the House of Commons the amendments are mostly presented in committee.

[English]

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Gagné, seconded by the Honourable Senator Gold that — may I dispense?

Some Hon. Senators: Dispense.

Senator Plett: No.

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Gagné, seconded by the Honourable Senator Gold:

That, in accordance with rule 10-11(1), the Standing Senate Committee on Official Languages be authorized to examine the subject matter of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts, introduced in the House of Commons on March 1, 2022, in advance of the said bill coming before the Senate; and

That, for the purposes of this study, the committee be authorized to meet even though the Senate may then be sitting or adjourned, with the application of rules 12-18(1) and 12-18(2) being suspended in relation thereto.

If you are opposed to the motion, please say “no.”

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: All those who are in favour of the motion and who are present in the Senate Chamber, please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Those opposed to the motion and who are in the Senate Chamber, please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: I believe the “yeas” have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Is there an agreement on a bell?

An Hon. Senator: Yes.

The Hon. the Speaker pro tempore: Call in the senators for a vote at 5:42.

• (1740)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Arnot	Harder
Boehm	Hartling
Boniface	Jaffer
Bovey	Klyne
Boyer	LaBoucane-Benson
Busson	Lankin
Clement	Loffreda
Cormier	Marwah
Cotter	Mégie
Coyle	Miville-Dechéne
Dasko	Moncion
Dawson	Moodie
Deacon (Ontario)	Omidvar
Dean	Pate
Duncan	Petitclerc
Dupuis	Ringuette
Forest	Saint-Germain
Gagné	Simons
Gerba	Sorensen
Gignac	Woo
Gold	Yussuff—42

NAYS
THE HONOURABLE SENATORS

Anderson	Mockler
Ataullahjan	Oh
Batters	Patterson
Black	Plett
Campbell	Poirier
Carignan	Quinn
Dalphond	Richards
Downe	Seidman
Housakos	Smith
Manning	Tannas
Marshall	Wallin
Martin	Wells
McCallum	White—26

ABSTENTIONS
THE HONOURABLE SENATORS

Greene Kutcher—2

• (1750)

ONLINE STREAMING BILL

BILL TO AMEND—MOTION TO AUTHORIZE TRANSPORT AND
COMMUNICATIONS COMMITTEE TO STUDY
SUBJECT MATTER—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Gold, P.C., seconded by the Honourable Senator Gagné:

That, in accordance with rule 10-11(1), the Standing Senate Committee on Transport and Communications be authorized to examine the subject matter of Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, introduced in the House of Commons on February 2, 2022, in advance of the said bill coming before the Senate; and

That, for the purposes of this study, the committee be authorized to meet even though the Senate may then be sitting or adjourned, with the application of rules 12-18(1) and 12-18(2) being suspended in relation thereto.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I guess I could simply spend 30 minutes reading my speech of earlier today, just in order to take some time and reinforce what I already said earlier, but I won't do that. I will keep my remarks fairly brief and may even finish before six o'clock, unless I speak really slowly.

An Hon. Senator: Do it, Don.

Senator Plett: As I mentioned earlier, I oppose this motion for the same reasons that I opposed the previous one. I find it strange that people who one day say we should not do this or we should only do it under certain circumstances, and then when it comes time to show that they really mean that, they stand and vote completely contrary to what they have said previously.

But for the record, allow me to recap very briefly. As I said earlier, colleagues, pre-studies are a legitimate tool available for the Senate to use when utilized for the right reasons. We didn't vote on whether or not we support Bill C-13 just now. We voted on whether or not we should waste the Senate's valuable time doing something that will have no bearing on us passing the bill, none.

I debated with a few during the break, and it was clear that people were thinking they were voting in favour of Bill C-13 by voting against a pre-study. In no way is that the case. As I said,

pre-studies are a legitimate tool available for the Senate to use when utilized for the right reasons. But this motion for a pre-study on Bill C-11 does not meet that bar for three reasons:

The government is not requesting a pre-study in order to seek our advice on amendments; their mind is made up. The government is not requesting a pre-study in order to draw from a specific expertise in the Senate; they believe that they are the only house that has this expertise. The government is not requesting a pre-study in order to meet a court-imposed deadline or other urgent situation. This bill meets none of these conditions.

Colleagues, we have a responsibility to the Senate to vote based on criteria. We didn't do that five minutes ago. This bill meets none of these conditions, which have been the convention when requesting pre-studies. Instead, both the government in the other place and the Government Representative right here seem intent on bypassing sober second thought in order to rush bills through unnecessarily. We hear over and over again from this government leader, right here, "These are the government's priorities, and we need to rush these through." Then he says, "Let's do a pre-study, but let's take our time. But let's get it done by this date."

Colleagues, I must say that I find Senator Gold's message a bit confusing on this matter. On the one hand, he tells us that the pre-studies have nothing to do with rushing the bills, and the Senate can take all the time it wants. Then he adds:

To be clear, the Senate ultimately decides how many days and weeks it chooses to spend on second reading, on committee stage and on third reading of a government bill.

Here we are, one day away from June 1. We have at best 30-days left in one month, and we are not going to be here all of those 30 days because we are only here a maximum of 4 days a week, so we have 28 days left.

But then in the next breath, Senator Gold tells us:

... it is important to understand that, should Bill C-11 be delayed, hundreds of millions of dollars targeted for allocation to Canadian content and Canadian creators of content would be lost.

That is a misrepresentation of facts. That would not be lost. It may not be there right now.

A delay would perpetuate the void in the Broadcasting Act for minority and marginalized communities.

And then:

For those who may argue that there is no urgency in passing Bill C-11 and that it is not time-sensitive, again, I would respectfully disagree. In my view, depriving Canadian artists of deserved, earned income and tacitly permitting the absence of Canadian content in our broadcasting is an urgent, time-sensitive issue, and it is also a priority of this government.

Along with 100 other priorities that they have.

This is exactly why we are suspicious, colleagues, of the government. Is this bill urgent or not? How can they say, “Oh, take all the time you want, but remember, people are starving while you nitpick at the bill?”

• (1800)

Colleagues, I agreed with Senator Dasko when she made the following statement, and we saw how Senator Dasko voted just a few minutes ago:

My concern with Bill C-11 is that I fear we will be doomed to this inadequate process and its shortcomings and that we will not conduct the proper investigation we need on Bill C-11, and we have no assurances that a regular committee study would follow from our pre-study. With Bill C-11, the ideal process, in my view, would be for us to take into account all the learnings from the House of Commons committee, their proceedings and their report, and build from there.

Colleagues, that is exactly what we should be doing. As I stated earlier, we should have defeated the pre-study on Bill C-13. We should defeat this motion and get back to doing the important work of the Senate. Thank you.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, it is now six o'clock. Pursuant to rule 3-3(1), I am obliged to leave the chair until 8 p.m. If you wish this session to be suspended, please say, “suspend.”

Some Hon. Senators: Suspend.

The Hon. the Speaker: The session is suspended until 8 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

BILL TO AMEND—TRANSPORT AND COMMUNICATIONS
COMMITTEE AUTHORIZED TO STUDY SUBJECT MATTER

On the Order:

Resuming debate on the motion of the Honourable Senator Gold, P.C., seconded by the Honourable Senator Gagné:

That, in accordance with rule 10-11(1), the Standing Senate Committee on Transport and Communications be authorized to examine the subject matter of Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, introduced in the House of Commons on February 2, 2022, in advance of the said bill coming before the Senate; and

That, for the purposes of this study, the committee be authorized to meet even though the Senate may then be sitting or adjourned, with the application of rules 12-18(1) and 12-18(2) being suspended in relation thereto.

Hon. Scott Tannas: Honourable senators, I just want to put some comments on the record.

First of all, let me just say that I thought we have had a good debate on this. I'm looking forward to hearing the final few speakers before we vote on Bill C-11.

I have listened carefully. I think there have been good points made on all sides. I sense, though, a fatigue — maybe a frustration — among some of us on how often we seem to be debating how to work rather than just getting on with working.

But I have to say that I think this is an important issue for us to pause on before we plow ahead. If you believe, like I do, that we are in a new era of independence, then we are setting precedents as we go.

I will just go through a few of the impressions that I gained.

I am not persuaded much either way by the kind of he-said-she-said in 1990 or 2017 — or whatever — that has been quoted by the government and the opposition. The government's job is to pass legislation through this place as quickly as possible. Period. The opposition's job is to defeat — or, failing that, delay — legislation for as long as possible. Period. So I think that while the speeches were interesting, and there were great, wonderful arguments on both sides — compelling arguments on both sides — the rest of us who are independent and trying to make a decision about a side need to weigh the interests of others at all times.

In my view, we need to come to decisions on matters like this without hanging our personal feelings on whether or not we like the bill or the government of the day. There will be times when it will be a different government. Those of us who like today's government may not like tomorrow's government.

If we are truly exercising our independence, then we will need to be consistent, won't we? Given the same circumstances five years from now — with a Pierre Poilievre government in place and Senator Plett making the case about how we ought to give ourselves the extra time to study a policy that many of us find appalling — we want to make sure we're consistent, don't we, if we are going to be independent.

I think that is partly what is at stake in these kinds of detours that we take into process — because there are precedents. It is not about somebody calling us out five years from now. It is about looking ourselves in the mirror and saying, “Yes, I was truly independent. I made the same decision for the same reasons five years ago that I am going to make today.” That consistency is something that I reflected on. What is the consistent thing I can support today that I know I can support in the situation where there is a different government? For myself, I am satisfied that in this case I am doing that.

This does not mean that I won't ever support pre-studies. We've all talked about this. There are times when pre-studies are an important tool. I just do not happen to believe that these particular two items have arrived at the right thresholds for us to agree to do this.

I also think about the role of the Senate, and some of the debates that were done pre-Confederation talked about the role of the Senate to pass, reject, amend and delay with dispassionate consideration. All those things, I think, come into play here, in particular with Bill C-11. This bill is going to come to us, I believe, with a lot of heat. It is going to come to us with a lot of people who are passionately for Bill C-11 and a lot of people who are passionately against it. I think it was Senator Plett who talked about that today. There are going to be winners and losers in this.

In my instinct, this is not the time that we should be trying to get into the mix quickly. We should be the ones who take the heat out of it. We should be the ones who say that we're going to take space and time and make consideration here. We are going to see this bill come to us time-allocated, where debate has been truncated, and where activities in committees, whether they are dilatory or not, have been truncated. We may see it as we did at Christmas and last June with last-minute deals and whole sections written in — like we had. All of those things give me reason to think that it is not a good idea in this case for us to embark on an adventure of pre-study.

But I want to be clear. My vote has nothing to do with the bill. It has nothing to do with the contents of the bill. I don't know how I'm going to vote on the bill. The way I deal with my job here is to not pay a lot of attention to what is going on until it is in my chamber, and I am supposed to be focused on it. I know that others deal with it differently.

But I honestly can say I have no hot clue how I'm going to vote. For me, this is 100% about whether or not it is a good idea for us to embark on pre-study. I know a number of my colleagues feel the same as I do. It is not about the bill and its contents.

That is really all I wanted to say. In closing, the idea of us being appropriately cautious in guarding our space and time on Bill C-11 will be important to the credibility of the decision that we make in the end.

I encourage you to give my thoughts today, short as they are, some consideration as we move to a vote. Thank you.

Some Hon. Senators: Hear, hear.

• (2010)

Hon. Patti LaBoucane-Benson: In your estimation, can we still give time and space to the study of a bill and start a pre-study as well? Does one preclude the other? The government is asking us to study — without a time frame and without constraints around anything other than asking us to study. Can we do that and give time and space?

Senator Tannas: I think we can. It comes down to some degree — and I will be frank — of a measure of trust that we do not wind up in a situation where we create the expectation that a

pre-study equals that we know everything there is to know, so if we have a quick debate here, we can get this all done before summer.

I know the subtext is all the way through here; and I know Senator Gold has been clear, both in private and in public, that this is not going to be the case. But I think we will add to the heat, because it will become a narrative; it will, potentially, get in the way of the work that will be done; and it will add to the commotion that will potentially carry on in the House. I think that, in a controversial situation like this, we risk getting dragged, along with our reputation, into the game that is going on there, with whatever calculus and score there is.

I think there are many places for pre-study and that it is a good argument to say that this is sufficiently complicated or the timing is such — because of a deadline, a court decision or money — that we need to do it.

I just do not know why, if we say we are going to take all the time necessary — and it has never been directly said that June is off the table. Given the state of play right now, I think we risk signalling that we are in a rush to pass this, and I don't think that is appropriate.

Senator LaBoucane-Benson: I am glad that you spoke about the complexity of the bill. The question I have for you is this: Do you believe the committees are masters of their own domain and that they will chart out the scope of the study and how many witnesses they hear from? The committee will make the decision as to how broadly the bill will be studied. If that takes us into September, so be it. Once we start the pre-study, the committee is in charge of that.

Senator Tannas: I caught your “if the study goes into September,” meaning that it might not. Depending on how you listen to things and how sensitive you are to the circumstances, it can be imputed many different ways.

I don't feel that way about it. This is a bill with a large amount of controversy, as far as I can tell. I don't know what the fuss is, but there is a lot of controversy around it. Why would we rush into the politically charged environment that is over in the House of Commons when we don't have to? The government has said, “Take as long as you want. We want to get this right,” et cetera. Why would we rush in and potentially diminish the work we will do afterwards by being seen to be part of the show in the House of Commons?

Hon. Marty Deacon: Will the senator take another question?

Senator Tannas: Sure.

Senator M. Deacon: I think you are articulating well something that we are all trying to work through and make the best decision in terms of balancing whether we can do a pre-study. Pre-study provides another layer of information, hearing from witnesses and getting to the heart of what some of the issues might be with this bill. One says, “Could we start a pre-study?”

The other piece of what you are talking about I think is clear: This is not, for you, in this moment and with this bill, the right time.

I'm trying to take it all in. My question for you is this: If we were sitting here and it was March 1 or October 1, would your criteria or mindset shift or would you still feel the exact same way? I think the time of year is a factor and what that can or cannot mean in "the heat," as you describe it.

Senator Tannas: I think one of the elements is the fact that we are here, that there are still people with a light in the window and that we could somehow tie this all up by the end of the session and before we rise.

For me, it is the controversy and the fact that I was persuaded by thinking about — we have an experience going on right now where some of us — not me, but others here — have had a ringside seat to what a House of Commons committee looks like vis-à-vis the Joint MAID Committee and the committee studying the Emergencies Act. I think we do not want to be very close to that in terms of the decision that we have to make when it is controversial.

I also believe that nobody is going to be listening to whatever advice we might give in that forum such that it would generate any kind of meaningful or valuable advice that would inform the decisions that are made in that committee.

I would not be worried about the time element the way that I am now, but I still come back to the one issue of whether we should or need to get involved — when, in fact, we don't need to and traditionally we have not.

Hon. Marc Gold (Government Representative in the Senate): Senator Tannas, would you take a question?

Senator Tannas: Absolutely.

Senator Gold: I will refrain from — I appreciate your acknowledging that I have said publicly what I have said, and privately. What I said was that a pre-study is not a Trojan Horse to displace all other stages of study, which it is for the Senate to decide. I have two colleagues whose votes I hope I can count on. I have the responsibility to quote Spider-Man but not the power: With great responsibility comes no power except the power of persuasion and the power of my own integrity and reputation.

I will allow myself to take the liberty of saying that it is very fine to be told, "Of course, we think you are a wonderful person, but the government could always change their mind. And what is to stop it? We haven't been told this and we haven't been told that."

At the risk of revealing more than I wish, it is offensive to me that despite my public and private pronouncements time and again and the respect I have shown for this chamber, we still think it relevant in this debate to trade on the suspicions.

I can't do anything about it, colleagues, except to tell you that my question is as follows: Can you explain two things? First, why is it that you think we in the Senate — for the reputation which we all extol, and properly so — will be drawn into the

political partisanship in the other place? If we choose to not be drawn into the politics, surely we will not be drawn in. If we choose to play the politics, as some do in this place, then c'est la vie.

Secondly, why do you assume that the government — or I should say, more accurately — the parties in the other place will not be responsive —

An Hon. Senator: Question!

Senator Gold: — to the Senate's views when, in the case of the four pre-studies that have been alluded to — Bill C-14, Bill C-91, Bill C-92 and, most recently, Bill C-7 — the Senate interventions had a material impact on the amendments that were accepted in the other place? We played an important role in improving legislation. Why not in this case as well?

Senator Tannas: You have strained my attention span with your questions. Let me start with the first one. I do not believe that the files that you quoted have anything like the potential acrimony that these do.

• (2020)

Maybe we would have to go back. That may be a matter for somebody else to debate down the road or for history to judge about how long they have taken in the House of Commons, the fact that closure has been utilized and that we still do not have a bill. We do not know what amendments there are going to be.

In the case of the pre-studies that you did mention, we did do some great work, and it was collaborative. Certainly, during Bill C-91 and Bill C-92, which you mentioned, there was no rancour. There were no theatrics. There were no winners or losers. We were all pointed at a result that we wanted to get to and to create the best product that we could.

Senator Gold, I do want to say that I am sorry I have raised your anger with my comments. I am not making up the fact that we have had some last-minute surprises. We have had pressure put on us by ministers publicly in the media; ministers phoning us; and other officers phoning us to tell us that we needed to hurry up for whatever reasons at the last minute when the bill had only just arrived or when there were changes to it at the last minute. I am not making that up.

I do take you at your word that is not going to happen this time. Maybe next time, after it doesn't happen this June, it will be more of a distant memory. I know it is frustrating, but it is true. We have had some problems where we have not, in my view and in the view of others, had the opportunity to properly consider government legislation because of so-called time deadlines.

I am sensitive about it. It is in the back of my mind. I have always spoken my mind here and felt that I could trust people with that. I do not mean anything bad by it. It is how I feel. I think it is how others feel. We all have scars and bruises from it, including yourself.

In this debate, it is important that we all have our say. I am having mine. I thank you and appreciate your questions.

Hon. Paula Simons: Honourable senators, I think it's safe to say that there is broad consensus in this chamber that Bill C-11 requires deep and comprehensive study. The question before us is: What is the best way to carry out that study?

This is a complicated bill, replete with competing interests from a wide and diverse range of stakeholders. This is not a question of hearing from people on both sides. What we're looking at is not a two-sided debate but something like a dodecahedron. The interests of digital-first video creators are not the same as those of established, conventional filmmakers. The interests of young musicians attempting to use YouTube to break into their field are quite different from the interests of giant record labels represented by Music Canada. The interests of Netflix, Prime Video, Apple and Disney are quite different than the interests of Global Television, Rogers or Bell.

This bill splits across many cultural divides. Bill C-11 reads differently whether you're anglophone or francophone, rural or urban, northern or southern, whether you come from the west or the centre. There is, perhaps, an even greater generational divide — people who watch television versus those who "Netflix and chill" versus those who grew up on Twitch and Discord. The bill fundamentally redefines Canada's entertainment and information ecosystem and requires rigorous non-partisan, independent, fair-minded review, which the Senate is uniquely equipped to provide.

Is Bill C-11 unconstitutional? Some critics have suggested that it is, though I do not think so. Still, there is no doubt it does engage with important constitutional issues. Is the bill about censorship? No, I think that that is a complete red herring, but it is an extremely ambitious piece of legislation that attempts a radical paradigm shift in the way we consume online culture.

For some, it is problematic and protectionist legislation that does not necessarily fit the way that people today create or consume digital media. Whether you support the bill or not, I hope we can all agree that it needs the sober second thought that the Senate at its best provides. However, it's difficult to provide sober second thought while the first thought is still happening.

Committee work in the other place just began a week ago, but it is moving extremely quickly. Unlike the parallel bill, Bill C-10, which spent four months in committee, this bill is moving rapidly. Initially, Bill C-10 was subjected to an extraordinary number of amendments — 134 in all — some of them seemingly contradictory amendments that completely rewrote the bill. I don't think it's unfair or unreasonable for me to be worried about the timing of all of this. It is possible that if we begin our pre-study before the House has finished its work, we could be wasting our time spinning our wheels because we will have no idea what the bill that finally comes to us will actually look like.

But, actually, given the pace at which the committee in the other place is working, it is also possible that a pre-study will be moot, and we will get the bill so quickly that we will not have time for a pre-study to even begin. More than that, I am concerned that if the bill does come to us in mid-June — and I say this with the greatest of respect for the Government Representative, for whom I have the greatest of respect — I am

hearing voices from outside this chamber that suggest to me we could nonetheless be hurried into winding up a final study before we have had time to do our job properly.

I am even more worried about that as of today, as we begin debate on this motion, because of what is happening with Bill C-18. The government imposed time allocation on Bill C-18, and this afternoon, it was sent to committee after second reading. I'm more than a little concerned that we could end up with both bills in front of our committee at once, and Bill C-18, which is a far more radical and problematic bill than Bill C-11, must not be rushed either.

I want to make it plain that I am not interested in dragging my feet or stalling this study for the sake of stalling. I do not have a partisan or ideological game to play. I'm speaking out of common sense. I want to plow ahead. I want to start the study of Bill C-11 as soon as possible. I have been meeting with stakeholders and lobbyists, artists and academics, and lawyers and technical experts for two years now. I cannot wait to get started on a proper study of Bill C-11. This bill is just as momentous for the industries and economies it seeks to regulate as Bill C-69 was for the energy sector, and it deserves mature and measured study.

I deeply appreciate the thrust of Senator Gold's comments, and I share his frustration at how long it has taken to get the bill to us in the Senate. I am a champion — a passionate, lifelong champion — of Canadian arts and Canadian culture, and indeed, as a sometime playwright and author myself, I have been a small part of the cultural economy. However, I want to clear up a few points of confusion.

Two weeks ago, the Government Representative told us in this chamber that if Bill C-11 were delayed until the fall:

... hundreds of millions of dollars targeted for allocation to Canadian content and Canadian creators of content would be lost.

I wish for my colleagues to understand this: There is no way that hundreds of millions of dollars earmarked for the arts sector will be lost if we wait until October to pass this bill. To be clear, that is because Bill C-11 does neither earmarks nor allocates any money for anyone at all. The bill instead allows the CRTC broad new powers to hammer out agreements with various major streaming services and social media platforms. These are individual financial deals that could take years to work out. Once this bill is passed, there will be no immediate change to funding for Canadian film, television and music.

This bill is not a tax bill; it is a regulatory framework. It does not tax anyone. It does not apply any levies. It does not create any new production funds, and it does not transfer or allocate a single penny to anyone. It punts the issue down the field to the CRTC. If and when Bill C-11 is passed, it will be an overture, not a finale. It will allow for complex negotiations with major players in the digital economy, but it will not wave a magic wand to put money into the pockets of Canadian music, film or digital producers.

Delaying the passage of this bill, as Senator Gold has warned us, would be depriving Canadian artists of deserved earned income, but there is nothing in the text of Bill C-11 about remuneration for Canadian artists, creators and copyright holders. That is not the intent of this bill. It is, as I say, a regulatory framework.

• (2030)

Now Bill C-18, which we will be receiving soon, would indeed compel Facebook and Google into binding arbitration and compel them to subsidize online news. There is no similar provision in Bill C-11. Again, the regulatory framework is a necessary first step, perhaps, to a new system of indexing and showcasing Canadian programs to give them more visibility online. But it is not, directly at least, a new way to pay or compensate Canadian writers, directors, composers or performers.

So perhaps — to borrow a metaphor from Senator Tannas — we can take the temperature down a bit. I stand ready to study Bill C-11 as soon as possible. I am not interested in foot-dragging or lollygagging, as my office has a list of possible witnesses prepared. I am eager to hear their testimony and to hear their answers to our questions. And goodness knows, given the persistent misunderstandings around this bill, we need public hearings to educate the public at large and perhaps parliamentarians, too.

I just don't want us to be pushed to meet an arbitrary, artificial deadline. And I don't want a quick pre-study to undercut the place of proper analysis and good faith debate that this bill requires. So I'm proud tonight to stand in support of my colleague Senator Dasko and to ask us to give sober second thought to this motion. Thank you very much. *Hiy hiy.*

[*Translation*]

Hon. Julie Miville-Dechêne: As you know, Senator Simons and I are both members of the Transport and Communications Committee. We have discussed this bill at length. We received witnesses together — or should I say, lobbyists — to try to understand the situation a bit better. I subscribe to your analysis and I totally agree that it is complicated, that there are not just two parties, but many parties. However, I believe that the issues are very important. It is, in part, about the survival of the Canadian culture as we know it. Yes, we must change things; yes, we must innovate, but we nevertheless have a duty to protect this Canadian culture. How can we do that in an environment that is completely different?

How does starting a pre-study next week, when we could begin to receive witnesses who would give us a comprehensive view and people who are knowledgeable about the technology, prevent us from conducting a study that would no longer be a pre-study when the bill comes to the Senate? I do not see how that changes anything at all. We are seated in a room, we receive witnesses, we listen to them, we ask questions. What is the difference between a pre-study and a study we could do at that stage, which would be an extension of the other?

[Senator Simons]

Senator Simons: That is a good question. Even though I understand it, it is much easier for me to answer in English, if I may.

[*English*]

It is a very fair question. I think that if we were in a different environment, and I had confidence that the contents of the pre-study could be rolled into a study that we could continue in one linear progression, I would have fewer concerns.

I guess my problem is that I'm hearing from voices outside this chamber that there is an intention for us to pass this bill by the end of the month. Because of that, I have no objection to beginning study as quickly as possible. I just want my concerns on the record that we must not be placed into the situation we were when there was an election or a prorogation in the winds. There is no reason for that.

Senator LaBoucane-Benson: Would the honourable senator take another question?

Senator Simons: Of course, I would.

Senator LaBoucane-Benson: Are you aware that Bill C-92, which I sponsored a few Parliaments ago — and Bill C-15 just last Parliament — had a robust pre-study rolled into the study of the bill? I think it went quite successfully. We felt really good about the robustness of that study. That's the first question.

Second, are you willing to disclose the voices that you have heard either in your head or maybe out of this chamber? Who is saying that there is going to be a study? Senator Gold has said that we're not "buffaloing," we're not pushing or doing any of those things. As the Government Representative Office, we are interested in a really robust study as well.

Senator Simons: Thank you very much, my friend. Yes, of course, I'm well aware of the excellent work that the Standing Senate Committee on Aboriginal Peoples did. Was it both the languages bill and the child welfare bill?

Senator LaBoucane-Benson: Yes.

Senator Simons: Clearly, there is precedent for excellent pre-studies. The problem is that I'm hearing from the minister's office and from stakeholders across the board who have all been told this bill is to be passed by the end of June.

Senator Gold just gave a shrug that my dad used to give all the time. It's a very Jewish shrug. I know this shrug. I grew up with this shrug. I can also do the shrug.

However, as I said, I want my concerns on the record about the committee for whom I have great respect. Last time, the House committee had four months to do their study. So this time, when they are speeding through it, perhaps that's fine because they have trod this ground before. But our committee never got this chance last year. We were chomping at the bit to go. And we were denied the opportunity. I am keen to get into this as quickly as possible.

Senator LaBoucane-Benson: Quickly, colleague, is the minister in this chamber? At the end of the day, who is responsible for this chamber? Is it us or is it the House of Commons?

Senator Simons: I very much hope it's us.

Hon. Dennis Dawson: Would you accept another question Senator Simons?

Senator Simons: With pleasure.

Senator Dawson: I had promised not to intervene because I think a lot has been said, but I want to clarify a few things. As you know, I'm the sponsor of the bill. You'll have to trust me, after 17 years as a senator, I was never asked by the government leader to pass this bill by the end of June. I was never given a timetable by the government either.

Since we're going towards the first anniversary of Bill C-10, I remember that last year at about this time we got Bill C-10 which had been studied, as you mentioned, for three months. Hundreds and hundreds of witnesses were heard. It arrived here after third reading in the House of Commons, and we were ready to continue studying it. I was being asked by some people in this room that I won't name that we should have a pre-study. We did not get one. I wanted one last year, and I obviously want one again this year.

What happened between last year and this year so that some people do not want a pre-study this year? It needs to be studied. I know that you met with a whole bunch of people. But why don't you invite them to public meetings so that we can dialogue with them to see what their interests are, what they believe should be put in or out of the bill or what is not being done by the other chamber? What was not done by the other chamber last year? Why not do it in a transparent way? This is what this place is about.

I have to admit that I've been here long enough — I have some seniority — to know that's what we do. We listen — we don't only talk to some people. This might offend some senators here, but we do listen to people. Part of our function is to have people come to our committees — stakeholders — and listen to them. What happened between last year and this year so that now we don't want to listen to these people in public, in a very organized fashion, versus having people come to our offices or voices telling us? I'm telling you again: never, never.

An Hon. Senator: Is there a question?

Senator Dawson: There is a question, senator. It's not to you because I know I would have a long answer. What happened between last year and this year that we do not want to listen to people talk about a very important subject?

The Hon. the Speaker: Senator Simons, I'm sorry, but before you answer, your time is expired. Are you asking for five minutes to respond?

Senator Plett: Only to answer that question.

The Hon. the Speaker: Is leave granted to answer the question?

Hon. Senators: Yes.

Senator Simons: In fairness, Senator Dawson, I opposed a pre-study last year, too, for very much the same reasons.

I think we just have to be practical here. As I say, I'm not taking this position philosophically. It's not because of years of parliamentary precedent. It's not because of partisan reasons. The bill is going to be studied in committee six times this week in the House of Commons. They could be in clause-by-clause study by next week, and we could have the bill very shortly. I just don't know that there is much point in starting up the mechanism of a pre-study when, if we waited 48 hours, we might be able to start a study in earnest.

The Hon. the Speaker: Honourable senators, before calling upon the next senator, I should point out that we are debating Motion No. 42, the substance of which is whether or not there should be a pre-study of Bill C-11, not the substance of Bill C-11. We have a fair amount of leeway when it comes to speeches and questions and answers, but, please, we're debating Motion No. 42.

• (2040)

Hon. Leo Housakos: Honourable senators, in the words of former senator George Baker, "I will be brief." I will try not to repeat the same arguments, of course, that I did in the previous motion in relation to Bill C-13.

I want to point out the following: I still haven't heard from either the Government Representative or the sponsor of this bill what the urgency is, what the public interest is, with Bill C-11, in order for us to do what is really unusual in this particular circumstance. This place is the place of sober second thought. The role of the Senate is to be a complementary body to the House of Commons, not to be a parallel one. I agreed totally with Senator Simons and Senator Tannas when they said that we shouldn't allow ourselves to be dragged into the partisan context and aspect of studies and votes that are taking place over in the House of Commons.

I know it's funny coming from me because I am unapologetically partisan, but I am also the chair of this committee and I have some experience in this place. I think it's imperative to ask questions when we see the government so dead set on trying to get something done. And I don't want to impugn motives, but, Senator Gold, although you might say that there is no objective for the government to ram this through this chamber before we rise in a few weeks, quite honestly, the vigour and the intensity with which representatives of the Government Representative Office are debating this and trying to get the point across in this chamber are making it abundantly clear that that might just be the intention of the government.

I also want to point this out very importantly: I have a great deal of difficulty, as the chair of the Transport and Communications Committee, with doing a pre-study on such an important bill where there is such a difference of opinion. It's such a controversial bill across this country, and to date the

government refuses, from my understanding, to deposit, to make public, the policy directives and the regulatory framework, which are such important parts of this bill.

Don't nod your head back and forth. You will remember last summer we had the same argument on this same floor. The government finally made the regulatory framework public last June at, I think, five minutes to midnight on the side of the House of Commons. Now you want us to do a pre-study on this important bill — again, this controversial bill. To my understanding, as of today the government refuses to make public the regulatory framework in the House of Commons.

Now, the regulatory framework on such bills, as you know, is really part and parcel of the bill. It really determines some of the important elements of the bill that need to be studied and reviewed.

All I would like is a firm commitment from the Government Representative before we engage in even thinking about doing a pre-study. Will you commit the government to making the regulatory framework public, allowing us to have it once we are engaged in study? And I know the government will ram this through and we will commence the study. Will you at least commit to making the regulatory framework public so that the committees in both the House and the Senate will have it? I think it's essential. Without it, we cannot do our work. Thank you, colleagues.

Hon. Pamela Wallin: Honourable senators, I, too, would like to join this discussion on the motion to force a pre-study on Bill C-11 — a highly contentious government bill, but not urgent in nature.

So let's cut to the chase. This pre-study motion intends to ensure the passage of bills that have not been subjected to proper scrutiny or study or debate or anything close to first sober or second sober thought. We have been witnessing this in the other place for the last week, and it is shameful.

Pre-study of any bill is for the convenience, by and large, of government, not for the benefit of the public. In the case of Bill C-11, this legislation remains highly controversial. I have had literally hundreds of emails and exchanges with stakeholders and citizens who have repeatedly tried to make their cases, fact-based cases, but they have been ignored or shut down in the other place.

Government has been shown the fault lines, the evidence that, globally, we are out of step and that their attempts to control the high-tech sector will prove ill-conceived. Even their own officials have publicly contradicted them on user-generated content being subject to censorship. These are not simple commas or adjectives. This is a flawed, not-ready-for-primetime, core content problem, and it impacts fundamental rights.

In his speech on the motion on pre-study on May 18, Senator Gold said, "I just don't know, nor does anybody else in this chamber," if this bill will be amended in the House. Agreed. That is the point. Let them do their work, and then we will do ours. This is not a budget or a pandemic spending bill. No lives are

hanging in the balance. There is no crisis. And governments can't always have what they want just because they want it. That's why we have a system of checks and balances.

Given all the drama that took place in and out of committee in the other place on Bill C-10 last summer — the secret amendments that were invalidated by the Speaker — it was an embarrassment then and we are seeing it again. It was then and it is again now not only a flawed bill but a flawed process.

Of course, the government wants this bill and all of their bills passed quickly and, usually, with as little examination as possible, but that is not what we do here. We have no right to turn a blind eye. Our job is to examine government legislation, fix it, improve it, make it Charter-proof and, all the while, ensure that the rights of Canadians are secured and protected.

As we know, pre-studies don't allow for amendments. There is no guarantee that regular committee study will, in fact, ever take place when we do get the bills. But this bill, every bill, needs hearings and witnesses and, most importantly, we need some honest debate.

My concern is that by agreeing to ever more pre-emptive pre-studies, we are allowing a new culture to take hold here in the Senate — a culture of complacency, one where the government no longer needs to respect parliamentary procedure or weigh the cost of spent political capital. They no longer need to ensure actual debate or a fair exchange or airing of differing views or win the day with a solid argument with facts, never mind show that they have consulted and actually listened.

I fear that the role of the Senate to uphold the interests of the people we represent will become some quaint, out-of-favour ritual. If all government bills are deemed urgent or essential, then in fact none of them are.

During COVID, we let billions of dollars in spending and new programs slide by without proper scrutiny. We accepted that they were extraordinary times and that time was of the essence, but no longer. This is now a convenient and growing trend. Complicated changes are hidden in budget bills. Debate is curbed. With no ability to introduce amendments, without the guarantee of full committee study and without waiting to see if the bill will be changed in the other place, my concern is that we are truly becoming the thing that offends me to my core: We are becoming a rubber stamp.

The voters passed judgment on this government last fall and, in their wisdom, offered only a minority: a limited hold on power. There was a message from the voters: "We want checks and balances on what you do." Yet, through a side deal, the government has now engineered a majority. So, given that, we must be, more now than ever, the check and balance in the process.

Our committees are capable of doing great work. We have been waiting to get back to our real work, stymied as we have been by technology, by lack of facilities and translators and by being considered second class when it comes to access to resources. We want the tools and the time to do our work.

The senators on the Transport Committee, of whom I am one — although I have been denied the right to participate because of hybrid scheduling — and all who remain bring a breadth of experience and expertise to any issue. I look forward to a careful examination of Bill C-11. But already under a constrained calendar, with very limited resources, and committees meeting just once a week, this is going to be a tough task.

• (2050)

At the Banking Committee, we have been asked to examine key components of a budget bill and Bill S-6, both of which make sweeping changes to a whole range of important laws in this country. Clearly, we do not have enough time, yet again, to address the increasingly complicated legislation. Changes to the Copyright Act and the Competition Act, which were quietly shoehorned into the budget, need and deserve more time to be carefully considered. But we are no longer afforded that right due to some contrived, I think, politically driven declaration of urgency. This trend is troubling.

Increasingly, government bills receive much less time in committee, and too often we hear from witnesses from the department or the minister, and there is little time for the critics or the concerned or even those who simply want to know why, when and how come.

Is this a fulsome examination of something as complex as a budget or changes to regulatory regimes or a bill that changes how Canadians fundamentally communicate with each other and interact with the internet?

I would like to make one final comment on this process. This debate on the pre-study motion is exactly the kind of healthy dialogue needed in this chamber. Let's have it. Let's have it out. Why? Because it is much more difficult to undo bad legislation than to get it right the first time. It clogs our courts and costs taxpayers and consumers unnecessarily.

Colleagues, I think it's important that we remind ourselves of our unique role, why we exist within not only the parliamentary process but also the political world. As independent as we all believe we are, we must pass judgment on the actions of the government of the day. To believe that this motion for pre-study is somehow purely intended to give the committee more time, a gesture to afford us this luxury, would be naive at best, something I do not believe any of us are.

But I also find it an affront that someone in the other place would believe that this chamber could be tricked by such a transparent proposition.

And claiming that we're wasting time by debating this motion is an insult to my intelligence and yours and undermines the very commitment when we swore in our oath to do the work necessary and to preserve the rightful reputation of the upper house and of Parliament itself.

So I ask, colleagues, let us not drift complacently into irrelevance. Let us not ignore the political or economic consequences of what we do. Let us not forfeit our very basic right to speak our minds, to fight in the arena of ideas and difference and not be silenced by political correctness or pressure or fear. Let the government do its homework before we do ours. It's their job. Hash it out. Don't silence the critics or shut down committees or curb study.

Let's wait and see what the bill looks like when the fight has been had in the political arena.

Let's not fall for the procedural games of any government. Please, colleagues, join me in voting against this motion for the sake of the Senate today, for those who will follow us into this chamber and for the oath we took. It is surprising what we may find when we shine a little light on some of the dark corners. Thank you.

Hon. Marty Deacon: Would the senator take a question?

Senator Wallin: Certainly.

Senator M. Deacon: Thank you very much. Certainly, today, a lot is being said in the Senate, some direct, some indirect and some with innuendo, but the debate is really important. I would like to maybe even think about calling out the elephant in the room. I think we are all quite familiar with our former governor general, Mr. David Johnston, who wrote a book on trust and 20 ways to make this country better.

To you, my question is: Are we talking about the debate about having a pre-study, or are we talking about trust that the process and diligence that are supposed to take place, that we hear in the Senate, are going to be done in due course?

Senator Wallin: They are inextricably linked. To be asked to do a pre-study on the promise that we will have all of the time in the world is one thing, and many other senators, myself included, have heard other comments and other suggestions about what the real intent is. Of course, trust is at the core of it. I think this was part of Senator Tannas's point.

We have a different relationship with one another in here than we see in the other place all too often. I am sitting on a joint parliamentary committee, and it is a frustrating process. I'm trying to clean up my language because we are here in the Senate.

We need to preserve that difference and a different approach. It's hard because, of course, we are dealing with government legislation. As I said, that's our job. We get to pass judgment on it, whoever the government of the day is, and whatever it is that we may think about particular bills.

But as for this process of saying we must get this pre-study done — and I think timing is part of it — if we were talking about a pre-study with months of runway in front of us, we might have a different feeling in our gut. But when we're talking about the crisis that is at hand if we don't start this pre-study tomorrow morning at dawn, then something goes off in my mind. I mean, I have been in and out of this city for decades covering politics and being part of the process in different ways, and my instinct tells me that you have to be wary. If somebody wants something so badly, and they want it now, let's examine that. Let's look at that. Let's think about why. Let's look at what their potential motivations might be — I'm not saying they are horrible people. Governments get to decide what they want to do. We get to decide what we want to do.

I'm just saying let's be intelligent and critical thinkers, and let's take those gut instincts into account.

Hon. Donald Neil Plett (Leader of the Opposition): I would like to ask the senator a question if she would take one more.

The Hon. the Speaker: You have one minute.

Senator Plett: My question won't take a minute. Senator Wallin, after Senator Tannas spoke, and unfortunately I was a little late getting back here, Senator LaBoucane-Benson asked a question, and I'm going to read the question:

The government is asking us to study — without a time frame and without constraints around anything other than asking us to do a study. Can we do that . . . ?

I'm assuming it's not the government representatives, it's the government. It's the people over there that are asking us to just simply study something without any constraints at all.

What would your comment be to that type of request from the Senate?

Senator Wallin: Well, I mean, this is what we're dealing with, that kind of request. We have kind of merged the two issues in that we have a request to pre-study legislation, but then we are told that we can roll that into a different kind of long-term process. That's not how we do business. Either we do a pre-study, as we have just completed on the budget, or we do an appropriate committee study in which we choose our timetable, we choose our witnesses and all of those things.

These are two different creatures, and they don't just meld.

[*Translation*]

Hon. Renée Dupuis: Honourable senators, I rise to speak to Motion No. 42, which was moved on May 18 by the Government Representative in the Senate. It concerns a pre-study of

Bill C-11, which seeks to amend the Broadcasting Act and is currently being studied in the House of Commons. I was appointed to the Senate as an independent senator in November 2016, and since then I have had the opportunity to participate in some pre-studies of bills dealing with all manner of subjects.

• (2100)

One that stands out was the pre-study of the medical assistance in dying bill, which I participated in as a member of the Standing Committee on Legal and Constitutional Affairs. In that specific case, our study of the principles and objectives of the bill enabled the committee to broaden its consultation and thereby take a deeper dive into all aspects of what was a very sensitive issue for people. If you were following the debate at that stage, you most likely know that the committee heard from numerous witnesses with highly divergent if not diametrically opposed viewpoints. They helped the committee zero in on the main issues with the bill.

The Senate's sober second thought is not confined to a rigid procedural cycle.

I would note that rule 10-11 reads as follows:

The subject matter of a bill originating in the House of Commons may be referred to a standing committee for study at any time before the bill is received in the Senate.

The Senate is not required to wait for a bill to be passed by the House of Commons before it can begin its study. That is not our role as a chamber that provides sober second thought on legislation. We have the authority to make decisions about how we conduct our work on the bills that the government introduces.

Honourable senators, we have a duty to study the underlying issues of a bill as comprehensively as possible. We must find ways to make it clear that we want the public to participate more in our debates. Pre-studies of bills allow us to hear from more Canadians and more organizations on the issues that we are studying.

We are still governed by criteria that were set out in the last century, even though the public is much more educated. The Canadian public now has just as much expertise as we do in government and in Parliament, including here, in the Senate. We must acknowledge that and adjust our methods accordingly.

The Canadians we are today want to be more directly involved in democratic debate and decision-making. That is what we are hearing.

A pre-study is an educational exercise that is most important to us, senators, if only to provide the means to understand all the details of a bill, especially when it seems complex at first glance. A pre-study also provides an opportunity for hearing as many interested people and groups as possible, and to shed light on the views of Canadians as a whole.

[Senator Wallin]

In my opinion, pre-studies could become part of committee activities every time a bill meets certain criteria, including if it deals with a key element of public policy that has not been reviewed recently, if it deals with an element of public policy involving a significant change to a legislative or administrative regime, or if it deals with a controversial social issue on which it is difficult to obtain a consensus initially.

Nothing prevents us from establishing the criteria that would help us decide when a proposed pre-study would be appropriate.

Honourable senators, I am of the opinion that Bill C-11, which the government has stated has the objective of overhauling the Broadcasting Act, and in particular to make it more inclusive, meets the criteria I just set out.

First, it represents a major update to Canadian broadcasting policy, and it is intended to ensure that streaming services contribute to the creation and offer of Canadian music and literary works. Culture is the foundation of a society. The means of disseminating culture constitute an essential service and must be updated to fit the digital world.

However, the genesis of culture is found in the works of the creators, without whom we cannot talk about culture. It is important to remember this and to ensure that the work done by these creators is recognized for its value and its worth, which includes the fact that many others are able to benefit from their work. It is also important to ensure that copyright for their creations is respected and remunerated accordingly.

Honourable senators, Bill C-11 must be closely examined, particularly from this perspective.

Second, it extends the application of the current legislation to online broadcasting undertakings, but exempts them from the licensing requirement. What effect does this exemption have on creators? What benefit do they get from this exemption relative to businesses that are required to hold a licence?

Third, Bill C-11 proposes a new order regime under which the CRTC will be able to impose different conditions on broadcasters, particularly regarding program content. However, the CRTC could also decide that its orders will apply to only one, some, or all of the licence holders. If the CRTC is granted this discretionary power, will it choose to favour one or more categories of businesses?

The bill also amends cabinet's powers to issue directives to the CRTC and gives the government more time to ask the CRTC to review or reverse its decisions.

Also, what are the views of Canadian and Quebec creators, including anglophones and francophones, creators of all categories of works, when it comes to respect for copyright and the rights of performers in the new regime set out in the bill? What are the views of the groups identified in Bill C-11, namely official language minority communities, Indigenous peoples and people with disabilities? Have the general public's views on the new regime been sought, considered and documented?

Honourable senators, for all these reasons, I will be voting in favour of Motion No. 42, which calls for a pre-study of Bill C-11.

[*English*]

Hon. Tony Dean: Honourable senators, I will preface my prepared remarks by just making a few points about what I have seen unfold this afternoon and this evening.

I think that it is fair to say that this has been a bit of a raucous debate about a pre-study. We have seen increasing degrees of rhetoric, and I think it is fair to say that the words and intentions of Senator Gold and his colleagues have been unfairly mischaracterized repeatedly.

An Hon. Senator: Oh, sorry.

Senator Dean: And I'm not convinced by colleagues in this place who watched the previous government routinely impose time allocations, sometimes allocating bills within a single day, lecturing us on the efficacy of the processes of the Senate.

My last prefaced remark is that I look around this room, and I look in all directions and I look at those from all groups and parties and I see nothing but impressive colleagues, both veterans and recent appointees, who will not allow this institution to slide into irrelevancy, which is a comment that I heard earlier. I'm proud to stand among all of you for that reason.

Now let's get back to the motion.

Senator Plett: Oh, oh.

Senator Dean: Are we done?

Senator Plett: I don't know. Are we?

Senator Dean: Well, are you done?

Colleagues, I want to speak briefly to support pre-study of Bill C-11. I want to start with a very short overview of the complexities surrounding the bill to preface my remarks. I have just three pages of remarks.

As you all know, Bill C-11 is designed to modernize broadcasting regulation in the face of revolutionary changes in the creation and consumption of online content in a context that is very much without borders.

Bill C-11 also aims to achieve more inclusivity of people who have been somewhat marginalized in the broadcasting landscape. Large swaths of this landscape are entirely unregulated, and they remain outside the requirements of other producers to create or contribute to the creation of Canadian content.

• (2110)

It is multivariate in nature, as Senator Simons pointed out, and some vocal opponents of Bill C-11 would like to keep it that way. Or, at the very least, they would prefer not to be enveloped by a regulatory framework developed previously for what they might term as "legacy broadcasters."

Now, colleagues, there is nothing unusual about this in the world of regulation; absolutely nothing. There is nothing unique about it. In the regulatory sphere, colleagues, when it comes down to it, the unregulated rarely embrace regulation in any field. This is not a digital issue; it is a regulatory issue.

As you know, the first effort to regulate this ever-evolving and expanding landscape of digital content creation and consumption was represented in Bill C-10, which was set aside and has made way for Bill C-11. For its part, the government maintains that it has addressed in Bill C-11 some of the concerns raised by opponents of Bill C-10.

Now, colleagues, we have a considerable range of views on Bill C-11 with compelling arguments from those in the streaming services, traditional broadcasters, Canadian artists and creators and consumers of their content. These stakeholders have all raised big, complex issues that require a lot of time to examine. We will not be able to get a grasp of all of them, but a pre-study would allow us to look at four or five big-issue areas, to unpack them a bit and start to explain them to senators. This will be an iterative process, which makes sense. I don't believe that anybody is rushing into anything. It is about learning, not rushing.

This would be a good pre-study service. It would mean we were all starting from the same point, and we need sufficient time, as a lot of people in this room have said, to start unpacking the bill and move us along a learning curve.

With the revised bill, with all of its complexities on its way into the Senate, why would we not start to carefully weigh the bill and the issues and questions arising from it to reduce the burden of a cold start, to complete an assessment, to get us started and to see if differences can be reconciled?

Colleagues, a pre-study could pass issues, dig into the issues and move this beyond the current polemic. The study of former Bill C-10 in the House of Commons heard from 128 witnesses over 28 meetings. We are now being told that Bill C-11 cures some of those issues identified by witnesses. Why not take a look at that? Why not hear from some of the same witnesses? That would be a good start.

Colleagues, I see this as part of the start of a linear process, not a race to the finish line. To allude to a comment made earlier, I see no buffalo in the room.

Similarly, many colleagues in this chamber have cited problems with the former Bill C-10 during second reading debate, and this would also be an opportunity for them to assess the changes in Bill C-11. We would all benefit from these sorts of analyses.

We did this in various ways with legislation on medical assistance in dying. We did it with cannabis reform, albeit more informally; we initiated vigorous research and debate among those interested in learning about that bill, and that included both supporters and detractors — and I can tell you that there were more detractors than supporters in this place when we started the debate of Bill C-45.

It readied us for our formal debates on those bills and for proposed amendments. This has, obviously, been done in many previous pre-studies in the Senate, including bills that had recently been referred to committee in the House of Commons. I'm not going to repeat the history of Bill C-91 and Bill C-92, both of which were studied concurrently with committee work in the House of Commons.

So, colleagues, I am not sensing that we're breaking new ground here. I'm not seeing anything revolutionary in this. I am not seeing anything radical in this. The Senate has done it before in similar circumstances, and in doing so, the Senate has contributed to positive outcomes.

I am not sensing a rush. I am not sensing a runaway train. I am hearing a lot of rhetoric about runaway trains, though.

This is exactly what we should be doing, and what I suspect many of us want to do, because it is consistent with our constitutional mandate and responsibilities — to study bills. I am not hearing anyone talking about rushing this work, other than critics of the pre-study. This is not an emergency.

I am not supporting the pre-study because it is rushing anything; I am supporting the pre-study because it is important and I believe it can add value. I am saying nothing more than, "Let's get on with it."

Let's contribute and add value to proposed government legislation. Let's roll up our sleeves, colleagues, and give the very best of our advice and experience. That is what we should be doing. That is why we are here. That is our responsibility, and I am saying, "Let's get on with it."

Thank you.

Some Hon. Senators: Hear, hear.

Senator Plett: Will Senator Dean take a question?

Senator Dean: Of course.

Senator Plett: Thank you, Senator Dean.

Let me start with a quote: "I disapprove of what you say, but I will defend to the death your right to say it."

Senator Dean, I would hope that you would do the same thing, and in your preamble, you chose, rather, to drive wedges again in saying or intimating that when people don't agree with you, they somehow don't have the right to their beliefs.

This is a political chamber. I take no issue with somebody scrapping with me in this chamber and then going and having a drink with that individual after the chamber rises. This is a chamber of debate where different opinions are expressed.

Senator Dean, first of all, I do not disagree with probably 85% of your speech, which said, “Let’s roll up our sleeves; let’s get to work.” I agree with all of that. I don’t think any one of us here, any one of us that voted against the pre-study of Bill C-13, can be accused of not wanting to do their job or do their work. We happen to have a disagreement with you on what is important and how we should do things. That is why we have a vote. That is why we have bells. That is why we get together, and when the vote is done, it is over. I have accepted fully the results of the vote we had a few hours ago.

And then you feel the need to come in here and chastise us because of our beliefs. Senator Dean, my question to you is: Do you believe in the democratic system? Do you believe that I have the right? Would you defend to the death my right to my opinion?

Senator Dean: Well, of course I would defend your right to your opinion, and I would defend the right to the opinions of other people in this room. Absolutely. That is why I’m here. That is part of my responsibility. That is part of who I am.

If you took from my remarks that I was attempting to shut down anybody’s opinions, then I think you are mischaracterizing me, and I regret that.

I commented on the nature of the debate, on its divisiveness, on the fact that I thought that there was an excessive use of rhetoric and that I thought some of the comments that had been made by our colleagues in the Government Representative Office had been mischaracterized.

• (2120)

I stand by all of that without in any way acknowledging — nor do I want to shut down anybody’s right to talk and express their opinion. I have sat here, not left the chamber and listened to everything that everyone has had to say.

I was talking about the tenor of our debate, about the heat and the rhetoric of this debate, which is about a pre-study and a process. I will be honest in saying that I thought that I was hearing the intentions and the words of my colleagues in the Government Representative Office being mischaracterized. That is the way that I felt and I stand by that.

In that way, I was expressing my opinion freely, just as everyone else has in this room today. I am sorry if you did not like it, but we all have that right in this place. We have earned that right. We earn it every day and re-earn it.

Sometimes it is important to make a comment about the nature and the atmosphere of the debate, and that is all that I was doing. If I have offended anyone in doing that, I am happy to apologize. I do not think that I did. That was not my intention. I think the large majority of people in this room understand that.

Thank you, Senator Plett. I acknowledge your comments. I have nothing more to say. Just like anyone else in this place, I have stood up and offered my opinion. I am not going to make any apologies for that.

The Hon. the Speaker: I am sorry, Senator Plett, but Senator Dean’s time has expired.

Senator Dean, are you asking for more time?

Senator Plett: I am.

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

Some Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Gold, seconded by Senator Gagné, that in accordance with rule 10-11(1) — may I dispense?

Some Hon. Senators: Dispense.

The Hon. the Speaker: If you are opposed to the motion please say “no.”

Some Hon. Senators: No.

The Hon. the Speaker: I hear a “no.” Those in favour who are in the Senate Chamber will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion who are in the Senate Chamber will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “yeas” have it.

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Do we have agreement on a bell?

Some Hon. Senators: No.

Senator Seidman: Forty minutes.

The Hon. the Speaker: Forty minutes. The vote will take place at 10:02. Call in the senators.

• (2200)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Arnot	Harder
Boniface	Hartling
Bovey	Jaffer
Busson	Klyne
Clement	LaBoucane-Benson
Cormier	Lankin
Cotter	Loffreda
Dawson	Marwah
Deacon (<i>Ontario</i>)	Mégie
Dean	Miville-Dechêne
Duncan	Moncion

Dupuis
Forest
Gagné
Galvez
Gerba
Gignac
Gold

Omidvar
Petitclerc
Ringuette
Saint-Germain
Sorensen
Woo
Yussuff—36

Dasko
Downe
Housakos
Manning
Marshall
Martin
McCallum
McPhedran
Mockler

Richards
Seidman
Simons
Smith
Tannas
Verner
Wallin
Wells—31

NAYS
THE HONOURABLE SENATORS

Anderson
Ataullahjan
Batters
Black
Campbell
Carignan
Dagenais

Moodie
Oh
Pate
Plett
Poirier
Quinn
Ravalia

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

(At 10:13 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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