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(HANSARD)

Tuesday, June 14, 2022

The Honourable GEORGE J. FUREY,  
Speaker

## CONTENTS

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

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## THE SENATE

Tuesday, June 14, 2022

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

Prayers.

### SENATORS' STATEMENTS

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Elaine R. Goldstein, spouse of the late Honourable Senator Goldstein; Dahna Goldstein, his daughter; Sarah Altschuller, his daughter-in-law; Ezra Altschuller, his grandson; Doron Goldstein, his son; and friends and collaborators of the late senator.

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

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

#### THE LATE HONOURABLE YOINE GOLDSTEIN

**Hon. Dennis Dawson:** Honourable senators, on behalf of the Progressive Senate Group and Senator Cordy who couldn't be here, I would like to address a few words to the family.

There are numerous reasons why people gather. Many of them are happy, many of them are sad. No matter the occasion, it is undoubtedly better when we are able to mark it with others. It is this important connection that has been missing for us over the course of the last two years as we navigate the pandemic. We are all knit in this together, together and apart. These were crucial statements to keep our family and friends safe.

As things open up somewhat, we are better equipped to manage COVID. We must now catch up with the occasions we were unable to properly mark.

[*Translation*]

One such occasion is the passing of our former friend and colleague Yoine Goldstein. Many of Yoine's family members are with us today, and I want to give them my regards. I hope they will find a measure of comfort in this belated commemoration of his life and, more specifically, his time in the Senate.

[*English*]

Senator Larry Campbell and I were sworn in at the same time as Yoine, and it marked us. I know that Yoine really appreciated the time he spent with us here in the Senate.

[*Translation*]

Yoine was born in Montreal in 1934. He received a Bachelor of Arts and a Bachelor of Civil Law with distinction from McGill University. During his studies at McGill, he was selected as the

articles editor for the *McGill Law Journal*. In 1960, he obtained his Doctor of Laws from the Université de Lyon and was called to the Quebec Bar the following year. He was recognized nationally and internationally for his expertise in insolvency, bankruptcy and commercial litigation.

[*English*]

He became an advocate for Canadian students and reforms to the system to ensure that post-secondary education would not saddle them with an insurmountable financial burden. More directly, he also worked with students, sharing his knowledge as a lecturer from 1973 to 1997 at the Faculty of Law at the University of Montreal. Named to the Insolvency Institute of Canada, Yoine was also the only Canadian made to be a fellow of the American College of Trial Lawyers and the American College of Bankruptcy.

Very active in Montreal's Jewish community — and I'm sure my friend Marc Gold will elaborate on that — Yoine was president from 1995 to 1997 of the Federation CJA, a funding and planning coordinating body for the Jewish community in Montreal. He was also a member of the community advisory board of the Concordia University Chair for Canadian Jewish Studies.

[*Translation*]

Although he served only four years with us here in the Senate, Senator Goldstein made a significant impact. Not surprisingly, he made a valuable contribution as a member of the Standing Senate Committee on Banking, Trade and Commerce. He was a strong advocate for human rights, often speaking out about tolerance, respect and social justice around the world. His descriptions of the situation in Darfur were particularly important. Internationally, he represented Canada and Canadians at the Parliamentary Assembly of the Council of Europe.

• (1410)

[*English*]

Senator Goldstein appreciated his time in this place and the opportunity to serve Canadians. In his farewell speech, he said:

Canada is not only physically beautiful; it is a country that has a soul. . . . It is evidenced by the sincere desire and intent of all political parties to make Canada better and, indeed, to try to make it the best it can be.

[*Translation*]

A country can ask no more of its citizens.

Here is my wish for his wife, Elaine, his children and the rest of his family: I hope you know that he achieved his goals in spades. I know you are still grieving his loss, but I hope the memory of Yoine and this farewell to a dear friend and colleague will help you feel a little better.

[English]

**Hon. Marc Gold (Government Representative in the Senate):** Honourable senators, I rise today to pay tribute to former senator and my lifelong friend Yoine Goldstein, and to honour his memory in the presence of his wife, Elaine, their son Doron, daughter Dahna, daughter-in-law Sarah, grandson Ezra, and his trusted colleagues and devoted friends.

[Translation]

As our colleague, Senator Dawson, said, Yoine had a brilliant legal career. I will not list all of his achievements, but I would like to add that he was also a talented teacher at the Université de Montréal's law school from 1973 to 1997.

In August 2005, Yoine was appointed to the Senate by the Right Honourable Paul Martin. He joined the committees that mattered most to him professionally and personally: the Standing Senate Committee on Banking, Trade and Commerce, the Standing Committee on Internal Economy, Budgets and Administration, the Committee on Human Rights, and the Committee on Official Languages. He was a hard-working, model senator, and everyone he worked with recognized his contribution.

[English]

Let me quote former senator Nancy Ruth from May 7, 2009, the day of Senator Goldstein's retirement:

Let me say that week after week, day after day, statement after statement, motion after motion, inquiry after inquiry, I have listened to you, your eloquence, your fury, your righteousness, your commitment, your sadness, your perseverance, your dedication and your vision.

Thanks for taking the time to be here . . . .

This, in a nutshell, was Yoine Goldstein.

Let me share another dimension of Yoine with you, for I knew and worked with him for many decades in his capacity as a leader in my community.

Yoine devoted himself tirelessly to community work, and he held all the leading positions in the Jewish community and, indeed, beyond the Jewish community in Montreal, at the national level and internationally. He made a real difference, colleagues. He was a bridge builder between the Jewish community and Quebec society. He was a progressive voice, and a pioneer in intercultural dialogue and collaboration.

Yoine was also a founding member of The Tolerance Foundation, which is now known as ENSEMBLE for the respect of diversity, an organization that is dedicated to helping the youth of Quebec better understand the issues and challenges of living together in our increasingly diverse and pluralistic society.

Yoine and I worked together in this organization for many years, and I had the honour of succeeding him as co-president when his duties in the Senate required him to pass the baton. He was a role model, he was a mentor and he was an inspiration to me and to countless others who had the privilege of working with him.

I will close, as did our colleague Senator Dawson, with words from Yoine's final speech in the chamber:

. . . the Book of the Bible, Koheleth, which you know as Ecclesiastes, contains one phrase that is particularly significant to me at the moment. The phrase is, "To everything there is a season." This is the season for me to take leave . . .

Yoine, you left us too soon. But you leave behind a magnificent legacy, and the challenge to all of us of continuing the good works that you did on behalf of all Canadians. You have blessed us with your presence. We miss you terribly.

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

**Hon. Donald Neil Plett (Leader of the Opposition):** Honourable senators, I also rise today and wish to pay tribute to the Honourable Yoine Goldstein. Born in Montreal, Yoine Goldstein strongly believed in the importance of giving back to his community. His lifelong actions demonstrated his dedication and devotion to public service.

Prior to being appointed by the Right Honourable Paul Martin, Yoine Goldstein was a lawyer and an academic. He was a managing partner of Goldstein, Flanz & Fishman law firm, where he specialized in insolvency, bankruptcy and commercial litigation.

He was very active in the academic world. As a matter of fact, his name appears on the list of Canadian legal scholars. His expertise was well known and was recognized with many awards that figure in his name, such as the Lord Reading Law Society Human Rights Award, and the Lord Reading Law Society Service Award.

Yoine Goldstein gave lectures for more than a quarter of a decade at the Faculty of Law at the Université de Montréal. But law was just one of his many ways of giving back. He was also very active in Montreal's Jewish community. We have heard about it already today. He served as the President of the Federation CJA, which aims to collect funds and ensures the money is used in a multitude of local and national programs. Senator Gold also knows this organization well.

Senator Goldstein served in the Senate from August 2005 to May 2009, so our paths never crossed in this chamber. I was appointed just a few months after Senator Goldstein retired. Although his tenure was not very long, he certainly made valuable contributions as the Deputy Chair of the Standing Senate Committee on Banking, Trade and Commerce.

Colleagues, I also wish to conclude with a quote, and this quote is from Jonathan Kay of the *National Post* from October 2013:

. . . Yoine Goldstein is a model: He came to the Senate with all sorts of experience as a legal expert, and from day one he used that expertise to craft legislative initiatives governing complex areas of law that few other senators could master.

On behalf of the opposition in the Senate, I wish to express my deepest sympathies to his wife, Elaine, to his children, Doron and Dahna and to all his family and friends. Your loved one's dedication to this chamber will not be forgotten. Thank you for sharing your husband, father and grandfather with all of Canada. May God richly bless you.

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

[*Translation*]

**Hon. Pierrette Ringuette:** I have the distinct honour to rise today on behalf of the Independent Senators Group to pay tribute to our late colleague, the Honourable Yoine Goldstein.

When Prime Minister Martin appointed Senator Goldstein to represent the Quebec senatorial division of Rigaud in 2005, he reaffirmed his commitment to revitalizing the institution of the Senate.

From that point on, for the next four precious years, our institution benefited from the professional excellence of Senator Goldstein, an internationally renowned and outstanding jurist who raised the calibre of our debates and speeches, both in committee and in the chamber.

[*English*]

But the framework for the enduring legacy of our dear colleague was laid out in a statement he made in this chamber. On April 5, 2006, in the first session of the Thirty-ninth Parliament of Canada, the Honourable Senator Yoine Goldstein did not speak of policy. He made no allusion to politics. Instead, he spoke directly to future generations of Canadians — both native and immigrant, Jew and gentile. He spoke directly to all of us, calling on us all to be our better selves.

• (1420)

Sixteen years have already passed, but his words resonate today louder than ever. The wisdom of a great mensch from Montreal bears repeating. Today, I feel I could do no better service to the memory and legacy of our beloved colleague than to quote him back into the official record of our nation.

He said:

Honourable senators, tolerance is a passive state. While it reflects mere acceptance of differences, acceptance or tolerance of differences is not enough. Our goal is to instil a realization that diversity in our society is a significant value, that diversity is to be celebrated, that diversity is to be actively valued and not merely accepted.

[ Senator Plett ]

He went on to say, “. . . the celebration of diversity, the celebration of differences, as fundamental, positive societal values and not causes of division.”

Honourable senators, today we live in times of increasing uncertainty. Social media has made us hypervigilant and critical of one another. Economic downturn looms ever closer on the horizon.

Yoine Goldstein lived his faith and imparted his values of tolerance and conciliation to any and all. We will remember him best by acting in the spirit of his legacy. Let us carry ourselves with charity of spirit. Let us stand in solidarity with those suffering a conflict not of their making. Let us bring collective relief to those facing social and economic hardships. Let us be steadfast in our intolerance of intolerance and discrimination.

To the memory of the Honourable Yoine Goldstein, let us say, “Mazel tov, dear Yoine.” May the wisdom you imparted to the generations educated by The Tolerance Foundation, now known as ENSEMBLE for the respect of diversity, and your call to conciliation resound louder than ever. Thank you for your service.

I would also like to take this opportunity to thank his beloved widow, Elaine, and his son and daughter for sharing his precious time with us in the Senate and with all Canadians. Thank you.

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

(*Honourable senators then stood in silent tribute.*)

[*Translation*]

**The Hon. the Speaker:** Thank you very much, colleagues.

## HYBRID AND VIRTUAL COMMITTEE MEETINGS

### EXPRESSION OF APOLOGY

**Hon. Rosa Galvez:** Colleagues, I rise today to acknowledge a mistake I made, with no ill intent, and to offer my sincere apologies.

The Standing Senate Committee on Energy, the Environment and Natural Resources met last week to examine Bill S-5, an important study that took longer than expected to complete its clause-by-clause review and required some additional meetings with just few days' notice. At the same time, my parliamentary work took me to Los Angeles to participate with the ParlAmericas delegation in the Summit of the Americas, which had been planned for months.

[*English*]

Honourable senators, unfortunately, I made a mistake. While attempting to continue this important work both with the National Finance Committee and the summit, I connected at 5:30 a.m. to the National Finance Committee via Zoom using my Senate laptop. I thought it was possible because it did not conflict

with the summit. However, upon my return to Ottawa, I was reminded by my facilitator that the motion concerning hybrid sittings stipulates that:

. . . subject to variations that may be required by the circumstances, to participate in a committee meeting by videoconference senators must:

(a) participate from a designated office or designated residence within Canada;

I take my parliamentary work and duties seriously, and I — by inertia and in my eagerness to keep working — did not realize that participating in the committee virtually from my hotel while on parliamentary business was not permitted under the adopted motion. I just kept going with all my Senate activities, which I even posted about on social media, thinking that I was in my right to keep working.

I do recognize, dear colleagues, my mistake, and my ignorance of this rule is not an excuse. I want to apologize, especially, to my fellow committee colleagues and to all senators. I commit to being more careful and attentive to the details of rules we have adopted to ensure the fair and good functioning of the Senate and its committees.

Thank you. *Meegwetch.*

### EMBER FIRE ACADEMY

**Hon. Pat Duncan:** Honourable senators, I'm honoured to rise on the traditional territory of the Algonquin Anishinaabe Nation to speak about the Ember Fire Academy. It is available to all Yukon women over the age of 16, and participants in the academy range in age from 16 to their mid-sixties.

The Ember Fire Academy is an introduction to the fire service and firefighting. It is an opportunity for Yukon women to experience the most challenging and exciting tasks in firefighting and emergency response in an inclusive, safe and supportive environment.

It's a week-long program with twice-daily workouts where recruits learn to use personal protective equipment and gear, cut open a car to free trapped passengers, respond to hazardous material emergencies, rescue people from heights using ropes and ladders, fight vehicle and structural fires, train for functional fitness and performance tests and use proper nutrition.

As honourable senators know, in describing programs and policies, it's about the people. Penny and Grace Sheardown Waugh, a mother-daughter team who participated in the program, introduced me to Kiara Adams. Ms. Adams blazed the way, becoming the first ever City of Whitehorse female firefighter. She inspires and empowers women by sharing her passion and knowledge through the creation and delivery as chief of the Ember Fire Academy. She does all of this, as many women have done, with a young one balanced on her hip.

Ms. Adams is joined by Ursula Geisler, the only female deputy fire marshal in the Yukon Fire Marshal's Office and deputy chief of the Ember Fire Academy. She is a leading member of the Golden Horn Volunteer Fire Department, which is just outside of Whitehorse, and participates globally as part of the ShelterBox response team.

Women who have participated in the Ember Fire Academy have gone on to become members of Wildland Fire Management, volunteer firefighters and members of Emergency Medical Services. As those of us who are from less populated areas of Canada know, firefighters are our communities' first responders to so much more than fires. They are the strength of our communities.

• (1430)

As I spoke of first responders being more to our communities than the first to arrive on the scene, Ember Fire Academy is about so much more than firefighter and emergency response training. It has been described as life changing.

I invite senators to reach out to me for the link to an Ember Fire Academy video to share with Canadians, as every year there are women from elsewhere in Canada — including attendees from Saskatchewan — who have asked to attend the Ember Fire Academy. Communities from Alberta have reached out to institute similar programs in their communities.

Honourable senators, the Ember Fire Academy begins on June 20 this year, in part on the traditional territory of the Carcross/Tagish First Nation. May I wish each participant and graduate of the Ember Fire Academy success on your journey of exploring your strengths, resilience and talents. Thank you for your service to our communities wherever you live. Stay safe and look out for one another. *Mahsi cho, gùnátchîsh*, thank you.

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## ROUTINE PROCEEDINGS

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### THIRD REPORT OF COMMITTEE ADOPTED

**Hon. Sabi Marwah**, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, June 14, 2022

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

#### THIRD REPORT

Your committee, which was authorized by the *Rules of the Senate* to consider financial and administrative matters, recommends that the following funds be released for the fiscal year 2022-23.

**Legal and Constitutional Affairs (Legislation)**

General Expenses	\$	6,000
<b>TOTAL</b>	<b>\$</b>	<b>6,000</b>

Respectfully submitted,

SABI MARWAH

*Chair*

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

**Senator Marwah:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be adopted now.

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

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

**BUDGET IMPLEMENTATION BILL, 2022, NO. 1**

FOURTH REPORT OF ABORIGINAL PEOPLES COMMITTEE ON  
SUBJECT MATTER DEPOSITED WITH CLERK DURING  
ADJOURNMENT OF THE SENATE

**Hon. Brian Francis:** Honourable senators, I have the honour to inform the Senate that pursuant to the order adopted by the Senate on May 4, 2022, the Standing Senate Committee on Aboriginal Peoples deposited with the Clerk of the Senate on June 10, 2022, its fourth report, which deals with the subject matter of those elements contained in Divisions 2 and 3 of Part 5 of Bill C-19, An Act to implement certain provisions of the budget tabled in Parliament on April 7, 2022 and other measures.

[ Senator Marwah ]

**BILL RESPECTING REGULATORY MODERNIZATION**

THIRD REPORT OF BANKING, TRADE AND COMMERCE  
COMMITTEE PRESENTED

**Hon. Pamela Wallin,** Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, June 14, 2022

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

**THIRD REPORT**

Your committee, to which was referred Bill S-6, An Act respecting regulatory modernization, has, in obedience to the order of reference of April 28, 2022, examined the said bill and now reports the same with the following amendments:

1. *Delete clauses 132 to 152, pages 54 to 73.*
2. *Clause 159, page 76: Add the following after line 1:*

“and under a written agreement or arrangement that defines the elements of personal information, the purpose for disclosure, any limits on secondary use and onward transfer of personal information, and other relevant details.”.

3. *Clause 160, page 77: Replace line 8 with the following:*

“for the purposes of cooperation, where such disclosure would be made under a written agreement or arrangement that defines the elements of personal information, the purpose for disclosure, any limits on secondary use and onward transfer of personal information, and other relevant details.”.

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

PAMELA WALLIN

*Chair*

(*For text of observations, see today's Journals of the Senate, p. 712.*)

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

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



**IMMIGRATION AND REFUGEE PROTECTION ACT  
IMMIGRATION AND REFUGEE PROTECTION  
REGULATIONS**

BILL TO AMEND—FIFTH REPORT OF FOREIGN AFFAIRS AND  
INTERNATIONAL TRADE COMMITTEE PRESENTED

**Hon. Peter M. Boehm**, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Tuesday, June 14, 2022

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

FIFTH REPORT

Your committee, to which was referred Bill S-8, An Act to amend the Immigration and Refugee Protection Act, to make consequential amendments to other Acts and to amend the Immigration and Refugee Protection Regulations, has, in obedience to the order of reference of May 19, 2022, examined the said bill and now reports the same with the following amendment:

1. *New clause 15.1, page 5:* Add the following after line 20:

“Coordinating Amendments

**Bill C-21**

**15.1 (1) Subsections (2) to (4) apply if Bill C-21, introduced in the 1st session of the 44th Parliament and entitled *An Act to amend certain Acts and to make certain consequential amendments (firearms)* (in this section referred to as the “other Act”), receives royal assent.**

**(2) On the first day on which both section 52 of the other Act and section 1 of this Act are in force, paragraph 4(2)(c) of the *Immigration and Refugee Protection Act* is replaced by the following:**

(c) the establishment of policies respecting the enforcement of this Act and inadmissibility on grounds of security, violating human or international rights, sanctions, transborder criminality or organized criminality; or

**(3) On the first day on which both section 55 of the other Act and section 9 of this Act are in force, paragraph 55(3)(b) of the *Immigration and Refugee Protection Act* is replaced by the following:**

(b) has reasonable grounds to suspect that the permanent resident or the foreign national is inadmissible on grounds of security, violating human or international rights, sanctions, serious criminality, criminality, transborder criminality or organized criminality.

**(4) On the first day on which both section 56 of the other Act and section 10 of this Act are in force, paragraph 58(1)(c) of the *Immigration and Refugee Protection Act* is replaced by the following:**

(c) the Minister is taking necessary steps to inquire into a reasonable suspicion that they are inadmissible on grounds of security, violating human or international rights, sanctions, serious criminality, criminality, transborder criminality or organized criminality;”.

Respectfully submitted,

PETER M. BOEHM

*Chair*

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

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

**FISHERIES AND OCEANS**

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES  
AND TRAVEL—STUDY ON THE IMPLEMENTATION  
OF INDIGENOUS RIGHTS-BASED FISHERIES  
ACROSS CANADA—THIRD REPORT OF  
COMMITTEE PRESENTED

**Hon. Fabian Manning**, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Tuesday, June 14, 2022

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

THIRD REPORT

Your committee, which was authorized by the Senate on Thursday, February 10, 2022, to examine and report on the implementation of Indigenous rights-based fisheries across Canada, including the implementation of the rights of Mi'kmaq and Maliseet communities in Atlantic Canada to fish in pursuit of a moderate livelihood, respectfully requests funds for the fiscal year ending March 31, 2023 and requests, for the purpose of such study, that it be empowered:

- (a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary;
- (b) to travel within Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

FABIAN MANNING

*Chair*

(For text of budget, see today's Journals of the Senate, p. 725.)

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

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

[Translation]

**BILL TO AMEND THE CRIMINAL CODE AND THE IDENTIFICATION OF CRIMINALS ACT AND TO MAKE RELATED AMENDMENTS TO OTHER ACTS (COVID-19 RESPONSE AND OTHER MEASURES)**

SIXTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

**Hon. Mobina S. B. Jaffer**, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, June 14, 2022

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

SIXTH REPORT

Your committee, to which was referred Bill S-4, An Act to amend the Criminal Code and the Identification of Criminals Act and to make related amendments to other Acts (COVID-19 response and other measures), has, in obedience to the order of reference of March 31, 2022, examined the said bill and now reports the same with the following amendment:

1. *New clauses 78.1 and 78.2, page 37:* Add the following after line 7:

**“Independent Review**

**78.1 (1) The Minister of Justice must, no later than three years after the day on which this Act receives royal assent, initiate one or more independent**

**reviews on the use of remote proceedings in criminal justice matters that must include an assessment of whether remote proceedings**

**(a) enhance, preserve or adversely affect access to justice;**

**(b) maintain fundamental principles of the administration of justice; and**

**(c) adequately address the rights and obligations of participants in the criminal justice system, including accused persons.**

**(2) The Minister of Justice must, no later than five years after the day on which a review is initiated, cause a report on the review — including any findings or recommendations resulting from it — to be laid before each House of Parliament.**

**“Review of Act**

**78.2 (1) At the start of the fifth year after the day on which this Act receives royal assent, the provisions enacted or amended by this Act are to be referred to a committee of the Senate and a committee of the House of Commons that may be designated or established for the purpose of reviewing the provisions.**

**(2) The committees to which the provisions are referred are to review them and the use of remote proceedings in criminal justice matters and submit reports to the Houses of Parliament of which they are committees, including statements setting out any changes to the provisions that they recommend.”.**

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

MOBINA S. B. JAFFER

*Chair*

(For text of observations, see today's Journals of the Senate, p. 715.)

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

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

[English]

### CRIMINAL CODE

BILL TO AMEND—THIRD REPORT OF HUMAN RIGHTS  
COMMITTEE PRESENTED

**Hon. Salma Ataullahjan**, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, June 14, 2022

The Standing Senate Committee on Human Rights has the honour to present its

### THIRD REPORT

Your committee, to which was referred Bill S-224, An Act to amend the Criminal Code (trafficking in persons), has, in obedience to the order of reference of April 28, 2022, examined the said bill and now reports the same without amendment.

Respectfully submitted,

SALMA ATAULLAHJAN

*Chair*

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

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

• (1440)

### CRIMINAL CODE

BILL TO AMEND—FIRST READING

**Hon. Yvonne Boyer** introduced Bill S-250, An Act to amend the Criminal Code (sterilization procedures).

(Bill read first time.)

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

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

### ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO DEPOSIT REPORTS ON STUDY OF THE FEDERAL GOVERNMENT'S CONSTITUTIONAL, TREATY, POLITICAL AND LEGAL RESPONSIBILITIES TO FIRST NATIONS, INUIT AND MÉTIS PEOPLES WITH CLERK DURING ADJOURNMENT OF THE SENATE

**Hon. Brian Francis:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That the Standing Senate Committee on Aboriginal Peoples be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate two interim reports relating to its study on the constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Metis peoples, no later than July 31, 2022, if the Senate is not then sitting, and that the reports be deemed to have been tabled in the Senate.

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

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

### BUSINESS OF THE SENATE

**The Hon. the Speaker pro tempore:** Pursuant to the order adopted by the Senate on December 7, 2021, Question Period will begin at 3:30 p.m.

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### ORDERS OF THE DAY

#### CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Coyle, seconded by the Honourable Senator Deacon (*Nova Scotia*), for the second reading of Bill S-9, An Act to amend the Chemical Weapons Convention Implementation Act.

**Hon. Salma Ataullahjan:** Honourable senators, I rise today to speak on Bill S-9, An Act to amend the Chemical Weapons Convention Implementation Act. Unfortunately, this bill died on

the Order Paper in the other place almost two years ago, and I would like to thank Senator Coyle for introducing this bill once again.

Bill S-9 would allow us to uphold our country's strong stance on controlling dangerous chemicals, which include weapons of mass destruction as well as nuclear and biological weapons. Canada has played an important role in the creation of the Chemical Weapons Convention, or CWC, having been one of the first countries to sign on to it in 1993. To this day, Canada continues to actively serve on the executive council of the Organisation for the Prohibition of Chemical Weapons.

At the 2019 meeting of states parties to the CWC, two decisions were adopted to add new toxic chemicals to Schedule 1, including Novichok-type agents. Novichok is an umbrella term that includes several families of nerve agents developed by the Soviet Union during the Cold War under the scope of its chemical weapons program. As Senator Coyle eloquently explained last week, there has been a resurgence in the use of Novichok, as we saw in Salisbury in 2018. Two years later, Russian opposition leader Alexei Navalny was also poisoned with a Novichok nerve agent. I believe these cases only show the importance of this bill and the threat that undeclared chemical weapons programs represent to humankind.

Today I fear we may witness more casualties in Ukraine, where Russia threatens to use chemical weapons. We know Moscow has a history of falsely accusing its opponents of staging provocations that never took place or were carried out by themselves or their allies. This was the case during the Syrian conflict, and, although we lack hard evidence, analysts consider Mr. Putin's willingness to ignore the international ban on chemical weapons to be a threat of chemical warfare.

Chemical weapons, unlike nuclear weapons, are relatively cheap and easy to make, and small amounts can cause mass casualties. Indeed, organs such as eyes, noses and lungs are particularly vulnerable to these weapons, and it is nearly impossible to limit the breadth of an attack as it can spread easily. Unfortunately, this generally entails heavy civilian casualties.

Bill S-9 is a timely bill, as it will update the text of the Chemical Weapons Convention Implementation Act to reflect the CWC and will allow for greater clarity in law without changing Canada's obligations relating to controlled chemicals. At present, the CWC takes precedence when there are inconsistencies between the convention and our legislation, but these discrepancies may easily cause confusion. I believe Bill S-9 shows good governance, provides clarity for Canadians and reaffirms our engagement to putting an end to the use of chemical weapons. It is important to note that Canada was once a major centre for chemical and biological weapons and testing as well as for human experimentation during World War II. Canadian military forces also dumped millions of tonnes of unexploded ordnance into the Atlantic Ocean off ports in Nova Scotia. Now it is time to lead by example for a safer future.

[ Senator Ataullahjan ]

Honourable colleagues, I would like to thank Senator Coyle once again for introducing this bill. I see no downsides to Bill S-9, and I give it my full support. Colleagues, in light of the growing conflict in Ukraine, I hope you can join me in sending Bill S-9 to committee for further study.

Thank you.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Coyle, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.)

• (1450)

**BILL TO GIVE EFFECT TO THE ANISHINABEK  
NATION GOVERNANCE AGREEMENT  
AND TO AMEND OTHER ACTS**

BILL TO AMEND—SECOND READING

**Hon. Patti LaBoucane-Benson** moved second reading of Bill S-10, An Act to give effect to the Anishinabek Nation Governance Agreement, to amend the Sechelt Indian Band Self-Government Act and the Yukon First Nations Self-Government Act and to make related and consequential amendments to other Acts.

She said: Honourable senators, before I begin, I would like to acknowledge that I have always lived on and am speaking to you today from this beautiful Treaty 6 territory, where we are all treaty people.

I am pleased today to speak to the second reading of Bill S-10, which advances Indigenous self-government for the shísháhl Nation and Anishinabek Nation. This bill is a reflection of our country's commitment to work with First Nation partners to implement their inherent right to self-government and self-determination and to support their visions of a better future for their communities. It supports Canada's goal of addressing our long history of colonization and it's a tangible action toward reconciliation.

Honourable senators, let's take a step back for a moment to reflect upon what self-government means for Indigenous communities. For thousands of years before contact, Indigenous peoples operated their own forms of government. They established and enforced their own laws with their own forms of

leadership, and they divided responsibilities according to their customs. When settlers arrived on the shores of this land now known as Canada, some pacts and partnerships were forged with Indigenous groups through treaties, trade agreements and military alliances. However, the rights of Indigenous peoples were gradually eroded with each new colonial decision, policy and law. The treaties and partnerships were neither upheld nor respected.

In 1876, the government passed the Indian Act, which imposed a colonial system of governance on First Nations. It actively erased systems that had been in place for centuries, and it failed to recognize the unique needs and aspirations of communities. But Indigenous inherent rights to governance were never relinquished and, in 1982, they were reaffirmed in section 35 of the Canadian Constitution. Now Canada is working to undo federally imposed systems of governance and reaffirming the inherent rights of Indigenous peoples.

Self-government agreements support this process. These agreements set out law-making authority in many areas, including how to educate their children, how to manage their lands, how to protect their cultures and languages and how to build their economies and create jobs.

Senators, Bill S-10 is dual-pronged. First, it contains measures that would modernize the Sechelt Indian Band Self-Government Act and, second, it supports the implementation of the Anishinabek Nation Governance Agreement. I will provide some context for both.

In 1986, the shíshálh Nation became the first Indigenous nation in Canada to achieve self-government with their own self-governance act. Now, almost 40 years later, the legislation is showing its age.

When I spoke with shíshálh Chief Warren Paull today, he said that, in 1986, their constitution was basically a cut-and-paste from the Indian Act. There just wasn't time to think about it deeply. Now, over 30 years later, they want to decolonize their constitution. Canada's policies and relationships with Indigenous partners have evolved and now, at the request of the community, we know this arrangement must evolve, too.

For the past two years, the government has been collaborating with the shíshálh Nation on proposed amendments to their self-government legislation. The most symbolic of these changes is an update to the act's name. If approved, it would transition to the "shíshálh Nation Self-Government Act," removing the Crown-imposed anglicized name and spelling of "Sechelt."

Other changes include removing outdated provisions that are not required under modern self-government arrangements; confirming lawmaking powers over social and welfare services, including child and family services for all shíshálh Nation members; and allowing the establishment of new land registries, as an alternative to the Indian Act reserve land register.

The shíshálh Nation is a leader in the realm of Indigenous self-governance, and these amendments uphold their leadership. Support for this bill would show that Canada continues to be an

active partner in supporting nation-to-nation relationships with self-governing Indigenous partners, not only now but on an ongoing basis as their needs evolve in the future.

The second part of this bill is the Anishinabek Nation Governance Agreement Act. In April 2022, Minister Marc Miller joined the Anishinabek First Nations leaders in signing the Anishinabek Nation Governance Agreement, and the proposed governance agreement act would bring this agreement into effect. This historic agreement recognizes Anishinabek control over their government and law-making powers in four key areas: leadership selection, citizenship, language and culture and government operations.

Notably, this would be the second self-government agreement concluded by the nation in a span of five years. In 2018, 23 First Nations signed a self-government agreement recognizing Anishinabek control over education on-reserve. And there's a third one on the horizon; in 2021, an agreement in principle on Anishinabek child, youth and family well-being was reached, which lays out a road map for negotiating a final agreement in the future.

Honourable senators, the Anishinabek First Nations are ready to reclaim their inherent rights to governance. We simply need to support them.

Before concluding, it's important to note that this legislation was drafted and co-developed in partnership with both First Nations. I would like to take a moment to acknowledge the work of the shíshálh Council and Anishinabek Nation in developing these pieces of legislation. After years and years of work, both of these initiatives have strong support from these First Nations partners. I can think of no better reason for us to work efficiently and without delay on this bill.

Honourable senators, we must take action. The proposed shíshálh Nation Self-Government Act and the proposed Anishinabek Nation Governance Agreement Act are just two examples of how the Government of Canada can support First Nations and all Indigenous peoples in achieving their inspiring visions of a better future for all of their citizens. It's not the federal government's place to control or oversee the affairs of Indigenous peoples. This bill helps remove the federal government from that colonial role.

If we want to have any hope of addressing the long history of colonization in this country, we must support initiatives like this. We must respect and acknowledge the long-standing and established practice of Indigenous governance. And we must lift up arrangements that are created by Indigenous communities, for Indigenous communities, so that they can achieve their own visions of success.

I thank the honourable senators for their time, and I would respectfully ask that we send this bill to committee today, without delay. Thank you, *marsee* and *hiy hiy*.

**The Hon. the Speaker:** Would Senator LaBoucane-Benson accept a question?

**Senator LaBoucane-Benson:** I will.

**Hon. Pat Duncan:** Senator LaBoucane-Benson, you spoke of the consultation with the shishálh First Nation. Can you also outline, or must it wait until committee to outline, what consultation process took place with self-governing Yukon First Nations and the Yukon government?

**Senator LaBoucane-Benson:** Thank you, Senator Duncan. I have not spoken with the Yukon government nor the First Nations there, but I do know that the act removes an outdated provision requiring Governor-in-Council approval prior to entering into financial agreements between Canada and Yukon First Nations. This was a provision that was removed in the Sechelt Indian Band Self-Government Act; they're doing that right now. Because that was a copy-and-paste into the Yukon First Nations Self-Government Act, they made that change as well, but we will have to wait until committee study to find out the details of consultation. I hope that answers your question.

**Senator Duncan:** Yes. Senator LaBoucane-Benson, is it possible that this "cut-and-paste," as you refer to it, took place at the technical level, rather than the political level?

**Senator LaBoucane-Benson:** I cannot answer for sure, and we really do need to ask that question in committee, but it seems to me to be a technical cut-and-paste. But, again, this needs to be resolved in committee.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, I rise today to speak to Bill S-10, An Act to give effect to the Anishinabek Nation Governance Agreement, to amend the Sechelt Indian Band Self-Government Act and the Yukon First Nations Self-Government Act and to make related and consequential amendments to other Acts.

As noted in the title, this bill has three purposes: one, to give effect to the Anishinabek Nation governance agreement; two, to amend the Sechelt Indian Band Self-Government Act; and, three, to amend the Yukon First Nations Self-Government Act. But the primary purpose is the first one, which is reflected in the choice of a short title of the bill, the "Anishinabek Nation Governance Agreement Act."

• (1500)

At the outset, I want to acknowledge that the process of restoring respectful nation-to-nation relationships with the First Nations of Canada has been, and continues to be, a lengthy and arduous process with Indigenous peoples of Canada. Recognizing their inherent right to self-determination and their need for support as they move out from under the Indian Act and transition to self-government is critical and ongoing.

The bill which we have before us today is the culmination of more than 20 years of work between numerous governments and the Anishinabek Nation. As noted on the Anishinabek Nation's website, self-government negotiations between Anishinabek Nation and the government began in 1995, led to an agreement in principle in 2007 and concluded in 2019.

This agreement, and the bill which puts it into effect, is a testament to the diligence, persistence and patience of the Anishinaabe people. It also reflects the sincere desire of Canadians to see true and lasting reconciliation with our First Peoples from coast to coast to coast.

Although I stand in the role of the critic of this bill, I and the Conservative caucus support it wholeheartedly. We applaud the efforts of all those who have been involved in the negotiations and consultations over the last 20 years and pray the enactment of this bill will help to bring us closer to our common goal of reconciliation and restoration of jurisdiction.

Honourable senators, as I mentioned, this bill puts into effect the Anishinabek Nation Governance Agreement signed on April 6 of this year. It is a self-government agreement between Canada, the Anishinabek Nation and the First Nations that approved the agreement by vote.

The Anishinabek Nation represents 39 First Nations throughout the province of Ontario, from Golden Lake in the east, to Sarnia in the south to Thunder Bay and Lake Nipigon in the north. These nations have an approximate combined population of 65,000 citizens, about one third of the province of Ontario's First Nation population.

Each of the 39 Anishinabek Nation communities decides for themselves whether they wish to ratify the Anishinabek Nation Governance Agreement or not using the ratification process set out in the agreement. Those who choose to approve the agreement will be able to make their own decisions about how their elections will be held, who their citizens are and how their governments will operate, as well as how best to protect and promote Anishinaabe language and culture. Once in effect, the parts of the Indian Act that deal with governance will no longer apply to the signatory Anishinabek First Nations. To date, six First Nations have completed the ratification process and are signatories to the agreement.

This is not the first self-government agreement negotiated with the Anishinabek Nation. In 2018, the parties concluded a self-government agreement on education, which is now in effect for 23 Anishinabek First Nations in Ontario. This agreement builds on the previous one and is the next step towards the restoration of jurisdiction to the Anishinabek Nation over their own affairs, including governance, education, social services, jurisdiction, economic development and health.

In addition to giving effect to the Anishinabek Nation Governance Agreement, the legislation before us today also amends the Sechelt Indian Band Self-Government Act and the Yukon First Nations Self-Government Act. The Sechelt Indian Band Self-Government Act, which was passed in 1986 after 15 years of negotiation and consultation, was the first formal Aboriginal self-government arrangement in Canada. The act enabled the Sechelt Indian Band to exercise and maintain self-governance on Sechelt lands and to regain control over and the administration of the resources and services available to its members.

Bill S-10 amends the preamble of the act and updates a number of terms contained in the act, including the name of the nation. This reflects the desires and the will of the Sechelt Nation and brings the legislation into line with ongoing developments. The amendment to the Yukon First Nations Self-Government Act is quite minor, removing a total of nine words from section 24 of the act in order to streamline the process of entering into agreements for the provision of funding to the First Nations covered by the act. There are also numerous consequential amendments which the bill makes to other acts to bring them into alignment with the changes.

Honourable senators, it is not often that we stand in this chamber and speak with one voice, but on this bill I believe we are. Although the journey towards reconciliation and the restoration of First Peoples jurisdiction over their own affairs is a long one, it is one we must take, and we must take it together. Thank you.

**Senator Duncan:** Honourable senators, I rise in support of the proposed amendments to the Sechelt Indian Band Self-Government Act, but I also want to speak with regard to the provisions for the Yukon First Nations Self-Government Act.

Senators have heard me speak several times about the Yukon, and — to borrow the phrase from the Assembly of First Nations Regional Chief in the Yukon — “a Yukon that leads.”

Following up on my question to Senator LaBoucane-Benson, I asked her about what consultation process had taken place. I asked that because, by way of a bit of background, there are challenges in negotiating these agreements — the land claim agreements and the self-governing agreements. The process for the umbrella final agreement under which all self-governing agreements are negotiated in the Yukon began with discussions in the 1970s with the document *Together Today for our Children Tomorrow* and concluded in the 1990s. They take a great deal of time, thought and work on the part of all parties involved.

Of the 14 Yukon First Nations, 11 have self-governing agreements. As I mentioned, it’s not an easy task to reach these self-government agreements. The real challenge is giving life and meaning to the agreements.

I mentioned a consultation process. It is clearly set out in the policies and procedures of the Government of Yukon — that is, how consultation must take place in order to ensure that it is a true consultation process. A part of giving life and meaning to these agreements is ensuring we live up to them.

This minor change — a “cut and paste,” as was discussed — after my consultation and discussions with the grand chief, I believe took place at the technical level and by technicians. Really, this is a minor technical amendment, but it gives life and meaning and respect to the self-government agreements that are so important.

When I say “self-governing agreements,” what I’m referring to is also a government-to-government relationship between the Government of Yukon and the government of, for example, the Carcross/Tagish First Nation; or the Tr’ondëk Hwëch’in First Nation in Dawson City; the Vuntut Gwitchin First Nation in Old Crow. These government-to-government relationships are really the life and meaning of self-governing agreements. They treat one another with respect, understanding and recognition of a new relationship. They are recognition, again, of “a Yukon that leads” in this particular area.

I support this amendment, and I am looking forward to committee discussions, further elaboration on what has gone on in terms of the background to this piece of legislation and the “cut and paste,” as it was referred to. And I look forward to being able to further elaborate at third reading and explain to my colleagues how the government-to-government relationship works on the ground in such manners as the Yukon Forum that is held annually with First Nation chiefs, the Government of Yukon, and how it is heard and understood as well by the Government of Canada.

I’m proud to be able to stand in support of this legislation and to recognize the work of the individuals who worked so hard in the public service of First Nation governments, the Government of Canada and the Government of Yukon in ensuring that we do indeed give life and meaning to self-governing agreements and respect to one another.

I look forward to committee debate on this and supporting it further at third reading.

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

• (1510)

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator LaBoucane-Benson, bill referred to the Standing Senate Committee on Aboriginal Peoples.)

[Translation]

## BUDGET IMPLEMENTATION BILL, 2022, NO. 1

### SECOND READING—DEBATE

**Hon. Lucie Moncion** moved second reading of Bill C-19, An Act to implement certain provisions of the budget tabled in Parliament on April 7, 2022 and other measures.

She said: Honourable senators, I rise today at second reading of Bill C-19, An Act to implement certain provisions of the budget tabled in Parliament on April 7, 2022 and other measures. As the sponsor of this bill in the Senate, I am pleased to present the measures proposed by the government.

This bill enables the government to move forward with certain measures in Budget 2022. As you will see from my speech, the investments described in the government's recent budget — and through Bill C-19 — are focused on some of the more pressing issues in the Canadian economy, because we are all well aware of the high inflation that is weighing heavily on the minds and wallets of Canadians.

This budget implementation bill contains several measures to meet the current challenges most Canadians are facing. These challenges include affordable housing, the labour shortage and the inequities in our current tax system, among others.

In my speech I will explain how the government plans to meet these challenges. I will then present the improvements that were made to the bill at the other place and, finally, I will talk about the Senate's contributions to this bill, particularly by means of studies and private bills introduced by senators.

[English]

The first is making housing more affordable.

Knowing it is top of mind for many Canadians, I want to first touch on the set of measures aimed at addressing the housing crisis in Canada and, more specifically, the need for housing that is accessible and affordable to all Canadians.

Everyone should have a safe and affordable place to call home. However, according to StatCan, in 2018 more than 1.6 million Canadian families lived in an unsuitable, inadequate or unaffordable dwelling. This means that one in ten Canadian families was living in poor housing and couldn't afford alternative housing in their community.

The people most impacted by this housing crisis are seniors living alone and racialized Canadians.

The government wants to change that by putting Canada on a path to double the number of homes being built over the next 10 years. Some of the measures proposed in Bill C-19 support this effort, including addressing barriers that keep more housing from being built.

The first one concerns payments of up to \$750 million to support municipalities to address their pandemic-driven transit shortfall and improve housing supply and affordability.

More specifically, Bill C-19 would authorize the Minister of Finance to make payments to the provinces and territories out of the Consolidated Revenue Fund. The payments would be subject to the terms and conditions that the minister considers appropriate and, to maximize funding, be conditional on provinces and territories matching federal contributions.

At the Standing Committee on Finance in the other place, la Fédération québécoise des municipalités spoke about the importance of housing investment in coordination between the provincial and federal governments. For this to work, all levels of government will need to collaborate.

It's important to note that the House of Commons unanimously adopted an amendment requiring that a report detailing the amount paid to the provinces and territories for transit and housing be prepared within three months, and another requirement for the tabling of this report within 15 sitting days after it is completed. Improving the transparency and accountability mechanisms could lead to greater and more visible results.

[Translation]

The investments announced in Budget 2022 to double the construction of new housing in Canada over the next decade are part of an ambitious plan that will require the cooperation and commitment of all levels of government.

Through Bill C-19, the federal government is giving itself the means to meet its goal of significantly increasing the number of affordable housing units in Canada.

[English]

Bill C-19 also seeks to make Canada's housing market fairer by legislating a two-year ban on foreign investors buying houses in Canada. For years, foreign money has been flowing into Canada by way of residential real estate. This has fuelled concerns about the impact on costs in cities like Vancouver and Toronto, and across the country, leading Canadians to be worried about being priced out of the housing market.

Local average-income-earning taxpayers simply cannot compete in a market where foreign money flows freely, driving up prices. Division 12 of Part 5 of the bill would prohibit non-Canadians from purchasing residential property in Canada for a period of two years starting on January 1, 2023. This measure would apply to foreign corporations and entities, and prevent ineligible persons from avoiding the ban by using corporate structures.

Individuals with work permits who reside in Canada, refugees, people fleeing international crises and international students who are on their way to becoming permanent residents would be exempted from this ban.



By banning foreign purchases of Canadian housing for two years, the government's purpose is to make sure that houses in Canada are being used as homes for Canadian families, not as speculative financial assets.

In addition to these measures, Bill C-19 aims to help tackle speculative trading by making all assignment sales of newly constructed or renovated housing taxable for GST and HST purposes. This amendment would eliminate the ambiguity that can arise under the existing rules regarding the GST/HST treatment of assignment sales.

This would ensure the GST/HST applies to the full amount paid for a new home, including any amount paid as a result of an assignment sale, which would result in greater consistency in the GST/HST treatment of new homes and would contribute to a fairer housing market for Canadians.

[Translation]

For those who already own a home, Bill C-19 will help seniors and people with disabilities to live and age at home by doubling the annual limit of the home accessibility tax credit from \$10,000 to \$20,000 as of the 2022 tax year.

Doubling the credit's annual limit will help make more significant alterations and renovations more affordable, including the purchase and installation of wheelchair ramps, walk-in bathtubs, and wheel-in showers; widening doorways and hallways to allow for the passage of a wheelchair or walker; and building a bedroom or a bathroom to permit first-floor occupancy.

This measure will be particularly helpful for Canadians who live in multi-generational homes. Even before the pandemic, the trend of multi-generational housing was on the rise. It only became more pronounced during the pandemic, when grandparents began playing a bigger role in the lives of their grandchildren to help parents better manage their work obligations, school and day care closures and remote learning. Multi-generational housing makes it possible to take care of the oldest and youngest family members at the same time.

During the pandemic, we also saw how young adults living with a disability had to settle for a very isolated and restricted lifestyle in long-term care homes, even when other options that could have considerably improved their quality of life were available.

[English]

Bill C-19 also aims to help build a strong and diverse workforce.

Through the bill, the government is also aiming to bolster Canada's workforce and address labour shortages that have overwhelmed the economy for some time now; this includes making it easier for the skilled immigrants that Canada needs to come to our country by improving the government's ability to select applicants from the Express Entry system who match the needs of Canadian businesses.

• (1520)

Express Entry has a proven record of selecting skilled immigrants who succeed in Canada's economy and society. It is a significant improvement over the "first in, first out" model that was previously in place.

Division 23 of Part 5 of Bill C-19 proposes amendments to the Immigration and Refugee Protection Act that would build upon Express Entry's existing flexibility and support Canada's economic recovery and future growth by permitting the government to easily select candidates who meet a range of economic needs and priorities. The parties in the other place worked together to improve this section of the bill by adding a requirement for a public consultation process when establishing the categories.

[Translation]

Bill C-19 proposes to make an amendment to the Income Tax Act by introducing a new labour mobility deduction for tradespeople for the 2022 and subsequent tax years to reduce the shortage of skilled tradespersons.

In the construction industry, at different times, some regions have more job opportunities than others. Many workers take advantage of these opportunities and accept temporary jobs in different parts of the country when opportunities arise.

This new measure would make it possible for eligible workers to deduct eligible expenses up to half of their employment income earned by relocating, up to a maximum amount of \$4,000 per year.

[English]

Bill C-19 would also introduce 10 days of paid sick leave for workers in the federally regulated private sector, which will support 1 million workers in industries like air, rail, road and marine transportation, and banks, postal and courier services with implementation by no later than December 1, 2022. One proposed amendment would give the Governor-in-Council the option of delaying the application of the paid sick leave provision to small employers: for example, businesses with fewer than 100 employees. This is because small employers may require additional time to implement the necessary payroll and organizational changes to comply with the new requirements.

However, the government is not planning to use this option, and the paid sick leave provisions are expected to come into force on December 1, 2022, for all employers, small and large.

[Translation]

Bill C-19 provides for a one-time \$2-billion payment through the Canada Health Transfer to address the many challenges Canadians have experienced because of delayed medical procedures during the pandemic, which caused significant backlogs. That payment is on top of the \$4.5 billion already provided to the provinces and territories to help them reduce backlogs in their health care systems.

This amount, which would be proportionally distributed to the provinces and territories on a per capita basis, would help to further reduce the backlogs of surgeries and procedures that Canadians need but were forced to postpone because of the impact of COVID-19 on Canada's health care system.

As part of the Canada-United States-Mexico Agreement, Canada agreed to amend the Copyright Act, by the end of 2022, to extend the general term of copyright protection from 50 to 70 years after the life of the author. The general term of copyright protection applies to a wide variety of works, including books, films, music, photographs and computer programs. Division 16 in Part 5 will enable Canada to fulfill its obligations before the deadline, to be on equal footing with its trade partners and to create new export opportunities for Canada's creative industry and Canadian content.

Some 80 countries, including some of Canada's main trading partners, such as the United States, Mexico, the European Union, the United Kingdom, Australia, Japan and South Korea, have adopted the general term of protection for 70 years or more after the life of the author. Extending the term of protection will ensure that Canadian copyright holders enjoy protection for the same period of time in those countries.

[English]

Next is a fair and robust tax system. By enacting the proposed select luxury items tax act, Bill C-19 would also strengthen Canada's tax system. Those who can afford to buy expensive cars, planes and boats can also afford to pay a bit more. To that end, through Bill C-19, the government would introduce a tax on the sale of new luxury cars and aircraft with retail sales prices of over \$100,000 and on new boats over \$250,000. Luxury items of that kind are entirely out of reach for most Canadians.

The act includes modern elements of administration and enforcement aligned with those found in other taxation statutes. The tax would be calculated at the lesser of 20% of the value above this price threshold or 10% of the full value of the luxury vehicle, aircraft or vessel, with a coming into force date of September 1, 2022. It is important to note that the majority of the demand for these million-dollar yachts or private planes is not in Canada. Rather, 80% of what is produced in Canada is exported and so is not covered by the luxury tax. Therefore, manufacturers are not expected to feel a major impact. Regarding luxury vehicles, the majority are not manufactured in Canada, so there will be little impact on jobs.

To respond to concerns expressed by stakeholders regarding the potential impact of the tax on the aircraft industry, the other place adopted an amendment to Bill C-19 granting the government the flexibility with respect to the coming into force of the aircraft provision. This flexibility will allow the government to consult further and potentially improve what is currently proposed.

[ Senator Moncion ]

[Translation]

The government will also accelerate the creation of a public, searchable registry of federally incorporated corporations. The registry will go live by the end of 2023, which is two years earlier than planned, to fight illegal activity, such as money laundering and tax evasion. This measure will address the problem of Canadian shell companies being used to conceal the true ownership of assets, including businesses and property. It will help Canada reverse this trend through a risk-based approach to fighting money laundering.

On a more urgent and pressing note, Bill C-19 will also enable the Government of Canada to cause the forfeiture and disposal of assets held by sanctioned individuals and entities, including Russian elites and those who act on their behalf, and to use the proceeds of confiscated assets to help the Ukrainian population. This measure actually came from Senator Omidvar's Bill S-217, An Act respecting the repurposing of certain seized, frozen or sequestered assets. I applaud Senator Omidvar's hard work and resilience in moving this important matter forward, especially given the current international situation because of the war in Ukraine.

That brings me to my next topic, recognizing the Senate's and senators' work on this voluminous and complex bill.

First of all, I would like to highlight the important work of the six committees that have already completed the pre-study of certain sections of Part 5 of Bill C-19: the Aboriginal Peoples Committee, the Banking, Trade and Commerce Committee, the Foreign Affairs and International Trade Committee, the Legal and Constitutional Affairs Committee, the National Security and Defence Committee, and the Social Affairs, Science and Technology Committee.

The National Finance Committee is studying all the details of the bill and doing its work, which is already well under way. I would like to thank the members of these committees and their chairs for their excellent work, which is crucial to the sober second thought worthy of this upper chamber.

[English]

Improvements to the bill: In the meantime, while the Senate was conducting its pre-study of the bill, the House of Commons, based on its work at their Standing Committee on Finance, adopted a series of amendments that greatly improved this legislation. The amendments were adopted with the support of the government and opposition parties. I mentioned some of them earlier in my speech. Let me go through a few more.

• (1530)

Part 1 of Bill C-19 expands the eligibility criteria for impairment in mental function as well as the essential therapy category of the disability tax credit. An amendment adopted unanimously makes it so that those who are diagnosed with Type 1 diabetes automatically qualify for the Canada disability benefit. This is a great improvement to the bill, and I am grateful that it was supported by all parties in the House of Commons.

[Translation]

**The Hon. the Speaker:** Senator Moncion, I am sorry to have to interrupt you. You may use your remaining time when debate resumes.

[English]

## QUESTION PERIOD

(Pursuant to the order adopted by the Senate on December 7, 2021, to receive a Minister of the Crown, the Honourable Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship, appeared before honourable senators during Question Period.)

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, we welcome today the Honourable Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship, to ask questions relating to his ministerial responsibilities.

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

On behalf of all senators, minister, welcome to the Senate of Canada.

## MINISTRY OF IMMIGRATION, REFUGEES AND CITIZENSHIP

### SUPER VISAS

**Hon. Donald Neil Plett (Leader of the Opposition):** Minister, I'm sure we've all heard the saying, "There is no end to what you can accomplish if you don't care who gets the credit." On May 3, 2022, minister, your parliamentary secretary told the other place that the NDP-Liberal government did not support a proposal in Conservative MP Kyle Seeback's private member's bill — Bill C-242 — to allow super visa applicants to purchase private health insurance from foreign companies. She told the House it would be risky and too complex.

A week ago, minister, your government completely changed its tune, and you, minister, issued a press release which passed off two of the three proposals put forward by MP Seeback on Bill C-242 as your own.

Minister, why didn't you show any respect for your House of Commons colleague by simply acknowledging his work? Why did you pass off Mr. Seeback's proposals as your own?

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you very much to one of my Senate colleagues for the question.

Let me be quite clear: I'm actually very grateful for my colleague Mr. Seeback's work. I sent him a note in the House of Commons to that effect because I think he's done something important by putting some ideas down in the private member's bill. I don't think that the private member's bill, as it was crafted, had accomplished things in exactly the correct way.

For those of you who might not be completely familiar with the program, the super visa provides an opportunity for family reunification for people who may not have qualified under a permanent residency program —

**The Hon. the Speaker:** Excuse me, minister, could you hold for one moment, please. It appears that we're having trouble with translation. We have a technical issue. My apologies, minister. We will come right back to you.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1540)

**The Hon. the Speaker:** Honourable senators, our interpreters tell us that the issue has been resolved, so we will recommence with the answer from Minister Fraser to Senator Plett's question.

**Mr. Fraser:** Excellent. For the sake of continuity for those who were interrupted, I'll try to summarize very quickly and then complete my answer.

To answer the question, I was grateful for the work that Mr. Seeback had done, as well as that of members of the committee. We agreed with the spirit of the private member's bill as it was put forward; however, I had some reservations about its content, including, for example, the fairly unrestricted nature on the medical insurance that would have been available without having an opportunity to vet the insurance providers.

By making certain changes but still moving forward with the essence of the bill, we're going to be able to do a lot of good and reunite families who may not have qualified for permanent programs. Had this been about credit, we probably would have had a big flashy announcement, but to me, and I hope to Mr. Seeback and others, this is and always was about reuniting families.

**Senator Plett:** On May 3, your parliamentary secretary also told the House that increasing the length of a super visa from two years to five years, as Mr. Seeback's bill proposed, would undermine the system and contradict the spirit of the super visa. She said that the NDP-Liberal government supported increasing the stay to three years and not five.

A week ago, again, your government's concerns about the five-year extension disappeared and you, again, minister, claimed this idea as your own.

Minister, you've been condemned for the delays in helping thousands of Afghans and their families come to Canada. Passport Canada is a complete and total mess. Isn't that why you passed off Kyle Seebach's ideas as your own — because you need some positive news to cover for your many failures?

**Mr. Fraser:** That's an interesting and very non-partisan start to our conversation today. If I were in need of successes, I would not have a shortage of things to point to, with great respect.

When it comes to Afghanistan, we now have more than 15,500 refugees who have landed. When it comes to our response to Ukraine, there are tens of thousands of people already in Canada. When it comes to our permanent residency, we have now welcomed 200,000 new permanent residents who were already here a month and a half faster than any year on record. We are pumping out work permits at more than double the pace of last year.

With great respect, senator, there are many successes to point to. I would chalk up the changes to the super visa as one of them, but I would not claim it as my own; it has been the result of collaboration amongst different parties in the House of Commons. I think that is something we should all celebrate.

#### HUMANITARIAN PROGRAM FOR AFGHAN NATIONALS

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Thank you, minister, for being here.

Minister, tomorrow will mark 10 months since Kabul fell to the Taliban. It's a terrible stain on our country that Afghans who risked their lives alongside Canadian soldiers and diplomats who are now seeking safety in Canada have not yet received a response from your department almost a year later. On May 12, you told a committee of the other place that everyone would get a response from your department in a matter of weeks to let them know if they will be brought into the special resettlement program or not. You said they would “. . . have an answer in a very short period of time . . .”

That has not happened, minister. Your office told *The Globe and Mail* on Monday that more clarity would be provided in the coming weeks. Your government left these Afghans behind to focus on an election no one wanted, and you still can't help them. How much longer do you expect Afghans living in constant fear of the Taliban to wait?

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** First, thank you very much for the question. I really do appreciate when people draw into focus the importance of helping those who have helped Canada in our time of need.

As I mentioned in response to the previous answer, a significant number of people have been arriving in Canada from Afghanistan as part of our special program. We are currently in excess of 15,500. There is another charter scheduled to arrive this Thursday with more than 300 people on board.

Despite some of the challenges and the very serious uptick in the pace of arrivals that we've seen since the end of March and the beginning of April, there remain certain challenges. Some of those have to do with safe passage on the ground. We also have an extraordinary number of people — in excess of 1 million — who have reached out to the department I'm responsible for in the hopes that they can be a part of the program.

We're going to continue to move forward until we achieve our goal of 40,000, but, with respect to your particular question, for those who are not yet enrolled in the program who have made an actual application or submitted some sort of expression of interest that we have a touch point with, we will be letting them know very soon — I don't have a specific date for you, but I expect it will be in a very short period of time — that those who qualify for the program will be certain. Also, those who, unfortunately, won't be part of the program will be made aware.

#### IMMIGRATION PROCESSING BACKLOG

**Hon. Ratna Omidvar:** Thank you, minister, for being here today. It's good to hear about your successes. Everyone needs successes, and I want to congratulate you on them. However, I want to pivot our attention to the significant backlog of over 2 million people waiting in line for a response in every business stream of your department, from temporary work permits to renewals, to family sponsorships, to permanent residencies, to citizenship.

The complaint I hear most often is that there isn't even communication with people waiting in line — not a peep. I want to ask you whether your government is making some effort to reach out to the customers — and I want to view them as customers — standing in line to let them know about the first response from you.

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you very much.

To put this into perspective, the volumes we're seeing are immense. If we are going to solve the problem, we have to understand where they came from. Certainly there are challenges with the short-term response to different humanitarian crises, but we saw during the pandemic that a decision was taken to resettle people who are already in Canada on a temporary basis, in some ways to the exclusion of people who couldn't travel when the borders were closed. At the same time, our operational capacity as a department was hamstrung by public health orders all over the world that shut down offices, reducing our capacity.

• (1550)

We've seen an uptick in calls to IRCC in fiscal year 2020-21, from 5.9 million calls to 10.41 million the following year, and we're increasing from there. What we're doing right now to address the problem is putting more resources into the system, adopting policies to make more spaces and also adopting new

technology. In a perfect world, we won't be in the business of reaching back out to the millions of people who have come with us but proactively giving them information in their pocket so they can catch it themselves on their own schedule. We've already introduced that feature, a case tracker, in February of this year for family reunification. Because we're transitioning from a paper-based system towards a digital one, it will take a little bit of time for all other lines of business to have access to the same feature. We are doing what we can and, frankly, we are starting to see immense progress.

I'll wrap up by saying that we expect to be back to standard processing times across almost all lines of business by the end of this calendar year, pending further COVID shutdowns or humanitarian crises, with citizenship probably spilling a bit into next year before we're fully caught up.

#### INFRASTRUCTURE TO SUPPORT IMMIGRATION

**Hon. Tony Loffreda:** Minister Fraser, thank you for joining us today. I want to discuss infrastructure. I strongly support your government's intention to welcome over 1.3 million new Canadians in the next three years. Our economy actually depends on that, and hopefully it will contribute to correcting our labour shortages. But it's one thing to welcome thousands of new citizens to our country, and it's a whole other thing to properly integrate them by ensuring we have the infrastructure to adequately support and address their needs.

What discussions are you having with your cabinet colleagues and provincial counterparts to ensure that Canada is best positioned to meet the infrastructure needs of its immigrants? I'm talking about community centres, schools and hospitals. A population of 1.3 million Canadians is bigger than Ottawa — it's the size of Calgary. If we are going to welcome 1.3 million new immigrants, we need infrastructure.

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Let me share a personal experience from my own community that sort of flips your question on its head to some degree. My belief is that if we don't continue to welcome people to our communities we will actually lose that infrastructure, but we should be planning on it in the way you've suggested.

When I was first running for office, the biggest controversies in my community were the closure of the River John Consolidated School and the loss of the mental health unit at the Aberdeen Hospital in Pictou County, Nova Scotia. We've embraced immigration. We have seen a lot of people coming back to our community and a lot of people like me, who spent time in Western Canada and came back home. The biggest challenge we have now is whether we can build enough houses to welcome all the people who want to move here instead of losing schools and hospitals because so many people are leaving. I know which problem I would rather have.

We have conversations constantly. In the House of Commons, I sit beside the Minister of Housing and Diversity and Inclusion to talk about how we can expand housing stock to make sure that we can provide homes, not just for newcomers but for people

who are here now. He quickly tells me that we need a workforce through immigration to actually bring the workers here to build out that housing stock.

When we seek to table the immigration levels plan in Parliament, I have conversations with my provincial counterparts to understand the absorptive capacity that they are dealing with. We are trying to develop strategies right now to ensure that, as we welcome more newcomers, we push them to communities that have the absorptive capacity to welcome people so that they don't just get here but they actually succeed after they arrive.

[Translation]

#### FOREIGN WORKERS AND JOB OFFERS

**Hon. Amina Gerba:** Minister, welcome to the Senate. Nearly every one of Canada's immigration programs requires a job offer, which workers need to have prior to applying for a work visa. It is extremely difficult for foreign workers to get a job offer if they are outside the country. As an employer, I have had to deal with these difficulties myself when trying to recruit qualified foreign employees. However, as you know, minister, there is a major labour shortage in Canada, and immigration is now seen as a solution to this problem.

Minister, what can you do to ensure that the job offer requirement is no longer a barrier to addressing labour shortages in our country?

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** I have many ideas about how to address the labour shortage and increase the number of permanent and temporary workers in Canada.

[English]

On the specific issue that you raise around the need to have a job offer before you can come, I think you have to remember that we're designing a program to meet the needs of the Canadian economy. There will inevitably be many people who would like to come to Canada that exceeds the capacity of Canada to resettle on a permanent basis.

One of the things we do to monitor the ability to welcome people here in a way that our communities can manage is having our temporary programs be driven by employers. One of the enormous changes I have seen in my own community is extending supports to small- and medium-sized employers who may not have a significant human resources department focused on recruitment and the hiring of foreign nationals to fill gaps in the labour force. It actually teaches them that immigration doesn't have to be a scary thing. Most of them are so focused on manufacturing the thing that they sell or working on their core line of business that growing their workforce through immigration is a secondary thing that they would like to take on but may not be able to.

In addition, I think we need to continue to look for opportunities to make it easier for people to get here and think about changes to make it easier for spouses of people who are already here so we can promote both family reunification and drive the economy. We are in a really unique moment in time, with the economy running as hot as it is yet still having hundreds of thousands of job vacancies. Anything we can do to pull the levers to actually get workers here more quickly and meet the needs of the Canadian workforce and economy without taking advantage of those workers is essential. I would extend an open invitation, or perhaps a dedicated session would be appropriate, to actually solicit ideas from members of the Senate on how we can more effectively and quickly get workers into Canada to meet the gaps in the labour force.

#### STUDY PERMIT

**Hon. Percy E. Downe:** Minister, thank you again for taking some questions. As reported in the P.E.I. *Guardian* newspaper, at 9 a.m. on September 11, 2021, a young woman walked into a Staples store in Charlottetown and spoke to an employee about buying a desk. After a discussion, she walked away and continued shopping in another aisle. She was followed by the employee and sexually assaulted. The employee was in Canada under a study permit issued by your department. The international student was charged and pleaded guilty to sexual assault.

It appears from the website of your department that only if you self-declare a criminal record on your application for a study permit is any confirmation of your police or court record required. Minister, is a criminal conviction background check conducted for all applicants for a study permit in Canada?

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you very much for the question, senator. For everyone who is seeking to come into Canada who is not subject to visa-free travel, there is a requirement that you complete the biometrics analysis in order to come into Canada. In addition, we typically do a biographic screening.

It sounds, in the case that the senator has laid out, that there was an absolutely horrible fate that befell the individual. Not being familiar with the personal circumstances, I hesitate to go further, but it's essential that we continue to apply a rigorous analysis to understand that the people who are coming here meet a very high threshold for people we would like to come to Canada and who will make a contribution and not be a detriment to our society.

To the extent that there are shortcomings in the system that anyone would like to raise for us to continue to improve the process, please know that I'm not rigid in my defence of the status quo. We seek to continually look for ways to improve the system and strengthen the integrity so that Canadians continue to believe that immigration is a good thing for our communities. I believe this is essential to our social and economic well-being.

[ Mr. Fraser ]

[*Translation*]

#### WORK PERMIT PROCESSING BACKLOG

**Hon. Pierre-Hugues Boisvenu:** Minister, I asked your colleague, the Honourable Marie-Claude Bibeau, a question on June 2 about the troubling issue of the labour shortage, particularly in Quebec, where this problem seems to be having a serious impact on the economy. One reason for this shortage is the basically unacceptable amount of time it is taking your department to process visa applications, as well as the equally unacceptable wait times. It can take more than a year to get a work visa from Immigration Canada.

Minister, we know that the backlog of applications at the department is in the millions. According to some media reports, we are talking about 2 million pending applications across all categories. Can you tell us how many work permit applications are pending and what you plan to do to fix these unacceptable delays, which are having a negative impact on the Quebec economy?

• (1600)

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you for the question.

It is often said that immigration is essential to combat labour shortages.

[*English*]

Just for the sake of specificity and wanting to make sure I give good detail, I'll answer in my first language, if that's okay. One of the things that is really important that we understand is that the numbers you're citing would include everyone who has applied, including those who have applied as recently as yesterday. When we recently introduced a program to welcome large numbers of Ukrainians, for example, we have seen a significant number of applications. I don't think that's a bad thing.

What we need to continue to focus on is whether we are seeing the processing times come down so the individual applicant can actually have a reliable period in which they can predict and plan their lives accordingly in terms of how they are going to get to Canada.

What we are actually doing to address these challenges is really monumental, and it's really starting to have a positive impact. In the Economic and Fiscal Update 2021, we invested \$85 million to reduce the processing times for work permits, study permits, temporary residence visas, permanent residence cards and proof of citizenship, followed by a \$385-million investment in the system to improve client service for people who are seeking to come to Canada. We have hired 500 new staff.

Regarding work permits, we have now processed more than 216,000 this year before the end of last month, compared to only 88,000 the year before. As I mentioned in a previous answer, we are now at 200,000 permanent residents, as of last week, who have landed in Canada, with 100,000 more in the landing

inventory, which has never been achieved this early in the year. It was a month and a half later in 2016 when we hit that record previously.

The other things we need to do are continue to adopt policies that allow people to get here quickly, allow more people in a year to get here through the immigration levels planned and, of course, continue to advance the digital transformation of our department.

To sum it all up, it's resources, policy and technology adoption. We will continue to promote all three. Canada has a world-class immigration system. It has been hit hard by the pandemic, but when I look at the numbers internally, the resources we are putting into the system are having the desired effect by boosting the processing times, getting workers here more quickly and reuniting families at a pace much faster than last year.

#### CALL CENTRE PERFORMANCE

**Hon. Salma Atallahjan:** Minister Fraser, an Auditor General's report in 2019 found that 1.2 million calls to your department's call centre were prevented from reaching an agent. Regrettably, the situation has only become worse.

An answer to a written question on the Senate Order Paper shows that between April and December of last year, the Immigration, Refugees and Citizenship Canada call centre received over 2.6 million calls and 1.45 million of them were prevented from reaching the wait queue.

Minister, let me repeat that for you. In less than a year, almost 1.5 million calls were dropped, including calls from Canadian citizens, permanent residents and foreign nationals, some of whom are in desperate situations around the world and need your government's help.

Minister, is that acceptable to you? Service has gone from bad to worse. Can you share with us what you are doing to fix it?

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you very much. Once again, if we're going to identify the solution, I think we have to understand where the problem comes from. There are a couple of things going on that have created record demand in Canada's immigration system at a time when our ability to supply services has been reduced primarily by the pandemic, but also by competing priorities, including the responses to both Afghanistan and Ukraine.

The numbers that we're seeing now actually far exceed some of the numbers in your question, and when you seek to add thousands of staff over the last couple of years, it is still not enough to keep up with this short-term spike as a result of challenges related to the factors that I have just laid out.

Now, it's not all negative news because, of course, we're doing things to address these problems. I laid out some of the investments we have made that I won't repeat. The big secret here is going to be to transform Canada's immigration system into a digital one. We have a heavily paper-based system today. You can imagine somebody who has reached out to Immigration,

Refugees and Citizenship Canada and made a phone call will figure out that their paper is on the other side of the world. They call their MP, who reaches out to my office, who reaches out to a local office where somebody might actually have to pull out a physical piece of paper and then call everyone back in that chain to have the client receive an update on their case.

That's unacceptable to me. I'm changing it. We have an \$827-million digital renovation of Canada's immigration system under way. I mentioned the permanent residence case tracker available to family reunification previously. That's going to give real-time information about a person's case to them, so they not only will get good information, they won't call Immigration, Refugees and Citizenship Canada, which will free up the resources so we can deal with other challenging situations where a person is seeking something more than just an update.

We will have 17 lines of business with the ability to take digital applications as soon as this summer. We are already seeing some of the results of the investments in citizenship pay dividends with increased processing and results.

[Translation]

#### WELCOMING FRANCOPHONE COMMUNITIES INITIATIVE

**Hon. Bernadette Clement:** Welcome, minister.

The Welcoming Francophone Communities initiative committed to funding 14 Canadian communities from 2018 to 2023. This type of investment is all the more important given that rural areas are still in the process of developing their network and have to compete with the larger cities to attract and retain newcomers.

My home city, Cornwall, was not selected for this first round, so the community members are doing their best with the limited resources they have. Imagine what more they could do with proper funding.

Will the Welcoming Francophone Communities initiative be renewed beyond 2023 and expanded to serve more French-speaking newcomers and the minority language communities that want to welcome them?

[English]

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you so much for the question. The Welcoming Francophone Communities initiative, in my view, was a big success. I don't want to pre-empt some very important consultations I need to have. You will have likely seen in my mandate letter a requirement that I develop an "ambitious national strategy" to boost francophone immigration. We're seeing some of the numbers come up but, to answer your question, if it's not simply repeated, the lessons we learn from it will be reimplemented.

I would also like to draw your attention to an enormous tool we are going to have that will help both boost francophone immigration and regionalize our immigration system, and that's in Bill C-19, which the House of Commons recently adopted. There are new flexibilities proposed to the Express Entry system

that will allow the Minister of Immigration — me today, but whoever my successor may be — certain flexibilities in targeting people who are going to a particular region, filling a particular need in the labour force or meeting certain criteria.

[*Translation*]

I think that is a better opportunity to welcome francophone newcomers and people who want to live in very small communities like the ones in my riding. I encourage all senators in this chamber to support the bill.

[*English*]

#### TRANSITIONING FROM CHILD WELFARE

**Hon. Kim Pate:** Thank you, Minister Fraser, for joining us. As you know, too many children who come to Canada as immigrants and refugees can end up in the care of the state through no fault of their own. That means the state becomes their parent, and it can be a very quick slide from child welfare into the criminal legal system, which is where they often find out for the first time that they are not citizens. Only unrelenting advocacy and last-minute interventions by the government have currently been accessible to prevent such deportations.

Minister, what does your government intend to do to stop these children from falling through the cracks? Will you commit to the solutions found in Senator Jaffer's Bill S-235 that could help protect these vulnerable people?

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you so much for your question, and to you and Senator Jaffer for the advocacy on this particular issue. Frankly, though I don't have notes in front of me, I would push them aside dramatically if I did and speak as a human being. It is an injustice to see someone who has had the state placed in charge of their care, who believes they are a citizen, who has grown up in our country and who has no ability as a child in care to have pursued citizenship themselves to face the kind of circumstance that you have outlined.

Frankly, I think we have some policy work to do to fully understand the proposed outcomes that are in the Senate public bill that you have identified. There is also a suite of other measures that are outside of my mandate letter commitment that I would like to consider for reforms when it comes to the rules around citizenship in Canada.

I do think I have more work to do to satisfy myself that a change to the rules will achieve their intended outcome.

• (1610)

I would like to address this because, at the end of the day, you are responsible not only for your own actions but, in my view, the instances where you witness an injustice and choose to stand by. I look forward to continuing our work on this. However, we have a bit of policy work left to do before we can identify the best path forward to ensure this kind of consequence doesn't harm innocent children who are raised by the state in Canada.

[ Mr. Fraser ]

[*Translation*]

#### WORK PERMIT PROCESSING BACKLOG

**Hon. Pierre J. Dalphond:** Thank you for being here today, minister. We've heard a lot of questions about work visa backlogs. The wait can be up to 13 months, but we need to shorten these wait times if Canada is to remain competitive.

What would be your ideal target for processing foreign worker applications? Four months, five months? What measures have been implemented to achieve the target processing time that the department has set or that we should set?

[*English*]

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** I want to make clear that we have to do whatever we can to bring workers into Canada as quickly as possible. To make that happen, we need to continue to put resources into the system in the short term and adopt policies that make it easier for people to work — some of whom are already in Canada and some of whom are in another country.

In terms of resources, we simply need to put more people to work to ensure we're processing the files. We need to digitize the application process and ensure that we're identifying bottlenecks.

To answer your question on the service standard that we are trying to get back to, we're typically looking at 60 days. I believe we can get there as soon as the end of this calendar year. If we continue to see the uptick in processing that I'm witnessing when I look behind the curtain at the processing numbers, some of which I shared, I anticipate that we'll be able to get back there.

There are certain challenges in the province of Quebec because there is sometimes a two-stage process — some of which the provincial government is responsible for and some of which the federal government is responsible for.

To answer your question, the service standard is 60 days. I have faith that with the resources we have already put into the system, we could get back there as soon as the end of this year.

#### STUDY PERMIT

**Hon. Percy E. Downe:** Minister, in my first question to you I asked if a criminal conviction background check is conducted for all applicants for a study permit in Canada. Obviously, the answer is no.

In the case I mentioned earlier in which an international student sexually assaulted a young woman, he pleaded guilty and received a conditional discharge rather than a criminal conviction. Thus, he would not have to leave Canada before completing his studies at the University of Prince Edward Island.



Since this was not the first case involving someone on a study permit who committed a sexual assault but didn't receive a criminal conviction, Islanders are wondering if the threat of deportation and therefore having to leave their studies is being used as a "get out of jail free card."

The woman has paid a high price for the sexual assault. She quit her job, suffers panic attacks and is fearful of being in stores and near strangers, while the international student gets to finish his degree.

Minister, for the safety of all Canadians, why is it not mandatory that all applicants for study permits — rather than merely the ones who mention a criminal record on their applications — be required to pass a criminal background check prior to the study permit being issued?

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** First of all, the experience this woman has had is completely unacceptable. Sexual violence, particularly against women, is an absolute scourge on our society. Frankly, I think that, as men, we need to do whatever we can to encourage men and boys not to be bystanders and witness the kind of behaviour that allows people to transform into these perpetrators of sexual violence.

There should be a criminal record check. I need to dig into the specifics of this individual case. I'm reticent to comment about it, not being aware of the application process of this particular individual.

When it comes to decisions that are taken by the court, senator, I think you will appreciate that they are completely independent of what the government would do. From my perspective, serious criminality is justification to have a temporary resident — under whichever stream they may have used to enter Canada — deported from Canada. In my view, it's enough to prevent them from arriving in the first place.

To the extent that you would like to follow up with our team to have us dig more deeply into the individual facts of this case, perhaps that is something we can take a look at.

With respect to serious criminality, that is certainly grounds for being denied entry to Canada. I don't have before me the specific facts on the file of this individual case. What is most important is that we believe and support survivors of sexualized violence and ensure we continue to put tools in place to prevent this kind of thing from ever happening.

#### PASSPORT SERVICES

**Hon. Leo Housakos:** Minister, the delays, long lineups and shockingly poor service that Canadians are currently subjected to while simply trying to obtain or renew a passport are completely unacceptable. Just this morning, I went to Galeries St-Laurent, my local mall that houses the Canadian passport bureau. There was a lineup of Canadian taxpayers for blocks and blocks. They were there with their lawn chairs and umbrellas, waiting hours on end to fill out passport applications and then having to wait for

months before they receive their passports. Anyone watching the scene would not believe they were in Canada; they would think they were in some banana republic.

Two weeks ago, your colleague Minister Gould blamed your department for this mess by not anticipating that the demand for passports would be high. She told the House committee:

One thing that's a bit of a challenge for us is that Service Canada doesn't do the forecasting. IRCC does the forecasting, and the original forecast for this year was for about 2.4 million passports, which gets us into the ballpark of where things were pre-pandemic.

Minister, do you accept this criticism from your cabinet colleague that your forecast for the demand for passports was completely inadequate —

**The Hon. the Speaker:** Thank you, senator. Your time has expired.

**Senator Housakos:** — or was Minister Gould throwing you under the bus for your mismanagement?

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Minister Gould is a dear friend of mine and one of the most competent members of any party in the House of Commons. I don't take her comments as a personal criticism.

We work together to advance policies that can simplify the process for passport renewal. We also work together to ensure that one another's departments — and, in fact, this is true across cabinet — have the necessary resources to provide the kind of service that Canadians quite rightly expect.

I think you'll appreciate, senator, that we are living through exceptional times. As the world opens up more or less simultaneously and there is a pent-up demand for travel, there are challenges in predicting with certainty the exact number of people who will be seeking to renew their passports at a given point in time.

More than 500 new staff have been added. The wickets are now all open. For what it's worth, I had to renew my children's passports — one new issuance and one renewal — and I did this the same way that everyone else does. It was a bit frustrating, but at the end of the day, we were served professionally by competent civil servants who are working to ensure that as many passports as possible can be issued. As we see demand stabilize now that capacity has been ramped up, I expect that over time you will see an improved quality of service — like you're seeing across different sectors of the economy as the world opens up from COVID-19 restrictions.

#### HIGH-POTENTIAL TECHNICAL TALENT VISA

**Hon. Colin Deacon:** Thank you, Minister Fraser, for being with us today.

Following on from Senator Gerba, you know that there is a major labour and talent shortage right across our economy. As a result, I want to ask about attracting and fast-tracking more skilled talent for our innovation sector.

Last week, the United Kingdom launched its High Potential Individual visa stream for global top talent to come to the U.K. Distinct from Canada's Global Talent Stream, individuals do not require a job offer, and eligible individuals would have the flexibility to work or switch jobs or employers. Additionally, they could extend their stay and obtain permanent residency within the visa category.

I have two questions. Have you looked into the possibility of developing a similar high-potential tech talent visa program in Canada, as suggested by organizations like the Council of Canadian Innovators? And in what ways might the start-up visa program be modified to more successfully attract entrepreneurial tech talent to Canada? Thank you.

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you very much. Let's put this in the appropriate economic context. Our economy is firing on all cylinders. About 115% of the jobs lost during the pandemic have now come back; GDP is ahead of prepandemic levels; and the unemployment rate is at the lowest level — forget the pandemic — ever recorded in Canada. Despite these successes, we have hundreds of thousands of job vacancies. We need to focus on growth as we come out of this pandemic to ensure that our economy can provide the services we need.

• (1620)

On the first question, right now my starting point is that the Global Talent Stream is a very good program. To the extent that we can tinker with it to take advantage of the existing opportunities in the economy to attract the world's talent, all of whom seem to be thinking about what their next move might be right now, we should do so. We don't have a big announcement to make in the short term, but to the extent that we want to have a follow-up conversation, please know I'm always very interested.

Regarding your second question on the start-up visa, we need to start asking ourselves this: Should we be dedicating resources to both the incubator and the angel stream? Should we be expanding the numbers in what is potentially a modest program by comparison to other streams but also taking a look at the eligibility criteria under the start-up visa to see if we should broaden the scope to expand access for high-growth firms that might not be in the fairly narrowly defined sector that has access today? That will be part of the consultation I will be doing over the summer in advance of next year's immigration levels plan. I believe the Start-up Visa Program has immense potential to attract people to Canada who will help to create wealth and grow our economy, and do it in a way that leads to more Canadians working for those businesses rather than taking the approach some other countries have taken, where you can more or less buy your way into a legal status in a particular country.

[ Senator Deacon (Nova Scotia) ]

#### AFGHAN REFUGEES

**Hon. Patricia Bovey:** Thank you for being with us, minister. My question from Senator Klyne regards the evacuation of interpreters who worked for the Canadian Armed Forces prior to the Taliban seizing control of Afghanistan this past summer.

Canada has faced significant criticism for how it handled the evacuation of those interpreters during the crisis. There is confusion about the process used to determine which employees were evacuated, ongoing concerns for the well-being of those left behind and worries that Canada may have difficulty enlisting the services of interpreters the next time we're on foreign soil.

Do you share those concerns? What process did your department follow to triage, prioritize and expedite the extraction of Afghan citizens who risked their lives for our Armed Forces?

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** I want to be careful here because I have personal knowledge about some of the things we discussed today. For some of them, I came in after the fact. Nevertheless, I am responsible for the department.

This is a huge opportunity for me to say thank you to all of those who were involved with the evacuation. As a result of the efforts on the ground, thousands of people have been given a second lease on life in Canada. In the middle of a war zone, as you can appreciate, there is absolute chaos. When you're dealing with a list of terrorist entities seizing control of Kabul at a time when hundreds of thousands of people were seeking to leave, potentially millions, having a rigid process with referral partners and proper screening — as we would through essentially a managed UNHCR initiative — was not possible. Decisions were taken at the time to try to identify anyone who had a connection to Canada to get them on board planes that had limited access to the strip in Kabul to get them out.

Since then, of course, we have been able to put in a more reliable process than you can implement in response to an emergency of that nature to ensure that we continue to see people arrive. We are seeing more people arrive now, with more than 15,500 in Canada and more arriving every week.

The job that the members of my team have done — some of whom are still working with me; some of whom have moved on to other things, the previous minister as well as the department — was nothing short of heroic despite some imperfections along the way. There are no perfect responses in a war zone. However, as a result of the actions of a few Canadians who tried hard to evacuate some of the world's most vulnerable people in those moments, there are thousands of people who made it to Canada.

[Translation]

#### BORDER CROSSINGS AT ROXHAM ROAD

**Hon. Jean-Guy Dagenais:** Minister, just this morning, the *Journal de Montréal* reported that an individual accused of sexually assaulting a 14-year-old girl in Georgia fled the United States and has been living in Canada since 2018. He entered Canada via the infamous Roxham Road and claimed refugee status. Four years later, this criminal is still taking advantage of our system and is fighting in court, at our expense, to avoid being sent back to the United States.

Minister, how do you explain how this man is still in Canada after four years of legal battles? Also, can you tell us how many known criminals have taken advantage of Roxham Road to hide in Canada and how many have been deported?

[English]

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** That is a question that involves specific details of an individual going through a process. Realistically, we have processes in place to ensure we can do a proper screening when a person makes an asylum claim.

It's not lost on me — nor is it lost on the government — that we need to continue to advance negotiations with the United States to modernize the Safe Third Country Agreement. The challenge of irregular migration is one that impacts countries all over the world. Canada is unique in the fact that we're surrounded by three oceans and have the United States to our south. It is not as great a problem for us as it is for many others. But when we have an individual who seeks to enter Canada contrary to the rules, makes what could potentially be an asylum claim without having the grounds to justify one, particularly when fleeing the laws of another jurisdiction, that's why we have extradition treaties. When we find someone who is trying to escape justice and makes a false claim for asylum, they will be subject to those extradition treaties.

This is a particularly egregious example that you have just raised. Again, without all of the facts before me, it serves as a justification for me to continue my work to help modernize the Safe Third Country Agreement so we have a better understanding with the United States about how to manage the longest undefended border anywhere in the world.

#### COST IMPLICATIONS OF BILL C-13

**Hon. Elizabeth Marshall:** Welcome, minister.

Minister, parliamentarians depend on the work of the Parliamentary Budget Officer. Yet, according to the Parliamentary Budget Officer, your department, along with Treasury Board Secretariat and Canadian Heritage, wrongfully refused to disclose to the Parliamentary Budget Officer how \$16 million for initial implementation costs for Bill C-13 would be spent. This funding was announced in December. By now you would — or at least should — know how you are going to spend it.

You also refused to provide to the Parliamentary Budget Officer information concerning the ongoing tasks and costs associated with the bill. Yesterday, Mr. Giroux told the Senate's Official Languages Committee that it's the first time as Parliamentary Budget Officer that he has gotten such a refusal from three departments.

Minister, Mr. Giroux also told the Senate committee that Canadian Heritage has since provided him with some of that information. Will you instruct your own officials to provide all information on Bill C-13 to the Parliamentary Budget Officer? If not, why not?

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you very much, senator. I have great respect for officers of Parliament and for the need to operate in a context of free and proactive disclosure of information. For what it's worth, I spent some time working for a human rights organization in South Africa to promote those very values.

With respect to Bill C-13, some of the challenges that we deal with in terms of how money will be spent are tied to the fact that the bill hasn't been passed yet. To the extent that there are things that could shift before the final version of the bill is in place, of course, that would impact the decisions that we would take that are germane to what the PBO is looking for.

I would be happy to get back to you as soon as I'm able to do so with whatever outstanding information there may be. We'll look forward to continuing our engagement with the PBO to make sure we're operating in an environment that promotes the disclosure of information and transparency in government spending. I think that's a very important principle in our democracy.

#### INTERNATIONAL STUDENTS OVERCOMING WAR

**Hon. Peter M. Boehm:** Thank you, minister, for joining us today.

I want to ask you about an initiative undertaken by students at Wilfrid Laurier University, one of my alma maters. It's called the International Students Overcoming War initiative. They have added, through a referendum, an \$8 levy to their tuition fees so they can fund the placement of students from war-torn countries and regions at the university. There are some who are graduating. They have also come to Ottawa and met with your parliamentary secretary, I believe, and I think with your staff.

So far, 23 students have gone through this program. They have been very successful. Whether they go on to the permanent residency path or return to their countries and make contributions, it has been a success.

Is there something the government can learn from this particular initiative, which is privately done but at the initiative of our young leaders?

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you for the inspiring question. Congratulations to all the students involved.

• (1630)

It reminds me of when I was an undergraduate student signing up in my first year to volunteer for the World University Service of Canada, or WUSC, an organization that seeks to bring refugees to Canada for the purpose of studying.

Are there lessons we can learn? Yes, absolutely. No one has a monopoly on good ideas, the government included. To the extent that we can understand how to support some of the world's most vulnerable who also form part of the cohort of international students who make some of the greatest social and economic contributions to our communities, I think we can continue to do this.

One of the things I'm reluctant to do, though, is to find a good idea and have the government take it over. When it comes to refugee resettlement, private resettlement in Canada is actually the envy of many countries around the world when I engage with them on a bilateral basis. When people have a built-in network of supporters who have put energy, time and, sometimes, funds into welcoming people into their communities, it actually results in them being supported well after they arrive.

To the extent that the students at one of your alma maters want to see what we can do to help spread this kind of generosity, please note this is right up my alley. Supporting some of the world's most vulnerable and leveraging our education system to do it seems like a positive initiative to me, and I want to reiterate my congratulations for this innovation. The positive social development space is deeply encouraging.

[Translation]

#### IMMIGRANT ENTREPRENEURS

**Hon. Amina Gerba:** Minister, the immigrant entrepreneur program requires investments — for example, purchasing a business — before applicants even know whether their work permit application has been approved. However, investing in Canada does not guarantee that your immigration application will be approved. Minister, your website states that immigrants are selected on the basis of their potential contribution to the country's economy. Can you tell us what measures your department is putting in place to increase the number of immigrant entrepreneurs who could contribute to our country's prosperity?

[English]

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you very much. This is an important question. For those who may not be aware, the quote, I believe, given the description, would have been pulled from a description of how our Express Entry system operates in Canada.

The Express Entry system scores people based on a number of factors: their education, work history, age and language competencies. What we see is that people who have a suite of skills have a higher score and are more likely to be invited to apply to come to Canada as a permanent resident.

[ Mr. Fraser ]

There are some changes we can make to the system to attract workers who will make an even bigger contribution, not solely based on their scores but also by matching them with the regional needs or sector-by-sector needs of the economy. Those are the flexibilities I discussed in Bill C-19 that were recently adopted by the House of Commons.

In addition, though — and this is important, building on my answer to Senator Deacon's question earlier — with respect to the Start-up Visa Program, we have an opportunity for growth, in my opinion. I want to be careful not to allow people to have a "golden passport" where they make an investment and can become Canadian. I don't think that's reasonable. However, if we can look at the rules to determine who is coming to set up a business that's going to employ people in Canada and that will have a lasting impact on our communities, then we should examine how we can make revisions to the program to achieve those ends while still promoting high-growth sectors, such as the tech and innovation space.

It's not easy to nail down the specifics of a policy that will have all those outcomes, but we will do that through consultation and collaboration with the sectors that have the greatest opportunity to use those streams to bring people here to start businesses that will employ Canadians.

[Translation]

#### BORDER CROSSINGS AT ROXHAM ROAD

**Hon. Jean-Guy Dagenais:** I want to come back to the issue of Roxham Road. I would like an update on the number of people who have illegally entered Canada through this "hole" in our border, which I would describe as a one-way breach from the United States. How many people have entered Canada via Roxham Road? How many people have been deported? How much has all of this cost us?

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Before I begin, it is essential to acknowledge that Canada has both domestic and international obligations. The language we use is very important.

[English]

I do find it frustrating when I see a number of my colleagues describe people as being illegal. It's a dangerous use of words, particularly when you recognize that our domestic and international laws provide an opportunity for people who are fleeing extremely vulnerable circumstances to make a claim for asylum within our body of laws. That doesn't mean everyone does it, but I think labelling everyone who is seeking asylum as "an illegal" is a dangerous use of words.

That said, for people who do cross in an irregular fashion, including at Roxham Road, for example, it's important that we have a system to deal with it, that we recognize that migration is a social fact and that it's not up to us as to whether it will happen but how we manage it.

If we were simply to close Roxham Road tomorrow, for example —

[*Translation*]

— that is not a solution. It simply moves the problem from one place to another. That is unacceptable.

[*English*]

What we need is to have a functioning asylum system where the rules are clear and that is properly funded, including by a \$1.3 billion investment in the recent federal budget, to process people in a fair and timely way, so they understand the result of their claim, and so Canadians will have faith that the process has integrity.

With respect to the specific numbers, I don't have them in front of me. If you have a specific request, I would invite the honourable senator to follow up with my office.

#### IRANIAN SOCCER TEAM VISA APPLICATIONS

**Hon. Rose-May Poirier:** Thank you, minister, for being here today.

Minister, the families of those who were on board Ukraine International Airlines Flight 752 were understandably shocked when they learned of a so-called friendly soccer game between Canada and Iran originally planned to take place earlier this month. The families continue to seek justice for their loved ones, and your government hasn't given them much support over the past two and a half years. On May 17, when the Prime Minister was asked by a reporter why his government granted visas for the Iran team to enter Canada, he didn't answer the question but put the blame on Canada Soccer, an organization which does not grant visas. Immigration, Refugees and Citizenship Canada has that power.

Minister, could you confirm that your department processed visas and work permits for the Iranian soccer team and their delegation to enter Canada? If so, why, and how many visas and work permits did you approve?

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Your Honour, with respect to the honourable senator's question, I expect that members of the Senate will appreciate that when it comes to specific visa applications, I'm not at liberty to comment.

That said, the families of the victims of PS752 have suffered an egregious injustice. We've advanced certain measures, including from an immigration perspective but not exclusively so, to see if we can better support those families. I do agree with the Prime Minister that it was a mistake to invite the Iranian soccer team to take part in that match.

Thankfully, better judgment prevailed, and at the end of the day, the game did not happen. There was a request for an additional soccer team to come and fill the space. That game

didn't happen either, not as a result of anything to do with immigration but, I understand, labour negotiations between the athletes and the organization.

With respect, there was no special effort made on my part regarding the particular soccer match that the honourable senator has referred to.

#### CANADA-UKRAINE AUTHORIZATION FOR EMERGENCY TRAVEL

**Hon. Donna Dasko:** Thank you, minister, for being here. My question today is about Ukraine and the government's efforts to assist Ukrainians in their terrible situation.

Between March 17 and June 8, your department received approximately 296,000 applications under the Canada-Ukraine authorization for emergency travel program, of which approximately 132,000 had been approved as of June 8. That would mean that fewer than half of the applications during that time period have been approved.

I would like to hear from you how you might speed up this process, what efforts are being made, and what your department is doing to deal with these applications. Thank you.

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** Thank you very much. With enormous respect, this program is something I'm incredibly proud of. This is a program that has now seen, together with other measures we put in place to expedite existing applications, well in excess of 30,000 Ukrainians make their way to Canada this year.

• (1640)

For a significant period of time, we were actually processing people on the two-week standard we had broadcast. There are some exceptions to that, of course, based on the individual case file, but there is not a big challenge in terms of processing these cases in an expedited way. The large delta that you see between approvals and applications is more a factor of the continued arrival of new applications in large numbers.

Something else that I'm watching very closely is the delta between approvals and arrivals. I visited the region — of course, not to Ukraine before our embassy reopened, but to Poland, as well as certain other European nations. We have heard that there are a significant number of people who are taking out, more or less, an insurance policy because they don't want to go very far from Ukraine. They want to return home as soon as it's safe to do so.

We've put everything into the system that we can to expedite the processing of these applications and, frankly, it's working. I think this policy is an enormous success and may actually serve as the basis for temporary protection models in different circumstances into the future.

[Translation]

#### QUEBEC'S JURISDICTION ON IMMIGRATION

**Hon. Clément Gignac:** Thank you, minister, for being here with us. Under the terms of the Canada-Quebec Accord signed in 1991, Quebec has more authority over immigration than any other province and is responsible for selecting skilled workers. Still, given the decline of French in the Montreal area, where nearly 85% of immigrants choose to settle when they come to Quebec, the province recently asked to fully repatriate all immigration powers. The Premier of Quebec even spoke of the risk of Quebec becoming another Louisiana in North America. I won't ask you to comment on those remarks. However, I would like you to explain the reasons and motives behind your reluctance to grant more powers to Quebec so that it can control all the tools needed to protect the French language.

**Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** I believe it is essential to protect and promote the French language and culture. To get results, it is essential to increase the number of francophone newcomers who settle in Quebec and outside Quebec.

As for the Canada-Quebec Accord, it is important to understand that it already gives Quebec the authority to select the most skilled people from a linguistic and professional perspective. The federal government has invested \$600 million to support the institutions. Under the Canada-Quebec Accord, Quebec can welcome 28% of the total for the country. Today, it receives just 13%. The difference is 66,000 people per year. That is a huge number.

I believe that we have an opportunity to improve the situation with the help of existing tools. I have a good relationship with my Quebec counterpart. If he has any suggestions, he can get in touch with me.

[English]

**The Hon. the Speaker:** Honourable senators, the time for Question Period has expired. I'm certain all colleagues will want to join me in thanking Minister Fraser for being with us today.

Thank you, minister. We look forward to seeing you again in the future.

**Mr. Fraser:** Thank you, everyone. See you next time.

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## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Pursuant to the order of Thursday, June 9, I leave the chair for the Senate to receive Mr. Philippe Dufresne respecting his nomination as Privacy Commissioner. The Honourable Senator Ringuette will chair the committee. To facilitate appropriate distancing, she will preside the committee from the Speaker's chair.

[Translation]

#### PRIVACY COMMISSIONER

PHILIPPE DUFRESNE RECEIVED IN COMMITTEE OF THE WHOLE

On the Order:

The Senate in Committee of the Whole in order to receive Mr. Philippe Dufresne respecting his appointment as Privacy Commissioner.

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

**The Chair:** Honourable senators, the Senate is resolved into a Committee of the Whole to receive Mr. Philippe Dufresne respecting his appointment as Privacy Commissioner.

Honourable senators, in a Committee of the Whole senators shall address the chair but need not stand. Under the rules the speaking time is 10 minutes, including questions and answers, but, as ordered, if a senator does not use all of his or her time, the balance can be yielded to another senator. The committee will receive Mr. Philippe Dufresne, Law Clerk and Parliamentary Counsel of the House of Commons and I would now invite him to join us.

(Pursuant to the Order of the Senate, Philippe Dufresne was escorted to a seat in the Senate chamber.)

**The Chair:** Mr. Dufresne, welcome to the Senate. I would ask you to make your opening remarks of at most five minutes.

[English]

**Philippe Dufresne, nominee for the position of Privacy Commissioner:** Honourable senators, it is a great honour and privilege for me to appear before you today to discuss my qualifications and competencies to perform the important role of Privacy Commissioner of Canada.

I take this opportunity to thank you for all the work you do as parliamentarians in legislating, deliberating and holding the government to account.

I would start by saying that my professional life has been dedicated to the strengthening of Canada's public institutions and to the protection and promotion of the fundamental rights of Canadians.

[Translation]

I have done this for 15 years in the context of human rights at the Canadian Human Rights Commission. I have done it for seven years in the area of constitutional and administrative law as Law Clerk and Parliamentary Counsel of the House of Commons and, if appointed, I would continue to do so as Privacy Commissioner of Canada.

Prior to my appointment as Law Clerk of the House in 2015, I was the Canadian Human Rights Commission's Senior General Counsel, responsible for the Commission's legal and operational activities pursuant to the Canadian Human Rights Act, the Employment Equity Act, as well as the Access to Information and Privacy Acts.

[English]

I was lead counsel for the Commission in the landmark First Nations child welfare case before the Canadian Human Rights Tribunal which led to the largest settlement of its kind in Canadian history. Prior to this, I was lead counsel in the *Canada (House of Commons) v. Vaid* case before the Supreme Court of Canada, which remains the leading case on parliamentary privilege in Canadian law today.

In addition to the *Vaid* case, I have appeared before the Supreme Court on 14 occasions in cases raising issues such as the separation of powers, the impartiality of tribunals, the accommodation of persons with disabilities, freedom of expression and the balancing of national security and human rights.

My experience at the Commission has a number of direct correlations with the role of Privacy Commissioner. It involved the promotion and protection of fundamental rights and the investigation of complaints in an expeditious and procedurally fair manner. It required the appropriate balancing of fundamental rights with public-interest considerations and the ability to explain complex concepts in a plain-language and accessible manner. It also involved working with the public and private sectors to find constructive solutions, building a culture of rights, considering international norms and comparators and working with provincial counterparts.

[Translation]

In my current role as the Law Clerk of the House, I am the Chief Legal Officer of the House and lead the office responsible for the provision of legal and legislative services to the House and its members. I have successfully defended the House of Commons' privileges in the *Boulerice v. Board of Internal Economy* case, and led the legal team representing the Speaker of the House of Commons in the context of a judicial review application brought last year with respect to the power of this House to compel the production of documents.

I have been tasked by multiple committees to interpret and apply privacy law principles, most recently in reviewing proposed redactions made to documents that were requested by committees in the conduct of their studies.

[English]

I've played a key role in the development of codes and policies to prevent harassment on the Hill and to ensure an inclusive and safe environment for members of Parliament and staff. I was proud to be the House Administration's diversity and inclusion champion for the last five years.

More recently, I had the pleasure and privilege of appearing with my colleague the Law Clerk and Parliamentary Counsel of the Senate in a joint appearance before the Special Joint Committee on the Declaration of Emergency.

Throughout my career, I've always placed the utmost importance on public service and on giving back to my community and my profession.

[Translation]

As such, I have served in various capacities of the Canadian Bar Association, including as president of the constitutional law section and Executive Board Member of the Quebec Branch. I have also served as President of the Canadian branch of the International Commission of Jurists, an institution that promotes judicial independence in Canada and internationally.

I believe in the importance of education and mentoring. I have been a part-time professor in law faculties and continue to serve as a judge in the Laskin bilingual administrative law moot competition.

In all my roles, I have been guided by the values of balance, impartiality, fairness, excellence, the rule of law, the public interest and respect for the democratic and legislative processes. Those are the values that, if appointed, I propose to bring to the Office of the Privacy Commissioner of Canada.

• (1650)

[English]

For all these reasons, I believe that I would bring to the role of Privacy Commissioner a vast and unique array of experiences and knowledge, as well as the unwavering belief that Canadians' fundamental privacy rights require strong advocacy, protection, promotion and education on an ongoing basis. As Privacy Commissioner, my vision would be privacy as a fundamental right, privacy in support of the public interest and of Canada's innovation and competitiveness, privacy as an accelerator of Canadians' trust in their institutions and privacy in the digital economy.

[Translation]

In closing, I would like to take this opportunity to thank Daniel Therrien for his outstanding service and leadership these last eight years. I've been impressed with all of the great work done by the OPC team during his mandate and, if appointed to the position, I look forward to working with this dedicated group of committed professionals in protecting and promoting the privacy rights of Canadians. With that, I would be happy to answer your questions.

[English]

**Senator Plett:** Welcome, Mr. Dufresne, and congratulations on your nomination. I have a number of questions. I will be very concise with my questions. I ask that you be the same with your answers so I can get as many of them in as I can before our very capable and able chair cuts me off.

Could you briefly summarize for us the process by which you came to be here — I'll ask three questions here — before us today? What process was there? Did you apply for this position or were you asked to put your name forward? Why did you decide to seek this appointment, and who did you interview with and what testing did you undergo?

**Mr. Dufresne:** Thank you, senator, for the question. This, as I believe all Governor-in-Council appointments are, was a position advertised on the appointments website, alongside the others, with a list of the requirements and the functions of the positions. So I applied to the position of my own initiative because I saw that this was a position, one of the few, that could take me away from the position of Law Clerk of the House, which is a position I love. This was a position that I felt combined my career as a lawyer, as a promoter and protector of fundamental rights and my role as an adviser to the House, and so I thought that my skills would be of use in this important role. I also saw that with the two laws up for modernization this was an important time for privacy, which I consider a fundamental value, and so I put my name forward.

In terms of the process, there was a screening process that led to my being invited to an interview with the representatives from various departments, the Prime Minister's Office and academia, and so there was extensive questioning in terms of that process. Once I reached the subsequent stage, there was psychometric assessment following a discussion with the minister and then the decision by cabinet.

**Senator Plett:** Mr. Dufresne, as you well know, the unprecedented use of the Emergencies Act by the Trudeau government earlier this year is being studied by a special joint committee and by the Public Order Emergency Commission. What are your thoughts on the privacy implications of the use of the Emergencies Act, either through your experience as Law Clerk of the House of Commons or through your viewpoint as the incoming Privacy Commissioner? As a Privacy Commissioner, would you commit to conducting an analysis of the privacy implications of the invocation of the Emergencies Act or release publicly any analysis that might have already been done by the office?

**Mr. Dufresne:** Senator, there are processes for the review of the declaration of emergencies, and they are provided for in the act. They include the parliamentary review. They include the Rouleau commission of inquiry that was established, and so they have complementary purposes. I know that the Standing Committee on Procedure and House Affairs is also looking at those matters in terms of the invocation and so on.

In terms of privacy implications, if I am confirmed in my role I will look to matters that come before the commissioner in terms of complaints, and we'll deal with them on an individual basis.

**Senator Plett:** In 2015, the outgoing commissioner established four strategic privacy priorities. One of his objectives was:

To help create an environment where individuals can use the Internet to explore their interests and develop as people without fear that their digital trace will lead to unfair treatment.

Do you share this objective, and how do you think this is achievable?

**Mr. Dufresne:** When I talk about my vision as Privacy Commissioner in terms of privacy as a fundamental right and privacy balancing public interest and generating trust, it means that I feel Canadians should have enough trust that, when they are participating in the digital economy and when they are using the internet, their privacy is protected — in other words, that they do not have to trade off their privacy rights in order to use what we all use and benefit from, which is the internet and the digital economy.

So in terms of privacy, my hope and what I will work towards, if confirmed, is to have a modernized set of laws, both private and public sector, that ensures privacy is protected in a way that supports innovation and the economy but in a way that ensures that Canadians, again, do not have to trade off these rights in order to participate as digital citizens.

**Senator Plett:** Another objective of the former Privacy Commissioner was:

To promote respect for the privacy and integrity of the human body as the vessel of our most intimate personal information.

Would this also be one of your objectives, and if so, what are your thoughts on the actions of the federal government during the pandemic forcing Canadians to get vaccinated and to share the results? That's hardly private when they have to share the results.

**Mr. Dufresne:** In terms of the end of your question, in terms of the pandemic, former Privacy Commissioner Therrien, along with provincial counterparts, issued guidelines early on in terms of practices to ensure what was done was based on legal authority, ensure that it was proportional, ensure that it did not take more information than it needed and ensure that it did not last longer than needed. So I agree with those principles, and privacy protection has to do with the second element of my vision, the notion of public interest. Privacy should not be at the expense of the public interest or Canada's competitiveness. These things go hand in hand, and I see privacy as supporting that, but it has to be done in a way where privacy is front and centre and where we develop a culture of privacy by design so that whatever we do — whether it's protecting the health of Canadians, whether it's innovating — we ask how we can do this without harming the privacy of Canadians.

**Senator Plett:** I would like to get your view on privacy and the apps on our smartphones. I know that we all routinely — and I do — click "I agree" on a service agreement when downloading an app and do not fully understand what we are agreeing to. At least I don't, and I don't realize the privacy I may be giving up in exchange for using this app. I personally — and think a lot of us, perhaps all of us — have done this more than once, and so I would like to know your views on consent in those instances. Do you think this type of consent is essential, or is it meaningless? I'd like your view on that. I'm concerned about when I click things on my smartphone.



**Mr. Dufresne:** You're highlighting one of the very real issues, and it has been described by some experts as being a culture of "I agree," a culture of clicking without necessarily understanding. Oftentimes we use these apps and oftentimes we are pressed for time. We need the information. We're confronted with this, and we click on it but not agreeing. I don't often understand those clauses myself. If that's true and you have a non-legally trained Canadian looking at these clauses, it is not realistic to believe that they will have a meaningful understanding. So that's one of the elements that has to be looked at in terms of working with those clauses — making them more user-friendly — and there may be areas where consent is not required because there is a socially beneficial purpose and there's no practical way of getting consent, so these conditions have to be narrow. There may also be circumstances where the purpose is not justified or proportional and it should not be something that individuals can consent to. So we're moving away from that delegation to individuals to protect their privacy rights and ensuring that we can have a whole system that does that.

• (1700)

**Senator Plett:** I only have less than a minute left, but I will very quickly ask the question. Maybe you can get the answer in. The federal government forces Canadians to use the ArriveCAN app when entering our country. Do you think Canadians should have the right to refuse an app and instead be allowed to use paper forms?

**Mr. Dufresne:** I haven't considered this specific issue. I think there are some different privacy expectations when crossing borders, so that would be part of the consideration. However, I would say that with this or any type of governmental activity, it is important to have privacy by design. It is important to ask the question and design it to ensure that it does not have an undue impact on privacy beyond what is necessary for legitimate purposes.

**Senator Plett:** Thank you very much for your concise answers. That about exhausts my time.

**Senator Jaffer:** Thank you for agreeing to accept the nomination and also for applying. When I saw your qualifications I was very pleased, because I believe you understand Parliament, and you have worked on rights issues. I believe this is a good time for a person like you to understand what the rights of all Canadians are.

When it comes to the rights of all Canadians, what kind of lens or diversity training will you do with your staff so that when they look at privacy issues they will address issues faced by all Canadians?

**Mr. Dufresne:** Thank you, senator. This is something that is near and dear to my heart in terms of ensuring the proper lens. I am advocating for a privacy lens — privacy by design — looking at everything one does, whether it's the government or the private sector, and asking the question about impacts and then building it into the design so you're not doing it at the end once it's done and you're faced with concerns.

I think that's also very important in terms of diversity and inclusion. There can be links there with privacy as well. We can see some concerns if their algorithmic decision making leads to profiling or bias or these types of things.

In terms of the team — the staff — in my current role as House Law Clerk, I have been the diversity inclusion champion leading a group of committed employees from all sectors of the House at all levels, management or otherwise. When I was appointed champion, I told them that I wanted all of us to become ambassadors of inclusion so that whatever we did — whatever our role was — we would ask the question: What is the impact of this decision I'm making, this policy or this behaviour that I have? What impact does it have on diversity and inclusion? If it's not a good one, we should question that behaviour, and unless it's essential to have it, we should stop it. I will be adopting the same approach, if confirmed, in my new role.

**Senator Jaffer:** Thank you very much for your answer. Obviously, you will follow the same diversity and inclusion model that you had developed earlier on, so I'm not going to even ask you that. I'm assuming you will.

I don't know if you have had the chance to study some of the recommendations of the previous Privacy Commissioner, but one was on note taking for border security officials. He examined six complaints and he found it very inadequate. If you have not read this yet, I'm willing to wait for an answer. But especially with the rights lens that you will bring and your knowledge of rights, I would like to know if you are going to pursue making sure that border security officials' note taking is adequate, especially with the new legislation, Bill S-7, that the minister has introduced.

**Mr. Dufresne:** Bill S-7 is the object of discussions, including in terms of the standard being used. It was raised in terms of whether this could have an impact in terms of how it's used, and whether there are more unfavourable decisions vis-à-vis certain groups and certain individuals. So these are things we have to look for, and we have to make sure there is information about it so we can correct if any approach has discriminatory impact or negative privacy impacts.

I think we do have to have that lens to ensure that our practices are consistent both with human rights in terms of non-discrimination — which would not, strictly speaking, be my mandate but would animate what I do — and also from a privacy lens.

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

**Senator C. Deacon:** Mr. Dufresne, welcome to the Senate. It's likely you will be overseeing the biggest revamp in privacy law in this country in several decades as well as an increase in the Privacy Commissioner's powers. All the while, the data economy has been growing exponentially. How Canada regulates the use of data will catalyze innovation, productivity growth and prosperity. Or not.

Clearly, the new Privacy Commissioner will have to play a balancing act, strengthening and protecting data rights — which you're eminently qualified to help with for sure — but all the while empowering innovative and globally competitive commercial activity.

In that light, could you describe your views on the extent to which it is important for privacy laws to enable innovation in our economy? How would you ensure that experience with rapidly evolving technologies, competition issues, various business models and global interoperability will be represented on your team?

I'm hoping to ask a second round, but we'll see.

**Mr. Dufresne:** Thank you for the question. This is core to my vision of my role as Privacy Commissioner if I'm confirmed. I indicated that there were three elements. One was privacy as a fundamental right, and the second was privacy in support of the public interest and Canada's innovation and competitiveness. So that's absolutely part of the vision. We need to have a system that doesn't sacrifice Canada's innovation, competitiveness and the ability for Canadian industry to succeed.

I believe that can be done. That can be done by having a regime that is principle-based — that respects privacy — but also mindful of the realities and challenges of Canadian industry. I believe that privacy will generate trust and will allow Canadians to feel that they can participate more in the digital economy, which in turn will be good for industry. I think it will be beneficial to have interoperable norms and rules that ensure there is a level playing field and that Canadian companies understand the roles and can be helped in that by my office — if it becomes my office — in terms of outreach, education and information.

In terms of the composition of the team, I have always — in all of my roles — valued diversity of views and diversity of perspectives. My perspective is one — it is from my background — and I have always wanted to surround myself with individuals with different backgrounds and different expertise so we can have the best advice around the table.

For my team at the House, I recruited individuals from the Senate, who are fantastic. I have recruited individuals from the Department of Justice. I have recruited individuals from the private sector. I have recruited individuals from the Library of Parliament — just to have these views.

That's for the internal team, which is very important. But I also believe outside links with stakeholders, links with industries, whether it's by having a formal structure like an advisory council or in an informal way, ensures that the channels of communication are open. Because there is value in the commissioner and the office sharing information, but we need to do that while understanding the challenges of industry. This is something that I feel I am able to do because I'm a human rights lawyer, but I'm also an employer and a leader of an organization. I have advised on complying with the laws, but I've had to comply with them myself. So I understand the challenges of industry where you have these competing pressures and priorities, and you want this to be done while meeting your obligations to your shareholders or parliamentarians or Canadians.

So these are things that are important to me. I will put in place the networks and the structures needed to —

**Senator C. Deacon:** Thank you. That's good to hear. Just in terms of consultation, the Government of Canada has had a history of communicating but not robustly consulting. So, hopefully, you'll be ambitiously establishing a new standard in that regard because of the transition that is going on.

• (1710)

Lastly, I want to have some idea specifically about how you'll be managing that compliance burden associated with implementing the new privacy legislation to ensure it doesn't stifle innovation, productivity growth and competitiveness.

**Mr. Dufresne:** There are a number of things there.

Obviously, the content of the legislation is going to be decided not by me, but by Parliament. The Office of the Privacy Commissioner of Canada will play a role in providing views and advice. Of course, there is a role for industry as well to provide views to Parliament, but also to the Office of the Privacy Commissioner of Canada in terms of that process.

I will work with the legislation that Parliament decides to adopt, and with the team, to ensure that it is as user-friendly as it can be for Canadians and for industry. I believe when we were talking about the consent clauses being difficult to understand and how it can be a burden on individuals, I think that that is true as well in terms of the burden on organizations to comply with legal frameworks. There are many obligations.

In my role at the House, I have had to oversee compliance with Bill C-65 on health and safety; compliance with pay equity, proactive pay equity regimes; compliance with proactive accessibility; proactive disclosure of financial information. These are all fundamentally important things to do, but they take work. They put burdens on organizations and leaders who are already overburdened.

Whatever the regulators can do to make it easier — to put the incentives in the right direction — is a positive step.

[*Translation*]

**Senator Bellemare:** Thank you for being with us, Mr. Dufresne. I know you have extensive experience with Canadian parliamentarians.

My question deals with a hypothetical situation. Suppose you were appointed to the position you are seeking, and suppose the government currently in office supported or introduced a bill that got a lot of criticism from individuals and organizations for failing to adequately protect privacy. What would you do if the committee tasked with studying such bills invited you to testify and participate in that study?

**Mr. Dufresne:** Thank you, senator. Certainly, in my role as Privacy Commissioner, I will always give my advice to any parliamentary committee that requests it. I believe that this is one of the important aspects of the Privacy Commissioner's role.

Thanks to my experience as Law Clerk of the House, I have had numerous opportunities to appear before parliamentary committees and provide advice in various legal areas. I will continue to do so as Privacy Commissioner with a view to providing the best and most balanced advice possible. That advice will be consistent with the values that I will convey, namely, recognizing privacy rights as fundamental rights, but also understanding the public interest and the need for laws that are practical, realistic and that can build public confidence.

In a situation where there was opposition, I would ask myself whether my office and I should consider that opposition justified. Obviously, I would listen to the differing views and provide the best advice I can, while being mindful of the weight that the Privacy Commissioner's representations can carry. I would do so with the responsibility that comes with that influence.

**Senator Bellemare:** I have a supplementary question.

In this scenario, would you publicly comment on a bill, on your own initiative, if you felt it violated the privacy of Canadians?

**Mr. Dufresne:** I think that's a situation that has to be assessed on a case-by-case basis. However, I will say that on the face of it, the mandate of the Privacy Commissioner is to protect and promote the privacy of Canadians. I think that's a very important consideration. Are there any circumstances that would make it inappropriate to do so proactively? My first impression is that an officer of Parliament has a duty to comment on such matters, whether in an annual or special report. I would like to think that my office is and will remain a centre of excellence on privacy and that we would be invited to comment on privacy bills.

**Senator Bellemare:** Thank you, Mr. Dufresne.

**Senator Gerba:** I want to pick up on what my colleague, Senator Deacon, was asking. Mr. Dufresne, Shopify was once a small start-up, a snowboard retailer founded by a new Canadian. The company has transformed itself into a showcase for entrepreneurs around the world. It grew so quickly that it was the fastest Canadian company to reach \$1 billion in annual sales worldwide. Of course we would like to have more companies like this. However, these kinds of companies are using personal data, which requires extra vigilance.

Mr. Dufresne, how do you think your office will be able to protect the personal information of Canadians without undermining the prosperity of innovative Canadian companies like Shopify?

**Mr. Dufresne:** Thank you for the question. I think that it is important to have this balance, and it is not a situation where we should sacrifice one for the other. We have to make privacy a fundamental right and do so in such a way as to encourage innovation and the industry. I would do so by ensuring, insofar as I can comment on legislation, that the perspective and realities of the industry are considered and are part of the analysis. It needs to be possible and realistic for the company, but not to the detriment of fundamental rights. It was the same thing with human rights. I believe it is possible to do this, and I believe that

the Privacy Commissioner can play a guiding role and be an interlocutor for the industry. The Office of the Privacy Commissioner has a mandate to protect and promote.

You give the example of a smaller business entering the market. The Office of the Privacy Commissioner could perhaps have some templates and information. It can support the industries. With Bill C-11, there was mention of the approval of codes of practice by the Office of the Privacy Commissioner, audits and proactive verification. I believe that it is important to have these exchanges right from the start and to create this culture of privacy, but not to the detriment of the efficiency and proper operation of businesses.

Consequently, we will have a legal system equivalent to and compatible with international and provincial regimes. At that point, we are raising the bar for both privacy protection and innovation. That is something that has always been very important to me, whether in my role at the Human Rights Commission or at the House of Commons. Fundamental principles should not be protected to the detriment of the public interest, unless that is impossible. We must make every effort in that regard, namely provide incentives to move in the right direction, engage in communication, identify issues and work together to find solutions.

**Senator Gerba:** Thank you.

**Senator Gignac:** Thank you for being here, Mr. Dufresne. I'd like to congratulate you on your very impressive career.

Mr. Dufresne, the data economy is growing exponentially. The prestigious MIT estimates that data increases in volume by 40% every year. My question is along the same lines as the one asked by Senator Deacon. What do you think your role is in ensuring that Canadians see more benefit from the value of their data, while making sure they also control how that data will be used?

**Mr. Dufresne:** Thank you for the question. The third element of the vision I put forward is protection of privacy as an accelerator of Canadians' trust in the digital economy, among other things. I think there is a role to play there.

According to statistics from the Office of the Privacy Commissioner of Canada, as reported in the 2022-23 annual plan, surveys showed that only 38% of Canadians felt the industry respected their privacy rights. That is a worrisome statistic that accurately conveys the perceptions of those surveyed. The office's goal, which I agree with, is to raise that number significantly to about 90%. To help Canadians feel more confident in this respect, we need a strong legal regime grounded in good legislation and solid principles. We need legislation that is reasonable and balanced but that treats privacy as a basic right. Entities such as the Privacy Commissioner are crucial because they have the resources and the mandate to handle that protection and promotion role. It is important that Canadians know that when they participate in the industry, they have certain protections. They must also understand what they are consenting to and what their data will be used for, so that there is some incentive to participate in this economy. It becomes a place where you want to participate and do business.

• (1720)

When we talk about regimes that follow the rule of law, it benefits the industry for the same reason: The industry knows that it can rely on the regime and its principles. It requires good legislation, resources, an organization and good knowledge of the regime, which the Office of the Privacy Commissioner can undoubtedly promote and enhance. We also need incentives that go in the right direction, whether to encourage consumers to participate by reassuring them and providing them with better information, or to encourage the industry with clear and realistic standards, assisting them with information and dialogue in order to avoid a zero-sum game. Improving one does not mean taking away from the other. I think you have to improve both, and it is possible to do that.

**Senator Gignac:** Thank you, Mr. Dufresne.

[*English*]

**Senator Downe:** Congratulations on your nomination. You have a very impressive curriculum vitae, both academically and professionally. I would like to ask you a couple of questions on case studies, if you will, to get a sense of how you would interpret these situations.

My first question is — and you may have seen this in the media — there have been reports about misconduct at the Canada Border Services Agency. During the last fiscal year, the CBSA deemed 92 such cases to be founded, some of which involve CBSA members with off-duty ties to organized crime, including drug smuggling.

As you may know, CBSA personnel are not required to undergo annual polygraph tests about their conduct outside of work. As Privacy Commissioner, will you be opposed to yearly mandatory testing to be required by the agency?

**Mr. Dufresne:** I would look at this, again, on the basis of the particular circumstances and the particular purpose of any given measure. Looking at this with a privacy lens, with privacy by design, you need to look at necessity and proportionality.

There would need to be the establishment of the purpose of this, the necessity, and the more intrusive the measure is — as in the case of what you're describing — the more the necessity for it would have to be high. I would not comment on a hypothetical situation at this date, but I would look at cases on the basis of those principles in terms of necessity and proportionality.

**Senator Downe:** I receive many complaints from Canadians about their dealings with the Canada Revenue Agency, and even though they are prepared to waive their privacy rights in order to speak publicly about the way they have been treated by the CRA, the agency seems to use the Privacy Act as a shield to avoid responsibility and accountability for their actions by stating that, because of the Privacy Act, they can't discuss an individual case. Then they usually continue on with the standard line about how they take all these concerns seriously and are working hard to rectify these matters. Of course, none of that is true, as they continue to act the very same way in the very next case.

[ Mr. Dufresne ]

Do you share the view that if an individual waives the right to privacy to discuss their concerns publicly, and to the media in particular, that the government should be required to also disclose information they have about the matter pertaining to that individual?

**Mr. Dufresne:** There are some elements in terms of whether information is in the public domain and the individual waiving it and putting it in the public domain, but we would have to see a specific case. I would hesitate to comment on a specific case until it came before my office for consideration.

**Senator Downe:** As you're probably aware, section 8(1) of the Privacy Act states:

Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates. . . .

— which I think are the key words —

. . . be disclosed by the institution except in accordance with this section.

In other words, the individual can consent to the disclosure of personal information held by a federal institution. If they gave their consent, why would we allow agencies and departments to basically hide behind the Privacy Act as opposed to saying, in many cases, "We made a mistake and we're wrong," rather than putting the information out there?

**Mr. Dufresne:** Again, I would want to see what the argument is and the basis for the department's position on that and the grounds they are putting forward for refusing to disclose. There is often a lot of context around that, so I would hesitate to give a view without hearing both sides.

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

[*Translation*]

**Senator Dagenais:** Congratulations on your nomination, Mr. Dufresne.

Judging from your credentials, it seems to me that you were destined for this job. The risk of privacy violations has increased significantly over the past five or ten years, and you and I both know that one thing fraudsters love to get their hands on is social insurance numbers. This piece of ID is obsolete in 2022, yet it remains essential to getting a job or a mortgage.

I am sure you have looked over the office's documents from 2014 to 2017. Let me just say that, in this era of facial and voice recognition and biometrics, Canada's nine-digit ID card looks pretty pathetic compared to what modern countries use.

I would like to hear about your vision and your approach to getting the government to pick up the pace on developing a new, more secure way for Canadians to prove their identity.

**Mr. Dufresne:** Thank you for the question.

In fact, that was the topic of discussions, especially in the House of Commons. The reality is that, like everything else, there is a great deal of potential in the area of digital identity. Indeed, the fact that the social insurance number is probably not the best way to identify a person was mentioned.

As to whether this can be done, I would suggest applying the privacy perspective. It is about determining the realities of this program, the risks involved, the implications and the impacts, because we do not want to solve a problem by creating another. There are risks to having everything that is digital being distributed even faster.

In my opinion, this is something that has potential and seems intuitive to me as a solution for the future. That is why I think we have to be careful about how we do this by analyzing all the implications and incorporating the concept of privacy in its very design.

**Senator Dagenais:** In his final report, your predecessor projected a significant increase in the number of applications and complaints over the coming years, especially because of immigration and refugee cases.

Should the budget for the Office of the Privacy Commissioner be increased accordingly? We see that its budget is more or less the same for the coming years. Also, do you believe that some files might be set aside if the government does not review your office's funding?

**Mr. Dufresne:** If I am appointed, I will obviously have more details on this matter. What I have seen to date is that Mr. Therrien has already submitted a request to Treasury Board Secretariat and the office is awaiting a decision on additional resources due to Privacy Act extension order no. 3 on immigration.

I will wait for the response to this request. If there are no additional resources, it has been suggested that we make strategic use of the commissioner's resources to focus on certain files, and that is something I did when I was at the Canadian Human Rights Commission. I adopted a strategic approach to litigation to devote more resources to those files that had a greater impact, either because of their nature or the number of Canadians involved.

With respect to former Bill C-11, one of the criticisms conveyed was that the Privacy Commissioner was required to verify the codes of practice without being allowed to choose which ones.

All of this will have to be examined. There is also the possible modernization of the Privacy Act, which I hope will occur soon. According to Mr. Therrien, this could double the resources of the commissioner's office and make it possible to create new structures, particularly for making decisions on orders.

These are challenges that I look forward to addressing if I am appointed. I did just that at the Canadian Human Rights Commission and in my role at the Office of the Law Clerk. I increased the office's resources in order to meet new legal obligations, and I hope to be successful in doing so.

• (1730)

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

**Senator Martin:** Welcome and congratulations on your nomination. Mr. Dufresne, I know you are aware of the report that was recently released regarding the Tim Hortons app. The report found that Tim Hortons collected and used a large amount of geolocation data for inappropriate purposes, and that it did not obtain meaningful and adequate consent from app users in the collection and use of that data.

Mr. Dufresne, you will be responsible for monitoring the company's compliance regarding its commitments to delete this geolocation data and for establishing a privacy management program. The parent company of Tim Hortons also owns other restaurants.

Are you going to ensure that all of those restaurants' apps are in compliance with the law? How will you monitor compliance, and how many other businesses do you think are in the same situation as Tim Hortons?

**Mr. Dufresne:** Thank you for the question. I can't speak to the last part of your question about how many other companies are in a similar situation, but what I can say about Tim Hortons and the report released by the Office of the Privacy Commissioner, at both the federal and provincial levels, is that we observed a breach of the law. This breach was conditionally resolved because the Tim Hortons chain agreed to delete the data and improve its privacy accountability mechanisms.

Obviously if I am confirmed in this role, I will be in a position to follow up and ensure that these commitments are fulfilled. That brings us back to some of the points we've discussed today, with respect to the importance of having a legitimate reason to collect personal information from Canadians.

In this case, the company tracked Canadians' locations and collected much more geolocation data than would be needed for business purposes. There were concerns about whether valid consent was given. It was not made clear to users that the geolocation data would be collected even when the app was closed. The contract and its clauses were also far too permissive with regard to how this information could be used.

Once again, it is a matter of accountability or of implementing accountability mechanisms to ensure privacy. This is an example of how we can make improvements and ensure that privacy is protected in the app design process. We want it to become a reflex, so that people to have the tools they need to say, "This might be a good idea, but let's make sure that it complies with sound privacy principles."

**Senator Martin:** Thank you.

[English]

In February, your predecessor, Mr. Therrien, let it be known that his office was informed — not consulted, but informed — by the Public Health Agency of Canada about its collection and use of the mobility data of 33 million Canadians during the COVID-19 pandemic without their consent. Mr. Therrien also said that his office proposed to examine the technical means used to depersonalize that data and to offer advice, but the government declined and said it would rely upon other experts instead.

Mr. Dufresne, does this recent incident of the Trudeau government sidelining and turning down advice from the Privacy Commissioner give you any concern as you take up your new responsibilities?

**Mr. Dufresne:** That issue was studied by the Ethics Committee of the House of Commons, which issued a report and a number of recommendations. I think what came through there in testimony was that there were exchanges and discussions with the commissioner and the government, and the government decided to use its experts in terms of looking at how and whether the information was de-identified, and whether safeguards were in place.

That situation led to some concerns in terms of the sufficiency of that de-identification, and there is currently a complaint that is with the commissioner's office. So I won't comment on that beyond saying that it has been looked at and that it highlights that, in many cases, having the commissioner look at cases will be helpful.

**Senator Wells:** Congratulations on your nomination, Mr. Dufresne.

As you're likely aware, the government has proposed through Bill S-7, which amends the Customs Act and the Preclearance Act, 2016 to introduce a new and lower legal threshold for the examination of personal digital devices by the CBSA and U.S. pre-clearance officers. The proposed legal threshold is called "reasonable general concern"; if an officer has a reasonable general concern about a particular traveller, their digital device could be fully examined off-site without restriction and without cause.

As you know, a personal digital device can contain anything from personal health records, correspondence, banking information — everything, including one's internet footprint and search history.

The bill has now been amended in our National Security and Defence Committee to raise the threshold standard before a personal digital device can be examined from "reasonable general concern" to "reasonable grounds to suspect." As you know, "reasonable grounds to suspect" is already well defined in Canadian law; it is unambiguous. The committee believed that the low bar of "reasonable general concern" should not be grounds for a search for all that you hold private and personal.

So my question to you, Mr. Dufresne, is the following: What is your view of the government's initial "reasonable general concern" standard compared to the amended and well-established, court-tested "reasonable grounds to suspect?"

**Mr. Dufresne:** Thank you for the question.

This is something that has been raised. A number of interlocutors have raised concerns about the novel standard of "reasonable general concern," which came after the Alberta Court of Appeal in *Canfield* struck down the act and found that there needed to be a standard and that it had to be up to Parliament.

In testimony before the Ethics Committee, Commissioner Therrien expressed concerns about that standard, as did the Canadian Civil Liberties Association and Senator Paula Simons. The concerns were that "reasonable general concern" was too vague, that it was not a known legal standard, that it was not objective enough and that it could lead to profiling in the sense that such types of subjectivity could be used disproportionately against others.

Commissioner Therrien indicated in his testimony that he had not seen justification or evidence from the government for that standard and he would wait to see it.

So I think it would be up to the government to explain why.

**Senator Wells:** And what is your view?

**Mr. Dufresne:** My view is that "reasonable grounds to suspect" is a well-known standard and an objective one. So it is something that would have a greater chance of being upheld in the absence of evidence and justification, which the government may have for their standard but I haven't seen.

**Senator Wells:** Thank you for that.

I have one quick question as a follow-up: What's your view on the government's increasing interest in collecting personal and private data of Canadians through the collection and stripping of metadata and the required downloading of government apps?

**Mr. Dufresne:** For any initiative being taken, my view would be to look at it with a privacy lens. What is the purpose? Why is the information being sought? What will be done with it? Is it legitimate? Is there proportionality and necessity? Do the users have knowledge that the information is being used?

**Senator Wells:** I have one final question. If you were successful in becoming the Privacy Commissioner, would you take it upon yourself to make public statements about this, or would you wait until there is a referral to your office?

**Mr. Dufresne:** It would be a case-by-case consideration in terms of whether it is a statement, position, report, proactive audit or a commission-initiated complaint. The commissioner has a number of tools, and they have to be used appropriately. So it would really depend upon the circumstances.

**Senator Wells:** Thank you, Mr. Dufresne.

• (1740)

**Senator Loffreda:** Mr. Dufresne, welcome to the Senate of Canada and congratulations on your nomination as Canada's next Privacy Commissioner. I'm very impressed by your biography and curriculum vitae, so congratulations.

I would like to continue on the consultation with our business community. As you know, wealth is most often — I won't say always — created by entrepreneurs and business. You mentioned that privacy is a fundamental value and trust is extremely important in business, as you know.

Your predecessor, Mr. Therrien, addressed the need for Canada's privacy laws to be interoperable with laws internationally, and that this would be in the interest of Canadian businesses. Do you share this point of view, and would you consult with entrepreneurs to seek their advice on this matter? Also, would you consult with your international counterparts so that we could share best practices? What is your view on that? Do you agree, and how would you go about doing it?

**Mr. Dufresne:** Thank you, senator. In terms of the overarching question of consultation, I do agree. I think it's important for the commissioner. If I'm the commissioner, I will be consulting with counterparts, whether in the provinces or internationally, to identify the best practices, what works, what doesn't work and what elements Canada should incorporate or not. Again, it's not ultimately going to be my decision, but I appreciate that I will have a voice in that and I will use it to advise Parliament to the best of my abilities by looking at the General Data Protection Regulation, looking at the provinces, looking at the different regimes that exist and elsewhere, having information about that and having discussions within industry to ask what the concerns are. But, at first glance, the concept of interoperability, ensuring that the federal act is consistent in principle and application with what the best practices internationally are and with what the best practices provincially are, is a good idea.

There is an element as well in terms of public and private. We have the Privacy Act and we have the Personal Information Protection and Electronic Documents Act, or PIPEDA. There are more and more private-public partnerships between the government and private industry, so it's important that the principles be consistent between those two. Those are things, from my standpoint, that are good for industry, but I would welcome industry telling me otherwise and I would listen to their views.

**Senator Loffreda:** Thank you.

**Senator Pate:** Thank you, welcome and congratulations on your nomination. Keeping in mind the overall mission of the office to protect and promote the privacy rights of individuals, the fact that compliance is described as one of the two core responsibilities of the office and the 2021 report that describes the various powers of the office as to ensure compliance, including summoning witnesses, administering oaths and compelling the production of evidence, how do you plan to ensure departmental accountability for lack of adherence to privacy measures, both in terms of the provision of information and, as other senators have pointed out, hiding behind those

measures? Most particularly, I'm curious because, unlike your predecessors, the ability to pursue legal action before federal courts where appropriate has tended not to be utilized. Would you hesitate to use that function?

**Mr. Dufresne:** I feel that all the tools available to the commissioner should be looked at and should be used when appropriate. I am a firm believer in education, promotion, outreach, resolution and finding solutions at the front end, but I am also a believer in the compliance aspect. It's promotion and protection. That was my experience at the Human Rights Commission as well. There is a similar duality, where much is done to work collaboratively. There are some cases where it will be necessary either because there is no agreement or because there is no clarity, perhaps, in the legal regime and it's necessary to have a court decision to lead the way. In these appropriate cases, I would absolutely resort to that.

There have been calls, including by the Privacy Commissioner, to give the commissioner order-making powers and the power to either recommend or impose sanctions. I think these are all elements that would strengthen the protection function, make it more timely and help resolve cases. Again, not to say that these should be used often, but the existence of those powers will be good in strengthening the regime and in providing rights earlier and more quickly for Canadians.

**Senator Pate:** Thank you.

**Senator Woo:** Welcome, Mr. Dufresne. I'd like to ask you about the intersection of privacy policy and competition policy and your views on cooperation between the offices of the Privacy Commissioner and the Competition Commissioner. What do you see as the appropriate level of collaboration between the two offices, particularly given that there have been some prohibitions on cooperation between the two offices currently under the act? Do you foresee an increasing need for enforcement powers given the growing power and the growing importance of data in our economy?

**Mr. Dufresne:** Thank you for the question. I have not looked at the details of the intersection between competition and privacy, but I would say that anywhere that there are gaps in terms of legal framework is something that should be dealt with and resolved. There should be no areas that fall between the regulatory regimes and, where appropriate, it is beneficial for the regulating entities, whether it be the Privacy Commissioner, Competition Commissioner, Information Commissioner or others to have these exchanges. There may well be areas where information is confidential and where that sharing of information is not appropriate, but we should ensure that it is by decision and not because the area has simply not been dealt with.

**Senator Woo:** In principle, would you support the sharing of information from the Privacy Commissioner's office with the Competition Commissioner? The opposite is allowed currently, but not from the Privacy Commissioner's office to the Competition Commissioner's office.

**Mr. Dufresne:** This is a proposal that I would want to reflect on and hear views on. I have not seen the argument in favour or against, so before giving my view on that I would need to turn my mind to it.

**The Chair:** Honourable senators, the committee has been sitting for 65 minutes. In conformity with the order of the Senate of June 9, 2022, I am obliged to interrupt proceedings so that the committee can report to the Senate.

Mr. Dufresne, on behalf of all senators, thank you for joining us today.

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

**The Chair:** Honourable senators, is it agreed that I report to the Senate that the witness has been heard?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Honourable senators, the sitting of the Senate is resumed.

• (1750)

[*Translation*]

#### REPORT OF THE COMMITTEE OF THE WHOLE

**Hon. Pierrette Ringuette:** Honourable senators, the Committee of the Whole, authorized by the Senate to hear from Mr. Philippe Dufresne respecting his appointment as Privacy Commissioner, reports that it has heard from the said witness.

[*English*]

#### BUDGET IMPLEMENTATION BILL, 2022, NO. 1

##### SECOND READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Moncion, seconded by the Honourable Senator Pate, for the second reading of Bill C-19, An Act to implement certain provisions of the budget tabled in Parliament on April 7, 2022 and other measures.

**Hon. Lucie Moncion:** As I said, the pleasure will last longer.

I will go back to the improvements to the bill.

Part 1 of Bill C-19 expands the eligibility criteria for impairment in mental functions as well as the essential therapy category of the Disability Tax Credit. This is something I said just before we stopped, so I'm just repeating this portion before I move on.

An amendment adopted unanimously makes it so that those who are diagnosed with Type 1 diabetes automatically would qualify for the Canada disability benefit. This is a great improvement to the bill, and I'm grateful it was supported by all parties in the House of Commons.

Next is the taxation of wine. Listening to the concerns of stakeholders, the other place adopted an amendment that would ensure that honey, wine and ciders are exempt from the excise tax and that the repeal of the excise tax exemption applies after June 29, 2022.

The next amendment concerns a measure in Part 1 that would allow registered charities to enter into charitable partnerships with organizations that are not qualified donees. That measure is a direct response to Bill S-216, the effective and accountable charities act, which is another piece of legislation sponsored by our colleague Senator Omidvar. To truly respect the intent of this bill and put an end to the direction and control regime, an amendment that was unanimously adopted removes the reference to the prescribed conditions and deletes the section entitled "qualifying disbursement." These amendments, although very technical, were of paramount concern to the stakeholders who appeared before the Finance Committee of the House of Commons.

Now we're going to look at the Senate's contribution to the bill.

[*Translation*]

I would like to take this opportunity to acknowledge the Senate's accomplishments and some of our colleagues' interventions on Bill C-19. I am proud that the work of the upper chamber and that of my colleagues is a source of inspiration for government bills. It is not a first, but this budget bill contains many measures that were developed primarily by senators.

As I mentioned, I am thinking in particular of Senator Omidvar's two bills, Bill S-216, the Effective and Accountable Charities Act, and Bill S-217, the Frozen Assets Repurposing Act.

I would also like to highlight the proposed amendments to the Parliament of Canada Act, which demonstrate the government's commitment to supporting a transition to a more independent and less partisan Senate.

[*English*]

Also, the budget implementation act corrects a drafting error in the Old Age Security Act that was raised during our discussions on Bill C-12. Senator Quinn and our Canadian Senators Group colleagues played an important role in making this happen. The amendment makes it clear that the one-time payment made in August 2021 to seniors aged 75 and older is exempt from the Guaranteed Income Supplement income test.

Lastly, the amendments to the Competition Act are implementing the work of our dearly esteemed and former colleague Senator Wetston. I note that the last amendment to the Competition Act occurred in 2009, and it was part of Bill C-10, that year's Budget Implementation Act. In the context of the



ever-evolving advancements in technology, more particularly the emergence of digital platforms, in October 2021, Senator Wetston invited Canadians to participate in a consultation in the attempt to find a path forward for a competition law in Canada.

Based on these consultations, Senator Wetston tried to identify potential amendments to the law based on areas of substantial consensus.

Division 15 of Part 5 is greatly inspired by his work, and I am grateful that his important legacy is being recognized by this government.

The proposed amendments are also the product of an ongoing policy dialogue with stakeholders in the Competition Bureau and, in part, informed by the testimonies made by stakeholders in the Standing Committee on Industry and Technology.

[*Translation*]

The Competition Act plays an essential role in protecting consumers and promoting fair, dynamic markets. As I said, the act has not been modified in any significant way since 2009, which gives us reason to wonder how well suited it is to today's economy.

That is why the government decided on a two-stage approach to modernizing it. The targeted amendments proposed in Bill C-19 are the first stage and will enable Canada to align itself with international best practices and produce immediate, tangible benefits for consumers and businesses. The government will then conduct a review that will lead to further reforms and even more transformative change.

For consumers, a competitive market means more choice at lower prices. That's why the government wants to make more practices subject to Competition Bureau review, which will discourage anti-competitive and deceptive practices. The amendments clarify practices that harm consumers, such as drip pricing.

For workers, a competitive market stimulates the economy and creates well-paid jobs. When employers have to compete on salary and working conditions, workers benefit. These amendments will explicitly criminalize agreements between employers.

As for businesses, they benefit from free and fair competition that allows innovation and drive to flourish. Bill C-19 fosters such an environment by improving access to justice for businesses through the Competition Tribunal for abuse of dominance cases and by expanding the bureau's powers and the scope of activities subject to review through additional proportionate penalties.

In general, the government's proposed amendments will enhance the Competition Bureau's investigative powers, criminalize wage fixing and related agreements, increase maximum fines and administrative monetary penalties, clarify that incomplete price disclosure is a false or misleading representation, expand the definition of business practices that may constitute abuse of dominance, allow private access to the

Competition Tribunal to remedy an abuse of dominance, and improve the effectiveness of merger notification requirements and other provisions.

Even with a budget implementation bill, our work can make a difference. I would like to thank all the senators who contributed to its development.

In closing, honourable senators, these are just a few of the important measures included in Bill C-19. They will help implement many of the commitments that the government made in Budget 2022 to grow Canada's economy and make life more affordable for Canadians.

I hope my honourable colleagues will join me in supporting this bill.

Thank you for your attention.

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

**Hon. Éric Forest:** Would the senator agree to answer a question?

**Senator Moncion:** Yes.

**Senator Forest:** Bill C-19 would provide \$750 million in funding for public transit and housing. Do you have some idea of how the money will be divided between the two?

As far as housing is concerned, there is an unbelievable shortage in every category, but especially for single people and families. Was this bill drafted with the intention of addressing this issue and, more specifically, the intention of providing larger homes for families and smaller homes for seniors?

My past profession brings me to clarify something. I would like the Hansard to be corrected to reflect that it was the Union des municipalités du Québec that wrote us a letter, not the Fédération québécoise des municipalités.

**Senator Moncion:** Thank you for the question. As for the \$750 million in funding, the first condition attached to this transfer to the provinces is that the funding has to be matched. In other words, the provinces also have to chip in \$750 million.

The division between public transit and housing will be made based on the financial losses associated with public transit, with the remainder going to housing. We expect that the bulk of the money will go toward housing.

• (1800)

There is also a responsibility at the municipal level, as municipalities are being asked to work with local stakeholders, the provincial government and the federal government to address demand for affordable housing in the different categories that you mentioned. I will correct the acronyms of the different groups in the speech. Thank you for your question.

**Senator Forest:** Municipalities are very important because they initiate the projects, especially social housing projects, with community housing associations. With CMHC, there used to be a municipal contribution of 20% to 25%. In recent years, and we will see the impact of all of this, the municipalities' participation has increased and is now above 45%. That's why they aren't building housing anymore. Do you think that the municipalities' financial participation will be brought back down to 25%?

**Senator Moncion:** Thank you for the question. I can check, Senator Forest. What I can tell you is that that information was not in the bill, but your question could be put to the government for clarification. I am certain that someone from my office is listening and could potentially provide you with an answer.

[English]

**The Hon. the Speaker:** Honourable senators, it is now six o'clock. Pursuant to rule 3-3(1), I'm obliged to leave the chair until eight o'clock unless there is leave that the sitting continue. If you wish the sitting to be suspended, please say "suspend."

**An Hon. Senator:** Suspend.

**The Hon. the Speaker:** I hear a "suspend." The sitting is suspended until 8 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

#### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Moncion, seconded by the Honourable Senator Pate, for the second reading of Bill C-19, An Act to implement certain provisions of the budget tabled in Parliament on April 7, 2022 and other measures.

**Hon. Paula Simons:** Honourable senators, I rise today to speak to Bill C-19, the budget implementation act, but specifically to one small section, one that adds a new crime to the Criminal Code. Bill C-19 creates a new offence to prohibit the communication of statements, other than in private conversation, that willfully promote anti-Semitism "by condoning, denying or downplaying the Holocaust." This new crime would be punishable by up to two years in prison.

I should explain that the Holocaust loomed large in my childhood imagination, growing up in Edmonton in the 1970s. My father's family was one of the very few in Alberta who succeeded in sponsoring some relatives who were able to escape Nazi-occupied Austria in 1938, just weeks before Kristallnacht.

Mackenzie King was a polite anti-Semite and his government's attitude towards Jewish refugees was "none is too many," yet my father's mother's cousin Luba was somehow able to win the support of her MP from Vegreville, who, according to family lore, fought for a special order-in-council for visas to allow my

grandmother's first cousin Rosa, her husband Hans and their small children, George and Helen, to escape Vienna just in the nick of time.

That was little short of a miracle at a time when Canada had pretty much barred the door to desperate Jews. Most European Jews were not so lucky. In September 1941, the Nazis occupied the area around Poltava, in today's Ukraine, where my grandmother's family had come from. By November of that year, every single Jewish resident of the once-thriving Jewish community had been executed. The Nazis didn't even wait to send them off to concentration camps; they simply shot them all.

On the other side of my family, my mother's family were ethnic Germans living in that same part of the Soviet Union we now call Ukraine. When the Nazis invaded, my mother's father and uncles were forced into the German army. My grandfather perished on the Russian front. But one of my great-uncles — tall, blond, courtly and educated — ended up recruited into the elite Waffen-SS. He spent the rest of his life trying to atone for that.

The war was something we talked about a lot when I was growing up, but I can pinpoint the moment when the Holocaust became more real for me. I was 8 years old and in Grade 3. That year, I had a Jewish teacher who decided, in a well-meaning way, that I might enjoy the little fairytales written by Anne Frank, stories she wrote while hidden away in her Secret Annex sanctuary. I don't think my teacher meant for me to read Anne Frank's diary itself, but I tracked it down and read it anyway, transfixed. I wasn't too young to read the words, but I was far too young for the horror of its message. My 8-year-old self spent the next few weeks searching my parents' house looking for places where we could hide when the Nazis came for my family. Would the basement cedar closet do? No, too small. The furnace room? Too obvious. The attic crawl space? Just maybe.

As I got older, I became a bit obsessed with the Holocaust. I used my Scholastic Reading Club form to order every book I could get, from *When Hitler Stole Pink Rabbit* to William L. Shirer's *The Rise and Fall of Adolph Hitler*.

I knew the German people hadn't been monsters, that they'd been ordinary people like my own beloved aunts and uncles. Yet, millions of ordinary Germans had been corrupted, seduced and intoxicated by the toxic lure of anti-Semitism to the point where they were willing to look the other way or even enthusiastically participate as their Jewish friends and neighbours and relations were rounded up, arrested and massacred.

I looked a lot like Anne Frank. At the age of 8 I had to ask myself: Would the day ever come that my nice ordinary Canadian neighbours might turn on me and people who looked like me? I had dark, curly hair; thick glasses and a prominent nose. Was that all it would take for someone to want to kill me, to see me as subhuman?

Let me be very clear. There is no good-faith way to debate or question the reality of the Holocaust, one of the best-documented, well-researched atrocities in modern history. Anyone who questions or denies or diminishes its full horrors is not engaging in authentic, intellectual debate; they are spreading

hate. Holocaust deniers are hatemongers. There is no way to question the reality of the Holocaust that is not, by definition, anti-Semitic.

Downplaying the Shoah is every bit as morally vile. When people who oppose masking rules pin yellow stars to their chests or dare to compare vaccine mandates to the Nazi war crimes prosecuted at Nuremberg, their facile appropriation of the horror of the Holocaust dishonours the memory of all those who died and all who survived.

Yet, my friends, today I rise in this chamber to oppose Bill C-19's efforts to criminalize the denial or downplaying of the Holocaust.

Attaching criminal sanctions to such statements and actions won't reduce anti-Semitism. It will, however, give neo-Nazis and racists a platform to play the martyr, to wrap themselves in the rhetoric of free speech and to claim the public spotlight as faux defenders of intellectual freedom. Is this funny? I don't think this is funny. Maybe you could stop laughing. How do I know this will not work?

Forty years ago, Alberta was convulsed in a political and legal debate over Holocaust denialism and the trials of Jim Keegstra. Keegstra had been a high school social studies teacher in the Town of Eckville. He taught his students that the Holocaust was a hoax, faked by an international Jewish conspiracy to control the world and the global economy. He taught this horrific hate for years without being stopped by any principal or school trustee until one heroic mom, Susan Maddox, fought to have Keegstra fired. He was finally fired in 1982. Two years later he lost his teaching licence.

So far, so good, you might think. But in 1984, Jim Keegstra was also charged criminally with the willful promotion of hatred. That case, fought all the way to the Supreme Court twice — there and back again — finally concluded in 1996 with a conviction and a sentence of 200 hours of community service — a pyrrhic victory at best.

The landmark legal precedent in the Keegstra case established the constitutionality of Canada's hate speech legislation. And, alas, that probably means that Bill C-19's Holocaust denial provisions are also perfectly constitutional. Yet, far from silencing Keegstra, those 12 years of appeals and retrials gave him a bully pulpit to posture as a false defender of civil liberties and to amplify his conspiracy theories. He basked in national notoriety.

• (2010)

In 1987, he was catapulted from being a village schoolteacher to the leader of the federal Social Credit Party. Meanwhile, Keegstra's lawyer, a fellow Holocaust denier named Doug Christie, used the profile he gained while defending Keegstra to become the founder and leader of the Western Canada Concept party. And all the while Keegstra and Christie were gleefully making headlines and spreading lies, anti-Semitic hate crimes in Alberta actually spiked.

The morals of my story? First, we don't need this new law. As the Keegstra case amply demonstrates, denying the Holocaust is already a hate crime; this is redundant. Second, and more importantly, prosecutions of this type often have ugly, unintended consequences.

This stealth addition of a Criminal Code amendment to a budget bill could well open the door for hundreds of new hate-mongers and bigots to claim victimization, to strut and fret their hour upon the stage, spreading their bile via every social media channel, in ways Keegstra could never have imagined or dreamed of. He had a small captive audience of Eckville schoolchildren. Today, anti-Semites and Holocaust deniers spray their bile to hundreds of thousands of people with the click of a keyboard.

I have spent my whole life as an advocate for free speech and civil liberties. I learned that from my father of blessed memory, from my uncle of blessed memory, from my grandfather of blessed memory, all passionate Jewish civil libertarians who taught me early to not trust in the power of the state as protection.

I do not believe we can fight hate by criminalizing speech, however vile or deluded. Nor by silencing it, even if we could. Driving hate underground to curdle and fester doesn't help.

Once we start to criminalize speech, to police what is true and what is false, once we use the Criminal Code and the criminal courts to silence the nasty political fringe, we start down a path that leads precisely where we do not wish to go. And the decision to slip this new crime into the budget act, where it cannot be properly debated and voted on independently, will only convince the paranoid and the conspiracy-prone that they are correct. This strategy plays right into the hands of the far-right thought scammers and grifters.

I have no doubt that the government is well intentioned in its Bill C-19 efforts. Many in the Jewish community have advocated for this very change. Many in the Jewish community will disagree with me vehemently, and, if I know my Jewish community, they won't be shy to tell me so.

But my father had a line he liked to use, half-jokingly and half not — "Is it good for the Yidden?" he would ask. "Is it good for the Jews?" This bill will not be good for the Jews, nor for Canada. Nothing good comes from this.

Instead of criminalizing lies, instead of criminalizing speech, let us fight back with truth. Let's be sure we tell the real stories of the Holocaust and of the rise of Hitler, over and over. Let's record and remember and reamplify the stories of the survivors, before they themselves are overtaken by time and no longer with us to bear witness.

Especially now, with hate crimes of all kinds multiplying, with social media platforms aerosolizing hate, racism and anti-Semitism, with hate-mongers and neo-Nazis marching proudly through our streets, with mainstream Canadian parliamentarians embracing and spreading conspiracy theories and classic anti-Semitic tropes, with a new Abacus Data poll showing that one third of Canadians believe in some version of the anti-Semitic great replacement theory, we must call out lies and champion truth.

But instead of arresting and charging every online hate-monger and troll — a next-to-impossible task — we should focus instead on making the big tech platforms more transparent and more accountable for the way their algorithms privilege and promote incendiary hateful speech.

Indulge me with one last story. In 2019, Library and Archives Canada acquired an extraordinary book for its collection. Compiled by German intelligence in 1942, the slim volume details how and where to find the Jews of North America. While it begins with American data, the final section of the book contains detailed demographic data for Canadian Jews.

Pasted onto the inside front cover? A bookplate reading, “Ex Libris Adolf Hitler.” Yes, we now own Hitler’s personal guide to hunting the Jews of Canada. It contains reports on the populations, mother tongues and national origins of the Jews of Canada. It starts with Montreal, Toronto and Winnipeg, the cities with the largest Jewish populations at the time.

But the book also notes, precisely, that there were 1,622 Jews in Calgary, and 1,057 in Edmonton. Among those Jews so carefully counted in Edmonton? My own father, my aunts, my uncles and my grandparents.

Just think of it: Hitler had every single member of my Jewish-Canadian *mishpachah* enumerated. My own family, living their quiet Canadian lives. Every single Canadian Jew located, counted and described.

When I held that book — Hitler’s book — a book that the architect of the Shoah likely held in his own two hands, I felt a literal chill — I was holding a concrete testament to Nazi plans to bring the Holocaust to Canada.

The Holocaust wasn’t just something that happened “there” to “them.” It could have happened right here. And the hate and the evil that engendered the Holocaust? They’re not gone. They are all around us once more.

I used to laugh at the memory of my 8-year-old self, the one who tried to hide from imaginary Nazis in her mother’s closet. But when I see anti-vaxxers sporting their mocking yellow stars, when I see people marching down the streets in our capital waving swastikas, when I read the emails in my inbox spewing anti-Semitic rhetoric, I’m not laughing anymore.

But criminalizing Holocaust denial or Holocaust downplaying, whatever that might be, is not the answer. This bill is dangerous. This bill is misguided. It aids and abets those who would divide and destroy us. And for the sake of the Canada I love, the country that gave my family sanctuary and peace, I cannot and will not support it.

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

[Translation]

**Hon. Julie Miville-Dechêne:** Senator Simons, first, thank you for this speech. I’m not going to ask you questions about the Holocaust or your views on it. I believe that, as a Jewish person,

you are in the best position to talk about the Holocaust, since you know about it through your family. You have certainly taken a critical look at it.

Having said that, you expanded on your comments by saying that the web is full of hate speech, and that is true. We are faced with an incredibly difficult societal problem that clearly can’t be solved with criminalization. We are faced with the web, where there is a tremendous amount of prejudice against youth, women and vulnerable people. When young people take their own lives because of the hate they see and hear on the internet, we have to wonder about freedom of expression, which I believe in, as do you. We were both journalists at one time, but we can no longer react to this issue, because it is difficult to respond individually.

My question is as follows: What are we doing to combat the hate circulating on the internet, not specifically about the Holocaust? We can’t say that we’re going to respond in such and such way and that it will be met with the truth.

[English]

**The Hon. the Speaker pro tempore:** Senator Simons, your time has expired. Are you asking for more time from the chamber to answer the question?

**Hon. Senators:** Agreed.

**The Hon. the Speaker pro tempore:** Agreed to for five minutes.

[Translation]

**Senator Simons:** Thank you, Your Honour. That is a good question. It’s the real question, the question that is central to this debate. I would like to answer in French, but that is a little harder for me.

[English]

I was just having dinner with Taylor Owen, who co-authored a report with Madam Justice Beverley McLachlin that came out just last month that looked at this question of how we deal with online harms. Their argument is that you cannot deal with each individual act of hate speech or each individual harmful act. You must turn to the platforms themselves.

We had a very interesting conversation at dinner this evening about what they have been doing in Britain and what they have been doing in the EU to try to compel the platforms, such as Facebook and Twitter, to be more transparent and more accountable and to do a kind of risk assessment so that they can look at the great volumes of complaints.

I think that is where we have to begin, by asking those giant tech platforms to be more accountable, not just for what they allow to be posted, but for what their algorithms choose to put to the top of the page. Because when something provokes a strong response, YouTube, Facebook, Google, that’s what boosts their metrics. So stuff that is often the most hateful and the most incendiary is the stuff that gets fed to the most number of people.

• (2020)

I don't think that it is useful to criminalize the vile, hateful stupidity of each individual Canadian. We have to go to the source of the poison in the well. That is probably a bad metaphor because that was always the canard against the Jews, namely, that they were poisoning the well. Perhaps that's why it came to my mind so flippantly. In truth, until we as a society are willing to confront what we are doing, not much will change.

Honourable senators, how is it possible that, in Canada, in 2022, we have mainstream politicians trafficking in the tropes of anti-Semitism? What are we doing to call it out? What are we doing to say, "I read *The Rise and Fall of Adolf Hitler* when I was 10 years old. I know how this story goes." It is incumbent on each and every one of us in this chamber to ask ourselves whom we are supporting. To whom are we donating? What causes are we countenancing? What are we going to do to make sure that our capital and our country are not overrun by people whose intentions are nothing but evil?

**Hon. Rosa Galvez:** Would the honourable senator accept a question?

**Senator Simons:** Yes.

**Senator Galvez:** I see a lot of parallels with what you are saying and the issue of diffusion pollution and source pollution. I am also for tackling the source instead of dealing with the upstream consequences.

Time is passing from the issue with the Jewish people and the world. There will soon be fewer people who have lived that experience. As you have said, how can we keep this memory alive so we don't ever forget?

**Senator Simons:** There are provisions in this same budget to provide more funding for facilities, for museums and such that recognize the history of the Holocaust. We don't have a lot of time left to get oral histories from the survivors and to capture their memories on video and audio.

As horrible as the Holocaust was, in time, it will retreat into history. Unfortunately, anti-Semitism has not been forgotten. During the last two years of COVID, in particular, it has accelerated and it has come back — not from the dead, but like a zombie. Holocaust denialism is as real now as it was 50 years ago. It is absolutely essential, first, that we record and remember those who suffered while they are still here to bear witness. Even the survivors who are left were mostly children at the time.

With every other horror in the world — and, goodness knows, there have been plenty of other horrors and other genocides — and with every year that we slip further and further away, what worries me is not just that we will forget the Holocaust but that we will forget the lessons of the rise of Hitler. We see strong men in countries around the world engaging in behaviours that would have looked very familiar in 1934 and 1935. As much as we have to remember the victims of the Holocaust, we also have to

remember that we are all the descendants of the world left in the wake of the Holocaust. If we can't learn those lessons from history, the consequences for future generations will be extremely problematic.

**Hon. Ratna Omidvar:** Honourable senators, I rise today to speak on the budget implementation act, and I will focus my remarks on areas that I have directly interacted with.

Before I go there, I want to thank a few outstanding female parliamentarians in this chamber and on the Hill. At the top of my list is Senator Moncion. This is not the first time she has sponsored a complicated budget implementation act with many moving parts. She has done that with her thoroughness, her grace and her elegance and brought us up to the point today.

I also want to thank Senator Marshall, who has always helped us understand different money matters, whether they are the BIA or the budget or the different supply bills. I continue to listen to her with great attention.

Finally, I want to thank another woman, again on matters of finance. It's not an accident that I am thanking women on matters of finance. This is the Honourable Minister Chrystia Freeland, Minister of Finance, who has embraced proposals that may not be part of the government platform but come from private impulses either in the House or in the Senate. I really hope that there will be a time when I will want to thank the more than a few good men on the Hill on the same item.

The BIA includes four measures that first found life either in the Senate or in Commons public bills. They include Bill C-241 by Conservative MP Chris Lewis, which sought to amend the Income Tax Act for travel expenses for tradespersons. We have heard Senator Moncion comment on this.

The second is Bill C-250 by Conservative MP Kevin Waugh, who would amend the Criminal Code to provide a prohibition on the promotion of anti-Semitism. We have just heard Senator Simons on this.

The third and fourth measures reflect proposals that I tabled here in the Senate which were debated, studied and approved by this chamber.

I also want to thank Senator Wetston and his contribution to the BIA in terms of the Canadian Competition Act, which has already been noted. I think this is proof that some good ideas — I would say "not all good ideas" after having heard from Senator Simons, but some good ideas — no matter from which party or corner of the Senate or the Hill they emanate from, can and do find a home in government legislation. It requires hard work, the patience of Job and a good measure of good luck. Above all, it demonstrates yet again that good ideas have long legs.

I would like now to turn to the two measures in Bill C-19 that are voiced on the two bills now included in different ways in the BIA: Bill S-217, the Frozen Assets Repurposing Act; and Bill S-216, the Effective and Accountable Charities Act.

Let me start with Bill S-217, the Frozen Assets Repurposing Act. I want to remind myself and all others who are listening in that this gem of an idea did not come from me. It came from civil society, the World Refugee & Migration Council. They have been integral as thought leaders and influencers in this important initiative.

I welcome the measures that the government has put forward in this bill. They are very similar to Bill S-217. Therefore, I have decided that my bill will not move forward once their bill becomes law because the government's proposal follows the principle of my bill, which is to repurpose already sanctioned assets held in Canada to benefit the victims of the criminal activities, whether these victims are individuals, communities or nation states.

However, there are a few differences that I believe deserve to be highlighted. The BIA, the government's proposal, not only covers corrupt individuals, as I proposed, but also extends to entities such as corporate entities. I support this improvement in the bill as it casts a wider net to catch those who are aiding and abetting corrupt regimes. It also includes a measure to include crypto-currencies as assets, which I had not thought about. In this way, the government has actually improved on the proposal that we sent to them.

Another principle of the bill was transparency and accountability. Here, the government's proposal takes a slightly different route. One of the key components of my proposal was the use of the courts to determine if the assets could or should be repurposed, how they should be repurposed and to what accountability. This was designed to ensure due process for everyone involved, including the corrupt official.

In the government's version of this proposal, the courts will be involved, but their participation will be limited to the verification and ownership of the assets. They will not be tasked with redistribution of the assets to the victims. Once the courts have completed their investigation and made a decision, the assets will be liquidated and paid into the government for redistribution. The government will then be responsible and accountable to the victims and to Canadians.

Colleagues, I believe this is one area that needs a bit of further thought by think tanks, by stakeholders and by government. The government must repurpose the assets in an open, transparent and accountable way and take — as much as they can — politics out of this equation.

- (2030)

Big questions need to be asked, such as: Who should receive the assets? Should it be the countries of origin or a country that is seeking restitution, such as Ukraine? Or would it be individual victims as opposed to communities or nation states? How would the assets be distributed? What accountability mechanisms are needed? These are important questions that need to be answered,

because the government surely does not want to be accused of inappropriate distribution of funds or, worse, appropriation of funds for their own use. Although I'm sure it won't go that far.

The last difference I would like to highlight is actually a bigger reason for concern. The budget implementation act, or BIA, does not include a public registry which would list the individual entity or the assets they held in Canada. Instead, the information would remain under lock and key. I know that the government is moving forward with a beneficial ownership registry in 2023, which may alleviate some of our concerns. However, I fear this may not be enough. Indications, at this stage, are that the registry will cover only federally regulated businesses, and this would likely create a loophole as entities that incorporate provincially would not be included. We should keep this in mind when their proposal for a beneficial ownership registry comes our way.

Finally, on this point, we learned recently from the RCMP that over \$123 million in assets in Canada has been effectively frozen in the last six months alone. That does not cover all the assets frozen under the Special Economic Measures Act or the Justice for Victims of Corrupt Foreign Officials Act, also known as Sergei Magnitsky Law. It just covers a small slice of them. I've always been challenged when people have asked me how much money there is. Now, we know. It is not billions of dollars, but it is not chump change either.

We also know that the concept I have tabled is not new. Switzerland has been repurposing assets for the last 10 years and has repurposed roughly US\$22 billion worth of assets. France brought into force a similar law a few years ago, and neither of them has been accused of breaking international law.

Let me now shift to Bill S-216, a bill that was debated, studied, approved and sent to the House of Commons and whose aim is to enable accountable and empowered relationships between charities and non-charities. In the BIA, the government went so far as to say their amendment reflected the spirit of Bill S-216, the proposal that I tabled.

I would like to, again, remind colleagues that it was the charitable sector — and by that I mean the many charities spread across our nation in every corner, in every sector — that was squarely behind the efforts of Bill S-216. They included Imagine Canada, Canada's umbrella group of charities; Cooperation Canada, which deals with international development; the Canadian Centre for Christian Charities; and the United Way Centraide Canada, as well as 42 of Canada's top charity lawyers who, in two open letters, all called for a change to this law. I want to say, again, that I was simply the parliamentary instrument to move their ideas forward. They worked, advised and pushed parliamentarians to take note of this issue. I tip my hat to them.

The government's proposal adopts the principle of my bill, which is to enable charities to work in an empowered, yet fully accountable manner, with non-charities. However, once again — and it is their right to do this — the government used a different route, and this different route had, frankly, a bit of a rocky start. It was surprising to us that the government's original language in the BIA was more prescriptive than the current law. It put into

law a number of prescriptions, as opposed to leaving them as guidance, that the charity must fulfill when working with a non-charity. This was problematic in many ways.

As I have mentioned before, charities want and need to have strong accountability measures. However, the government, in its original version of the amendment in the BIA, provided a list of prescriptions that had to be met no matter the size, scope, type or purpose of the charity's partnership with a non-charity. This was problematic because not all partnerships are the same, and not all accountability measures fit those partnerships. We heard from the ground that this prescriptive way would make it riskier for charities to work with non-charities, and no responsible director on the board of a charity would authorize their charity to take the risk of going down a path which could result in the delisting of their charitable status.

After much mobilization in April and May by the sector and through my collaboration with the Minister of Finance's office, with Conservative MP Philip Lawrence, who sponsored Bill S-216 in the House of Commons, and NDP MP Daniel Blaikie, the House of Commons Finance Committee unanimously amended the BIA to get rid of these prescriptions. Instead, the accountability measures will be determined in consultations and in guidance. This will better fit the size and the complexity of the sector as it goes forward.

Once again, I thank the government for being open to and flexible in listening to this last-minute hurrah that we had to engage in and for being prepared to change and adapt their response. I want to commend the government for keeping their lines of communication open.

However, as always, there is no complete path to perfection, colleagues. There is a new amendment, which has given rise to some concern. It is the new anti-directing rule. Directed gifts are fairly common, but the new amendment will put a stop to this. For example, there are a lot of Canadians and organizations who want to help fund aid efforts for the situation in Ukraine. As drafted in this amendment, it is conceivable that all donations given to the Red Cross that are directed by donors to efforts in Ukraine could be grounds for the loss of charitable status, because those are directed gifts. A directed gift is when I give money to a charity, and I direct the charity to give money to  $x, y$  and  $z$  somewhere else.

I have, however, in further conversations with the Minister of Finance's office, been assured that the government will take a soft approach to this amendment, that it will be applied in a reasonable way by the CRA and that it would not limit the creation and participation of Canadian charities in pooled funds. I believe and I sincerely hope that the government will follow through on this promise, but the sector and I will continue to work with the government and monitor the progress to ensure that it follows through with the amendments or else someone in this chamber, likely me, will table an amendment at some time in the future.

In conclusion, I support these measures in the BIA. I'm encouraged that the government has recognized individual actions by parliamentarians. Good ideas, a lot of hard work and

persistence, and, above all, the voice and leadership of civil society can move issues that we care about a long way. Thank you, colleagues.

**Hon. Brent Cotter:** Would Senator Omidvar take a short question?

**Senator Omidvar:** In 30 seconds, absolutely, senator.

**Senator Cotter:** I was impressed by your presentation and I thought there was only one absence. In your list of women senators who are contributing to this, I thought there was one shortcoming, and I'm asking whether you would be open to adding the name Ratna Omidvar to that list?

**Senator Omidvar:** I am not in the same class as my colleagues Senator Marshall and Senator Moncion. I'm happy to take their lead. Thank you.

**Some Hon. Senators:** Yes, you are.

**Hon. Rosemary Moodie:** Honourable senators, I rise today to speak to the budget implementation act. A few weeks ago, I was honoured to be invited to give a keynote address at a conference led by Campaign 2000, a leading group in the fight against child poverty.

I remarked then that when I was first appointed to the Senate in December of 2018, I could have never imagined the societal upheavals that would follow soon after: the murder of George Floyd, the rising prominence and the reaction to the Black Lives Matter movement, climate emergencies becoming increasingly prevalent in Canada and around the globe, economic crises and, of course, the COVID-19 pandemic. Simply put, Canadian society, our views and priorities have changed so much in such a short amount of time.

Of course, COVID was the accelerator, forcing us to examine the gaps in our society we had ignored for so long. It reinforced for Canadians that an economy is about people and that, regardless of the stock market or the annual GDP, if Canadians are living in poverty, struggling to access services or unable to build a life for themselves and their families, then, colleagues, our economy is not working.

• (2040)

COVID taught us once more about the collective imperative of our economy and that it only truly works if it works for all Canadians. Our approach to public policy has not reflected this collective obligation for over half a century, and we are now living with the consequences of these decisions.

Lack of housing, inadequate and insufficient public services, food insecurity and so many other issues are rooted in an approach to public policy that has forgotten that our role as parliamentarians is to build our country, our society, on a vision of equality and of equity for all.

Lacking in some significant ways, Budget 2022 is, in my view, a timid step in the right direction for many Canadians. For many others, it falls short. I want to take some time this evening to discuss what this budget means for children and youth. There are some good things in the budget. One of the most important investments announced was \$625 million over four years for child care infrastructure.

As I outlined last year, universal and affordable child care will have life-changing effects for millions of families, unleashing the economic potential of parents — mainly women — and ensuring more children have the early care and education that can set them on a path of a life of happiness, success and productivity.

The agreements with provinces and territories to lower costs are going to increase demand and address the need for physical space. This investment is needed and it is timely.

The budget also includes several other important commitments, including a \$4 billion housing accelerator fund that would seek to build 100,000 homes in the next five years, a \$25 million pilot project to make menstrual programs available to all who need them and \$5.3 billion over five years for dental care. These new programs will directly impact millions of Canadians for the better. In this respect, the government is to be congratulated.

Nonetheless, I do feel that, in some important aspects, this budget fails to tackle some of the most pressing social issues and presents a vision for the future that is, in large part, timid and somewhat lacklustre.

Colleagues, despite all the good things that Budget 2022 does, I believe that, overall, it has left children and youth behind at a time when they need our support the most. One in five children in Canada lives in poverty; for status First Nation children, it's one in two.

The increased cost of living has made it harder for more Canadians to make ends meet and has increased the struggle for those who barely got by before. Yet, the budget is short on providing increased income supports for families, whether through an increased Canada Child Benefit or any other supports.

One third of food bank users are children and one in eight families are food insecure. Yet, despite the admission that food insecurity will be increased due to the war in Ukraine, little has been done in the budget to address this pressing issue.

UNICEF Canada's most recent data indicates that only 55% of children and youth report a high level of child life satisfaction, while more than a quarter report feeling sad or hopeless for long

periods of time. I have heard from many stakeholders in the pediatric medicine world that this budget offers little in the way of meaningful solutions to address youth mental health issues.

By applying a lens that focuses on children's needs and rights, it becomes evident that this budget contributes to a status quo that is not serving our children very well. Therefore, I would like to take a few minutes to discuss where bold and urgent action is needed to improve the status quo by sharing a few of the highlights from Canada's recent review by the UN Committee on the Rights of the Child.

The committee's concluding observations were published last week, painting a bleak picture of Canada's performance and outlining the ways that Canada must change if it respects the rights of children.

At the outset of its report, the committee called Canada's attention to issues surrounding the independent monitoring of rights: non-discrimination, the right to life, survival and development, abuse and neglect, children deprived of a family environment and the standard of living. They point to elements as fundamental as the right to life and survival and development as areas that require significant growth here in Canada. While this may not be surprising, it ought to be very disturbing for us.

Regarding independent monitoring, the committee urged Canada to establish a federal advocate for children similar to the one that I have championed in the past. This would be key to ensuring that all work at the federal level, including future budgets, is considered through a children's rights and well-being lens.

On discrimination in Canada, the committee was deeply concerned about:

(a) The discrimination against children in marginalized and disadvantaged situations in the State party, such as the structural discrimination against children belonging to Indigenous groups and African-Canadian children, especially with regard to their access to education, health and adequate standards of living;

(b) The apparent disparities in the treatment of children and their rights within the different regions and territories, especially with regards to children with disabilities, migrant children, children of ethnic minorities and others.

The committee went on to call for the end of structural discrimination in Canada. Budget 2022 does include some elements to continue tackling racial discrimination, but we would do well to hear this reminder of how grave these issues are. We would do well to understand that we are not doing enough in this area.

On the right to life, survival and development, the committee called on Canada to fully implement the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls.



The committee also recommended Canada implement a national strategy on the prevention of violence against children, strengthen its preventative measures aimed at avoiding the removal of children from their families and revise its strategy to address water and sanitation issues on reserves.

Notably, regarding child poverty, the committee observed that Canada should:

Ensure that all children and their families living in poverty receive adequate financial support and free, accessible services without discrimination . . .

These are some of the many areas where Canada would do well to improve. But the unfortunate truth is that we didn't need the UN to tell us about these issues because they are well known to us. This report was a reminder of a truth we know, a reminder that we need to be more ambitious in how we seek to ensure the rights of children are respected. So it makes me all the more disappointed with the budget and with its timidity.

The review by the UN Committee on the Rights of the Child concludes with a reminder that, in addition to our failures in a number of policy areas, we lack a comprehensive approach to ensuring the rights of our children and ensuring their well-being. Colleagues, this is an observation that should not surprise us. How do we get to our destination if we don't know where we're going? How do we build something better and stronger without a plan?

We will never get to that destination if we don't know where we're going and we will never build something stronger without that plan.

So what should we be doing?

First, Canada has not implemented comprehensive legislation on children's rights; this creates an important gap in our vision.

Second, we don't have a strategy. We lack a comprehensive approach to ensuring the rights of our children and for ensuring their well-being; a strategy to bring together the resources, ideas and energy currently being expended; a strategy that defines our targets and desired outcomes; a strategy that identifies the indicators that we would use to measure success and progress and that will help us to understand if we're advancing in our vision.

• (2050)

None of the necessary elements of success currently exist, and we need to change that. Colleagues, on many social issues, Budget 2022 will have a positive impact, although it fails to consider the many challenges facing our children and youth and their families. The status quo has left many behind, and it is time we identify a path toward progress.

I am looking forward to working with you all on this. *Meegwetch*, thank you.

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

**Hon. Senators:** Question.

**The Hon. the Speaker:** It is moved by the Honourable Senator Moncion, seconded by the Honourable Senator Pate, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** On division.

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

[*Translation*]

REFERRED TO COMMITTEE

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

(On motion of Senator Moncion, bill referred to the Standing Senate Committee on National Finance.)

## APPROPRIATION BILL NO. 2, 2022-23

SECOND READING

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate)**, moved second reading of Bill C-24, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2023.

She said: Honourable senators, I rise today in support of the appropriation bill for the Main Estimates 2022-23.

This appropriation bill would authorize payments to be made out of the Consolidated Revenue Fund for government programs and services. Through this bill, the government requests Parliament's approval of the planned spending proposals that are detailed in the Main Estimates 2022-23.

You will recall that the President of the Treasury Board presented the Main Estimates in the House of Commons on March 1, 2022.

These Main Estimates reflect the government's ongoing commitment to addressing Canadians' priorities, especially through investments in infrastructure, benefits for seniors and students, provincial transfers for health care and child care, and measures to reduce emissions and green our economy.

As you will see, the government is committed to maintaining economic support for individuals and businesses in order to help our economy recover from the COVID-19 pandemic.

[*English*]

The majority of expenditures in the Main Estimates are transfer payments made to other levels of government, other organizations and individuals. Transfer payments make up approximately 61% of expenditures, or \$243.1 billion.

Significant changes in transfers to individuals are primarily related to elderly benefits, the payments for Old Age Security and the Guaranteed Income Supplement and assistance to students through the Canada Student Grants.

Through transfer payments, the government also provides significant financial support to provincial and territorial governments to assist them in the provision of programs and services, principally health care, as well as funding related to local infrastructure priorities, home care, mental health, early learning and child care.

The Main Estimates provide information on \$397.6 billion in proposed spending for 126 organizations, including \$190.3 billion in voted expenditures, and presented for information only, \$207.3 billion in statutory expenditures. The voted amounts, I should also mention, represent maximum “up to” ceilings or estimates and, therefore, may not be fully spent during the year.

I want to remind colleagues that the actual expenditures will be included in the public accounts after the end of the fiscal year.

With respect to the statutory budgetary spending, it's \$7 billion higher in these Main Estimates than it was in the Main Estimates for 2021-22. Some of the significant changes in statutory spending are due to increases in major transfer payments, most notably elderly benefits, which increased by \$5.9 billion; the Canada Health Transfer, which increased by \$2.1 billion; and fiscal equalization, which was up \$1 billion over last year.

Also affecting statutory spending is an increase in Canada Student Grants of \$1.5 billion, an increase in climate action incentive payments of \$1.2 billion and a winding down of benefit payments to individuals under the Canada Recovery Benefits Act, which accounts for a decrease of \$9.9 billion over last year.

[*Translation*]

Let me now review the overall planned spending for each government agency.

Honourable senators, of the 126 departments and agencies presenting funding requirements, 10 of them are seeking more than \$5 billion in voted budgetary expenditures. They are the Department of Indigenous Services, which is requesting \$39.5 billion; the Department of National Defence, which is requesting \$24.3 billion; the Department of Employment and Social Development, which is requesting \$11.4 billion; the Public Health Agency of Canada, which is requesting \$8.4 billion; the Treasury Board of Canada Secretariat, which is requesting \$7.8 billion; the Department of Foreign Affairs, Trade and Development, which is requesting \$7.1 billion; the Office of Infrastructure of Canada, which is requesting \$7.1 billion; the Department of Crown-Indigenous Relations and Northern Affairs, which is requesting \$5.8 billion; the Department of Innovation, Science and Industry, which is requesting \$5.5 billion; and the Department of Veterans Affairs, which is requesting \$5.5 billion.

[ Senator Gagné ]

[*English*]

Colleagues, allow me to also highlight four organizations with the largest increases in voted expenditures. The first is a \$26.1 billion increase for the Department of Indigenous Services Canada. As part of our country's ongoing journey toward reconciliation, the Government of Canada is committed to making the necessary investments to settle claims and support the infrastructure and services that are vital to Indigenous communities' physical, mental, social and economic health and well-being. The funding for the Department of Indigenous Services Canada includes an increase in funding for out-of-court settlements, an increase in funding for infrastructure in Indigenous communities and improvements for access to safe, clean drinking water in First Nations communities.

Honourable senators, while most Canadians have access to clean and reliable drinking water, many First Nation communities still face pressing water issues — something that has been further exacerbated by the COVID-19 pandemic. The legacy of colonial policies and consistent underfunding of water-related services and systems have affected overall quality of life, widened socio-economic gaps and reduced First Nations' participation in the economy. This needs to be corrected. Stronger and healthier communities with better community infrastructure lead to more prosperous communities.

• (2100)

That is why continued investments to lift all long-term drinking water advisories on reserves and to support daily operations and maintenance for water infrastructure on reserves are so important.

This funding will support First Nations in their work to provide reliable and secure access to clean water in their communities. It will also offer stable and long-term funding for the cost of operations and maintenance in an area that has been underfunded for far too long, yet is critical to ensuring the lasting impacts of these investments. The Government of Canada will continue to work in partnership with First Nations on long-term and sustainable solutions so that communities have access to safe drinking water for generations to come.

[*Translation*]

The second organization with the largest increase in voted expenditures is the Department of Employment and Social Development, with a \$7.2-billion increase. That includes \$5 billion in payments to the provinces and territories for the purpose of early learning and child care.

The Government of Canada has now signed agreements with every province and territory to deliver on its promise to build a Canada-wide affordable, inclusive, and high-quality early learning and child care system. This program is already making life more affordable for families. It is creating new jobs, getting parents back into the workforce, and growing the middle class while giving every child a real and fair chance at success.

More than half of Canada's provinces and territories have already seen reductions in child care fees and, by the end of 2022, average fees for regulated early learning and child care spaces will be cut in half across the country.

These agreements will improve access to early learning and child care programs and services and grow a strong and skilled workforce of early childhood educators, including through better wages and greater opportunities for professional development. They will also support a child care system that is inclusive of vulnerable children and children from diverse populations, including children with disabilities and children needing enhanced or individual supports.

Building a child care system that works for Canadians in every region of the country is a key part of the government's plan to make life more affordable for families while creating good jobs and growing the economy.

Through these signed agreements, the Government of Canada aims to create 250,000 new child care spaces across the country by March 2026 to give families affordable child care options, no matter where they live.

[English]

The third organization with the largest increase in voted expenditures is Infrastructure Canada, with a \$2.5-billion increase. This funding will support targeted infrastructure programs such as those for affordable housing, green and inclusive buildings as well as wide-ranging programs such as the Investing in Canada Plan.

The Investing in Canada Plan is taking concrete action across five streams. First, it is building new urban transit networks and service extensions that will transform the way Canadians live, move and work. It is ensuring access to safe water, clean air and greener communities where Canadians can watch their children play and grow. It is providing adequate and affordable housing and child care, as well as cultural and recreational centres that will ensure Canada's communities continue to be great places to call home. It is providing safe, sustainable and efficient transportation systems that will bring global markets closer to Canada to help Canadian businesses compete, grow and create more middle-class jobs. And it is growing local economies, improving social inclusiveness and better safeguarding the health and environment of rural and northern communities.

[Translation]

The fourth organization with the largest increase in voted expenditures is the Department of Innovation, Science and Industry, with a \$2.1-billion increase. This increase is almost entirely allocated to grants and contributions, in particular those to promote innovation, digital adoption and universal access to high-speed internet.

Honourable senators, Canadians' lives are moving more and more online. This is a challenge for communities without access to high-speed internet. These government investments will allow for increased access to education, health care, business opportunities and social connections. Communities will have the

tools to more fully participate in social programs and economic opportunities, improving the health and well-being of their residents.

[English]

Turning now to the government's ongoing response to COVID-19, the planned spending for COVID-19 measures, including the Economic Response Plan, is \$9.7 billion in 2022-23 — a decrease of \$12.4 billion compared to the 2021-22 Main Estimates.

Funding for COVID-19-related measures includes a \$3.3-billion increase for procurement and management of COVID-19 vaccines and supplies, \$2.2 billion for further support for medical research and vaccine developments and \$1 billion for additional COVID-19 therapeutics procurement.

The overall reduction of \$12.4 billion in COVID-19 spending is largely attributable to the winding down of benefit payments to individuals under the Canada Recovery Benefits Act. These include a \$4.2-billion decrease for the Canada Recovery Caregiving Benefit, a \$2.3-billion decrease for the Canada Recovery Sickness Benefit and a \$3.4-billion decrease for the Canada Recovery Benefit.

In addition, for the 2022-23 fiscal year, major economic response programs were enacted or amended by Bill C-2, An Act to provide further support in response to COVID-19, with benefits programs extending into the current fiscal year.

Bill C-2 extended wage and rent subsidies, increased the maximum number of weeks and extended the Canada Recovery Sickness Benefit and the Canada Recovery Caregiving Benefit and enacted the Canada Worker Lockdown Benefit Act to authorize the payment of the Canada Worker Lockdown Benefit in regions where a lockdown is imposed for reasons related to COVID-19. Such measures will continue to be guided by science and will evolve as needed.

[Translation]

Of course, in light of this spending, we need to ask ourselves serious questions about the viability of the federal public purse and our ability to pay for it all. The government assures us that everything looks good. The Canadian economy grew at an annualized rate of 3.1% in the first quarter of 2022, which raised the real GDP growth rate by 0.8% compared to its pre-pandemic level.

According to Budget 2022, GDP growth is one percentage point higher than projected in the fall economic and fiscal update. Canada went into the pandemic with the lowest net debt-to-GDP ratio in the G7, and we increased our relative advantage throughout the pandemic. Standard & Poor recently reaffirmed Canada's AAA credit rating, with a stable outlook. Even if the cost of servicing the public debt rises modestly in the coming years, it will remain well below what it was before the 2008 financial crisis.

Now, honourable senators, I'd like to talk about another key aspect of the history of the estimates, namely their significance in terms of transparency and accountability within our parliamentary democracy.

• (2110)

Each year, the Main Estimates and related documents provide a clear indication of how the government intends to allocate taxpayers' money and help ensure that spending is transparent and accountable. Budget cycle documents include the Main Estimates, supplementary estimates, departmental plans and departmental results reports. All of these documents, in conjunction with the public accounts, help parliamentarians scrutinize government spending.

Esteemed colleagues, as I do with every supply bill, I invite you to consult the Government of Canada's InfoBase, an interactive online tool that contains a wealth of federal data that can be useful in holding the government to account.

[*English*]

Honourable senators, the appropriation bill before us today is crucial to the government's ability to not only deal with the impact of the pandemic but also to provide support for Canadians and their businesses as the economy continues to recover and grow.

Before concluding, I want again to thank the members of the Standing Senate Committee on National Finance and its chair, Senator Mockler, for their usual diligence. Thank you to Senator Marshall also as critic of the bill. As we all know, as of late they have managed a heavy workload with the customary excellence with which we are all familiar. Thank you.

Honourable senators, I invite you to support this bill. Thank you. *Meegwetch.*

**Hon. Elizabeth Marshall:** Thank you, Senator Gagné, for your comments on Bill C-24.

I would like to make a few comments as critic. Just to start off, I want to make the point that Bill C-24 is supported by the Main Estimates. The Main Estimates for this year outlines almost \$400 billion in budgetary spending authorities. Of that spending, \$190 billion requires approval by Parliament, while \$207 billion — or more than 50% — has already received parliamentary approval by legislation other than appropriation bills.

I'm going to comment on that later.

These Main Estimates also support the interim supply bill, Bill C-16, which we approved on March 31. The interim supply bill is actually an advance of the Main Estimates, which will allow the government to operate until June 30 when the main supply bill is expected to be approved by Parliament. Of the \$190 billion, \$75 billion outlined in the Main Estimates has already been approved by Appropriation Bill No. 1, and this bill, Bill C-24, requests approval of the remaining \$115 billion.

[ Senator Gagné ]

Since the budget was tabled on April 7, these Main Estimates do not include any of the new budget initiatives. As senators are aware, these two spending documents, the Main Estimates and the budget, outline two different spending plans by the government. This mismatch or misalignment of the Main Estimates and the budget has been a problem for many years, yet the government is taking no action to align their two spending plans.

The problem is further compounded by the 2022-23 Departmental Plans, which were tabled March 2, because they do not include any information on the new budget initiatives. Readers and parliamentarians are left with the question of what the performance indicators are for the new budget initiatives. In other words, we're expected to approve the funding for new budget initiatives even though they do not know what the funding is supposed to achieve.

The \$190 billion being requested in these Main Estimates is 50% higher than the \$126 billion requested in 2019-20, the last fiscal year preceding the pandemic. The increase of \$64 billion represents an increase of 50% compared to 2019-20, which clearly indicates that government spending has not returned to pre-pandemic levels.

I remain concerned that there is no process for the systematic review of statutory expenditures. Over 50% of the expenditures outlined in the Main Estimates are already approved by existing legislation. While officials testifying at the Standing Senate Committee on National Finance are sometimes questioned on statutory expenditures, a systematic review would be beneficial. I have written the steering committee of the Standing Senate Committee on National Finance, requesting that we initiate a special project to study statutory expenditures. I am hopeful that, with the support of my colleagues on the committee, we can make recommendations to correct this problem.

In addition to statutory expenditures, there are other items that fall outside of the voted and statutory expenditures. Last year, these other "items not included in the estimates" — that's the name they are given — totalled \$100 billion and were not subjected to review by the Standing Senate Committee on National Finance. Parliamentarians would also benefit from a review of these other "items not included in the estimates."

The Parliamentary Budget Officer, in testimony before the Standing Senate Committee on National Finance, expressed his concern that, contrary to a government statement, the Main Estimates do not represent the government's spending plan as it fails to include any of the new measures outlined in the budget — nor do the Departmental Plans include any budget initiatives. He said that the Main Estimates hinder our ability to understand and scrutinize the government's funding requests, to track new policy initiatives announced in the budget or to identify the expected results of new budget initiatives.

I agree with his concerns.

Because the Main Estimates do not include any new budget initiatives, we have to search Supplementary Estimates (A), (B) and (C), trying to identify which new budget initiatives are being

funded. If Supplementary Estimates (A), (B) and (C) do not identify the budget initiatives as such, it is simply not possible to track these items.

For example, last year, Budget 2021 identified over 200 budget initiatives for the 2021-22 fiscal year at a cost of \$49 billion. However, by the end of last year, we were told by Treasury Board in the final estimates document that \$36 billion of the \$49 billion had been funded, leaving us to wonder what happened to the remaining \$13 billion.

The Parliamentary Budget Officer indicated that he supports the all-party recommendations of the House of Commons Government Operations and Estimates Committee to remedy the mismatch of the budget and the Main Estimates.

The recommendations include the following: First of all, Parliament should establish a fixed tabling date for the budget, and the tabling date should be early enough to ensure that the budget measures are included and incorporated in the Main Estimates. Also, the Departmental Plans should be tabled at the same time as the Main Estimates.

These changes would be consistent with the recommendations the Parliamentary Budget Officer made earlier this year, which include moving the publication date of the Public Accounts to no later than September 30. Last year, we didn't get the Public Accounts until about December 20, just before we adjourned for Christmas. So we waited nine months for the Public Accounts. We really need to have that document.

What I find in the Senate — I guess with all of government — is that there is a lot of attention given to the estimates and the budget. However, those are just plans. When the Public Accounts are released and provide the actual numbers, nobody looks at them. So we concentrate on all the planning documents to talk about how wonderful they are, but nobody ever looks at the Public Accounts to ask what exactly was spent or look at the Departmental Performance Reports and ask what exactly the money achieved. So we really should have those Public Accounts earlier in the year — September 30 would be good — and then we could use them when we do our review of Supplementary Estimates (B).

The other recommendation that the Parliamentary Budget Officer made was to require that the Departmental Results Reports be published at the same time. This year, I was asking where they were right up until we adjourned for Christmas. I think they were tabled probably February 2, so we waited quite a while for the Departmental Results Reports. But this is the information we need in order to do a good review of the Main Estimates and all the supplementary estimates when we conduct our review.

Overall, the Parliamentary Budget Officer is of the view that these changes would create a cohesive, intuitive and critically transparent financial decision-making process for legislators.

• (2120)

In his report on this year's Main Estimates, the Parliamentary Budget Officer highlighted the cost of three federal programs. Senator Gagné already mentioned them, but I wanted to mention them again because of the amount of money involved.

First, federal spending on elderly benefits, including Old Age Security, Guaranteed Income Supplement and other allowance payments, are expected to increase over the next four years from \$68 billion in this fiscal year to \$86 billion in 2026-27. Those elderly benefits are statutory payments, and given the significant cost of the programs and the projected increase over the next four years, it supports my opinion that more time should be spent studying statutory payments.

The second area highlighted by the Parliamentary Budget Officer is federal spending on health. The Canada Health Transfer is the largest federal transfer to provinces and territories, and it provides financial assistance to help pay for health care. It's calculated to automatically grow in line with the three-year moving average of nominal gross domestic product growth, with a minimum annual growth rate set at 3%. The Canada Health Transfer is also allocated to all provinces and territories on a per-capita basis.

The Canada Health Transfer is set to increase from \$45 billion in 2022-23 to \$56 billion in 2026-27. Those payments are also statutory.

Earlier this year, Canada's premiers asked the federal government for a \$28 billion increase in federal transfers, which is significantly more than the \$11 billion increase projected over the next four years.

The third area highlighted by the Parliamentary Budget Officer is Indigenous spending. Indigenous-related spending in 2017-18, before the creation of the two new departments, was \$14.5 billion. These Main Estimates are proposing Indigenous-related spending of \$45 billion: \$6 billion for Crown-Indigenous Relations and Northern Affairs Canada and \$39 billion for Indigenous Services Canada. Of the \$39 billion for Indigenous Services Canada, \$22 billion is for out-of-court settlements, while \$20 billion of the \$22 billion is for compensation for First Nations children.

While the Main Estimates indicate that \$45 billion is requested, the recently tabled Supplementary Estimates (A) indicate that these two departments are requesting an additional \$3.5 billion. In its study of the Main Estimates, which supports Bill C-24 and the first appropriation bill, Bill C-16, the Standing Senate Committee on National Finance received testimony from 11 departments and organizations, as well as the Parliamentary Budget Officer and the minister responsible for the Treasury Board.

I'm going to go through some of the departments. I know Senator Gagné mentioned some of them, but I wanted to mention a couple just to highlight a few issues that are important to me and that I hope would be important to the committee.

Infrastructure Canada is requesting \$7 billion compared to \$4.5 billion requested last year. That is a significant increase of \$2.5 billion, or 56%. The \$2.5 billion increase is primarily attributed to an increase in grants and contributions for public infrastructure and communities investment oversight and delivery.

I'm going to mention a few dollar amounts because the dollar amounts that we see in the Main Estimates in the budget are so big that I think we have become desensitized to their size.

There is \$51 million in grant funding being requested for the Green and Inclusive Buildings program. There is \$40 million in grant funding being requested for a number of programs, including the Natural Infrastructure Fund, Canada's Homelessness Strategy and the Smart Cities Challenge.

In addition, \$2.5 billion is being requested for the Investing in Canada Infrastructure Program. I want to give a few comments on that particular program. The Investing in Canada Plan spans 21 federal organizations that include 13 federal departments, 2 Crown corporations and 6 regional development agencies. It's a very significant plan.

Infrastructure Canada is the lead department for the Investing in Canada Plan and is responsible for meeting reporting requirements and overseeing the plan's implementation. It also houses the Investing in Canada Plan Secretariat, which is the central point for coordination of the plan. It has a big role to play.

Also being requested is \$1.5 billion in the New Building Canada Fund and \$468 million for the Public Transit Infrastructure Fund.

Given the significant spending and investments in infrastructure, there have been a number of studies undertaken in recent years. In 2017, the Standing Senate Committee on National Finance release two reports on the government's multi-billion infrastructure funding program. At that time, the government had planned to spend \$186 billion on infrastructure over a 12-year period from 2016 to 2028. That's \$186 billion.

The Finance Committee in its study identified significant problems in obtaining data on projects as well as results data on the infrastructure projects and programs. Last year, the Auditor General of Canada undertook an audit of the Investing in Canada Infrastructure Program, which was in response to a motion passed by the other place asking the Auditor General to audit the Investing in Canada Plan. They had very significant concerns about that infrastructure plan.

She concluded, among other things, that Infrastructure Canada, as the lead department, was unable to provide meaningful public reporting on the plan's overall progress toward its expected results.

I must say that we did a lot of work on Infrastructure Canada and the Investing in Canada Infrastructure Program. One of the things we noted was that the department has a big map on its website. You could click on certain areas, find out what projects were under way and identify exactly what was going on. But

when you clicked on the icons, what you got was incomplete and dated information going back to maybe 2018 or 2017. I don't know why the map is even on the website.

When we received the Main Estimates, I was surprised by the increase in the funding request given that the department had received a very critical report from the Auditor General and has met only 16 of its 51 performance indicators. Both the Privy Council Office and Treasury Board of Canada Secretariat provide guidance and support regarding programs that cross several organizations. This would be one such program. I had expected that the significant increase in funding would be subject to improvements in program reporting and performance results by the department.

The next department I wanted to provide a comment on is Employment and Social Development Canada. They are requesting \$11 billion in the Main Estimates this year compared to \$4 billion requested last year. Senator Gagné also mentioned this because included in this \$11 billion is \$5 billion being requested for the new child care strategy. As of March, all 13 of the Canada-wide early learning and child care agreements have been negotiated and signed with the provinces and territories. As Senator Gagné said, they have included some objectives for the program, including a 50% reduction in fees, on average, to families by the end of 2022, a \$10-a-day average fee by 2025-26 for all regulated child care spaces in Canada, the creation of about 250,000 new child care spaces by 2025-26 and the creation of between 52,000 and 62,000 new early childhood educator positions.

But most of the objectives are linked with the year 2025-26. Honourable senators may recall that I asked the minister responsible for the national child care program how many of those spaces and positions would be created each fiscal year to 2025-26. After all, the new spaces and positions will not suddenly be created at the end of 2025-26, but rather throughout the five years to 2025-26. While the minister indicated that this information is included in each jurisdiction's agreement, the information is actually not provided.

Given the estimated cost of that program over the five-year period, which is \$27 billion, the government should disclose — and we should be told — how many spaces and positions should be created each year so that progress can be monitored annually and compared to the number of spaces and positions actually created. In addition, the departmental plan does not provide any targets for the creation of new child care spaces or child care positions. The Parliamentary Budget Officer also released a report on the daycare program and has indicated that he will be releasing additional reports in the future.

• (2130)

The Department of the Environment is requesting \$1.9 billion in this year's Main Estimates, compared to \$1.7 billion last year. They have allocated that \$1.9 billion into five lines of business. Three of these indicate some increase, while one, conserving nature, is requesting a significant increase of \$283 million, going from \$325 million last year to \$609 million this year. Grants and contributions also show a significant increase from \$623 million last year to \$770 million this year. Within the grants is the establishment of Canada's international climate finance program,

which is requesting \$10 million in grants funding and \$16 million in contributions. This is part of a \$5.3-billion program announced in June of last year to help developing countries transition to low-carbon, sustainable development.

The department has indicated in its departmental plan for this year that it will continue to collaborate with its partners to establish proper governance. It's not established yet, they're working on it. But it was also confirmed by officials from Global Affairs Canada, who indicated that performance indicators will be developed separately for this \$5.3-billion program.

The problem is that the department's results report for 2020-21 indicated that it has only met 8 of its 56 performance targets. Of the 86 organizations reporting on their performance targets, the Department of the Environment was one of the organizations with the lowest numbers of performance targets being achieved. The department needs to review its departmental plan, establish realistic performance targets and achieve results that would instill confidence that the money it is spending is actually achieving meaningful results.

The last department I wanted to mention is the Department of Veterans Affairs because they're requesting \$5.4 billion in the Main Estimates, compared to \$6.2 billion requested last year. Last month, the Auditor General released a report on the processing of disability benefits for veterans. Delays in the processing of disability benefits have been a long-standing problem that is yet to be resolved in the department. The report indicated that as of March 31, 2021, over 43,000 disability benefit applications were awaiting a decision, including first applications, reassessments and departmental reviews. While the department's service standard is to process 80% of their cases within 16 weeks, veterans applying for disability benefits for the first time waited a median of 39 weeks for a decision. RCMP veterans had to wait even longer for benefit decisions for first applications, which was 51 weeks.

Last month, the Minister of Veterans Affairs provided an update indicating that as of April 29 of this year, there were 11,000 applications of the 30,000 waiting to be processed that exceeded the 16-week processing standard, which was an improvement on the 23,000 from two years ago. This was consistent with information provided to our committee by officials. Department officials told the committee that their objective is to further reduce the backlog next year. So while there has been some improvement in processing times, the current statistics indicate that one in every three of the applications in the queue still exceed the department's service standard. Given the resources available to the government and provided to government departments, I fail to understand why veterans are still waiting so long to have their applications processed.

Honourable senators, before I conclude, I just want to go back and mention a couple of areas where, if the government could improve those areas, it would greatly assist parliamentarians and others in their review of the Main Estimates. If we could have a budget and a Main Estimates that includes all the budget initiatives, we wouldn't have to be going back and forth between all the supplementary estimates, trying to track and see if those specific budget initiatives have been implemented. If we could get the departmental plans at the same time we get the Main

Estimates, if we could get the public accounts by September 30, that would be great. And if we could get the departmental results reports to be published at the same time as the public accounts, that would be a big step forward.

This concludes my comments on Bill C-24 and the Main Estimates for 2022-23. I will wrap up by extending my appreciation to all of my committee colleagues for their enthusiasm and excellent questions in committee. I would also thank our chair, Senator Mockler, our committee clerk, our analysts and all of the staff who make our meetings productive. Thank you very much.

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

**Some Hon. Senators:** Agreed.

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

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

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

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

[*Translation*]

### APPROPRIATION BILL NO. 3, 2022-23

#### SECOND READING

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate)** moved second reading of Bill C-25, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2023.

She said: Honourable senators, I'm pleased to rise today to introduce the appropriation act for the 2022-23 Supplementary Estimates (A). Through this supply bill, the government is requesting Parliament's approval of the planned spending proposals that are detailed in the Supplementary Estimates (A).

During each supply cycle, the appropriation bill acts as a vehicle through which payments from the Consolidated Revenue Fund are authorized for government programs and services. The voted amounts in these supplementary estimates represent maximum "up to" ceilings or estimates. It is therefore incumbent on me to remind honourable senators that it is not out of the ordinary if these amounts are not fully spent over the course of the year. The actual expenditures are listed in the public accounts, which are tabled after the end of the fiscal year.

As this chamber will remember, the estimates are part of a series of documents, comprised of the Main Estimates, supplementary estimates, departmental plans, departmental results reports and the Public Accounts. These documents provide important information and help us, as parliamentarians, scrutinize government spending.

The reality is that Canadians have the right to know how public funding is spent. Honourable colleagues, that is a key aspect of our parliamentary system. Documents such as Supplementary Estimates (A) provide the Canadian public with a detailed and transparent breakdown of how taxpayers' money is used. They also help hold the government accountable for its spending.

[English]

Honourable senators, the Supplementary Estimates (A), 2022-23 were tabled in the Senate on May 31. With these Supplementary Estimates (A), the government continues to invest in Indigenous communities, the health and well-being of Canadians and their security, while also recognizing the importance of supporting international partners who share our democratic values.

As you well know, the supplementary estimates provide information on additional spending requirements that were not sufficiently developed at the time of the tabling of the Main Estimates or that were subsequently refined to reflect recent changes. As a whole, they provide information on \$8.8 billion in new voted spending for 26 federal organizations. They also provide information on an additional \$860 million in planned statutory budgetary spending.

• (2140)

Colleagues, these planned expenditures will support a variety of critical priorities, including support for Indigenous children and families, public health, support for Ukraine's defence and measures to address climate change.

For context and awareness, it is helpful if we break down spending found in the estimates for the current fiscal year. The 2022-23 Main Estimates presented \$397.6 billion in planned budgetary spending to deliver programs and services to Canadians. This consisted of \$190.3 billion in voted expenditures and \$207.3 billion in statutory spending already authorized through other legislation.

With Supplementary Estimates (A), the estimates to date for 2022-23 amount to \$407.2 billion, including \$199.1 billion in planned voted expenditures and \$208.1 billion in forecast statutory expenditures. This represents a 4.6% increase in planned budgetary voted spending over the 2022-23 Main Estimates.

As honourable senators will be aware, there is a difference between voted and statutory expenditures. Voted expenditures require annual approval from Parliament through an

appropriation bill like the one before us today. Statutory spending, on the other hand, is approved by Parliament through legislation other than an appropriation bill.

With that being said, allow me to provide a breakdown of some of the major items in these estimates.

[Translation]

The government is focusing on priorities that are important to Canadians, including \$3.6 billion to support priorities for Indigenous communities; \$1.4 billion for existing and emerging for COVID-19 treatments; \$853 million to support Canada's response to the invasion of Ukraine; and \$323 million to encourage the use of zero-emission vehicles.

Notably, five organizations are each seeking \$500 million or more.

These include the Department of Indigenous Services, which is seeking \$2.2 billion; the Public Health Agency of Canada, which is seeking \$1.5 billion; the Department of Crown-Indigenous Relations and Northern Affairs, which is seeking \$1.4 billion; the Department of Public Safety and Emergency Preparedness, which is seeking \$823.6 million; and the Department of National Defence, which is seeking \$500 million.

Let me further detail these supports.

[English]

First, I want to speak to supports for Indigenous Canadians and their communities. Honourable senators, as part of our ongoing journey towards reconciliation, the Government of Canada is committed to making necessary investments to settle claims and support the infrastructure and services that are vital to Indigenous communities' physical, mental, social and economic health and well-being.

Together, the departments of Indigenous Services and Crown-Indigenous Relations and Northern Affairs are proposing \$3.6 billion in new spending in these estimates. This includes \$2.1 billion to implement compensation agreements relating to First Nations Child and Family Services and Jordan's Principle programs, including immediate initial reforms in child and family well-being programs and infrastructure; \$900 million for negotiated specific claim settlements; \$146 million for partial settlement of Gottfriedson litigation; \$130 million for the Federal Indian Day Schools Settlement Agreement; \$99 million towards addressing the ongoing legacy of Indian residential schools; and \$75 million announced in Budget 2022 to support affordable housing and related infrastructure in the North. When combined with the funding in the Main Estimates, the Department of Crown-Indigenous Relations and Northern Affairs plans on spending approximately \$3.3 billion on specific claims.

Colleagues, these investments are not only necessary but vital to help towards reconciliation.



[*Translation*]

Canadians from coast to coast have experienced various natural disasters brought on by climate change.

The science is clear: These destructive events will become increasingly more common.

As the government works to achieve its climate plan goals, it also realizes that Canadians who have been affected by natural disasters need support and relief.

These supplementary estimates provide \$823.6 million in funding to reimburse provinces' and territories' costs for disaster events that occurred across the country over the last decade.

Funding will cover costs associated with the 2016 wildfires in Fort McMurray, Alberta, and the 2017 wildfires in Saskatchewan and British Columbia; the 2017 ice storm in New Brunswick; the 2017 spring floods in Newfoundland and Labrador and in Quebec; and, more recently, the 2020 spring floods and heavy rainstorms in Manitoba.

These funds will go to the Disaster Financial Assistance Arrangements, which provide provincial and territorial governments with federal support to help cover response and recovery costs.

[*English*]

Honourable senators, these Supplementary Estimates (A) also propose funding for one of Canada's staunchest allies, Ukraine. Indeed, Canada stands shoulder to shoulder with Ukraine and its people. As honourable senators well know, the government has already taken several steps to provide support. Canada has sent humanitarian and military aid to Ukraine since the invasion began and is taking measures to support displaced Ukrainians as they arrive in Canada.

These Supplementary Estimates (A) include approximately \$853 million for Canada's response to the invasion, and \$500 million is proposed for military aid, including non-lethal and lethal equipment, weapons and associated training, maintenance and management.

Support isn't just about weapons and equipment. Indeed, \$352.7 million is proposed for special immigration measures for Ukrainian refugees. These measures include chartered flights, temporary hotel accommodations, application processing, a dedicated hotline for immigration questions, settlement and income support.

Honourable senators, I commend the work the government has been doing in helping settle displaced Ukrainians. A special pathway was created to facilitate the immigration process by eliminating many of the usual visa requirements. The Canada-Ukraine Authorization for Emergency Travel, or CUAET, helps Ukrainians and their family members come to Canada as quickly as possible and provides them with the opportunity to work and study while in Canada.

Ukrainians may apply for a three-year open work permit at the same time, and most of the usual requirements associated with a visitor visa or work permit will be waived. The government understands that Ukrainians who come to our country may have a lot of uncertainty about their future. They are looking for stability as they get back on their feet. This is why Ukrainians who are already in Canada have the option to extend their visitor status, work permits or study permits so they can continue to live and work or study in Canada temporarily.

[*Translation*]

Honourable colleagues, on a different front, Canada continues to be engaged in a fight against the COVID-19 pandemic.

We have come a long way and learned a lot. We know that taking precautions like wearing a mask helps reduce transmission. We also have vaccines and therapeutics that are helping stave off severe illness.

But we know that we cannot get too complacent. It's important to remain vigilant with this ever-changing and mutating virus.

• (2150)

That is why the Supplementary Estimates (A) propose \$1.8 billion to support the government's response to the pandemic.

As honourable senators will note, this builds on the \$9.7 billion in planned spending for COVID-19 measures, including the economic response plan, that was in the Main Estimates 2022-23. This includes \$1.4 billion for the Public Health Agency of Canada to procure additional COVID-19 treatments to meet the needs of provincial and territorial health systems.

As the Canadian entertainment industry recovers from the pandemic, \$150 million from these estimates would go to Telefilm Canada to extend the Short-Term Compensation Fund for Canadian audiovisual productions until March 31, 2023. There is also \$102.5 million for the pan-Canadian Sero-Surveillance Consortium for studies to determine the extent of COVID-19 infections and immune responses in the Canadian population. Finally, \$100 million is earmarked for the Department of Finance to improve school ventilation.

Senators will note that this was proposed statutory spending found in Bill C-8, the Economic and Fiscal Update Implementation Act, 2021, which received Royal Assent last Thursday.

Honourable senators, taken together, the proposed investments contained in these supplementary estimates will help move us forward as we make our way out of the pandemic and, as we do, the government's commitment to transparency will remain steadfast. The Government of Canada is committed to making it easier for parliamentarians and Canadians to hold it to account for its spending decisions. For example, the Government of Canada's InfoBase is an interactive online tool that presents a wealth of federal data in a visual way.

The ability to exercise oversight is one of the most important roles that parliamentarians can play on behalf of our citizens. To do this well, parliamentarians must have access to accurate, timely and easy-to-understand information on government spending. GC InfoBase provides that information. It contains the main and supplementary estimates, along with other data related to government finances, people and results.

Publishing expenditure datasets on such digital tools is central to providing parliamentarians and Canadians with more information on where public funds are going, and how they are being spent. I want to point out that the government welcomes feedback on its documents and processes.

In conclusion, honourable senators, the bill I have the honour to introduce today is important to implement the government's commitment to the health and well-being of Canadians and other key priorities. The 2022-23 Supplementary Estimates (A) show that the government is responding to immediate needs while continuing to make long-term investments that benefit all Canadians.

[*English*]

Before concluding, please let me once again thank all the members of the Standing Senate Committee on National Finance for their thorough and important work. Now, honourable senators, I urge you to support this bill. Thank you.

**Hon. Elizabeth Marshall:** Honourable senators, I would like to begin by thanking Senator Gagné for her comments on Bill C-25. As the critic of the bill, I have a few other comments.

First of all, Bill C-25 is supported by Supplementary Estimates (A), and it is requesting \$8.8 billion in voted expenditures, so that's requesting parliamentary approval, and it is forecasting a net increase of \$860 million in statutory expenditures. This will increase budgetary expenditures for this year to \$199 billion and increase the forecast in statutory expenditures to \$208 billion.

With respect to Supplementary Estimates (A), in my last speech, I was talking about tracking the budget initiatives, and we don't see new budget initiatives in the Main Estimates because the Main Estimates are tabled before we get the budget. When we get Supplementary Estimates (A), we start looking for these new budget initiatives and usually Supplementary Estimates (A) includes a substantial number of new budget initiatives, but this year, Supplementary Estimates (A) only includes seven new budget initiatives, and that's expected to cost \$1 billion.

There are a total of 211 initiatives in Budget 2022, which are estimated to cost over \$7 billion. So if you take the 7 that are in Supplementary Estimates (A) and the 22 which already have statutory approval, there are still 182 budget initiatives yet to be funded in future appropriation bills. We'll be looking for them in Supplementary Estimates (B), Supplementary Estimates (C) and maybe even in the subsequent year.

[ Senator Gagné ]

This is just to give you an idea as to how difficult it is to keep track of the new budget initiatives, because the Main Estimates and the budget document are misaligned. They just don't match up. We still have a lot of tracking to do for those 182 budget initiatives.

Last year, Supplementary Estimates (A) included about half of last year's budget initiatives, and there were probably about 280 budget initiatives last year.

I don't know why the government has included so few Budget 2022 initiatives in Supplementary Estimates (A), and the Parliamentary Budget Officer couldn't provide any insight into that issue.

In addition, the \$8.8 billion being requested in Supplementary Estimates (A) includes \$1 billion for six initiatives from last year's budget. You can see how there has to be a matching up between all of the estimates documents and the budget.

There are the 2021 initiatives. They have yet to be funded in future initiatives, but given the lack of information to determine which budget initiatives from last year remain unfunded, we can't identify them. I did ask the Parliamentary Budget Officer if he could identify them, and he did say that they would go back and look, but I don't expect them to be able to identify them.

I think part of the issue is with the \$13 billion gap that I mentioned in my speech on the earlier bill.

Honourable senators may recall that I've mentioned many times the difficulty in tracking budget initiatives to determine if and when they are funded. The Parliamentary Budget Officer recently indicated that he's now going to track the implementation of budget initiatives, and he's going to present them in an online tracking table on his website.

That's good news, and it's going to greatly assist us as parliamentarians in our review of government spending, but he's only providing us a stopgap solution to a problem that's created because the government is tabling two spending documents. He's just trying to give us some assistance in matching up the two spending documents.

The Supplementary Estimates (A) document provides details on the \$8.8 billion being requested in Bill C-25. I went back and looked at how much time our committee spent studying the \$8.8 billion, and my colleagues on the Finance Committee probably won't be surprised to hear me say this, but we spent three and a half hours studying the \$8.8 billion being requested. I just felt that it simply wasn't enough time to properly review how the government intends to spend the \$8.8 billion. What I find in committee when we have so many competing obligations with regard to the budget bill, the Main Estimates and Bill C-8 is that we are in a time crunch.

• (2200)

When you don't have enough time to get answers to your questions, you feel that you haven't done a good job of analyzing the information that is in the estimates document.

So we received testimony from Treasury Board officials, the Parliamentary Budget Officer and officials from five organizations requesting funding in Bill C-25.

The Department of Indigenous Services is requesting \$2.2 billion for compensation and reforms to the First Nations Child and Family Services program and to Jordan's Principle program. So this \$2.2 billion increases total departmental funding for this year to \$42 billion.

Both programs are ongoing, and testimony indicated that our committee should further review the funding for these two programs and how they are delivered and administered, because when we received testimony from the departmental officials, there were a number of questions that were unanswered and there was, especially on my part, some confusion with regard to how the two programs overlapped.

The Public Health Agency of Canada is requesting \$1.5 billion. That would bring their total funding to date for this fiscal year to \$10 billion. So the \$1.5 billion being requested will be used to buy additional therapeutics for existing and emerging COVID-19 treatments.

Officials did tell us that most of the \$1.5 billion was funding that was reprofiled, and I've been trying to find some information on the source of the reprofiled funds and haven't quite come to a solution on that, so that's another area that has to be earmarked for follow-up.

The Parliamentary Budget Officer indicated that the Public Health Agency of Canada is requesting funding for medical research and vaccine development. Funding for medical research and vaccine development has decreased significantly while funding for therapeutics, vaccines and personal protective equipment and rapid tests have increased, demonstrating the changing needs of the pandemic.

The Department of Public Safety is requesting \$823 million, which will bring their total funding for this year to \$1.7 billion. The \$823 million is for the Disaster Financial Assistance Arrangements program, and will be used to provide money to provincial and territorial governments to help pay for the costs of responding to and recovering from natural disasters.

The \$823 million is part of the \$1.9 billion announced in last year's budget, which raises the question as to why the funding is only being requested now. This is part of the age-old problem where we're getting budget initiatives from one year ending up in a document of another.

The Department of National Defence is requesting half a billion dollars in military aid for Ukraine. Officials also provided us with an update of their defence policy and their defence investment plan, which is being updated and released this fall. In past meetings, the committee has had difficulty in obtaining current information on the department's capital projects. The

Parliamentary Budget Officer issued a report in March analyzing the status of the departmental capital spending plan for 2017 to 2037.

The department has planned to spend \$164 billion on 348 capital projects over a 20-year period. The analysis shows slippage in the first four years of the plan to 2021, and we already identified that in earlier committee meetings. So this funding has now been pushed to future years, notably 2023 to 2028, thus presenting further challenges to the department to rapidly wrap up capital spending during those five years. Departmental officials indicated that their updated investment plan will be released publicly in the fall of the year.

The Canadian Air Transport Security Authority also testified before the committee. They are requesting \$329 million in addition to its base funding of \$567 million, which is included in the Main Estimates. CATSA, as we know it, has been criticized over the past number of months for increasing lineups at airports and delays in screening passengers. That's been on the news quite prominently lately.

Their testimony focused on the reason for the delays in screening passengers. They indicated that 1,750 of their 7,400 screening officers were laid off during the pandemic, but only 1,250 returned to their jobs. They currently have 6,800 screening officers, and they are trying to recruit an additional 1,000 screening officers.

They said that the problem is not the adequacy of the funding. They said there would be sufficient funding if they received the additional \$329 million, but the problem relates to the labour market and the staffing of screening officer positions by third-party screening contractors.

In addition, staff must be adequately trained, as part of the problem can be attributed to new staff or even returning staff. Although officials told us otherwise, passengers who travel extensively have said that there are problems regarding the consistency of screening procedures from one airport to another, as well as problems regarding secondary screening.

The Department of Finance has indicated an increase in statutory authorities in the amount of \$1.2 billion primarily attributable to interest on mature debt and other interest costs. This brings the total cost of interest so far this year to just over \$24 billion compared to the \$26.9 billion forecasted in Budget 2022. We anticipate additional increases in interest costs will be included in Supplementary Estimates (B) and (C) since interest rates are rising and that interest costs will probably exceed the \$29.6 billion forecasted in Budget 2022.

As we know, the government has committed in Budget 2022 to rein in spending by \$9 billion through two expenditure review exercises. The Parliamentary Budget Officer told us that, based on the information provided by government, operating and capital spending can only grow by 0.3% a year in order to achieve the \$9 billion in savings. That restraint, he said, will be more severe than what was undertaken in the early 2000 and 2010s. In addition, there were several government priorities announced in the electoral platform last year which are not yet included in the budget, as well as other pressures to increase

spending. He did not believe it was credible that there will be the level of spending restraint required to meet the \$9 billion in savings.

Treasury Board officials also testified at committee. One of the frustrations in reviewing requests for funding is the lack of performance information from organizations which are requesting large sums of money. Many of these organizations do not meet a substantial number of the performance indicators, so we do not know what the funding has achieved. Despite the lack of accountability information, funding to these departments and agencies continues to increase. The Department of Indigenous Services, Infrastructure Canada and Environment Canada are three of these departments.

Treasury Board is responsible for the financial oversight of governments, specifically overseeing how the government spends money on programs and services and how it managed. It also oversees the financial management of government departments and agencies. In other words, it's the manager of the public purse.

Treasury Board also has a policy on results which requires each department and agency within a minister's portfolio to publish a departmental plan and departmental results report. Given that many departments receiving significant and increasing levels of funding do not meet many of their objectives and do not demonstrate what their funding is achieving, the question remains as to why Treasury Board does not require improved accountability information from those departments.

Because there is insufficient results information available for many departments and agencies, it's not possible to determine what results are being achieved. Funding provided is often in the millions and billions of dollars.

Treasury Board should require departments and agencies to include relevant performance targets for all funding approved and insist that those departments and agencies meet a significant number of their performance indicators. Without this information, we do not know what the funding provided is actually achieving.

These conclude my comments, honourable senators, on Bill C-25. I again would like to thank my colleagues on the Finance Committee for their support, for their questions and for

their enthusiasm, and also to send them off to the chair and to all the staff who support us during our committee meetings. Thank you.

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

**Some Hon. Senators:** Agreed.

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

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

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

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

• (2210)

[*Translation*]

## PRIVACY COMMISSIONER

### MOTION TO APPROVE APPOINTMENT ADOPTED

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of June 8, 2022, moved:

That, in accordance with subsection 53(1) of the *Privacy Act*, Chapter P-21, R.S.C., 1985, the Senate approve the appointment of Mr. Philippe Dufresne as Privacy Commissioner, for a term of seven years.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(*At 10:11 p.m., pursuant to the order adopted by the Senate on May 5, 2022, the Senate adjourned until 2 p.m., tomorrow.*)

# CONTENTS

Tuesday, June 14, 2022

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		<b>Criminal Code (Bill S-224)</b>	
<b>Visitors in the Gallery</b>		Bill to Amend—Third Report of Human Rights Committee Presented	
The Hon. the Speaker . . . . .	1606	Hon. Salma Ataullahjan . . . . .	1613
<b>The Late Honourable Yoine Goldstein</b>		<b>Criminal Code (Bill S-250)</b>	
Hon. Dennis Dawson . . . . .	1606	Bill to Amend—First Reading	
Hon. Marc Gold . . . . .	1607	Hon. Yvonne Boyer . . . . . 1613	
Hon. Donald Neil Plett . . . . .	1607	<b>Aboriginal Peoples</b>	
Hon. Pierrette Ringuette . . . . .	1608	Committee Authorized to Deposit Reports on Study of the Federal Government's Constitutional, Treaty, Political and Legal Responsibilities to First Nations, Inuit and Métis Peoples with Clerk During Adjournment of the Senate	
<b>Hybrid and Virtual Committee Meetings</b>		Hon. Brian Francis . . . . . 1613	
Expression of Apology		<b>Business of the Senate . . . . . 1613</b>	
Hon. Rosa Galvez . . . . .	1608		
<b>Ember Fire Academy</b>			
Hon. Pat Duncan . . . . .	1609		
<hr/>			
<b>ROUTINE PROCEEDINGS</b>		<b>ORDERS OF THE DAY</b>	
<b>Internal Economy, Budgets and Administration</b>		<b>Chemical Weapons Convention Implementation Act (Bill S-9)</b>	
Third Report of Committee Adopted		Bill to Amend—Second Reading	
Hon. Sabi Marwah . . . . .	1609	Hon. Salma Ataullahjan . . . . . 1613	
<b>Budget Implementation Bill, 2022, No. 1 (Bill C-19)</b>		Referred to Committee . . . . . 1614	
Fourth Report of Aboriginal Peoples Committee on Subject Matter Deposited with Clerk during Adjournment of the Senate		<b>Bill to Give Effect to the Anishinabek Nation Governance Agreement and to Amend Other Acts (Bill S-10)</b>	
Hon. Brian Francis . . . . .	1610	Bill to Amend—Second Reading	
<b>Bill Respecting Regulatory Modernization (Bill S-6)</b>		Hon. Patti LaBoucane-Benson . . . . . 1614	
Third Report of Banking, Trade and Commerce Committee Presented		Hon. Pat Duncan . . . . . 1616	
Hon. Pamela Wallin . . . . .	1610	Hon. Yonah Martin . . . . . 1616	
<b>Immigration and Refugee Protection Act</b>		Referred to Committee . . . . . 1617	
<b>Immigration and Refugee Protection Regulations (Bill S-8)</b>		<b>Budget Implementation Bill, 2022, No. 1 (Bill C-19)</b>	
Bill to Amend—Fifth Report of Foreign Affairs and International Trade Committee Presented		Second Reading—Debate	
Hon. Peter M. Boehm . . . . .	1611	Hon. Lucie Moncion . . . . . 1618	
<b>Fisheries and Oceans</b>		<hr/>	
Budget and Authorization to Engage Services and Travel— Study on the Implementation of Indigenous Rights-based Fisheries Across Canada—Third Report of Committee Presented		<b>QUESTION PERIOD</b>	
Hon. Fabian Manning . . . . .	1611	<b>Business of the Senate</b>	
<b>Bill to Amend the Criminal Code and the Identification of Criminals Act and to Make Related Amendments to Other Acts (COVID-19 Response and Other Measures) (Bill S-4)</b>		The Hon. the Speaker . . . . . 1621	
Sixth Report of Legal and Constitutional Affairs Committee Presented		<b>Ministry of Immigration, Refugees and Citizenship</b>	
Hon. Mobina S. B. Jaffer . . . . .	1612	Super Visas	
		Hon. Donald Neil Plett . . . . . 1621	
		Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship . . . . . 1621	
		Humanitarian Program for Afghan Nationals	
		Hon. Yonah Martin . . . . . 1622	
		Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship . . . . . 1622	

## CONTENTS

Tuesday, June 14, 2022

	PAGE		PAGE
Immigration Processing Backlog		Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1629
Hon. Ratna Omidvar	1622	International Students Overcoming War	
Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1622	Hon. Peter M. Boehm	1629
Infrastructure to Support Immigration		Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1629
Hon. Tony Loffreda	1623	Immigrant Entrepreneurs	
Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1623	Hon. Amina Gerba	1630
Foreign Workers and Job Offers		Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1630
Hon. Amina Gerba	1623	Border Crossings at Roxham Road	
Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1623	Hon. Jean-Guy Dagenais	1630
Study Permit		Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1630
Hon. Percy E. Downe	1624	Iranian Soccer Team Visa Applications	
Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1624	Hon. Rose-May Poirier	1631
Work Permit Processing Backlog		Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1631
Hon. Pierre-Hugues Boisvenu	1624	Canada-Ukraine Authorization for Emergency Travel	
Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1624	Hon. Donna Dasko	1631
Call Centre Performance		Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1631
Hon. Salma Ataullahjan	1625	Quebec's Jurisdiction on Immigration	
Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1625	Hon. Clément Gignac	1632
Welcoming Francophone Communities Initiative		Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1632
Hon. Bernadette Clement	1625		
Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1625		
Transitioning From Child Welfare			
Hon. Kim Pate	1626		
Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1626		
Work Permit Processing Backlog			
Hon. Pierre J. Dalphond	1626		
Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1626		
Study Permit			
Hon. Percy E. Downe	1626		
Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1627		
Passport Services			
Hon. Leo Housakos	1627		
Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1627		
High-Potential Technical Talent Visa			
Hon. Colin Deacon	1627		
Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1628		
Afghan Refugees			
Hon. Patricia Bovey	1628		
Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1628		
Border Crossings at Roxham Road			
Hon. Jean-Guy Dagenais	1629		
Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship	1629		
Cost Implications of Bill C-13			
Hon. Elizabeth Marshall	1629		

---

### ORDERS OF THE DAY

**Business of the Senate**  
The Hon. the Speaker . . . . . 1632

**Privacy Commissioner**  
Philippe Dufresne Received in Committee of the Whole  
Philippe Dufresne, nominee for the position of Privacy  
Commissioner. . . . . 1632  
Report of the Committee of the Whole  
Hon. Pierrette Ringuette . . . . . 1642

**Budget Implementation Bill, 2022, No. 1 (Bill C-19)**  
Second Reading—Debate  
Hon. Lucie Moncion . . . . . 1642  
Hon. Éric Forest . . . . . 1643  
Second Reading  
Hon. Paula Simons . . . . . 1644  
Hon. Julie Miville-Dechéne . . . . . 1646  
Hon. Rosa Galvez . . . . . 1647  
Hon. Ratna Omidvar . . . . . 1647  
Hon. Brent Cotter . . . . . 1649  
Hon. Rosemary Moodie . . . . . 1649  
Referred to Committee . . . . . 1651

**Appropriation Bill No. 2, 2022-23 (Bill C-24)**  
Second Reading  
Hon. Raymonde Gagné . . . . . 1651  
Hon. Elizabeth Marshall . . . . . 1654

**CONTENTS**

**Tuesday, June 14, 2022**

	PAGE		PAGE
<b>Appropriation Bill No. 3, 2022-23 (Bill C-25)</b>		<b>Privacy Commissioner</b>	
Second Reading		Motion to Approve Appointment Adopted	
Hon. Raymonde Gagné . . . . .	1657	Hon. Raymonde Gagné . . . . .	1662
Hon. Elizabeth Marshall . . . . .	1660		