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OFFICIAL REPORT
(HANSARD)

Thursday, March 30, 2023

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, March 30, 2023

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

Prayers.

[*Translation*]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

Mr. Speaker,

I have the honour to inform you that the Right Honourable Mary May Simon, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 30th day of March 2023, at 10:03 a.m.

Yours sincerely,

Ian McCowan

Secretary to the Governor General and Herald Chancellor

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, March 30, 2023:

An Act respecting a federal framework on autism spectrum disorder (*Bill S-203, Chapter 2, 2023*)

An Act for granting to His Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2023 (*Bill C-43, Chapter 3, 2023*)

An Act for granting to His Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2024 (*Bill C-44, Chapter 4, 2023*)

[*English*]

SENATORS' STATEMENTS

THE HONOURABLE ROSA GALVEZ
THE HONOURABLE WANDA THOMAS BERNARD, O.C., O.N.S.

Hon. Jane Cordy: Honourable senators, I am pleased to rise today to honour the achievements of remarkable women, including two of our very own senators. On International Women's Day, Women of Influence+ released their list of the Top 25 Women of Influence Awards recipients. These awards, ". . . acknowledge the unique achievements of diverse women representing various sectors, career stages, and contributions to the advancement of women."

This year's recipients include Senator Rosa Galvez, whose environmental work was particularly highlighted. Her career provides an excellent example to young women and girls who, like Senator Galvez herself, may have decided early in life what they wished to accomplish. Senator Galvez, that 10-year-old girl who dreamed of working toward contributing to a cleaner and healthier environment would certainly be proud of all you have done. I know I speak for all senators when I say that we know you are not finished yet. Congratulations.

The other recipients this year are Cheyenne Arnold-Cunningham, Louise Aspin, Kirstin Beardsley, Linda Biggs, Elvalyn Brown, Dr. Vivien Brown, Margaret Coons, Jan De Silva, Lovepreet Deo, Natalie Evans Harris, Allison Forsyth, Haben Girma, the Honourable Karina Gould, Eva Havaris, Nicole Janssen, Janet Ko, Maya Kotecha and Carly Shuler, Dr. Rachel Ollivier, Bobbie Racette, Paulette Senior, Domee Shi, Christine Sinclair and Suzie Yorke. They represent a wide array of careers and achievements, and I offer my congratulations to them all.

In addition to those 25 outstanding women, they also named a Lifetime Achievement Award, and I am pleased to report that it is our very own Senator Dr. Wanda Thomas Bernard.

Hon. Senators: Hear, hear.

Senator Cordy: She has been recognized for her impressive body of work, including her commitment to building a better future for marginalized communities. Wanda, it is my pleasure to once again speak about the continued recognition you are receiving on your life's work, which has been filled with giving to others.

Senator Bernard was interviewed by Women of Influence+ on this occasion, and I would like to quote some words she shared about what motivates her. She said:

> Every action I take is rooted in a critical analysis that always takes me back to my ancestors and how they fought with so little, but left such a powerful legacy. I live their legacy. I live their hopes and dreams, and so I have a duty and responsibility to work in the spaces that I'm in to make things different for the generations coming behind me.

Senator Bernard, you have already established a legacy in your own right, and I know there are so many people who are grateful for the work you have done and the work you continue to do. You have indeed made a difference for the generations to come. You are a remarkable person and a role model for so many, particularly for young women.

Honourable senators, please join me in congratulating Senators Galvez and Bernard along with the other impressive women being honoured at next week's ceremony.

Thank you.

• (1410)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Jheanelle Anderson, Bernard Akuoko Dabankah and Nkemakolam Ogbonna from the ASE Community Foundation for Black Canadians with Disabilities. They are the guests of the Honourable Senator Bernard.

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

Hon. Senators: Hear, hear!

WORLD AUTISM DAY

Hon. Leo Housakos: Honourable senators, as we embark on Autism Acceptance Month, I rise today to mark World Autism Day coming up on April 2. I want to first thank each and every one of you for your support that led to the passing of Bill S-203 earlier this week in the House of Commons.

Senator Peter Boehm and I — with a lot of inspiration from our former colleague Senator Munson — introduced this bill with the intent that it ". . . provides for the development of a federal framework designed to support autistic Canadians, their families and their caregivers." I am so very happy for those Canadians to see this bill passed.

According to the 2019 Canadian Health Survey on Children and Youth, 1 in 50 — or 2% — Canadian children and youth were diagnosed as being on the spectrum, making it the most common neurodevelopmental condition in Canada. It is a lifelong diagnosis that occurs across all racial, ethnic and socio-economic groups. Despite the incredible perseverance of autistic individuals, and their families and caregivers, as well as the inspiring work of autism organizations across the country — like the Giant Steps Autism Centre and the Transforming Autism Care Consortium in my hometown of Montreal — that are working across sectors to provide supports, advance our understanding and acceptance of autism and advance inclusion, people on the autism spectrum, and those that support them, still face serious challenges right across Canada.

There are significant service gaps, and the services that are offered across the different provinces and territories are inconsistent and lead to inequities. Examples include long wait-lists for diagnoses and services, significant out-of-pocket expenses for families, funding gaps for service providers and a serious lack of supports for autistic individuals.

The passing of this bill is a watershed moment for Canada, and especially for autistic Canadians who deserve to receive the services and support that they need in order to flourish and be actively included across all sectors of Canadian society.

The framework will provide for financial supports and accountability in the use of federal funds, research and improved data collection and more services and resources.

Autism Acceptance Month — and you'll notice the change from using the word "awareness" to "acceptance," and that's very intentional, colleagues — is a time to focus on accepting, supporting and including autistic people; advocating for their rights; and recognizing their important contributions to Canadian society. We should be proud of the progress we are making in Canada, but know that there is a lot of work left to be done, and it is work that we must begin together to make Canada a more autistic-inclusive country.

With that, I want to wish everyone, especially autistic Canadians and their families, a great Autism Acceptance Month and World Autism Day. Thank you, colleagues.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Chief Junior Gould of Abegweit First Nation. He is the guest of the Honourable Senator Francis.

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

Hon. Senators: Hear, hear!

[*Translation*]

FRANCOPHONIE MONTH

Hon. René Cormier: Honourable senators, I would ask your indulgence as I rise to speak to you because my voice is rather weak today, much like the French language in Canada.

The French language is weak everywhere in the country right now. The number of individuals who speak predominantly French at home continues to rise in Canada, but their relative proportion is decreasing more and more rapidly.

We are facing a growing number of challenges when it comes to reversing the demographic decline of the Canadian francophonie and taking action to remedy the situation. We need to rally our youth, ensure access to education in French from early childhood to the post-secondary level across the country, increase francophone immigration, and create cultural and living spaces that appeal to francophones and francophiles from Canada and other parts of the world.

The responsibility for securing the future of the French language and culture in Canada does not rest solely on the shoulders of official language minority communities and Quebec. It is up to all of us as Canadians to recognize the importance of this language and do our part to keep it alive.

The month of March, which is now drawing to a close, gave us the opportunity to celebrate the richness of one of our two official languages and reaffirm Canada's place in the international Francophonie.

The mission of the Francophonie, of which Canada is a member, is to promote the French language and cultural and linguistic diversity, promote peace, democracy and human rights, and support education, training, higher education and research.

What we are celebrating this month is much more than a language. It is a cultural, social, political and economic space.

But what does Canada's francophonie look like? Who is making sure that French has a presence from coast to coast to coast in Canada? To be sure, Quebec has invaluable linguistic and cultural wealth and is a home for those who speak and love this language.

However, we can say that it is primarily the people in official language minority communities and their friends who are taking action in the provinces and territories to ensure that the French language flourishes and develops nationwide and that there are French-language living environments that can welcome francophones and francophiles from all over, thereby reaffirming Canada's social contract.

Colleagues, the time has come to equip our country with a strong, robust and modernized Official Languages Act. The time has come to institute a bold, effective francophone immigration policy. The time has come to bring in legislation that ensures that the French language and francophone artists get to take their rightful place in the digital realm and in our cultural spaces.

As legislators, we have the power to act. Let's be visionary and work together to ensure the future of this national treasure, the French language, which is spoken by 321 million people on five continents. I hope everyone had a good Francophonie Month, and may we all continue to celebrate the French language all year long. Thank you, honourable senators.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of McKayla Wolfer and Rose Knetsch. They are the guests of the Honourable Senator Sorensen.

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

Hon. Senators: Hear, hear!

2023 CANADA WINTER GAMES

Hon. Marty Klyne: Honourable senators, from February 18 to March 5 of this year, Prince Edward Island hosted the 2023 Canada Winter Games. In total, there were 20 sports and 150 events during the two-week period. This was an experience of a lifetime for young athletes across Canada. Team Saskatchewan had an excellent showing. Our athletes earned 20 medals at these winter games — three more than the team earned at the last games, back in 2019.

One group of young athletes I'd like to point out is Saskatchewan's ringette team. Ringette is one of the fastest sports played on ice. After dropping their first two games, Team Sask. fought their way back to the medal round, including a dramatic, come-from-behind win in the quarter-final against New Brunswick. As their goalie Maddy Nystrom said after the game:

> Our team didn't give up. We don't give up. We started slow in round robin. We worked our way up and kept getting better every single game and kept pushing. We wanted to win so bad.

All of this hard work paid off in the bronze medal game, as Team Sask. won 4-3 in overtime against Team P.E.I. on a beautiful goal scored by Rylie Bryden. This was Saskatchewan's ringette team's first medal in 24 years, and only the second ringette medal in Saskatchewan's history — the last was a bronze medal in 1999.

March being Women's History Month, it is particularly exciting to see an all-female coaching staff and all-woman team succeed at the games in ringette. This says a lot about Saskatchewan's commitment to female coaching and athletes in a sport that is played by so many female athletes in my home province.

And I'm very pleased to say that we are hosting the 2023 Canadian Ringette Championships in my hometown of Regina next month, from April 9 to 15. We're looking forward to watching all of the great ringette talent from across Canada.

Thank you. *Hiy kitatamihin*.

• (1420)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Cameron Highlanders of Ottawa (Duke of Edinburgh's Own) Regiment, including their Commanding Officer, Lieutenant Colonel Gord Scharf and Honourary Colonel Dan MacKay. They are the guests of the Honourable Senator Patterson (*Ontario*).

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

Hon. Senators: Hear, hear!

VIMY RIDGE DAY

Hon. Rebecca Patterson: Honourable senators:

Cannon to right of them,
Cannon to left of them,
Cannon in front of them

Volleyed and thundered;
Stormed at with shot and shell,
Boldly they rode and well,
Into the jaws of Death,
Into the mouth of hell,
Rode the six hundred.

Lord Tennyson wrote *The Charge of the Light Brigade* during the Crimean War in 1854, but he easily could have been referring to the four Canadian divisions as they fought to take Vimy Ridge, in France, in April of 1917.

Not even 50 years since Confederation, the four divisions of the Canadian Army fought together for the first time and set out on April 9 to take the ridge that had thus eluded the Entente powers.

The 38th Ottawa Overseas Battalion, who used the front lawn of Parliament Hill for drill practice and who today live on as the Cameron Highlanders of Ottawa (Duke of Edinburgh's Own), was one of the many battalions that took part in the battle.

Then captain, later major, Thain MacDowell, was awarded the Victoria Cross, the 38th Battalion's first, for his efforts at Vimy, where he and two runners captured a German trench and bunker, seizing two machine guns and taking 77 prisoners.

Over four days, Canadian soldiers — our sons, our brothers, our husbands — gave it their all. And they paid a terrible toll, with more than 10,000 who were either killed or wounded.

Those injured soldiers were cared for by the still nascent Canadian Army Medical Corps, the CAMC, which was founded in 1904. Over the four years of the Great War, 21,453 men and women wore the Canadian Army Medical Corps badge, three of them earning the Victoria Cross.

Canadian women played a valuable role in the First World War. More than 2,800 Canadian women served as nursing sisters, earning the nickname "bluebirds" on account of their blue frocks and white veils, giving peace and comfort to wounded soldiers. While not in the trenches, Canada's nurses served in support of every battle, including at Vimy Ridge. Of those 2,845 nurses who served, 58 made the ultimate sacrifice.

I'd like to close with some lines from another poet, who also happened to be a Canadian Army doctor — you may have heard of him — Lieutenant-Colonel John McCrae. As you pause next week to commemorate the Battle of Vimy Ridge and to reflect on the sacrifices paid, remember these words:

[*Translation*]

We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved, and were loved,
and now we lie
In Flanders fields.

[*English*]

Thank you, honourable senators.

Hon. Senators: Hear, hear.

NATIONAL SOCIAL WORK MONTH

Hon. Nancy J. Hartling: Honourable senators, March is National Social Work Month, a time to honour and celebrate social workers for their unwavering dedication to their profession from coast to coast to coast. I believe they are absolutely essential to the well-being of Canadians.

Thanks to the Canadian Association of Social Workers, to Senator Bernard and our staff who helped organize two virtual events during National Social Work Month 2023. Since 2019, we have been involved in social work events like this on the Hill.

This March, we were able to highlight two very critical themes, including intimate partner violence, in the context of Bill S-249, with our guest speaker Rina Arseneault, former associate director of the Muriel McQueen Fergusson Centre for Family Violence Research in Fredericton. Our second session focused on poverty and the impact of a guaranteed livable basic income and Bill S-233, with guest speakers such as Senator Pate and Chrys Saget-Richard, a social worker.

Poverty and gender-based violence affect all Canadians deeply, and social workers are always there to provide critical support. It was a great opportunity to discuss the intersection of legislation and issues that affect all of us and to explore with social workers the process of how legislation works.

In addition, I want to sincerely recognize and thank all social workers, who have worked diligently throughout the past three years and who will continue to work hard during this post-pandemic period. So often quietly doing work without much recognition, you are valued, needed and deeply appreciated. Also thanks to all the social work students who often carried out studies online.

In Canada, there are 52,823 social workers and over 2,950 in my home province of New Brunswick. These dedicated individuals work in many different capacities and workplaces from hospitals to schools, child welfare, youth and seniors care programs, addiction centres, correctional institutions, community agencies, universities and even right here, as policy-makers. Thanks a million.

As a parliamentarian and a social worker — you never stop being a social worker — I know that social workers are essential to navigating complex systems on behalf of the people they help, in particular, the criminal justice, health, education and employment systems. They are essential advocates for diversity, anti-racism and the elimination of all forms of oppression and marginalization. They are focused on the future where dedicated social workers continue to have an extraordinary impact on people in this country.

Our social worker motto is, "We support. We mobilize. We advocate. We are accountable. We are social workers."

[*Translation*]

Thank you to all the social workers across Canada for your incredible determination and commitment.

I wish everyone a happy National Social Work Month.

Thank you very much.

ROUTINE PROCEEDINGS

STUDY ON FRANCOPHONE IMMIGRATION TO MINORITY COMMUNITIES

SECOND REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

Hon. René Cormier: Honourable senators, I have the honour to table, in both official languages, the second report of the Standing Senate Committee on Official Languages entitled *Francophone immigration to minority communities: towards a bold, strong and coordinated approach* and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

[*English*]

STUDY ON ISSUES RELATING TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY GENERALLY

ELEVENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Patricia Bovey: Honourable senators, I have the honour to table, in both official languages, the eleventh report (interim) of the Standing Senate Committee on Social Affairs, Science and Technology entitled *All Together — The Role of Gender-based Analysis Plus in the Policy Process: reducing barriers to an inclusive intersectional policy analysis* and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

[*Translation*]

RADIOCOMMUNICATION ACT

BILL TO AMEND—FOURTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

Hon. Leo Housakos: Honourable senators, I have the honour to present, in both official languages, the fourth report of the Standing Senate Committee on Transport and Communications, which deals with Bill S-242, An Act to amend the Radiocommunication Act.

(*For text of report, see today's* Journals of the Senate*, p. 1358.*)

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

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

• (1430)

NATIONAL STRATEGY RESPECTING ENVIRONMENTAL RACISM AND ENVIRONMENTAL JUSTICE BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-226, An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice.

(Bill read first time.)

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

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

GREENHOUSE GAS POLLUTION PRICING ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-234, An Act to amend the Greenhouse Gas Pollution Pricing Act.

(Bill read first time.)

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

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

[*English*]

QUESTION PERIOD

FINANCE

BUDGET 2023

Hon. Donald Neil Plett (Leader of the Opposition): Government leader, when Minister Freeland brought forward her first fall economic statement as finance minister in December 2020, she said in an interview at the time:

> If you have guardrails on the road, they need to be physical and anchored to something. Once we start driving down the road, let me assure you, there are going to be some very clear, anchored, material, concrete guardrails there.

I want to draw your attention to a comment that an analyst made on the Scotiabank report on the budget, where he was quoted as saying:

> There will be $171B more spending per year than they were spending in FY19-20 by the end of the projection horizon. At present it is 32% higher in FY22-23 than FY19-20. Minister Freeland calls that prudent; I beg to differ as she is the most free spending Minister of Finance this country has seen in a long time.

Leader, the Trudeau government has sold themselves to the NDP and stopped even pretending to care about fiscal restraint. There are names for people who sell themselves. I'm not sure whether it's parliamentary language or not, so I will refrain from using it.

Leader, there are no lines that the NDP-Trudeau government won't cross, no fiscal guardrails and no anchors. What's left?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. This budget provides important assistance to Canadians who are struggling with the high cost of living and targeted measures to make sure that those 11 million households receive important help, while at the same time meeting the moment that our country is experiencing to make the necessary investments in our future, our children's future and our grandchildren's future for a cleaner energy grid and a more sustainable environment.

Indeed, economists and commentators quick to respond will have differing views, as there are almost as many views as there are schools of thought and ideologies amongst them. Since you cited one such analyst, let me respond with the words of the former Parliamentary Budget Officer Kevin Page, who wrote extensively in *The Globe and Mail* recently. He stated as follows:

> In a high-inflation environment with dark clouds on the economic horizon, a credible fiscal strategy should demonstrate caution. Acknowledge downside economic risks. Limit new measures. Maintain fiscal rules. On balance, the 2023 budget has a credible fiscal strategy.

Our performance economically demonstrates this, colleagues. Our debt-to-GDP ratio in Budget 2022 was 42.4%. It has risen somewhat. Higher interest rates, to be sure, are contributing this year to 43.5% debt-to-GDP ratio, and it is targeted in our projections — consistent with the budget projections of last year — to fall below 40% within this decade. This compares to the debt-to-GDP ratios of 66% in Germany, 92% in the U.K. and 98% in the United States. We are leading the G7 countries in the important measure of debt-to-GDP ratio. It's a testament to the responsibility that this government feels to Canadians now and in the future.

Senator Plett: You and I will both get our opportunity to make speeches on the budget in a few weeks' time, but since you didn't want to answer the question, let me answer it for you. I'll tell you what's left. That was the question.

What's left behind by all the spending is debt that is beyond comprehension. Doubling mortgages is not helping the average person who can't afford to make a mortgage payment. Canada's federal debt for the upcoming fiscal year is projected to increase to $1.22 trillion. I can't get my mind around a number that high.

Minister Freeland once promised Canadians that the pandemic debt would be paid down. However, according to the Jagmeet Singh-Trudeau government budget, the debt will never go down. By 2028, it will reach $1.31 trillion, leader. Let's face it, if the NDP remains the driver of this government — and there's no indication that they won't — they will blow past that projection as well.

Leader, yesterday you said this was a responsible budget, and you alluded to that again today. I disagree with you. How can you say it's responsible to leave a sky-high amount of debt for our grandchildren and great-grandchildren to deal with? Is this the way you run your household budget, leader?

Senator Gold: I run my household budget responsibly. I invest now in my children's and grandchildren's future. This government is investing responsibly in our collective future.

You ask, senator, what is left behind. This budget makes sure it is not leaving Canadians behind. The new grocery rebate is providing targeted relief for 11 million low- and modest-income Canadians and families who need it most. It is addressing the hidden junk fees, such as higher telecom roaming charges, event and concert fees, et cetera, that nibble away at the spending power of those who can least afford it. It will tackle predatory lending by proposing to lower unreasonable rates of interest. It will lower credit card transaction fees, which benefits not only consumers but small businesses. It will provide automatic tax filing for more low-income Canadians to make sure they can file

their tax returns to receive the benefits that too many miss because of either inability, a lack of knowledge of them or the fact they're not filing.

• (1440)

The budget is helping post-secondary students to afford their education by increasing the Canada Student Grants Program and raising the interest-free Canada Student Loans Program. It will help Canadians purchase their first homes. The list goes on.

That's what's left behind: a legacy of helping Canadians as this government continues to do.

FEDERAL FISCAL DEFICIT—ECONOMY

Hon. Leo Housakos: Government leader, what you've just highlighted over there is a spending spree that this government has been on for the last seven and a half years. Congratulations.

That explains, of course, why this Prime Minister has doubled the debt. He has created a bigger debt on his own than every other Prime Minister in the history of this country collectively. My concern, and the concern of this opposition, is not how you and I manage our financial affairs, because the truth of the matter is that I'm not concerned about people who are employed by the Government of Canada or the Parliament of Canada. I'm concerned about people who are working for Canada, who are being taxed to death and who are, right now, having a miserable time every time they go to the grocery store or try to pay for shoes for their kids to send them to school. Those are the people I'm concerned about.

My question is simple. In 2015, this Prime Minister made a commitment to the Canadian people that he would not have a debt run longer than two fiscal years, and he promised that he would balance the deficit by 2019. That's what he promised.

The question is a simple one: Why did he lie to the Canadian people?

Hon. Marc Gold (Government Representative in the Senate): Senator Housakos, I will resist commenting on the fact that you have once again attributed to bad faith and, in some traditions, call a sin to our Prime Minister. It's disrespectful and below this house.

I suppose the opposition would have preferred that, in the face of a global pandemic, we simply cut taxes and did nothing to help Canadians. I suppose that, in the face of the invasion of Ukraine by the Soviet Union, the opposition would have insisted that the government not provide the billions of dollars of assistance to Ukraine. Indeed, the opposition voted against the budget, which included such measures in it.

The fact is that this government has been here for Canadians and has responded to the circumstances and exigencies of events, and it will continue to do so. I repeat: It will do so in a way that has maintained the strength of our economy through the pandemic and beyond, maintained our credit rating and maintained our status as a country with the best growth in the G7 and the lowest debt-to-GDP ratio.

Senator Housakos: Government leader, the only thing this government's wild and overkill spending has achieved is to create historic inflation that, again, is pummelling middle-class and poor working Canadians. This government is oblivious to the fact that interest rates can rise at any moment. That's why, a year ago, we did have one of the best debt-to-GDP ratios in the world, as we did in 2015, but we are in decline there. We are falling behind. If interest rates go unexpectedly, about which you guys were shocked — it went from 2% a year and a half ago to 5% — wait until it gets to 7% or 8%. What kinds of excuses will we hear from this government then?

And yes, the Prime Minister lied; he misled Canadians when he made a commitment to balance the budget by 2019. In this town, we have to start coming up to speed with the fact that when we mislead taxpayers, we have to account for it somehow and not double down.

In this budget tabled a few days ago, your Minister of Finance has added $63 billion of new debt. Do you think that's fiscally responsible when we're on the eve of a recession?

Senator Gold: Senator Housakos, I'm not going to debate economics with you. I was a student of Friedrich Hayek before his name was famous, and I understand very well the different points of view.

It's the position of this government that this budget is a responsible budget. If one canvasses the business community, those who are poised to profit from the opportunity to have funds to invest in the future of their industries — and investments that will bear fruit for our children and grandchildren in a responsible, creative and prudent way — this government is proud to stand on its record for being here for Canadians and investing in our future.

IMMIGRATION, REFUGEES AND CITIZENSHIP

REFUGEES AND ASYLUM SEEKERS

Hon. Bernadette Clement: This question concerning Roxham Road is for Senator Gold, Government Representative in the Senate.

Senator Gold, hundreds of asylum seekers have been bused to my city of Cornwall, Ontario, from Quebec, where they stayed in hotels and received supports like health care, language classes, settlement services, education and more. Despite the uncertainty and poor communication from Immigration, Refugees and Citizenship Canada — IRCC — the municipality and local organizations have worked overtime to help and support these very welcome newcomers to our community.

Now things are even more uncertain. Senator Gold, Deputy Chief Vince Foy of the Cornwall Police Service told my office he expects human smuggling to increase. There is a risk that organized crime groups will exploit desperate people who might cross the St. Lawrence River in unsafe conditions.

I've said it before, and I'll continue to say it: Municipalities must be treated as partners. They were not consulted or adequately communicated with while Roxham Road was open. Now that it's closed, what is the plan for collaboration and consultation with municipalities and local organizations? What will the government do to support communities like Cornwall, which is facing new challenges like human smuggling? What will be done for the newcomers already here?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question.

Since IRCC began transferring asylum claimants to Cornwall in September 2022, it has worked closely with the Province of Ontario and the City of Cornwall. It meets on a biweekly basis with partners to discuss the respective roles and responsibilities, and the transfer of claimants, so as to ensure operational readiness.

Since the beginning, IRCC has been transparent with provincial and municipal stakeholders about the department's plan to house asylum claimants in Cornwall and in other communities, given how so many have arrived through Quebec. It has passed along all available information at every step in the process. Furthermore, IRCC delegates made a trip to Cornwall in late January to discuss with officials the community challenges that came to light following the transfer of claimants.

IRCC is committed to working closely with its municipal partners to determine the future of operations when current hotel contracts are set to expire, and it will maintain open lines of communication.

Senator, you're quite right to underline the challenge of human smuggling. It's a global problem. It requires both domestic and international solutions. In that regard, Canada works closely both with its domestic and international partners, and the government remains confident in the ability of Canadian law enforcement agencies to work together to maintain the integrity of our border with the United States.

The changes in the Canada-U.S. Safe Third Country Agreement are intended to deter irregular crossings between ports of entry and to reaffirm that foreign nationals should claim asylum in the first safe country they enter, whether it be Canada or the United States. Now that the terms of the Safe Third Country Agreement apply across the entire border, entering between ports of entry no longer provides greater access to Canada's asylum system.

Again, the IRCC and the government will continue to work closely with the communities that are bearing the burden, costs and challenges of accommodating in a humane and dignified way those who are in Canada seeking asylum.

Senator Clement: Grand Chief for the Mohawk Council of Akwesasne Abram Benedict told my office that his community is concerned about the evolving situation, too. Akwesasne residents have to pass through the Cornwall port of entry, sometimes multiple times a day, in order to do business, go to work or school and seek health care. Long lines and appropriate staffing are already a challenge, he said. Now, wait times are expected to be even longer as more and more people come to the border seeking asylum.

How will the federal government work with communities like Akwesasne to ensure that residents can travel safely without impediment? How can we ensure the Canada Border Services Agency is properly staffed to minimize disruption to residents of Akwesasne and Cornwall?

Senator Gold: I know that work is being done to prepare all aspects of our institutions, law enforcement and others for the days and months ahead.

I don't have a specific answer to your question, but I am advised that the government has reached out to the community in order to discuss those matters with them.

FINANCE

COST OF FUEL

Hon. Dennis Glen Patterson: Senator Gold, this Saturday, residents of Nunavut will pay significantly higher costs for gasoline and home heating fuel due to the federal government forcing the Government of Nunavut to no longer provide a direct subsidy in those fuels at the pump, a system put in place after the Pan-Canadian Framework on Clean Growth and Climate Change was implemented in 2016. But now, starting Saturday, the federal government has refused to allow that direct subsidy at the pumps to continue, and it threatened to impose the dreaded backstop, which would have returned carbon tax revenues from Nunavut to the federal government, despite pleas from the Government of Nunavut not to do that.

• (1450)

Senator Gold, my question is this: Why is the federal government now punishing Nunavut homeowners, drivers and hunters who already have the highest cost of living in the country and have been hard hit by inflationary price increases?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I don't have an answer for it, senator. I'll have to look into it and get back to you with an answer.

Senator D. Patterson: Thank you for that response, Senator Gold.

The federal government has recognized Nunavut's unique vulnerabilities and lack of green alternatives, so we're vulnerable to the burdensome costs of imposing the carbon tax. They have exempted us from paying the tax on fuel for power generation and intraterritorial aviation fuel.

Would you please advocate for extending this exemption to gasoline and home heating fuel? We can't go back to dog teams instead of snowmobiles or snow houses instead of modern homes.

Senator Gold: I will certainly share these concerns and preoccupations in the course of my discussions with the government.

BUDGET 2023

Hon. Andrew Cardozo: My question is for the Government Representative, and it is regarding the budget tabled this week.

Observers are calling this a watershed budget, as it has provided significant support to green technology, taking the Canadian industry up to a new level, in part to keep up with the major incentives provided by the Inflation Reduction Act in the United States and other similar measures in Europe and other countries. There's a great deal that Canadians can do to advance this industry for domestic purposes and build our international competitiveness in green technology.

Can you outline, Senator Gold, what the government is doing to build this Canadian industry, create jobs and fight climate change?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question.

The global economy is undergoing what might be fairly described as the greatest transformation since the Industrial Revolution, and Canada, as a leading country, cannot allow itself to be left behind. Our friends and partners — notably chief amongst them, the United States — are investing heavily to build cleaner economies and the net-zero industries of tomorrow. That's why the measures in this budget put a strong accent on helping Canadian businesses in Canada with their efforts to invest in the clean economy with clear and predictable investment tax credits, low-cost strategic financing and targeted investments and programming designed to respond to the specific needs of the different sectors or projects that have national economic significance, to list some of them.

As I mentioned, there is a suite of new investment tax credits designed to attract and accelerate investments in clean electricity, clean technology manufacturing and clean hydrogen — projects already under way by businesses and supported by governments in many of our provinces, from labour requirements to investment tax credits, to ensure government support for businesses to be able to grow and provide workers with good wages and opportunities for apprenticeship. There is $3 billion over 13 years to support clean electricity programs. There is a clean electricity focus for the Canada Infrastructure Bank, with investments of at least $20 billion to support the building of major clean electricity and clean growth infrastructure projects. And, of course, there is the standing up of the Canada Growth Fund to partner with the Public Sector Pension Investment Board to attract the private capital needed to invest in Canada's clean economy.

These measures are designed to make sure that we, as a country, do not fall behind our partners and the world as the world undergoes this transformative change. Budget 2023 is the Government of Canada's response to that to help our Canadian businesses and our economy succeed as we go through these changes.

Senator Cardozo: Senator Gold, you talk about the transformative changes that are taking place in the economy with the environment and with climate change. At the same time, we have soaring inflation, and we have concerns about a recession.

Is this the time to make these investments, or can they not be put off for a few years, as some would argue?

Senator Gold: It's the position of the government that this is precisely the time to make these investments. First of all, the world will not wait. Climate change doesn't wait; capital markets don't wait; our partners aren't waiting and Canadian businesses don't want to wait. The workers who depend on good, solid jobs, whether it's in the current energy sector, in agriculture — in every sector — have the right to have their governments support them as the world changes around them so that they and their children can continue to have a prosperous, nourishing and meaningful work experience.

Happily and fortunately — and I am repeating myself —

Senator Plett: Yes, you are.

Senator Gold: Well, it's important to repeat facts in the face of repeated claims that aren't factual, colleagues.

The fact is, our economy is strong and able to absorb these investments. Yes, it increases spending, but it's not reckless spending. It's intelligent, focused, targeted and purposeful spending. The fact that our economy is doing as well as it is is a function of the spending and investments of this government over the past number of years. Now is the time, because the world won't wait.

FOREIGN AFFAIRS

COST OF DELEGATION TO THE FUNERAL OF HER MAJESTY QUEEN ELIZABETH II

Hon. Donald Neil Plett (Leader of the Opposition): Leader, to the surprise of absolutely no one in this country, it turns out that the member of Canada's delegation to Her Majesty's funeral last September who stayed in the $6,000-a-night hotel room was — you guessed it — Justin Trudeau. This information was not given during any of the times that the Prime Minister was directly asked about this in the other place. It also wasn't provided through access to information, as his name was redacted from hotel invoices released in February. No, this information was given to the House committee just as Air Force One was touching down in Ottawa last Friday.

An Hon. Senator: Facts.

Senator Plett: Leader, isn't it embarrassing that the Prime Minister used President Biden's visit to hide the truth from Canadians?

An Hon. Senator: Hear, hear.

An Hon. Senator: Fact.

Hon. Marc Gold (Government Representative in the Senate): The answer is no. The specific cost of the room that is referenced includes more than one room, as colleagues would know, and that includes the security who stayed in this set of rooms. This is the Prime Minister of Canada at the Queen's funeral, and it was necessary for the Prime Minister to have the appropriate security, as you would fully expect.

As always, the government has made every effort in this regard to ensure that the spending on official trips is responsible and transparent.

Senator Plett: The answer changes. It was one room; now it's multiple rooms. Why didn't the Prime Minister say that months ago, that it was multiple rooms that he had used?

Last fall, leader, I questioned you repeatedly about who had stayed in this $6,000-a-night hotel room. If the Prime Minister had answered the question himself at any point, he would not have had to put you in the position of defending the indefensible, which you again have done a number of times today.

Instead, as I said to you a few weeks ago regarding the foreign interference allegations, no one can get a straight answer out of this man. This is the government that once claimed to have set a higher bar, leader, for openness and transparency. Instead, using the visit of an American President to try to bury this story is probably the lowest of the low in terms of transparency.

Leader, yesterday the Trudeau government claimed that this $6,000 room included rooms for security and that saying otherwise was misinformation — and it took them months to decide that.

How can that explanation be trusted when the Prime Minister has lied on numerous occasions? How can that explanation be trusted when the Prime Minister could have said from the start but chose not to do so? Isn't that misinformation?

• (1500)

Lastly, leader, as I said yesterday, when will Justin Trudeau realize he has lost the confidence of Canadians, and step down and call a federal election?

An Hon. Senator: Hear, hear.

Senator Gold: The position of the government is that it is here to serve Canadians, is serving Canadians and will continue to serve Canadians so long as it has the confidence of the House.

MONEY LAUNDERING

Hon. Leo Housakos: Government leader, let's stay focused on the facts. You talk about all of the wonderful things this government has done with the economy. A few days ago in *The New York Times*, there was an article — written by our strongest friends and allies to the south — that gave a gold medal to Canada because the government has achieved some great things: We have become the world's number one money-laundering nation in the world. Forty billion dollars per year is being laundered through Canada by criminal networks; oligarchs; terrorist organizations; and various other friends, families and agents of authoritarian regimes that are coming to influence our institutions and our nation. The new title for Canada, according to *The New York Times*, on March 25, is that we have become experts at "snow washing."

Could you please answer me in simple English terms? What action, if any — I certainly haven't seen any — has this government taken to mitigate this terrible activity that's going on in our country?

Hon. Marc Gold (Government Representative in the Senate): Money laundering is a crime, and we have laws against those crimes. We have provincial police forces, the RCMP and the Attorneys General in all of the provinces to enforce those laws.

This is a serious issue that has been raised on a number of occasions in this chamber with regard to what specific steps might be taken outside of specific investigations of which, obviously, no comment can be, or should be, made. With regard to any further legislative measures, I will have to make inquiries.

This remains a serious problem in a number of different sectors, and this government, like all governments, is committed to addressing it.

Senator Housakos: You are absolutely right; it is a serious problem, government leader. The reality is that this government has done absolutely nothing, as I see from your answer.

All of these money-laundering operations are related to foreign interference. I have said it before, and I will say it again, this government has been completely ambivalent in addressing this particular serious issue.

In this chamber, we have Bill S-237 and Bill S-247 — calling for a foreign registry act. We're calling to tighten up the Sergei Magnitsky law in order to go after friends and family who are doing this kind of money laundering on behalf of these regimes in our country, and your government has taken no mitigating action on this issue.

POINT OF ORDER

SPEAKER'S RULING RESERVED

Hon. Percy E. Downe: I may have misheard, but I thought there was some language spoken today that should not be allowed under our Rules. Over the years, I have heard many senators say that the carpet here is red — not green — and that impacts our tone of debate.

Like others, I have been upset over certain things many times, but I think it serves the institution well to be in a higher role than some of the other parliaments, both provincial and federal, in Canada. Your Honour, I would urge you to use what authority you have to correct any inappropriate language which, I think, I heard today.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, does any other honourable senator wish to comment?

Senator Downe, I will take the matter under advisement, and I will speak to it when we return. Thank you.

ORDERS OF THE DAY

ONLINE NEWS BILL

SECOND READING—VOTE DEFERRED

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare, for the second reading of Bill C-18, An Act respecting online communications platforms that make news content available to persons in Canada.

Hon. Leo Housakos: Honourable senators, I rise today to speak to Bill C-18, the online news act.

A few weeks ago, the bill's sponsor, Senator Harder, said he hoped that we could all agree that action is needed to address the challenges faced by the Canadian news sector at this time.

I do agree that legacy news media in this country are facing challenges, as they struggle to compete with online news outlets and platforms for eyeballs and for advertising revenue. Some are struggling more than others, and I think that's something that should be included in any study of this legislation.

Why are some succeeding where others are failing? That's partly where I take issue with this legislation — that it establishes, as its baseline, that journalism as a whole is in peril in this country. Where I take further issue is that it is a problem that warrants government intervention. I have difficulty wrapping my head around the notion that government sticking its nose in will somehow ensure a free and independent news media — the two don't really go together.

There is no denying that bricks and mortar newsrooms in Canada are being decimated — in particular, newspaper publishers and small, independent outlets. Canadians, like everyone else in the world, are consuming news differently. More and more, they are turning to online platforms for content, and advertisers are following them. As a result, legacy media are now forced to compete for advertising revenue over which they used to enjoy a monopoly. But, colleagues, if they're unable to successfully do so, that's a problem with their business model, not with journalism at large.

Let's be honest about the intent of this legislation: It's not about preserving a free and independent press that, yes, I agree, is so vital to a healthy democracy. It's about preserving a system of journalism with which we are familiar and comfortable — and, in the case of the current government, has also served them well.

For a government that proclaims to embrace innovation and technology unlike any other government before them, they keep drafting legislation that punishes and disincentivizes innovation. The simple fact is that government has no business in the news business within a robust and healthy democracy.

When a government steps in to dictate what qualifies as "quality" or "professional" news, and starts handing out financial supports on that basis, that is no longer a free and independent news media.

Colleagues, it's human nature to distrust someone whose very survival is dependent on another person or entity. It's why we have conflict of interest laws and codes. Even the appearance of a possible conflict is to be avoided. That is especially true when it comes to news media.

I am very disappointed to see the government, including the sponsor of this bill here in the Senate, use the prospect of fighting disinformation and misinformation as justification for this legislation, as if only the government, or its proxies, can be the arbiter of what information is worthy of consuming.

It's very dangerous, colleagues. Yet, it keeps coming up, even after a member in the House of Commons was forced to apologize.

Liberal member of Parliament, and a former journalist herself, Lisa Hepfner claimed in committee during study of Bill C-18 that:

> . . . we'll see the argument that a couple hundred other online news organizations have popped up in that time, what we don't see is that they're not news.
>
> They're not gathering news. They're publishing opinion only.

In an apology that she was forced to issue over that comment, MP Hepfner couldn't help herself and, again, denigrated online news by implying that most of them are not trusted sources of news but, rather, sources of fake news.

Colleagues, you scoff at our suggestions that all of these pieces of legislation — this bill and its predecessor, Bill C-11 — are attempts by the Trudeau government to control what Canadians see online, but the truth is the call is coming from inside the House — literally.

While we're on the topic of misinformation and disinformation, let's talk about the complete misrepresentation of how news is being shared on Facebook and Google, and what this legislation will supposedly do.

Liberal MP Hepfner, again, described it in the following way in a tweet after Bill C-18's passage in the House of Commons. She tweeted that Bill C-18:

> . . . makes it harder for big digital platforms like Facebook and Google to steal local journalists' articles and repost them without credit . . . .

That is such an appalling distortion of facts and reality from a member of a government that talks ad nauseam about combatting misinformation and disinformation online, and then they go ahead and perpetuate it.

These platforms don't "steal" content. If anything, they're actually showcasing the work of journalists, and driving traffic to legacy media's own websites — just like they showcase our work when we post our own content as politicians.

• (1510)

Ms. Hepfner makes it sound as though Facebook and Google are out there copying and pasting content and trying to pass it off as their own. Colleagues, that's ludicrous.

In the case of Facebook, its users — people like you and all of us — are providing links to news items that take you to their originating website, whether it be CTV News or CBC or the Western Standard or any one of these outlets.

It's the same with Google, whether you're looking at Google News, which is an aggregator that clearly identifies the source of the story and links directly to that site, or when you're using Google as a search engine, where it again brings you directly to the originating source site of the journalist's story.

There's no stealing of content nor failure to properly credit anyone or any outlet for their work. Accusing the platforms of theft would be like a restaurant accusing a cab driver of stealing their customers when they drop them off at the door. It's ludicrous.

Yes, these online platforms have found a way to financially benefit from the work of others; and, in turn, with only so much ad revenue to go around, it cuts into the profits of the media outlets. Of that there is no doubt.

But let's stick with the analogy of the cab driver and the restaurant. A couple is dining out and they know they want to have a few drinks at dinner and don't want to drive, so they take a cab to and from the restaurant. They only have so much budgeted for their evening out, so they know that they have to deduct the cab fare from the amount they had set aside at the restaurant. That's logical.

Is the restaurant owner now going to say to the cab driver, "Okay, you owe me a portion of the fare"? No, he or she is thankful for the business; especially in today's world where food delivery services are draining a lot of business from in-house dining.

Those same restaurants, by the way, have had to adapt, as a result of those food delivery services, to new technology and how we order from restaurants. It is the same way that the news media will have to adapt to the digital world — and some have adapted.

By the way, nobody is forcing news media to make their content available online to be shared on platforms like Facebook or Google. They choose to post the content themselves and encourage others to share by putting those little icons for sharing available on every item. They know the benefit they derive from having their content shared — it's magnified. In the case of Google, media outlets proactively make their content available to show up in a Google search by enabling their RSS feed. They could simply not enable that feed, and, in the case of sharing on other platforms, they could put their content behind a paywall. A digital subscription is no different from a paid subscription. It's difficult to accuse someone of stealing something that's on offer for free.

Recently, Google carried out what they called a test in Canada in which they stopped providing links to Canadian news for what they say was less than 4% of the population in Canada. Government officials went off accusing them of "stealing" content and of "blocking" content.

I'll return to my restaurant analogy. It would be like the cab driver saying, "Okay, I don't want to be accused of stealing your customers, so I won't bring people to your restaurant anymore." And then the restaurant manager accuses him of stopping customers from going to the restaurant.

Colleagues, do we not see the ridiculousness of it all?

Furthermore, it's just not true. During Google's test, not one Canadian was prevented from accessing whatever news site they wanted to access — not one. That's not how the internet works.

It's not about defending big tech, as I'm sure I will be accused of doing. It's about being factual and speaking plainly about the reality of the situation.

We have a government engaging in the very misinformation they claim to want to combat, just as they are engaging in the very bullying and intimidation that they're accusing Alphabet and Meta of, the parent companies of Google and Facebook.

That was the reaction of the Trudeau government to Google's recent test and to Meta making it clear that if they are forced to pay every time one of its members shares a link to a news

article in Canada, they will halt the practice altogether. They will simply say, "Don't use our platform. Use another search engine." Nobody forces a journalist to use Google or any other platform. It is free. It is called freedom. You have a choice.

These two companies are engaging in a good old-fashioned game of chicken. They are calling the government's bluff, and it's no surprise that the government is reacting negatively to it.

However, that does not justify what the government did in retribution. For those who may not be aware, Google was called on the carpet to explain their decision to carry out their recent test. Not only was the witness from Google intimidated by MP Chris Bittle — he seems to be turning that into an art form — he went so far as to state that perhaps they would have to consult with the law clerk to determine what further could be done because Mr. Bittle simply wasn't satisfied with the responses he received.

The government used that parliamentary committee to compel the production of third-party correspondence from these two companies, as it relates to a bill that is no longer in that chamber for consideration.

We are talking about correspondence between these entities and private citizens voicing opposition to this government's legislation, and this government is demanding that it be turned over.

Talk about witch hunts. Talk about inadvertently browbeating and arm-twisting witnesses. To what end? What purpose does this serve? Never mind how rich it is for this government to demand a level of transparency from others that it has gone to great lengths to avoid providing itself.

This is the kind of strong-arming we'd expect from Beijing or Tehran or Havana, or even from the mob. It is not supposed to be how we conduct ourselves in a free and democratic society.

It's the kind of witness intimidation we saw from the same member of government during their and our study of Bill C-11.

I know it's easy to demonize online platforms, in particular Alphabet and Meta, who are the parent companies of Google and Facebook. There has certainly been a lot of it in this chamber and committee over the past several months, but this is beyond the pale.

Colleagues, I understand the reflex to help struggling newsrooms, especially the smaller, independent and local ones. The government has certainly played on that sentiment.

But the truth is that this bill will not breathe new life into struggling newspapers or upstart or ethnic venture newspapers. As a matter of fact, the bulk of the money collected through this scheme will actually go to big broadcasters, including none other than my beloved funded CBC.

That's not me saying that; it's the Parliamentary Budget Officer, an independent officer of Parliament. According to an analysis carried out by the PBO, newspapers and online news outlet media would get less than a quarter of the funding collected from Facebook and Google.

It is CBC, Bell, Shaw and Rogers, our beloved telecommunications giants, who would stand to make $248 million from this scheme, while newspapers and smaller, independent and ethnic online outlets would be left scrapping it out for the remaining $81 million. It's not me saying it; it is the PBO.

Why is CBC even eligible for this funding? They already have an advantage over all others by allowing them to compete for ad revenue, while also receiving government funding to the tune of $1.4 billion per year. Are we now going to give them another leg up by allowing them to cut into this funding?

If we want to help the smaller, independent outlets, stop making them compete against CBC. If this legislation is passed, CBC should not be eligible for funding it generates, or every dollar they do receive should be deducted from their government funding.

In closing, I want to go back to something Senator Harder said about the newsrooms that do the heavy lifting and how their work must be supported and that they must be fairly compensated.

Few outlets, if any, in this town have done more heavy lifting in exposing the waste and ethical corruption of the current government than the online outlet Blacklock's. They are one of the outlets I spoke about earlier that employs a business model of putting their content behind a paywall and charging a subscription fee.

Yet, this Trudeau government has been embroiled in a years-long legal battle with Blacklock's because government departments and offices keep sharing their content without paying the subscription fee. That's why they've been before the court for years.

Think about that: This government is out there telling you that we must support free and open journalism and that these journalists must be fairly compensated for their work — noble. All the while, they're openly circumventing Blacklock's paywall and outright infringing on their copyright. That is actually stealing content — and that is parliamentary language. If somebody takes something that doesn't belong to them, free and unwarranted, it is called stealing.

So the government's talking points on this legislation are beyond rich. No doubt, they justify it by telling themselves that Blacklock's isn't what they consider a "professional" outlet providing "quality" news. That's because they criticize. So anybody who criticizes is not professional — they're fake and they're not quality. Do you see the parallels here? They would say that about any outlet, I think, that's highly critical of them. Even *The Globe and Mail* — sometimes they're legitimate, sometimes they're not, depending on the news story.

And that, colleagues, is precisely why the government and politicians have absolutely no business in the business of news.

Senator Plett: Hear, hear.

Senator Housakos: Thank you, colleagues, and I look forward to studying this bill at committee.

The Hon. the Speaker pro tempore: Your time has expired. Senator Housakos, are you requesting more time?

• (1520)

Senator Housakos: It would be my pleasure.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted for five more minutes?

Hon. Senators: Agreed.

Hon. Frances Lankin: Thank you, Senator Housakos, for putting forward your views. I would like to, in my question, set aside the matter of the CBC because I think there are many other points of debate that come into it, and that polarized view held among some of us in this chamber won't be resolved through this particular bill.

I spent a number of years as chair of the Ontario Press Council and then the inaugural chair of the National NewsMedia Council. It has been my experience that any newspaper that brings forward critical arguments, whether it is of one political party's positions or another, is named "fake news." I have heard it many times from across the floor as well.

Here is what I want to understand from you: The voices of those small community newspapers that many of us in rural Ontario and across Canada rely on have largely been cancelled out and have not been able to have the resources and the staffing to do local investigative journalism. They rely on The Canadian Press and other feeds.

Your proposal doesn't address how this issue will get resolved. Surely some of the $81 million is better than nothing at all. Could you speak to what the solution is, please?

Senator Housakos: My speech, as you know, Senator Lankin, is a critique of this bill. It's not incumbent on me to find all the solutions. But I do believe vehemently — and that's why I oppose this piece of legislation — that the objective is honourable. We are trying to help failing — and particularly print — news platforms across this country. We all grew up with them. They are learning tools. They are so fundamental to our democracy. You are absolutely right — some are more left, some are more right, and that's normal. I don't have any issue with that. I encourage that as part of the democratic process.

But even in today's digital world, some of them are very successful. They might not like it, but I'll use *The Globe and Mail* as an example. They have adapted quickly to the new realities of the digital world. The digital world has offered a unique opportunity. It's a megaphone to promote our work, and it has offered it to journalists, artists and politicians. It is something I believe we should embrace and learn how to use it effectively. *The Globe and Mail* has a subscription-type system that they have been using now for a number of years. They are as successful today as they have ever been in the past.

Another outlet, the *National Post* — and again, they might not like this — has not adapted to the digital reality as quickly, and we have seen their newsrooms across the country suffering. I'm not picking one or the other, but they are two prime examples of important national newspapers. One is really thriving in the digital world, and the other one isn't.

It's the same with local weekly newspapers. In my neighbourhood, once upon a time, there were six. Now there are three that are suffering, two are doing really well and one, unfortunately, went bust.

We have seen now with this government's noble attempt to spend hundreds of millions of dollars every year to prop them up — to suspend them — that it hasn't worked. The ones that are doing well are still doing well because they've adapted. For the ones that are not, all the money in the world won't help them.

From my 20 years of business experience, I have learned something. If your business model is not adaptable to the economic realities of the time, the government can give you all the money in the world and you won't succeed.

I don't have the solution at my fingertips. I hope we have that robust, intense discussion at our committees — thank God, in Senate committees we do have those types of robust discussions — and, hopefully, we can come up with some decent, thoughtful amendments that would help this industry that we all agree and recognize has to flourish.

Unfortunately, for me, this is a shakedown of certain digital platforms that are not content providers. They are just platforms for content to be exported. We are shaking them down in order to help an industry that hasn't adapted to that particular reality. There have been winners and losers. I think the marketplace should let them work it out.

By the way, Google has been negotiating with news outlets now for years. They have made arrangements with newspapers and different organizations. *The Globe and Mail* is an example, right? They have made a deal.

All I am simply saying, again, is let the marketplace figure it out amongst themselves in a conducive fashion.

[*Translation*]

Hon. René Cormier: Like me, you appreciate the facts, Senator Housakos.

According to data collected by thinktv, community media advertising revenue fell from $1 billion to $400 million between 2012 and 2021. The data from thinktv also shows a drastic increase in advertising revenue for social media and search engines.

Senator Housakos, would you agree that this bill will help restore some balance for the benefit of Canadian news media, including local news media, which is essential for providing coverage of local news?

The Hon. the Speaker pro tempore: Honourable senators, the time has expired.

[*English*]

Hon. Fabian Manning: Honourable senators, I rise today to speak to Bill C-18, An Act respecting online communications platforms that make news content available to persons in Canada.

The purported purpose of this bill is to regulate what the bill terms ". . . digital news intermediaries to enhance fairness in the Canadian digital news marketplace . . . ." "Fairness" is the word that the government employs most in relation to this bill. The government argues that regulation of digital news intermediaries is necessary to allow for the Canadian digital news market to be sustainable.

To accomplish that supposed objective, this bill does many things. It creates a framework for digital news intermediary operators — online platforms — and news businesses to enter into agreements respecting news content that is made available by the digital news intermediaries. It empowers the Canadian Radio-television and Telecommunications Commission — CRTC — to maintain a list of digital news intermediaries and then enables the CRTC to exempt them from the terms of the bill if the CRTC is satisfied that an intermediary has entered into agreements with news businesses that, again, in the commission's opinion, satisfy certain criteria of fairness that the CRTC itself will adjudicate.

The bill allows for regulations to be made by the government on how the CRTC is to interpret these criteria. The bill establishes a bargaining process between businesses and digital news intermediaries that the CRTC will oversee. It permits businesses to complain to the CRTC about the way digital news intermediaries are conducting themselves. And, of course, the bill then authorizes the commission to impose, for any contraventions of the legislation, penalties and conditions on the participation of news business in the bargaining process.

The bill also establishes a mechanism for the recovery, from digital news intermediary operators, of costs related to the administration of the legislation.

Colleagues, what this bill does is inject the CRTC into yet another dimension of how the internet and broadcasting have functioned over the past 30 years. This time, the CRTC is to be injected into how Canadians get their news and into who benefits from that consumption of the news.

The Senate recently reviewed Bill C-11. Many witnesses, among them former chairs and commissioners of the CRTC — people who possess considerable knowledge and experience — told us about the limited capacity of the CRTC to take on the new roles envisioned for the commission under Bill C-11.

Now the government is proposing, under Bill C-18, to give the CRTC an even broader role and more power when it comes to the negotiation of revenue-sharing arrangements between online platforms and news businesses. Bill C-18 would impose a board on all parties. That board would, of course, be appointed by the government to conduct the arbitration that is provided for in Bill C-18. It is scarcely surprising that many people question how such a board will credibly adjudicate between very different points of view and in a manner that is seen as legitimate by all parties.

I would argue that the absence of legitimacy is a major problem with this bill, given the scope of authority that is proposed for the CRTC over what are bread-and-butter issues for multiple news outlets — often small news outlets — and the platforms themselves.

The role of the CRTC will also extend to how consumers, or the Canadian public, access and consume news. What I fear is that the task that the CRTC will assume will be so difficult that the government may end up inadvertently undermining the legitimacy of the CRTC itself. That is, of course, not what the government intends. But as with all ill-thought-out good intentions, that may nevertheless be the result.

Despite all the claims by the government that it widely consulted on this bill, there is certainly no clear consensus to suggest that the role proposed by the CRTC will be seen as legitimate by all parties.

• (1530)

I want to focus my remarks today on what I see as some of the core problems with the concepts that underscore the bill.

The first challenge concerns what the ultimate objective of the bill actually is. When I listen to government justifications for this legislation, I hear a lot of buzzwords and phrases.

Minister Rodriguez has said that the bill is important to protect a free and independent press. He says that the bill is about ensuring that Canadians have access to fact-based information. He also said this is about strengthening our democracy. He states that the bill will build a fairer news ecosystem.

We hear those words — "news ecosystem" and "fairness" — a lot from government spokespeople. Not surprisingly, Senator Harder repeated those same themes when he spoke to the bill in the Senate Chamber. Using the same words as the minister, Senator Harder said:

> The aim of Bill C-18 is to create a news ecosystem that promotes the creation of high-quality news content and reflects Canada's diverse voices and stories.

He says that the bill will provide ". . . a legislative and regulatory framework that is flexible, modern and encourages market fairness." There is that word "fairness" again.

By my count, Senator Harder uttered the word "fair" or "fairness" more than 20 times in his remarks on the bill. He referred to the importance of the government ensuring, through the CRTC, "fair negotiations." He said that the government had to ensure that everybody gets their "fair share." He spoke about the need for news businesses to get their "fair compensation."

Many iterations of that word "fair" were used in Senator Harder's remarks. The minister also continuously repeats the fairness mantra.

I've been around politics for a long time. Excuse me for being a little bit cynical. When a politician uses a word like "fair" that many times, people are wise to check to see if they still have their wallets.

What this is really about is money. It should come as no surprise to anyone that the question of who gets access to revenue streams generated from online advertising is the major focus of this bill. Accessing that revenue stream is what the bill is really all about.

Through this legislation, the government proposes to set up a system where the digital platforms will be required to pay news businesses for posting links to the news content that they have produced. Senator Harder argued the government's case for doing this by saying that the business model of digital platforms is to capture billions of dollars in advertising revenue by posting these links. But then, he argues, they pay none of that advertising revenue to the originators of the news.

The platforms, of course, see it differently. In their view, what the bill will do is to require them to pay the publishers simply for hosting links to their websites and for bringing more people to their websites. In effect, what they see is a de facto tax for putting the link to the news site on their platforms.

Whether we support the point of view of the government or the platforms, there is no dispute over the fact that with Bill C-18, the government has come down on the side of the legacy news media.

The government argues that the reasons for doing so are grounded in the devastating impact that the internet revolution has had on the legacy news media. Minister Rodriguez himself referenced the allegation that since 2010, about one third of journalism jobs in Canada have disappeared and that Canadian TV stations, radio stations and newspapers have lost approximately $4.9 billion in revenue, even as online advertising revenue has grown.

The bill is in large measure about trying to put the genie back in the bottle and reverse the undoubtedly negative impact that the advent of the internet has had on traditional broadcasters.

Sue Gardner, who in 2021-22 was a visiting professor at the Max Bell School of Public Policy, described this in a recent article as being the equivalent of a government 100 years ago requiring carmakers to pay permanent compensation to companies who had heretofore made buggy whips.

Those buggy whip manufacturers have been following the business model of buggy whip makers for many centuries. Then came along the automobile, and buggy whip makers suddenly found their previous profits badly impacted. Government intervention might make good sense for buggy whip makers, but does it make good sense for society as a whole?

I don't want to minimize the struggles that traditional news organizations are going through. I know many jobs have been lost. I have seen this in my own province of Newfoundland and Labrador. But I do believe we need to ask ourselves whether heavy-handed government intervention to support an out-of-date business model really makes sense.

If this is what we are doing, then words like "ensuring fair negotiations" and "ensuring that everybody gets their fair share" are really just a cover. What the bill is really about in that case is about justifying government intervention. That intervention will occur through the CRTC to redirect revenue flow.

That brings me to what has been the government's rhetorical cover for this bill, namely, the argument that it is essential for our democracy to sustain the old way of doing things.

In this regard, Senator Harder's remarks on Bill C-18 stress the vital services that traditional news broadcasters are said to perform in Canada. He said that ". . . a free and independent press is one of the foundations of a safe, prosperous and democratic society." Certainly, no one in this chamber would disagree with that premise.

But he also implied that it is largely the traditional broadcasters who deliver for Canadians that fair and unbiased information. Senator Harder implied that unless government supports traditional broadcasters, we will see greater misinformation and disinformation. Specifically, he said:

> We have seen how the spread of misinformation and disinformation around the world can damage societies. A robust, questioning media is one of the most effective antidotes to these disorders.

With all due respect, I believe it is a fallacy to argue that traditional media is somehow our antidote to misinformation. Everyone in this chamber has witnessed mainstream media feeding frenzies that result whenever hot-button issues suddenly emerge at the top of the news cycle. A groupthink takes hold. Suddenly the entire parliamentary press is reporting the same story in much the same way. No one wants to be seen as out of step. Investigative journalism has gone out the window.

When this happens — and it happens all too frequently — I have rarely seen any of the mainstream media outlets swim against the tide. When the feeding frenzy is at its peak, I have rarely seen media ask many serious questions that might suggest that perhaps somebody has it wrong. As I just said, investigative journalism has gone out the window.

The idea that government intervention through Bill C-18 is pivotal to create a healthy mainstream media better able, in Senator Harder's words, "to hold . . . leaders accountable" puts the emphasis in completely the wrong place. The traditional media are not the guardians of objective truth.

I think many Canadians see it the same way. When we consider Canadian news viewing habits, we are seeing a decline in confidence in traditional broadcasting. The average audience for CBC's supper-hour newscast is just over 300,000 people. That's less than 1% of the Canadian population. I'm sure many senators opposite watch the CBC religiously, and on this side, I may be the only one, but I do too most times. I too watch it from time to time. In Newfoundland and Labrador, we have good memories about what the CBC was and about the services it did provide, particularly to the rural communities throughout our province, especially in the Labrador region of our province.

But the public's view of that is changing. Despite Liberal MP Lisa Hepfner's assertion that online news outlets aren't news, clearly most Canadians don't see it that way. Canadians are looking for greater and real diversity in their news. I think that it is confirmed if we seriously consider how many people are watching traditional mainstream news broadcasts in general.

CTV News has around four times the viewership of CBC, but even their viewership is less than 4% of Canadians on most nights. Much of that likely has to do with the availability of greater variety of alternative news sources. But some of it undoubtedly has to do with skepticism concerning some of what is being reported in the mainstream media.

• (1540)

With all due respect to my colleague Senator Harder and to the government, if we really want to counter disinformation, I think the best antidote to groupthink in the media is to celebrate diversity in news sources. I would argue that diversity of opinion that we have now as a result of the internet revolution is a far greater antidote to misinformation than what we will get from bills like the one we have before us.

There is no question that the diversity of opinion on the internet inevitably risks simultaneously greater dissemination of disinformation. But for the informed and critical consumer of information, this should not be a danger. What we should be encouraging as a society is both critical thought and the critical consumption of diverse information. What we should not be doing is acting from a presumption that more government intervention to empower certain news media over others is the solution to our problems. Yet, I fear that — cloaked in a language of fairness and countering disinformation — this is the precise purpose of where the bill is leading us.

Colleagues, this bill requires a fulsome review in committee before we can agree to pass it.

I have only talked about some of the issues and concerns I see with the bill. There are others. In particular, what happens if the platforms simply refuse to cooperate with the legislation? What if they simply de-link all previous Canadian news sources? Is that a possible outcome? Are there other negative outcomes that the government is simply choosing to ignore? We know and have heard that the United States has again signalled, as it did in relation to Bill C-11, that the passage of the bill will have trade implications. Once again, the government seems determined to ignore those concerns.

Like the previous bill, Bill C-11, which we reviewed, Bill C-18 is complex, and its implications are multi-faceted. I hope senators agree with me that the committee reviewing this bill must hear from witnesses on all sides of the issue in order to fully understand the potential implications.

I believe this is essential, since, once again during House debate, the government cut off hearing from witnesses in an attempt to rush the bill through the legislative process. It did not work on Bill C-11, and I highly doubt it will work on Bill C-18.

The irony of the government doing that — even as Senator Harder tells us how important this bill is for democracy — should not be lost on anyone. As we did on Bill C-11, the Senate can — and should — ensure that witnesses who are prevented from appearing in the House are heard in this chamber. Personally, I am skeptical that this bill will be good for the country at the present time. I am concerned about the implications of certain sections of the bill, but I am prepared to listen to all witnesses on all sides of this issue.

I share the concerns of many when it comes to ensuring that our smaller and remote communities in particular have access to quality local news. I fear that Bill C-18 either would not be a solution to that problem or would create so many other problems that the supposed cure may not be worth it. But, as I said, I want to hear from multiple witnesses on all sides and hope the senators opposite will be prepared to do that as well. Thank you.

[*Translation*]

Hon. René Cormier: Would Senator Manning take a question?

[*English*]

Senator Manning: Certainly. Go ahead.

[*Translation*]

Senator Cormier: As I'm sure you're aware, there's a francophone newspaper in your province called *Le Gaboteur* that is the only French-language newspaper in the entire province of Newfoundland and Labrador.

Like other media in official language minority communities, this newspaper plays a very important role in keeping the public informed.

Senator Manning, do you think that the committee that will be studying Bill C-18 should pay particular attention to its impact on the media in official language minority communities, and perhaps improve the bill so that media outlets like *Le Gaboteur* can benefit from the agreements that will be reached under this legislation?

[*English*]

Senator Manning: Thank you, Senator Cormier. I didn't get the last couple of words of your question, but I think I got the gist of what you're asking.

There's no doubt in my mind — I live in a small, rural part of Newfoundland and Labrador and I'm very concerned about the impact of any legislation on those small publications. I hope that through the committee process we will hear from publishers such as those you touched on and the impact that the internet has had on them so far, and then we'll hear what they think about Bill C-18. I've had the opportunity to meet with several people involved in publishing across the country already on Bill C-18 — small, medium and large — and there's a variety of opinion, as always. We've served on the committee for some time now and had the opportunity to hear from everybody.

My concern on the House side is that they cut off debate and moved on. At least in the Senate on Bill C-11, whether I agree at the end of the day with what happens to the bill, I do agree with the process of taking our time to listen to others, to listen to the people who are affected and hopefully improve the bill if it needs to be improved, move amendments if they need to be moved, but to make sure that at least the small players in this game don't get swallowed up.

Hon. Andrew Cardozo: Thank you for your speech, Senator Manning. I found it most interesting. My sense is, as I'm listening to your criticism, I feel that your complete faith in the purity of the online world is kind of enchanting, but it's five or seven years out of date, sir. I do share your interest in hearing from a lot of viewpoints in committee.

I want to read two lines from a report yesterday. There was a report that was issued, and some MPs from the other place hosted this session that a number of senators attended. MP James Bezan was among the people who spoke in favour of this report. I want to quote two quick lines:

> Russian disinformation targeting Canadians received engagement from over 200,000 accounts on Twitter. These networks were among Canada's most prolific and influential political communities online.

So these Russian-controlled communities are more influential than all of the newspapers in Canada that you can think of. That's where we're going, and that's where things are.

My concern is that your view that government-appointed officials are non-legitimate is very troubling. Because if we were to fire all government-appointed officials, that would include all of us in this place, but it would also include every judge, regulator, police chief, fire chief. We would not have law and order. We have a system where the democratically elected governments appoint various officials and we've placed trust in them.

My question is this: Do you share my concern that we should perhaps have faith in at least some of our government-appointed officials or do you feel they should all be removed because they're not legitimate?

Senator Manning: Thank you, senator, for your question. First of all, my faith in the online world and social media is very limited. I am not on any social media myself because maybe I'm too opinionated or whatever the case may be, but I decide to keep my views to myself most of the time.

With regard to government-appointed officials — and I've served in different positions — I don't necessarily agree with all appointments, as I'm sure you don't either. My concern with this here is that the variety of opinion that we received on Bill C-11 — we received many people who came before us who had concerns with the opportunity that we will be giving to the CRTC to regulate, to organize, to decide who will be the winner and the loser here. That concerns me and concerned the witnesses we've heard on Bill C-11.

We have to try to make it — again, I talked about the word "fairness" being used — as open and transparent as possible. We hear a lot of that too. I think we have to try at least to be as open and transparent as we can with the legislation to make sure that the people out there who are most affected at least believe they have been treated fairly. There's that word "fair" again. Those words are important, but it's very important to the people who are involved in the industry out there.

That's why I'm very interested in beginning the process at committee. I believe in my time here in the chamber — and I'm sure you'll learn the same thing as you go — it is the committee where the work is done. It's the committee where we educate ourselves, where we find out from across the country how people think about a piece of legislation and how they offer improvements and amendments to it. Then it is up to us to either take their advice or just sit back and not do so. But at least we have the opportunity to do so.

• (1550)

Senator Cardozo: This is more of a statement just to thank Senator Manning. This will be the first bill that I will be involved in from beginning to end. Like you, I look forward to hearing from the diversity of opinion on this bill, and I'm sure you and I share that view. We'll look forward to those hearings.

Senator Housakos: My question is a follow-up to Senator Cardozo's questions.

Senator Manning, as you know, Senator Cardozo makes the parallel between us senators and government officials. We're not government officials — we're parliamentarians, for starters. Our role is to keep government officials to account — like the Canadian Radio-television and Telecommunications Commission, or CRTC, and the government.

Your speech touched a lot on fairness and small players, as did the question from Senator Cormier. When we look at the Canada Media Fund, we look at the money they sent to the CBC. In addition to the $1.4 billion, we allow that big player to take — I won't say steal — advertising money away from competition in the marketplace. Now we have the government who also claims it wants to create a fair, equitable system and help the small operator. The CRTC — these gatekeepers — have approved Rogers buying up Shaw — one giant buying up another giant. How does that sound —

The Hon. the Speaker pro tempore: Could you get to the question, please?

Senator Housakos: I'm getting to the question; examples are useful sometimes. How can we have a government that says they care about this little guy when we are actually taking steps not to allow for competition to fester and grow in the marketplace like, for example, Rogers buying Shaw?

Senator Manning: Thank you. I wasn't sure if you were answering Senator Cardozo's question in the beginning or asking me one. Anyway, it was a little bit of both. I wouldn't want you to be confused.

The bottom line is that we live in a changing world in so many aspects of our world. The media is part of that. When I remember back to when I was growing up, we had one channel in our community — the CBC — and if the weather was bad, you had to go on the roof to fix the rabbit ears to make sure the view came in and wasn't all snowy on the screen. Access to media is now at your fingertips. Finding some type of regulation to deal with that is in all our best interests, but finding the best legislation to deal with that is in Canadians' interest. I think that's where we need to be in relation to the bills. It can't be Band-Aid solutions. We have to take the whole problem and try to work through it and try to come up with solutions and a piece of legislation that addresses the concerns of all players.

I know the small players in the media are struggling in this country. I don't have to go any further than Newfoundland and Labrador to see that. I've met with those people in some cases. They're concerned about legislation, but they're also concerned about their futures, and many of them have closed up shop. We have to try to find a way to protect them but at the same time protect the freedom the media has.

What I said earlier in relation to committee is that we can talk about it here in the chamber and we can talk about it outside, but it's in committee that the work gets done. It's in committee that we hear from the witnesses and educate ourselves and, hopefully, through that educational process come up with a piece of legislation that addresses the concerns we all share.

Hon. Donna Dasko: Will Senator Manning take another question?

Senator Manning: Yes.

Senator Dasko: Excellent introduction. Thank you for your comments, Senator Manning. I wonder how you would respond to the fact that the top three sources of news for Canadians off-line are the same three sources of news for Canadians online. What, in fact, has happened is that the revenue that went to the off-line organizations has now shifted to the platforms where Canadians go online. Essentially, Canadians are still using and still interested in what we might call the traditional media, but they are accessing these media increasingly online and not getting the revenue for it.

I wonder what your response to that would be. It's not as if Canadians are abandoning traditional media. Of course, online, they can get a lot of other sources, but they're still accessing those same sources online for news.

The Hon. the Speaker pro tempore: Could you ask your question, please?

Senator Dasko: I'm asking Senator Manning what his response to that fact is. It's not as if the traditional media are actually disappearing out of Canadians' lives. Just a response. Thank you.

Senator Manning: Thank you, Senator Dasko. I guess it's a fact, as I said in my comments, that it comes down to the money — where the money is being put. We put a fair amount of money into traditional media. We go online. There are opportunities on both sides.

Again, we go back to Bill C-11. We heard from many people with regard to online versus the traditional off-line. I think, again, as we go forward, the numbers of people who are tuning in to traditional media as we understand it are down. They're down across the board. We have small newspapers across the country — hundreds of newspapers across the country — that have closed up. It seems like our media coverage — our opportunity to tune in to media — is getting smaller and smaller. Therefore, I think we need to find a way at least to make sure that the smaller communities get the opportunity to advertise what they have and tell the stories of a small, rural Canada. I think that's where, hopefully, some parts of this bill will find their way.

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

Hon. Senators: Question.

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Harder and seconded by the Honourable Senator Bellemare that this bill be read a second time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Do we have an agreement on the bell?

Senator Seidman: The vote will be deferred to the next sitting of the Senate.

The Hon. the Speaker pro tempore: Pursuant to rule 9-10(2), the vote is deferred to 5:30 p.m. at the next sitting of the Senate, with a bell ringing at 5:15 p.m.

NATIONAL COUNCIL FOR RECONCILIATION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Audette, seconded by the Honourable Senator Mégie, for the second reading of Bill C-29, An Act to provide for the establishment of a national council for reconciliation.

Hon. Margaret Dawn Anderson: Honourable senators, I rise in the Senate today to speak to Bill C-29, An Act to provide for the establishment of a national council for reconciliation. I acknowledge that we meet here today on the unceded territory of the Algonquin Anishinaabe nation.

The Government of Canada website states:

> Reconciliation frames the Crown's actions in relation to Aboriginal and treaty rights and informs the Crown's broader relationship with Indigenous peoples. The Government of Canada's approach to reconciliation is guided by the UN Declaration, the TRCs Calls to Action, constitutional values, and collaboration with Indigenous peoples as well as provincial and territorial governments.

Please keep this in mind throughout my speech and give it the credence and validity it should be afforded as it applies to Bill C-29.

According to the Honourable Murray Sinclair:

> The road we travel is equal in importance to the destination we seek. There are no shortcuts. When it comes to truth and reconciliation we are forced to go the distance.

Given this context, examining the road to Bill C-29 and its destination is essential. On September 21, 2022, the Honourable Marc Miller, Minister of Crown-Indigenous Relations, stated in his second reading speech:

> I would like to take some time to reflect on the genesis of this legislation. The road to get here required collaboration and a lot of work. Bill C-29 has been in the making for many years.

So how did we get here?

• (1600)

On December 14, 2017, Carolyn Bennett, the Minister of Crown-Indigenous Relations at the time, announced the appointment of six members to the interim board of directors for the national council for reconciliation and noted:

> Over the course of the next six months, the Board members will engage with various stakeholders to recommend options for the establishment of the National Council for Reconciliation and the endowment of a National Reconciliation Trust.

On April 11, 2018, an engagement event was held in Ottawa with 23 participants and 6 interim board members, which resulted in a nine-page summary of the event. On June 12, 2018, a final report was presented to CIRNAC, including a recommendation for establishing a transitional committee for the council.

Three years later, on January 18, 2021, the Honourable Marc Miller announced the establishment of a five-member Indigenous-led transitional committee who will engage with various groups, as well as the provinces and territories, on the legislative framework for the national council for reconciliation, and will provide advice and recommendations to the minister.

On June 22, 2022, Bill C-29 was introduced in the House of Commons. On October 6, 2022, before the House of Commons Standing Committee on Indigenous and Northern Affairs, Minister Miller stated:

> The Transitional Committee, recognizing the urgency felt by many residential school survivors and their families, and recognizing the engagement by the Truth and Reconciliation Commission and the Interim Board, took a targeted approach to engagement. In March 2022, they hosted an event with Indigenous and non-Indigenous technical experts to discuss key considerations that could be included in the legislation, such as information sharing.

I had requested and searched for information on the meetings and consultations after June 2018. At 10 a.m. this morning, my office received a copy of correspondence to Minister Miller from the transitional committee for the national council for reconciliation dated March 15, 2022. The correspondence states — and I ask that you please take note:

> Our recommendations are based on our own in-depth discussions as a committee, a targeted engagement session with technical experts, and the Interim Board's final report released in 2018.

I can confirm that those technical experts amount to nine individuals with legal, financial or data expertise. This number means that 32 people were specifically targeted to engage with Bill C-29 between 2018 and 2022 — bear in mind, nine of these people were technical experts. Contrast this with the fact that there are 1.8 million Indigenous peoples in Canada and over 630 First Nation bands. There is no record of meaningful consultations with the Inuit, First Nations or Métis, or engagement with various groups, provinces and territories, on the national council for reconciliation legislative framework.

This assertion would appear to be corroborated by CBC News in an article dated February 6, 2023, which reported:

> The Canadian government says it's unable to list the Indigenous communities that participated in the drafting of the proposed National Council for Reconciliation Act, because no such list exists.

The article further quotes MP Jaime Battiste that ". . . broader engagement with Indigenous communities and organizations' is on the horizon should the legislation pass."

Collectively, this is highly disconcerting and troubling. Bill C-29 is now before Senate after passing the third reading in the House of Commons, despite the absence of recorded consultation or engagement with First Nations, Inuit and Métis, specifically over four years, between April 2018 and the introduction of the bill in the House of Commons in June 2022. Bill C-29 is a matter of national interest arising from the Truth and Reconciliation Commission Calls to Action. This information should be a matter of public record.

In a news article dated October 17, 2022, Assembly of First Nations National Chief RoseAnne Archibald expressed concern regarding Bill C-29, and the fact that CIRNAC is responsible for appointing the majority of directors of the board for the national council for reconciliation. She noted, "This is not within the spirit and intent of reconciliation, and it's very paternalistic."

On December 1, 2022, Inuit Tapiriit Kanatami, or ITK, withdrew its support for Bill C-29, noting that passing this bill could undermine the nation-to-nation building between the Inuit and the federal government. President Natan Obed said, "We believe this could be detrimental."

In my discussions with ITK, it became clear that Bill C-29 was neither co-developed, nor was there meaningful consultation. The Inuit were neither a part of the drafting, nor privy to the bill before it was introduced in the House of Commons. This refrain was repeated in my meetings with the Inuvialuit Regional Corporation, Gwich'in Tribal Council and Métis Nation—Saskatchewan, as well as with Grand Chief Jackson Lafferty, Behchokǫ̀ Chief Clifford Daniels, Gamètì Chief Doreen Arrowmaker and Whatì Chief Alfonz Nitsiza, all from the Tłı̨chǫ Nation.

Not only were none of them a part of the consultation or drafting of Bill C-29, aside from the Inuit, not one of the Indigenous organizations was cognizant of the fact that this bill had been introduced and had passed third reading in the House of Commons, and was currently in the Senate of Canada.

Grand Chief Kyikavichik stated:

> While the GTC supports the overall objective of establishing a National Council for Reconciliation and understands the importance of doing so in a timely manner, it must be done in a way that is thoughtful, strategic and inclusive. The government should not see this as an opportunity to simply check off a box on its commitment to fulfill the Truth and Reconciliation Call to Actions and rush this piece of important legislation.

According to Glen McCallum, President of Métis Nation—Saskatchewan:

> When Canada purports to create a body that speaks for the Métis and that body is not accountable to, and selected by, our decision-making processes, it ultimately renders it illegitimate and undermines our position as the government of Métis in Saskatchewan.

Given the role of the Inuit, First Nations and Métis, it is essential to note that Canada has 25 modern treaties, four stand-alone self-government agreements, two sectoral education agreements and one governance agreement in partnership with Indigenous, provincial and territorial governments across six provinces and all three territories, covering over 40% of Canada's land mass. The issue of a modern treaty is partially where the Inuit concerns reside with Bill C-29 — and those of other rights holders within Canada.

The Inuit have four land claim agreements: the Inuvialuit Settlement Region, Nunavut, Nunavik and Nunatsiavut.

In 2017, the Inuit engaged in an Inuit Crown-Partnership Committee, or ICPC, with the Government of Canada. The Inuit Nunangat Policy recognizes Inuit Nunangat — or the Inuit homeland — as a distinct geographic, cultural and political region. A key component of ICPC is to advance reconciliation, strengthen the Inuit-Crown partnership and create a more prosperous Inuit Nunangat through meaningful collaboration. That being said, the Inuit, through four distinct land claim agreements, and collectively through the ICPC partnership with Canada since 2017, have constitutionally protected rights and obligations and existing contracts with the federal Crown.

The Government of Canada has 12 Statement of Principles on the Federal Approach to Modern Treaty Implementation. While all 12 are integral, I will focus on two that highlight the importance of meaningful engagement and consultation specifically regarding Bill C-29:

The second states that modern treaties are reconciliation in action:

> The Supreme Court of Canada wrote that treaties serve to reconcile the prior occupation of North America by Aboriginal peoples with the assertion of Crown sovereignty. Treaty rights are recognized and affirmed by section 35 of the *Constitution Act, 1982*. Treaties establish a mutually agreed-on and enduring framework for reconciliation and ongoing relationships between the Crown and Aboriginal people.
>
> Reconciliation frames the Crown's actions in relation to section 35 rights and informs the Crown's broader relationship with Aboriginal peoples. Canada's approach to reconciliation is informed by legal principles articulated by the courts and by negotiation and dialogue with Aboriginal peoples and provincial and territorial governments.

The tenth states that all federal departments and agencies will conduct their business in a manner that is consistent with Canada's modern treaty obligations:

> Federal departments and agencies will carry out all functions in line with their mandates, including the development and delivery of programs, services, policy and legislation, in a manner consistent with modern treaty obligations and the evolving legal framework.

• (1610)

The preamble in Bill C-29 states:

> Whereas the Government of Canada is committed to achieving reconciliation with Indigenous peoples through renewed nation-to-nation, government-to-government and Inuit-Crown relationships based on recognition of rights, respect, cooperation and partnership;

Yet, Bill C-29 is silent on its role and the potential impacts on historic and modern treaties in Canada despite these rights being recognized and affirmed by section 35 of the Constitution Act, 1982, despite the Royal Assent of the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, and despite Canada's assertion that reconciliation frames the Crown's actions concerning Aboriginal and treaty rights, and that their approach to reconciliation is guided by UNDRIP, the Truth and Reconciliation Commission of Canada, or TRC, Calls to Action, constitutional values and collaboration with Indigenous peoples.

According to TRC Call to Action 53:

> We call upon the Parliament of Canada, in consultation and collaboration with Aboriginal peoples, to enact legislation to establish a National Council for Reconciliation.

Instead, Bill C-29 was not a result of consultation and collaboration with Aboriginal peoples. Rather, it is the outcome of 32 targeted individuals and an expedited approach by the Transitional Committee for the National Council for Reconciliation and the Government of Canada.

I have spent much time exploring, understanding, discussing and researching Bill C-29, its genesis and the road it has taken.

As an Inuk senator with a strong understanding of Inuit history and the history of legislation that has had and continues to affect not just Inuit but all Indigenous peoples in Canada, Bill C-29 is vexatious. My concern lies with the foundational principles that led to the formation of Bill C-29, and the deliberate absence of meaningful consultation with Inuit, First Nations and Métis and engagement with provinces and territories. It is negligent that a bill on reconciliation endorsed by Canada sits before the Senate and so blatantly disregards the fundamental principles in the development of legislation that affects us as Indigenous peoples. This should concern all of us.

As parliamentarians, it is our duty to examine, question and use sober second thought to ensure that when we are considering a bill that not only arises from TRC Calls to Action but impacts Indigenous peoples, we are not repeating the historical wrongs of Canada in the guise of reconciliation.

I urge you all to revisit Bill C-29. While I support reconciliation and the work of the Truth and Reconciliation Commission, I do not support Bill C-29.

Quyanainni. *Mahsi'cho*. Thank you.

The Hon. the Speaker pro tempore: Honourable senators, time has expired. However, Senator Anderson, three senators seem to have questions for you. Are you asking for five more minutes?

Senator Anderson: Yes.

The Hon. the Speaker pro tempore: Honourable senators, is it agreed?

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Please be brief.

Hon. Frances Lankin: Why is it always me you warn? My reputation precedes me.

Thank you, Senator Anderson. I, along with a number of my colleagues in our group, had a chance this week to meet with a member of the Transitional Committee, Mike DeGagné, and also with representatives of the Métis National Council. We have further meetings coming up.

One of the things that Mike DeGagné, who is First Nations, talked about was the representation of the work going forward to the Inuit Tapiriit Kanatami, or ITK, the Métis National Council and First Nations, and the importance of them having a role in designing the consultation. He also talked about this as being a bill to enable the building of the house, but the view of the house, the structure of the house and the foundation of the house must be informed by meaningful, deep consultation with the community. That is the framework approach.

Sometimes, that's really difficult for us — the framework approach — and we're seeing it with other bills because the consultation is to come, and the commitment of the consultation is there —

The Hon. the Speaker pro tempore: Ask the question.

Senator Lankin: Do you make any distinction between this being that we are establishing that we are going to build the house but the consultation will follow? Does that give you any comfort at all?

Senator Anderson: When Ministers Bennett and Miller spoke and appointed the board, they were very clear that they were going to consult. Both were very clear that consultations would happen with the Indigenous groups and with provinces and territories.

In my opinion, this bill has no foundation. The foundation of a bill does not come after it passes. That time has passed.

I also want to point out that the preamble of the bill, which reasserts all the values of meaningful consultation — UNDRIP — are not in the bill; they are in the preamble. They are not legally binding. That should be concerning. A clear example of that is the importance and value of Indigenous languages. Yet, in the bill, the two languages are French and English.

Hon. Scott Tannas: We have run into this before. It seems incredibly ironic that we run into it on this particular bill.

I'm wondering, Senator Anderson, whether you think we should be voting to defeat this bill or whether we should pass it through to committee and have it consider what happened with Bill S-3, where we called government back in and told them to go do the consultation and then come back; that we would hold on to the bill until it is done properly.

Would that be a solution or would you prefer that we just defeat it right now and go back to the drawing board?

Senator Anderson: I don't think I am the right person to ask because I have my own opinion as to where this bill should be. But I believe that others should look at this bill again in light of the information I was able to find and what I could not find — there was a lot I could not find — and also for the fact that I just received a piece of it this morning at 10 o'clock, which is concerning given that that information is what was supposed to have informed the development of and the introduction of this bill in June 2022 in the House.

Senator Moncion: I have a short question. Can this bill be fixed?

Senator Anderson: Based on my research, the only way to fix this bill is to go back to the beginning. Somehow, the people who were intended to inform this bill were not part and parcel of this bill. They were engaged after the fact, and there was no meaningful consultation. As an Indigenous person regarding an Indigenous bill on reconciliation, I fail to understand how the bill could fail to meet that.

(On motion of Senator Brazeau, debate adjourned.)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of March 29, 2023, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, April 18, 2023, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1620)

[*English*]

PENSION PROTECTION BILL

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Martin, for the Honourable Senator Wells, seconded by the Honourable Senator Housakos, for the third reading of Bill C-228, An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act and the Pension Benefits Standards Act, 1985.

Hon. Brent Cotter: Honourable senators, I wish to speak briefly in support of Bill C-228 sponsored by Senator Wells, with friendly criticism by Senator Yussuff. I do so with a small amount of trepidation.

An earlier speaker this afternoon, whom I won't name now, highlighted the risk of using the word "fairness" in our speeches. I raced through my own, and I see that there are five such occasions. I haven't had the time to remove them, but this is a "fairness" warning.

I will limit my remarks to statements of principle on the topic of Bill C-228 and a second, related topic that I will address in the remarks.

I would like to begin by just observing that I think the central question at the core of this bill is how we value, respect and balance the respective contributions of capital and labour to a business enterprise. Before I do that, I would like to share with you what I think is a metaphor for this theme.

Last Friday, I had the honour of attending a speech delivered by President Biden in the other place, as well as an outstanding speech delivered by Speaker Furey that honoured him, our Senate and each of us individually, and I want to acknowledge that publicly.

Some Hon. Senators: Hear, hear.

Senator Cotter: The metaphor begins in the back row of where the senators were seated in the other place. Seven of us were more or less at the back, and one of the senators — I can't mention their name, but let me just say I was seated directly behind and near a distinguished psychiatrist from Nova Scotia. This senator, I think in an attempt to honour Senator Wells' early work sponsoring a private member's bill on single sport event betting, proposed that we conduct a round of betting on how long President Biden's speech would be. I think we each contributed about a million dollars to the betting, and we asked the most trusted member of our little group of seven, Senator Clement, to hold the money. To give you an idea of how much trust we had,

we insisted on not one but two timekeepers to keep the honesty more or less intact. It was a close call, but the winner was Senator Loffreda.

On reflection, I thought this was a metaphor for life, particularly for this topic. With apologies to Senator Loffreda, the metaphor is, "The bankers always win."

Some Hon. Senators: Hear, hear.

Senator Cotter: If I might return more seriously to my remarks, the issue of this balance between capital and labour in both business enterprises and their contribution to a productive society is a challenge in circumstances where enterprises fail, and there are not sufficient assets to compensate the various contributors to the enterprise.

The way in which we answer this question is largely articulated by markets forces, moderated from time to time by government legislation to ensure that forms of — dare I say it — fairness are achieved based on our values. The tension in this conversation is essentially between the respect we show for capital contributions to an enterprise and the contributions made by workers.

I'm not opposed to those who invest capital seeking to protect their investments. Indeed, so much of what we need in our society is the support capital provides that would otherwise not be accessible, but unabated and unmoderated markets forces will always favour the prioritization of capital over labour. The best example — clearly relevant here — is the way in which capital investments are commonly securitized. By comparison, contributions made by workers almost never receive the same level of security.

I'm more comforted that Senator Wells is here so I can refer to him by name, in a good way.

This has enormous consequences in the context of insolvencies and bankruptcies, and here is the simplest way to understand this. I have a friend who, after university, moved to Vancouver and was keen to buy a sailboat. He had a good job, but little money. He described to me his acquisition in this way, "The Royal Bank is now the proud owner of yet another sailboat."

His point, which I eventually came to understand, is that the bank had taken a security interest — an ownership interest — in the sailboat. The significance of this in bankruptcies and insolvencies is that the assets subject to these security interests, such as mortgages and other kinds of claims and the like, are, to the extent of the security in law, not the assets of the business itself but the assets of the secured lender to the extent of the business's indebtedness, leaving in so many cases little or nothing for other creditors who lacked the market power to have their interests protected by any kind of security interest. The shortfall in employer contributions in relation to pensions is one such example. Legislation can intervene to moderate situations where market power creates what society generally regards as a form of economic unfairness in these kinds of circumstances.

That is what this bill does. Under the present legislative regime, pension contributions by workers and contracted promises by employers to contribute to worker pensions have lost out when the assets of the failed business are insufficient to cover the pension shortfall because, in law, they belong to the secured creditors. Senator Wells and Senator Yussuff have spoken to the consequences for workers who have legitimately counted on workplace pensions in their senior years, only to discover and suffer the consequences of uncompensated pension shortfalls. The message in this bill is that it is a societally unfair distribution of the assets of the failed business.

As well, there's a strong argument based on the distribution of risk. Those who invest capital have a range of mechanisms to guard against risk. Risk can be priced in. Risk can be distributed. Risk can itself be refinanced. But for workers, even if they think of the need to protect the value of their pensions, they have no such options. For these reasons, the creation of a super-priority for unfunded defined benefit pensions is compelling. Though I recognize there may be some knock-on consequences, nevertheless, I applaud the sponsor of the bill in the other place — MP Marilyn Gladu — and all members of Parliament, the sponsor of the bill here, the critic and, I hope, all of us for supporting this rebalancing. I applaud those who have fought for so long to achieve this result, often not for themselves but for today's and tomorrow's workers.

Briefly on my second topic, the very same societal balance and risk have existed for nearly all employed workers in our society in another context. I want you to think about this question: How many of you are creditors of the Government of Canada? Now, you are probably wondering, when will I get reimbursed for last week's or last month's expenses? Or how good is my government pension? But I want to bring it a bit closer to home. You might think yes in all those respects, but the fact of the matter is that for 29 or 30 days every month, you are a creditor of the Government of Canada as you await your pay at the end of the month. We only get paid at the end of the month. Hardly any of us have had the courage to say to our employer, "I'm going to work the month of February, but I would like to be paid on the first instead of the twenty-eighth." Try that, and I think you wouldn't get the job.

• (1630)

We are all creditors, then, throughout the month, until we are paid. So is virtually every other employee in this country. Now, fortunately, we do get paid, and probably never think about the risk of not getting paid. But for many thousands of Canadian workers every year, who have done honourable work for their employers — and have also earned contracted benefits like vacation pay — the risk of not getting paid becomes, regrettably, a reality. They are low on the totem pole of compensation for the same reasons — the priority of secured creditors — that have had the pride of place in employer bankruptcies and insolvencies.

I wrote my Master of Laws thesis on this topic of employees' recovery of pay. It was later incorporated into a chapter of the leading text on employment law in Canada authored by Innis Christie, a distinguished labour and employment lawyer. In fact, some editions were Christie and Cotter — eventually, they got rid of my name.

I wanted to name the chapter one of two versions, and the first is a bit of a riff on the *Cool Hand Luke* movie. If you remember the movie, you may recall the warden speaking to Paul Newman

in one of those southern accents that I can't do very well. I wanted this phrase to be the chapter title: "What we have here is a failure to remunerate." I apologize for the weakness of the joke. The second alternative that I wanted to have the chapter called, which didn't succeed, was "Employees' Recovery of Pay: Secured Creditors Always Win."

The fact of the matter is that in every province of the country, and I think in most territories, efforts have been made by provincial governments to try to provide better protection for workers' unpaid pay. All kinds of imaginative tools have been used such as deemed mortgages and trusts to try to capture the challenge that workers face in cases of bankruptcy and insolvency. Virtually all of them have failed: partly because of these rules about who owns the property; partly because they were thought of as colourable attempts to interfere with insolvency and bankruptcy, which are constitutionally the authority of the federal government.

More recently, a degree of progress has been made, with the support of the federal government through the Wage Earner Protection Program and a small super priority which provides a backstop, to some degree, in cases of bankruptcy and insolvency.

Parenthetically, when it comes to almost any one of these progressive initiatives in favour of bankers, Senator Yussuff's fingerprints are on it, to his credit.

In this area, even by the Government of Canada's own assessment, perhaps as much as half of employees' promised and earned compensation is never recovered.

These claims are invariably smaller than the pension shortfalls that we're talking about, but I would like you to think about many of these workers. They're often the last to know that their employer is in financial trouble. They're living from paycheque to paycheque and suddenly discover that they have lost their jobs and, for the owed wage or salary that they have earned they will have to jump through hoops to collect, in many cases, at best, half of that money. In the meantime, their own creditors — landlords, mortgage holders, grocers, car payments, Visa bills, and so on — are knocking at the door expecting to be paid.

An amendment to better protect these unpaid wages, severance and vacation pay and address this urgent societal unfairness was widely supported in the other place but was ultimately rejected there. It is tempting for me to press forward with an amendment to this bill to address a continuing anomaly and unfairness — a passionate concern of mine for over 40 years — but getting private members' bills across the finish line is a bit like pushing a snowball up a hill.

This bill is being ably pushed up that hill by perhaps our fittest senator, Senator Wells, ably assisted by Senator Yussuff. I discussed this contemplated amendment with both of them and with Senator Plett, who advised against it. Now, Senator Plett and I don't agree on every topic, but on this one I have taken his advice — wisely, I think. I think Senator Plett's message, though he didn't put it quite like this, was that more weight on this bill and even Senator Wells might not be able to get it to the top of the hill.

We are near the finish line on this nearly 40-year effort, and I did not want to risk the potential consequences that a delay in the passage of the bill might generate. Out of respect for the champions of this initiative, here and elsewhere and well outside of Parliament, I have put my amendment in my back pocket. But I do want to signal my intention to develop a separate bill in the near future that will address this remaining unfairness. I hope it will garner your support. Thank you.

The Hon. the Speaker pro tempore: Your time has expired, and Senator Lankin has a question. Senator Cotter, are you asking for five minutes to answer the question?

Senator Cotter: I'll request it, yes.

The Hon. the Speaker pro tempore: Do we have agreement? I hear a "no."

(On motion of Senator Clement, debate adjourned.)

[*Translation*]

LANGUAGE SKILLS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Housakos, for the second reading of Bill S-229, An Act to amend the Language Skills Act (Lieutenant Governor of New Brunswick).

Hon. Pierre J. Dalphond: Honourable senators, I note that this item is at day 15, but I am not ready to speak. Therefore, with leave of the Senate and notwithstanding rule 4-15(3), I move adjournment of the debate for the balance of my time.

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

Hon. Senators: Agreed.

(On motion of Senator Dalphond, debate adjourned.)

[*English*]

JANE GOODALL BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Klyne, seconded by the Honourable Senator Harder, P.C., for the second reading of Bill S-241, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (great apes, elephants and certain other animals).

Hon. Paula Simons: Honourable senators, today I rise to speak to Bill S-241, known as the "Jane Goodall Act." Since this bill was first placed before us, we have heard many inspirational, passionate, even lyrical speeches about the importance of protecting animals, especially "charismatic" mammals, including gorillas, elephants, tigers and whales, from abuse and exploitation.

Our cultural expectations for the proper care of captive wildlife in zoos and aquariums has changed radically over our lifetimes. Today, it is not enough for animals to be kept safe and well fed. We also demand that animals today be cared for and displayed in a way that recognizes and respects their dignity and autonomy. We now believe that the primary role of zoological gardens and marine parks is not to entertain children and sell popcorn, but to protect endangered species from extirpation and extinction. Canada's zoos pride themselves on their breeding programs — their efforts not just to keep animals safe in captivity, but to work to reintroduce them, where and when possible, to their natural habitats.

This has been a radical paradigm shift. When I was growing up in Edmonton, I lived just a few blocks away from what was then called the Storyland Zoo. Animals were kept in enclosures that featured nursery rhyme and fairy tale settings and backdrops. There was no effort to keep the animals in naturalistic landscapes. They were there to be cute and to be part of a fairy tale, fantasy world.

• (1640)

But the zoo abandoned the Storyland theme decades ago. Today, the Edmonton Valley Zoo focuses primarily, though not exclusively, on northern and prairie animals who are well adapted to life at 53° latitude. The zoo strives to keep animals — where they can — in relatively naturalistic settings. Some of the older enclosures are still lacking, but the zoo is moving in the right direction, in keeping with emerging philosophies of zoo keeping.

The Edmonton Valley Zoo is also part of an international network involved in what is known as the Species Survival Plan, a program to help breed and restore populations of endangered or threatened species. It is specifically involved in the breeding and protection of the Amur tiger, the Grevy's zebra, the snow leopard, the red panda and the Goeldi's monkey. The zoo also supports the work of the Snow Leopard Trust, the Red Panda Network and the Amphibian Ark.

The Edmonton Valley Zoo has done its best to learn from the mistakes and prejudices of the past, and it strives to create a facility that offers educational opportunities to the community and to help safeguard species at risk.

I bring this up not just to mark the way the philosophy of Canadian zoo management has evolved over time but because the successes — and failures — of the Edmonton Valley Zoo highlight a problematic weakness in Bill S-241.

As currently drafted, the legislation pays extraordinary deference to the American standards of zoo and aquarium care as set by the Association of Zoos and Aquariums, the AZA — although I guess that should be "A-zee-A," which is sort of my point. The bill grants to the seven big Canadian zoos and marine parks that have achieved "A-zee-A" status particular privileges and exemptions, for which other Canadian zoos do not qualify. Never mind that Canada has its own agency that independently inspects and rates Canadian zoos, CAZA, which stands for Canada's Accredited Zoos and Aquariums.

The bill doesn't offer an explanation of why we should or would rely on American rather than Canadian standards. There seems to be an implicit suggestion that the American accreditation is better or, perhaps, harder to achieve. But as a Canadian, I am deeply uncomfortable with writing an explicit preference for American rather than Canadian protocols right into the text of the bill —

An Hon. Senator: Hear, hear.

Senator Simons: — especially without evidence that because it's American, it's automatically better.

If we're worried that CAZA doesn't have the right standards or enough teeth, surely, we should deal with that issue and not import U.S. rules and regulations right into our Canadian legislation. Today we may think that those rules are better, but given the cultural upheavals in the United States, do we really want to tie our legislation to American paradigms and models in the long term?

Making ourselves beholden to the judgment of American inspectors may also rob us of the chance to make nuanced decisions based on specific local situations, and here I want to circle back to the example of the Edmonton Valley Zoo and address, if you will, the elephant in the room.

One of the key reasons that the Valley Zoo has never achieved AZA accreditation is because it keeps a solitary Asian elephant, known to the public as Lucy. Lucy has lived at the zoo for 45 years, and her presence there has been contentious for decades, with lobby groups from around the world pushing for her removal to an American elephant sanctuary, many of which — for what it's worth — also lack AZA accreditation.

Now, if I had a time machine and could undo the decision made more than four decades ago to bring Lucy to Edmonton, I would. The zoo should probably never have had an elephant in the first place. Elephants, as many of you have explained, are intelligent, social animals who do not thrive in solitude, and they are large animals who need space and freedom to roam. They aren't meant to be housed in barns or corrals.

It's one thing to say that the zoo should never have had an elephant or that it should improve its enclosures, but it's quite another to insist that Lucy be moved now. For years, the British-based animal rights group Free the Wild has led an international campaign calling for Lucy's removal from the Valley Zoo. As recently as 2021, Free the Wild described Lucy as being "imprisoned" and in "purgatory." Their public statement continued:

> The question remains — Why does Edmonton Valley Zoo, after four decades of total exploitation, choose to continue to torture Lucy?

In response, the Edmonton Valley Zoo invited four independent experts chosen by Free the Wild to examine Lucy this past October. Last week, Free the Wild released their independent reports into Lucy's health and care. Did the experts find evidence of torture?

Well, Ingo Schmidinger, who is an international expert in the care of captive elephants and who was, at the time of the examination, the Director of International Operations for the Global Sanctuary for Elephants, wrote this:

> The team shows huge dedication to their daily tasks —

— he reported of the staff at the Valley Zoo —

> — Extraordinary is the amount of Lucy's caretaker . . . and the time spent with the elephant during all daily working hours, as well as the extreme attention she receives from each team member.

Schmidinger concluded that, ideally, Lucy should be moved to an elephant sanctuary but noted that because of a long-standing respiratory condition, he doubted she could be moved safely at this time. Lucy breathes and drinks only through her mouth and never through her trunk, which is extremely atypical. No one knows whether her trunk is blocked or obstructed in some way, and despite their best efforts, none of the four experts could figure out the cause of her respiratory distress.

Schmidinger wrote:

> But, as the question with regard to her respiratory issue is still not answered, although this ailment has been observed and mentioned now at least since 2008 . . . we have to assume that under the current circumstances, and as we still don't know what is happening to Lucy, she might not be fit for travel at this very moment.

A separate report co-authored by Dr. Frank Goeritz, Head Veterinarian at the Leibniz-Institut für Zoo- und Wildtierforschung in Berlin, and his colleague Thomas Hildebrandt, the Head of the Leibniz Institute's Department of Reproduction Management, was far more definitive. They wrote:

> In summary of all medical finding we conclude that Lucy is not fit for travel, neither for long nor for short distances. . . . Stress and even very mild physical activity brings Lucy in an anaerobic metabolic status, which can lead to total decompensation of her respiration and hence general metabolism.

They concluded:

> Therefore Lucy should remain . . . . Aside from her ineligibility to travel she is a geriatric patient and would not be able to cope with her new environment (unfamiliar habitat, new caretaker staff, and other elephants). Lucy is receiving a high level of affection and attention from her keepers and veterinarians, which resulted in a specific management and enrichment program adapted to Lucy's age and health status. She would not survive independently from humans. Ultimate goal is to keep Lucy stimulated and engaged and to provide her with good care for the rest of her live . . . .

Now, let me note that the median age of death for an elephant in captivity in the United Kingdom is 20. For an Asian elephant in captivity in North America, the median age of death is 43, and Lucy is already 47.

The fourth expert to examine Lucy, Dr. Patricia London, reached a different conclusion. Dr. London, an American veterinarian and the founder of the Asian Elephant Wellness Project, concluded that with appropriate cautions, Lucy might well survive a move to an elephant sanctuary in Tennessee. But even though London was the most critical of Lucy's living situation, she, too, had praise for Lucy's caregiving team. She wrote:

> . . . it is recognized that the staff seems very committed to taking care of Lucy. . . . I do think the current veterinary team is doing a good job monitoring Lucy, managing her pain, and has Lucy's best interest in mind with everything they do and recommend. They have been very welcoming and open to any and all suggestions made medical-wise for Lucy.

Now, all this is not to give the Edmonton Valley Zoo an A plus grade in elephant care. The experts were all agreed that Lucy would benefit from more exercise, a diet with less hay and fruit and more celery and parsley — wouldn't we all — better quality sand to lie on, access to a pool or pond of water and far more freedom to roam naturally. And as an Edmontonian, I share Dr. London's frustration that many of these recommendations were made in the past but were not acted upon. When the City of Edmonton took on the responsibility of caring for an elephant 45 years ago, it needed to ensure that the elephant received the best possible care to the very end of her days.

But to talk about torture and purgatory? Such overheated rhetoric makes it easy to raise money but not easy to make decisions in Lucy's best interests.

Now, I have dwelt for some time on Lucy's case because some of you have raised very specific and florid concerns about her well-being in your own speeches and I wanted you all to have the latest independent analysis of her health status from four independent experts hired by Free the Wild.

But Lucy's case illustrates the importance of Bill S-241 because it will severely limit the ability of other zoos to make the same mistakes the Valley Zoo did 45 years ago. But it also illustrates the limitations of this bill, with its overreliance on American — not Canadian — standards and its easy assumption that if it's American, it must be better.

When this bill does go to committee, I hope members will push beyond sentiment and make a decision based on scientific evidence. We must be good stewards of the animals in our care and ensure that our zoos and aquariums are fit for purpose for the 21st century. But we must also ensure that we make those decisions in Canada and take responsibility for them here.

• (1650)

Thank you, *hiy hiy*.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

CRIMINAL CODE

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Kutcher, seconded by the Honourable Senator Boehm, for the second reading of Bill S-251, An Act to repeal section 43 of the Criminal Code (Truth and Reconciliation Commission of Canada's call to action number 6).

Hon. Julie Miville-Dechêne: I rise to speak in support of the principle of Bill S-251, which was introduced by Senator Kutcher.

At first glance, this appears to be a very simple, very short bill that should be very easy to support, regarding the use of reasonable force to correct a child. Who among us here advocates any form of child abuse? No one, obviously.

How could anyone object to sending a clear, albeit symbolic, message about our commitment to ending all forms of mistreatment, abuse and trauma for Canadian children? Again, no one.

On the other hand, this topic affects most of us personally, whether as a former child or as a parent.

Like many of my generation, I myself experienced physical correction when I was young. I have a vivid memory of the first spanking I received from my mother, at the age of seven or eight, when we lived in France. Even worse were the punishments at school. At that time, corporal punishment was frequently used to discipline children in elementary schools in Paris. I remember classmates being spanked in front of everyone and others being seized by the ear and pulled around the classroom by the teacher. For students, it could not have been more humiliating.

When I returned to Quebec in the 1970s, times had changed, at least at school. I may be a wise and patient senator now, but I was a rebellious teenager. I still remember the stinging slap my mother gave me after I insulted her. Let's just say that it did nothing to improve our relationship.

I want to add that, although I remember being disciplined like that, it did not cause me any lasting trauma. In fact, like many other children, I'm sure, I was more hurt when my family yelled at me and criticized me. A slap hurts in the moment, but the damage words can do can last a long time. However, I doubt the government will ever be able to legislate what a parent can and can't say to their children.

Bill S-251 proposes to eliminate the exception set out in section 43 of the Criminal Code, which allows a parent, among others, to use "force by way of correction toward a . . . child . . . if the force does not exceed what is reasonable under the circumstances."

Although I am in favour of the principle of the bill, I still want to point out three problems worth thinking about.

The first is a political issue that comes up in many of our debates: How far can the government go in regulating private behaviour? Of course, there is no question that the government can criminalize violence against children, as it does for violence against any person, particularly the most vulnerable.

When it comes to "force [that] does not exceed what is reasonable under the circumstances," however, we are also getting into the area of education, discipline and discretion in the exercise of parental authority. It's clear that the government can and must protect children from violence, but it also can and must respect parents' judgment.

[*English*]

It's also important to remember that the exception provided at section 43 is already quite narrow. Here are excerpts from a March 2021 letter from Justice Minister Lametti to Heidi Illingworth, the Federal Ombudsperson for Victims of Crime:

> The issue of whether or not section 43 should be repealed raises differing and strongly held views across Canada. . . .
>
> As you are likely aware, assault is broadly defined in Canadian criminal law to include any non consensual use of force against another person. This can also include non consensual touching that does not involve physical harm or marks. Section 43 of the Criminal Code is a limited defence to criminal liability for parents, persons standing in the place of parents, and teachers for the non-consensual application of reasonable force to a child. . . .
>
> In 2004, the Supreme Court of Canada . . . held that section 43 is consistent with the *Canadian Charter of Rights and Freedoms* and the United Nations Convention on the Rights of the Child. It also set out guidelines that significantly narrowed the application of the defence to reasonable corrective force that is transitory and trifling in nature. Moreover, the SCC's decision provided that teachers cannot use force for physical punishment under any circumstances . . . .

[*Translation*]

There are many different parenting styles and approaches. I don't believe that this grand, complex human adventure can be reduced to an exact science with definitive and universal answers that can be applied to any situation. That's why we have to be careful not to target parenting approaches that we may not like, but that don't necessarily deserve to be criminalized.

In a similar vein, I would point out that differences exist not only between individuals and families, but sometimes also between cultures. The way children are raised, the role of

authority and discipline, and parenting approaches are often shaped by our personal or cultural history. Cultures and family backgrounds also influence the perception and impact of physical correction on children.

Again, I want to reiterate that we should not be condoning child abuse, mistreatment or violence in any way, but neither should we disproportionately target Canadians from minority cultures by removing the narrow exemption set out in section 43 of the Criminal Code. Some parenting styles may not match our own personal preferences. This does not necessarily mean that they are criminal.

[*English*]

Finally, I note something of a paradox. Many of the people who support this bill argue that we should not fear a wave of new prosecution of parents if we remove the exemption at section 43. This is because, while removing the exemption would technically make any non-consensual touching of children by their parents a criminal offence, everyone realizes this is an absurd situation. For this reason, proponents of the bill argue that if we remove the exemption at section 43, a new set of common-law defences and exemptions would apply, including an exception for minimal offences, rules about necessity, implied consent and others.

So are we really just removing one explicit, codified and narrowly interpreted exemption and replacing it with numerous vague and uncodified exemptions that would achieve the same purpose? In some ways, it could be argued that we are asked to make the Criminal Code less pragmatic and less realistic and that, as a result, courts will have to develop new workarounds. In other words, the change we are contemplating may be more symbolic than substantive.

All that being said, I recognize there is a global movement to remove these limited exemptions, even if it means developing new ones to replace them.

As of 2022, 65 countries have banned corporal punishment. Even in France, Article 371-1 of the Civil Code was amended in 2019.

[*Translation*]

That article states: "Parental authority is expressed without physical or psychological violence."

[*English*]

If the French can make this commitment, perhaps we can as well.

Society evolves, and it's normal that we adapt our legislation to reflect that change. Sometimes we update our laws to reflect the way we already live, and sometimes they reflect our aspirations. Just because things have always been one way doesn't mean that we must continue forever.

I believe our laws play a role in setting the tone, and we must trust the institutions to behave reasonably in the circumstances. Thank you.

[*Translation*]

Hon. Lucie Moncion: Would the senator agree to take a question?

Senator Miville-Dechêne: Yes.

• (1700)

Senator Moncion: You talked about the education sector. Several teachers came to talk to us about the importance of making sure there's nuance to this clause when it comes to the education system. We know that sometimes some children need to be restrained, if you will, because they get extremely violent and they lose control of their emotions.

I don't know whether you have any comments to make on these restrictions that seem to concern the education sector.

Senator Miville-Dechêne: What I understand from the history of this type of bill, because this is not the first time that this section of the Criminal Code has been called into question, is that the education sector's reaction has always been that, sometimes, it is necessary to go to those lengths.

I understand that the Supreme Court has said that educators have very little room to manœuvre when intervening. However, in that situation, just as for parents, what concerns me is the issue of restraining a child so they don't hurt themselves. It is very difficult to have absolute and general legislation to govern human beings.

You've all seen your children have a temper tantrum or meltdown, and sometimes we don't know how to deal with it. However, in my opinion, we should not confuse calming down a child, even clumsily, and using unreasonable force.

That is a good question. In reading up on this issue, I realized that it's not as simple as it seems. Yes, we have a provision that talks about reasonable force. In 2023, it is symbolically very difficult to use words like that because people always think the worst. But if we eliminate that clause, what does that mean? Are we going to have to build up jurisprudence to determine what's acceptable and what's not? There will always be situations that will be a bit of a grey area.

[*English*]

Hon. Hassan Yussuff: Will the senator take a question?

Senator Miville-Dechêne: Yes.

Senator Yussuff: As you are aware, changing the law to support the bill and all the principles in it is the easy part.

We have to change attitudes. With parents and their children, it is not so easy. In each culture, it is not so easy.

The bigger challenge will be how we educate parents regarding how they treat their child differently than maybe they've been brought up to treat a child. When I was young and growing up, for my parents, corporal punishment was the normal thing. But much later, as parents, they realized that was not the right way to go about it. Maybe it didn't help my behaviour — I'm not

sure — or maybe it made me more delinquent. But the reality is my parents did change, and I appreciate that reality. But within our family, which was very large with ten of us, we grew up recognizing we could not treat our children that way. I am grateful today that my daughter grew up in her family without ever having to deal with the fact of corporal punishment.

The bigger question I have is about how we change the attitudes of families, recognizing that some see it as fundamental way for them to raise their children however they choose. This is not an easy thing. Some get their guidance from gospel; some get it from their own family growing up. I know this is not fair, but I thought I should ask you this question.

[*Translation*]

Senator Miville-Dechêne: That question sums up the very essence of the issue. Laws can do some of the work, and they can be a signal or a symbol. But society changes at its own pace. As you said yourself, sometimes it's a generational issue, sometimes it's a cultural issue, but certainly, every family has a different perspective on corporal punishment. How can we address that?

Obviously, this can also be taught in school. I know that in Quebec, new courses are being developed on these civic issues. There is no magic solution. You are asking me an extremely difficult question. The fact remains that children talk amongst themselves, and there can be all kinds of influences that make them realize that a situation isn't normal. They might talk about it to friends or to a psychologist, and the parents themselves can evolve. It's not 1960 anymore, like when I lived in France. Things have changed a great deal.

The point I was trying to make is that I agree with the principle of the bill, but it obviously won't solve all the social issues surrounding it.

(On motion of Senator Martin, debate adjourned.)

[*English*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

Hon. Denise Batters moved second reading of Bill C-291, An Act to amend the Criminal Code and to make consequential amendments to other Acts (child sexual abuse and exploitation material).

She said: Honourable senators, I rise today to speak at the second reading of Bill C-291, a bill that will change the term "child pornography" in the existing Criminal Code to the more comprehensive phrase "child sexual abuse and exploitation material."

This might not seem like a significant change, but words matter. They particularly matter where they impact the lives and the futures of children, our most vulnerable citizens.

Before proceeding further, I'd like to recognize the contributions of the members of Parliament who are responsible for bringing this important bill into existence. This initiative is being advanced by my Conservative caucus colleague Mel Arnold, the MP for North Okanagan-Shuswap in British Columbia. The author of Bill C-291 was another of my caucus colleagues, MP Frank Caputo.

Mr. Caputo proposed this bill stemming from his time as a Crown prosecutor in the Province of British Columbia. He saw a problem with the current system and set about trying to change it. When Mr. Caputo ran for election as a member of Parliament in the 2021 election, he spoke about this idea with voters in his constituency on their doorsteps, and he found Canadian voters were as concerned as he was about the need to protect our children from exploitation and abuse. So when he was elected as a member of parliament for the first time in 2021, Mr. Caputo knew that this initiative would be the subject of his first private member's bill.

Given the limited opportunities of private members' business to be chosen for debate under the House of Commons' private member's bill lottery system, Mr. Caputo traded his bill with Mr. Arnold, who had an earlier spot in the order. Kelowna-Lake Country Member of Parliament Tracy Gray traded her private member's bill spot with Mr. Arnold so that he could bring forward Bill C-291 even faster. I want to thank my Conservative colleagues for their great teamwork on this bill, working together to see that this initiative is passed as quickly as possible for the good of Canada's children.

Allow me to return, then, to the substance of the bill. Why is changing the legal terminology from "child pornography" to "child sexual abuse and exploitation material" so important? It is a matter of recognizing and naming this material for what it is — the abuse and exploitation of children. The word "pornography" implies that there is a consensual element to it, but this is never the case where a child is involved, particularly in a power imbalance with an adult. Further, the word "pornography" sickly implies an element of entertainment rather than portraying this material for the crime that it is — the vile and degrading abuse of the innocence of children.

• (1710)

The new phrase doesn't materially change how the law would be applied. All of the elements previously covered under the term "child pornography" would be covered under this new term. Child pornography was first introduced as a Criminal Code offence in 1993. The current offence in the Code reads as follows:

> 163.1 (1) In this section, ***child pornography*** means:
>
> (a) a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,
>
> (i) that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity, or

> (ii) the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of a person under the age of eighteen years;
>
> (b) any written material, visual representation or audio recording that advocates or counsels sexual activity with a person under the age of eighteen years that would be an offence under this Act;
>
> (c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act; or
>
> (d) any audio recording that has as its dominant characteristic the description, presentation or representation, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act.

When Mr. Arnold first introduced Bill C-291, the bill suggested replacing "child pornography" with the term "child sexual abuse material." The House of Commons Justice Committee amended this bill to include "and exploitation" to better encompass the entirety of the offence. However, the committee was careful to clarify that this addition would not widen the current interpretation of the offence, just better reflect what is already in the current definition.

The term "child sexual abuse and exploitation material" is in keeping with a global trend away from the term "child pornography" for some of the reasons I have already mentioned. The European Parliament passed such a resolution in March of 2015, which stated that it:

> Believes it essential to use the correct terminology for crimes against children, including the description of images of sexual abuse of children, and to use the appropriate term child sexual abuse material' rather than 'child pornography' . . .

Law enforcement agencies have also moved away from the term "child pornography" and toward language describing child sexual abuse and exploitation. Europol and INTERPOL use the terms "child sexual abuse material" and "child sexual exploitation material."

Canada's own RCMP Online child sexual exploitation website explains that the term "child pornography" is outdated ". . . and benefits child sex offenders because it suggests the offences are consensual acts" and "evokes images of children being provocative, rather than suffering horrific sexual abuse . . ." and states that "This can help child sexual offenders to justify and normalize their crimes."

Modern discourse around this abusive and exploitative material is consistent with a respectful discussion of child-centred and victim-focused healing for child sexual abuse survivors. Calling these crimes what they are is a way of naming the immense gravity of these offences against children, and recognizing the devastating impact this abuse has on their lives. The term "child pornography" minimizes this.

At a time when technology has meant the wide proliferation of sexually exploitative material victimizing children, these heinous crimes against children remain indefinitely online, destroying child victims again and again with each replay. The insidious and overwhelming nature of the global internet haunts victims desperate for the removal of material depicting their abuse. The torment of this exploitation extends well beyond any physical or sexual crime — it is the victimization of a child's mind, their spirit and, in all too many cases, their future.

One victim of child sexual exploitation, now an adult, put it this way:

> Every day of my life I live in constant fear that someone will see my pictures and recognize me and that I will be humiliated all over again. It hurts me to know someone is looking at them—at me—when I was just a little girl being abused for the camera. . . . I want it all erased. I want it all stopped. But I am powerless to stop it just like I was powerless to stop —

— her offender. She said that when it was first discovered what her offender did:

> I went to therapy and thought I was getting over this. I was very wrong. My full understanding of what happened to me has only gotten clearer as I have gotten older. My life and my feelings are worse now because the crime has never really stopped and will never really stop. It is hard to describe what it feels like to know that at any moment, anywhere, someone is looking at pictures of me as a little girl being abused . . . and is getting some kind of sick enjoyment from it. It's like I am being abused over and over and over again.

The statistics on the sexual abuse and exploitation of Canadian children are shocking. With the onset of the COVID-19 pandemic and the isolation of mandatory lockdowns, the increase in rates of crimes against children are staggering.

Statistics Canada reports that the rate of police-reported child pornography has been on an upward trend since 2008, with 11,790 incidents of child pornography reported by police in 2021. That trend has increased significantly since the pandemic, with a 47% increase in 2019, and a 31% increase from 2019 to 2021.

Between 2014 and 2020, incidents of police-reported child sexual abuse and exploitation more than tripled. Sexual crimes against children also increased through the pandemic, rising 14% in 2021 alone.

Of course, many of the child sexual abuse and exploitation crimes against children occur online, and this has also increased significantly with the pandemic, as people have been more likely to stay at home and internet use has been more widespread. Statistics Canada reports 61% of child pornography incidents and 20% of sexual violations against children occurred as cybercrimes.

Cybertip.ca, Canada's online website for reporting child sexual abuse and exploitation, reported an unbelievable 815% increase in its reports of child luring between 2018 and 2022. Often the

precursor to other sexual crimes against children, online luring is when someone coerces a child, usually by communicating through technology, engaging them in friendly conversation to facilitate committing a sexual crime against them, either online or by meeting in person.

The tip line saw other sharp increases in crimes against children during the pandemic. Statistics Canada reports that in 2021 alone:

> . . . Cybertip.ca saw a 37% increase over the previous year in the overall online victimization of children, 83% increase in reports of online luring, 38% increase in reports of non-consensual distribution of intimate images, 74% increase in reports of sextortion on online platforms often used by youth, and an increase in youth's intimate images appearing on adult pornography sites and being shared on popular social media platforms . . . .

While the magnitude of these statistics is difficult enough to comprehend, it's important to note that these numbers reflect only the incidents of child sexual abuse and exploitation that are reported either to the national tip line or to the police. Research shows that 93% of childhood abuse victims do not report the abuse to authorities before the age of 15, and two in three — 67% — speak of it to no one, including family and friends. The extent of this scourge is truly devastating.

And with Bill C-291, while we consider the terminology we use in the Criminal Code to better reflect the reality and gravity of the sexual abuse and exploitation of children, we cannot escape the truly horrific nature of this material.

A 2016 report produced by Cybertip.ca examined more than 150,000 reports they had received in the previous eight years. In it, they reviewed 43,762 images and videos of child sexual abuse material, and 78% of the media assessed contained images of prepubescent children under 12, with 63% of those children appearing to be under the age of eight. Disturbingly, Cybertip.ca reports that "As the age of the children decreases, the sexual abuse and sexual exploitation acts get more intrusive. . . ." The report also says that "6.65% of those children under 8 years old appeared to be babies or toddlers," and "59.72% of the abuse acts against babies and toddlers involved explicit sexual activity/assaults and extreme sexual assaults."

• (1720)

Explicit sexual images/assaults are defined as:

> Images or videos of children in explicit sexual acts, ranging from self-masturbation to those sexual acts involving adults and other children.

Extreme sexual assaults are defined as those ". . . at the worst end of the scale such as acts involving bestiality, bondage, weapons, defecation/urination, etc."

It comes to the point, honourable senators, where perhaps no words can truly describe the depravity of these disgusting crimes — these absolute sins — against innocent children. But it is apparent that calling this "pornography" is, frankly, disrespectful and insulting to child victims. There is nothing in these scenarios that is consensual. If there is any part of the term "child pornography" that allows the perpetrators of these crimes to try to justify their actions, then we need to use a different term to describe this. There is zero room for ambiguity here.

MP Mel Arnold said as much during debate on this bill in the House of Commons. He said:

> What the Criminal Code currently calls "child pornography" is more severe than mere pornography because it involves children and cannot be consensual. It is exploitive and abusive, and the Criminal Code should clearly reflect these realities. So-called child pornographers are producers of child sexual abuse material. Those who distribute it are distributors of child sexual abuse material. Those who possess it are owners of child sexual abuse material. Those who view it are consumers of child sexual abuse material. These are the realities that compelled me to table this bill.

MP Frank Caputo quoted the Provincial Court of British Columbia Judge Gregory Koturbash in the decision for *R. v. Large*, a child-luring case:

> The phrase "child pornography" dilutes the true meaning of what these images and videos represent to some degree. The term "pornography" reinforces the perception that what is occurring is consensual and a mutual experience between the viewer and the actor. These are not actors. It is not consensual. These are images and videos of child sexual abuse.

This material is scarring. Even for those who must review it, whether they are veteran police officers who must investigate thousands of these images online or jurors who are exposed to this material in the course of a trial, anyone who deals with these images or stories of children being sexually exploited is disturbed by it. MP Frank Caputo, who, as I mentioned, was formerly a Crown prosecutor, described his experience with this kind of material:

> We will have police officers at a constable level who go through, literally, 3,000 media files. They could be out on the streets. They could be investigating robberies. They could be investigating break and enters, but no, they are looking at media that will probably harm them psychologically maybe for the rest of their lives, maybe for a few months.
>
> As a former prosecutor, I remember that some of the most scarring things were reading about what was in these files. I did not generally have to look at them. Those times as a prosecutor that I had to deal with these things even in the written word, I can say I viewed it as traumatizing, disgusting, vile material.

We must address this material with the gravity and severity it deserves — by naming it as the abuse and exploitation of our country's most vulnerable citizens, not as consensual "pornography." This material is so devastating it can have a profound effect on even the most experienced of law enforcement professionals.

Speaking of which, my home province of Saskatchewan has an integrated provincial police unit to combat online child exploitation called ICE, the Internet Child Exploitation Unit. The Saskatchewan government funds $2.1 million for nine ICE investigator positions in three municipal police services — Regina, Saskatoon and Prince Albert — plus five resources with the provincial ICE unit. The team focuses on investigating cases of child exploitation and apprehending perpetrators, while promoting prevention and identifying vulnerable child victims. I was proud to support this important work when I worked as the Saskatchewan Minister of Justice's chief of staff for nearly five years.

The ICE unit in Saskatchewan is regarded as one of the best in the country. It boasts a 98% conviction rate once charges have been laid, and it has been an integral part of many local and international child abuse and exploitation crime investigations. I know that Saskatchewan's ICE unit has unfortunately seen the number of cases of child sexual exploitation increase in the province in the recent years of the pandemic, consistent with the statistical trend across the country. As I have worked on this bill, I have thought often of these Saskatchewan ICE officers, who must deal every day with the vile, exploitative, damaging material we're discussing in this legislation. It is an incredible personal burden they carry for the sacrifice of service.

Child sexual abuse and exploitation must be eradicated, honourable senators, and as legislators, it is our duty to do whatever we can to move that goal forward. That's why Mr. Caputo and Mr. Arnold proposed this bill in the other place, and that's why I have chosen to sponsor it in the Senate.

Our Conservative caucus has a proud tradition of standing up for justice. Under Prime Minister Stephen Harper, our Conservative government established a number of measures to protect children from sexual predators. In 2012, we passed the Safe Streets and Communities Act, Bill C-10, which established new mandatory minimum penalties for several child exploitation offences while strengthening existing penalties. We also created offences to combat child luring and removed the ability for offenders to access house arrest and conditional sentences for child exploitation offences.

In 2015, the Conservative government passed Bill C-26, the Tougher Penalties for Child Predators Act. This bill also established several mandatory minimum penalties for offences concerning the exploitation of children, as well as some new maximum penalties. In addition, while our Conservative government was still in power, Parliament passed a Victims Bill of Rights to recognize the rights of victims of crime, including children.

Of course, in subsequent years, the courts have struck down many of the mandatory minimum penalties our government and previous Liberal governments established, even for the most serious offences. These include many child protection offences, like making, possessing and distributing child pornography, procuring a person under the age of 18, sexual interference with a minor under 16 and child luring.

The Trudeau government that followed in 2015 has made a point of dismantling many other mandatory minimum penalties. Of course, very recently this chamber sadly passed the repeal of several mandatory minimum sentences in Bill C-5, mostly for firearms and drug-related offences, as well as the expansion of conditional sentences for many crimes, including abduction of a person under the age of 14. If the Canadian public were to agree on mandatory minimum penalties for any type of crime, it would probably be for crimes involving the sexual abuse and exploitation of children. This is a line in the sand for most reasonable people. And yet, as the Liberals have removed mandatory minimum sentences, they have not shown any sense of urgency for strengthening child exploitation laws to protect children.

Honourable senators, it is time for us to act. We need to address the insidious and intractable evil of child sexual exploitation. The seriousness of this problem cannot be overstated, and Canadian children need our help. As my colleague and the sponsor of Bill C-291 in the House of Commons MP Mel Arnold said:

> The data is truly shocking, but it is not enough for us as parliamentarians to be just shocked. These realities demand a response, especially our response as parliamentarians. By passing this bill, we can strengthen our Criminal Code. We can acknowledge the true severity and often long-lasting effects of child sexual abuse material inflicted on victims. We can also demonstrate the responsiveness that Canadians expect and deserve from us as parliamentarians.

Bill C-291 is a fundamental step in addressing the grim reality of child sexual exploitation in this country. To tackle this problem, we need to call it what it is: child sexual abuse and exploitation. This stomach-churning material is not consensual. It is not entertainment. It is not art. This is the abuse of vulnerable children, robbing them of their innocence, their childhoods, the very core of their identities over and over and over again.

Bill C-291 passed swiftly in the House of Commons with unanimous support. I hope its passage through the Senate will also proceed quickly so that we can join together and do our part as parliamentarians to truly protect Canada's children. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Andrew Cardozo: I want to start by thanking Senator Batters for that very thoughtful and emotional speech. I want to thank MPs Caputo and Arnold for having started the bill and congratulate you for carrying it on here.

• (1730)

I would like to think on some level that we are becoming a more enlightened society. And yet, I think, when it comes to this issue — child sex exploitation disguised as child pornography — things are getting much worse, probably, in part, because of the internet and the availability of this horrible content to a lot of people.

In your discussions with Mr. Caputo, did he feel that things are getting worse, and more of this content is being produced over time, or is humanity getting any better on this issue?

Senator Batters: I think, as I outlined in my speech, a large part of it is certainly with the proliferation of everything online. That's what the statistics are showing. Yes, Mr. Caputo recently became an MP, but he was a prosecutor for some time before that. The statistics show that this is increasing and increasing. That's why I said that we need to take action. This is not a huge step, but it's one step — it's an important step. Words matter — that's why I think that we need to take this step at this point.

Hon. Paula Simons: Senator Batters, would you take another question?

Senator Batters: Yes.

Senator Simons: Currently, our child pornography law encompasses things that are not actual depictions of children — it's drawings and stories that are explicit and disturbing, but they are all encompassed. I'm wondering if there are any concerns that through this change of language we might accidentally narrow the parameters of what can be prosecuted.

Senator Batters: Thank you for the question. No, I don't think so. I read out the exact definition. This does not in any way impact the definition. The House of Commons committee made it very clear that this was in no way designed to change the definition. When the courts are considering laws, they often look back to Senate committees, and they will also look back to the House of Commons committee consideration. As someone who sits on the Legal Committee, and as the sponsor of the bill in the Senate, I'm sure that we will have many excellent legal witnesses who will give us guidance on that. That's something that the courts will look to — the speeches that are given and the committee testimony — in regard to definitions. I don't believe that definition will be changed in any way — it's simply to acknowledge the severity of this particular crime.

[*Translation*]

Hon. Julie Miville-Dechêne: Senator Batters, I want to start by commending you for sponsoring this bill. I have been concerned about this for a long time, and I think it is completely unacceptable for the term "child pornography" to be used in the Criminal Code. As you know, I work on these issues. Pornography is referred to as "adult entertainment," and it is absolutely unacceptable for this term to be used to refer to sexual exploitation.

That being said, the term likely dates back to another time when no distinction was made and people were probably less bothered by its use. However, it is high time that term was changed, so I thank you for that.

I have a translation question for you that you may not be able to answer now. I have always used the French terms "exploitation sexuelle des enfants" and "matériel d'abus et d'exploitation des enfants," but the French translation of the bill uses the term "pédosexuel" instead. It is not incorrect.

I just find it strange that the English version uses the term "child sexual abuse and exploitation material," while the French uses a term that comes from the word "pedophile." The term is not incorrect, but it is much less commonly used when talking about these issues. In general, we refer to child sexual exploitation, which is broader in scope.

You probably can't answer my question right now, but perhaps the committee could check and see whether that is really the best term. If we really want to convey the gravity of this issue to ordinary Canadians, then shouldn't the word "child" be used in the French version as well?

[*English*]

Senator Batters: Thank you very much, Senator Miville-Dechêne, and thank you so much for all of the work that you've done on this very important topic. That's an excellent question. I don't have the French version of it with me, but that's something that I'm sure we will study in great detail at committee — we want, of course, to have the best possible translation and words being used because, as I said, words matter, in French or in English.

Hon. Marty Deacon: Senator Batters, thank you so much for your time and collaboration with the House, and for sharing it this afternoon. I know it's late in the day, and people are tired, but it's really important. I think it's timely — I can't even use the word "pornography" when I'm talking to the families of people I work with. I find it absolutely disturbing, uncomfortable and insulting in 2023.

With that being said, I'm really quite happy to see this at this time — the data is alarming, disturbing and gut-wrenching. I'm not a lawyer — by changing the term, I wonder what that does in the latitude, the possibility and the work that a lawyer can do. Does it also change the scope and the reality of that work, in addition to finding the importance of calling this what it is?

Senator Batters: It certainly does not impede the work of a lawyer. They took great care — I believe there's even a particular section in the bill, and certainly in the work that was done in the House of Commons and at committee. Certainly, at the Senate Legal Committee, we will ensure that this is only a change in the term. It in no way impacts any of the definitions. Every single part of the bill simply intends to make that change from "child pornography" to "child sexual abuse and exploitation material." I'm a lawyer; Frank Caputo is a lawyer — we want to ensure that this helps the situation. None of us want to do anything to impede that, and we're quite confident that is the case.

Senator M. Deacon: I was referring to the enhanced part, not the impeding part so much. There have been interesting cases, and I'm wondering if it also, perhaps, enhanced your work.

Senator Batters: Yes, as I indicated in my speech — and I'm sorry that it went on for a while, as it's very dry in here, so I'm sorry about my voice on that. Certainly, this is something that's being done internationally. There's hope that it will be more understood by the general public that this is not something that should be even potentially considered as entertainment, art or anything like that. This is degrading, disgusting material. This is abuse of these children who are forced to be in this scenario. This is not for entertainment. Yes, I'm hopeful that it will help improve the situation, even in a small way. Thank you.

Hon. Brent Cotter: Will you take a question, Senator Batters?

Senator Batters: Yes.

Senator Cotter: It's a great initiative — and great research on your speech. Thanks from all of us for the work you did here. Your friend and colleague Frank Caputo is my former student; I feel bonded to this issue in a certain way. It reminds me of how old I am.

My question is as follows: I agree with you that words matter, but do you — or the sponsors of this bill in the House — have a view about their comfort level around the substance of the offence as well? You mentioned high levels of conviction in Saskatchewan in cases where charges are laid, but what's your read on that, and whether that's also a dimension of what might need to be considered here?

Senator Batters: Thank you very much, Senator Cotter. I was going to mention that not only is Frank Caputo a proud product of the University of Saskatchewan law school, but so is the judge, Greg Koturbash, whom I quoted in that case. I don't know if you taught him as well — anyway, thank you. Kudos for U of S Law.

That's the thing about private members' bills. The most successful ones try to take a particular thing and make that change.

• (1740)

So perhaps there is something more to be done about the definition or what have you, but this is the particular part that Mr. Caputo and Mr. Arnold decided to go with, and I think that's smart. Sometimes a private member's bill can get a bit too all-encompassing.

Perhaps that's something to look at in the future, but this is what we've chosen to do right now. Thank you.

(On motion of Senator Patterson (*Ontario*), debate adjourned.)

BUSINESS OF THE SENATE

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-13(2), I move:

That the Senate do now adjourn.

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

Hon. Senators: Agreed.

(*At 5:41 p.m., the Senate was continued until Tuesday, April 18, 2023, at 2 p.m.*)

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