SENATE SÉNAT

CANADA

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OFFICIAL REPORT
(HANSARD)

Tuesday, April 18, 2023

The Honourable GEORGE J. FUREY,
Speaker

This issue contains the latest listing of Senators, Officers of the Senate and the Ministry.

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# THE SENATE

**Tuesday, April 18, 2023**

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

Prayers.

## SENATORS' STATEMENTS

### HUMAN RIGHTS IN TÜRKIYE

**Hon. Leo Housakos:** Honourable senators, I rise today to give thanks to Mesut Kacmaz, Meral Kacmaz, Murat Acar and Candan Acar, four Turkish-Canadian victims of torture who were brave enough to share their stories with me last month here in Ottawa.

In September 2017, teachers Mesut and Meral Kacmaz, along with their two children, were illegally abducted from Pakistan and taken to Turkey, where they were arbitrarily detained and tortured. Murat Acar was a radiologist and his wife, Candan, was a teacher. They, along with their two children, were illegally abducted from Bahrain and sent to Turkey in October 2016, where they, too, were arbitrarily detained and tortured. These two families sought refuge in Canada after escaping persecution in Turkey, and are now proud to call Canada home.

When we met last month, we spoke about the targeted sanctions submission they filed with Global Affairs, asking the Government of Canada to implement targeted sanctions against the 12 Turkish officials they have identified as responsible for the gross violations of human rights committed against them and against their friend Gökhan Açıkkollu, who was tortured to death in Turkish prison around the same time.

Colleagues, the human rights situation in Turkey is appalling. What happened to these Canadians are examples of a serious and worrying escalation of human rights abuses in Turkey. Since 2016, the Turkish government has detained over 300,000 people, including thousands of prosecutors and judges, and shut down more than 2,000 institutions and 131 media outlets. Turkey detained so many journalists that, for a time, they were the worst jailer of journalists in the world.

There is evidence that detainees are tortured and raped, and hundreds have died in prison. United Nations mechanisms, including the UN Working Group on Arbitrary Detention and the UN Human Rights Committee, have found repeatedly that Turkish officials are responsible for serious human rights violations in this context.

Impunity is pervasive in Turkey, and as Turkish law enforcement is demonstrably unwilling to penalize those responsible, it is up to the international community, including Canada, to hold to account those officials that are responsible for gross human rights violations — especially, colleagues, now that we have Canadian victims of the Erdoğan regime. We owe it to them to do what we can to help them seek justice for the crimes committed against them.

Thank you.

[*Translation*]

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Maxime Gagnon, Émilie Bouchard Labonté and Saoud Messaoudi. They are the guests of the Honourable Senator Petitclerc.

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

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

### DÉFI SPORTIF ALTERGO

CONGRATULATIONS ON FORTIETH ANNIVERSARY

**Hon. Chantal Petitclerc:** Honourable senators, I'm very pleased to rise to speak to you today about Défi sportif AlterGo, an incredible event that begins next week.

This important event, which will take place from April 21 to 30 in the greater Montreal area, is celebrating its fortieth anniversary. I've had the pleasure of being the event spokesperson for over 20 years now and before that I participated as an athlete.

• (1410)

The world-class Défi sportif AlterGo, which began in 1984, is the only event that brings together elite and up-and-coming athletes with all types of functional limitations. This event fosters the transfer of knowledge, the consolidation of skills and the enhancement of expertise in hosting adaptive sporting events. Every year, Défi sportif AlterGo raises awareness of the importance of including people with disabilities.

Today, honourable senators, I'd like to first pay tribute to the founder of Défi sportif AlterGo, Monique Lefebvre, who created an event 40 years ago to showcase the talent of athletes with all types of limitations. Inclusion and accessibility have always been priorities for her.

I would also like to recognize our guests Maxime Gagnon, president and CEO, Émilie Bouchard Labonté, director of communications, and Saoud Messaoudi, who will participate in Défi sportif AlterGo next week and who is here as an athlete ambassador. Thank you for all of your hard work and, most importantly, for your passion.

I wish good luck to the 6,000 athletes from 28 countries who will be competing next week. Let's not forget the participants who will represent Canada at the Montreal 2023 World Boccia Cup and who are trying to earn a spot in the 2024 Paralympic Games in Paris.

As we celebrate National Volunteer Week, I want to say a big thank you to the 1,000 dedicated volunteers who make this unique and exceptional sporting event possible. Without them, Défi sportif AlterGo wouldn't exist and certainly wouldn't be the huge success that it is today. Finally, to the entire Défi sportif team, to the inspiring leaders, and I'd even say to my beautiful Défi sportif family, thank you, merci, *meegwetch*.

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

[*English*]

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Gemma and Sarah Yates-Howorth. They are the guests of the Honourable Senator Bovey.

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

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

## GEMMA YATES-HOWORTH

**Hon. Patricia Bovey:** Honourable senators, it was an honour for me to invite Gemma Yates-Howorth to write the guide *GO Confidently Into Hiring: A Guide for those with Disabilities for Hiring Careworkers*.

In 2019, we passed the Accessible Canada Act, an act ensuring a barrier-free Canada. Bill C-22, the Canada disability benefit act, is currently before the Social Affairs Committee. Society must focus on the needs, rights and independence of people with disabilities and those who are deaf. Personal assistance for people with disabilities is a critical aspect of that challenge. May this guide be useful to those who hire and live with care workers.

I have seen Gemma's diligence in hiring her caregivers over many years and how she assesses her needs and balances the interests and competencies of her staff. I have witnessed the warmth of her interactions with each of them. Quality of life, self-esteem and community engagement are integral to life's positive experiences.

I asked Gemma to articulate not only the "hows" of her hiring principles and practices, but also to share what she could of her own personal story. She has done that. Gemma's insights, personal and universal, are prescient. Her determination has enabled her many achievements despite living with cerebral palsy her entire life. After completing her high school diploma, she graduated with a degree from the University of Manitoba in Recreation Management and Community Development. She has volunteered at Winnipeg's St.Amant centre, a home for people with high-needs disabilities, and has had various contracts with the Cerebral Palsy Association of Manitoba.

Colleagues, life in a wheelchair is daunting, yet Gemma has explored and experienced parts of her city and its diversities few of us have. Her creativity and adeptness with technology are evident in all her work. Throughout, she always acknowledges with gratitude the assistance of her caregivers and the enrichment from their diverse backgrounds, professions and cultures.

I hope this guide, which is just back from translation and will be on my website soon — with its advice on defining one's needs, the posting of the position, assessing applications, interviewing, hiring, training and dealing with inevitable issues — will enable others to expand their worlds of independence and discover new places and interests. As I said, now translated, it will soon be on my website and we will share it with organizations interested in posting it themselves. Gemma, I thank you and all those who work with you.

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

[*Translation*]

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mario Richard and André Clermont. They are the guests of the Honourable Senator Boisvenu.

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

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

## PORTAPIQUE SHOOTING—SUPPORT FOR VICTIMS' FAMILIES

**Hon. Pierre-Hugues Boisvenu:** Honourable senators, three years ago, on April 18 and 19, 2020, the community of Portapique, Nova Scotia, was forever marked by the brutal murder of 23 people, including an unborn child, by an individual disguised as an on-duty police officer. During a murderous rampage that continued over two long days, he targeted some of the victims, while others were chosen at random as they crossed his path.

This mass murder is the worst in Canadian history, and still today, all the families of the victims are left wondering what motivated this terrible tragedy and what should have been done to prevent it.

On March 30, 2023, in Truro, Nova Scotia, along with my colleague Stephen Ellis, the Member of Parliament for the riding where the tragedy occurred, as well as the families of the victims, Nova Scotia Premier Tim Houston, Prime Minister Justin Trudeau and two of his ministers, I attended the tabling of the report of the Mass Casualty Commission, which was created to shed light on this terrible tragedy.

I had the privilege of talking to several of the victims' loved ones; their pain and suffering, their anger, are still palpable. The victims' families needed to be heard and comforted and I thought it was unacceptable that Prime Minister Trudeau barged into the room where the event was being held without saying a single word to the families, after having publicly declared three years ago that he would be there for them.

Three years after all these lives were taken so tragically, the victims' families are still waiting for the federal government to be there for them. The only comment the Prime Minister made quickly to the media, following the tabling of the report, was, "We will take the time now to properly digest and understand the recommendations, and the conclusions." To me and my colleague, meeting the families was our priority, and it is for them that I proudly wear this pin today to commemorate the memory of their murdered loved ones.

I'm still shocked to have learned from the victims' families that, following the shooting, they had to cover their own costs for treatment and for grieving their loved ones or, for some, the costs related to moving because the murder occurred in their home. The families didn't receive any help from the government, effectively victimizing them all over again.

Why was the federal government in such a hurry to quickly compensate people affected by Hurricane Fiona, which hit the Atlantic region, while abandoning the families of the victims of this mass shooting? It makes no sense; it's unacceptable.

The victims' families have shown great resilience, but they're also realistic and pessimistic about what comes next. Although the families hold out some hope concerning the many recommendations in the report, especially those concerning domestic violence and the work of the RCMP, they have nevertheless raised several questions. Who will be responsible for following up on the recommendations? Who will evaluate the results stemming from the report?

Today, I want to thank the families for the poignant testimony they gave in the hope that their pain would be heard and understood. Unfortunately, for the past three years, the voices of the families have been stifled by the profound feeling that they've been abandoned by the government and that they haven't been listened to, even here in Ottawa. It is my duty to have their voices heard in this place and all the way to the Prime Minister's office.

Honourable senators, thank you for joining me in honouring the memory of the Portapique victims and ensuring that the voices of their families grow even louder, because they deserve to be heard. Thank you.

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

• (1420)

[*English*]

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Alanis Obomsawin, Suzanne Guèvremont and Charles Bender. They are the guests of the Honourable Senators Audette, Cardozo, Francis, Greenwood, Klyne and McPhedran.

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

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

[*Translation*]

## ALANIS OBOMSAWIN, C.C., G.O.Q.

**Hon. Michèle Audette:** [*Editor's Note: Senator Audette spoke in an Indigenous language*.]

Once again, I want to thank the Anishinaabe people for welcoming me on their territory.

Colleagues, I rise today to honour a great person, a great woman, someone I love very much. She is a strong woman, a woman who fears no one and who does not mince words. She is incredible.

She stays true to herself despite having met numerous celebrities and luminaries around the world. She remains uncomplicated — an elegant, generous woman who also has an unconditional love for children, including her *Kisos*.

She stood up just moments ago, and you may recognize her as a great director. She is also an artist, a poet, a musician, an activist. She has dedicated her entire life to Indigenous people here in Canada, and certainly around the world, to speak out against injustice.

She has received numerous awards as a result of her 50-plus documentaries, major awards like the Glenn Gould Prize. Soon, in July, she will receive another award from our neighbours in the United States, the MacDowell Medal. She has been celebrated by several organizations, including the Order of Canada, as Grand Officer, and of course the National Order of Quebec. She holds several honorary degrees.

This evening, between two votes, I invite you to join Senators Cardozo, Francis, Greenwood, McPhedran and Klyne to celebrate a moment with our sister, Alanis Obomsawin. She will be accompanied by Suzanne Guèvremont from the National Film Board of Canada. We will present you the documentary by the Honourable Murray Sinclair.

It is with considerable emotion, dear friend, that I say to you with admiration, because you cradled me as a child, you cradled my Amun as well, and you opened the door for many Indigenous women: thank you from the bottom of my heart, dear, unique Alanis.

She is from Odanak, the Abenaki Nation.

*Tshinashkumitin* for raising our profile around the world. I hope you will be honoured for all that you do and will continue to do for us.

[*Editor's Note: Senator Audette spoke in an Indigenous language.*]

[*English*]

### THE LATE BRIAN TWERDIN

**Hon. Dennis Glen Patterson:** Honourable senators, Brian Twerdin was born in LaSalle, Quebec, where he lived until he was 18 when he departed for what was then Frobisher Bay for a weekend to visit his brother. A weekend turned into a lifetime of great memories and activities that supported the community.

Brian met the love of his life, Elisapee, in Iqaluit in 1998. Not one to count the years together, Brian would tell Elisapee that every day was their anniversary. Together, they ran one of Iqaluit's most famous, iconic coffee shops, the Grind & Brew, and raised two sons — Iola and Jimmy — as a blended family.

Brian was as much a fixture at the Grind & Brew as the pizza and coffee were. He was quick with a smile and a greeting to customers, as the Brew was also a safe place for people to warm up on cold days. Boston Bruins fans were particularly welcome.

The only thing Brian loved as much as his family was sports; he played hockey, baseball and football, and set records in many of them. He coached and was a pillar of Iqaluit amateur hockey, and many of Iqaluit's hockey players were guided by Brian from the ice and then later in the stands. The Iqaluit Blizzard hockey team went on to win the Bell Capital Cup under Brian's leadership. The Outlaws were sponsored by the Grind & Brew for many years.

Brian had friends everywhere he went — everyone knew Brian. In Iqaluit, in particular, he would often be found with Ed Picco, Hunter Tootoo, Kolola and his brother, Mike. Brian received much community recognition, including the Honourary Toonik, the Commissioner's Award for Bravery and the lifetime achievement awards from Iqaluit Baseball.

In addition to the formal recognition, there are countless Iqalummiut who leaned on Brian for support, guidance and kind words. Several kids depended on Brian for a snack and advice. After his passing, the untold stories of how Brian impacted people's lives started to be shared and are still being told. Brian passed away — after a brief illness — on his birthday this past December. His loss has been felt by many, including the community organizations that he supported not only with money, but also with constant advice and guidance.

I know that Brian is smiling down on us all today, and that he is celebrating the multiple-record-breaking regular season that the Bruins wrapped up this year. It may be the one time I root for a non-Canadian team to win the Stanley Cup. *Qujannamiik*. Thank you.

## ROUTINE PROCEEDINGS

### ROMAN CATHOLIC EPISCOPAL CORPORATION OF OTTAWA
### ROMAN CATHOLIC EPISCOPAL CORPORATION FOR THE DIOCESE OF ALEXANDRIA-CORNWALL

PRIVATE BILL TO REPLACE AN ACT OF INCORPORATION— PETITION TABLED

**Hon. Bernadette Clement:** Honourable senators, I have the honour to table a petition from the Roman Catholic Episcopal Corporation of Ottawa and the Roman Catholic Episcopal Corporation for the Diocese of Alexandria-Cornwall, in Ontario, Canada; asking for the passage of a private Act to replace its Act of incorporation, and to amalgamate these two corporations into a single entity at Canadian law.

## QUESTION PERIOD

### FOREIGN AFFAIRS

CANADA-CHINA RELATIONS

**Hon. Donald Neil Plett (Leader of the Opposition):** Senator Gold, last week, the Pierre Elliott Trudeau Foundation's entire board of directors, along with its president and CEO, resigned in the aftermath of a $200,000 gift from the Communist Party in Beijing. When asked about the resignations last Tuesday, Senator Gold, the Prime Minister said, "It's a foundation in my father's name that I have no direct or indirect connection with."

This is a ludicrous statement from Prime Minister Trudeau. His government can appoint members to the foundation, as can his family. The *National Post* reported that the foundation used his name in marketing materials as late as September 2014 — a year and a half after he became the leader of the Liberals. His brother is directly involved in the foundation and the $200,000 gift.

Leader, why does the Prime Minister continue to claim that there is no connection when this is absolutely not the case?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. The Prime Minister made it clear on several occasions — and I will repeat it again — that his connections with the foundation ceased when he became the Leader of the Liberal Party, and he has had no connections with

the foundation ever since. The foundation is an independent organization, and, as with every organization, we expect it to act in good faith. Any questions about their activities should clearly be directed to the foundation and neither to the Prime Minister nor to me, frankly.

• (1430)

**Senator Plett:** I find that strange: "Don't ask me the question; ask somebody else."

Every day, it seems there are new revelations about foreign interference by Beijing and what the Prime Minister knew. The Prime Minister has always said there is a wall between him and the Trudeau Foundation. Last week, *La Presse* reported that one of the senior staffers in the Prime Minister's Office reached out to the Trudeau Foundation in November 2016 regarding the "Chinese donation." That's a pretty thin wall, leader. A former board member told *La Presse* last week that the so-called political polarization reason the foundation and the Prime Minister gave for the resignations was — wait for this — "a bunch of lies."

Leader, Canadians deserve the truth. There has to be a public inquiry. Clearly, the Prime Minister doesn't agree or he would have called one by now.

But what excuse does his cabinet have? Why can't they see that a full public inquiry is the only right thing to do at this point? Finally, leader, what do you call someone who spews a bunch of lies? What kind of language would you consider that to be?

**Senator Gold:** Thank you for your question.

Words do matter. They matter in public discourse, and they matter in this place. The degradation of the language being used to impugn our institutions — institutions upon which this country depends — is deeply disturbing and should be deeply disturbing to all Canadians.

I repeat that the Prime Minister has not had involvement with the foundation since he became leader. Attempts to impugn its integrity or his integrity are unfortunate and, respectfully, ill-advised.

The Special Rapporteur, the Honourable David Johnston, has been mandated to advise the government with regard to the steps that might be required, and the government has pledged to honour or accept his recommendations. We'll know those forthwith.

**Hon. Leo Housakos:** It's not we who are impugning the Prime Minister's integrity, government leader; it's his lack of action on a very serious subject that is calling into question his integrity and judgment.

Senator Gold, news broke yesterday that the FBI arrested two people who were operating a secret police station in New York City on behalf of the communist regime in Beijing. According to the U.S. Department of Justice, the two individuals conspired to work as agents of the Chinese Communist Party and took orders from the regime in order to track down and silence Chinese dissidents living in the United States.

Senator Gold, we know that we have several of those clandestine police stations also operating right here in Canada in violation of Canadian sovereignty and Canadian law. As a matter of fact, one of the individuals arrested by the FBI yesterday had photos on his phone of one of those illegal stations operating right here in Canada.

Senator Gold, do we know if this individual was here in Canada? Has the RCMP taken steps to question this individual in connection to the stations in Canada? Also, can you tell me why no charges have been laid yet in any of these Canadian cases? Was anyone expelled from Canada as a result of our investigation? Have there been any consequences against the communist operatives who are undertaking similar efforts right here in Canada?

**Senator Gold:** Thank you for your many questions.

This is an important issue, and it is one with which the government has been seized and has taken many steps to address.

With regard to your specific questions, the investigations that are and might be under way by the RCMP and others are matters upon which I cannot comment and which will bear fruit when those investigations are completed.

**Senator Housakos:** You are right, government leader: There were many questions in my question. The reason for that is because the questions keep piling up because we're not getting any concrete answers, just like I didn't get any in that answer just now.

Senator Gold, part of the allegations against the two individuals is that they targeted Falun Gong, for instance, by rounding up members of the Chinese diaspora and busing them to various locations to counter-protests for Falun Gong demonstrations, with the Chinese consulate paying each of those individuals $60.

That sounds eerily familiar to what is alleged to have taken place at a certain Liberal nomination meeting, doesn't it?

Other allegations are the previously mentioned two operatives would track down Chinese dissidents living in the U.S. and threaten them and their families in order to force them to return to China to be arrested by communist authorities there. Again, that is exactly in line with what we've heard from Canadians of Chinese descent.

So why, Senator Gold, is your government not moving to do more to protect such people here in Canada? You say you don't want the diaspora communities to feel afraid. The Prime Minister has said that on many occasions. They are already afraid, and your government is doing nothing about it. You're more concerned about protecting the very people that Canadians of Chinese descent are afraid of.

When will this Prime Minister stop vacillating on the question of foreign influence from Beijing?

**Senator Gold:** The Prime Minister is not vacillating. Although you have many talents, Senator Housakos, you're hardly a mind reader, so you don't actually know and should not presume to know what goes on in other people's minds.

The government is taking this seriously. Investigations are under way. Institutions that are in place, such as the Committee of Parliamentarians and others, have looked and are continuing to look at the issue, as is the Special Rapporteur. Canadians should be secure in the notion that this government is taking their and our interests to heart.

## PUBLIC SAFETY

### REPORT OF THE MASS CASUALTY COMMISSION

**Hon. Mary Coyle:** Senator Gold, as you know, today is a very sad anniversary for all Canadians. Three years ago today, Canada's worst mass shooting occurred in my home province of Nova Scotia, senselessly ending the lives of 22 innocent people, including a highly competent and valued member of the RCMP, Heidi Stevenson, from my hometown of Antigonish.

You will recall that not long after the initial shock of that tragedy, several of us representing our province in this chamber called upon the provincial and federal governments to launch a full inquiry. The recommendations of that inquiry, recently published in the final report of the Mass Casualty Commission, call for substantive and systematic reform of the RCMP in order to prevent more of the kind of devastating tragedies that we witnessed in Nova Scotia in April 2020.

Of the commission's 130 recommendations, over 60 were directed at the RCMP. The message from the commissioner says:

> The future of the RCMP and of provincial policing requires focused re-evaluation. We need to rethink the role of the police in a wider ecosystem of public safety. . . .

The message goes on to say:

> Most important, the RCMP must finally undergo the fundamental change called for in so many previous reports. . . .

In recognition of that imperative, Senator Harder has introduced his Senate inquiry on the role and mandate of the RCMP.

Senator Gold, could you tell us how and when the government plans to respond to the calls to action of the Mass Casualty Commission for major reforms of the RCMP? Concern has been raised that it's unrealistic to expect the RCMP themselves to lead that reform.

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

First and foremost, I think I speak for all of us that our hearts go out to and that we continue to grieve with the families and the communities of Portapique and Truro.

As you pointed out, senator, the Mass Casualty Commission's final report lays out a road map for reforming the RCMP. As you would know, the government has established an implementation body that will prioritize and support the implementation of those recommendations. They include strengthening the oversight of the RCMP, strengthening our laws banning assault-style firearms and addressing the root causes of gun crime through supports for mental health services for Canadians.

• (1440)

To your last point, the government is working very closely with the RCMP to reform the institution so that we can prevent, to the fullest extent of our ability, another mass shooting of this kind from ever occurring again.

**Senator Coyle:** Senator Gold, we know that the tragedy in Nova Scotia began with the murderer violently assaulting and threatening his partner.

Several of the recommendations in the Mass Casualty Commission's report focused on the flawed RCMP and governmental response to widespread intimate partner violence in Canada. Funding related to preventing and effectively intervening in gender-based violence has been inadequate for many years, and, for that reason, endangers women's lives.

The report calls for the Government of Canada to declare gender-based violence an epidemic in Canada and provide long-term funding for services that have been long demonstrated to be effective in meeting the needs of women survivors of gender-based violence and that contribute to preventing gender-based violence.

Senator Gold, we know that the government has said that it's very committed to ending gender-based violence and supporting its victims. Will the government accept the findings of the commission and move to declare gender-based violence an epidemic in Canada, and commit to providing long-term and, most importantly, sustained funding for effective services?

**Senator Gold:** As you know, honourable senators, in 2017, the government published its strategy to address gender-based violence. It's outlined in a document that's entitled, *It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence*.

This strategy builds on several federal initiatives, coordinating existing programs. It lays the foundation for greater action to combat gender-based violence, including initiatives to support survivors and their families, and to promote a responsive legal and justice system.

There are other ways that the government is also taking action, notably through the introduction of Bill C-21 which proposes to implement Canada's most significant action against gun violence in at least a generation and which will — as we know, because of the impact that gun violence has on women and the degree to which firearms, tragically, are used in cases of violence against women — benefit women.

I do not know the answer to your specific question about the status of that recommendation. I'll certainly make inquiries and report back.

## CANADIAN HERITAGE

### NATIONAL GALLERY OF CANADA

**Hon. Donna Dasko:** My question is for the Government Representative in the Senate.

Senator Gold, members of the Canadian Museums Association are in Ottawa over the next two days as part of their 2023 Hill Day to speak with parliamentarians and others. The association includes many representatives from my city of Toronto, which is the home of fabulous galleries and museums.

However, people I know in the museum community are greatly concerned about the continuing turmoil at the National Gallery of Canada. As the search for a new, permanent director continues, my question to you today builds on the question posed to you by Senator Bovey last December, and that question is: Can you confirm that the new, permanent director will have two essential qualifications — an advanced degree in art history or in contemporary expression, and a career in directing and running a major gallery or museum? Thank you.

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question and for underlining the importance of museums, the artists who are exhibited and those who curate and manage our institutions.

In Ottawa — I won't compete with Toronto, being a Montrealer — with the wonderful art museums we have here — and, indeed, around this country — we have a jewel and that is the National Gallery of Canada.

With regard to your question and the turmoil surrounding this, I have every confidence in the process that has been put in place and those who are going to be leading the process. I look forward to learning who will take on the important role at the gallery to serve both the artistic community and all Canadians. The process is going to be an open, transparent and fair one with the aim of finding the best and most qualified person to serve our institution and the interests of the National Gallery, as I said, and the communities that it serves.

With regard to the specific criteria, I leave that in the good hands of the search committee and that process in which I have the utmost confidence.

**Senator Dasko:** Given that the new, permanent director was expected to be announced by March 30, are you able to confirm today the date on which the announcement of this person will be made? Thank you.

**Senator Gold:** Unfortunately, I am not.

Honourable senators can be assured that the process is a serious and ongoing one. It is being treated with dispatch, and I look forward to the announcement at the time that it is made.

[*Translation*]

## FINANCE

### COVID-19 SUPPORT PAYMENTS

**Hon. Jean-Guy Dagenais:** My question is for the Leader of the Government in the Senate. The former finance minister, Bill Morneau, has criticized Prime Minister Trudeau's decisions regarding the assistance programs brought in during the pandemic. The Auditor General of Canada has also said that, of the $100 billion allocated to these programs, $27 billion was likely overpaid to individuals and businesses during the pandemic and remains unaudited.

More recently, despite warnings from politicians and the Parliamentary Budget Officer, the Prime Minister went ahead with his dental program that will provide $630 to families even if their child hasn't been to the dentist.

Prime Minister Trudeau is failing in his financial responsibilities, probably to please the NDP, which is keeping him in power. However, instead of listening to serious advice from people like Bill Morneau, Karen Hogan and Yves Giroux, the Prime Minister continues to waste our tax dollars.

Can you explain why?

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

With all due respect, honourable senator, this is not a matter of wastefulness, far from it.

As I've already explained several times, when faced with the COVID-19 crisis, the government, with the support of this chamber and the members of the other place, made the decision to act quickly to ensure that Canadians had the support they needed. That was the right decision because we got through the pandemic in a good socio-economic position.

That being said, it is true that some problems could have been foreseen, and the government and the departments are now working to recover, if possible, amounts that were unfortunately paid out in circumstances that weren't anticipated by the spirit of the programs.

**Senator Dagenais:** The government's dental care program is going to become a bottomless pit and, as I've already said, it is even causing a shortage of dentists.

All that aside, do you think that it is right — and I won't presume to refer to the Prime Minister's chronic recklessness here — that Quebec families can pocket $630 from the federal government, even though the provincial government is already paying for dental care for children under the age of 10?

It seems to me that we ought to be able to harmonize our policies at some basic level. Isn't there a way to harmonize policies in order to try to save Canadians' money?

**Senator Gold:** Thank you for the question. My answer is twofold. First, if my memory serves me well, the Prime Minister says that he is open to discussing a bilateral agreement with his counterpart, the Government of Quebec, given that Quebec has a program that doesn't necessarily exist anywhere else.

We will closely monitor that process and how the national program will be received in Quebec, and the amounts paid out.

That said, I must emphasize the importance of this dental program for thousands upon thousands of Canadian families, young people and not-so-young people, who don't have access to dental care and who don't have the means to obtain dental care, which is vital to physical and mental health. This is an important program for Canadians, and the Canadian government is proud to move forward with this program.

• (1450)

[*English*]

## AGRICULTURE AND AGRI-FOOD

### NATIONAL SOIL CONSERVATION WEEK

**Hon. Marty Klyne:** Senator Gold, this week marks National Soil Conservation Week. Soil sustains our woods and grasslands and their plants and animals. It is a vital resource for Canadian livelihoods, including construction, forestry and, of course, agricultural and food security.

Unfortunately, this precious resource doesn't always receive the recognition it deserves. That's why I'm proud that our Senate Committee on Agriculture and Forestry is conducting a study on soil health — the first study in the Parliament specifically on soil in 39 years.

Senator Gold, as we study this important issue, can you update the chamber on what steps the federal government is taking to collaborate and support stakeholders across the country to protect soil health in Canada?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question and for the vital work the Senate committee is doing on this important subject. This has been a priority for governments and for this government, and it builds upon a history of world-class research in this country on this important issue. Indeed, Canadian scientists are bringing to the table innovative approaches and practices to help us build resilience in soils, reduce erosion and increase soil carbon capture, helping the agricultural community to do its important and necessary part in our efforts to offset greenhouse gas effects.

Since 2021, the government has announced $1.5 billion worth of initiatives for the agricultural sector. It has provided incentives to producers to adopt practices and technologies to reduce greenhouse gas emissions, sequester carbon in soils and improve soil health. The new Sustainable Canadian Agricultural Partnership — which is a $3.5-billion five-year agreement between federal, provincial and territorial governments — includes funding to support farmers in adapting practices to improve soil health. This includes a new $250-million cost-shared Resilient Agricultural Landscape Program to help farmers implement such practices and help enhance the natural ability of agricultural lands to sequester carbon, protecting biodiversity and, of course, soil health.

The government is also developing a sustainable agricultural strategy in collaboration with sector partners and stakeholders. It will focus on five themes, including soil health, and help set a shared direction for our actions together to improve environmental performance over the long term to enhance the sustainability, competitiveness and vitality of this sector.

[*Translation*]

## FOREIGN AFFAIRS

### PRIME MINISTER'S TRAVEL

**Hon. Claude Carignan:** Honourable senators, this morning, Radio-Canada's website had a headline about the Trudeau family vacationing with wealthy Trudeau Foundation donors.

This time, it wasn't on the Aga Khan's island, in London or Tofino; it was in Jamaica. Canadian citizens paid more than $160,000 of taxpayers' money to provide security and other things that are required for the Trudeau family's trip. Moreover, these costs don't include the Challenger, which costs taxpayers a minimum of $10,000 per hour.

I checked Expedia's website, and there are 5,105 hotels in Jamaica. Why did the Prime Minister choose the one owned by a wealthy contributor to the Trudeau Foundation?

**Hon. Marc Gold (Government Representative in the Senate):** First of all, I'm quite surprised that you would quote from an article from the CBC, which your leader claims is the Trudeau government's propaganda arm. However, one of the things I like about being a senator is that I'm always learning new things. It's to your credit, colleague, that you have quoted this propaganda arm.

Let's be serious. The Prime Minister has the right to take a vacation with his family, and he also needs security to protect them. This applies to any prime minister, regardless of the party he or she represents.

The need to use a government aircraft is a long-standing practice for prime ministers in order to ensure their safety.

Finally, I'm pleased to follow your lead and also quote the CBC. A former colleague of Prime Minister Harper's, Dimitri Soudas, once said that the Prime Minister is a father, he has a family, and it's okay to take a vacation with his family.

**Senator Carignan:** Leader, can you tell the Prime Minister that if he wants a vacation, he just has to call an election, and we'll give him a vacation?

Did the Prime Minister have a view of the sea? How much did he pay for the rooms in the villas where his family stayed? Yes, we all have the right to take a vacation. As you can see from my tan, I took a vacation and I paid for it. Did the Prime Minister pay for his vacation and the villas in which he stayed with the Green family?

**Senator Gold:** I don't have that information. I'll try to find it and get back to you later with an answer. The Green family have been friends with the Trudeau family for a very long time, going back to the late Pierre Elliott Trudeau. I'll look into it further with the government.

[*English*]

## FINANCE

FEDERAL FISCAL DEFICIT—ECONOMY

**Hon. Donald Neil Plett (Leader of the Opposition):** At least we agree that the CBC is the propaganda arm of the government. Thank you for clarifying that. I hope the CBC takes note.

Leader, I don't believe the Prime Minister has ever seen a credit card bill in his life. He certainly doesn't know how high interest rates can be. I'm sure he didn't use his credit card when he was in Jamaica. If he did, he would not have suggested that Canadians rack up more credit card debt, as he did in a recent town hall in Moncton. As the prime minister who has added more debt than any other prime minister, Prime Minister Trudeau is in no position to tell Canadians how to manage their daily finances responsibly. He has never had to worry about his own personal finances, and that thinking applies to how he runs our country.

Leader, according to last month's budget, the Trudeau government has no path to balance, ever. At least credit card companies tell consumers how long it will take for us to pay off our debt. Why won't the Prime Minister do the same?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. This past budget, as I've stated in this chamber, is designed to provide a road map for the future for Canadians while helping Canadians get through these difficult times. Indeed, despite the obsession of some with debt as the only measure of a country's economic strength, viability and prospects, the facts remain, apart from the rhetoric, that Canada is well positioned — indeed, positioned better than G7 countries going forward — in terms of having the lowest debt-to-GDP ratio in the G7 and triple-A credit ratings. It is a testament to the practical, real-world, responsible management of this government.

[*Translation*]

# ORDERS OF THE DAY

## INTERNATIONAL MOTHER LANGUAGE DAY BILL

MESSAGE FROM COMMONS

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons returning Bill S-214, An Act to establish International Mother Language Day, and acquainting the Senate that they had passed this bill without amendment.

• (1500)

## ONLINE STREAMING BILL

BILL TO AMEND—MESSAGE FROM COMMONS—CERTAIN SENATE AMENDMENTS CONCURRED IN, DISAGREEMENT WITH CERTAIN SENATE AMENDMENTS AND AMENDMENTS

**The Hon. the Speaker:** Honourable senators, I have the honour to inform the Senate that a message has been received from the House of Commons which reads as follows:

Thursday, March 30, 2023

*EXTRACT, —*

That a message be sent to the Senate to acquaint Their Honours that, in relation to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, the House:

agrees with amendments 1(a)(ii), 1(b), 2(a), 2(b), 2(c), 2(d)(i), 2(e), 4, 5, 7(b)(i), 8, 9(a), 10 and 12 made by the Senate;

respectfully disagrees with amendment 1(a)(i) because the amendment does not refer to broadcasting undertakings that comprise components of the broadcasting system which may cause interpretative issues in the application of the Act;

respectfully disagrees with amendment 2(d)(ii) because the amendment seeks to legislate matters in the broadcasting system that are beyond the policy intent of the bill, the purpose of which is to include online undertakings, undertakings for the transmission or retransmission of programs over the Internet, in the broadcasting system;

respectfully disagrees with amendment 3 because this would affect the Governor in Council's ability to publicly consult on, and issue, a policy direction to the CRTC to appropriately scope the regulation of social media services with respect to their distribution of commercial programs, as well as prevent the broadcasting system from adapting to technological changes over time;

respectfully disagrees with amendment 6 because it could limit the CRTC's ability to impose conditions respecting the proportion of programs to be broadcast that are devoted to specific genres both for online undertakings and traditional broadcasters, thus reducing the diversity of programming;

proposes that amendment 7(a) be amended to read as follows:

"(a) On page 18, replace lines 29 to 34 with the following:

"(a) whether Canadians, including independent producers, have a right or interest in relation to a program, including copyright, that allows them to control and benefit in a significant and equitable manner from the exploitation of the program;"";

respectfully disagrees with amendment 7(b)(ii) because the principle that Canadian programs are first and foremost content made by Canadians is, and has been, at the centre of the definition of Canadian programs for decades, and this amendment would remove the ability for the CRTC to ensure that that remains the case;

proposes that amendment 9(b) be amended by deleting subsection 18(2.1) because the obligation to hold a public hearing both before and after decisions are taken by the CRTC will entail unnecessary delays in the administration of the Act;

respectfully disagrees with amendment 11 because the amendment seeks to legislate matters in the broadcasting system that are beyond the policy intent of the bill, the purpose of which is to include online undertakings, undertakings for the transmission or retransmission of programs over the Internet, in the broadcasting system, and because further study is required on how best to position our national public broadcaster to meet the needs and expectations of Canadians.

*ATTEST*

Eric Janse

*Acting Clerk of the House of Commons*

Honourable senators, when shall this message be taken into consideration?

(On motion of Senator Gold, message placed on the Orders of the Day for consideration later this day.)

[ The Hon. the Speaker ]

[*English*]

BILL TO AMEND—MESSAGE FROM COMMONS—
MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS AND
NON-INSISTENCE UPON SENATE AMENDMENTS—DEBATE

The Senate proceeded to consideration of the message from the House of Commons concerning Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts:

Thursday, March 30, 2023

*EXTRACT, —*

That a message be sent to the Senate to acquaint Their Honours that, in relation to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, the House:

agrees with amendments 1(a)(ii), 1(b), 2(a), 2(b), 2(c), 2(d)(i), 2(e), 4, 5, 7(b)(i), 8, 9(a), 10 and 12 made by the Senate;

respectfully disagrees with amendment 1(a)(i) because the amendment does not refer to broadcasting undertakings that comprise components of the broadcasting system which may cause interpretative issues in the application of the Act;

respectfully disagrees with amendment 2(d)(ii) because the amendment seeks to legislate matters in the broadcasting system that are beyond the policy intent of the bill, the purpose of which is to include online undertakings, undertakings for the transmission or retransmission of programs over the Internet, in the broadcasting system;

respectfully disagrees with amendment 3 because this would affect the Governor in Council's ability to publicly consult on, and issue, a policy direction to the CRTC to appropriately scope the regulation of social media services with respect to their distribution of commercial programs, as well as prevent the broadcasting system from adapting to technological changes over time;

respectfully disagrees with amendment 6 because it could limit the CRTC's ability to impose conditions respecting the proportion of programs to be broadcast that are devoted to specific genres both for online undertakings and traditional broadcasters, thus reducing the diversity of programming;

proposes that amendment 7(a) be amended to read as follows:

"(a) On page 18, replace lines 29 to 34 with the following:

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respectfully disagrees with amendment 7(b)(ii) because the principle that Canadian programs are first and foremost content made by Canadians is, and has been, at the centre of the definition of Canadian programs for decades, and this amendment would remove the ability for the CRTC to ensure that that remains the case;

proposes that amendment 9(b) be amended by deleting subsection 18(2.1) because the obligation to hold a public hearing both before and after decisions are taken by the CRTC will entail unnecessary delays in the administration of the Act;

respectfully disagrees with amendment 11 because the amendment seeks to legislate matters in the broadcasting system that are beyond the policy intent of the bill, the purpose of which is to include online undertakings, undertakings for the transmission or retransmission of programs over the Internet, in the broadcasting system, and because further study is required on how best to position our national public broadcaster to meet the needs and expectations of Canadians.

**Hon. Marc Gold (Government Representative in the Senate)** moved:

That, in relation to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, the Senate:

(a) agree to the amendments made by the House of Commons to its amendments; and

(b) do not insist on its amendments to which the House of Commons disagrees;

That the Senate take note of the Government of Canada's stated intent that Bill C-11 will not apply to user-generated digital content and its commitment to issue policy direction to the Canadian Radio-television and Telecommunications Commission accordingly; and

That a message be sent to the House of Commons to acquaint that house accordingly.

He said: Honourable colleagues, I rise today to speak to the motion proposing that the Senate accept the other place's message in response to the Senate's amendments to Bill C-11 and bring the online streaming act to Royal Assent.

Before I begin my remarks, there is one person that I would very much like to mention. Unfortunately, Senator Dennis Dawson's retirement date did not coincide with the passage of the bill, but I want to thank him again for the important work he did and his leadership in getting us here today. Having worked behind the scenes with Senator Dawson on Bill C-10 and Bill C-11 for what now seems like a very long time, I can attest to the fact that he has not only vigorously defended this bill in this place, but he has also defended the Senate's views with the government both on policy and on process.

The other place's response to Senate amendments would simply not be what it is today without his consistent outreach and advocacy. I cannot thank him enough, and I very much look forward to inviting him here for Royal Assent.

Honourable senators, the Senate has three possible practical responses to this message. It can concur, insist on its amendments or make a new proposal within the scope of the disagreement. Today I am asking this chamber to concur with the decision of our fellow parliamentarians in the other place, a decision that is clear, informed and carefully considered and which comes to us following a robust and vigorous debate in a minority Parliament — and a decision, I would add, to accept in part or in full close to 80% of the amendments the Senate made to the bill. Indeed, the other place has accepted amendments proposed by senators representing all recognized parties and parliamentary groups in this place.

In addition, given the importance of the issue of user-generated content, the motion before us also proposes that we as a Senate collectively underscore to members of Parliament that we have taken note of the Government of Canada's commitment that Bill C-11 will not apply to user-generated digital content as well as the government's commitment to issue policy direction to the CRTC accordingly.

For Canada's cultural sector, it has been a long road and a long wait, but the finish line is in sight. For many in the industry, an important source of their income is inextricably linked to the passage of this bill. By concurring with the message received from the other place, we will finally usher into law a modernized Broadcasting Act that is built for today's world, an act that is forward-looking and one that is sufficiently flexible to adapt to an unpredictable digital landscape that has real-life impacts on the lives of Canadian artists.

• (1510)

And in so doing, colleagues, at long last, we would make good on the government's electoral commitment to reform the Broadcasting Act to ensure that web giants contribute to the creation and promotion of Canadian stories and music, a commitment that also formed part of the written platforms of the Bloc Québécois and the New Democratic Party during the most recent federal election.

In my remarks today, I will first turn to the context that has led us to receive this message, because that perspective is important to situate our debate and to understand why the response of the other place is worthy of our support.

Second, I will address each Senate amendment, beginning with the many that have been accepted by our elected counterparts and ending with those that our colleagues considered but ultimately decided to support an alternative policy choice.

Finally, I will contribute a few observations about the role of the Senate at this stage of the parliamentary process.

Colleagues, it is with immense pride that I speak today, because I genuinely think that the Senate did really good work on this bill and that this work was acknowledged and acted on by the other place.

As I see it, the message before us is yet another example of the meaningful contribution that the Senate can make, and indeed is making, to the legislative process. It's a respectful response from the other place, and one which — once again — shows the government's preparedness to propose that the other place accept recommendations of the Senate on any range of its signature legislative measures.

Bill C-11 is a better bill today because of our work, and I commend all of you for the work you did on this.

Now I have a few words on the context. To my mind, understanding how we got here is critically important to understanding the stakes. At this message stage, it is easy to lose sight of the forest for the trees, so part of my argument today is that we must not lose sight of the proverbial forest that is Bill C-11 — a good bill, a bill desperately needed and long overdue.

It is important to acknowledge that the two chambers of Parliament have agreed to approximately 99% of the content of Bill C-11 with the narrow issue before us being a disagreement on a few clauses. But it's equally the case that at this stage of the process, and until the bill reaches Royal Assent, the totality of Bill C-11 — the forest as a whole — is hanging in the balance.

Let me remind colleagues of what the primary objectives are of Bill C-11. Above all, it clarifies the scope of the Broadcasting Act to include online broadcasting. It updates broadcasting and regulatory policies to better reflect Canada's diversity, it ensures equitable treatment of players through regulation and, finally, it provides modernized tools for effective oversight and enforcement.

Modernizing the Broadcasting Act is a long-standing ask from the creative and cultural sectors in Canada, and it responds to the issues that are top of mind for so many Canadians such as affordability, economic competitiveness, cultural sovereignty, accessibility, consumer rights and privacy.

Artistic and cultural communities across the country as diverse as the Screen Composers Guild of Canada, the Fédération culturelle canadienne-française and Indigenous news organizations are eagerly awaiting its adoption into law.

The last time the Broadcasting Act was modernized was in 1991. To put this in perspective, Google went live in 1998, and Facebook in 2004; YouTube launched in 2005; in 2007, Netflix began streaming directly to TVs and computers; and in 2008, Spotify began streaming music internationally and expanded to Canada in 2014. Colleagues, changes to the Broadcasting Act are long overdue.

The genesis of Bill C-11 lies in the report prepared by the Broadcasting & Telecommunications Legislative Review Panel, chaired by Janet Yale, one of Canada's most respected telecommunications experts. The panel, established by the government in June 2018, was mandated to undertake an independent and exhaustive review of Canada's communications laws, including the Broadcasting Act, to determine how the legislative framework could not only be updated but be able to adapt to emergent communications technologies.

The single most important message the report sought to convey was that there was an urgent need to adapt our legislative framework and regulatory tools so that Canada can be in a position for success in today's dynamic digital environment.

In January 2020, the panel presented its findings and recommendations to both the Minister of Innovation, Science and Industry and the Minister of Canadian Heritage. In November of that year, the Honourable Steven Guilbeault, who was Minister of Canadian Heritage at the time, included several recommendations from the Yale report in the tabling of Bill C-10, the predecessor to Bill C-11, during the Forty-third Parliament. Along with calling for a renewal of the institutional framework, the recommendations focused on reducing barriers to advanced telecommunications networks; supporting the creation, production and discoverability of Canadian content; improving the digital rights of Canadians and enhancing trust in the digital environment.

As part of the Liberal Party of Canada's electoral platform during the 2021 federal election and its 2021 Speech from the Throne, the government again committed to modernizing the Broadcasting Act. An improved bill, the bill currently before us, was tabled in the Forty-fourth Parliament in February of 2022.

In the other place, the bill underwent an extensive study that led to more than 40 amendments receiving the support and endorsement of the New Democratic Party and the Bloc Québécois.

Meanwhile, senators started their work on this key piece of legislation even before it arrived in the Senate. The Standing Senate Committee on Transport and Communications began its examination of the bill as part of a pre-study last June. Over the course of 31 meetings, 9 of which were devoted to clause-by-clause consideration, it heard from 138 witnesses and received 67 written submissions. In meeting time alone, the committee clocked over 67 hours, and we can only imagine the long hours that senators devoted to meeting with stakeholders and in corresponding with Canadians over the course of the same period.

I now turn to the amendments at issue. Colleagues, our labour bore fruit. As mentioned, the Senate proposed 26 amendments to the bill, 20 of which were accepted by the other place and 2 of which were accepted with minor modifications. With your indulgence, I wish to highlight the amendments the other place agrees with and has accepted.

One area where the committee made important improvements is in the broadcasting policy objectives by making the bill more inclusive and more responsive to the needs of minority communities. In amendments 2(a)(ii), 2(a)(iv), 2(b)(ii), and 2(c)(i), Senator Clement put forward proposals to standardize references to Black and racialized communities throughout the bill. These amendments will strengthen the presence of Black and racialized communities in Canada's broadcasting system.

Senator Clement also brought forward amendments to better recognize the place of Indigenous people, cultures and languages in our broadcasting system.

In amending subsection 2(a)(iii), the bill now recognizes both Indigenous peoples and the importance of emphasizing Indigenous languages in our efforts to revitalize them.

In modifying amendment 2(c)(ii), Senator Clement's changes support the production and broadcasting of Indigenous language programming in line with the United Nations Declaration on the Rights of Indigenous Peoples, and the Truth and Reconciliation Commission's Calls to Action.

The committee also ensured in amendment subsection 2(d)(i) that the lived experience of Indigenous peoples who live on- and off-reserve, in urban areas and in a variety of geographic spaces across this country are more adequately served by our broadcasting system.

These amendments will not only ensure the realities of Indigenous peoples are better reflected in our broadcasting system, but they also further our commitment to advancing reconciliation, and they are being supported by the government.

[*Translation*]

In addition to paying attention to the needs and realities of Indigenous Canadians, Black Canadians, and Canadians from other racialized groups, the committee also made improvements to French programming that will benefit French-language minority populations. The changes proposed by Senator Cormier in amendment 8(b) clarify what constitutes "original French language programs" produced in French compared to programs produced in other languages and dubbed in French. This amendment will ensure that original programs that are dubbed in French aren't taken into account in the associated requirements. The government supports this amendment.

• (1520)

The government also agreed to another amendment proposed by Senator Cormier to ensure the financial viability of public interest broadcasters, such as APTN, CPAC, ICI TOU.TV, AMI-télé and TV5, and to help these broadcasters meet their strategic objectives, which are consistent with the inclusion objectives of the Broadcasting Act.

Amendment 8(a) will give the Canadian Radio-television and Telecommunications Commission the power to allocate funds to initiatives such as the development of accessible technologies for people with disabilities, the improvement of the discoverability of Canadian content and the creation of online broadcasting and monetization tools for content creators.

Finally, Senator Dasko added the words "reflect and be responsive to the preferences and interests of various audiences" to section 3 of the act so that it is recognized that Canada's broadcasting objectives must take into account the diversity of the Canadian public. The government supports that objective and agreed to the amendment.

[*English*]

Looking out for the integrity of journalism in this country was another area where the Senate brought improvements to the bill. Senator Wallin's proposal to ensure that the policy goals set out in section 3(1)(d) of the Broadcasting Act ensure "freedom of expression and journalistic independence" — thereby further entrenching freedom of expression in the act — was another amendment that was accepted by the other place and by the government.

In addition, the government has agreed to Senator Simons' amendment to strike the language that called for community programming aimed at "countering disinformation" and replace it with the phrase to "support local journalism." Senator Simons' amendment clarifies the original intention of an amendment adopted in the other place, and it reinforces that Canada's broadcasting policy goals must include the support of local journalism. This will be a notable benefit for journalism in this country.

Protecting the privacy of individuals is another area where the Senate brought some important improvements and needed clarification to the bill. The amendment proposed by Senator Miville-Dechêne in clause 2 aims to ensure that the Canadian Radio-television and Telecommunications Commission, or CRTC, regulates in a manner that respects the privacy of individuals. This amendment complements another one put forward by the Senate's sponsor and our former colleague Senator Dawson at amendment 4(b). Both amendments are in line with testimony provided by the Privacy Commissioner at our committee hearings, and the government has accepted both.

[*Translation*]

In closing, honourable colleagues, I'd like to talk about some of the amendments that made the bill clearer, others that are more technical in nature and others still that are more general in scope.

First, in amendments 2(a)(i), 2(b)(iv) and 4(a), Senator Dasko proposed wording confirming that Canada's broadcasting system must encourage innovation.

The change proposed by Senator Cormier in amendment 2(c)(iii) restores the wording from a passage of the Broadcasting Act to which changes had been made. Only the mention of independent Canadian producers remains, in order to bring Canada closer to its objective of growing the independent production sector.

As far as the Status of the Artist Act is concerned, amendment 12 proposed by Senator Cormier makes a clarification to a change made at the other place by indicating that the Status of the Artist Act applies only to federally regulated organizations. This change gives more flexibility to the legislation and prevents interference in a provincial jurisdiction.

[*English*]

In amendment 1(b), Senator Plett put forth a proposal to broaden the interpretative clause on freedom of expression to include creators, which the government agreed to. The government also accepted an amendment tabled by Senator Batters which will harmonize the definition of "decision" with the one existing in the Telecommunications Act.

Senator Simons' initiative to delete subsection 7(7) brings clarity and removes ambiguity from the bill, an important amendment, to be sure. Finally, in amendment 10, Senator Quinn's amendment will require that the CRTC's consultation reports be tabled in both houses of Parliament. This ensures that parliamentarians — and senators alike — will stay apprised of the CRTC's consultation process. Both of these amendments have been accepted by the other place.

Colleagues, up to this point, I have detailed 18 amendments that the other place accepted, including amendments proposed by all four recognized parties and parliamentary groups in the Senate. I would now like to focus our attention on an additional two amendments the Senate proposed which were supported with modifications.

The first can be found in section 18 of the Broadcasting Act, proposed by Senator Cormier, and this is item 9 in the message. With respect to this provision, the government has proposed to keep the requirement proposed by the Senate that public hearings be held and remove subsection 2.1. The proposed amendment to add subsection 2.1 to section 18 would have required that the public hearing be held after a proposed regulation or order is published. The reason that the government respectfully disagreed with this component of the proposed amendment is because the CRTC — a quasi-judicial tribunal — consults interested parties before a regulation is developed, not afterwards. The public hearing is used to gather the evidence record upon which a regulation or an order is based. From the government's perspective, requiring a second public hearing after decisions are taken by the CRTC during regulatory proceedings will entail unnecessary delays in the administration of the act and will ultimately impede the CRTC's regulatory efficiency.

With respect to the second amendment accepted with modifications, one proposed by Senator Cormier, the government proposes an amendment to item 7(a) of the message, which would amend clause 11 of the bill. The government's amendment aims to underscore the importance of supporting creators and to sustain and build Canada's creative sectors. It allows the CRTC to make sure that Canadians are benefiting in a significant manner from the exploitation of a given program by broadcasters.

[*Translation*]

In summary, esteemed colleagues, the Senate proposed significant improvements to the bill to strengthen privacy, promote innovation, maintain the crucial role of independent producers in our broadcasting system, increase production of original French-language programs, normalize the presence of Black and racialized communities, better reflect the realities of Indigenous peoples in the Canadian broadcasting system, and increase the accountability of the CRTC by requiring the commission to table its reports in Parliament.

[*English*]

I turn now to the few amendments that the other place has opted not to support. In doing so, it is important to understand, colleagues, that in debating the Senate's message, the other place was asked to debate and pronounce itself specifically on the Senate's amendments. I underscore this point because it is important to understand that what we are dealing with are informed decisions by members of Parliament on the areas of Bill C-11 that the Senate proposed be amended.

The government respectfully disagrees with amendment 1(a)(i) proposed by Senator Batters to modify the definition of "community element." Currently, the community element would include both not-for-profit entities but also community channels that are operated by for-profit broadcasters, as is the case for Rogers, for example, where the corporation gives broadcasting space to community organizations to produce their own programming.

The government heard from a range of key stakeholders, including community-based stakeholders such as the Canadian Association of Community Television Users and Stations — it is a great acronym, CACTUS — who have requested to keep the wording "broadcasting undertaking" in the definition of "community element," as proposed in Bill C-11. Rejecting this amendment will ensure that the definition in the bill and the act properly refers to community elements in the broadcasting system.

The government also respectfully disagrees with the proposed amendment 2(d)(ii) put forward by Senator Miville-Dechêne to compel online undertakings to implement methods such as age verification to prevent children from accessing explicit sexual material. Colleagues, protecting children is a priority of this government, and it is looking forward to introducing legislation on online safety with the goal of keeping all Canadians safe online. In the government's view, however, Bill C-11 is not the appropriate vehicle to advance this important issue.

• (1530)

The parliamentary committees that have studied Bill C-11, and its predecessor Bill C-10, heard from many witnesses on the issues addressed by the bill. The safety of minors was not the focus of those deliberations, and to be done right, we would have had to hear from the spectrum of voices of those directly engaged and impacted by this issue. We did not, nor did they in the other place. For these reasons, the government cannot support this amendment, which goes beyond the policy intent of this legislation.

It is, however, worth highlighting that Bill S-210, which seeks to achieve similar policy objectives, is currently at third-reading stage in the Senate and is advancing as part of the normal parliamentary process.

The government equally disagrees with the addition of subsection 46(1.1) to the act as proposed by Senator Downe, which seeks to prohibit the CBC/Radio-Canada from broadcasting an advertisement or announcement on behalf of an advertiser that is designed to resemble journalistic programming. Here again, the government's respectful disagreement takes us

back to the core objectives of the bill. Bill C-11 did not open up important questions around the CBC/Radio-Canada and its mandate. They're important questions, and it remains a key priority for the Minister of Canadian Heritage to modernize CBC/Radio-Canada. However, the government believes this should be done in a holistic way and not in a piecemeal fashion.

Although branded advertisement is an important issue, the government is of the view that this amendment is not appropriate in the context of this bill. Moreover, colleagues, CBC/Radio-Canada needs to be able to fund operations through advertising and other initiatives, and, ultimately, this proposed amendment would likely increase its reliance on government funding.

Taken together, the amendments regarding age verification and CBC/Radio-Canada are, in the government's view, a departure from the key policy intent of Bill C-11 and should be considered and debated elsewhere.

The government further respectfully disagrees with Senator Manning's proposal to remove paragraph 9.1(1)(d) of the act because of concerns that it could be interpreted as limiting the CRTC's ability to impose conditions respecting the proportion of programs to be broadcast that are devoted to specific genres of programming, including children's programming or French language dramas. Some genres, such as documentaries, have been important entry points for emerging and diverse Canadian talent. We should also remember, colleagues, that several stakeholders, including the Documentary Organization of Canada and the Canadian Media Producers Association, raised concerns about this particular amendment.

Whether in stories or song, whether traditional or online broadcasting, limiting genres could have the impact of reducing the diversity of programming in Canada, and such an outcome would go against the primary policy objective of the Broadcasting Act.

The government also respectfully disagrees with Senator Manning's proposal to add subsection 10(1.11) to the act, which proposes that no factor is determinative in establishing the definition of Canadian program. The bill sets out factors to be considered by the CRTC in its determination of a Canadian program. The amendment risks confusing matters and disrupting CRTC's regulatory process for arriving at an evidence-based determination of what Canadian content is. It places restrictions that, frankly, could prevent the CRTC from arriving at the definition that best advances the broadcasting policy objectives. In brief, the government rejected this amendment, as it would unduly restrict the CRTC's flexibility in determining the definition of Canadian program. The CRTC should be able to, following open and public processes, determine the most efficient, effective and equitable definition in light of the considerations set out in the bill.

Finally, we turn our attention to the social media services as part of section 4.2(2) of the act. Both in committee and at third reading, the issue of user-generated content on social media platforms generated much discussion and much interest. In response, an amendment was adopted at committee and by the Senate to clarify the issue. Colleagues, as many of you will know, numerous stakeholders representing Canadian artists have warned that the proposed amendment would create a major loophole in the act — a loophole that would enable social media platforms to avoid contributing to Canadian culture in an equitable fashion.

[*Translation*]

There is a long list of industry spokespersons who pointed out the risks of the amendment to section 4.2(2). This list includes the Society of Composers, Authors and Music Publishers of Canada, or SOCAN, the Union des artistes, UDA, the Professional Music Publishers' Association, APEM, the Guilde des musiciens et musiciennes du Québec, GMMQ, the Regroupement des artisans de la musique, RAM, the Collective Society for the Rights of Makers of Sound Recordings and Music Videos, SOPROQ, the Société professionnelle des auteurs et des compositeurs du Québec, SPACQ, and the Association québécoise de l'industrie du disque, du spectacle et de la vidéo, ADISQ.

I would like to start by establishing the government's position and reasoning in the context of this proposal.

[*English*]

I begin with the overarching legislative objectives of Bill C-11, which is to modernize the Broadcasting Act to ensure a fair, neutral and level playing field for all those who are engaged in broadcasting, whether traditional broadcasters or those new social media platforms who are acting as broadcasters. Otherwise put, Bill C-11 is designed to ensure that the modernized Broadcasting Act be agnostic as to what platform is being used to engage in broadcasting and neutral with respect to the technology being used to do that broadcasting.

Now, when Bill C-11 was tabled in February 2022, an important element in the proposed approach to platforms was to focus on the commercial programs uploaded to those services, thereby providing for equitable treatment of commercial programming consumed on different platforms, whether they're transmitted by television stations, through radio waves or on digital platforms, like Spotify or YouTube. It is not the intent of the bill to regulate social media platforms in relation to the programs of social media creators. In all cases, broadcasting regulations or requirements imposed by the CRTC must reflect and respect the freedom of expression and the overarching policy objectives set out in section 3 of the legislation.

Bill C-11 provides that regulation would not apply in the following areas: programs that do not generate revenues; everyday uses of social media, including posting amateur programs to those services; social media users and individual creators who remain exempt from the act; and, lastly, social media services except in relation to certain commercial programs.

Section 4.2 of the act lists three factors that the CRTC must consider in identifying commercial programs. It will consider the revenues generated by commercial programs, whether the programs are available on other traditional broadcasters and whether the programs have been assigned an international standard code number. The purpose of these three factors is to

ensure fairness across broadcasting platforms and to provide direction to the CRTC on how section 4.2 is to be applied in practice.

Bill C-11 provides that when social media platforms are being used to distribute commercial programs, they be required to contribute to the support of Canadian stories and Canadian music. Certain social media platforms substantially act as substitutes for other broadcasters, including streaming services. As such, the social media platform would have regulatory responsibilities, but only with respect to commercial content it distributes on its service.

The modernized Broadcasting Act will not apply to individual users of social media services. Bill C-11 does not and will not apply to user-generated content because, simply put, using a social media service does not make you a broadcaster. Rest assured, colleagues, that this legislation will not interfere with or stifle the expression of Canadian voices. The government has made this clear on several occasions, including at our committee hearings.

• (1540)

As we know, during the Senate's study of Bill C-11, the Standing Senate Committee on Transport and Communications adopted an amendment to subsection 4.2(2) of the Broadcasting Act. When it was presented, it was stated that the intent of the amendment was to narrow the scope of programs that can be regulated on social media services with a particular focus on the regulation of music on social media. Although well-intentioned, the amendment, in the government's view, is problematic for several reasons, and these reasons explain why it is opposed to by numerous stakeholders, by the government and by both the New Democratic Party and the Bloc Québécois. The central problem is that the amendment creates loopholes for social media platforms to avoid contributing to Canadian culture in an equitable manner and, by so doing, would undermine a core policy objective of the online streaming act. Let me cite two examples of why and how this is so.

First, by focusing on the regulation of sound recordings on social media, the amendment is too narrow in scope. To be sure, social media platform services are frequently used as a substitute for other music streaming services. However, commercial content is not simply restricted to music produced by the large record labels. It also includes content such as full-length movies, TV shows, sports broadcasts, award shows and live concerts, all of which typically contain music as part of the broadcast. By narrowing the scope of the clause to capture only professional sound recordings uploaded in very specific circumstances, the proposed amendment sought to make the exclusion of user-generated content more explicit.

However, in its application it would introduce interpretive uncertainty into the act, it would undermine the platform-agnostic and technology-neutral nature of the Broadcasting Act, and that could result in web giants escaping their obligations under the act. In effect, the amendment would have the effect of excluding a range of commercial audio-visual content, such as livestreamed professional sports games, full-length movies, television shows and even professional music videos from the contributions that social media platforms will and should be required to make to support Canadian culture. The proposed amendment would not give the CRTC the ability to clearly scope in such audio-visual commercial content because it would be constrained and would only be able to do so based on the presence of soundtracks or audio elements.

Senators, please consider the following examples of when social media platforms broadcast commercial content, acting just like conventional broadcasters or online streaming platforms. For example, sports events are very valuable to broadcasters. Brands pay top dollar for advertising. For example, Facebook acquired exclusive broadcasting rights for several baseball games during the 2018, 2019 Major League Baseball seasons. Consider how millions of people watched the 2022 World Cup finals live on YouTube. There are other events, such as the upcoming finals of the popular Eurovision Song Contest, which will be broadcast on TikTok for a second year in a row. Last year, they attracted hundreds of millions of viewers. When they make money from these activities, social media companies must be obliged to reinvest in our creators and into local content creation.

The amendment could also fail to achieve its own stated purpose to capture commercial sound recordings broadcast by social media platforms. This follows from the amendment that removes the reference to monetization in the act and that allows content to be scoped in only if it is uploaded by exclusive rights holders. This effectively creates a loophole given that commercial content is often uploaded by third parties. YouTube and the rights holders often make money from content uploaded in this way thanks to their content ID system, which identifies and gives rights holders royalties and control over whether that content stays on the platform or not. The effect of this amendment would be to reduce YouTube's obligations to contribute to Canadian content. It would benefit their specific business model and it would encourage the distribution of more content in a manner that frees them from the obligations that this bill was designed to establish.

Consider the popular song "Big Yellow Taxi" composed by the great Canadian artist Joni Mitchell. A quick survey of YouTube shows several official versions of Joni Mitchell singing her song. These would be clearly captured by the amendments in question. But among the song search results there are also "unofficial lyric videos" and slide show videos set to her music that come up as options. These videos are almost entirely uploaded by third parties with no relation to Joni Mitchell and no relation to any other rights holders. As previously mentioned, YouTube's content ID system allows the platform to identify these videos as containing Mitchell's music and therefore pays royalties to the respective rights holders. However, revenues from these videos, which many Canadians use every day to listen to their music, would be excluded under the proposed amendment. The original version of the bill provides more certainty to the CRTC while still excluding user-generated content from regulation.

Colleagues, the clause as drafted in Bill C-11 was designed in such a way to allow for a degree of flexibility in the system. For example, the government formulation provides factors under section 4.2(2) for the CRTC to consider when it prescribes programs to be regulated on online platforms as per paragraph 4.1(2)(b) of the bill. As mentioned earlier, the bill requires the CRTC to consider the revenues generated by commercial programs, whether the programs are available on

other traditional broadcasters, such as CTV or Spotify, and whether the program had been assigned an international standard code number.

The proposed amendments to section 4.2 — by removing the monetization criteria and adding the criteria that only commercial music uploaded by the rights holder on social media services would count towards a platform's obligations — would introduce a new set of factors. In so doing, the amendment poses a real risk that the central objectives of the act would be compromised by the loophole it introduces. Furthermore, the amendment also restricts the flexibility that the act intended to confer upon the CRTC to ensure that it applies its discretion in a manner consistent with the overall purposes and objectives of the act.

Colleagues, I acknowledge that for some critics of the CRTC, this is the point. They do not believe that the CRTC should have as much or, for some, any discretion on how it applies the act. Indeed, some do not believe that the CRTC or any government institution should have any role regulating social media platforms at all. That's not the view of this government, nor is it the view of the majority of the members of the House of Commons.

Honourable senators, the effective modernization of our Broadcasting Act cannot be achieved simply by the passage of Bill C-11 alone, important and critical though it is. The legislation needs to be supplemented with policy directives and regulations to make it work and to allow it to adapt to a rapidly changing technological framework. This is necessary to ensure that the CRTC has both the tools and the policy guidance to give effect to the purposes of the act. Colleagues, the clause as drafted in Bill C-11 was designed in such a way to allow for this critical flexibility in the system.

The government has acknowledged from the outset that additional detail on the scope of commercial programs that could lead to regulation of online platforms would be provided to the CRTC by policy direction. Allow me to take a moment to outline what that means and what the process around this is.

Following Royal Assent, the Governor-in-Council will issue a policy direction to the CRTC on how the new legislative framework should be applied, and that is a standard legislative practice. At that point, the policy direction will be publicly available in its draft form. As required and as expected, there will be a consultation period of 30 days at a minimum. During this period, stakeholders and other interested persons may provide comments, raise concerns and make recommendations regarding the policy direction. Following that, the policy direction will be finalized and issued to the CRTC, at which point — let me remind you, colleagues — the CRTC will lead its own independent consultations and outreach. This provides yet another opportunity for engagement and an avenue for all interested parties including artists, producers, radio broadcasters, online streaming platforms, distributors, stakeholders and industry groups to provide input.

To summarize, the issue of a policy direction would follow an open public consultation on the proposed wording and content of that direction, but this important process would be undermined were section 4.2 of the bill to be amended as has been proposed. The choice to add the additional detail and clarification through a policy direction not only ensures the appropriate public consultations on the exact wording, but also ensures that the broadcasting system remains adaptable to technological changes over time. Ultimately, this is the very matter that Bill C-11 seeks to address.

• (1550)

Colleagues, the government's approach regarding the factors in proposed section 4.2(2) will ensure that an equitable approach is maintained with respect to commercial content on those social media services when they behave like traditional broadcast undertakings. The original legislative language of this provision reflects a balanced approach that respects the work of online content creators, while ensuring that large corporations do not have a shortcut to avoid regulation or avoid contributing to the Canadian creative ecosystem.

That is why, colleagues, the House was not able to support this particular amendment.

Having said all of that, let me be clear for the record once again on behalf of the government: It is a commitment of the Government of Canada to appropriately scope out digital-first creators and user-generated content from Bill C-11 through the policy directive process. Indeed, Minister Pablo Rodriguez has insisted on this point on several occasions:

> We will not regulate users or online creators through the bill or our policy, nor digital-first creators, nor influencers, nor users.

I know that we have all heard the minister clearly on that point on many occasions. I, for one, take him at his word, and I fully expect the government to follow through.

In that spirit, I am proposing that the Senate make clear that although it is now prepared to defer to the will of the other place, we have taken note of the government's clear commitment to issue policy direction to the CRTC in order to ensure that Bill C-11 does not apply to user-generated digital content. The message we would send to the other place — with this motion — is that we, in the Senate, will be watching the government's next steps very carefully with the expectation that they will be consistent with the promises they have made and that I have repeated to you in this chamber.

Colleagues, we can be proud of the work that the Senate has done on this bill. We've improved this bill. We should be pleased — and we can be pleased — that the House has taken the time to carefully consider our work, and has accepted so many of our amendments. We have done excellent legislative work, and it is a credit to the important role that the Senate plays in the Canadian public policy and legislative processes.

The vast majority of amendments proposed have been agreed to by the government and accepted by our colleagues in the other place. There are only six amendments with which the government respectfully disagrees. The fact that there are so few points of disagreement is a testament to the collaboration and hard work that we have done. We have worked collectively in the interests of all Canadians.

I want to take a moment to acknowledge that reaching this stage today is a great success for the Senate and for the Canadian legislative process. Again, I want to thank you all for your role in bringing us to this place.

Bill C-11 is a better bill today because of the work that the Senate has done. In my humble opinion, with all of the amendments that have been accepted, the Senate has now contributed significantly and tangibly to Bill C-11 — and that is consistent with our role as a complementary legislative body of sober second thought.

Furthermore, to my mind, the other place's response to the Senate amendments to Bill C-11 is part and parcel of a broader story of successful reform toward a more independent and less partisan Senate. As we saw with the major changes accepted for legislation concerning medical assistance in dying, the legalization of cannabis, reforms to the Citizenship Act and legislation regarding impact assessments for development projects, to list just a few examples, the Senate has been making a positive mark on public policy in a way that is, if not unprecedented, certainly significant in the modern era — which has been seen and appreciated by the public.

In my view, the considered nature of the House's response to Senate amendments is reason enough to declare "mission accomplished," and to finally move this bill to Royal Assent.

I understand that some colleagues may remain unhappy with this outcome. I pass no judgment on those feelings; they're entirely legitimate, and I understand them. I do feel that the government has done a good job at being an active listener, both publicly and behind the scenes, particularly on proposed section 4.2, where we now have firm and reliable commitments around regulatory policy direction.

But I can understand why some of us — who have a genuine conviction that the Senate changes were better — may still be struggling and unhappy. To those of you who don't want to see this bill killed, but who are still dissatisfied with the response from the members of Parliament, I want to suggest to you that there are foundational principles that underpin the role of the Senate in our constitutional order that should tip the balance on the side of accepting the democratic verdict of the other place.

In making this pitch to you, colleagues, I choose not to rely upon one set rule or convention but, rather, on a principle that I have applied in my own decision making in this place long before I took on the role of Government Representative in the Senate. I don't know why I get choked up when I speak about the role of the Senate — I guess that's why I signed on for this gig; it's true.

This is a principle that I have applied from day one since I've been here, and it's a principle of senatorial self-restraint. It's a principle that I believe lies at the core of our responsibilities as senators, and it's at the core of the Senate's intended design by the founders of Confederation. As Sir John A. Macdonald famously said in a frequently referenced dictum, the Senate:

> . . . must be an independent House, having free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch and preventing any hasty or ill considered legislation which may come from that body, but it will never set itself in opposition against the deliberate and understood wishes of the people.

In other words, the Senate was meant to be neither a rival to the elected representatives of Canada, nor a rubber stamp for the government. It is intended not to compete, but rather to complete the work of the lower house.

The Supreme Court of Canada reaffirmed the nuances of the Senate's intended function in 2014 when it decided that implementing consultative elections for the Senate would require a constitutional amendment. For context, colleagues, in a unanimous opinion, the court explained that under the constitutional architecture adopted at Confederation, the Senate was carefully designed with the expectation that it would exercise voluntary self-restraint in its relationship with the House of Commons:

> . . . the choice of executive appointment for Senators was also intended to ensure that the Senate would be a *complementary* legislative body, rather than a perennial rival of the House of Commons in the legislative process. Appointed Senators would not have a popular mandate — they would not have the expectations and legitimacy that stem from popular election. This would ensure that they would confine themselves to their role as a body mainly conducting legislative review, rather than as a coequal of the House of Commons. . . .
>
> The appointed status of Senators, with its attendant assumption that appointment would prevent Senators from overstepping their role as a complementary legislative body, shapes the architecture of the *Constitution Act, 1867*. It explains why the framers did not deem it necessary to textually specify how the powers of the Senate relate to those of the House of Commons or how to resolve a deadlock between the two chambers.

This, the court explained, was why consultative elections for senators would upset the architecture of the Constitution and, therefore, require a constitutional amendment with provincial buy-in. The court stated:

> The proposed consultative elections would fundamentally modify the constitutional architecture we have just described and, by extension, would constitute an amendment to the Constitution. They would weaken the Senate's role of sober second thought and would give it the democratic legitimacy to systematically block the House of Commons, contrary to its constitutional design.

• (1600)

It's this principle of senatorial self-restraint — which, in my opinion, is a constitutional expectation designed into our architecture — that I firmly believe should guide our decision making here today. Unlike a rule, the principle of senatorial self-restraint does not necessarily, or automatically, determine the decision one way or the other. Indeed, it must be weighed and balanced with all other relevant considerations.

Colleagues, allow me to put to you four factors that I believe are compelling — all of which, in my humble opinion, call for a high level of restraint in the context before us. The first factor is this is a message on a bill that comes with a significant democratic imprimatur. It is an explicit 2021 election platform commitment made not only by the governing party, but also by the New Democrats and the Bloc Québécois.

The second factor is that the message from the other place in response to Senate amendments is respectful, carefully considered and, indeed, has actioned most of the Senate's recommendations. As the Senate's role is one of complementary review, that role is largely fulfilled with the other place's initial response.

The third factor is, at the message stage, once the other place's wishes have been made clear, it has been customary for the Senate to exercise deference and accept the will of the members of Parliament. As a matter of fact, since 1960, only seven bills involved a decision by the Senate to insist on some, or all, of its amendments once the House had rejected them.

The fourth factor is that level of deference ought to be even higher in a minority context, where the government cannot act unilaterally, and the message here is reflective of the wishes of multiple political parties representing a significant share of the popular vote. Legislation to achieve the commitment to modernize the Broadcasting Act has now received a positive vote in the other place three times in two separate minority parliaments, with the support of three parties: once at third reading of Bill C-10, once at third reading of Bill C-11 and once again at the message stage just a few short weeks ago.

Colleagues, I hope we can all agree that the other place's message back to the Senate is carefully considered and respectful. Where the other place has expressed a difference of opinion, I have endeavoured — to the best of my ability — to provide the government's perspective. While it is my hope that I can persuade all of you that the other place has made the right call, I am under no illusion. I know that some of you will continue to disagree on certain points, and, in the context of a healthy dialogue between the two chambers, that's to be expected.

To you, I ask that you agree to disagree, but recognize that — at this stage of the process — the responsible choice, as senators, is to support this message. For all of these reasons, I ask you to support this motion and accept this message. To my mind, we have successfully fulfilled our constitutional mandate as a complementary chamber of sober second thought. We have thoroughly reviewed Bill C-11. We have considerably improved Bill C-11. We have asked the other place to think twice and reconsider certain aspects of Bill C-11, and the other place has pronounced itself clearly and specifically on these matters.

There comes a point where our responsibility is to defer to the democratic will. On Bill C-11, we have reached that point. The time has come to bring Bill C-11 to Royal Assent. Thank you very much.

[*Translation*]

**Hon. Julie Miville-Dechêne:** Would Senator Gold agree to take a question?

**Senator Gold:** Of course.

**Senator Miville-Dechêne:** Like you, Senator Gold, I take my work in the Senate very seriously. I believe in the principle of restraint that you talked about and that you explained in your speech.

As you know, Bill C-11 is very important to me when it comes to defending francophone and Indigenous minorities in Canada. We will see what comes of all this, but the idea is to try to defend minority languages. In that sense, I'm of the opinion that Bill C-11 is more important than my two amendments that were rejected. However, as a former journalist, I care a lot about facts and, quite frankly, I didn't understand what you were getting at when you criticized the amendment to subsection 4.2(2). I will just mention one point that made my hair stand on end.

You said that sports games that are rebroadcast on platforms like YouTube will not be able to be taxed or used to help fund our culture. However, that isn't at all the case because when we rewrote the amendment, we specifically kept paragraph (c), which indicates that we can include the fact that the program or a significant part of it has been broadcast by a broadcasting undertaking that is required to be carried on under a licence — as is the case with sports — or is required to be registered with the CRTC but does not provide a social media service.

I simply don't understand how you can say that a loophole is being created and that we won't be able to include sports at all in Bill C-11. It's quite clear that this is part of the amendment.

**Senator Gold:** Thank you for the question.

I thank you for your work, and I also thank all my colleagues for their work to improve the bill.

According to the government's analysis of the possible and foreseeable consequences of the amendment, and how it might be interpreted within the CRTC or within organizations that are, quite honestly, staunchly against regulations, changing these factors and eliminating some of them pose a real risk. Some uncertainty remains around the interpretation and clarity of the wording of the amendment in question, which focuses on how music is played. This could lead to problems interpreting the legislation. As I mentioned earlier, it could result in a loophole.

As is often the case, legislative texts can be interpreted in a number of ways. I accept that there is no way to prove that one interpretation is better than another, even after a court has ruled on it.

That is the position of the government, two opposition parties and the stakeholders I've mentioned. The risk is too great, and the bill, unamended, is a better way to achieve the objectives of the legislation.

**Senator Miville-Dechêne:** I think legislation certainly needs to be as clear as possible, but it also needs to send a clear message. What came out in our hearings and, as you know, was very telling, is the fear that content creators have, those who create user-generated content. They are afraid that they are going to be covered under Bill C-11.

Unfortunately, the amendment as it's currently drafted leaves a huge amount of uncertainty, particularly in terms of who will be covered. Is it anyone who makes money? Everyone knows that user-generated content allows small creators to earn an income.

How do you plan on reassuring those creators, considering they have been very clear about their fears? We're talking about people who want to make a living. Just like the musicians who are opposed to this amendment, content creators exist and they feel that this amendment is unclear. Personally, I have to tell you that in reading it, I don't find it particularly clear either.

• (1610)

**Senator Gold:** I understand because I attended the meetings as well. First, the bill is clear. It doesn't apply to digital creators. This bill targets the platforms, not those who create the content.

Second, the minister repeated this several times very recently during a televised public program.

Third, the text makes it clear that this doesn't apply. The fact that people create something and put it online doesn't make them broadcasters. Far from it. The definitions are very clear.

Finally, as I mentioned in my speech and in the motion itself, the government has committed to spelling out in the policy direction that this won't apply. I understand the fears, but they are not based on the text of the bill or the government's position.

It is a clear and public commitment. If we approve the motion, the will of the Senate will be to ensure that the government is held to the commitments it made.

[*English*]

**Hon. Leo Housakos:** My question is for the government leader and it has to do with user-generated content and digital-first content providers. It's nice to hear the minister say that digital users and content providers will not be part of this Bill C-11. It's nice to hear the sponsor of the bill say it in this chamber. It's great and reassuring to hear it in your speech. But the reality of the matter is the amendments that we sent over in good faith which made it clear that user-generated content would not be caught up in the web that's being spun by this piece of legislation were rejected by the government.

My question is a very simple one: Why wouldn't the government accept those amendments making it clear in the law — not a commitment on the part of government — that user-generated content will be excluded and carved out? Why did the government reject those amendments given the fact that we should take it at face value and accept that those amendments would put in the law the stated intent of what you just shared with us in your speech?

**Senator Gold:** Well, we are restricted in this debate to the message and not the rest of the bill, but with regard to the amendments that were rejected, I've given my best explanation as to what the government's thinking was on why they were rejected. Senator Housakos, respectfully, it's not simply "nice" that the minister says this or "nice" that the Government Representative says it. It is a commitment of this government to do so. Either we believe in our institutions and the integrity of our institutions or we don't. The government has been clear that, in its opinion, the bill as it stands does not apply to user-generated content. It is going to make it even clearer in its policy directive and it has made a public commitment to do so. That is sufficient for my purposes.

I believe the government when it says this. I believe in our ability to hold the government to account when it says this. I believe that this bill, as it was drafted and improved by the Senate, notwithstanding the rejection of this amendment, is a bill that applies to the platforms to support Canadian content and does not apply to user-generated content, notwithstanding the concerns that have been expressed.

**Senator Housakos:** Senator Gold, I've been now in this place for 15 years, and excuse me if I am a little skeptical of taking any government at face value. I as a legislator would like to see things in the law in black and white.

You pointed out as well that we should just have faith that this is going to be done and that we are here to make sure that we overlook and carry out our responsibilities, as you said in your speech, as legislators to make sure the government does what they say. Don't you also agree that we are passing a law here that has not been supported by a regulatory framework? We're leaving it to the CRTC, as you said in your speech. They will be carrying out public consultations in order to set the regulatory framework. What happens in case this regulatory framework isn't consistent with the commitments you highlighted in your speech? What are our options as parliamentarians at that point with this bill to do a follow-up in a thorough way?

**Senator Gold:** You having been here for 15 years and I for 6 and a half years, we know that following Royal Assent there is a regulatory process. Following Royal Assent, there will be a process around the policy direction. I outlined that process to you and I will remind you it involves public consultation, public input, both at the front end and at the back end when the CRTC receives the public consultation. I will also remind colleagues — and as chair of the committee that studied the bill at length, Senator Housakos, you will also know — that the bill provides for reports to Parliament and parliamentary oversight and was improved in that regard by Senator Quinn's amendment.

We have many tools in our arsenal, but the arsenal that we carry with us is a sense of what our role and responsibility are here in the Senate. Ninety-nine per cent of this bill was approved by this place and the other place. Of the 26 amendments, 20 were approved by three parties in the other place. This bill has been studied in this place and the other place extensively. The time has come now to recognize this is an important and good bill. The government has made firm, solid public commitments, and the text of the law is also clear with regard to what it applies to and

what it does not apply to. If that is not enough for those in this chamber who in good faith want to see this bill succeed and pass, then I have run out of things to say.

If you want to kill the bill, there are lots of ways to do it. We have seen it in the past. We know how to do that. We can delay it. We can hope for another election. We can get it buried, and it will die on the Order Paper. But for those of us who believe that this is a good bill, a bill that has been improved by our amendments, and who believe that the elected members of the House of Commons have done their responsible duty and taken us seriously and have approved 20 out of 26 amendments, the time now is to give it Royal Assent.

**Hon. Pamela Wallin:** For the record, Senator Gold, the constitutional design does allow for the Senate to challenge the House of Commons and not just once. You cited the cases yourself. I would also add that declaring "mission accomplished" is also a bit of a risky move when we heard from dozens and dozens of witnesses speaking on behalf of literally thousands of content creators about their concerns. We also heard from former CRTC chairs, from federal judges that this bill would have and could have unintended consequences on a free and open internet.

If I could focus again on what my colleagues have said, if you believe — yes, we have heard the minister say it repeatedly and we've heard you say it repeatedly — this bill does not apply to user-generated digital content, why would you not put it in the law itself for clarity? This just continues to raise questions and doubts and it's just what we do with legislation here. There are, as you know, many questions in the public about the intent of this bill. You have gone so far as to say that you want this to apply to content and generators, other forms of media that have not even been imagined yet into the future. You're asking us to give you a blank cheque on that. Could you just start and answer the question of why you have not put this in the bill in black and white, in clear language, which is what thousands of people asked you to do?

• (1620)

**Senator Gold:** Thank you for your question, Senator Wallin. At the risk of repeating myself, the bill is clear that it does not apply, first of all. Second, the fact that the government and two of the opposition parties in the other place disagree with the necessity for this particular amendment does not mean that the government, the members of the other house or the stakeholders do not have legitimate concerns. I tried to express that about this particular amendment.

This is not giving me or anyone else a blank cheque. This is a very complicated, structured piece of legislation that requires — as legislation of this kind does require, and I appeal to those in this room who have experience as we all do or should have with the regulatory process — layers below the legislation. There are regulations and policy directives required in order to take account of emerging trends and technological developments.

This is a good bill. It does not apply to user-generated content. It applies to the platforms when they engage in the broadcasting of commercial programs. The law is clear, the government has been clear and I hope that I have been clear.

**Senator Wallin:** The reason we are all asking you questions that seem similar is because it is not clear in the bill. Senator Miville-Dechêne and Senator Simons presented language — a compromise — inside our own committee. They presented language that would have given the government the right and the opportunity to be clear about what you promised and what they promised publicly, on television shows and in front of the committee.

If you really believe it, then put it in the bill. That's why we keep asking the same question. A promise in a response to questions and in appearances on television is not law, and we would like to see it written in the bill.

**Senator Gold:** Senator Wallin, I appreciate your question very much. I answered it as best I could in the speech. I'm not going to reread it. The amendment, according to the government and according to the majority of the members of the House of Commons, did not achieve its objectives and poses a risk of undermining the central objectives of the act.

This was much debated in the committee and debated in the Senate. The Senate passed the amendment. The House respectfully disagrees. I've tried to provide the reasons why the House disagrees.

I've also tried to provide reasons which I know you will take seriously. Whether you agree with me or not, that's your prerogative. Notwithstanding this disagreement, notwithstanding your disappointment or the fact that you do not necessarily find my answers compelling, we will agree to disagree and to pass this important bill for the benefit of the Canadian cultural community and Canadians in general.

**Hon. Andrew Cardozo:** My question is to Senator Gold.

I'm looking at proposed subsection (2.1) of Bill C-11:

> Exclusion — carrying on broadcasting undertaking
>
> (2.1) A person who uses a social media service to upload programs for transmission over the Internet and reception by other users . . . does not, by the fact of that use, carry on a broadcasting undertaking for the purposes of this Act.

So it seems to me that user-generated folks are excluded. The next proposed subsection, (2.2), is titled "Exclusion — social media service and programming control," and it is followed by subsection (2.3), which is another exclusion.

It seems to me there are several exclusions which are quite explicit. I'm not seeing the need for yet another exclusion to be guaranteed when it seems to me to be quite clear there. I find your explanations satisfactory in terms of those issues being quite clearly stated in those proposed sections of the act.

My question is more direct in terms of the process. As I see it, we're dealing with three types of instruments. The first is legislation, which is passed by Parliament. We're seeing how long it takes to pass legislation. Apart from the 31 years, it has now taken 2 or 3 years to do it. Then you have the next level as a

directive from the cabinet and Governor-in-Council to the CRTC. On the third level, you have regulations that the CRTC can make, following extensive consultation.

I was a commissioner there, and, by the way, while people cite former commissioners who are against this, here is a commissioner who is in favour of this bill. There are others; we're not that rare. I have been party to part of the process of how regulations are made. I have to tell you they are mind-numbingly extensive and detailed.

While we are spending a bit of time here dealing with this, the commission's role, like most other commissions, is to deal with these sorts of things full time. They put questions out, they get answers back; they put out a draft, they get answers back and then they make regulations. The process is extensive.

The wisdom of having this process is that it takes 31-plus-3 years to make changes to the law, whereas a cabinet directive can be done at the drop of a hat. Changes to regulation take several weeks and maybe months, but not years. To me, that's the wisdom of having this process where you describe the framework in the act, and you leave directives and regulations to deal with the details. Those details have to —

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

**Senator Cardozo:** Yes. My question is this: Given that we don't know everything about the technology that will roll out year by year, is this not the better way to do it? Should we not leave it to the CRTC to deal with those details and update those regulations every few years?

**Senator Gold:** Thank you for the question. I'm going to be brief because I know others may want to ask questions. As long as my legs hold up, I will be happy to take questions.

That is precisely right, Senator Cardozo. First of all, this is not a framework agreement; let's be clear. The Broadcasting Act is very detailed. Bill C-11 is a very technical, detailed act. So we are talking about an act that sets out very clear criteria. As you pointed out very helpfully and in greater detail than I did, the act is clear that it doesn't apply to digital creators but only to the platforms. The legislation is clear. It sets out clear criteria and principles to guide the CRTC.

Yes, you are 100% right, as I've tried to explain. The level of policy directive development, the process around that and, of course, the process of regulation allows stakeholders — and that includes YouTubers and all the folks who will continue to have questions, indeed, or concerns or both — to have input and to be heard. This is the proper way to modernize a long-overdue and long-out-of-date Broadcasting Act. So, yes, I think this is the right way.

I did want to remind colleagues that this is not just a framework where we tell the CRTC to do what they want. It's very clear about what it's supposed to do. Anyone who has been involved in the regulatory process knows you need a certain amount of flexibility within the regime in order to do the work. There are 30,000 pieces of YouTube content uploaded if not every minute, every day. It's mind-boggling. Triage will have to be done at the regulatory process. Guidance is being provided in law and further guidance in policy directives and, whether mind-numbing or otherwise, further detailed guidance in the regulations.

**Hon. Jim Quinn:** I have a question for Senator Gold.

First, thank you for the detailed explanation of those amendments that were accepted and those that were not accepted. My commentary and question are along the lines of much that has already been discussed, so I will stay away from that.

It is a given that we would have preferred clarity in the bill. I think Canadians need that clarity, but I also accept what you said: that regulatory science is a flexible science.

• (1630)

You've mentioned that there were so many experts and witnesses, et cetera, who were in favour of the bill. There were also those who were not, and we've all received countless numbers of emails. We've heard from witnesses who weren't in favour of proposed section 4.2. With all respect, I thought that our colleagues Senator Miville-Dechêne and Senator Simons did an excellent job in bringing a compromise to us. Unfortunately, the other place rejected that particular amendment.

You also reminded us in your remarks about our role as senators, and there have been papers written by Senator Harder, and also recently by Senator Miville-Dechêne and Senator Omidvar, reminding us of what our roles are.

Where I'm going with this is that we've had our kick at the cat. We've done our job. We've sent it to over to the other side, where they are the elected people. At the end of the day, if they include or do not include an amendment, they have to stand before the people and be voted in or out.

My question is, for all those people who have come to our offices expressing concern exactly on proposed section 4.2, which is the crux of the matter here, what more can the government do to give them reassurance? What plan does the government have to communicate what you've communicated to us?

**Senator Gold:** Thank you for your question, and, given your experience in public service and regulation, thank you also for underlining the regulatory science that requires a certain amount of flexibility.

The government's reassurances will come in the policy directive upon which it has made a clear commitment in this place and elsewhere. That will give those folks — and all the folks we've heard from — an opportunity to also provide input, as they will when the CRTC carries out its consultations around those matters, to say nothing of the regulatory process.

The record of our debates, our Senate study, my speech and other speeches will also be part of the record. It will be part of the record that the courts and government will look at. We have the ability to both receive reports in this house thanks to the bill and to your amendment, Senator Quinn, and the ability, because we're the masters of our own house, to hold the government to

account. Committees can do follow-up studies. We have many tools in our arsenal to make sure that those voices receive a respectful hearing, which they have.

The government and the two opposition parties took a different view of the well-intentioned and creative amendment, but it did not find favour with the majority of members of the House.

But, yes, I think we have done our job. We've done our job well. The government has made a clear commitment to make sure it's scoped out, and I have confidence that it will keep its word.

**Senator Quinn:** Senator Gold, really the focus of my comment is that all of the inputs received, et cetera, from people across the country — people who have appeared before the committee, people who have not appeared before the committee but have communicated with senators, across the spectrum — deserve to hear more directly than the normal process. You're right: There are all kinds of things that are published and put on websites and whatnot, but the people who have been communicating with us may not be the people who deal with these issues in that format, if you can understand what I'm saying. They're not used to the legislative process.

Should the government not have a proactive strategy to communicate with those people who have made their views on proposed section 4.2 explicitly known?

**Senator Gold:** Thank you for your question; it's an interesting one. The Prime Minister, and in this particular case the appropriate minister, has been very public. He's on social media and on broadcasting networks. If people don't watch CBC or CTV, or they get their news elsewhere, it's available on those platforms as well.

The government has been clear for a long time about the importance of this bill. Three parties put this issue in their electoral platform, and they represent a majority of the House of Commons. I'm not sure what else the government should be doing with this.

Certainly, by way of a communications strategy, when the bill receives Royal Assent, as I hope it will sooner rather than later, and the next steps of the process unfold, that will be another occasion for the government and the CRTC to communicate to interested stakeholders about how they can continue to be engaged in the process.

**Hon. Denise Batters:** Senator Gold, in your speech today on Bill C-11, you told us about user-generated content that the government made a commitment. Well, we've heard this "just trust us" many times before from the Trudeau government, and the number of broken promises by this government is substantial.

These include: two years of deficits at just $10 billion per year before returning to balance, that the 2015 election would be the last one under the first-past-the-post system — it goes on and on — and most recently Minister of Finance Chrystia Freeland promised that the federal ratio of debt to GDP would not increase, and she called that "a line we will not cross." Yet the Parliamentary Budget Officer has now stated that is yet another Trudeau government broken promise.

Senator Gold, when you state that your government will not put this user-generated content assurance into the actual law but instead you tell us — on this most contentious Bill C-11 — to "just trust us," after all of the broken promises over the last eight years from this Trudeau government, why should Canadians believe that promise?

**Senator Gold:** Senator Batters, I guess what divides some of us is whether we believe that when a minister makes a commitment, when the Government Representative in this place makes a commitment, it is to be taken seriously and at face value.

My team and I — and I think many senators in this place — have been engaged in a serious effort to make sure that there is time here in the Senate for this bill to be studied properly and for the Senate to be able to do its work. The Government Representative Office has been respectful of the Senate every step of the way.

Timelines that were agreed to were changed when the leadership in your party changed. Timelines were not simply extended to give pleasure to Mr. Poilievre, but to give opportunities for the Senate and senators to weigh in, and we did good work.

The fact that this one clause, in a very complicated bill, is the subject of disagreement between the Senate and the majority of members of the House of Commons is, if I can reprise my comments in my speech, to focus on a tree and not the forest.

I'm going to refrain for the moment, colleagues, from reminding us that not everyone in this chamber necessarily approaches the improvement of this bill with the same end goal in sight, but the majority of senators in this place, I am convinced, are proud of the work that we have done and want to see this bill given Royal Assent, notwithstanding disagreement on this and the five other amendments that were not accepted by this government.

**Hon. Leo Housakos:** Not to belabour the point, but user-generated content is definitely scoped into this bill. That was the opinion of the chairman of the CRTC when he testified before our committee. That was the opinion of the legal expert of Heritage Canada who, on numerous occasions, was asked directly about the language that Senator Cardozo referred to. It is clear that the government is refusing to tighten that language and accept reasonable amendments that state, in black and white in law, that user-generated content will be excluded. Nonetheless, I also want to correct a couple of things.

• (1640)

In his exchange with you, Senator Gold, Senator Cardozo highlighted really what the problem is between those who are fine with the bill and those who are against the bill. I know that the CRTC has the authority to make regulations because the law that we're about to pass and the government wants to pass is giving that authority. In the old Broadcasting Act and the current Broadcasting Act, our colleague Senator Cardozo is right: The government and Canadian Heritage can not only influence the regulatory framework; they can give directives and overrule the CRTC. That's precisely why when you have laws like the Broadcasting Act that leave this Parliament and become law,

there have to be safeguards to make sure whoever is in government has parameters that they have to work within that we parliamentarians give them. And if we're negligent in our responsibility in making laws that are clear, that's when, of course, problems can occur.

Now, in terms of the regulatory framework, it is so customary on bills that are technical — like Bill C-11 — for governments to attach regulatory frameworks in advance. With Bill C-10, the precursor bill of Bill C-11, if you remember, at the final stages of that bill, under a lot of pressure from work in this chamber, the government came out with a framework at that particular point in time. It wasn't a very good one, but they came up with a framework. It doesn't require tossing it to the CRTC for two years.

But I don't want to digress. I want to get to my follow-up question because there are a lot more problems with this bill than just user-generated content.

When we're reforming the Broadcasting Act, one of the main pillars that needs to be reformed, which was not even looked at in this bill, is CanCon. My question to you, government leader, is the following: How could a story written by Margaret Atwood, *The Handmaid's Tale*, with Canadian actors, filmed in Canada, with a Canadian director and so on and so forth — how could something like that, in the eyes of this current bill as we want to pass it, not qualify as Canadian content?

**Senator Gold:** Well, Jewish people have a tradition of answering a question with a question. You will properly consider this is out of order, but let me ask you a question. As a member of the Senate for 15 years and as a former Speaker, surely you are aware that the question at this stage of the process has to refer to amendments that were either accepted or rejected and not to the bill as a whole.

**Senator Housakos:** We tried to move amendments at committee dealing with Canadian content, and they were rejected. They were rejected and, by the same token, it's part of the parliamentary process. Now, again, if you don't want to answer the question, it speaks volumes, government leader, how the government is negligent in doing an in-depth dive on dealing with Canadian broadcasting.

**Senator Gold:** The government has not been negligent. The government has been responsible in trying to get this bill over the finish line for the last three years. The government does not have a Spartan warrior who is praised for delaying it for a year and will delay it for another year if your leader's hope is realized.

The fact is this government is not being negligent. The proper legislative process is for a bill to be passed, policy directives and regulation. And again I say, Senator Housakos, with the greatest of respect, we're at the message stage of the bill. The *Rules of the Senate* require that we stay focused not on part of the process generally but on the actual message that's before us.

I'm not rising on any procedural point, but simply to remind senators that at this stage of our process, we have a particular responsibility to this process. It is not to reopen the whole bill and all the things that you don't like about the bill and all the reasons why you and your party would like to kill the bill.

**Senator Housakos:** With all due respect, government leader, this is a very important legislative process. We have an obligation to debate all aspects of the bill, even elements of the bill, government leader, that you don't like to talk about.

I think you have an obligation in this chamber to answer all questions that directly and indirectly apply to this particular bill and the Broadcasting Act. These were all elements that were dealt with, not just amendments that were refused or rejected.

Furthermore, we have a capable Speaker in the chair, and I think it's incumbent on that Speaker to do her job, and you can focus on doing yours.

I have one other question, government leader, since I haven't had any answers to the questions thus far. The bill makes it clear. There are a number of sections that talk about amplifying minority groups in this country and diversity groups. That's clear in the bill. It's within the scope of the bill. That includes Indigenous Canadians.

Can you explain to me how we're passing a bill, a broadcasting act, that's so preoccupied with — and this government has their heart set on — supporting diversity, supporting Indigenous voices, yet when it comes to this year's budget, you cut millions of dollars from the Indigenous Screen Office that would be going to Indigenous communities in order to amplify Indigenous voices?

Here is another example where you pass a law for posterity's sake, yet in practical terms, in this current budget that you passed recently, you actually cut funding to the Indigenous Screen Office.

**Senator Gold:** Again with respect, Senator Housakos, there is a long-standing practice and rule about message stage, so I am not avoiding answering questions that I "don't want to answer," but they are not questions that are raised in the message and that are the proper subject of debate.

Similarly, Bill C-11, even before we amended it, had recognized the presence of Indigenous artists, creators and broadcasting entities and companies. It was strengthened by Senator Clement's amendments, and the bill has been improved as a result.

Your question about funding for a particular organization clearly belies and ignores the fact that this government has done more to advance reconciliation, though there is an enormous amount of work still to be done. Again, it is only out of respect for the importance of the issue you raised and not the pertinence of the question that I offer that observation.

**Senator Housakos:** Government leader, you're giving the impression to this chamber that there is somehow a tradition in this place at message point of legislation that we're just a rubber stamp, and that's not the case.

It's in the Constitution that this chamber has a right and a responsibility at message stage to refuse a bill as well, which you did not highlight, and to send it back along with many other options that this chamber has. Yes, there has been a tradition to bow to the wishes of the elected chamber, but there is also something the forefathers had established when they created this chamber — that when a government does something so egregious that a large number of Canadians find it offensive, we have the right to exercise our constitutional authority. I just want to put that on the record as well, government leader.

**Senator Gold:** Thank you for your question. With respect to our constitutional role, no one is denying what the Constitution Act, 1867 says. But in my speech — and I'm sure you were listening — the Supreme Court made it clear that because of the understanding from 1867 onward of our complementary role, it was not necessary to specify the circumstances under which senators would exercise restraint as a matter of principle, a self-imposed principle of restraint, because it came with the understanding, which all of us share and should share, of what our role here in this chamber is vis-à-vis the role of other institutions in our government, including the elected officials.

It is a question of what the appropriate and responsible thing for the Senate to do is. This is not a case where, in my humble opinion, the message is about the disagreement with 6 of the 26 amendments — and again, colleagues, the motion focuses on and our practice in the Senate focuses at the message stage on talking only about the message. There are Speaker's rulings on these points.

Again, I am not invoking procedural arguments to stifle this discussion. I'm just trying to appeal to your experience as a legislator and to those of us with perhaps less experience to remind us what this debate is about and what it's not about.

• (1650)

**Senator Wallin:** On that point, in fairness, Senator Gold, you did raise the issue of the constitutional role of the Senate, but that's for another time.

To stay on topic, I will read the language of your rejection that you've shared with us here. The government has rejected the key amendment that we are talking about here on user-generated content:

> . . . because this would affect the Governor in Council's ability to publicly consult on, and issue, a policy direction to the CRTC to appropriately scope the regulation of social media services with respect to their distribution of commercial programs, as well as prevent the broadcasting system from adapting to technological changes over time . . . .

These are your words — the government's words.

This rationale, of course, makes it quite clear that the government wants the power to continue to direct the CRTC on user content today, and maintain that power into the future. That's what it states.

Obviously, these questions remain: Why are you so adamant to regulate user content online? What is your fear?

I ask this because in the discussions over Bill C-10, Minister Guilbeault, who was the minister in charge at the time, suggested that he was concerned about the criticisms of the government that he was seeing online. We have heard very clearly from Minister Lametti that he thinks it is okay to restrict rights and freedoms online if the government chooses to legislate in that direction.

Any bill that requires government policy direction to provide guidance on regulating user expression is leaving too much uncertainty on the most fundamental questions of freedoms.

Why does the government insist on having the ability to directly instruct the CRTC on user-generated content — the actual content — when this is supposed to be an arm's-length institution?

**Senator Gold:** Again, Senator Wallin, it is not the intention of the government — or of this bill — to regulate user-generated content. It is in response to the concerns expressed, as the government has tried, and continues to try, to clarify — obviously, with not complete success in this chamber, anyway — that the bill does not, and will not, apply to user-generated content. Both the text of the bill and the government's commitments make that clear.

It is also clear — again, colleagues, you don't need me to tell you this — that the Canadian Charter of Rights and Freedoms applies to every bill. The CRTC is required to take the Charter into account. Freedom of expression is guaranteed in the bill itself, although that is not necessary given the overarching presence of the Charter, and amendments promoting journalistic freedom further emphasize that.

It is not the case, Senator Wallin, with all respect, that the government intends — or wants — to regulate user-generated content. It is trying to provide guidance to the CRTC on how to adapt this bill to the rapidly changing technological environment and, at the same time, provide reassurances to those in our communities who have expressed concerns. As I said, those concerns will be addressed in the policy directive upon Royal Assent.

**Senator Wallin:** I have a comment in response to that. I want to put on the record what Attorney General David Lametti said when he spoke about Bill C-10, and when asked specifically about federal regulation of legal internet content. He said that rights and freedoms can be limited. In particular, he said:

> . . . when Parliament legislates, it may have an effect on charter rights and freedoms. This may include limiting people's enjoyment or exercise . . . . This is entirely legitimate. The rights and freedoms guaranteed in the charter are not absolute . . . .

**Senator Gold:** Thank you, Senator Wallin. We know this. The Charter itself, in section 1, provides that rights and freedoms that are set out, and otherwise given an expansive interpretation at first blush, are subject to "such reasonable limits . . . as can be demonstrably justified in a free and democratic society." For the Attorney General to remind senators and legislators, all of whom have an obligation to understand and apply the Charter in our own work, is simply — if I can paraphrase the late, great Alan Borovoy, the former general counsel of the Canadian Civil Liberties Association, and a mentor and friend to me — "a penetrating glimpse into the obvious."

Yes, rights are not absolute. They're balanced against other rights, and they're subject to reasonable limits. Our statute books are full of examples of this kind.

**Senator Cardozo:** I want to make one point that I think is lost sometimes. The CRTC has the ability to make its own regulations within the framework of the act — I use the word "framework" generally, Senator Gold — and it doesn't have to wait for a directive from cabinet. The point being, over the next few years, the CRTC has the ability to change regulations. If you think of the word "TikTok," five years ago, "tick-tock" only referred to the sound of your grandfather's clock — today, it has a different meaning, and, five years from now, it will have a different meaning again. A lot of technology will change.

My question is this: For viewers who are watching us today, our debate so far, over the last hour, has been on a couple of issues that were turned back by the House of Commons. Senator, could you remind us of a couple of highlights where the House did, in fact, agree with the good work we have done, particularly regarding what we advised them on? You outlined them briefly in your opening comments, but I think the viewing public — outside this room — might want to be reminded that the House did agree with a whole lot of things. Although I'm a new senator, 20 out of 26 strikes me as quite high; you can correct me if I'm wrong.

**Senator Gold:** Thank you for your question. As I stated in my speech, significant improvements were made to the bill by the Senate which were accepted by the government: These include strengthening the protection of privacy, as well as strengthening the presence and role, of Black Canadians, racialized Canadians and Indigenous voices; making it clear that innovation is an important objective of the regulatory framework and of our Canadian Broadcasting Act; ensuring that audiences figure into the calculations and ensuring the diversity of audiences; and so on and so forth. These were improvements to a bill that was already a good bill.

The bill came to us with massive support in the cultural sectors — supported by large numbers of stakeholders, and supported by three political parties who ran on its modernization as part of their electoral platforms.

This is a good bill; we agreed to and the House agrees to 99% of the bill. We're talking about a handful of clauses where there is disagreement. I think that's important for senators to understand at this message stage — when we have received a message from a minority Parliament, supported by a majority of members of the House of Commons who have carefully and responsibly studied our amendments. They've read the transcripts and listened to the debates. They have come to different policy choices than the ones the Senate preferred. That is not a reason to ignore the benefits that this bill will bring to Canadians, and the importance of passing it and having it receive Royal Assent as soon as possible.

**Hon. Scott Tannas:** This is more out of curiosity, I suppose, although it may have some utility, leader, but I wanted to ask, first of all, about the statement regarding taking note of the government's stated intent: I think it is very creative, and makes many of us more comfortable in terms of saying goodbye to Senator Simons's and Senator Miville-Dechêne's excellent amendment — which I spoke in favour of, and which allowed me a reason to send it to the House of Commons.

Could you elaborate on the provenance of that passage? Did you develop it? If we wanted to amend it, would it be a government position that would have to involve the House of Commons? Is this a passage that we're putting in here in the Senate, or was a compromise arranged with the other house that, if we edited it, it might cause a problem?

• (1700)

**Senator Gold:** This was language that our office here in the Senate developed. You will know now for the last three years that when I am asked questions in Question Period, I answer on behalf of the government. It's not my role to answer in my personal capacity. You can fairly assume that the language that we developed here represents a position that is acceptable to the government. Otherwise, I wouldn't have put it in a motion.

As the Senate, we have the power to amend motions, to vote for them or reject them. I have no comment on your question. There have been no — and even if there were, it wouldn't be appropriate for me to share this.

I am saying that I believe that this motion, the heart of which is to propose that we accept the message from the House — the addition that we included was to give the Senate the ability to be on record in this motion for the motion to be read in the House of Commons so that the members of the House understand what the position of the Senate is and that we take note.

We think that this will strengthen the assurances and, back to Senator Quinn's point, we hope that it will provide some additional assurances to those who are still skeptical of governments. That is a feature of our modern politics.

It will also figure into interpretations. As one of our former colleagues reminded us regularly, courts and others take legislative history, and especially Senate pronouncements, into account when they are interpreting legislation. I think this adds one more element into the point that I have been trying to make that the government is seriously not involved and has no intention of scoping in user-generated content.

**Senator Tannas:** We're arguing over how equivocal the government wants to be here. I wondered if the word "intent" in that paragraph is an equivocation.

Again, would it be possible and acceptable, if this house decided — and maybe you don't want to answer an "if" question — that that stated intent become something like a public assurance or a public commitment?

**An Hon. Senator:** Good idea.

**Senator Tannas:** Your thoughts?

**Senator Gold:** I would have to reflect upon that, Senator Tannas.

As I said, I accept the Senate's ability to move amendments to motions. I will choose not to pronounce upon whether that would be something that I would support or oppose in the event that that comes to pass.

**Hon. Paula Simons:** Let us start with the good news.

The government has, indeed, accepted most of this chamber's amendments to Bill C-11, amendments from all four Senate groups.

The government has accepted, for example, a small but crucial amendment proposed by Senator Denise Batters which clarifies and expands the legal meaning of the word "decision" in the act.

It has accepted an amendment from Senator Miville-Dechêne which underlines the right to privacy following recommendations from Canada's Privacy Commissioner. This is a real victory and a pleasant surprise since the government opposed this amendment in committee.

The government has accepted a whole series of amendments proposed by Senator Bernadette Clement which stressed the importance of Black and Indigenous representation in Canada's broadcast ecosystem.

They have accepted an important amendment by Senator Pamela Wallin, adding critical language that ensures freedom of expression and journalistic independence, and equally important language from Senator Donna Dasko which insists that our broadcast system promote innovation, be adaptable to technological change and responsive to audience choice.

Senator René Cormier's contributions include amendments to support French Canadian broadcasting and to underline the importance of independent producers.

Senator Cormier and Senator Jim Quinn have proposed successful amendments to make the Canadian Radio-television and Telecommunications Commission, or CRTC, more transparent and accountable in the administration of this new regulatory framework.

I am pleased to see two amendments that I championed in partnership with my friend Senator Dasko included in the revised legislation. The first relieves community broadcasters of responsibility for combatting disinformation; the second, far more substantive, was an amendment to remove in its entirety section 7(7) of the act, which would have given extraordinary new powers to the Governor-in-Council to micromanage all kinds of CRTC decisions.

Several expert witnesses testified before our committee about their concerns that this section would give new, unprecedented powers for cabinet to intervene in the rulings of the independent broadcast regulator. I am delighted that the government and the other place accept this amendment which depoliticizes regulatory decision making.

Let me take this opportunity, too, to thank not just the witnesses but former senator Howard Wetston for his wise counsel as Senator Dasko and I worked on this vital section of the bill. Senator Wetston's deep knowledge of regulatory law was incredibly helpful as we wrestled with ways to fix this particular issue.

That's the good news. I don't want to minimize its importance. Bill C-11 came to us a flawed bill, and by working together, the Standing Senate Committee on Transport and Communications created a better bill. It is a credit to our more independent, less partisan Senate that we have been able to deal with some of Bill C-11's most glaring omissions and errors.

However, the other place failed to accept the one amendment that may have been the most critical of all: the amendment proffered by Senator Miville-Dechêne, with my support, which would have clearly scoped out user-generated content from the bill.

One of the challenges of this legislation was to find a compromise that would include corporate content across all major streaming platforms, including YouTube and TikTok, while at the same time not capturing individual artists, creators, journalists and social and political commentators who use these platforms to upload their content.

We needed to find a way to ensure that commercially released Canadian music on YouTube, TikTok and other platforms was captured by Bill C-11 without sweeping up independent, individual creators who use the platforms to reach audiences, build their brands and earn their livings. We needed to find a way to protect the rights of commercial recording artists and, at the same time, protect the rights of cutting-edge digital entertainment innovators.

Senator Miville-Dechêne and I thought we had found that compromise. We didn't do it alone. We were supported by our excellent staff who helped to craft and shape the language of the amendment after months and months of consultation with independent creators, artistic lobby groups and the platforms themselves.

The legislation sent back to us today gives the CRTC the power to override the section of the bill which exempts user-generated content based, in part, on whether that content generates revenues directly or even indirectly, which could, in theory, capture a tremendous amount of user-generated content.

Our rejected amendment to section 4.2(2) would have eliminated all mention of revenues, be they direct or indirect. Instead, its metric would have been whether a piece of content had been broadcast on a conventional commercial service or whether it had an international, unique identifier number assigned to it as a professional commercial recording.

I want to be very clear about this because there seems to be some confusion. Our amendment specifically made allowance for things like the rebroadcast of sports games or the rebroadcast of an entertainment show like a singing competition.

Our amendment would have meant that if a broadcaster such as Rogers or CBC reposted a baseball game or a news documentary on YouTube or Facebook, that would have absolutely been captured by the legislation, as would have any other parallel use of a social media platform to mirror that which was already on a conventional broadcast service.

It is absolutely incorrect to suggest that our amendment only dealt with music. That is not true. But our suggested language would also have ensured that if a major record label such as Sony released a new single or album on YouTube, that posting would have been treated as would have been the release of that same song on Spotify, Amazon Music or TIDAL.

At the same time, digital creators, including financially successful ones, would have been clearly exempted from Bill C-11, even if they uploaded their comedy, music, animation, film or TV episodes to a social media platform.

In committee, our common sense compromise amendment was accepted by a significant majority of members, and endorsed by the majority of senators in this chamber. It was embraced and celebrated by digital creators across the country, by producers, academics, media critics and analysts. It received broad and enthusiastic public support.

Unfortunately, the government has not seen fit to accept it, despite its efforts to strike a reasonable balance.

• (1710)

Here's the official language for the official reason:

> . . . this would affect the Governor in Council's ability to publicly consult on, and issue, a policy direction to the CRTC to appropriately scope the regulation of social media services with respect to their distribution of commercial programs, as well as prevent the broadcasting system from adapting to technological changes over time . . .

What exactly does that mean? If, like me, you have a bit of a thing about split infinitives, that was especially painful to read and hear. But grammatical pedantry aside, let me attempt to translate. The government is saying — I think — that our amendment would limit cabinet's power to tell the CRTC how to regulate social media services.

The first part of the sentence is a bit strange. Nothing in our amendment would have prevented the government from holding public consultations at any time on any subject. The last clause is also a bit odd. Nothing in our amendment would have prevented the broadcasting system from adapting to technological change.

It's the middle of the sentence that matters. It's the meat of the sandwich — the part about scoping the regulation of commercial programs on social media. And this is precisely the problem. The minister and the government keep telling us — and everyone else — that they do not intend to include user-generated content and that Canadians who post their comedy sketches or animated shorts or children's songs to Twitter, YouTube, TikTok and Instagram would not be scoped into the ambit of the CRTC. Yet, the government's own written response to our amendment demonstrates that they wish to retain the power to direct the CRTC to do precisely that — to regulate the distribution of content on social media.

The government has accused us of creating a loophole. In fact, it's exactly the other way around. It is subsection 4.2(2) that creates the loophole. The government can't have its cake and eat it too. It can't pledge to keep user-generated social media out while simultaneously leaving open the possibility — dare I say the threat — of shoehorning it in.

Senator Gold said to us today that using a social media service does not make you a broadcaster. That is absolutely true. Would that the bill said so.

So now we are left with a constitutional quandary. Do we send the bill back and insist, with all due parliamentary politeness, that the government reconsider our amendment? We have pinged; now should we "pong?" Or do we say to the government something like, "Well, on your head be it. We in the Senate identified a real and serious failing of this bill. We suggested a practical, non-partisan compromise that achieved broad consensus in the Senate. You didn't listen. Now you, as the elected representatives accountable to the voters, will have to deal with the consequences of that?"

When a bill or a part of a bill is clearly unconstitutional, then our way is clear. It is our job in the Senate to protect the Charter of Rights and Freedoms, including freedom of expression. However, while I think subsection 4.2(2) does impinge on free speech and free expression, it doesn't explicitly infringe on free expression. Despite the ongoing social media panic, rage farming and thought scams, this is not a censorship act, it's not a plot by the World Economic Forum, it's not a communist plot, it's not a Nazi plot and it's not an Orwellian plot. It's just, well, a flawed bill.

However, this is the bill the government ran on. In terms of the Salisbury convention, it was very much part of their last election platform. You could argue they received a mandate for this policy, though this was hardly a ballot question.

So while I might be tempted to ask you, my fellow senators, to send this bill back with an insistence that the government reconsider our amendment, I frankly don't detect any appetite in the other place to budge on this point. More's the pity. As well, I don't think "ponging" this amendment up the street will make a blind bit of difference.

I'm proud of the work we did on this bill, and I think it is a much better piece of legislation because of that work. In the end, I do not feel I can lend my voice to its passage, but today, I want to thank all the independent digital creators — the animators, filmmakers, musicians, comedians, journalists and commentators — who spoke out so thoughtfully against this particular aspect of the legislation. You give so much to our country and our culture. I will continue to push for your rights and your independence to be respected in government regulation and by the CRTC. We need your visions and your voices in our media milieu. Thank you for what you give to Canada and to the world. Thank you for being ambassadors for all things Canadian and for all the multiplicity of ways to be Canadians. You are in the vanguard, and I hope that, in time, the rest of us will catch up.

Thank you. *Hiy hiy*.

## BUSINESS OF THE SENATE

**The Hon. the Speaker pro tempore:** Honourable senators, it being 5:15 p.m. I must interrupt the proceedings, pursuant to rule 9-6. The bells will ring to call in the senators for the taking of a deferred vote at 5:30 p.m. on the second reading of Bill C-18, An Act respecting online communications platforms that make news content available to persons in Canada.

Call in the senators.

• (1730)

## ONLINE NEWS BILL

### SECOND READING

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.

**The Hon. the Speaker:** Honourable senators, the question is as follows: It was moved by the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare:

> That Bill C-18, An Act respecting online communications platforms that make news content available to persons in Canada, be read the second time.

Motion agreed to and bill read second time on the following division:

YEAS
THE HONOURABLE SENATORS

| | |
|---|---|
| Anderson | Hartling |
| Arnot | Klyne |
| Audette | Kutcher |
| Bellemare | LaBoucane-Benson |
| Bernard | Loffreda |
| Black | Marwah |
| Boehm | Massicotte |
| Boniface | McCallum |
| Bovey | McPhedran |
| Boyer | Mégie |
| Busson | Miville-Dechêne |
| Cardozo | Moncion |
| Clement | Moodie |
| Cordy | Omidvar |
| Coyle | Osler |
| Dagenais | Pate |
| Dalphond | Patterson (*Nunavut*) |
| Dasko | Petitclerc |
| Deacon (*Nova Scotia*) | Quinn |
| Deacon (*Ontario*) | Ravalia |
| Dean | Ringuette |
| Downe | Saint-Germain |
| Duncan | Shugart |
| Dupuis | Smith |
| Francis | Sorensen |
| Gagné | Tannas |
| Gerba | Verner |
| Gignac | Wallin |
| Gold | Woo |
| Greenwood | Yussuff—61 |
| Harder | |

NAYS
THE HONOURABLE SENATORS

| | |
|---|---|
| Batters | Martin |
| Boisvenu | Mockler |
| Carignan | Oh |
| Housakos | Plett |
| MacDonald | Richards |
| Manning | Seidman |
| Marshall | Wells—14 |

ABSTENTION
THE HONOURABLE SENATOR

Simons—1

REFERRED TO COMMITTEE

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

(On motion of Senator Harder, bill referred to the Standing Senate Committee on Transport and Communications.)

## ONLINE STREAMING BILL

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS AND NON-INSISTENCE UPON SENATE AMENDMENTS—DEBATE ADJOURNED

On the Order:

> Resuming debate on the motion of the Honourable Senator Gold, P.C., seconded by the Honourable Senator LaBoucane-Benson:
>
> That, in relation to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, the Senate:
>
> (a) agree to the amendments made by the House of Commons to its amendments; and
>
> (b) do not insist on its amendments to which the House of Commons disagrees;
>
> That the Senate take note of the Government of Canada's stated intent that Bill C-11 will not apply to user-generated digital content and its commitment to issue policy direction to the Canadian Radio-television and Telecommunications Commission accordingly; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

**Hon. Donna Dasko:** Honourable senators, I'm pleased to stand today to speak to the message received on Bill C-11, the online streaming act, from the House of Commons. I will be very brief today.

Colleagues, it's a rare moment when a government bill comes back to us as a message, and it's also rare for any bill to receive as much review, scrutiny, analysis and change as Bill C-11 has.

The process in this chamber, and in our Standing Senate Committee on Transport and Communications in particular, in examining this bill has been as thorough as anyone could hope for. The committee held 31 meetings, heard from 138 witnesses and received 67 briefs on Bill C-11. Virtually everyone in this country with any stake or interest in this bill was invited to committee as a witness.

Nine committee meetings were held to conduct clause-by-clause consideration, and this is a record number of such meetings. A total of 73 amendments were presented at committee, and 26 were adopted, covering a very wide range of topics.

• (1740)

Clearly, colleagues, in my view, we have completed our work, and, without question, we have been thorough and diligent. I am very proud to have been part of this process, and I thank all of my colleagues for their contributions. I thank all of the witnesses, as well, who came before us.

Now, let me turn very briefly to the government's choices with respect to Senate amendments. As we know, the House of Commons, upon recommendation of the minister, has voted on a motion to accept 18 of the 26 amendments and to slightly modify two others. These amendments were accepted by a majority of members in the other place by a vote of 202 to 117.

The 18 plus 2 amendments accepted in the other place are substantial and significant. I am confident that all of our amendments received fair consideration. I supported the amendment on user-generated content that my colleagues put forward. I thought it was a reasonable and good compromise and a very reasonable way to deal with the topic and activity of user-generated content. Therefore, I was disappointed when this amendment was not accepted by the government.

After we received that notice on March 7, 2023, I discussed with officials the reasons that this amendment was not accepted, and I have to say that I am satisfied that the government's choices were based on valid considerations. I note that the motion before us today reiterates that the intention of the bill is not to apply to user-generated content, and it's important to remember that any decisions about the regulation of any user-generated content will involve an open process at the Canadian Radio-television and Telecommunications Commission, or CRTC, where I believe all of those affected will have a real say in the decisions and outcomes that are made.

Minister Rodriguez recently remarked that this bill has spent the most time in the Senate in the history of Canada. Even *The Globe and Mail* declared this past Saturday that Bill C-11 is the most debated piece of legislation in Senate history. Well, colleagues, it's great to be part of Senate history.

We have made a huge contribution, and I feel it's now time for us to move on. I feel our work is done. I will be voting for the message and the motion before us, and I hope you will as well.

Thank you.

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

(On motion of Senator Martin, debate adjourned.)

## 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. Patti LaBoucane-Benson:** Honourable senators, I am once again very happy to be speaking on the traditional territory of the Algonquin Anishinaabeg.

I am speaking today at the second reading of Bill C-29, the national council for reconciliation act. The council created by this bill would have a mandate to monitor, evaluate and report on reconciliation efforts federally and throughout Canadian society; highlight and share best practices; engage with Canadians to create a better general understanding of reconciliation and be a catalyst for innovation and action.

First, I want to express my sincere thanks to Senator Audette for sponsoring this legislation and bringing her experience to bear as a former commissioner of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

As she said in her remarks when we received the bill back in December:

> . . . this bill is of vital importance. It is a step toward healing and reparation. . . .
>
> . . . Bill C-29 gives us the opportunity to start laying the foundation for the shaputuan, the big tent of the Innus, or to take a step towards our collective responsibility. . . .

I agree that Bill C-29's significance and potential is part of a landscape of reconciliation-focused bodies and organizations to help make lives better in her Innu territory, in my beloved Treaty 6 territory, here on the lands of the Algonquin and the Anishinaabeg people and for Indigenous and non-Indigenous people throughout Canada.

I also extend my thanks to the other senators who have contributed to the debate on the bill so far, including Senators Dupuis, Patterson, McCallum and Anderson. I have no doubt we all share the goal of making sure that reconciliation isn't just a word but an accurate description of the way we live, the way we heal and the way we build a future together.

Over the course of our debate, we've heard concerns about some of the bill's specifics, such as the national council for reconciliation's composition and how it should be funded. These are important questions, senators, and I look forward to delving into them at the Indigenous Peoples Committee.

The main purpose of my remarks today is to address the matter of the bill's genesis and the consultation and engagement process that preceded its introduction.

A couple of weeks ago, we heard Senator Anderson's view that the process was deeply flawed, to the point that perhaps we should not advance Bill C-29 beyond second reading, at least for a time.

I have a different view. By the way, Indigenous leaders have been disagreeing with each other since time immemorial, so it should be no surprise that the Indigenous people in the Senate also have different perspectives on important pieces of legislation. I think it's part of a healthy debate that results in good law.

The way I see it, Bill C-29 is the result of years of Indigenous-led efforts, beginning with the Truth and Reconciliation Commission of Canada, or TRC. That commission, led by our former colleague the Honourable Murray Sinclair, spent years travelling across Canada, heard from more than 6,500 witnesses — most of whom were survivors of the residential school system — and issued 94 Calls to Action.

Among those are Calls to Action 53 to 56, which advocate for the creation of a national council for reconciliation, with recommendations about how it should be resourced and how different levels of government could interact with it. Certainly, it wouldn't be enough to go straight from the TRC Call to Action to legislation. An engagement process is required to get us from point A to point B, and I'm about to get to that, but I do think it's important to keep the context in mind.

The idea of the national council for reconciliation wasn't dreamed up in a brainstorming session in a boardroom on Wellington Street. It comes from the work of the TRC.

Next, in 2017, the government set up an interim board of First Nations, Inuit and Métis leaders to advise the minister on how to begin turning the TRC idea into legislation and, ultimately, into a functioning council. Among the interim board members were people with backgrounds in Indigenous government, like Wilton Littlechild, former grand chief of Treaty 6; in community activism, like long-time Quebec Indigenous activist Édith Cloutier; in economic development, like Clint Davis, an Inuk who was a CEO of the Canadian Council for Aboriginal Business; and in Indigenous rights law, like Métis lawyer Jean Teillet.

In addition to bringing their own expertise to bear, the interim board created an online mechanism to receive written submissions on how the national council for reconciliation should be set up, and the interim board held a major engagement session in April 2018 with dozens of Indigenous and non-Indigenous participants from across the country with diverse backgrounds, experience and knowledge.

The participants included Melanie Omeniho, President of Les Femmes Michif Otipemisiwak; Jocelyn Formsma, a board member of the Indigenous Bar Association and CEO of the National Association of Friendship Centres; Maggie Emudluk Sr., President of the Nunavik Landholding Corporations Association; Harold Robinson, a Métis lawyer and mediator with the Canadian Human Rights Commission; Stephen Kakfwi, the former premier of the Northwest Territories and a residential school survivor; and Elder Claudette Commanda, the first Indigenous chancellor at the University of Ottawa.

A few months after that engagement session, later in 2018, the interim board delivered to the minister a report that served as the basis for the bill that is currently before us. That report was shared at the time with the Assembly of First Nations, with Inuit Tapiriit Kanatami and the Métis National Council. This past February, senators, it was shared with all of you, along with a summary of the April 2018 engagement session.

One of the report's recommendations was that an Indigenous-led transitional committee be established to conduct more targeted, technical engagements and review the draft legal framework to be developed by the government. Essentially, the first body — the interim board — made conceptual recommendations in advance and crafted an initial working draft of the bill, while the purpose of the second body — the transitional committee — was to do the more technical, detailed work of reviewing legislative language as the text got firmed up.

• (1750)

The transitional committee was appointed in January 2021, with some members carried over from the interim board as well as some new appointees. Earlier this year, the Senate had the opportunity to receive a briefing from several of them: Edith Cloutier, whom I mentioned earlier; Rosemary Cooper of Pauktuutit Inuit Women of Canada; Mitch Case of the Métis Nation of Ontario; and Mike DeGagné, the former president of Nipissing University, Yukon University and the former CEO of the Aboriginal Healing Foundation.

The transitional committee submitted its final report to the minister in March 2022. Then, the minister discussed the bill with the leaders of the Assembly of First Nations, or AFN, Métis National Council, or MNC, and Inuit Tapiriit Kanatami, or ITK, in early May. Bill C-29 was introduced in late June.

So that was the process that got us from the idea's inception by the Truth and Reconciliation Commission, or TRC, through to introduction last spring. There is more consultation to come, as required by subsection 13(2) of the bill, which says:

> . . . the Council must consult with a variety of persons with relevant knowledge, expertise or experience, including elders, survivors of the discriminatory and assimilationist policies of the Government of Canada and Indigenous law practitioners.

The government has deliberately avoided being overly prescriptive about the details of how the council will operate, leaving considerable room for the council itself to engage further with individuals and organizations as it develops its methods and procedures and determines its areas of focus. Still, it is certainly legitimate to believe that consultations thus far should have been more extensive, that a wider net should have been cast or that more or different people should have been involved in more or different ways.

I do not, however, accept that the process I have described can be dismissed as "unserious." On the contrary, this bill is the result of a lot of work done by impressive, credible, eminent Indigenous peoples — First Nations, Inuit and Métis peoples with capacity. These are Indigenous leaders with considerable experience and expertise. We owe them the respect of sending this bill to committee, inviting them to testify and engaging conscientiously with the product of their work.

Speaking of respect, the sponsor of Bill C-29 in our chamber is also an impressive, credible, eminent Indigenous leader who's not exactly a novice on the subject of engagement with Indigenous people and organizations. That doesn't mean we all have to agree with Senator Audette or vote the way she would like us to — although I'm sure she would like us to — but I hope it means that our collective approach to this bill will be studious, thoughtful and devoid of derision.

It's also important to remember that we are not Bill C-29's first point of contact with the Parliament of Canada. A couple weeks ago, Senator Tannas raised the example of the old Bill S-3, which the Senate held at committee for several months in 2016 and 2017 while the government conducted additional consultations. But that was a bill introduced in our chamber before the members of the other place had a chance to weigh in.

In this instance, we're talking about legislation that has already been considered and adopted by our colleagues up the street. Their Indigenous and Northern Affairs Committee held eight meetings on it last fall. They heard from 38 witnesses, made several amendments and MPs from all parties ultimately gave this legislation their unanimous support, including First Nations, Inuit and Métis members of Parliament Lori Idlout from Nunavut, Michael McLeod from the Northwest Territories, Jaime Battiste from Nova Scotia, Marc Dalton from B.C., Leah Gazan from Winnipeg and Blake Desjarlais — my friend — from Edmonton.

That doesn't mean we're obligated to set aside any concerns we might have — absolutely not; it's quite the opposite. It's our turn now to subject this legislation to senatorial scrutiny. But when the people's elected representatives have completed an extensive study and sent us a bill that they all believe is worthy of support, our job — at minimum — is to get it to committee and conduct our own extensive study.

We will undoubtedly hear testimony at committee from the bill's architects and supporters, as well as from people who have been making criticisms and asking questions about it. I'm keen to hear from all such witnesses and to ask them questions of my own, including about the consultation process. I am also eager to analyze Bill C-29 in detail with the benefit of their input.

Committee study will be a further opportunity for Indigenous voices to be heard, for differing viewpoints to be considered and for senators to determine if there are ways in which the legislation can be improved. That is at the core of the Senate's institutional role, which is to serve as a complementary chamber in this bill's legislative journey.

I'm under no illusions that a single bill can achieve reconciliation. But in the last few years, we've had the opportunity to support bills about Indigenous languages, child welfare and land management; bills addressing overrepresentation of Indigenous peoples in the criminal justice system; bills implementing self-governance agreements; and, of course, Bill C-15 regarding the UN Declaration on the Rights of Indigenous Peoples.

In my view, Bill C-29 is an important element in this series of legislative measures, with many more to come.

Once again, I thank Senator Audette for sponsoring the bill, and I thank all senators who have participated in this debate. Even when we disagree about particular legislative measures, I know we share the ultimate goal of meaningful, impactful reconciliation.

In that spirit, I hope committee study of Bill C-29 can begin soon.

*Hiy hiy*.

**Hon. Dennis Glen Patterson:** I'd like to ask a brief question of Senator LaBoucane-Benson.

Thank you for your speech.

Would you have any comment on the significance of the respected organization that represents the Inuit of Canada — ITK — which has rejected this bill as being prejudicial to Inuit in Canada?

**Senator LaBoucane-Benson:** Thank you for your question.

I'm not sure if they have rejected it because it's prejudicial. I know that Natan Obed has concerns, absolutely. I look forward to hearing from him in committee and that robust discussion we're going to have about the bill and his concerns. I think I will have more to say about that after committee study.

(On motion of Senator Martin, debate adjourned.)

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, we have less than a minute before six o'clock, and I feel uncomfortable calling upon a senator to begin a speech that I will have to interrupt in one minute.

Therefore, with leave of the Senate and pursuant to the rule 3-3(1), is it agreed that we not see the clock, honourable senators? I hear a "no," which means we will suspend until 8 p.m. So ordered.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

## SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Gold, P.C., seconded by the Honourable Senator LaBoucane-Benson:
>
> That the following Address be presented to Her Excellency the Governor General of Canada:
>
> To Her Excellency the Right Honourable Mary May Simon, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.
>
> MAY IT PLEASE YOUR EXCELLENCY:
>
> We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

**Hon. Paula Simons:** Honourable senators, in November 2021, when Governor General Mary May Simon delivered her first Speech from the Throne, she read to us these stirring words:

> When someone in our country is targeted because of their gender, or who they love, or where they come from, the way they pray, the language they speak, or the colour of their skin, we are all diminished.

She went on to underline the government commitment to stand up for LGBTQ2 communities — a commitment that seems even more urgent now, a year and a half later, as we see the rising tide of anti-trans hate spilling over the U.S. border and into the lives of Canadians.

It is against that backdrop that I rise today — on Yom HaShoah, as it happens — to celebrate one of the most important human rights victories in Canadian history, and to salute the courageous Edmontonians who made it possible.

This month marks the twenty-fifth anniversary of the Supreme Court of Canada's *Vriend* decision, which expanded the Charter to protect queer rights in Canada.

In 1991, Delwin Vriend, a 25-year-old lab instructor at The King's College in Edmonton, was fired from his job for being gay. Delwin was a quiet, thoughtful young man who loved math and science, and who grew up in a warm and devout Christian Reformed family who loved and accepted him for who he was. The board of the college was not so open-minded.

After his dismissal, Vriend filed a complaint with the Alberta Human Rights Commission. At the time, Alberta was one of only two provinces that hadn't added protection from discrimination on the basis of sexual orientation to its human rights laws. And so, the Alberta Human Rights Commission told Delwin Vriend that he had no case.

He appealed to the Court of Queen's Bench of Alberta — and won. Madam Justice Anne Russell ruled Alberta's human rights legislation unconstitutional. She called the province's refusal to add sexual orientation "a legislative limitation which controverts the very principle it purports to embody."

The Alberta government appealed in its turn. Edmonton's LGBTQ community rallied around Delwin, and so, too, did a small brave band of Edmonton lawyers, led by Sheila Greckol and Doug Stollery, who took his case to the Court of Appeal of Alberta.

In a strange irony of history, the Court of Appeal of Alberta panel that heard the case was chaired by Mr. Justice John McClung, the grandson of Nellie McClung, who was the suffrage crusader and one of the Famous Five instigators of the Persons Case. It was the case that not only established that women had the right to sit in the Senate, but also established the legal principle that Canada's Constitution was a living tree — in the immortal words of Lord Sankey, "a living tree capable of growth and expansion within its natural limits."

But this McClung was no "living tree" fan, and he wasn't sold on the Charter either. While Sheila Greckol, Delwin Vriend's lead counsel, was addressing the court, Mr. Justice McClung actually swivelled around in his chair, turning his back on her as she spoke — and his written judgment in the case dripped with disgust and disdain.

The Alberta legislature, he wrote, was "not to be dictated . . . by federally appointed judges brandishing the *Charter*."

It was not the role of legislatures, McClung wrote, to enter into every "morally-eruptive social controversy," nor to choose between what he called "the divinely-driven right and the rights-euphoric, cost-scoffing left."

McClung also wrote:

> I am unable to conclude that it was a forbidden, let alone a reversible, legislative response for the province of Alberta to step back from the validation of homosexual relations, including sodomy . . . .

But Delwin Vriend didn't give up — and Greckol, Stollery and their team wouldn't give up. They launched an appeal, funded in no small part by Doug Stollery's parents, well-known Edmonton philanthropists Bob and Shirley Stollery, for whom Edmonton's Stollery Children's Hospital is named.

Vriend's team gathered other powerful legal allies. Everyone from the Canadian Labour Congress to the Canadian Jewish Congress, as well as the United Church of Canada, signed on to intervene in support of Vriend.

Julie Lloyd — who is, today, an Alberta family court judge — was, back then, a young lawyer, and one of the first openly lesbian lawyers in Alberta. She represented the Canadian Bar Association at the Supreme Court that day.

Lloyd told me:

> It remains one of the most moving experiences of my life. It was transformational. You could see the momentum. All the ridiculous arguments that had been given to discriminate against gays and lesbians just started to fade away. They disappeared like a puff of smoke in the clear light of the Supreme Court. Each of the arguments was revealed to be specious, haranguing, alarmist and simply untrue. They collapsed like a house of cards.

Everyone that day expected that Sheila Greckol would make the closing arguments; she was the seasoned litigator. But, at the very last moment, she insisted that Doug Stollery, a soft-spoken solicitor who had almost no courtroom experience, speak for Vriend — and for himself, as a gay man.

Stollery told me this years later:

> I remember when it was my time to argue, I should have been nervous. Instead, I was hoping I wouldn't cry. And I didn't actually cry. But I came close.

And then, on April 2, 1998, Canada's Supreme Court said it didn't matter that the Canadian Charter of Rights and Freedoms didn't include sexual orientation when it was written in 1982. The court deemed sexual orientation an analogous ground — analogous to race or gender or religion.

In their unanimous decision, the judges said our Constitution was still a living tree, and that we — in Canada — had grown and evolved to the point where it was unconstitutional to discriminate against LGBTQ Canadians. The court went further, and read in that protection to the Charter and to Alberta's Individual's Rights Protection Act.

In Alberta, the hateful backlash was fast, ferocious and frightening. In the wake of the decision, Premier Ralph Klein came under immense pressure, including from his own caucus, to invoke the notwithstanding clause and, thus, perpetuate legalized homophobia in Alberta.

I remember covering the story for the *Edmonton Journal* which had, under the courageous moral leadership of publisher Linda Hughes and editor-in-chief Murdoch Davis, argued passionately against invoking the clause. Tensions were high. We didn't have Twitter or Facebook or TikTok back then, but the city and province were humming with anger and anticipation, waiting to see what would happen next.

In the end, Premier Klein pushed back against certain right-wing voices in his own party, moved in part by the wave of nasty homophobic letters, faxes and phone calls to his office. He was, I've been told, genuinely appalled by some of the hateful messages, and said he'd had no idea that gay Albertans faced such hatred and discrimination.

It is another accident of history, though, that one of his closest political advisers and confidantes, Fay Orr, happened to be a queer woman. And because Ralph Klein had a lesbian friend, he was able to put a human face to a political and philosophical decision. And so, the ruling stood and established the rights of

gay, lesbian, bisexual, trans, non-binary and two-spirited people in Alberta and all across Canada. Everything else, from same-sex marriage to the ban on conversion therapy, has flowed through the *Vriend* decision.

The ruling also helped to delineate the powers and rights of the Supreme Court to interpret the Canadian Charter of Rights and Freedom. It helped to reinvigorate the doctrine of the living tree, and to free us from the tyranny of textual literalism. It gave our courts permission to interpret the Constitution and the Charter in keeping with the times, as social mores and ethos evolved. And, indirectly, I'd argue, the *Vriend* decision helped demonstrate the practical limits of the notwithstanding clause, and the moral and political risks to politicians who were tempted to invoke it. But the *Vriend* decision didn't just change Canadian law — I believe it profoundly changed the way ordinary Canadians thought about their gay friends and neighbours and relations.

• (2010)

Writing for the Alberta Court of Appeal, Mr. Justice John McClung had scoffed at the idea that legislation or a court decision could change public attitudes, but he was wrong about that too.

As Julie Lloyd once told me:

> Vriend absolutely was the foundation. It ringingly welcomes gays and lesbians into society. It was an education for people to understand that you can't put the rights of a reviled minority rights to a popular vote. The only way to protect the Charter rights and freedoms enshrined in our constitution is to make the courts the active guardians of those rights.

The decision and its aftermath changed the face of Alberta, too. Sheila Greckol, who'd been treated so disgracefully by John McClung, went on to become a respected Court of Appeal justice herself. Doug Stollery went on to become chancellor of the University of Alberta. Julie Lloyd, as I mentioned, became a provincial court judge. Michael Phair, a gay activist who fought hard for *Vriend* from the very beginning, became Edmonton's first out gay city councillor. And Ritu Khullar, who was then a young labour lawyer who intervened in the *Vriend* case on behalf of the United Church — well, she is now Alberta's new chief justice. Oh, and King's College, which now is called King's University College, today hosts its own regular pride events organized by its student group, SPEAK, which stands for Sexuality, Pride, and Equality Alliance at King's.

Albertans and Canadians owe so much to the quiet, self-effacing courage and principle of Delwin Vriend himself. We have a statue of Nellie McClung and the rest of the Famous 5 right outside this building. We have a picture of Viola Desmond on our $10 bill. But there are no statues or portraits of Delwin Vriend, who was every bit as much a human rights hero. That's probably all right with him. He has never sought the limelight. Indeed, he has done all he can to avoid it. He left Canada years ago, to work as a computer expert, first in Silicon Valley, later in Paris. Delwin Vriend has always understood that his battle was not for him alone, that it was a battle for every single one of us:

> Even at the time we were fighting our case, we didn't just see it as a fight about sexual orientation. This was about so much more than getting sexual orientation in. The ruling says you can't exclude people. It means every single Canadian is equal and you must include them.

Still, today, 25 years later, when we see the mounting backlash across the continent to gay rights and trans rights; when we see ugly persecution by governments in countries including Hungary, Uganda and Afghanistan and when we see countries like Italy rolling back LGBTQ rights, it's important that we never forget that at its heart, *Vriend* was a decision about recognizing the dignity, the humanity and the citizenship of queer Canadians.

On this twenty-fifth anniversary, when we've recently seen hateful protesters picketing drag shows in B.C. and homophobic thugs honking in the streets of Ottawa and threatening Ottawa school trustees, I want to leave you, my Senate colleagues, with these words from my friend, Judge Julie:

> It is the duty of citizens to oversee their government. It's the duty of citizens to do things, even when it's hard. The Constitution doesn't whip itself into shape. We have to do it ourselves.

We as senators have a profound duty to oversee the government and hold it to account, to protect the Constitution and the Charter, to stand always as a bulwark against majoritarian tyranny and to stand up for the rights of Canadians even, and particularly, when that's unpopular. It's especially important to remember that today, on Yom Hashoah, the Holocaust day of remembrance, when we remember the 6 million Jews who died because of hatred run amok and remember, too, the thousands of homosexuals persecuted, imprisoned and murdered by the hate-curdled Nazi regime.

On this silver anniversary, I want to thank all the remarkable Edmontonians who fought so hard, so courageously and so successfully for equality and justice for all Canadians. But I also want to ask us in this chamber to do all we can to ensure that the government lives up to the promises of its own Throne Speech and continues to make Canada a queer rights and human rights beacon for the world. We are all the guardians and gardeners of the living tree that is our Constitution, and we must be sure to tend and protect it.

Thank you and *hiy hiy*.

(On motion of Senator Gagné, debate adjourned.)

## CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Seidman, for the third reading of Bill S-205, An Act to amend the Criminal Code and to make consequential amendments to another Act (interim release and domestic violence recognizance orders), as amended.

**Hon. Kim Pate:** Honourable senators, I rise today to speak as critic of Bill S-205. Senator Boisvenu, since the horrors of the horrible murder of your daughter, you have done your utmost to ensure that these issues remain at the forefront of our discussions and that you do everything you possibly can to protect the rights and the interests of victims. For that, all of us salute you and thank you for your work.

Like you, most of us want to support efforts to address and prevent violence against women, particularly intimate partner violence. As such, the impulse to support bills like this one, as well as others, is strong and genuinely driven by extreme care and concern. Unfortunately, I have to say that Bill S-205 proposes legislative changes that, if implemented, would provide little more than promises of action in law; incomplete, inadequate and ineffective interventions and, therefore, a truly dangerous false sense of security for far too many who are already vulnerable and victimized.

As numerous witnesses attested to before the Legal Committee, the provisions proposed would be difficult, if not impossible, to enforce in most parts of this country. That is because the primary issue for women is that misogynist attitudes mean that they are too often not believed when they bring forward allegations of abuse. On top of this, the inadequacy of broadband coverage and the unreliability and expense of electronic monitoring equipment could result in the diversion of resources much needed to prevent and combat gender-based violence.

Indeed, as the Mass Casualty Commission stated in Part C of its recently released report, there is a "Collective and Systemic Failure to Protect Women."

The report goes on to say that:

> Gender-based, intimate partner, and family violence is an epidemic. Like the COVID-19 pandemic, it is a public health emergency that warrants a meaningful, whole of society response.

We have been told that this bill was virtually written by survivors, and I don't doubt that. And yet, as so many of us know from decades of doing this work, and as we heard from witnesses, in a context where so little has been provided to assist survivors over the years, it is not surprising that they might grasp at any gesture that seems supportive, no matter if it is inadequate.

Electronic monitoring is being offered as a solution to victims and survivors of intimate partner violence who are desperate for anything that may help them regain a sense of safety and security. It is part of a long trend of offering less than what is needed to assist and protect the most vulnerable and marginalized. Instead of inadequate and ineffective responses, isn't it time we all decided to address the root causes of these vulnerabilities and marginalization rather than continuing to pass laws that are deficient and thereby allowing situations to continue — unfortunately — unabated?

Colleagues, the main issues with this bill are that, one, electronic monitoring is being touted as an effective tool that would prevent violence against women when, in fact, the evidence depicts quite the opposite. Electronic monitoring has been proven to be unreliable, inconsistent and ineffective when it comes to addressing causes of violence against women.

As Senator Boisvenu reminded us earlier when speaking about the Mass Casualty Commission, we need an urgent and comprehensive government response to address, redress and prevent violence against women and intimate partner violence. Regrettably, the measures proposed in this bill are redundant and may serve as a distraction and a diversion of desperately needed resources that could otherwise be allocated to services and interventions that have been proven time and again to more effectively support and prevent violence against women.

• (2020)

Bill S-205 places an emphasis on the use of electronic monitoring devices for men who have committed violence against women. It's a plan to use these devices when people are not in custody, as a method of keeping women safe. Bill S-205 does not do the necessary work of unweaving the fabric of misogyny, racism and class bias, which fuel violence against women and are perpetuated in and intensified by the criminal legal and penal systems.

Bill S-205 does not address the economic, social, racial and gender inequality, which abandons women to violence, poverty and racism. Nor does it deconstruct the values and attitudes that reinforce it. The significant global rise of violence against women and femicides during the COVID-19 pandemic points to the clear and direct correlation between economic and social pressures and normalized gendered and racialized violence. Investing in services that enable safety and support must instead be prioritized.

Physical violence is only one aspect of a wider net of coercive and controlling conduct. The tactics used against women include intimidation, isolation and control, and these factors are "more predictive of intimate homicide than the severity or frequency of . . . physical violence."

Social and cultural messages that privilege patriarchal ideas and attitudes and hyper-responsibilize women from childhood to consider themselves responsible for preventing their own victimization — combined with behaviours that control, isolate or intimidate via emotional, physical, social, financial abuse of inequities, and often a combination of these — contribute to gross under-reporting of violence against women.

When women are only offered a criminal legal enforcement model, particularly in the face of millennia of inadequate responses, it should not surprise us that they may agree to grasp for the only option provided rather than the effective and comprehensive approaches to address violence against women that are needed. This is a case where the inadequacy of options makes the illusion of choice and safety just that — illusory illusions.

Rather than repeat the issues I raised at second reading, allow me to share the perspectives of witnesses, particularly women's groups, police and legal organizations who appeared at committee for this bill.

Rosel Kim of Women's Legal Education and Action Fund, better known as LEAF, reminded us that electronic monitoring already exists as an option for judges to impose as a condition of bail. It's already a part of our law. It's also part of our sentencing, probation and parole options. While this may help people feel safer and protect some survivors, electronic monitoring can be ineffective and even harmful, especially for survivors who are Black, Indigenous and racialized.

For survivors living in rural areas and remote communities, including Indigenous communities, poor connectivity issues and the lack of access to geolocation services decrease the effectiveness of monitoring. Many women fleeing violence face the risk of being electronically monitored themselves. Electronic monitoring is also costly. In Ontario, electronic monitoring devices cost between $400 and $600 a month. The Quebec government has committed $41 million to implement its electronic bracelet program.

Meanwhile, LEAF told us:

> Right now, we are seeing a crisis in shelters, and we are generally seeing a lot of shortcomings in resources that the survivors really need. Those would be the priorities that I would point to, where the survivors really need support, before considering things like electronic monitoring.

Senator Boisvenu rightly points to the Quebec experience as a model, but as recent media coverage of the Quebec experience revealed, in addition to the lack of internet or policing capacity in many rural and remote communities, survivors face the additional challenges of not having the economic and social supports to enable them to even leave a violent situation. Witnesses urged us to consider devoting resources to directly supporting and therefore empowering survivors instead of purchasing expensive and ineffective electronic monitoring equipment and infrastructure.

Alain Bartleman of the Indigenous Bar Association said:

> . . . 21% of the women who exited the shelter system in Quebec, according to a 2018 study, felt they had no option but to return to their home where the abuser or the accused lived.

He spoke about the many communities that he knows and works in where there is no cell coverage and a concern with respect to geofencing, saying:

> I'm not sure what value would be placed for a geolocation service if an individual was provided with a location that was only accurate to about a kilometre and a half, which could cover the entirety of the reserve . . . .

He and other lawyers also raised concerns with respect to false alerts created by:

> . . . for example, extreme cold or extreme weather events, where these monitors or monitoring systems will often fail . . . .

He gave examples of situations where equipment failures such as dead batteries trigger a system alert and put additional stressors upon under-resourced, underfunded and understaffed police, like the officers I had the privilege of meeting with this afternoon from the Canadian Police Association who talked about some of these very issues.

He stressed that requiring or expanding the use of monitoring services within Indigenous communities, whether through a provincial or a federal initiative, could prove to be just an additional burden upon police services, which could unintentionally restrict the resources and police availability to provide actual support, protection and interventions that the victims of domestic violence may need when they call.

He also urged us to consider — rather than purchasing electronic monitors — that governments allocate the estimated $400 or more cost per device to increasing the supply of shelters within the First Nations context, where the need for additional housing requires not just a sense of urgency but a sense of crisis or calamity. He said:

> This $400 may not go far enough. I would, however, note that in many cases, therapy and other treatments for unresolved mental illnesses could be alleviated by, frankly, the provision of a subsidy in the amount of that $400 for the accused. . . . I do think it would go some ways to reducing if not the prevalence then certainly the severity of the predicament that many Indigenous women and girls find themselves in when confronted with domestic violence.

He went on to say:

> I'll speak particularly in the First Nations context. We've endured centuries of systemic racism and abuse, which culminated, in many cases, with the horrors of the residential school system, which only recently ended. It's trite, but it is true to say that hurt people hurt people. . . .

> Breaking the cycle of trauma through the provision of mental health and other resources, I'd suggest, is probably the most effective way of preventing domestic violence, not through monitoring of individuals.

Daniel Brown of the Criminal Lawyers' Association agreed and added that the bill is not only:

> . . . unnecessary because the tools already exist in our justice system . . . .
>
> This bill runs afoul of Supreme Court jurisprudence . . . . Creates insurmountable practical hurdles to implement . . . . It will negatively impact an overburdened system, which in turn will impact the public's confidence in our justice system. . . . It will disproportionately impact racialized, Indigenous, vulnerable communities and low-income accused . . . .

He further said:

> From a practical perspective, the ability to sort of implement ankle bracelet monitoring at that early stage is near impossible. Even when we have clients of means who can have these conditions imposed, it takes days, sometimes even weeks, to put a plan like this together and to ensure that the plan is implemented. . . .
>
> To give the power to the police to impose such a harsh condition but not the ability, for example, to impose any other type of judicial supervision, like a surety — it is just incongruent . . . .

Sarah Niman, representing the Native Women's Association of Canada, advised that:

> NWAC supports and advocates for Indigenous women's safety through violence prevention strategies and services. . . . To prevent domestic and intimate partner violence, Canada should not rely on legislative amendments to make a difference for Indigenous violence victims. Addressing systemic racism . . . .
>
> Addressing the MMIWG report's 231 Calls for Justice is an imperative. . . .
>
> Electronic monitoring devices set more Indigenous people up for escalating criminal sanctions rather than address the root cause.

She went on to say:

> The Native Women's Association of Canada does not support electronic monitoring as a means of addressing intimate and domestic partner violence. . . .
>
> . . . With all due respect to Senator Boisvenu and the work that he's doing — and we understand that in building this bill, he heard directly from victims who said they would like to see electronic monitoring — but where Indigenous women compose such a large proportion of domestic violence victims, that is not what the women we represent are asking for.

She also added:

> One of the things we learned from NWAC's work and from the National Inquiry is that there are high instances of dual arrests when the police are called for domestic violence. So that perpetuates Indigenous women's over-incarceration and involvement in the criminal justice system. . . .
>
> Where NWAC is interested in balancing victims' rights, we are equally concerned with keeping Indigenous people —

— especially women —

> — out of jail . . . .
>
> Based on what NWAC knows about the myriad of reasons that inform hesitancy to disclose family violence . . . maybe [the perpetrator is] the primary breadwinner, maybe that means they have to leave their home, oftentimes wider cultural, familial and community concerns — if those all play into the reasons why a woman would fear calling the police or disclosing violence to somebody, like a third party, those would also inform her hesitancy or vulnerability . . . .
>
> . . . from the women we hear from that when there aren't those healing resources, they often feel like it's incumbent upon them to mend fences . . . .
>
> The voice we're also not hearing is, of course, the children's. NWAC's hope is that when Indigenous children see that their parents or aunties and grandmothers are experiencing violence, they see that someone is coming to help them and that that person does so in a positive, respectful, culturally appropriate way.

• (2030)

Emilie Coyle, with the Canadian Association of Elizabeth Fry Societies, stated:

> In the case of this legislation, we must ask, will this legislation stop intimate partner violence from happening in Canada, or will it utilize necessary resources that could be spent on prevention? Will it address the root causes of intimate partner violence: misogyny and patriarchy?
>
> These questions point us to examples where well-intentioned legislation has gone awry in the past and caused further harm rather than preventing it . . . .
>
> I'm sure you've heard of the woman fleeing violence who throws a toy [a plate or a pan] in self-defence; this toy becomes the weapon in the assault-with-a-weapon charge that is then laid on her . . . there's a very real possibility that, should this bill pass, [victimized women] would be the ones who would be wearing the electronic monitoring bracelets.

> Addressing gender-based and intimate partner violence cannot [only] be reactive. It must be a multi-pronged approach. Action needs to be taken by introducing a swath of initiatives aimed at getting at the root cause of the harm.
>
> We argue that in order to do this we need to shift our focus away from a carceral response to a more sustainable and long-term approach. We need national awareness-raising efforts. We need a robust mental health care system where everyone can access the support that they need to be healthy.
>
> We need basic universal income to ensure people do not remain with their violent partners for economic reasons. We need readily available counselling services. After all, intimate partner violence is a social issue and not just a private one.
>
> Survivors often list services like social workers, financial assistance, housing, culturally specific resources, mediators, domestic violence specialists, peers, community prevention or de-escalation — and the list goes on — in the services that they ask for.
>
> We know that we must and we can interrupt intimate partner violence, keeping the survivors of intimate partner violence at the centre of all of our efforts.
>
> Ultimately, electronic monitoring is an expensive undertaking that does not touch on the underlying cause of intimate partner violence.

Mary Campbell, a retired expert and former senior public servant with Public Safety Canada, underscored that:

> . . . I would leap at anything that would keep people safely out of the hellhole of prison, so you might be surprised to hear that I am not a fan of electronic monitoring.
>
> . . . the research really is, at best, inconclusive that EM, electronic monitoring, adds anything. . . . there will be anecdotes, but overall, the research is not there to support it.
>
> [Electronic monitoring will not] give you . . . the kinds of results that you would like to see for that kind of money. We're aware of many other programs that will, in fact, give you a much greater return.

She also reminded us that we don't know the personal stories of most of the witnesses who appear before the committee, and thus urged us to not make simplistic assumptions about who has or has not experienced serious victimization, and that:

> The bottom line is that we're all united in the same goal. I think prudent governance is that the people's money be invested in what will give real results.

The National Association of Women and the Law reiterated the need for other solutions and systemic change. Women's groups have long demanded that responses address root causes of violence against women:

> . . . the legislative framework required to prevent and respond to VAW must be framed to also recognize and redress women's poverty and economic insecurity, which structures and shapes women's experiences of violence, and especially those of groups of women that are particularly vulnerable to VAW in its many forms. Ensuring that the historic and current context is well understood is essential to informing this analysis, particularly in relation to colonialism and the ongoing impacts . . . on violence against Indigenous women.

Women's groups have also noted that:

> All VAW law reform in Canada must reflect intersectional feminist analysis, and be grounded in human rights and specifically women's human rights.

Any meaningful change must address the underlying cognitive and behavioural issues that lead to violence against women. Strapping an electronic monitor to a person's ankle does nothing to stop a person from continually committing violence both while the device is attached and after it is removed. Experts urge that we should not confuse technological aid with meaningful intervention and treatment. Meaningful treatment must address why a person is violent in order to truly address root causes and break the cycle.

I want to acknowledge that is also part of the aim that Senator Boisvenu hopes will come out of this bill, but the central component is the electronic monitoring.

Addressing the economic inequality of women is a critical aspect. UN Women and the World Health Organization have noted that the links between poverty and violence against women are well-established. According to research from the group, Surviving Economic Abuse, 95 percent of domestic abuse victims experience economic abuse.

Nearly all victims of violence have had the common experience of economic abuse. In order to address the root of this issue, it is paramount that women have alternatives to remaining in dangerous family and community situations. Housing and economic supports must be both adequate and accessible. Most importantly, unlike most current programs, they should not result in women facing threats of their removal when they seek help for themselves and their families.

The role of economic resources in facilitating access to physical safety is clear, underscoring the critical need for a guaranteed liveable basic income, which would reduce the financial burden on women and allow them to make decisions about how best to care for themselves, their families and look further than short-term safety. We need to first do everything possible to prevent women being at risk of violence instead of routinely focusing on inadequate after-attack interventions such as electronic monitoring.

A recent *Globe and Mail* article states that in Quebec:

> . . . amid a surge in hotline calls and texts from victims seeking support this year, women are being turned away from shelters that are stretched beyond capacity.

This illustrates that, even in Quebec, there is a drastic need for proper supports to address and end violence.

It is essential that women have the resources to leave violent relationships, not that we merely attach inadequate approaches after the fact. Chronic underfunding of services for women keeps them and their children at increased risk and pushes them back into dangerous situations — too often lethally. Bill S-205 does not address this.

More specifically, Bill S-205 does not address these issues for Indigenous, Black and other racialized folks in Canada. Instead, it puts increased emphasis on the use of a system that is already distrusted, already failing these groups and asks that they once more simply trust this system. The potential for inadequate, even horrific results of stand-alone measures which create a false sense of security that they will result in the protection of women is quite frankly terrifying.

To conclude, honourable senators, allow me to summarize the five main reasons why this bill will fail to achieve its sponsor's very worthy objectives, and ones I wholeheartedly support.

First, as ineffective as it is as a tool to prevent violence against women, electronic monitoring is already available and used in some jurisdictions. It's already in the Criminal Code. This bill is not necessary. In any event, adding statutory authority for imposing electronic monitoring is not the missing element nor even a key to preventing violence against women.

Second, the bill ignores the continuing technological problems with electronic monitoring and thus runs the clear and predictable risk of promoting a false sense of security for those believing it might protect them.

Third, it ignores the inability of police to respond immediately when an alarm is triggered, be it due to geographical remoteness, insufficient police resources, competing emergencies, or stereotypes, biases or conclusions regarding the efficacy of responding — for instance, in situations where there may have been repeated calls, including some judged by the authorities to be false alarms.

Fourth, it assumes that a man who has ignored all other social and legal norms will suddenly become compliant due to the affixing of a band to their ankle.

Lastly, it does nothing to address the central systemic issues that give rise to and perpetuate misogynist violence, much less ensure modification or management of the rage and other factors that fuel individual men when they perpetrate acts of violence against women.

To conclude, thank you Senator Boisvenu and colleagues for your commitment to ending violence. It is no doubt that we all want a goal to which we can strive. We all want to do this work.

As the Missing and Murdered Indigenous Women and Girls Inquiry and now the Mass Casualty Commission have reiterated, we must tackle this issue in a way that addresses these concerns. Regrettably, as I have already detailed, the approach proposed by this bill is not what we ought to pursue. Instead, I suggest we address the ideas and attitudes that fuel this violence in society, while simultaneously implementing the sorts of robust social, health and economic supports that can truly assist women by preventing the circumstances that give rise to violence in the first place, and where those are inadequate — and they will be — that we assist victims to actually escape the violence.

• (2040)

*Meegwetch*, thank you.

[*Translation*]

**Hon. Pierre-Hugues Boisvenu:** Would the senator take a question?

Thank you for your kind words. I accept them, but I also send them to the hundreds of women who worked with me on this bill. They are the ones who deserve the kind words you shared because they worked hard, putting their faith and trust in the Senate.

You spoke a lot in your speech about the economic situation of women. I completely agree with you. There are still too many women in Canada living tough economic situations — dangerous even, in some cases, because they are in a situation of domestic violence where they're completely dependent on their spouse or the situation.

My bill doesn't correct social inequities. It isn't coercive. It helps with prevention and rehabilitation because the electronic bracelet is not at the heart of this bill. This is about rehabilitating violent men, giving judges the possibility of sending these men for treatment so that they don't keep coming back to the courthouse over and over again, creating one, two, three or ten victims of domestic violence. This bill is primarily about rehabilitating these men.

**The Hon. the Speaker pro tempore:** Do you have a question, Senator Boisvenu?

**Senator Boisvenu:** Yes. Quebec passed Bill 24. At the federal level, a Liberal member was able to get the House to pass Bill C-233, which deals with domestic violence. In his speech, Senator Dalphond pointed out that not one of the 800 women in Spain wearing an electronic bracelet was murdered.

Had this bill been passed five or ten years ago, had it saved one, two, five or ten women from a violent death by an intimate partner, would this bill have been worthwhile?

[*English*]

**Senator Pate:** I want to prevent those deaths as well. Part of what we are talking about, and part of what I was trying to underscore, is what we also heard from folks who appeared before us, one issue being that we could already provide these provisions in law.

The Criminal Code currently allows for the types of interventions that you are talking about. The fact that they are not implemented or that violence against women is not taken seriously or the fact that many people do not report it is exactly part of the problem. It is not a desire to not have support or safety for any women, whether it is the women that you have been working with or the women that I work with. It is a function of looking at what will actually move things forward in the broader sense and protect lives overall.

I do not disagree with you. But these provisions have existed in law, and the fact that they have not been used is very much for some of the reasons that you and I both know, and the biases of the system.

It is difficult. I don't understand; I'm not in your shoes. I sympathize, and I have similar attitudes and values and desires to see these issues addressed. Having worked in that system for so long, I cannot see this doing that. I want to see some measures that will actually change what happens. Thank you.

[*Translation*]

**Senator Boisvenu:** I have another question.

[*English*]

**The Hon. the Speaker pro tempore:** Senator Pate, you will take another question?

[*Translation*]

**Senator Boisvenu:** Senator Pate, at this time the Criminal Code only provides for the use of an electronic bracelet in two circumstances: cases of terrorism and cases where an individual has committed a fairly serious crime and there's a concern that they will flee the country. The Criminal Code doesn't authorize the use of an electronic bracelet in any other case.

Wouldn't you agree that we must expand the Criminal Code to include violent men if we know they would commit murder or endanger the life of their spouse or former spouse? Should the Criminal Code be amended to include another case in addition to the two types of cases I mentioned?

[*English*]

**Senator Pate:** I am not sure if this was your question, but I agree with you.

Too often, when women come forward and talk about the violence that is a very real threat for them, they know, because they live it — it is a very real threat — it is not believed. That is the crux, in my humble opinion, as to why you and all of us are continuing to try and move on these issues. It is not the fact that it is not a violent offence. It is the fact that it is brought down to a he-said-she-said situation. The violence is minimized. The woman isn't believed. There are racial reasons why. There are gendered reasons why. There are economic reasons why. I do not think that that is fair. I do not agree with that, but that is fundamentally why these tools are not used, because they are violent offences, and who knows better than the person who is experiencing the violence, as we both know from the many, many people — too many people — whom we have walked with and too many of whom are no longer with us.

**Hon. Marty Klyne:** Senator Pate, what we did hear from a lot of the witnesses, particularly those who were victims of very tragic, violent offences, is that they are not able to exist, they are not able to leave their homes in a sense of comfort. They would like to see this bill passed for that opportunity to have a little bit of a normal life and leave their home.

I understand what you are saying, and I agree. But sometimes it is said that one should not let perfection get in the way of progress.

I would like to see us solve all of the world's issues on things. But I would also like us to attack some of the root cause issues. At the same time, I do not see why some of these women should suffer and have to be held captive in their own homes and afraid to leave. If that gives them some sense of comfort that, while it is not a deterrent, it is certainly a preventative measure to keep the individuals who are threatening them and cut out the — I am just wondering if you think that the two could not exist in a parallel process.

I totally understand and agree with what you are saying, but I do not want to throw the baby out with the bathwater here.

**Senator Pate:** I do not disagree with you. There were some people who came before us, and as I mentioned at committee, there were many women who called who did not want to come and talk about their personal situation in front of our committee, some of whom we are meeting with to talk about, for instance, Senator Manning's framework discussions and the legislation that he is promoting, because they very much saw the same issues that were being discussed.

The least comfortable thing about this for me is that I don't doubt for one minute the objectives that Senator Boisvenu has. I hope you don't doubt that I have the same objectives. The fact is that the current provisions are not used, that provisions that have been brought in place to protect women, like mandatory charging practices, have been used mostly against women, especially Indigenous and other racialized women, and have resulted in them being criminalized in the context of them trying to escape violence. But when the police come or the Crown hears a story and — you heard Senator Simons talk about Justice Sheila Greckol, and but for Justice Sheila Greckol's decision, Helen Naslund would still be serving time in prison — 18 years —

because everybody believed that she was the problem, not the man who kept her imprisoned in her home and raped her and shot at her and shot at her children for 37 years.

• (2050)

That is the crux of the problem. We're not addressing it. Each time we add a new measure that heaps on more legal provisions, we increase the cost without increasing the effectiveness. That is where I think we have a responsibility in our role as senators to take this seriously.

It is with heavy heart that I stand up and talk about these things because I have no doubt that every one of us wants to stop this. However, will we have the wherewithal to actually do the hard work necessary to make this happen?

Thank you.

[*Translation*]

**Hon. Pierre J. Dalphond:** Would Senator Pate agree to take another question?

**Senator Pate:** Yes.

**Senator Dalphond:** In December 2021, when the Quebec government announced that it was introducing electronic monitoring devices with $30 million in funding, it was in response to the recommendation of an expert committee on support for victims of sexual assault and domestic violence in its report entitled *Rebuilding Trust*. This was one of several measures introduced by the government.

When the government announced that it would allocate $41 million in funding over five years to implement the electronic monitoring devices, the initiative was applauded, particularly by the Alliance des maisons d'hébergement de 2e étape pour femmes et enfants victimes de violence conjugale, or Alliance MH2. That organization called on the Quebec government to ensure that the electronic monitoring devices could be used effectively throughout Quebec.

Senator Pate, what do you say to those experts who concluded that these devices are an effective and necessary measure? What do you say to those women who are advocating for them in shelters and saying that this measure is necessary?

[*English*]

**Senator Pate:** Thank you for the question. It's the same thing that I have been saying here. In fact, I have spoken to those women. That was the most they felt they could get. They saw it as a way that the government could posit some support and appear to be dealing with violence against women. Some of them are from the same group who have now come forward in the CBC report that I mentioned in my comments. Those same groups are saying that this money could have been devoted to more bed spaces and might have had more effective use, because those in remote and rural communities were not being served by this.

So it goes back to the very point that I hope I have made clearly — but perhaps I haven't, and thank you for the opportunity to rearticulate it — which is that it is not that women do not say they want this, but they say they want it when it is the only thing offered. That is the issue that I think we have to grapple with as a Senate.

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

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

## PROTECTING YOUNG PERSONS FROM EXPOSURE TO PORNOGRAPHY BILL

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Miville-Dechêne, seconded by the Honourable Senator Audette, for the third reading of Bill S-210, An Act to restrict young persons' online access to sexually explicit material, as amended.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, I'm pleased to rise to speak to Bill S-210 at third reading. It has been a long road for this legislation, and I want to commend Senator Miville-Dechêne for her tenacity in working with international experts to develop solutions to this growing problem, for continuing to push forward through the legislative hurdles and for her openness to improvements along the way.

The individual and societal consequences of children viewing sexually explicit content, particularly violent material, are becoming more and more apparent as studies continue to surface. We also know that children are accessing more of this content at younger ages — as young as six years old. The overall number of children who regularly view online pornography is on the rise.

As you may know, Bill S-210 is a carefully finessed and improved version of the previous iteration, Bill S-203. Both bills were studied at the Standing Senate Committee on Legal and Constitutional Affairs and received thoughtful study with expert testimony about the profound harms done to developing brains when accessing the sexually explicit, violent and misogynistic content that is all too common on pornography websites.

In their brief to the Senate Legal Committee, the Canadian Centre for Child Protection stated:

> Research has highlighted multiple negative impacts on children from viewing pornography, which include:
>
> - Difficulty forming healthy relationships

> - Harmful sexual beliefs and behaviours. . . . A distorted belief that women and girls are always sexually available, and . . . harmful attitudes and beliefs regarding sexual consent.
>
> - A normalization of sexual harm. . . .

By now, we have heard the statistics. Most are hard to hear, and many are truly hard to believe. Dr. Gail Dines, professor emerita of sociology and founder and president of Culture Reframed, a non-profit that develops research-driven programs for parents and professionals on how to build resilience and resistance in young people to pornography, testified at the Senate Legal Committee in support of the legislation.

Dr. Dines has done groundbreaking work in this field, and the latest data and research she has compiled paints a heartbreaking picture. Her work centres around what she calls "the crisis," which she outlines as follows:

> In the absence of comprehensive, competent sex education, porn serves as the major form of sex ed for millions of kids. And what are kids learning? That degradation, humiliation, and violence are central to relationships, intimacy, and sex.

Culture Reframed has highlighted some staggering facts which illustrate the magnitude of the problem. Porn sites get more visitors each month than Netflix, Amazon and Twitter combined. About one third of all web downloads in the U.S. are porn-related. Pornhub, self-described as "the world's leading free porn site," received 42 billion visits in 2019.

In a content analysis of best-selling and most-rented porn films, researchers found that 88% of analyzed scenes contained violent physical aggression, and 50% of parents underestimate how much porn their teens have seen. A meta-analysis of 22 studies between 1978 and 2014 from seven different countries concluded that pornography consumption is associated with an increased likelihood of committing acts of verbal or physical sexual aggression, regardless of age.

Another meta-analysis found "an overall significant positive association between pornography use and attitudes supporting violence against women." In a study of U.S. college men, researchers found that 83% reported seeing mainstream pornography and that those who did were more likely to say they would commit rape or sexual assault if they knew they wouldn't be caught than men who hadn't seen porn in the last 12 months.

Lastly, 30 peer-reviewed studies since 2011 revealed that pornography use has negative and detrimental impacts on the brain. Our laws in Canada reflect the severity of the impact on the young brain when it comes to accessing pornography in the real world. However, there is a large disconnect when it comes to regulating the online world with respect to the protection of children. When one considers how difficult it would be for a child to get an R-rated film, get into an R-rated film or purchase an adult magazine, it is unfathomable that the same child can access violent, hard-core pornography in a single click. As Senator Miville-Dechêne has said, in the real world, access to strip clubs and pornographic cinema is restricted to those 18 and over. Bill S-210 essentially seeks to apply the same rule in the virtual world.

Bill S-210, if passed, would require porn sites to perform effective age verification of their users. The bill makes it an offence for organizations, not individuals, to make available sexually explicit material on the internet to a young person for commercial purposes. To avoid sanctions, pornographic websites must implement an age-verification mechanism prescribed by regulation. The law provides for maximum fines of $250,000 for a first offence. However, as witnesses pointed out, these fines are unlikely to be imposed because most porn sites are based internationally, making it difficult to enforce by Canadian law.

• (2100)

Bill S-210 accounts for this, providing an administrative enforcement process in which a designated agency can apply to a Federal Court to order the blocking of contravening websites. The process would apply after a detailed notice was sent and after the expiry of a 20-day period. In practice, this would mean that porn sites not abiding by the law could be blocked even if they are not based in Canada. It is important to note that the provisions apply only to organizations and not to individuals to avoid capturing sex workers and to directly target commercial distributors.

Most of the concerns raised in the previous version of this bill have been rectified in this version. However, a few witnesses who testified before the Senate Legal and Constitutional Affairs Committee remained concerned about the issue of privacy, and, therefore, the constitutionality of the bill. There were specific concerns raised with respect to the type of age-verification technology that may be utilized and how it may impact the privacy and security of adults who choose to legally access online pornography. Questions were raised, for example, about how personal data would be collected and stored.

The Canadian Bar Association called for a strengthening of privacy protections in the bill. Similarly, Keith Jansa, the executive director of the CIO Strategy Council, called for enhanced privacy protections, while making specific recommendations as to the language that should be added to the bill for clarification. He specified that the words "effective," "trustworthy," "privacy preserving" and "age verification method" be included in the legislation.

Senator Miville-Dechêne moved an amendment to this effect during clause-by-clause consideration in committee.

The amendment specifies that the Governor-in-Council must consider, before prescribing an age-verification method, whether the method is reliable; maintains user privacy and protects user personal information; collects and uses personal information solely for age-verification purposes, except to the extent required by law; destroys any personal information collected for age-verification purposes once the verification is completed; and generally complies with best practices in the fields of age verification and privacy protection.

While this amendment may not satisfy everyone who remains concerned about the constitutionality of this proposal, it is relevant that our esteemed colleagues on the Legal and Constitutional Affairs Committee vetted both versions of this legislation. After careful, thoughtful consideration, the committee ultimately decided to proceed with the bill as amended.

The committee recognized the harms associated with this growing problem and our role as policy-makers in offering the best possible solution. If a constitutional challenge were to arise, the courts, as always, would be best placed to handle that discussion.

Honourable senators, while young persons' access to harmful, sexually explicit material is on the rise, so is the level of awareness and openness to call out the harms of the porn industry.

Last year, Billie Eilish, an internationally known singer-songwriter with hundreds of millions of social media followers made headlines when she appeared on the "Howard Stern Show." She spoke out about a very deep, personal struggle she had endured following repeated exposure to pornography beginning at the age of 11. She spoke about the devastating impact this has had on her ability to develop relationships with others. In a poignant moment, she said, "I think it really destroyed my brain and I feel incredibly devastated that I was exposed to so much porn."

The words "destroyed my brain" may sound hyperbolic, but there is a multitude of conclusive research on the harmful impact of pornography on an adolescent and pre-adolescent brain. Girls who view porn have higher rates of self-harm and are more vulnerable to sexual exploitation and trafficking.

For boys, as you may expect, the harm tends to manifest as sexual aggression toward women, dating violence in high school and a difficulty in forging intimate relationships with women in real life.

And, regardless of gender, young people who view pornography have higher rates of anxiety and depression.

The severity of this issue cannot be overstated.

While this legislation will not solve the problem in its entirety, it is a critical step toward reducing the number of children impacted and the level of exposure.

We recently had the opportunity to have a version of this proposal enacted expeditiously through Bill C-11. Senator Miville-Dechêne introduced this as an amendment during clause-by-clause consideration at the committee's study. The amendment passed in committee and again at third reading. This could have been a major step forward for this movement, yet, sadly, the Trudeau government struck this provision from the bill.

This makes the swift passage of Bill S-210 all the more important.

As a former educator and mother of a daughter, I know how impressionable young minds are, and how critical the early years are in shaping their development. For our children, and for future generations, let us use the powerful and privileged role we have in this chamber to treat this matter with the urgency it requires and make this necessary change in our law.

I will leave you with some thoughtful words from Dr. Gail Dines' testimony before the Senate Legal Committee:

> When I first started this work over 30 years ago, to buy any pornography material, you had to prove that you were over 18. As pornography moved online around 2000, not only did it become more hardcore, cruel, violent and abusive to women, but it became universally accessible. It is now just a click away.
>
> How have we reached this point where kids as young as 7 are accessing pornographic materials that show women being sexually abused for commercial purposes? Where are the policy-makers and professionals tasked with safeguarding children? Indeed, where are all those adults with a vested interest in the well-being of the next generation?
>
> The good news is that a lot of them seem to be here in Canada, taking a bold and courageous stand to support a bill to stop kids from being pulled into the world of hardcore porn.

Honourable senators, let us take this bold and courageous stance and make Canada a leader in protecting youth from the destructive, violent, misogynistic content that is perpetuating irreparable harm. Bill S-210 is only a step — but an important one — in the right direction, and it has the potential to have a profound impact on our children and future generations.

Thank you.

[*Translation*]

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

**Hon. Senators:** Agreed.

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

[*English*]

## LEBANESE HERITAGE MONTH BILL

### THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Dalphond, for the third reading of Bill S-246, An Act respecting Lebanese Heritage Month.

**Hon. Leo Housakos:** Honourable senators, as a friendly critic of this legislation, not only am I rising to express my unreserved support for this bill, but, in so doing, I also promise not to take up the full 45 minutes of my allotted time.

• (2110)

I'll start by thanking the sponsor, Senator Jane Cordy, for bringing this legislation forward, and for all of her hard work, and that of her team, in getting it to this point.

The vast majority of Lebanese immigrants came to Canada between the years of 1975 and 1990. They were fleeing the Lebanese Civil War, which drives home the point that so many immigrants have come to this country fleeing desperate situations in their homeland. They've come here seeking freedom, peace, opportunity and prosperity.

Like every single Canadian — arriving directly or indirectly — who has been here for years, we've come here fleeing either civil war or economic hardship, looking for freedom and opportunity. Of course, that is what this great country has offered to immigrants for decades and decades.

But Canada's Lebanese communities date back much further than that. There are some who can trace their roots all the way back to the first influx of Lebanese immigrants who came through Halifax's Pier 21 in 1880.

My own parents came through Halifax in the late 1950s, seeking refuge from a beautiful homeland but, nonetheless, one that was ravaged by civil war, economic hardship and the devastations of World War II. They came here with the dream of a better future for themselves and their children. They achieved that through hard work and perseverance.

I remember saying to my parents — and my mother, in particular, who is no longer with us; God rest her soul — "You left your country at the age of 17, and travelled halfway around the world. Many years later, what are your thoughts about your decision?" My mother said, "I'll never trade that decision for anything in the world, and I'll never trade this country. As a young woman in my country, I worked extremely hard; and the harder I worked, the more I remained standing in the same place. The future seemed bleak. I came to Canada with one dream: following the rules and laws and working hard. The harder I worked, the further I got."

That is what Canada is all about to all the immigrants whom we have embraced. Of course, the Lebanese community is just one of the sums of all the parts of this great country. Like many immigrant groups, they came to this country, worked hard and contributed to the fibre of our country — they have done so culturally in terms of the wonderful Mediterranean cuisine that we all enjoy, and that has emulsified into Canadian cuisine. It doesn't matter whether you're Asian, South Asian, Greek, Italian, Irish or French; you put it all together, and that's what Canada represents — the best of all that the world has to offer.

The Lebanese community has excelled as entrepreneurs. We've seen this from coast to coast to coast. They have added to the cultural fabric of this country. Many who fled Lebanon came to this country already being officially bilingual — they didn't need to enrol in the French immersion program — and they blended into that fibre in terms of our bilingualism. The Lebanese community is vibrant in Halifax — in English.

[*Translation*]

The Lebanese community is also vibrant in Montreal — in French. It is a minority community, but one that is well integrated into Quebec, in French.

[*English*]

In Canada, we have many examples of members of the Lebanese community who have excelled in all walks of life. In athletics, Nazem Kadri is an NHL hockey player and Stanley Cup champion; and Marwan Hage is a Grey Cup champion who played for the Hamilton Tiger-Cats. There have been many politicians of Lebanese descent. The former premier of Prince Edward Island, Joe Ghiz, was such a good premier that, years later, they elected his son as premier.

In the Parliament of Canada, in our own chamber, Senator Pierre De Bané was one of those giants from whom I learned about how to do my job in the upper chamber. Ziad Aboultaif is a Conservative member of Parliament from Alberta. Lena Metlege Diab is a Liberal member of Parliament from Nova Scotia. Fayçal El-Khoury is the Liberal Member of Parliament for Laval —Les Îles. There are so many others, including Kevin O'Leary — we can go on and on. We all recognize their great contributions.

I thank Senator Cordy for moving this bill — it is important. Some will make the argument that we already have too many heritage months and too many days, and pretty soon we're going to run out of days. Senator Plett and I have had a couple of debates on this in private. I am of the view that our institution has to represent all the sums of our country, and we have to celebrate the contributions of every single group. If we have a multiple number of celebrations on a multiple number of days, so be it. At the end of the day, we, as parliamentarians, have to recognize and celebrate our diversity. That's what being Canadian is all about. That is why I wholeheartedly support this initiative by Senator Cordy, and I hope that we provide it with unanimous support. Thank you, colleagues.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

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

## PENSION PROTECTION BILL

### BILL TO AMEND—THIRD READING

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. David M. Wells:** Honourable senators, I am pleased to rise once again to speak at third reading as the Senate sponsor 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.

Before I begin, I want to thank the Standing Senate Committee on Banking, Commerce and the Economy and its chair, Senator Wallin, for the expert work on this bill. The committee held three meetings, heard from 16 witnesses and received 27 briefs. We had extensive discussions with the witnesses, and ultimately agreed that Bill C-228 should be passed without amendment.

I also want to thank my colleague Senator Yussuff, who has been a strong advocate for this legislation and the best critic that a sponsor could hope for. It has been gratifying to be able to work together on advancing a bill that is long overdue — and Senator Yussuff's collaboration attests to the importance of this legislation, and the urgent need to see it become law.

Lastly, I wish to give credit to the author of this important legislation, Marilyn Gladu, the Member of Parliament for Sarnia —Lambton. She has created legislation that directly helps Canadians in an area that has a significant effect on their retirement and quality of life. MP Gladu appeared at committee to defend the bill, and her skill and commitment were impressive.

Colleagues, as I mentioned in my second reading speech, this bill has three simple elements: The first is that people holding defined benefit pension plans move up the line of priority for payout if a company goes bankrupt. Bill C-228 will finally ensure that, in the case of insolvency, pensions get paid ahead of large creditors and executive bonuses.

Second, this legislation will provide a mechanism to transfer funds into a pension fund in order to restore it to solvency.

Lastly, it will require that the Superintendent of Financial Institutions provide an annual report to Parliament that details:

> . . . the success of pension plans in meeting the funding requirements . . . and the corrective measures taken or directed to be taken to deal with any pension plans that are not meeting the funding requirements.

All three of these are critical changes that will help secure the deferred income of employees who participate in private defined benefit plans.

Before going further, I would like to take a moment to correct the record from my second reading speech. During the questions that followed my speech, Senator Dalphond asked whether the Pension Benefits Standards Act applies only to federal pension funds, or if it also applies to those that are regulated by the provinces. I mistakenly said that it did apply to provincial pension plans, but it does not — not entirely. I'll explain.

Bill C-228 amends three separate statutes. One of these is the Pension Benefits Standards Act, 1985. This legislation only impacts federally regulated pension plans. Bill C-228's amendment to the Pension Benefits Standards Act simply creates the requirement for a detailed annual report on federally regulated plans. It does not create any requirement for reports on provincially regulated plans and, thus, does not encroach on provincial jurisdiction. I believe this was Senator Dalphond's concern, and he is correct.

The other two acts being amended by Bill C-228 are the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act. Both of these acts are national in scope and impact the bankruptcy and insolvency proceedings of all corporations in Canada, whether federally or provincially incorporated. That is what I was referring to when I answered his question.

• (2120)

While the amendments to the Pension Benefits Standards Act, or PBSA, create the reporting requirement, everything else in Bill C-228, including establishing a new order of priority — which is the key element to this bill — is created by amendments to the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act.

Colleagues, pensioners' groups have been calling for this legislation for a long time, and they appeared at committee to give us their wholehearted endorsement. They noted that Bill C-228 will finally provide a much-needed increase in protection for millions of Canadian seniors and their families who rely on defined benefit pensions for their financial security in retirement.

As I noted earlier, Bill C-228 does this by placing the interests of people before banks. Currently, if a company with a defined benefit plan becomes insolvent or declares bankruptcy, as we've seen in Canada's recent history, pension plan holders have no seat at the table. When it comes to collecting what is owed to them, they fall to the end of the line with all of the other unsecured creditors. Bill C-228 addresses this by moving them up to what has been termed "super-priority status." This is the status already given to outstanding salaries and allowances owed to employees, along with any employee or employer contributions to a registered pension plan. This legislation now puts pension benefits in the same category. And since pension benefits are deferred income, this change makes perfect sense.

However, colleagues, I want to point out that this does not guarantee that pension plan benefits will always be paid in full in the event of insolvency or bankruptcy. There could be cases where in spite of pensioners' having super-priority, the assets of the bankrupt company are still not sufficient to cover all of the super-priority claims. However, what the bill does do is push pensioners to the front of the line instead of leaving them at the back.

Furthermore, by creating an annual reporting requirement, the amendments brought by Bill C-228 will result in greater accountability and transparency, which will help ensure that the pension plans are fully monitored and funded.

These simple objectives explain why Bill C-228 received unanimous support in the other place. All 318 members of Parliament present for the third-reading vote on November 23 voted in favour of the bill, including the Prime Minister; the Minister of Finance; the Minister of Innovation, Science and Industry; the Minister of Justice; and 31 other ministers. With that kind of support behind a private member's bill, it is difficult for anyone to muster a case against it. But some still tried.

A number of associations, including pension managers along with financial and business interests, expressed their concerns about the bill, and the committee considered them carefully. Since you may have heard these concerns but did not have the opportunity to be part of the committee hearings, I'd like to take a few moments to address the main ones.

The first concern, which was heard repeatedly by the committee, was that Bill C-228 will actually hurt pensioners if it passes because it will cause employers to discontinue their defined benefit plans and leave them with inferior defined contribution plans.

Colleagues, let me say, first of all, that even if this claim were true, a secure defined contribution pension plan is more valuable than an unsecured defined benefit plan. Pension benefits that can be cut by 10%, 20%, 30% or even 50% in the event of bankruptcy do not provide much security. If this is the biggest threat that opponents of Bill C-228 can come up with, it doesn't carry much weight with pensioners.

But as it turns out, this threat is easily dismissed. As pointed out by numerous witnesses, private defined benefit pension plans have already been in decline for more than 20 years. In the year 2000, 21.3% of private sector pension plans were defined benefit plans. By 2020, that number had dropped to 9.6%. And it's even lower now, colleagues.

The reasons for this decline in defined benefit plans have not been fully documented, but one contributing factor, which was pointed out at committee, is that single-employer defined benefit plans no longer entice employees like they used to. To maximize your benefits from single-employer defined benefit plans, you need to work for the same employer for 25 or 30 years. The problem is that most people no longer see that as a probable career path. Single-employer defined benefit plans have been fading out of use for decades. It is an empty threat to suggest that Bill C-228 is going to somehow create what is already happening and has been happening for a generation.

But, colleagues, in addition to this, there are at least three other reasons why Bill C-228 is not a threat to existing defined benefit plans and the pensions of the more than 1.2 million Canadians who continue to participate in them. First of all, in the event that Bill C-228 did spook an employer to terminate their defined benefit plan, many of these plans are subject to collective bargaining. As noted by one witness, these companies are unlikely to be able to terminate their plan without finding agreement at the bargaining table.

Secondly, even if they are successful at negotiating the termination of a defined benefit pension plan, that plan cannot be wound up until it is fully funded. This means that every employee who is currently drawing a pension under that fund or has accumulated future pension benefits would be protected. Under the existing law, if you wrap up a defined benefit pension plan, the company must fully fund any shortfall within five years.

Thirdly, if an employer has any concerns about the impact of Bill C-228 but wants to offer a single-employer defined benefit plan to their employees, they still have the option of participating in a multi-employer pension plan. These plans are going strong and seeing significant growth in numbers, in part because they offer employees the ability to have one pension plan even if they change jobs among participating employers.

In addition, because their pension funds are pooled across multiple employers, a member's pension is not impacted if their employer goes into bankruptcy. Their plan remains intact because it is part of a much larger fund that is not just dependent on one employer. In fact, one of the witnesses who appeared at committee was from the CAAT Pension Plan, which expressed its concern that employers might mistakenly think their multi-employer pension plan would be subject to Bill C-228.

However, CAAT acknowledged in its brief that this perception would be inaccurate. They noted that:

> Across Canada there are multiemployer pension plan types . . . where the employer, by legislation, does not have any obligation to fund amounts beyond their monthly contributions.

They went on to say:

> We recognize that the Bankruptcy and Insolvency Act cannot create a debt where one doesn't exist and thus shared-risk multiemployer plans are likely not covered by Bill C-228.

In this they are correct. Bill C-228 does not create liabilities in the event of insolvency or bankruptcy. It merely ensures that where liabilities exist, those belonging to employee pension plans get their proper priority, along with any wages and salaries that are owed.

The committee's report to the Senate on Bill C-228 contained an observation noting this fact that multi-employer pension plans:

> . . . fall outside the scope of the bill and that only employers who are legally responsible to backstop a pension plan fund are liable to provide due payment to their employees upon bankruptcy.

That was a clarification, colleagues, that we decided to put in the observations.

Another concern that the committee heard about with Bill C-228 was that giving super-priority status to employees' pension plans would carry a high risk of hampering the company's access to credit. This, colleagues, is a curious objection to the bill. At its core, it is arguing that it is the employees who should carry the risk associated with their pension plans, not the employers. It is arguing that if you make employers carry the responsibility to follow through on the

commitment they make to their employees, that this is unfair to employers and will somehow threaten the viability of their business.

Not only is this a strange position to take, but it should be noted that, first of all, if a company can demonstrate that their defined benefit plan is fully funded, as it should be, then there would be no such risk.

Secondly, Bill C-228 is going to give employers four years to make sure their plans are solvent and will incentivize them to keep them solvent. And if a company cannot get their plans to a position of solvency within four years, then they obviously are a higher risk, so perhaps they should be paying higher interest rates.

To suggest that the law should not protect employees' pension plans just so employers can have access to cheaper credit is astonishingly self-serving. It suggests that it is the employees who should carry the business risk. The committee did not buy this argument.

The committee was also presented with the concern that in the event of insolvency, Bill C-228 could prevent a company from restructuring or allow a buyer to purchase the business and assume the liabilities of the pension plan in order to keep it whole. The implication is that the act of moving pension plan liabilities to super-priority status will somehow remove options for restructuring that would otherwise be present.

• (2130)

That is incorrect. What Bill C-228 will do in the event of insolvency is ensure that pensioners have a seat at the table in that restructuring process. As noted by the Canadian Labour Congress:

> Without super-priority status for the pension plan deficit, pensioners and plan members are put in a very difficult and unfair situation. In order to avoid a windup of their pension plan — and truly catastrophic cuts to pensions and benefits in a liquidation, plan members are pressured to "voluntarily" agree to draconian cuts to pensions and benefits in CCAA proceedings. Typically, workers and plan members are pressured early in the proceedings to agree to massive cuts, with the threat of even more devastating cuts if they resist.
>
> Since they currently have no protections in the event of bankruptcy and liquidation, they are threatened with losing everything, unless they agree to deep pension and benefit reductions . . . .

Colleagues, Bill C-228 does not increase the risk for pensioners; it decreases it. In the event of restructuring, it gives them a loud voice and a much stronger bargaining position instead of punting them to the back of the line. Bill C-228 is much needed and long overdue. On behalf of workers across our nation, I'm asking that we pass this legislation expeditiously and give workers the protection they deserve. Thank you.

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

**Hon. Hassan Yussuff:** Honourable senators, I rise today to speak to Bill C-228, the pension protection act.

This is a day that many pensioners, advocates, workers and union activists have worked tirelessly and selflessly for decades to make a reality. Today is about them and their efforts in achieving something historic for workers and pensioners.

Colleagues, you can play an integral role in writing an end to this story by supporting this legislation today without amendment.

When people ask me what Bill C-228 is about, my answer is simple: It is about fairness, respect for workers' contributions and a commitment to their employers and about the right for all of us to enjoy a dignified retirement.

Senators, I would like to first recognize and thank Senator Wells for sponsoring the bill. He is a great colleague to work with. I want to also thank my colleagues on the Senate Banking Committee for their incredible work, Senator Wallin for chairing that committee and all members of the committee for the very important work we did in bringing the bill back to the Senate.

I believe the committee members understand the inherent injustice that pensioners across this country have endured because of our current bankruptcy laws. I know that although this might not be a perfect solution, it is the best solution available to us right now to protect the retirement futures of workers and pensioners.

Colleagues, the critics of the bill base their arguments in the potential unintended consequences should it become law. They say the bill might make it harder to access capital, it may increase the borrowing costs or it could lead to fewer defined benefit plans — could, may or might. Those are the words that have little value compared to the certainties of what current bankruptcy laws have cost workers and pensioners whose companies have gone bankrupt with a pension deficit.

Our current laws place those workers' dignity and respect for their lifetimes of work at the back of the line.

Colleagues, it is those known inherent and harmful consequences of our bankruptcy laws that I ask you to fix for the benefit of workers who, in good faith with their employer, agreed to deferred wages today for a more secure retirement tomorrow.

Senators might ask what makes a defined benefit plan so special that it deserves a super-priority in bankruptcy if there is a deficit. It depends upon how much you value the trust and importance of keeping a promise when it comes to a company's most important assets: its workers. Employer-sponsored defined benefit plans are part of the collective bargaining and employment agreement process. They are negotiated and agreed to in the same way as wages.

Workers will often agree to lower their wages today, preferring that the money goes into a pension plan to provide them with a more secured retirement tomorrow — in essence, a deferred

wage. This negotiated agreement is based upon a promise by their employer to make the necessary contributions to their employees' pension plan and the trust by those employees in the employer to do so.

Workers' retirement futures are premised on the promise being kept and the trust being respected. For most employer-sponsored pension plans, the promise is kept, and the trust is proven to be well placed; however, for some plans, the employer has broken their promise and betrayed a trust that was placed in them. We know their names: Nortel, Sears, Eaton's, Massey Ferguson, Cliffs Natural Resources and many more. The consequences of this can be devastating for the pensioners and their families, who work a lifetime on the belief that the promise will be kept, and the trust respected.

I want to take a moment to talk about what it means for pensioners when the promise is broken and the trust is shattered by sharing some of the stories of pensioners who have been affected by the unintended consequences of our current bankruptcy law.

Ron, Audrey and Attilio are 3 of over 1,600 former Sears employees who had to deal with the reality that their pension would be cut by almost 15%. Here are excerpts from the Sears Canada Retiree Group's submission on this bill. Ron Husk from Mount Pearl, Newfoundland, who worked for Sears for 35 years, said, "It's terrible. I stayed awake at night thinking about it and I don't know what to do."

That is what the 77-year-old former appliance salesman said. Ron had to return to work to supplement the loss in his pension benefit.

Audrey of Beaver Dam, New Brunswick, worked for 50 years for Sears. She stayed until the last day the store was open. She just could not believe that the pension she had paid into and that was promised to her for her lifetime of work could now drop by 20%. "It is just so unfair," she said.

Attilio from Alberta had to consider returning to work in sales to make up for the lost income. That was something he was not looking forward to doing. "Who the hell's going to hire a 73-year-old guy?" he said. "I can only stay on my feet for so many hours. I have arthritis." Attilio worked for Sears for 44 years.

From the United Steelworkers' brief that spoke about the 1,700 pensioners at Cliffs Natural Resources that went bankrupt in 2015: for Rose and Aurelien, Cliffs' bankruptcy meant a loss of $400 a month. "At our age, we can't say that we're going back to work. We have to live with what we have left," they explained.

White Birch Paper's Stadacona pensioners faced a 47% cut to their pension in December 2012. In the end, after making some gains, they must live for the rest of their lives with a 30% reduction or cut to their pension. All of them were affected in some way — health, family, recreation, et cetera. Many must now live below the poverty line. Some are going back to work at the age of 70 or older, if they are healthy enough to do so.

• (2140)

Honourable senators, this bill is about ensuring there will be no other pensioners who will have to suffer the same fate as the pensioners of the past bankruptcies. Commercial creditors like banks and financial institutions are sophisticated lenders who can take steps to protect their investments against the risks of default. They can scrutinize their loans, transferring risk to the investor. They can expect companies to fully fund their pensions, benefit plans and prudently manage the risk. They can also require increased disclosure about the funded status of their pension plan.

Pensioners, however, are unable to protect their pension and benefits against the risk of default. They don't have multiple private pension plans and savings to make up the loss, and they have no power over their former employer to keep their pension fully funded.

I would like to return to the issue I mentioned earlier of unintended consequences, something we heard critics talk about often and, in particular, how this bill may affect a company's ability to access capital. Honourable senators, I would argue this issue is not whether a company may not have access to capital. This issue is about the consequences of the financial choices a company makes when there is a pension fund deficit. The only unintended consequence of this bill is that the financial choices a company makes will now include, of course, pensioners' interests, something the current bankruptcy laws have purposely intended not to consider. I believe, like many, that by changing the rules, companies will change their behaviour.

Do I believe that this change in behaviour will be encouraged by lenders who will be more vigilant in ensuring companies they lend to have a healthy pension plan? Yes, I do. Will that mean companies would not be able to pay a dividend or purchase shares back before their deficit is addressed? Very likely.

Honourable senators, don't you think that this would be a good outcome if it means pensioners would be less likely to lose a significant portion of their retirement future?

Before I conclude, I want to thank and recognize, of course, the many people who have made today possible. First, I want to start with the parliamentarians who began proposing private members' bills and public bills going back over 15 years. Two of them were right here in this chamber in the past. Our current speaker, of course, is one of those people, and Senator Art Eggleton is one of those people who retired from the Senate. Their efforts made the path easier for MP Marilyn Gladu, working with all parties in the other place, to achieve this unanimous support for this bill.

I also want to recognize the work of labour groups such as Unifor, United Steelworkers and the Canadian Labour Congress, who never let the issue die on behalf of their members and pensioners.

I would also like to thank the pensioners who have taken the time to call, email and write letters not just to me, but to every senator in this chamber. Many of those people will not benefit from Bill C-228, but they nevertheless shared their heartfelt stories of stress, struggle and hard work with all of us.

Finally, I want to especially recognize the pension advocates and their tireless and selfless efforts fighting for a fairer future for pensioners across this country. I want to recognize and thank groups like the Canadian Federation of Pensioners, Yellow Pages Pensioners' Group, Air Canada Pionairs, CanAge, CARP, the Canadian Network for the Prevention of Elder Abuse, Réseau FADOQ, the Congress of Union Retirees of Canada and the National Pensioners Federation. They have fought, not for their benefit, but for the benefit of the next generation of pensioners in this country. All of these people and groups are why this bill is before us today.

They are looking to us to take the final step to ensure a fair and dignified retirement for pensioners like themselves.

In conclusion, honourable senators, what we have before us is a bill that is about fixing unjust bankruptcy laws. Laws that have kept people's dignity and respect for their lifetime of work far too long at the back of the line in bankruptcies they had no part in causing in the first place.

Workers and pensioners should not be written off as expendable in insolvency proceedings, as has been in the cases of the Nortel, Sears, Massey Ferguson and White Birch Paper Company bankruptcies, along with many other companies. Companies can fully fund their pension plans, but they choose not to since current legislation allows them to underfund their plans, with the unintended consequence that no one gets hurt except the workers and pensioners. Today, colleagues, you can right the wrong and restore fairness for workers and pensioners in our bankruptcy laws to ensure that their work is placed at the front of the line, not in the back.

The question, of course, you need to consider is whether, after a lifetime of hard work, anybody should have to struggle to make ends meet in their retirement because of an unjust law. Honourable senators, I believe the answer is no, and I would urge you, of course, to support pensioners' rights to a dignified retirement by adopting this bill.

On a personal level, I have waited 30 years to give this speech. I thought one day the law would finally change. I never expected to be in this chamber when it would happen.

I have to say that how we got here is not quite normal. I want to thank MP Marilyn Gladu for her openness to collaborate with me. I contacted her and asked her about her bill. She said, "Absolutely." I said, "I have some suggestions. Would you like to consider them?" She said, "Okay." We talked, we collaborated and more importantly, of course, was her openness to work with other parties in the other house to achieve the same objectives. I cannot begin to tell you how monumental a task that was to get people here.

In closing, colleagues, there are many sad stories that I can continue to tell you, but I know that for the men and women who would have loved to be here tonight to join us in this discussion and witness this debate — because of the timing of the bill, they are not here — but I know for certain they will have a toast to thank us for doing the right thing. I know you will join my colleagues and I and hopefully vote to support this bill as is, without any amendments, and truly create history for working people in this country.

Thank you.

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

**Hon. Tony Loffreda:** Honourable senators, I rise today at third reading to speak in support of Bill C-228, the pension protection act, introduced in the other place by our colleague, Conservative MP Marilyn Gladu, and skillfully sponsored here by Senator Wells. I thank them both for their work and commitment in getting this bill through Parliament to protect the pensions of Canadian workers.

As you know, Bill C-228 seeks to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act to give pensioners super priority status when companies are undergoing bankruptcy or insolvency proceedings. This is a welcome change, and it has been a long time in the making.

During our committee deliberations, we were often reminded that Bill C-228 passed with unanimous support in the other place: 318 votes in favour; 0 votes against. If our inboxes are any indication, hundreds — if not thousands — of Canadians have sent us emails asking that we adopt this bill as soon as possible.

I agree with them. This is a good bill. Its intentions are worthy, and it should be adopted as soon as possible — tonight, if possible.

Most of us can probably get behind the idea of giving pension entitlements and benefits a super priority status in insolvency proceedings. Workers have spent their lives working hard and contributing to their pensions, and we need to protect them. It is only fair to do so. I agree with what Senator Yussuff just said: that a company's most valuable assets are their workers.

I always used to have the magic triangle where you have the client on top, the shareholders and the workers. Without the workers, the client won't be happy.

However, I want to share some concerns that must be monitored going forward for the benefit of all future workers. I have always said, "Businesses create jobs. If businesses thrive, clients prosper, communities prosper and workers prosper." I want to bring those arguments forward, as well as what we heard in committee.

• (2150)

Some stakeholders shared concerns that giving pension liabilities priority over the interest of secured creditors may make it increasingly more difficult to obtain financing and it may make the DB, or defined benefit, pension plans less attractive and less popular.

At present, employer pension liabilities only have superpriority under Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act to the extent that they are, one, unpaid amounts deducted from employee remuneration for contribution to the pension fund or, two, unpaid normal costs or

other unpaid amounts that the employer was required to contribute to the pension fund or administrator under a defined contribution provision or registered pension plan, respectively.

Bill C-228 proposes to expand the list of pension liabilities that have superpriority to include, first, special payments that the employer is required to pay to the fund to liquidate an unfunded liability or solvency deficiency and, second, any amount required to liquidate any other unfunded liability or solvency deficiency of the fund.

When we refer to a pension plan's unfunded liabilities, this usually represents the additional amount that needs to be added to the fund's assets to enable the fund to continually pay benefits as they come due if the fund were to operate indefinitely. The solvency deficiency is the additional amount that the fund needs to meet its obligations if the fund were to be wound up.

Unfunded liabilities and solvency deficiency do not have a fixed value as they fluctuate from time to time and can only be assessed by actuaries at a certain point in time. This can be problematic in cases that involve defined benefit pension plans.

For greater clarity, a defined benefit pension plan, as defined by Statistics Canada, is a type of pension plan in which an employer or sponsor promises a specified pension payment, lump sum or combination thereof on retirement. The employer is responsible for managing the plan's investments and risk.

We know that membership in a DB plan accounts for two thirds of the total membership in registered pension plans in Canada, which represents 4.4 million Canadians. We also know that in the private sector we've witnessed a sharp decline in DB plans. According to Statistics Canada, 21.3% of private sector plans were DB plans in 2000. That number dropped to 9.6% in 2020. We were reminded in committee that there is also a growing trend among employers, big or small, who have defined benefit plans to switch to defined contribution plans, which, of course, is not the ideal scenario for Canadian workers. For instance, defined contribution plans, along with composite plans and hybrid models, have increased from 6.8% in 2000 to 14.5% in 2020.

I strongly believe that a DB pension plan still has numerous benefits when properly funded. The problem is, the unfunded liabilities are not always intentional. There is so much uncertainty involved in funding those pension plans. So they must be properly funded, and there are many solutions to have them be properly funded. However, given the uncertain value of unfunded liabilities and solvency deficiency in DB plans, lenders will be unable to determine the quantum of any potential pension liability in the event of a future bankruptcy — as I mentioned, uncertainty. This inability to reliably measure the risk will likely constrain lenders in granting credit and increase the cost of borrowing for borrowers with DB plans, especially in an insolvency workout scenario, and, ironically, this could potentially heighten the risk of bankruptcy.

As I said, I do support the plan. I agree with it. But these risks must be monitored going forward. As a former banker, I can attest to the fact that bankers do not like uncertainty or risks they are unable to identify or mitigate. Lenders lend on margin formulas, which are exact, and precisely reduce prior claims in order to determine borrowing margins. These margins may be reduced with the passage of the bill, especially in situations of insolvency, and it may have the counter effect of making company restructurings more difficult.

Ultimately, it is likely that Bill C-228 may cause or even accelerate a shift by employers from defined benefit pension plans to defined contribution plans. Effectively, although the bill is intended to protect pension plans, a potential result may be that employers use the four-year transitional period to move away from DB plans.

Randy Bauslaugh from McCarthy Tétrault recently wrote for the C.D. Howe Institute that the passage of Bill C-228 would likely transfer financial risks to creditors, shareholders and financial partners. In turn, lenders:

> . . . will impose additional conditions on loans or capital. This will include increased security guarantees to rank ahead or equal with the pension liabilities, imposition of higher borrowing costs, insistence on full, rather than provisional funding of accruing liabilities, and many will just require the employer to give up its defined benefit pension plan.

He even suggests that lenders and other financial players are already being advised to review and modify documents to ensure debtors or partners do not have or do not set up defined benefit plans. If this reflection is correct, it may foreshadow what is to come.

Industry leaders from the banking and pension sectors, in a joint letter, echoed Mr. Bauslaugh's comment and cautioned that ". . . Bill C-228 would fundamentally alter the risk profile that is assessed by creditors . . ." who would likely respond to adjust for the increased risk profile that would stem from the potential of not having a loan repaid.

The Canadian Association of Insolvency and Restructuring Professionals also told our committee that they fear:

> . . . the super-priority will likely cause a gradual elimination of remaining DB plans because of the challenges in raising secure debt financing.

The association believes that C-228 is:

> . . . likely to affect restructuring proceedings under the insolvency legislation by having a chilling effect on interim financing necessary to explore a restructuring process or exit financing to complete the process.

And it would save jobs for the workers.

Jean-Daniel Breton, the Chair of the Association, noted that:

> Anytime that a lender has an ability to decide whether or not to extend credit, they will take into consideration the amount of risk that is perceived with regard to the enterprise.

His colleague Alexander Morrison added that when a company is going through a restructuring process and gets into financial difficulty:

> . . . it's critical to have interim financing to buy time to allow that restructuring to occur. If we have lenders who specialize in doing that interim financing, they are going to be very reluctant to lend into a situation where there is a large potential priority claim on a defined benefit pension plan that will rank ahead of their loan.

To counter what some of the industry players have said, we were told in committee that banks will find ways to adapt and to protect themselves and to work through the system. I agree that banks will adjust. They will re-evaluate their margin formulas, which may make it more difficult for companies to access financing if the calculations lead to a negative number. However, the issue is not so much with the bank or only with the bank, but with the employer who wants to set up a DB pension plan knowing the banks will consider the prior claim. Banks will assess the risks and could ultimately charge more to access capital or simply reduce its lending capacity. We may, in fact, see a further decline in DB plans due to this legislation, and yet, we should be encouraging employers to adopt DB plans. I believe they have many benefits over defined contribution plans.

On the contrary, with today's tight labour market, maybe employers will feel the added pressure to adopt DB plans as a way of attracting and retaining employees. This argument was made in committee, and I hope it will be the case. Like I said before, when businesses and employers thrive, communities and employees prosper and jobs are created.

Honourable senators, in light of what I just said, I want to reiterate my support for this bill. I do support it. It is pivotal that we protect the pensions of hard-working Canadians who have contributed to and rely on their pensions for a well-earned retirement. However, I felt it was important to address and monitor some of the possible unintended consequences of this bill and some of the shifting dynamics that may affect the relationship between businesses, lenders and workers with the passage of Bill C-228.

I certainly don't want to come across as an alarmist, but I contend that creditors or banks will adjust their approach to lending, and it may make it increasingly more difficult for struggling companies to restructure. The case of Algoma Steel in Sault Ste. Marie is one such recent example we heard about in committee. I heard many times about when cheques were being paid, bonuses or dividends — I monitored many companies in my early banking career that were insolvent, and I would never approve a bonus, cheque or dividend in an insolvency. Those cheques would never be approved. In that case, the bank works with the company to keep it viable, alive and going forward. Those cheques are never approved in the case of restructuring.

Like the Canadian Chamber of Commerce, I feel that:

> Struggling companies would have greater difficulty securing loans, thereby undermining a core objective of insolvency legislation – to encourage successful restructurings that allow companies to continue employing Canadians . . .

• (2200)

As senators, I believe we have the luxury of taking the long view on issues, and I am concerned that Bill C-228 may not necessarily achieve its intended objectives of always benefiting future workers and putting them first. It would be a shame if Bill C-228 does not do that.

Some might even argue that Bill C-228 may be benefiting current workers and pensions, but it may negatively impact future workers and pensioners, those who have yet to join the workforce and who may end up with no pensions at all or less favourable plans.

I hope that defined benefit pension plans will not continue their downward trend with the passage of this bill. Defined benefit plans offer greater security to pensioners, and, as we were told in committee, they also offer protection from marketplace volatility. We want to encourage employers to adopt these plans. It will be important to monitor the situation and gather data in the coming years to accurately reflect the changing landscape in the pension plan environment, particularly during the four-year transitional period.

I urge us to adopt the bill as-is today. Canadian workers and pensioners are relying on us to do so. However, I call upon us to monitor the situation and evaluate if the bill has any unintended consequences for current and future pensioners. Hopefully it won't. Thank you.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

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

## VISITORS IN THE GALLERY

**The Hon. the Speaker pro tempore:** Honourable senators, I wish to draw your attention to the presence in the gallery of the following Members of Parliament: Anju Dhillon, Pam Damoff and Ya'ara Saks. With them are representatives of women's shelters in Ottawa, Toronto and Montreal. They are the guests of the Honourable Senator Dalphond.

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

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

## CRIMINAL CODE
## JUDGES ACT

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Dalphond, seconded by the Honourable Senator Bernard, for the third reading of Bill C-233, An Act to amend the Criminal Code and the Judges Act (violence against an intimate partner).

**Hon. Fabian Manning:** Honourable senators, I rise today to speak at third reading of Bill C-233, An Act to amend the Criminal Code and the Judges Act regarding violence against an intimate partner. While I am speaking as the official critic, as I said at second reading, I support the bill and I believe it has the potential to make a significant impact in the adjudication of intimate partner violence cases and custody arrangements.

I want to also add my comments to welcome many people who have joined us here tonight who have been working on this piece of legislation for years. I offer my sincere thanks for your efforts, your resolve and your determination to seeing that this day finally comes to reality.

Intimate partner violence is an issue I have been working on since 2017. I have spoken with many victims and survivors and have heard harrowing stories, some of which I have shared with you in this chamber. As my honourable colleagues know, as a result of my consultations, I tabled Bill S-249, An Act respecting the development of a national strategy for the prevention of intimate partner violence.

The statistics speak for themselves, and they paint a grim picture of the lack of seriousness with which intimate partner violence has been treated historically by all governments. It may be difficult to believe, but currently, Canada has no national plan or strategy to deal with violence against women. Announcements have been made, sympathies continue to be tweeted out on the anniversaries of tragedies like the Polytechnique shooting and consultations have reportedly begun for a new plan, but advocates for change have grown tiresome of the promises. The time is now.

Bill C-233 is one important tool in the toolbox, but I truly hope to see Bill S-249 advance expeditiously so we can begin implementing a comprehensive national strategy to tackle this complex societal problem.

To remind my honourable colleagues, Bill C-233 has two key provisions that seek to mitigate the prevalence and harm associated with intimate partner violence. First, it requires a justice, before making a release order for an accused who is charged with an offence against their intimate partner, to consider whether it is desirable, in the interests of the safety and security of any person, to include as a condition of the order that the accused wear an electronic monitoring device.

There has been some criticism of the electronic monitoring device provisions and the possibility of creating a false sense of security for victims. I had the opportunity to participate in the Legal and Constitutional Affairs Committee's first meeting on this bill, and I asked the sponsors about this. They responded that, in their work with victims and women's shelters, they have found that the monitoring option, while not perfect, does help ease the stress that a complainant will feel, and it can instill a sense of peace of mind in the victim.

While I believe the technology is likely not perfect, I also believe there is value in giving victims the opportunity to assess whether their abuser is in the vicinity. That way, they can take matters into their own hands and alert the police and find a safe place to protect themselves and their family. We know that regaining a sense of control for victims can serve as a powerful instrument in the rebuilding of their lives.

The second major provision is the amendment to the Judges Act. Bill C-233 adds the topics "intimate partner violence" and "coercive control" to the list of continued educational seminars for judges. This part of the bill is called "Keira's Law," named in the honour of Keira Kagan, a four-year-old girl from Ontario who is believed to have been killed by her father in a revenge-driven murder-suicide.

Keira's father had been abusive toward her mother, yet the courts would not acknowledge that there was any increased risk for Keira's safety. The evidence demonstrates that despite an overlap in risk factors for domestic violence and child abuse, judges often overlook this link when considering custody cases. Two weeks prior to Keira's death, her mother, Jennifer Kagan-Viater, brought a motion to suspend or supervise Keira's father's access to their daughter because she worried that Keira was at risk. The judge dismissed the motion. Two weeks later, Keira and her father were found deceased at the bottom of a cliff in Milton, Ontario.

On February 9, 2023, the three-year anniversary of Keira's death, a report was released by the Domestic Violence Death Review Committee following the conclusion of their review. The report confirms that Keira's death was likely a murder-suicide at the hands of her father. The report further showed that despite repeated warnings, risk factors and multiple court hearings, the system failed to protect Keira. On the same day, the Office of the Chief Coroner for Ontario announced that an inquest will be held into Keira's death. The inquest will examine the circumstances surrounding the death, and a jury will make recommendations aimed at preventing further deaths.

I have no doubt that these developments are the result of the tenacity of Jennifer and Philip Viater. The work they have done, in the face of tragedy, to advance this cause and bring public awareness to this dangerous lack of understanding is truly commendable and inspiring. They have spent three years pushing forward on legislative proposals and a public awareness campaign with the goal of ensuring no other family will have to endure such a senseless and preventable tragedy.

• (2210)

Jennifer and Philip testified on this bill at the Legal and Constitutional Affairs Committee alongside Jo-Anne Dusel, the Executive Director of the Provincial Association of Transition Houses and Services of Saskatchewan. Ms. Dusel has worked on the front lines with thousands of victims and survivors of intimate partner violence. In her testimony, she highlighted the problem, stating:

> To this day, it appears that too many judges do not recognize the harms to children when one parent has abused the other. Yet, when victims of intimate partner violence raise this issue in family court, it can result in less parenting time for the protective parent. Even when judges accept the occurrence of abuse, they often see it as incident-based, as in a one-off that won't happen again, as having been in the past, or they mutualize it as a high-conflict relationship.

Colleagues, while it may seem common sense to many of us that an abuser is an abuser, this is clearly not universally recognized. When I asked about this gap in understanding and why these critical risk factors have been traditionally ignored, Ms. Dusel pointed out that judges do not have an ongoing mechanism to receive information on new research or risk factors as they are being identified. Therefore, the risk factors are likely not being ignored as much as judges may not be aware of them.

Philip Viater, a family lawyer himself, added:

> Judges don't seem to be aware of the risk factors, and risk assessments are virtually non-existent. When I raise risk factors in court, I can tell you that I'm often met with pushback, saying, "Well, who is to say that we agree with these risk factors?" There seems to be a lack of training there.

Colleagues, this is why the continuing education portion of this bill is so imperative. The stakes could not be higher. We are talking about children being in the unsupervised care of a known abuser. I am looking forward to the swift passage of this bill, and appreciate the cooperation among the caucuses in both houses in order to move this private member's bill through Parliament as quickly as we have. I believe it speaks to the urgency of these proposals.

When Ms. Kagan was at committee, I asked her if she could tell us a little more about her daughter Keira. To honour Keira and her family, I think it is important to share her words with you tonight:

> Keira was a lovely child. In many ways, she was a normal four-year-old. She loved to play, loved to be with her friends and was very spunky and fierce. She had an opinion, and people were going to know it. She often said she wanted to change the world; she wanted to make an impact. We raised her with the values of helping those more vulnerable and really trying to make a difference in the world, as crazy as this world is right now.
>
> She was a brilliant little girl, and I have no doubt that had she been given the opportunity, she would have reached her potential and done great things.

The spirit of Bill C-233 belongs to Keira, in my opinion. While it is sad and unfortunate that she is no longer with us, let us all come together and pass this bill so the impact and changes that Keira wanted to make in this world will be realized.

Thinking of Kiera tonight, I am reminded of a quote from another very special person, Mother Teresa, who once said, "I alone cannot change the world, but I can cast a stone across the waters to create many ripples."

In Kiera's memory, colleagues, I am pleased to support Bill C-233, and I hope you will do the same.

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

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

**Hon. Senators:** Agreed.

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

## 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-220, An Act to amend the Languages Skills Act (Governor General).

(On motion of Senator Clement, debate adjourned.)

## NATIONAL FRAMEWORK FOR A GUARANTEED LIVABLE BASIC INCOME BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Dean, for the second reading of Bill S-233, An Act to develop a national framework for a guaranteed livable basic income.

**Hon. Michael L. MacDonald:** Honourable senators, I rise to contribute to the debate at second reading of Bill S-233, the national framework for a guaranteed livable basic income, or GBI, sponsored by our colleague Senator Pate.

This bill directs the Minister of Finance to develop a national framework to implement a guaranteed basic income program throughout Canada for any person over the age of 17, including temporary workers, permanent residents and refugee claimants.

Before I go on, I want to commend Senator Pate for her work in championing so many initiatives intent on improving the lives of the impoverished in Canada. It enables us to reflect on things that sometimes are not top of mind. I saw lots of marginalization and limited opportunities for people growing up in a small town in Cape Breton. Most people existed in a world that could only be described financially as lower middle class. Certainly my family was, although with 10 children and extended relatives, mom and dad probably had a few more mouths to feed than most.

I witnessed real poverty as well, although the reasons for that, like so many things, are often a product of circumstances less black and white than some might assume. There are many shades of grey as well. I don't know if poverty is worse today than it was 50 years ago, but I know it shouldn't be worse with the money and resources spent today on people and communities of people compared to half a century ago. I might not always share Senator Pate's views on solutions to certain matters, but her relentless work on these difficult issues provides value to the discourse of this chamber, and I want to recognize her for it.

The notion of a basic income is not new. The concept arguably dates back to 1516 with the publication of Thomas More's *Utopia*. More was a wise individual and a brilliant, influential and principled conservative. Of course, for his principles, he was later thrown into the Tower of London by Henry VIII, found guilty of treason and beheaded. Apparently adhering to your principles can come with some risk. Considered a martyr for his faith, he was canonized in 1935, and in the year 2000 was declared by Pope John Paul II to be the patron saint of statesmen and politicians. The poor man can't catch a break. Imagine having that responsibility and burden in the afterlife.

In modern times, the concept of the guaranteed annual income received considerable attention when it was championed by Nobel laureate and free market economist Milton Friedman. Friedman argued that a universal basic income would be a less paternalistic and more efficient method of providing government welfare than programs run by bureaucracies. Essentially, cut a cheque for everyone, dependent on their household income and based on a negative tax threshold, and allow the individual to utilize the social assistance as needed. No means test — no need for any gatekeepers. I find that idea very appealing.

Robert Stanfield discussed and studied this issue when he was leader of the federal Tories, and our former colleague Hugh Segal has been an articulate and persistent advocate for a guaranteed income. It was gratifying to witness Senator Pate's embrace of what has always been a concept associated with conservative thought, and I encourage others to follow her lead.

• (2220)

I volunteered to be the critic of this bill when it was introduced. I have always been intrigued by the idea of a guaranteed income, especially with the reality that we now live in a huge welfare state. If we are going to spend millions of taxpayers' dollars annually on various support systems anyway, and it was determined that a GBI, or guaranteed basic income, system would actually cost less to both fund and deliver, why wouldn't or shouldn't we consider it?

Importantly, we must always remember that historic models of basic income expected in return, concurrent with the establishment of GBI, the elimination of redundant bureaucracies and programs that deliver current social benefits. Unfortunately, the advocates of most modern models of basic income programs appear unwilling to propose cuts to our large and expensive welfare programs, which, I submit, negates the simplicity and egalitarianism of the concept and compromises its proper application. GBI can't be just another welfare program. It must also replace them.

As you know, our offices received unprecedented level of emails regarding this bill. Some messages were misguided or misinformed, but many raised fair and thoughtful concerns about the bill and the implications for themselves and the benefits that they depend on and have paid into for much of their lives. I think this greatly stems from the lack of detail in the bill itself. However, what detail does exist is concerning and is very much the Achilles' heel of this bill. After directing the Minister of Finance to create a framework for GBI, it arbitrarily puts age and broad eligibility criteria up front. If we are to seriously consider the establishment of a GBI, we can't be dogmatic in establishing the ground rules. It is one thing to have a program available for citizens, but quite another to automatically extend it to temporary workers and non-citizens. I'm sure that most people would have many legitimate concerns about the eligibility of non-citizens to exploit such a program, particularly people entering the country illegally.

The idea of somebody receiving an annual income beginning at the age of 17 is a non-starter for me. I think that would have a very negative effect on young people. I believe that discourages the personal motivation and ambition that all people, particularly young people, require in order to prosper and advance in life.

The Basic Income Canada Network, which is very much a socially left organization, have GBI models that estimate anywhere between $187 billion to $637 billion in annual cost. To put these numbers in perspective, in 2021-22 the total personal income tax revenue in Canada was $189 billion and the entirety of the federal budget was $394 billion. Now, a mere one fiscal year later, the financial situation in Canada has deteriorated substantially and disturbingly. However, our precarious financial state notwithstanding, let's review what informed and expert analysis has concluded about Canada's potential ability to consider and implement a program of guaranteed income.

The Fraser Institute released a recent report bulletin during the pandemic entitled *How Much Could a Guaranteed Annual Income Cost?*, which examined the costs of four different variations of basic income models. The first used CERB as a

baseline, the government's pandemic emergency relief benefit of $2,000 every month to those who qualified. You may recall that there were calls among many proponents of basic income programs for Canada to keep the CERB benefit and apply it as a basic universal income. The Fraser Institute calculated that providing every Canadian of working age with an unconditional basic annual income of $24,000 a year would have a total net cost of $464 billion. That would increase federal program spending by over 132%. Of course, that is simply unsustainable. The report also found that although a universal basic income such as this would provide large financial support and have less adverse effects on work incentive than other models, it not only comes at a staggering cost, but also provides assistance to Canadians who do not need it the most.

The Fraser Institute then also made estimations for models that provide for government clawbacks on some transfers for when an individual's net income passes a specific threshold. The report notes that while a higher reduction rate may reduce the overall costs of a guaranteed income program, it discourages recipients from working because they retain less of their income earnings when they meet the threshold.

The report states:

> . . . a high reduction rate effectively imposes a higher marginal tax rate on Canadians once they reach the minimum income threshold because it reduces their reward for earning more income. This concept is known as the "welfare wall" because it discourages recipients from moving off social assistance.

The report illustrates the competing interests in the design of guaranteed income models. Understand that there are three key features of any GBI model: the cash transfer, the reduction rate and the income threshold. Three competing variables, seeking three competing interests: large enough transfers to alleviate poverty, while minimizing cost and avoiding disincentives to work. The report states that ". . . it is impossible to achieve all three objectives at once."

Later, the report states that:

> . . . there is an inherent tension in the design of any guaranteed annual income that its proponents need to address. At the heart of this tension in the unavoidable trade-off between reducing costs by aggressively phasing out payments as income rises on the one hand and avoiding severe negative work incentives on the other. . . . Policy options outside of the GAI may be more effective at alleviating poverty and should be explored in greater detail.

In a Fraser Institute article entitled "The expensive truth about a universal basic income," the negative effects guaranteed income programs could have on labour participation as clawbacks prompt Canadians to reduce their work hours are recognized. The report reads:

> . . . reducing an individual's payment while they work additional hours encourages them to work less—that's a harmful incentive and can lead to the welfare traps many Canadians suffered through in the 1980s and early 1990s.

I will also draw your attention to a recent report authored by the Macdonald-Laurier Institute's Managing Director, Brian Lee Crowley, and Munk Senior Fellow Sean Speer, titled *A Work and Opportunity Agenda for Canada.* In response to increasing public discussion regarding GBI models, their report sought to determine if unconditional cash payments, although well intentioned, in fact do more harm than good. The authors found that such programs, with higher taxes and higher government spending, are not only harmful to the economy, they also poorly serve the people these programs are intended to help.

The report outlines several key issues with basic income models, including affordability, intergovernmental and bureaucratic efficiencies and disincentivizing work, among others. Regarding the affordability of basic income models, and after crunching the numbers, the report concludes:

> These costs would necessarily involve a significant increase in taxation, large-scale spending cuts, further deficit financing, or some combination of the three.

It continues:

> But a real perversity is that providing everyone with a basic income may preclude the government from directing more generous, targeted benefits to those in need such as Canadians with severe disabilities. Spending less on people in real need so we can spend more on able-bodied, working-age people is far from compassionate. It is an indefensible use of scarce public resources.

I do agree with that.

The report also found that basic income programs would have a negative effect on labour participation within Canada.

Common sense dictates that giving people large, unconditional cash payments is bound to make work less attractive and rewarding, not least because now recipients are only working for the difference between their basic income entitlement and wages.

Since the status quo has not adequately addressed poverty, and if basic income programs are not a realistic option, what is the solution? The Macdonald-Laurier Institute paper provides an alternative agenda focused on expanding work and opportunity for all Canadians, using Canada's "redemptive decade" of the 1990s, as they call it, as a blueprint. They explain that Canada experienced extraordinary growth in the 1990s, including reduced poverty, by shifting the focus from taxation and redistribution of finances to fiscal discipline, deregulation, investment and growth.

Furthermore, the sustainability of such a GBI program has also been brought into question. Here I would be remiss if I did not draw our attention to the contribution of our own resident economist in this chamber. Senator Bellemare has a doctorate in economics and specializes in macroeconomics. She has a lifetime of experience and an impressive résumé in her field of expertise.

• (2230)

If I may, I would like to quote from Senator Bellemare's speech in the chamber on this bill where she says:

> To finance this kind of program, governments would have to overhaul the income tax system. The tax changes it would take to fund such a program would have a negative effect on labour market participation, not because people are lazy, but just because they are rational. In essence, the number of people supported by the program would exceed the number of people the government set out to help initially. Fewer hours worked means fewer hours taxed, and that means less revenue for the government. In short, paying for guaranteed basic income is unsustainable.

Providing money to Canadians not to work, with little or no incentive to work, raises a host of issues, not the least of which is providing for an unsustainable system whereby there are negative effects on labour participation resulting in fewer hours worked, less income, less income tax, less revenue to finance what was intent on being an anti-poverty initiative.

Colleagues, I would also encourage you to read the op-ed published by Senator Bellemare in *The Globe and Mail* on this subject where she outlined why GBI would be among the most constitutionally complex and prohibitively expensive ways to tackle poverty and inequity.

In 2018, the Province of British Columbia committed to the creation of an expert panel to explore the concept of guaranteed income for the province. It was based on over 40 research projects from experts across the country and is said to have been one of the most exhaustive reviews of guaranteed basic income worldwide.

The report concluded that moving to a system constructed around a basic income as its main pilar is not the most just policy option. I quote from their report:

> The needs of people in this society are too diverse to be effectively answered simply with a cheque from the government. A basic income is a very costly approach to addressing any specific goal, such as poverty reduction.

The B.C. panel also found that any viable basic income model would also create disincentives to work and that:

> . . . the claims of advantages of a basic income put forward by proponents are hard to substantiate and that the policy goals implied by these claims can be achieved as well or better with other approaches.

The panel concluded that it was not even in the province's best interests for further exploration with a pilot project.

So significant red flags have been raised by many about using GBI as a solution for fighting poverty. Does this idea have a future?

It would seem to me that one of the essential requirements precluding the creation of a GBI would be a stronger, responsible financial management by the federal government, regardless of its political stripe.

As our colleague Senator Marshall ably laid out in her excellent speech on the supply bill, the national debt in this country has doubled from $650 billion in 2015 to over $1.2 trillion today. In less than eight years, this administration has added more to our national debt than all administrations combined since Confederation, and we are a country that spent much of the first half of the 20th century engaged in international wars.

If we're going to take an honest look at a guaranteed annual income, we should first take a hard look at what $1-trillion debt actually looks like. The well-regarded U.S.-based Certified Financial Group has provided a description that deserves our sober second thought. A million dollars, consisting of 100 packets of $100 bills of $10,000 each would have the size of three stacked 8-by-11-inch packages of printing paper. You could walk around with it in a shopping bag. One hundred million dollars fits nicely on a standard shipping pallet, about 3 feet high. A billion dollars would require ten of those pallets.

But let's look at a trillion dollars. Do people really understand what a trillion dollars represents? A trillion dollars is a million million dollars or a thousand billion dollars, take your pick.

What does that look like? A trillion dollars on pallets would occupy an area just short of five acres. Think five football fields of billion-dollar pallets; that is what it equals. One more thing, the pallets are now double-stacked, so I guess it is actually ten football fields of billion-dollar pallets.

Canada's debt is $1.2 trillion and growing. So when you hear the apologists for this government point to such statistics as income-to-debt ratios as a reason for comfort and reassurance, they are deflecting, willfully ignoring the precarious financial position we find ourselves in because of the gross mismanagement of the Canadian economy by this administration. Due to the irresponsible and reckless overprinting and overspending of Canadian money by this government and the

Bank of Canada, we are experiencing an inflationary spiral now requiring interest rate hikes, which will only further increase the borrowing costs of our debt as well as the personal debt of every Canadian.

Because of this debt, the federal government will spend $35 billion on debt service charges alone in 2022-23, more than the $29 billion spent on child care benefits or the $24 billion spent on unemployment insurance benefits.

In short, the most expensive government program in Canada today is now debt servicing.

The Parliamentary Budget Officer has informed Canadians that these public debt service charges will climb to $46 billion by 2027-28, with no end in sight.

Our debt grows by over $6 million every hour, over $144 million every day: what an unnecessary, unacceptable and ultimately immoral squandering of money and opportunity and what a terrible thing to impose and burden our children and grandchildren with.

Just think of what you could do for housing alone with $144 million daily. Just imagine the impact that $45 billion annually could have on the health care system in Canada.

From the evidence I have read and the precarious position of Canada's finances, I cannot conscientiously support a bill that seeks to mandate this government to create a framework to overhaul our tax and social benefits system. We would be better advised to pass legislation prohibiting this government from having anything to do with fiscal or monetary policy.

In 2015, when this government was elected, Canada had emerged from the worst recession since the Great Depression with a balanced budget and strong economic indicators. Now we are told we endured an unprecedented $354 billion deficit in 2021, over $90 billion in 2022 and are promised significant deficits projected for the foreseeable future with a current fiscal trajectory that could take decades to balance.

However, all hope is not lost. Although it is obvious from Canada's annual revenues and expenditures that it cannot consider a GBI, and the taxation demands presently existing on individual Canadians and businesses should not be increased but preferably reduced, what else could we do to put Canada in a position where it could realistically consider an annual guaranteed income? The potential solution is, of course, the creation of new wealth.

Creating wealth should be a constant obsession for all governments of Canada, whether they be municipal, territorial, tribal, provincial or federal.

In my almost 30 years of running a business and meeting a payroll in Cape Breton, there was never a shortage of people advising me on where or how to spend money. It was a lot like Ottawa in that regard. But the number of people advising one how to increase revenue and create wealth — they were scarcer than hen's teeth.

Canada is the second-largest country in the world by land mass, with almost endless natural resources: rare earths, timber, minerals, fresh water and other advantages in quantities non-existent in most other nations.

We have a more diversified economy than in decades past. We have always been and will continue to be a country which needs to exploit its natural resources to maximize our wealth potential.

And none of our natural advantages have created more wealth for this country in my lifetime than the petroleum sector. Indeed, it has served as a great financial catalyst of Canada in the postwar period, which is now over 75 years old.

Our natural resources have repeatedly proven their value and importance to our shared prosperity. So I find it ironic that the most supportive advocates of Bill S-233, when asked to pass judgment on Bill C-48 and Bill C-69 a few years back, meekly acquiesced to the government's agenda. Canada's present levels of revenue and expenditures make a GBI initiative a non-starter, yet many in here dutifully voted to hobble this country's ability to create wealth and studiously ignored the long-term impacts of these terribly short-sighted and inappropriate measures. Whether it occurs on election day or on the floor of the Senate, voting has consequences.

• (2240)

Yes, we all would like to have the best of everything. I drive a 2020 Nissan Murano and a 2013 Hyundai Elantra, although I honestly would prefer to drive a Bentley and a Maserati. Theoretically, I could; all I need is the money to pay for it. And so it is with social programs in Canada. We can have anything we want in Canada. We just need the money to pay for it, but that will require creating new wealth — a goal that seems to exceed the mental grasp of this government and its foot soldiers and its camp followers.

In conclusion, we all recognize that poverty needs to be addressed. For now, let's focus on targeted and pragmatic solutions instead, ones that promote and provide training, education and community-based programming. We need to ensure that those who need the assistance get it. We need to provide sensible, targeted, pro-work policy recommendations that would bolster work opportunities to benefit all Canadians and help alleviate poverty.

I hope we can get to a time when we are wealthy enough in Canada to give serious consideration to a GBI to replace the presently structured welfare state, but Canada first has to get its financial house in order. This will require a Conservative government, as the Singh-Trudeau coalition has failed Canadians economically. Once we have a new Conservative government in Canada, we will free up the potential of this country and make Canada what it should be — namely the wealthiest, best and most generous country in the world.

**Senator Housakos:** And the most free.

**Senator MacDonald:** Honourable senators, I know I speak for my Conservative colleagues in regards to this bill because I know there is no support for this bill in our caucus. However, all bills

deserve a chance to go to committee. I think that the light of day will expose the weaknesses in this bill. I suggest that the Senate send it to committee. Thank you.

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

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

**Hon. Senators:** Question.

**The Hon. the Speaker pro tempore:** It was moved by the Honourable Senator Pate, seconded by the Honourable Senator Dean, that this bill be read the second time.

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

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

REFERRED TO COMMITTEE

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

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

## RADIOCOMMUNICATION ACT

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

Leave having been given to revert to Other Business, Senate Public Bills, Reports of Committees, Order No. 1:

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Transport and Communications (*Bill S-242, An Act to amend the Radiocommunication Act, with amendments and observations*), presented in the Senate on March 30, 2023.

**Hon. Leo Housakos:** Honourable senators, before I move the adoption of the report, it has come to my attention that there was a technical problem during the preparation of the report, which resulted in the report as presented not accurately reflecting the decisions taken by the committee.

I have been informed that the technical issue has been resolved and that internal quality controls are being reviewed to minimize the risk of similar errors occurring again and to ensure that the Senate has before it a document that accurately reflects the committee's decision.

Honourable senators, with leave of the Senate, I move:

> That the Fourth Report of the Standing Senate Committee on Transport and Communications be amended in amendment no. 1 by deleting subsection (1.12) and by renumbering subsection (1.13) as subsection (1.12).

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

**Hon. Senators:** Agreed.

**Hon. Leo Housakos** moved the adoption of the report.

He said: Honourable senators, I rise to speak to the Fourth Report of the Standing Senate Committee on Transport and Communications.

Bill S-242 seeks to amend the Radiocommunication Act to require spectrum licence holders to deploy the spectrum to at least 50% of the population within the geographic area covered by the spectrum licence.

Our committee has made six amendments to this bill. The first is to clause 1, on page 1, and replaces lines 7 to 15 to ensure that those buying Tier 1 to 4 licences would not be able to meet deployment conditions by simply deploying to the urban areas within those large tiers but would also be required to provide service to the smaller, rural and remote areas nestled within in order to meet their obligations under this legislation.

It also lays the foundation for other amendments focusing on the "use it or share it" regime. Additionally, it provides ministerial flexibility to either outright revoke the licence or to reallocate Tier 5 areas within the licence to other providers who are ready and able to service the underserved areas.

The second amendment is to clause 1, on page 1, and adds language that would clarify the intent to ensure licence holders cannot sell the licences up to and including three years minus a day in an effort to avoid penalties for not complying with licence conditions.

The third amendment is to clause 1, on page 2; it replaces and adds text subsequent to the previous amendment to provide the flexibility of subordinate or subsection competition.

The fourth amendment is to clause 1, on page 2, and adds that the minister be required to start a competitive bidding process within 60 days of not only the revocation of a spectrum licence but also where the licence holder has voluntarily surrendered their licence as a result of them not being able to meet their licensing obligations.

The fifth amendment was to clause 1, on page 2, in which line 32 was replaced to address concerns over the ability of smaller proponents to raise the required capital to participate in the competitive bidding process, giving the minister the flexibility to use a competitive bidding process or other reallocation process — such as a first-come, first-served model — when a licence is revoked or surrendered.

The final amendment is to clause 1, on page 2, and adds new text after line 35 that would ensure a company doesn't repetitively relicense spectrum in order to limit competition or stop others from licensing spectrum in a specific geographic area.

It also adds language that would prevent the company from re-bidding under a different name.

There are also observations from three members of the committee, which were endorsed by the committee as follows:

Senator Clement noted the importance of this bill in raising awareness to the major problem of connectivity in Canada and the serious impacts on communities who lack connectivity, including Indigenous communities, and the impact this plays on Canada's reconciliation process.

Senator Clement also noted that this topic has been neglected and that this bill is a good contribution to the much-needed discussion but that it is only a small piece of the puzzle, with many valuable suggestions from witnesses falling outside the scope of this bill.

Senator Clement observed that, in recognition of the work done by our committee, we call on the Government of Canada to undertake an exhaustive review of spectrum policy in Canada.

Senator Dennis Patterson's observations echoed many of Senator Clement's — in particular, the need to improve rural and remote connectivity and the serious consequences of not doing so as it pertains to vital services such and health and education, as well as the enhancement of language and culture in remote Indigenous communities.

Senator Patterson also observed that the government should develop incentives and policies that foster competition and facilitate the entry of Indigenous proponents.

This is where I will make what I consider a timely observation as chair.

Colleagues, throughout a previous study by our committee, we kept hearing testimony that legislation would promote and amplify Indigenous voices, but Indigenous creators themselves told us that the biggest barrier to having their voices heard on the internet is neither the definition of CanCon nor any algorithm. It's the inability to actually get onto the internet because of a lack of connectivity.

• (2250)

Finally, Senator Cormier noted that there is currently no official database of all undeployed spectrum in Canada; Canada does not have a system to ensure transparency in the secondary market for licences; and the spectrum management by auction, based on a competitive system, is not well suited to the Canadian geographic and economic reality, according to one of our witnesses.

I want to thank Senator Patterson of Nunavut for putting forward this bill. It was a very enlightening experience, I think, for the whole committee. We discovered a number of concerns. It wasn't long ago that Canada was a world leader when it came to communications, and we're slipping. Of course, now we're seeing deep inequities between rural and urban Canada.

I do not think that this bill is a magic wand that will solve the problem overnight. The problem is too profound and pronounced. Obviously, we have deep challenges and, of course, challenges of economy of scale. I do not think there is a quick fix, but I think the committee feels that this is a good first step in addressing the issue, and hopefully will serve as a basis to encourage governments to work in collaboration with stakeholders and communities in order to find a better solution to the problems. Thank you, colleagues.

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

[*Translation*]

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

**Hon. Senators:** Agreed.

(Motion agreed to and report, as amended, adopted.)

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

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

[*English*]

## DEPARTMENT OF EMPLOYMENT AND SOCIAL DEVELOPMENT ACT EMPLOYMENT INSURANCE ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Dalphond, for the second reading of Bill S-244, An Act to amend the Department of Employment and Social Development Act and the Employment Insurance Act (Employment Insurance Council).

**Hon. Leo Housakos:** I'd like to adjourn the debate in my name.

**The Hon. the Speaker pro tempore:** It is moved by the Honourable Senator Housakos, seconded by the Honourable Senator Martin, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(On motion of Senator Housakos, debate adjourned.)

## CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Boyer, seconded by the Honourable Senator Marwah, for the second reading of Bill S-250, An Act to amend the Criminal Code (sterilization procedures).

**Hon. Patti LaBoucane-Benson:** Honourable senators, on behalf of the government, I rise today to speak to Bill S-250, An Act to amend the Criminal Code (sterilization procedures). I am so honoured to support Senator Boyer's important work, as well as bring the message that the government welcomes the tabling of this important legislation and supports the bill in principle at second reading.

As this chamber well knows, Senator Boyer has been working tirelessly to raise awareness on the horrific practice of forced and coerced sterilization. On several occasions, she has informed the chamber of this violation of human rights and serious breach of medical ethics in our country's history — but she has also explained how this despicable practice continues today. Thanks to her advocacy, Senator Boyer was instrumental in having the Standing Senate Committee on Human Rights examine forced and coerced sterilization more closely. This culminated in the report entitled *The Scars that We Carry: Forced and Coerced Sterilization of Persons in Canada — Part II*, which was tabled last summer.

As is too often the case, the committee found that it is the most vulnerable who have been most affected by forced and coerced sterilization. In the past, government policies explicitly sought to control and reduce the birth rate of First Nations, Métis and Inuit communities, as well as Black communities — and low-income Canadians, racialized Canadians and Canadians with disabilities have also been targeted. Though these explicit policies no longer exist, racist and discriminatory attitudes continue to lurk in some medical settings today, and it is the same vulnerable communities that continue to be the targets of these reprehensible practices. This is why Senator Boyer's bill is so important. It shines light on yet another dark corner where racism and discrimination linger in this country.

Colleagues, Bill S-250 responds to Canada's long history of colonization and the colonial policies that have disproportionately affected the health and well-being of Indigenous people and racialized Canadians. Preventing contraception and the capacity for reproduction is an assault on the very core of a person's humanity, their well-being and their future, as well as the future of their communities.

By making specific mention of sterilization without consent in the Criminal Code, this bill would make this practice explicitly and specifically illegal under Canadian law. It would help protect some of the most vulnerable Canadians from doctors who not only hold discriminatory attitudes and breach professional ethics, but who also commit a violent criminal offence. No matter our race, ethnicity or socio-economic class, or whether we have a disability, every patient in this country must receive equal, professional and conscientious care. Every Canadian deserves this — period.

Bill S-250 would make the Criminal Code crystal clear that a patient's prior informed consent is the foundation of any medical sterilization process.

Under this bill, a doctor must not only receive the patient's consent, but also make clear that consent can be withdrawn at any time, including immediately before the procedure. The doctor must also be satisfied that the patient is not being pressured or coerced, and inform the patient about alternative methods of contraception.

Colleagues, it is important for us to take a moment and imagine a discussion on sterilization between a doctor and a patient. There can be a considerable power discrepancy in the relationship and, therefore, a risk that this power may be abused. It is for this reason that Bill S-250 puts in place safeguards. Consent is deemed not to have been granted if the patient is under 18 years old; the patient has not voluntarily initiated the request for the procedure; or they are incapable of consenting for any other reason. In other words, a medical practitioner must ensure that the patient — who is making such a life-altering, consequential decision — is ready, willing and fully informed.

Of course, with the assistance of their medical practitioner, a person may choose to undergo a sterilization procedure. For some people, this might be the right decision. Bill S-250 is a way of protecting people from being manipulated or simply forced to submit to sterilization by unscrupulous medical practitioners. It will not punish health care providers who are living up to their deontological code.

On March 3 of this year, the government provided a response to the Human Rights Committee's study on forced and coerced sterilization. In it, Minister Duclos stated that the government recognizes the harms caused by coerced sterilization, and the pressing need to end this practice across Canada. According to the minister, the government is working with provincial and territorial partners to ensure that health services can be accessed without systemic bias and discrimination. Though health care is primarily the responsibility of the provinces and territories, the federal government is playing a role in ensuring that health services are provided in a culturally safe way — while combatting racism and discrimination in the medical sector. There is much work to be done, colleagues, but this bill is an important step in the right direction.

I understand that the Minister of Justice has met with Senator Boyer, the bill's sponsor, and has committed to working with her and her team on possible modifications in order to move the bill forward while still reflecting its important intent. I look forward to seeing it progress, and hope it will be sent to committee as soon as possible.

Once again, I extend my profound gratitude to Senator Boyer for her perseverance. This initiative has my personal support, and I'm glad that the government supports it as well. Forced and coerced sterilization is a horrific practice that has scarred too many women, families and communities for too long. Bill S-250 will help make it stop. Thank you. *Hiy hiy*.

**Hon. Pierre J. Dalphond:** Honourable senators, I said to my colleagues this morning, when our group met, that I would probably speak before midnight. This is true, unfortunately, and I'm glad that there are still some people listening. I appreciate that, and I will try to make it interesting.

• (2300)

Honourable senators, I rise in support of Bill S-250, sponsored by Senator Boyer. As we all know, since 2017, Senator Boyer has been, with the assistance of many researchers, the voice of Indigenous women victims of forced sterilization, first in Saskatchewan and subsequently across Canada.

Her bill proposes to add to the assault provisions of the Criminal Code a new indictable offence designed to prevent the forced or coerced sterilization of persons in Canada by exposing an offender to up to 14 years in prison. This new offence is focused on consent, and it requires those who perform a medical act that will cause or attempt to cause someone to be sterilized to obtain truly informed consent and to follow specific safeguards.

Today I won't delve into the details of the proposed amendment, as this should be done in committee. I will, rather, focus on this bill's goal, which is the creation of a new criminal offence specific to forced sterilization.

Those of you who have legal training may say that forced or coerced sterilization is already a crime in Canada under aggravated assault offences. This is true, as pointed out by some witnesses before our Human Rights Committee, including former RCMP Commissioner Lucki.

But it must be said that there has never been a charge of aggravated assault in relation to forced or coerced sterilization in Canada, even though Senator Boyer's office has documented thousands of Indigenous women in Canada who experienced coerced or forced sterilization between 1971 and 2018.

Others may add that all provinces and territories have legislation requiring informed consent for medical care and treatment and that case law is replete with judgments awarding damages to patients injured by a medical procedure to which they did not provide informed consent.

As a matter of fact, class action cases related to forced sterilization of Indigenous women are now pending before the courts of Saskatchewan, B.C., Ontario and Quebec. They seek some indemnification, which the courts may eventually grant.

Finally, some others may argue that forced sterilization is another manifestation of systemic racism against Indigenous women. As such, it may require a comprehensive strategy to address such racism, including proper training of medical and nursing students to address such racism in connection with Indigenous health issues and an increase of Indigenous professionals as recommended by the Truth and Reconciliation Commission's Calls to Action 19, 23 and 24. I agree that a comprehensive strategy is required to protect women, especially Indigenous women.

But, with the greatest respect, I don't agree that these facts should deter us from proceeding to the completion of second reading debate on Bill S-250 and sending it to committee for review and detailed analysis.

Like our Human Rights Committee, in its report *The Scars that We Carry: Forced and Coerced Sterilization of Persons in Canada — Part II*, released in July 2022, I believe that the addition of a specific offence to the Criminal Code will be a valuable contribution to stopping, once and for all, forced sterilization.

First, by adding, after the section on aggravated assaults, a specific provision dealing with forced sterilization, Parliament will send a powerful message to society, including victims, police officers, crown attorneys and judges that forced sterilization can no longer be ignored by the criminal law system.

Second, the deterrent effect of such a provision on medical practitioners and their regulatory bodies will be immediate. It will have a chilling effect on those medical practitioners who still believe in racial eugenics and are ready to perform a sterilization procedure without truly free and informed consent.

Third, we will implement a measure recommended not only by our Human Rights Committee but also by the Council of Europe Convention on preventing and combating violence against women and domestic violence, ratified by 37 countries. Article 39 of this convention provides that states should ensure the criminalization of surgery to terminate a woman's capacity to reproduce without her prior and informed consent.

As of today, Malta, Belgium, France and Italy have acted accordingly. By amending our Criminal Code, Canada will show the rest of the world that it believes in this important aspect of preventing violence against women.

As you may know, Canada has been criticized on this issue by the international community. In 2018, the United Nations Committee against Torture expressed concern about reports of extensive forced or coerced sterilization of Indigenous women and girls. In 2019, the Inter-American Commission on Human Rights and a United Nations special rapporteur called on Canada to take concrete action.

Finally, forced sterilization is not only a part of our past genocidal policies against First Nations, but it continues.

In its 2019 final report, the National Inquiry into Missing and Murdered Indigenous Women and Girls highlighted examples of programs in Canada aimed at subjugating or eliminating Indigenous Peoples, including coerced sterilization.

In March 2021, Senator Boyer told us:

> Tragically, [forced and coerced sterilization] continues to happen at this very moment, with cases being reported publicly as recently as 2018.

[*Translation*]

In its second report on coerced sterilization, released in July 2021, the Standing Senate Committee on Human Rights also concluded that this form of violence against women was still occurring in Canada.

In the meantime, in 2019, following a recommendation from the first report produced by the Standing Senate Committee on Human Rights, the federal government established an independent advisory committee to study the extent of forced sterilization in Canada.

The Quebec government refused to participate on the grounds that there had never been a sterilization policy in Quebec, that the practice did not exist there and that health is a provincial jurisdiction. The first reason seems justified. Unlike Alberta and British Columbia, Quebec never adopted policies or laws encouraging eugenics. In fact, the Catholic Church, the dominant church in Quebec in the early 20th century, preached a pro-birth policy.

The third reason has to do with political posturing and ignores the fact that the committee's mission was not to propose pan-Canadian standards, but rather to paint a picture of the situation across the country, in order to shed light on the actions that all levels of government would need to take.

However, this response was based on the false premise that, unlike in the rest of Canada, forced sterilization was not taking place in Quebec. Fortunately, two members of the Research Laboratory on Indigenous Women's Issues at the Université du Québec in Abitibi-Témiscamingue drafted a report on the situation in Quebec. Professor Suzy Basile and PhD student Patricia Bouchard carried out a study in partnership with the First Nations of Quebec and Labrador Health and Social Services Commission and the Assembly of First Nations Quebec-Labrador.

From May 2021 to June 2022, the research team collected 105 accounts from 35 Indigenous people who chose to come forward after undergoing or witnessing forced sterilization or obstetric violence. Of those 35 participants, 14 were Atikamekw, 10 were Innu, five were Anishinaabe, four were Eeyou and two were Inuit.

• (2310)

Because of the pandemic, the research team was unable to meet with 20 other individuals to hear their accounts. Nine participants reported undergoing forced sterilization and 13 reported experiencing additional forms of obstetric violence. A total of 22 women were victims of forced sterilization. They ranged in age from 15 to 46 at the time of the procedures, which took place between 1980 and 2019. The youngest woman to undergo forced sterilization was 17 years old. At the other end of the spectrum, the oldest woman who underwent this procedure non-consensually was 46 years old.

In addition, three other women were victims of one or more forced abortions. Finally, six other women endured obstetrical violence, which means that they were victims of discriminatory acts, attitudes and remarks from health care staff. It should also be noted that these acts of violence took place essentially in hospitals located in cities serving Indigenous communities, specifically in Roberval, La Tuque, Val-d'Or, Joliette and Sept-Îles.

This research team's report was published on November 24, 2022. It found that, in many cases, there was a lack of consent and that, in others, consent was hastily obtained either shortly before, during or after labour. Furthermore, in many cases, consent was obtained based on false information, such as the claim that the procedure, which was described as a contraceptive measure, was reversible.

In summary, the report highlights 22 cases of sterilization without free and informed consent. What is also very troubling is that, in many cases, racist arguments were used to justify the procedure. For example, one doctor reportedly said the following:

> It's enough, you need to stop there. All the children that you bring into the world will live in poverty.

The report pointed to the obvious presence of systemic racism and set out 31 recommendations, including a call for the Government of Quebec to stop being reluctant to recognize the existence of systemic racism. That call has not yet been heard.

The media reported broadly on the content of the report and other women spoke out to the researchers. One of the women said that she was sterilized in 2020, when she was only 15. Incidentally, the researchers, with support from their Indigenous partners, undertook a second phase of their study to meet the women they were unable to see during the first phase and all the new victims who wanted to come forward.

As far as the Collège des médecins du Québec is concerned, it acknowledged that the number of victims is likely much higher and that forced sterilization likely still exists. It added that it intended to make its members aware of the fundamental principle of informed consent. It also invited any members of the medical staff who may have witnessed acts of this nature to report them to the college.

In closing, Bill S-250 addresses incidents of obstetrical violence that are still present in our health care system in Quebec and elsewhere in Canada. I invite you, as Senator Wells, the bill's critic did, and as Senator LaBoucane-Benson just did, to refer the bill to committee without delay. Honourable colleagues, thank you for your attention despite this late hour. This issue deserves our full attention even at this hour. Thank you. Merci. *Meegwetch*.

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

**Hon. Renée Dupuis:** Would Senator Dalphond take a question?

**The Hon. the Speaker pro tempore:** We have 20 seconds left.

**Senator Dalphond:** Do you want me to ask for another five minutes despite the late hour?

**The Hon. the Speaker pro tempore:** That is up to you.

**Senator Dalphond:** I can do so, if my colleagues would agree.

**The Hon. the Speaker pro tempore:** Is leave given for five more minutes?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

[*English*]

**The Hon. the Speaker pro tempore:** I'm sorry. You said "no," Senator Martin?

[*Translation*]

**Senator Martin:** No.

**The Hon. the Speaker pro tempore:** We do not have consent, Senator Dupuis. I am sorry.

**Senator Dupuis:** If I understood correctly, I have 20 seconds to ask my question.

**The Hon. the Speaker pro tempore:** Yes, you have 20 seconds. You may ask your question.

**Senator Dupuis:** Thank you for your speech, Senator Dalphond. My question has to do with the preamble of this bill, which refers to the fact that the sterilization of persons without their consent is a legacy of systemic discrimination. Can you invite the members of the committee who are going to study the bill to look at the practical ways in which the systemic aspect of this discrimination will be dealt with since we are talking about individual procedures being carried out by doctors —

**The Hon. the Speaker pro tempore:** Thank you, Senator Dupuis.

(On motion of Senator Martin, debate adjourned.)

[*English*]

## CANADA REVENUE AGENCY ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

**Hon. Percy E. Downe** moved second reading of Bill S-258, An Act to amend the Canada Revenue Agency Act (reporting on unpaid income tax).

He said: Honourable senators, you will note that this is the third time I have tabled the same private member's bill, the fairness for all Canadian taxpayers act, requiring the Government of Canada to disclose all convictions for overseas tax evasion and to measure the tax gap — the difference between what taxes should have been collected and what is actually collected. It would also require the Canada Revenue Agency to provide the Parliamentary Budget Officer with data it has collected on the tax gap, as well as any additional data the PBO considers important so that he can prepare his own independent analysis of the tax gap.

The second and most recent time, this bill passed the Senate but not the House of Commons. Hopefully, the third time is the charm.

Let me begin, as I always do, with this disclaimer: It is not illegal to have a bank account overseas, but it is illegal not to report proceeds from those accounts to the Canada Revenue Agency. Colleagues, it used to be that the Canada Revenue Agency didn't attract a great deal of attention, either from the public or from the government. As the one branch of government counted upon to turn a profit, there has always been a temptation to simply let it go about its business — if it's not broken, don't fix it.

However, that confidence has been eroded as we see story after story about overseas tax evasion with no punishment and, unfortunately, little or no recovery of money, compounded by the repeated responses of the CRA after every public disclosure. For example, "They are working hard to catch overseas tax cheats," they tell us. "They take it very seriously," they tell us. They've identified, as opposed to collected, X amount of money, and so on. Unfortunately, these comments from CRA belie the fact that their efforts and results are disappointing to the extreme.

One of many such examples is the Panama Papers, which were released in 2016. In the seven years since the release of those papers and the public disclosure, which identified hundreds of Canadians holding accounts in one law firm in Panama, other countries with citizens identified in the publicly released documents as having those accounts hidden in Panama collected over $1.3 billion in taxes that were owing to them.

As of 2021, the last year for which information is available, Australia has recovered $138 million; Ecuador, $84 million; Spain, $166 million; and even Iceland, a country of 340,000 people, has recovered $25 million. But for all the hundreds of accounts and dozens of audits, Canada hasn't announced the recovery of a nickel. Zero recovery.

• (2320)

The CRA has claimed to have assessed over $16 million owing, but as I said, assessed isn't collected, and not one person has been charged, much less convicted, of overseas tax evasion. Other countries' individuals have been charged and convicted, in addition to having to pay back the funds.

In October 2012, almost 11 years ago, I wrote the then Parliamentary Budget Officer, asking him to investigate the economic impact of overseas tax evasion. At his suggestion, that investigation evolved into an effort to determine the tax gap: the difference between what should be collected by our revenue agency and what they actually collect. The PBO determined that it is indeed possible to provide an estimate of the gap, particularly given that so many other countries are doing it. Subsequently, it approached the CRA to secure the agency's cooperation in that effort.

Colleagues, the CRA refused to cooperate. We know why when we realize the tax gap not only measures what should be collected but also how effective — or, in this case, ineffective — our national revenue agency is in their duty and responsibility to collect money owed to the Government of Canada. I am sure that the exposure, through a tax gap analysis, of the wholly inadequate job the CRA is doing in fighting overseas tax evasion was a major factor in the agency's refusal to cooperate with the PBO.

But even without the cooperation of the CRA, the PBO was able to come to his own conclusion about the tax gap. He testified before a Senate committee in March 2020, stating that based on his own analysis:

> I am convinced . . . having worked both at the CRA and been PBO for a year and a half now, that there are hundreds of millions, if not billions, of dollars in taxes that go undeclared, unreported and that escape Canadian tax authorities, probably on an annual basis due to the international transactions that take place.

For its part, the well-respected Conference Board of Canada published a report six years ago titled *Canadian Tax Avoidance and Examining the Potential Tax Gap*. They concluded that up to $47 billion worth of taxes are not being collected by the Government of Canada.

The Canada Revenue Agency maintains on its website a list of press releases about Canadians convicted of offences related to tax evasion. It does so, in its own words:

> . . . to maintain confidence in the integrity of the self-assessment system, and to increase compliance with the law through the deterrent effect of such publicity.

If you look at the list, as I did recently, you will find a wide range of people from coast to coast, all caught and all punished, almost all for domestic tax evasion. But if you hide your money overseas, your chances of getting caught are very low, whereas if you cheat on your taxes domestically, you are likely to be caught, fined and jailed in some cases. To that end, of all the notices — and there were 105 when I looked — going back to 2017, only three were convictions for what one might call overseas tax evasion and none were for particularly high amounts. Most of those convictions were through proper insurance action.

I should note that the recent years have not been without some measure of success. The 2015 election platform of the Liberal Party contained a commitment to:

> Directing CRA to immediately begin an analysis and stronger enforcement of tax evasion, or what the OECD calls the "tax gap."

The agency, for all its past reluctance, has been forced, due to that promise, to begin to release a series of reports on the gap, starting in 2016, with the most recent one released last summer, which makes passing reference to overseas tax evasion.

However, Canada needs a series of studies over time to gauge the effectiveness of the CRA to see what is working and what needs improving. The decision on whether to pursue that series should not be left to the CRA alone; given their refusal to cooperate with the PBO, it should be required by legislation, which this bill would provide.

I want to emphasize that a requirement for the CRA to report on overseas tax evasion and the broader tax gap is not the result of mere curiosity. Other countries — the United States, the United Kingdom, Turkey, Sweden and even the State of California — measure their tax gaps and have found it to be a valuable policy-making tool. They all agree that the money hidden overseas must come home, and they need continued tax gap information to identify the dollar amounts involved and to help bring that money back.

In Canada, as I stated, there is no risk to hiding your money overseas because your chances of being charged, let alone convicted, range from slim to none. The hundreds of millions, if not billions, of dollars identified by the Parliamentary Budget Officer will not, as if by magic, solve our financial problems, but if we collected even a portion of that, we could reduce the deficit and fund various programs. We all know that every time a new policy is suggested in Canada, the question is often asked, "How will you pay for it?" It is a wonderful suggestion about how it will be paid for. The billions of dollars hidden overseas would answer that.

Various taxes could be lowered as well.

It is undeniable that a significant amount of money is lost to this country through overseas tax evasion, but beyond that is the simple fact that it is grossly unfair. Those of us who are playing by the rules and paying our taxes are being deceived by other Canadians who are skipping the system and hiding their money overseas.

The failure to collect taxes owed undermines confidence that everyone is being treated equally. If we are all in this together, then we all pay taxes. Otherwise, there is special treatment for some Canadians with the resources to hide their money, while the rest of us must pay more to make up the shortfall.

Colleagues, before I wrap up, I want to express my thanks to those senators who delivered speeches in favour of this bill when I last introduced it. The bill before the Senate today is identical to that previous bill. The support from Senator Paul MacIntyre, who has since retired, Senator Bovey, Senator Galvez and Senator McPhedran is much appreciated. I thank them for that support. Indeed, I thank all senators who passed this bill in the Senate last time. We hope for common sense to grip the House of Commons this time so they will pass it as well.

Thank you, colleagues.

(On motion of Senator Martin, debate adjourned.)

## NATIONAL FRAMEWORK ON CANCERS LINKED TO FIREFIGHTING BILL

SECOND READING—DEBATE ADJOURNED

**Hon. Hassan Yussuff** moved second reading of Bill C-224, An Act to establish a national framework for the prevention and treatment of cancers linked to firefighting.

He said: Honourable senators, I will not be speaking today; my good friend Senator Wells, the critic of the bill, will be speaking.

**Hon. David M. Wells:** Honourable senators, I rise this evening to speak to Bill C-224, An Act to establish a national framework for the prevention and treatment of cancers linked to firefighting.

For thousands of men and women in firefighting, the job is more than a profession. Firefighters face risks every day to protect others. They put themselves on the line for their communities, for citizens and for each other. It is well known that firefighters encounter carcinogens and toxins on a daily basis.

Initially, exposure was believed to occur from breathing in chemicals released during fires, as well as smoke, soot and asbestos. Further research has confirmed that those toxins can also be ingested and absorbed through the skin. The World Health Organization's International Agency for Research on Cancer, in July 2022, declared firefighting as a Group 1 carcinogen, the classification with the highest cancer hazards.

Through years of toxic exposure, firefighters contract cancer up to nearly four times the rate of the general population. Overall, the average Canadian has a 44% risk of developing cancer in their lifetime. This grows to 53% for firefighters. While a person has a 30% risk of dying of cancer, the mortality rate in firefighters is 44%.

• (2330)

To put these numbers into greater perspective, last year, 95% of deaths among Canadian firefighters were attributable to cancer. As a result, firefighting practices have increasingly emphasized the proper personal protective equipment usage, decontamination protocols and other measures like scrub-down areas in fire stations to minimize exposure to carcinogens.

However, in spite of these efforts, a growing body of research has shown that firefighters have been further exposed to deadly chemicals through the very gear that is supposed to protect them.

Firefighting coats and pants, as part of the collective gear, contain high concentrations of per- and polyfluoroalkyl substances, referred to as PFAS. PFAS are a class of more than 12,000 synthetic chemicals primarily used as surface treatment for the purpose of repelling water and oil. Their strong, long-lasting carbon-fluorine bonds make it so that many of them do not degrade in the environment and are difficult for the body to secrete. For this reason, they are known as "forever chemicals."

PFAS are not exclusive to heavy-duty equipment and gear. In fact, these chemicals are found in everyday household items like cleaning products, rain jackets, umbrellas, tents, non-stick cookware and in the stain-resistant coatings used on carpets, upholstery and other fabrics like gym gear. They are even in personal care products like shampoo, dental floss, nail polish and makeup.

I deliberately note this, colleagues, to paint a picture of how integrated PFAS are in our lives. Through a number of toxicological studies, PFAS have been shown to impact behavioural development and metabolism as well as the circulatory, immune and endocrine systems. The U.S. Centers for Disease Control and Prevention outlines a host of health effects associated with PFAS exposure beyond cancer, including liver damage, decreased fertility and increased risk of asthma and thyroid disease.

Now imagine wearing 45 pounds of work clothing covered in it every day.

It is also important to acknowledge that the high levels of heat firefighters face while battling fires help in releasing these toxins from the gear so that they regularly seep into the skin, are breathed in or enter the body through inevitable tactile transmission.

Emerging research has forced firefighters to reconcile that flames are not what they need to be most concerned about. It is the risk of cancer. In that regard, we must reassess the globally standardized gear that firefighters are required to wear. Colleagues, as you will recall, this bill would create a national framework to raise public awareness of cancers related to firefighting with the goal of improving firefighters' access to cancer prevention and treatment. As critic of this bill, I wonder: How can the development of a framework be a solution?

Certainly, conversations on the merits of awareness should be had. However, true, effective change needs curative measures and not palliative solutions. If the goal is to reduce cancer for firefighters, we need to look at its sources and adjust accordingly. While little can be done to prevent the chemicals released during a fire, there is a direct, obvious solution in what is being worn in the first place, and it is simply to replace it with something safe.

Currently, firefighting protective gear contains PFAS to repel water and oil. Yet, as mentioned earlier, well-established science shows that its benefits are greatly outweighed by the dangers. Fortunately, safer substitutions exist with many more projects underway in an effort to transition away from these forever chemicals.

According to a Danish research report entitled *Durable Water and Soil repellent chemistry in the textile industry*, there are a number of alternative products on the market that provide durable water and oil repellency. These products contain modifications to their general chemistries that consequentially adjust their carcinogenic risk. There were five mentioned in detail in the report: paraffin repellent chemistries, stearic acid-melamine repellent chemistries, silicone repellent chemistries, dendrimer based repellent chemistries and nano-material based repellent chemistries. All these substitutes have chemical compositions that do not meet the definition of PFAS. In other words, they can be considered as safer alternatives to the chemical of concern when developing innovative firefighting gear.

As research is ongoing, I encourage the federal government to bring this crucial issue into consideration when developing this national framework. The concerns I have raised fall well inside the scope of this bill, given their direct link to cancer.

This is but one step the federal government can and must take to lower the risk for our firefighters and address their legitimate health and safety concerns. I would like to take a moment in my remarks to express that I'm fully supportive of this bill. In taking my role as critic seriously, I highlight the concern of firefighting gear to emphasize the necessity of this legislation and recommend a way to strengthen it within the existing purview of the bill.

The only reservation I have with this bill is that its original iteration, Bill C-224, included the line "provide for firefighters across Canada to be regularly screened for cancers linked to firefighting . . . ." I believe it was a very important element. However, this was later weakened to read, "make recommendations respecting regular screenings for cancers linked to firefighting." Rather than requiring the government, it downgraded the measure into a recommendation. As someone who recognizes the separation of federal and provincial jurisdiction — and that is what this change was based upon — I can see why the change was made. However, I still think it does not stand as strong as it did in its original form. When it comes to protecting our firefighters from occupational diseases, time is of the essence. The earlier we screen for cancers, the better the outcomes, which is crucial given the implications and merit of this bill. Nevertheless, I'm proud to be involved in such a critically important bill.

Firefighters risk their lives every day to protect our communities, homes and lives. We must be there for them the same way they are there for us. This bill is one way of doing so by acknowledging the long-term health risks of firefighters and setting out frameworks to better protect them in the line of duty. It impacts far more than the firefighter. It impacts their entire family and the entire structure of our communities. Colleagues, this bill can save lives.

Thank you.

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

(On motion of Senator Yussuff, debate adjourned.)

## NATIONAL STRATEGY RESPECTING ENVIRONMENTAL RACISM AND ENVIRONMENTAL JUSTICE BILL

SECOND READING—DEBATE ADJOURNED

**Hon. Mary Jane McCallum** moved second reading of Bill C-226, An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice.

She said: Honourable senators, I rise today as the Senate sponsor of Bill C-226, An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice.

I would like to thank MP Elizabeth May for her work and leadership on this important initiative, and former MP Lenore Zann, who initially introduced it in the second session of the Forty-third Parliament at the other place, when the bill was known as Bill C-230.

As you will remember, colleagues, this chamber recently unanimously passed a motion of apology to former students of residential schools and their intergenerational families. That motion acknowledged the systemic racism upon which this country was built, wherein representatives from the federal government and the churches gave themselves a unilateral authority to remove First Nations and Inuit children from their families and their communities.

• (2340)

I bring this up to remind senators that environmental racism is one very profound piece of the broader picture of systemic racism that exists in this country, whether systemic racism is in parliament, academia, corrections, policing, health care institutions or government branches across this country. Systemic racism allows other forms of racism to continue to flourish in these disparate areas without question because systemic racism has become normalized, largely desensitizing the general population to its very existence and effects. In other words, environmental racism is not experienced in isolation of other contexts, nor is environmental racism unintended. These are deliberate decisions that, in many cases, reflect the creation of so-called "sacrifice zones," communities that are largely out of sight and out of mind from the general public, a fact which somehow legitimizes their devastation. This is known as geographic racism.

An apology is only the first step in the process of conciliation or reconciliation towards a new relationship. The ushering in of a new, transformative and meaningful relationship requires more than words. In other words, we need to understand, become aware of and act on addressing the serious issue of environmental racism, which this bill seeks to accomplish. We must first each explore the work we need to do as individuals and as a collective to move forward in this relationship, to honour and fulfill our work as senators in our role as advocates for those not represented at the other place and for those without a voice or power in their own country.

Honourable senators, I want to inform you of the gift that we bring to this chamber as senators of First Nations, Métis and Inuit non-status descent: Our experiences of racism, exclusion, assimilation, genocide, inequity and inequality, but also our strengths — our two eyes seeing through the melding of Indigenous and Western knowledges, kinship and cultural ties to communities, our ancestors' proclivity for sober second thought and the wisdom that comes from navigating a lifetime of oppression.

A special mention about women is required here. Indigenous women's ways of knowing and being have been largely squandered, and violence against women exists throughout this country. Much of this is related to the root causes of environmental racism. This includes the dispossession of land, governance, health, economy and self-determination. There has simultaneously been a rise in water and food insecurity, inadequate housing infrastructure, intimate partner violence, addictions, human rights violations, biodiversity loss and the contamination of land, water, air and our other relations, which are all impacting women negatively and increasing the unpaid work they have to shoulder.

As such, we share with you our unique experiences that need to be taken into account every time we stand up and we speak. We speak from our experience. I have worked in communities for over 40 years. I have lived with the people. I have seen the devastation that they live with, and that is what we bring to the table. As Indigenous senators, when we share our perspectives from our ways of being, knowing and experience, we are offering you a gift. We say to you that the legislative system has never provided a means to redress the issues brought into our lives and communities by colonial laws and policies. Why do you think there's so much unrest in Indigenous communities and increasing court cases? Because they have nowhere else to go. This unrest has to come from somewhere, and it comes a lot from legislation.

As Indigenous women, we also have to navigate violence from our own patriarchal and colonial leadership in our own communities. Many times, our own men have been colonized, and they are brought to the table to counteract what we have to say in this chamber. The voiceless cannot compete with educated people. The educated people have the privilege, and the grassroots people remain voiceless. That is what we bring when we come and we speak for the people that we work for.

Honourable senators, please take the time to understand and accept that we are different from you in how we have experienced genocide on our homelands in this country, and how we continue to live in "stranded regimes," to borrow a phrase coined by the Manitoba Keewatinowi Okimakanak, or MKO. Stranded regimes brought on by legislation, sometimes from this very place.

Honourable senators, I would now like to speak to environmental racism, how it can be brought to light and how it can be combatted. It was African-American civil rights leader Benjamin Chavis who coined the term "environmental racism" in 1982, describing it as:

> . . . racial discrimination in environmental policy-making, the enforcement of regulations and laws, the deliberate targeting of communities of colour for toxic waste facilities, the official sanctioning of the life-threatening presence of poisons and pollutants in our communities, and the history of excluding people of colour from leadership of the ecology movements.

When I speak about the examples I will give, think about how reconciliation is going to work to address these issues and really make it reconciliatory.

Colleagues, when I recently attempted to include reference to this matter in another bill, the minister denied that amendment, saying that the term had no precedent in existing legislation and that they were new terms. Environmental racism is not a new concept. It has long existed, disproportionately affecting First Nation peoples and communities across Canada. I have witnessed this first-hand. Many of you will know that I have spoken many times about environmental racism in the resource extraction industry.

Honourable senators, how and why does race play a major role in exposure to environmental dangers and land use within a community? Failing and substandard infrastructure of housing and water; failing and substandard infrastructure of sewage lines and plants; failing and substandard infrastructure of fire services; and stranded regimes of bylaw enforcement are all issues that contribute to the reality of environmental racism.

Moreover, these have been studied, acknowledged and researched by committees within the Senate and House of Commons as issues existing within First Nations communities in Canada. The history of environmental racism in Canada contains other examples of the federal, provincial and municipal governments — as well as large corporations — failing to protect the most vulnerable communities. How did these communities become vulnerable, and why are they kept vulnerable and powerless?

What are some of the root causes of environmental racism? Policy failures, intentional or otherwise, that unfairly affect those without a voice; legislation that doesn't take into account the marginalized through measures like GBA Plus; interjurisdictional gaps arising from issues like natural resources, water, health and child care; lack of human and financial capital to challenge governments and corporations; poverty; dependence on government through the Indian Act; not honouring treaties; establishing resource-extractive operations or toxic waste sites on cheap land, with disregard for the populations that call that land home thus establishing sacrificed zones.

• (2350)

Honourable senators, having identified some of the root causes, I will now provide real-world examples of environmental racism.

Water contamination disproportionately affects low-income communities of colour. We are all aware of minority communities that lack clean water. Contaminated water can deplete a community's health, causing illnesses that range from waterborne diseases to cancer and the inability to practise self-care like bathing. They live on bottled water brought in by the government. How do you take a bath, cook and clean with bottled water?

Water contamination issues can cause long-term consequences. One example in Manitoba is the remote community of the Opaskwayak Cree Nation, where they are experiencing flooding from a hydro dam operating in their territory, endangering the sturgeon population, coupled with the upstream flushing of waste water as far away as Winnipeg, which has caused blue-green algae to flourish from herbicides and pesticides. The blue-green algae cause rashes in children, the deaths of fish and moose that are relied upon for sustenance and causes an inability to have a stable drinking water supply.

The blue-green algae in the Great Lakes and in other lakes in Ontario were taken care of through bylaws that prevented the use of herbicides and pesticides, and they cleaned up their lakes. But this is different, and this is allowed to flourish. That is environmental racism.

Another example is the tailings ponds, which grew 300% in 20 years despite legislation that should have protected against this plight. We know that tailings ponds are now leaking, further impacting water safety, biodiversity and animal health. The Athabasca region First Nations in Alberta are actively involved in fighting against devastation wrought on their lands from tailings ponds. Addressing water contamination issues requires government intervention, which has not been forthcoming.

Environmental racism is also related to the protection of the water species. We have addressed this in the Standing Senate Committee on Energy, the Environment and Natural Resources. It has been brought forward over and over again.

We are also seeing some communities with drastically high rates of air pollution, such as an area known as Chemical Valley in Ontario, where air pollution data from the Aamjiwnaang First Nation forecasts foreign air pollutant chemicals linked to cancer up to 44 times the annual level. High air pollution contributes to many critical diseases, including lung cancer, respiratory infection, strokes, pulmonary disease and others, according to the World Health Organization.

Another issue we are seeing is lead poisoning. An example of this is Grassy Narrows First Nation in Ontario where they have been dealing with mercury poisoning in their water for three generations, which is the result of industrial pollution from the 1960s and 1970s and remains unresolved today.

Colleagues, there are many unique environmental situations and occurrences in Canada that lend themselves to environmental racism, which includes a lack of piped water, as some First Nations communities in northern Ontario have youth in their twenties who have never had the privilege of living a life with piped water.

Another example is abandoned oil wells and their continued threat of pollution — an issue which still has not been adequately addressed despite the acknowledgement of their deleterious effects.

Extensive agriculture is another example. Swan Lake First Nation in Manitoba is predominantly affected by intensive and monocultural agriculture. The community's lake is considered dead and no longer a viable food source. Fragmentation and surrounding land use has also contributed to a decline in flora, including medicines.

Laws have fragmented populations, leaving people displaced from some of their territory. Northern examples of environmental racism include communities and territories impacted by planned flooding and forced relocation, a lack of access to safe drinking water, lack of consultation regarding the manipulation of water levels of hydro dams, abandoned construction and extraction sites from mining, violence resulting from work camps and insufficient water partnership agreements, unresolved land claims, lack of connectivity to the internet, repopulation, forced amalgamation of First Nations into bands and the lack of access to health care and the continuous inadequate and non-existent consultation in anything that affects us.

One more example that I would like to highlight is Rooster Town in Manitoba, which was home to rural Métis who arrived to find work in the urban economy and build their homes while keeping Métis culture and community as a central part of their lives.

Rooster Town grew without city services, within the City of Winnipeg. In 1951 the City of Winnipeg began encouraging suburban development in this area. Today it is called Grant Park. To remove Rooster Town families, the city and media reported false stories rooted in racist stereotypes that were harmful and humiliating to the Métis community. In 1960, the last few houses in Rooster Town were bulldozed and destroyed.

Honourable senators, there are countless other examples of environmental racism in Canada. I know some of our colleagues will be giving voice to these issues.

Honourable senators, you will note that in Bill C-226 there is no definition of "environmental racism." Although the original definition was given at the outset of my remarks, the situation in Canada is unique due to the history of treaties, Canada's heterogeneous Indigenous population, the passage of UNDRIP legislation and the duty to consult and accommodate. As such, while a definition is not required, as we have seen with this bill's passage in the other place, any definition would need to reflect the Canadian experience.

The national strategy fundamental to this bill is key to promoting effective change in achieving environmental justice, not just for First Nations, Métis, Inuit and non-status people, but for all Canadian populations who are victims of this insidious issue.

Honourable senators, let us take the honourable path to ensure that we end the premature morbidities and premature mortalities that continue to be inflicted upon Indigenous peoples in Canada due to environmental racism. Those who have contributed the least to environmental degradation are often those at highest risk of experiencing the worst human rights impacts.

As stated by Assistant Secretary-General Ilze Brands Kehris of the Office of the High Commissioner for Human Rights:

> Unfortunately, continuing harmful practices, insufficient action, and inaction by Governments and other duty-bearers with respect to the protection of the environment threatens the progress needed to protect the environment for all people.

Colleagues, addressing environmental racism will protect vulnerable people, vulnerable environments and the generations yet to come. We all have the right to a healthy environment. Let us work to uphold that right by supporting Bill C-226. *Kinanâskomitin*. Thank you.

(*At midnight, pursuant to rule 3-4, the Senate adjourned until later this day at 2 p.m.*)

**THE SPEAKER**

The Honourable George J. Furey

**THE GOVERNMENT REPRESENTATIVE IN THE SENATE**

The Honourable Marc Gold

**THE LEADER OF THE OPPOSITION**

The Honourable Donald Neil Plett

**FACILITATOR OF THE INDEPENDENT SENATORS GROUP**

The Honourable Raymonde Saint-Germain

**THE LEADER OF THE CANADIAN SENATORS GROUP**

The Honourable Scott Tannas

**THE LEADER OF THE PROGRESSIVE SENATE GROUP**

The Honourable Jane Cordy

---

**OFFICERS OF THE SENATE**

**INTERIM CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Gérald Lafrenière

**LAW CLERK AND PARLIAMENTARY COUNSEL**

Philippe Hallée

**USHER OF THE BLACK ROD**

J. Greg Peters

**THE MINISTRY**

(In order of precedence)

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(April 1, 2023)

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| | |
|---|---|
| The Right Hon. Justin Trudeau | Prime Minister |
| The Hon. Chrystia Freeland | Minister of Finance<br>Deputy Prime Minister |
| The Hon. Lawrence MacAulay | Minister of Veterans Affairs<br>Associate Minister of National Defence |
| The Hon. Carolyn Bennett | Minister of Mental Health and Addictions<br>Associate Minister of Health |
| The Hon. Dominic LeBlanc | Minister of Intergovernmental Affairs, Infrastructure and Communities |
| The Hon. Jean-Yves Duclos | Minister of Health |
| The Hon. Marie-Claude Bibeau | Minister of Agriculture and Agri-Food |
| The Hon. Mélanie Joly | Minister of Foreign Affairs |
| The Hon. Diane Lebouthillier | Minister of National Revenue |
| The Hon. Harjit S. Sajjan | Minister of International Development<br>Minister responsible for the Pacific Economic Development Agency of Canada |
| The Hon. Carla Qualtrough | Minister of Employment, Workforce Development and Disability Inclusion |
| The Hon. Patty Hajdu | Minister of Indigenous Services<br>Minister responsible for the Federal Economic Development Agency for Northern Ontario |
| The Hon. François-Philippe Champagne | Minister of Innovation, Science and Industry |
| The Hon. Karina Gould | Minister of Families, Children and Social Development |
| The Hon. Ahmed Hussen | Minister of Housing and Diversity and Inclusion |
| The Hon. Seamus O'Regan | Minister of Labour |
| The Hon. Ginette Petitpas Taylor | Minister of Official Languages<br>Minister responsible for the Atlantic Canada Opportunities Agency |
| The Hon. Pablo Rodriguez | Minister of Canadian Heritage |
| The Hon. Bill Blair | President of the Queen's Privy Council for Canada<br>Minister of Emergency Preparedness |
| The Hon. Mary Ng | Minister of International Trade, Export Promotion, Small Business and Economic Development |
| The Hon. Filomena Tassi | Minister responsible for the Federal Economic Development Agency for Southern Ontario |
| The Hon. Jonathan Wilkinson | Minister of National Resources |
| The Hon. David Lametti | Minister of Justice<br>Attorney General of Canada |
| The Hon. Joyce Murray | Minister of Fisheries, Oceans and the Canadian Coast Guard |
| The Hon. Anita Anand | Minister of National Defence |
| The Hon. Mona Fortier | President of the Treasury Board |
| The Hon. Steven Guilbeault | Minister of Environment and Climate Change |
| The Hon. Marco Mendicino | Minister of Public Safety |
| The Hon. Marc Miller | Minister of Crown-Indigenous Relations |
| The Hon. Dan Vandal | Minister responsible for Prairies Economic Development Canada<br>Minister responsible for the Canadian Northern Economic Development Agency<br>Minister of Northern Affairs |
| The Hon. Omar Alghabra | Minister of Transport |
| The Hon. Randy Boissonnault | Minister of Tourism<br>Associate Minister of Finance |
| The Hon. Sean Fraser | Minister of Immigration, Refugees and Citizenship |
| The Hon. Mark Holland | Leader of the Government in the House of Commons |
| The Hon. Gudie Hutchings | Minister of Rural Economic Development |
| The Hon. Marci Ien | Minister of Women and Gender Equality and Youth |
| The Hon. Helena Jaczek | Minister of Public Services and Procurement |
| The Hon. Kamal Khera | Minister of Seniors |
| The Hon. Pascale St-Onge | Minister of Sport<br>Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec |

# SENATORS OF CANADA

## ACCORDING TO SENIORITY

(April 1, 2023)

| Senator | Designation | Post Office Address |
|---|---|---|
| The Honourable | | |
| George J. Furey, *Speaker* | Newfoundland and Labrador | St. John's, Nfld. & Lab. |
| Jane Cordy | Nova Scotia | Dartmouth, N.S. |
| Mobina S. B. Jaffer | British Columbia | North Vancouver, B.C. |
| Pierrette Ringuette | New Brunswick | Edmundston, N.B. |
| Percy E. Downe | Charlottetown | Charlottetown, P.E.I. |
| Paul J. Massicotte | De Lanaudière | Mont-Saint-Hilaire, Que. |
| Stephen Greene | Halifax - The Citadel | Halifax, N.S. |
| Michael L. MacDonald | Cape Breton | Dartmouth, N.S. |
| Percy Mockler | New Brunswick | St. Leonard, N.B. |
| Pamela Wallin | Saskatchewan | Wadena, Sask. |
| Yonah Martin | British Columbia | Vancouver, B.C. |
| Patrick Brazeau | Repentigny | Maniwaki, Que. |
| Leo Housakos | Wellington | Laval, Que. |
| Donald Neil Plett | Landmark | Landmark, Man. |
| Claude Carignan, P.C. | Mille Isles | Saint-Eustache, Que. |
| Dennis Glen Patterson | Nunavut | Iqaluit, Nunavut |
| Elizabeth Marshall | Newfoundland and Labrador | Paradise, Nfld. & Lab. |
| Pierre-Hugues Boisvenu | La Salle | Sherbrooke, Que. |
| Judith G. Seidman | De la Durantaye | Saint-Raphaël, Que. |
| Rose-May Poirier | New Brunswick—Saint-Louis-de-Kent | Saint-Louis-de-Kent, N.B. |
| Salma Ataullahjan | Ontario (Toronto) | Toronto, Ont. |
| Fabian Manning | Newfoundland and Labrador | St. Bride's, Nfld. & Lab. |
| Larry W. Smith | Saurel | Hudson, Que. |
| Josée Verner, P.C. | Montarville | Saint-Augustin-de-Desmaures, Que. |
| Jean-Guy Dagenais | Victoria | Blainville, Que. |
| Diane Bellemare | Alma | Outremont, Que. |
| David M. Wells | Newfoundland and Labrador | St. John's, Nfld. & Lab. |
| Victor Oh | Mississauga | Mississauga, Ont. |
| Denise Batters | Saskatchewan | Regina, Sask. |
| Scott Tannas | Alberta | High River, Alta. |
| Peter Harder, P.C. | Ottawa | Manotick, Ont. |
| Raymonde Gagné | Manitoba | Winnipeg, Man. |
| Frances Lankin, P.C. | Ontario | Restoule, Ont. |
| Ratna Omidvar | Ontario | Toronto, Ont. |
| Chantal Petitclerc | Grandville | Montreal, Que. |
| Yuen Pau Woo | British Columbia | North Vancouver, B.C. |
| Patricia Bovey | Manitoba | Winnipeg, Man. |
| René Cormier | New Brunswick | Caraquet, N.B. |
| Nancy J. Hartling | New Brunswick | Riverview, N.B. |
| Kim Pate | Ontario | Ottawa, Ont. |
| Tony Dean | Ontario | Toronto, Ont. |
| Wanda Thomas Bernard | Nova Scotia (East Preston) | East Preston, N.S. |
| Sabi Marwah | Ontario | Toronto, Ont. |
| Lucie Moncion | Ontario | North Bay, Ont. |
| Renée Dupuis | The Laurentides | Sainte-Pétronille, Que. |
| Marilou McPhedran | Manitoba | Winnipeg, Man. |
| Gwen Boniface | Ontario | Orillia, Ont. |
| Éric Forest | Gulf | Rimouski, Que. |
| Marc Gold | Stadacona | Westmount, Que. |
| Marie-Françoise Mégie | Rougemont | Montreal, Que. |

| Senator | Designation | Post Office Address |
|---|---|---|
| Raymonde Saint-Germain | De la Vallière | Quebec City, Que |
| Rosa Galvez | Bedford | Lévis, Que. |
| David Richards | New Brunswick | Fredericton, N.B. |
| Mary Coyle | Nova Scotia | Antigonish, N.S. |
| Mary Jane McCallum | Manitoba | Winnipeg, Man. |
| Robert Black | Ontario | Centre Wellington, Ont. |
| Marty Deacon | Waterloo Region | Waterloo, Ont. |
| Yvonne Boyer | Ontario | Merrickville-Wolford, Ont. |
| Mohamed-Iqbal Ravalia | Newfoundland and Labrador | Twillingate, Nfld. & Lab. |
| Pierre J. Dalphond | De Lorimier | Montreal, Que. |
| Donna Dasko | Ontario | Toronto, Ont. |
| Colin Deacon | Nova Scotia | Halifax, N.S. |
| Julie Miville-Dechêne | Inkerman | Mont-Royal, Que. |
| Bev Busson | British Columbia | North Okanagan Region, B.C. |
| Marty Klyne | Saskatchewan | White City, Sask. |
| Patti LaBoucane-Benson | Alberta | Spruce Grove, Alta. |
| Paula Simons | Alberta | Edmonton, Alta. |
| Peter M. Boehm | Ontario | Ottawa, Ont. |
| Brian Francis | Prince Edward Island | Rocky Point, P.E.I. |
| Margaret Dawn Anderson | Northwest Territories | Yellowknife, N.W.T. |
| Pat Duncan | Yukon | Whitehorse, Yukon |
| Rosemary Moodie | Ontario | Toronto, Ont. |
| Stan Kutcher | Nova Scotia | Halifax, N.S. |
| Tony Loffreda | Shawinegan | Montreal, Que. |
| Brent Cotter | Saskatchewan | Saskatoon, Sask. |
| Hassan Yussuff | Ontario | Toronto, Ont. |
| Bernadette Clement | Ontario | Cornwall, Ont. |
| Jim Quinn | New Brunswick | Saint John, N.B. |
| Karen Sorensen | Alberta | Banff, Alta. |
| Amina Gerba | Rigaud | Blainville, Que. |
| Clément Gignac | Kennebec | Lac Saint-Joseph, Que. |
| Michèle Audette | De Salaberry | Quebec City, Que. |
| David Arnot | Saskatchewan | Saskatoon, Sask. |
| Ian Shugart, P.C. | Ontario | Ottawa, Ont. |
| F. Gigi Osler | Manitoba | Winnipeg, Man. |
| Margo Greenwood | British Columbia | Vernon, B.C. |
| Sharon Burey | Ontario | Windsor, Ont. |
| Andrew Cardozo | Ontario | Ottawa, Ont. |
| Rebecca Patterson | Ontario | Ottawa, Ont. |

# SENATORS OF CANADA

## ALPHABETICAL LIST

(April 1, 2023)

| Senator | Designation | Post Office Address | Political Affiliation |
|---|---|---|---|
| The Honourable | | | |
| Anderson, Margaret Dawn | Northwest Territories | Yellowknife, N.W.T. | Progressive Senate Group |
| Arnot, David | Saskatchewan | Saskatoon, Sask. | Independent Senators Group |
| Ataullahjan, Salma | Ontario (Toronto) | Toronto, Ont. | Conservative Party of Canada |
| Audette, Michèle | De Salaberry | Quebec City, Que. | Progressive Senate Group |
| Batters, Denise | Saskatchewan | Regina, Sask. | Conservative Party of Canada |
| Bellemare, Diane | Alma | Outremont, Que. | Independent Senators Group |
| Bernard, Wanda Thomas | Nova Scotia (East Preston) | East Preston, N.S. | Progressive Senate Group |
| Black, Robert | Ontario | Centre Wellington, Ont. | Canadian Senators Group |
| Boehm, Peter M. | Ontario | Ottawa, Ont. | Independent Senators Group |
| Boisvenu, Pierre-Hugues | La Salle | Sherbrooke, Que. | Conservative Party of Canada |
| Boniface, Gwen | Ontario | Orillia, Ont. | Independent Senators Group |
| Bovey, Patricia | Manitoba | Winnipeg, Man. | Progressive Senate Group |
| Boyer, Yvonne | Ontario | Merrickville-Wolford, Ont. | Independent Senators Group |
| Brazeau, Patrick | Repentigny | Maniwaki, Que. | Non-affiliated |
| Burey, Sharon | Ontario | Windsor, Ont. | Canadian Senators Group |
| Busson, Bev | British Columbia | North Okanagan Region, B.C. | Independent Senators Group |
| Cardozo, Andrew | Ontario | Ottawa, Ont. | Progressive Senate Group |
| Carignan, Claude, P.C. | Mille Isles | Saint-Eustache, Que. | Conservative Party of Canada |
| Clement, Bernadette | Ontario | Cornwall, Ont. | Independent Senators Group |
| Cordy, Jane | Nova Scotia | Dartmouth, N.S. | Progressive Senate Group |
| Cormier, René | New Brunswick | Caraquet, N.B. | Independent Senators Group |
| Cotter, Brent | Saskatchewan | Saskatoon, Sask. | Independent Senators Group |
| Coyle, Mary | Nova Scotia | Antigonish, N.S. | Independent Senators Group |
| Dagenais, Jean-Guy | Victoria | Blainville, Que. | Canadian Senators Group |
| Dalphond, Pierre J. | De Lorimier | Montreal, Que. | Progressive Senate Group |
| Dasko, Donna | Ontario | Toronto, Ont. | Independent Senators Group |
| Deacon, Colin | Nova Scotia | Halifax, N.S. | Independent Senators Group |
| Deacon, Marty | Waterloo Region | Waterloo, Ont. | Independent Senators Group |
| Dean, Tony | Ontario | Toronto, Ont. | Independent Senators Group |
| Downe, Percy E. | Charlottetown | Charlottetown, P.E.I. | Canadian Senators Group |
| Duncan, Pat | Yukon | Whitehorse, Yukon | Independent Senators Group |
| Dupuis, Renée | The Laurentides | Sainte-Pétronille, Que. | Independent Senators Group |
| Forest, Éric | Gulf | Rimouski, Que. | Independent Senators Group |
| Francis, Brian | Prince Edward Island | Rocky Point, P.E.I. | Progressive Senate Group |
| Furey, George J., *Speaker* | Newfoundland and Labrador | St. John's, Nfld. & Lab. | Non-affiliated |
| Gagné, Raymonde | Manitoba | Winnipeg, Man. | Non-affiliated |
| Galvez, Rosa | Bedford | Lévis, Que. | Independent Senators Group |
| Gerba, Amina | Rigaud | Blainville, Que. | Progressive Senate Group |
| Gignac, Clément | Kennebec | Lac Saint-Joseph, Que. | Progressive Senate Group |
| Gold, Marc | Stadacona | Westmount, Que. | Non-affiliated |
| Greene, Stephen | Halifax - The Citadel | Halifax, N.S. | Canadian Senators Group |
| Greenwood, Margo | British Columbia | Vernon, B.C. | Independent Senators Group |
| Harder, Peter, P.C. | Ottawa | Manotick, Ont. | Progressive Senate Group |
| Hartling, Nancy J. | New Brunswick | Riverview, N.B. | Independent Senators Group |
| Housakos, Leo | Wellington | Laval, Que. | Conservative Party of Canada |
| Jaffer, Mobina S. B. | British Columbia | North Vancouver, B.C. | Independent Senators Group |
| Klyne, Marty | Saskatchewan | White City, Sask. | Progressive Senate Group |
| Kutcher, Stan | Nova Scotia | Halifax, N.S. | Independent Senators Group |
| LaBoucane-Benson, Patti | Alberta | Spruce Grove, Alta. | Non-affiliated |
| Lankin, Frances, P.C. | Ontario | Restoule, Ont. | Independent Senators Group |
| Loffreda, Tony | Shawinegan | Montreal, Que. | Independent Senators Group |

| Senator | Designation | Post Office Address | Political Affiliation |
|---|---|---|---|
| MacDonald, Michael L. | Cape Breton | Dartmouth, N.S. | Conservative Party of Canada |
| Manning, Fabian | Newfoundland and Labrador | St. Bride's, Nfld. & Lab. | Conservative Party of Canada |
| Marshall, Elizabeth | Newfoundland and Labrador | Paradise, Nfld. & Lab. | Conservative Party of Canada |
| Martin, Yonah | British Columbia | Vancouver, B.C. | Conservative Party of Canada |
| Marwah, Sabi | Ontario | Toronto, Ont. | Independent Senators Group |
| Massicotte, Paul J. | De Lanaudière | Mont-Saint-Hilaire, Que. | Independent Senators Group |
| McCallum, Mary Jane | Manitoba | Winnipeg, Man. | Non-affiliated |
| McPhedran, Marilou | Manitoba | Winnipeg, Man. | Non-affiliated |
| Mégie, Marie-Françoise | Rougemont | Montreal, Que. | Independent Senators Group |
| Miville-Dechêne, Julie | Inkerman | Mont-Royal, Que. | Independent Senators Group |
| Mockler, Percy | New Brunswick | St. Leonard, N.B. | Conservative Party of Canada |
| Moncion, Lucie | Ontario | North Bay, Ont. | Independent Senators Group |
| Moodie, Rosemary | Ontario | Toronto, Ont. | Independent Senators Group |
| Oh, Victor | Mississauga | Mississauga, Ont. | Conservative Party of Canada |
| Omidvar, Ratna | Ontario | Toronto, Ont. | Independent Senators Group |
| Osler, F. Gigi | Manitoba | Winnipeg, Man. | Canadian Senators Group |
| Pate, Kim | Ontario | Ottawa, Ont. | Independent Senators Group |
| Patterson, Dennis Glen | Nunavut | Iqaluit, Nunavut | Canadian Senators Group |
| Patterson, Rebecca | Ontario | Ottawa, Ont. | Canadian Senators Group |
| Petitclerc, Chantal | Grandville | Montreal, Que. | Independent Senators Group |
| Plett, Donald Neil | Landmark | Landmark, Man. | Conservative Party of Canada |
| Poirier, Rose-May | New Brunswick—Saint-Louis-de-Kent | Saint-Louis-de-Kent, N.B. | Conservative Party of Canada |
| Quinn, Jim | New Brunswick | Saint John, N.B. | Canadian Senators Group |
| Ravalia, Mohamed-Iqbal | Newfoundland and Labrador | Twillingate, Nfld. & Lab. | Independent Senators Group |
| Richards, David | New Brunswick | Fredericton, N.B. | Canadian Senators Group |
| Ringuette, Pierrette | New Brunswick | Edmundston, N.B. | Independent Senators Group |
| Saint-Germain, Raymonde | De la Vallière | Quebec City, Que. | Independent Senators Group |
| Seidman, Judith G. | De la Durantaye | Saint-Raphaël, Que. | Conservative Party of Canada |
| Shugart, Ian, P.C. | Ontario | Ottawa, Ont. | Non-affiliated |
| Simons, Paula | Alberta | Edmonton, Alta. | Independent Senators Group |
| Smith, Larry W. | Saurel | Hudson, Que. | Canadian Senators Group |
| Sorensen, Karen | Alberta | Banff, Alta. | Independent Senators Group |
| Tannas, Scott | Alberta | High River, Alta. | Canadian Senators Group |
| Verner, Josée, P.C. | Montarville | Saint-Augustin-de-Desmaures, Que. | Canadian Senators Group |
| Wallin, Pamela | Saskatchewan | Wadena, Sask. | Canadian Senators Group |
| Wells, David M. | Newfoundland and Labrador | St. John's, Nfld. & Lab. | Conservative Party of Canada |
| Woo, Yuen Pau | British Columbia | North Vancouver, B.C. | Independent Senators Group |
| Yussuff, Hassan | Ontario | Toronto, Ont. | Independent Senators Group |

# SENATORS OF CANADA

## BY PROVINCE AND TERRITORY

(April 1, 2023)

## ONTARIO—24

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Salma Ataullahjan | Ontario (Toronto) | Toronto |
| 2 | Victor Oh | Mississauga | Mississauga |
| 3 | Peter Harder, P.C. | Ottawa | Manotick |
| 4 | Frances Lankin, P.C. | Ontario | Restoule |
| 5 | Ratna Omidvar | Ontario | Toronto |
| 6 | Kim Pate | Ontario | Ottawa |
| 7 | Tony Dean | Ontario | Toronto |
| 8 | Sabi Marwah | Ontario | Toronto |
| 9 | Lucie Moncion | Ontario | North Bay |
| 10 | Gwen Boniface | Ontario | Orillia |
| 11 | Robert Black | Ontario | Centre Wellington |
| 12 | Marty Deacon | Waterloo Region | Waterloo |
| 13 | Yvonne Boyer | Ontario | Merrickville-Wolford |
| 14 | Donna Dasko | Ontario | Toronto |
| 15 | Peter M. Boehm | Ontario | Ottawa |
| 16 | Rosemary Moodie | Ontario | Toronto |
| 17 | Hassan Yussuff | Ontario | Toronto |
| 18 | Bernadette Clement | Ontario | Cornwall |
| 19 | Ian Shugart, P.C. | Ontario | Ottawa |
| 20 | Sharon Burey | Ontario | Windsor |
| 21 | Andrew Cardozo | Ontario | Ottawa |
| 22 | Rebecca Patterson | Ontario | Ottawa |
| 23 | . | | |
| 24 | . | | |

## QUEBEC—24

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Paul J. Massicotte | De Lanaudière | Mont-Saint-Hilaire |
| 2 | Patrick Brazeau | Repentigny | Maniwaki |
| 3 | Leo Housakos | Wellington | Laval |
| 4 | Claude Carignan, P.C. | Mille Isles | Saint-Eustache |
| 5 | Judith G. Seidman | De la Durantaye | Saint-Raphaël |
| 6 | Pierre-Hugues Boisvenu | La Salle | Sherbrooke |
| 7 | Larry W. Smith | Saurel | Hudson |
| 8 | Josée Verner, P.C. | Montarville | Saint-Augustin-de-Desmaures |
| 9 | Jean-Guy Dagenais | Victoria | Blainville |
| 10 | Diane Bellemare | Alma | Outremont |
| 11 | Chantal Petitclerc | Grandville | Montreal |
| 12 | Renée Dupuis | The Laurentides | Saint-Pétronille |
| 13 | Éric Forest | Gulf | Rimouski |
| 14 | Marc Gold | Stadacona | Westmount |
| 15 | Marie-Françoise Mégie | Rougemont | Montreal |
| 16 | Raymonde Saint-Germain | De la Vallière | Quebec City |
| 17 | Rosa Galvez | Bedford | Lévis |
| 18 | Pierre J. Dalphond | De Lorimier | Montreal |
| 19 | Julie Miville-Dechêne | Inkerman | Mont-Royal |
| 20 | Tony Loffreda | Shawinegan | Montreal |
| 21 | Amina Gerba | Rigaud | Blainville |
| 22 | Clément Gignac | Kennebec | Lac Saint-Joseph |
| 23 | Michèle Audette | De Salaberry | Quebec City |
| 24 | . | | |

## NOVA SCOTIA—10

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Jane Cordy | Nova Scotia | Dartmouth |
| 2 | Stephen Greene | Halifax - The Citadel | Halifax |
| 3 | Michael L. MacDonald | Cape Breton | Dartmouth |
| 4 | Wanda Thomas Bernard | Nova Scotia (East Preston) | East Preston |
| 5 | Mary Coyle | Nova Scotia | Antigonish |
| 6 | Colin Deacon | Nova Scotia | Halifax |
| 7 | Stan Kutcher | Nova Scotia | Halifax |
| 8 | | | |
| 9 | | | |
| 10 | | | |

## NEW BRUNSWICK—10

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Pierrette Ringuette | New Brunswick | Edmundston |
| 2 | Percy Mockler | New Brunswick | St. Leonard |
| 3 | Rose-May Poirier | New Brunswick—Saint-Louis-de-Kent | Saint-Louis-de-Kent |
| 4 | René Cormier | New Brunswick | Caraquet |
| 5 | Nancy J. Hartling | New Brunswick | Riverview |
| 6 | David Richards | New Brunswick | Fredericton |
| 7 | Jim Quinn | New Brunswick | Saint John |
| 8 | | | |
| 9 | . | | |
| 10 | . | | |

## PRINCE EDWARD ISLAND—4

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Percy E. Downe | Charlottetown | Charlottetown |
| 2 | Brian Francis | Prince Edward Island | Rocky Point |
| 3 | . | | |
| 4 | . | | |

## MANITOBA—6

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Donald Neil Plett | Landmark | Landmark |
| 2 | Raymonde Gagné | Manitoba | Winnipeg |
| 3 | Patricia Bovey | Manitoba | Winnipeg |
| 4 | Marilou McPhedran | Manitoba | Winnipeg |
| 5 | Mary Jane McCallum | Manitoba | Winnipeg |
| 6 | F. Gigi Osler. | Manitoba | Winnipeg |

## BRITISH COLUMBIA—6

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Mobina S. B. Jaffer | British Columbia | North Vancouver |
| 2 | Yonah Martin | British Columbia | Vancouver |
| 3 | Yuen Pau Woo | British Columbia | North Vancouver |
| 4 | Bev Busson | British Columbia | North Okanagan Region |
| 5 | Margo Greenwood | British Columbia | Vernon |
| 6 | . | | |

## SASKATCHEWAN—6

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Pamela Wallin | Saskatchewan | Wadena |
| 2 | Denise Batters | Saskatchewan | Regina |
| 3 | Marty Klyne | Saskatchewan | White City |
| 4 | Brent Cotter | Saskatchewan | Saskatoon |
| 5 | David Arnot | Saskatchewan | Saskatoon |
| 6 | . | | |

## ALBERTA—6

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Scott Tannas | Alberta | High River |
| 2 | Patti LaBoucane-Benson | Alberta | Spruce Grove |
| 3 | Paula Simons | Alberta | Edmonton |
| 4 | Karen Sorensen | Alberta | Banff |
| 5 | . | | |
| 6 | . | | |

## NEWFOUNDLAND AND LABRADOR—6

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | George J. Furey, *Speaker* | Newfoundland and Labrador | St. John's |
| 2 | Elizabeth Marshall | Newfoundland and Labrador | Paradise |
| 3 | Fabian Manning | Newfoundland and Labrador | St. Bride's |
| 4 | David M. Wells | Newfoundland and Labrador | St. John's |
| 5 | Mohamed-Iqbal Ravalia | Newfoundland and Labrador | Twillingate |
| 6 | . | | |

## NORTHWEST TERRITORIES—1

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Margaret Dawn Anderson | Northwest Territories | Yellowknife |

## NUNAVUT—1

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Dennis Glen Patterson | Nunavut | Iqaluit |

## YUKON—1

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Pat Duncan | Yukon | Whitehorse |

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