



# DEBATES OF THE SENATE

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(HANSARD)

Tuesday, June 6, 2023

The Honourable RAYMONDE GAGNÉ,  
Speaker

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## THE SENATE

Tuesday, June 6, 2023

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

Prayers.

### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, there have been consultations and there is an agreement to allow a photographer in the Senate Chamber to photograph the introduction of a new senator.

Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

### NEW SENATOR

**The Hon. the Speaker:** Honourable senators, I have the honour to inform the Senate that the Clerk of the Senate has received a certificate from the Registrar General of Canada showing that Beverly Jane MacAdam has been summoned to the Senate.

### INTRODUCTION

**The Hon. the Speaker** having informed the Senate that there was a senator without waiting to be introduced:

The following honourable senator was introduced; presented His Majesty's writ of summons; took the oath prescribed by law, which was administered by the Clerk of the Senate; and was seated:

**Hon. Jane MacAdam**, of West St. Peters, Prince Edward Island, introduced between Hon. Marc Gold, P.C., and Hon. Elizabeth Marshall.

**The Hon. the Speaker** informed the Senate that the honourable senator named above had made and subscribed the Declaration of Qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

### CONGRATULATIONS ON APPOINTMENT

**Hon. Marc Gold (Government Representative in the Senate):** Honourable senators, I rise today to once again congratulate Senator MacAdam on her appointment to the Senate and to welcome her to our chamber.

Senator MacAdam joins the Senate as we continue to pursue our modernization project, which includes the goal of seeking greater gender equality. Although we cannot pretend to have broken the glass ceiling — because achieving equality is much more than simply a matter of numbers — with your arrival here

today, Senator MacAdam — and just before you, Senator Petten's — over 50% of the senators appointed to this chamber are women. That's very good news.

[*Translation*]

Colleagues, Senator MacAdam is a chartered professional accountant with over 40 years of experience in legislative auditing. She recently served as the auditor general of Prince Edward Island, her home province, for seven years.

Senator MacAdam has worked in the areas of climate change policy and social assistance, among others.

Senator, there is still so much work to be done in those areas. Here in the Senate, you will continue to play an important role in keeping a watchful eye over studies and legislation in those areas.

[*English*]

Senator MacAdam, I can only imagine that your Island colleagues, Senator Downe and Senator Francis, have already told you that your wealth of experience in accounting, finance and auditing will certainly be an asset to several Senate committees, be it the Standing Senate Committee on National Finance, the Banking Committee or the Standing Committee on Audit and Oversight. In all of these, your expertise will be valued, of course. But the Senate is also a place to bring your expertise to many areas. Allow me to encourage you to seize the opportunity to explore new issues of interest to you while you are here.

Senator MacAdam, I have all the confidence that you will be a strong voice for Atlantic Canadians and, indeed, for all Canadians as you exercise your role here at the Senate.

Once again, welcome to the Senate. Here, the month of June is one of the busiest times of the year, as we are all experiencing. There's no better way to get to know this place than by diving in feet first. Welcome, Senator MacAdam. We look forward to working with you.

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

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, on behalf of the opposition and the Senate Conservative caucus, I am pleased to welcome our new colleague the Honourable Beverly Jane MacAdam to the Senate of Canada and to our Senate family.

• (1410)

Today, as you take your seat in the upper chamber, I am sure that you are filled with excitement and anticipation — like many of us were on our first day in the Senate. It is also a day where we feel the weight of the responsibility that has been entrusted to each of us. Our duty, as senators, is to ensure that what we do is in the best interests of Canadians — and, in your case, the best interests of the people of Prince Edward Island and Atlantic

Canada. I trust that you will do your utmost best to ensure that the voices of the great people of P.E.I. are well represented in Parliament, especially in this chamber.

Senator MacAdam, I am pleased to see that your sponsor today is Senator Elizabeth Marshall, as you both appear to have similar backgrounds and experiences. Your experience as Prince Edward Island's Auditor General from 2013 to 2020, as well as your 40 years of experience working in legislative accounting, will certainly benefit both your committee work and the work of the Senate. Financial auditing is important, and your eyes and perspective on the many decisions we are called upon to make in this chamber will be welcome.

That is true even more so now, as we are dealing with a government that refuses to tell Canadians how much they will be on the hook for interest payments on the rising debt for the fiscal year. Your input on financial prudence is needed, and it will hopefully carry a lot of weight, as do many of Senator Marshall's interventions.

Senator MacAdam, our Conservative caucus looks forward to working and collaborating with you in this chamber and at committee. Welcome once again to the Senate of Canada, and best wishes to you as you begin this new chapter of your life.

[Translation]

**Hon. Raymonde Saint-Germain:** It is my turn to have the pleasure of welcoming our new colleague.

[English]

Senator Jane MacAdam, you are officially opening a new chapter of your life today, and, as this chapter begins, I am honoured to congratulate and welcome you to the Red Chamber on behalf of all the members of the Independent Senators Group. I will take this moment to also welcome your family members, especially one of your granddaughters who seems to be ready to be part of the conversation here — hello to you.

In a recent interview following your appointment, you eloquently expressed your motivations for joining the Senate. You noted that you believe you have more to offer in terms of working for your province and the country, and that the duties align well with your background and experience. Those sentiments serve as a testament to your dedication to serve the people of this country, and I have no doubt that you will do so with the same drive that marked your career so far.

Senator MacAdam, you are bringing a solid background in legislative auditing, having served for seven years as the first female Auditor General of Prince Edward Island. That experience has given you a unique perspective on the importance of transparency and accountability in government operations, and we are confident you will bring that same level of diligence and attention to detail to your work as a senator.

You have been a key player in many high-profile reports and audits at the provincial, regional and national levels, including the collaborative report by a team of 10 auditors general from across the country entitled *Perspectives on Climate Change Action in Canada*.

With your swearing-in, our institution's audit expertise has now doubled. Indeed, our esteemed colleague Senator Marshall, your sponsor today, who is also from Atlantic Canada, served for 10 years as the Auditor General of Newfoundland and Labrador.

Your work examining government organizations, programs and services as an independent officer of the legislative assembly covered a broad spectrum of areas, from climate change and health care to social and economic programs — all areas that also fall within the Senate purview.

Your career proves your independent thinking, and your capacity to look at issues objectively and with an open mind.

When you received the Fellow of the Chartered Professional Accountants award, the clerk of your province's legislative assembly said:

I think one of the things that really struck me is her coolness under pressure, and her ability to assess very quickly the types of questions that she was receiving and give thorough responses without stepping into some of the land mines that she is often presented with.

Your coolness under pressure is one of the skills that will certainly be put to the test in the Senate — sooner rather than later, I might add — as you join us at a very busy time that we like to call “silly season.”

Senator MacAdam, congratulations and welcome to the Senate of Canada.

**Hon. Scott Tannas:** Honourable senators, on behalf of my colleagues in the Canadian Senators Group, I welcome Senator Jane MacAdam to the Senate.

Here in the Canadian Senators Group, we were all very pleased to hear of your appointment because we firmly believe that former auditors general make very outstanding senators — no pressure. They fully understand the entire governmental financial process, the machinery of government and how to carefully review public accounts on spending. They have already delved, at times in great detail, into policy areas of great importance to Canadians.

During your tenure as P.E.I.'s Auditor General, you delivered eight impactful regular reports to the legislature. According to my count, you also tabled five follow-up or special reports on your own or with other provincial auditors; that is quite the accomplishment. Within those special reports, you investigated lotteries and financial services; petroleum pricing; climate change programs; health services and nursing homes; child care, child protection and early learning; government procurement and advertising; accessibility programs; and social housing.

That is just a sample of the work you did — it's extremely wide-ranging. With that in-depth knowledge, we know that all senators will greatly benefit, as we debate and review legislation, as well as make recommendations to the federal government on improving the lives of Canadians.

Your role as an earnest inquirer into government policies is continuing — just in a different form. Senator MacAdam, welcome to the Senate. We look forward to working with you.

**Hon. Jane Cordy:** Honourable senators, it is always a pleasure to have the opportunity to welcome a new member to our chamber. On behalf of the Progressive Senate Group, I'm delighted to join the other leaders today in welcoming Senator Jane MacAdam as she takes her seat. And I love welcoming another Jane to the chamber.

As has been noted, Senator MacAdam, you will follow in the footsteps of Senator Marshall, a fellow former auditor. In the coming days, we'll all be treated to Senator Marshall's analysis of the current budget bill, and I know she sets a high bar. Soon, it will be your turn to do the same.

It's equally important to note that although we all join this place with expectations of the particular issues that might be most important to us, we are often surprised by where we may end up. I encourage you to keep an open mind, attend as many different committee meetings as you'd like and see what ends up attracting your attention.

Senator MacAdam, you are joining us at the start of what is often referred to as "silly season" here on Parliament Hill. We are in a legislative crunch as the summer approaches. Our sittings get longer, and sometimes procedural manoeuvres become, shall we say, more frequent. In terms of learning the ropes here, it's certainly a trial by fire — and I'm not just referring to the smoke outside.

I, too, joined the Senate at the start of June, and I can assure you that while it can be a bit overwhelming, these late nights can also be when new friendships are forged.

Senator MacAdam, on behalf of the Progressive Senate Group, it is my pleasure to officially welcome you to the Senate of Canada. We look forward to working with you.

• (1420)

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Senator MacAdam's spouse, Peter MacAdam, her sons Robert and Mitchell MacAdam, as well as her daughter Emily MacAdam. They are accompanied by her children-in-law and grandchildren.

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

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

## SENATORS' STATEMENTS

### CANADIAN MULTICULTURALISM ACT

#### THIRTY-FIFTH ANNIVERSARY

**Hon. Andrew Cardozo:** Honourable senators, I am pleased to mark today the thirty-fifth anniversary of the Canadian Multiculturalism Act, which was passed in the summer of 1988. To do that, here is a quick overview of the multiculturalism policy in Canada.

When the Royal Commission on Bilingualism and Biculturalism reported in 1969, they recommended a bilingualism policy and that the contribution of other ethnic groups needed to be addressed. It is worth noting that senator Paul Yuzyk was one of the first, most prominent voices to use the term "multiculturalism" in his maiden speech in this chamber in 1964.

In response to the report, prime minister Pierre Trudeau announced the multiculturalism policy in October 1971, the first of its kind in the world. It was designed to create a policy of multiculturalism in a bilingual framework. While the policy began focusing more on cultural aspects, it moved into social policy and anti-racism in the early 1980s. The multiculturalism minister of the day, Jim Fleming, also launched the first parliamentary committee on racism, which in 1983 issued its groundbreaking report entitled *Equality Now!*

In 1982, multiculturalism was recognized in section 27 of the Canadian Charter of Rights and Freedoms, supported, of course, by all provinces. It is noteworthy that other sections recognized key relevant issues such as equality, affirmative action and freedom of religion.

In 1984, the Pierre Trudeau government introduced the first version of the Canadian Multiculturalism Act, which was then reintroduced and expanded and passed by the Mulroney government in 1988 under the leadership of his multiculturalism minister, Gerry Weiner. It passed unanimously in both the House of Commons and the Senate in July of 1988. Let me just note here that Parliament does have the ability to sit in July when necessary, as we approach July.

Over the years, the policy has grown with other notable ministers, including Stan Haidasz, David Crombie, Jack Murta, David Collenette, Hedy Fry, Jean Augustine, Jason Kenney and the current minister, Ahmed Hussen. This policy has enjoyed widespread support, yet has gained criticism in certain quarters, as it seeks to advance policies that are described in various ways, such as "respectful," "traditional," "uniting," "divisive," "woke" or "really Canadian."

As we mark the thirty-fifth anniversary of this policy, it is a good time to think about how it has helped define who we are as a country and where we go next, as it aims to advance respect and combat racism.

In closing, a shout-out to my personal mentors: Ministers Fleming, Weiner, Augustine and Fry. All these parliamentarians have made a difference and served Canada with distinction, each advancing one of the most quintessential Canadian policies. Thank you.

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Nahanni Fontaine, Member of the Legislative Assembly of Manitoba. She is the guest of the Honourable Senator Pate.

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

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

[*Translation*]

#### D-DAY AND THE BATTLE OF NORMANDY

**Hon. Rebecca Patterson:** Woebegone  
Weeping  
Autumn winds  
Harrow my heart,  
Wearying  
My will.

[*English*]

This song chorus was broadcast by Radio London in June of 1944 as a signal to the French Resistance that the invasion of France was imminent.

We commemorate June 6 today as the seventy-ninth anniversary of D-Day, Operation Overlord, the invasion of Nazi-occupied Europe at Normandy. It set in motion the eventual defeat of Hitler in the Second World War.

Of the approximately 150,000 Allied troops who landed or parachuted into France, roughly 14,000 were Canadian, about 1 in 10. Canadian commanders were responsible for one of the five beaches, Juno Beach. As part of the 3rd Canadian Infantry Division, Ottawa's own Cameron Highlanders, were among those who stormed ashore along with six artillery regiments and the 2nd Armoured Brigade. In support of the Canadian and Allied armies, the Royal Canadian Navy provided escorts, minesweeping, troop transport and, of course, direct fire support as part of Operation Neptune.

Ahead of D-Day, the Royal Canadian Air Force, or RCAF, in conjunction with Allied air forces, conducted bombing raids across occupied territory to soften up the enemy's defences. The 1st Canadian Parachute Battalion was dropped behind enemy lines on D-Day minus one and successfully destroyed two bridges to slow potential German counterattacks. RCAF fighters and bombers also provided air cover and direct support to the soldiers on the beaches.

Francis Godon of the Royal Winnipeg Rifles described Juno Beach as being so red and thick with blood that it was like crawling through ketchup. Just behind the troops, like Francis, the Royal Canadian Army Medical Corps field ambulances came ashore, under fire, to gather and evacuate casualties to the waiting hospital ships and civilian boats.

And less than two weeks following D-Day, the first two Canadian Nursing Sisters, with the No. 2 RCAF Mobile Field Hospital, landed in Normandy at Bernières-sur-Mer. They were Dorothy Irene "Molly" Mulholland of Grimsby, Ontario, and Winnifred "Pit" Pitkethly of Ottawa.

Molly described her experiences to her family after the war, telling them how she slept most of her first week in a trench and how she did a 72-hour shift in the operating room, which was just a tent, while bombs fell, and combat raged around her.

At the close of the Normandy campaign, it is estimated that more than 2 million Allied soldiers landed in France. In terms of casualties, roughly 200,000 Allied troops were either killed or wounded, with a similar number of German casualties. Of those Allied casualties, 18,700 were young Canadian men, with over 5,000 killed in action.

As memories fade, and history becomes Hollywood, we must not forget that:

[*Translation*]

They shall grow not old,  
as we that are left grow old:  
Age shall not weary them,  
nor the years condemn.  
At the going down of the sun  
And in the morning  
We shall remember them.

Thank you.

[*English*]

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Senator Marwah's brother, Lally Marwah, as well as his sister-in-law, Marlène Marwah.

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

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

#### THE LATE COULTER A. OSBORNE, K.C., O.ONT.

**Hon. Brent Cotter:** Honourable senators, two eminent Canadian judges passed away this spring, the Honourable Horace Krever and the Honourable Coulter Osborne. I will speak about Horace Krever on another occasion. Today, I would like to pay tribute to Justice Osborne.

Coulter Osborne passed away on April 19 at the age of 88. Before his distinguished professional career as a lawyer and judge, Coulter was an outstanding athlete. He was a starting forward on Canada's Olympic basketball team in 1956 in Australia, returning there in 2000 to carry the Olympic torch.

Coulter practised law with distinction for 20 years in Kitchener. He was one of the most outstanding lawyers of his generation in Ontario. Chris Speyer, a friend and admirer, described Coulter Osborne appearing before a jury:

Picture in your mind's eye a Gary Cooper-like figure — endowed with unassailable natural ability, dispensing his unique brand of gentle persuasion. Juries loved him, judges liked him; his legal opponents respected him.

He was appointed to the Ontario Supreme Court in 1978 and shortly thereafter to the Ontario Court of Appeal, where he served as associate chief justice.

A colleague, Justice James MacPherson, described his judicial skills in this way:

In my 24 years on the Court of Appeal I can safely say that Coulter Osborne was, universally, the most respected judge on the court. The breadth of his legal knowledge, his good judgment, indeed his wisdom, made him an extraordinary leader.

After retirement from the bench, Coulter served as Ontario's Integrity Commissioner, a continuing commitment to public service. What a distinguished career.

• (1430)

But Coulter Osborne was so much more than this. He was a kind, thoughtful and wise man, beloved within his family: His wife Barbara of 64 years, his three remarkable daughters — Julie, Mary and Katie — four grandchildren and recently one great-grandchild.

Coulter was a mentor to many in his own gentle way, unfailingly kind, with a warm, mischievous sense of humour that enveloped everyone in its embrace. Coulter Osborne had many friends and admirers, so many it's hard to count. This friendship he bestowed upon many, and all who knew him were enriched by his presence in their lives.

I was one of those. Until COVID, I spent a week each year for over 20 years with Coulter and a small group of friends. I have reflected recently on my good fortune of having been a friend, and I'm saddened that he has died but grateful to have known him. I'm a better person for knowing Coulter Osborne, as are the many hundreds of others who had the chance to bask in the warmth of his friendship, kindness and grace. Thank you.

### NEWFOUNDLAND FACTS

**Hon. Fabian Manning:** Today, I am pleased to present Chapter 76 of "Telling Our Story."

Colleagues, through previous Chapters 42 and 43, I informed you of some unique facts of my province of Newfoundland and Labrador. Today, I want to add a few more to that list.

I am sure that many of us here in this chamber and throughout the globe, for that matter, would wonder how we could live and work without wireless communication. It has changed our world drastically, and we can debate at some other time the pros and cons of that change. But for today, I want you to know that on December 12, 1901, Guglielmo Marconi raised a 150-meter-long antenna, which was attached to a kite, over Signal Hill in St. John's, Newfoundland. This antenna received the world's first transatlantic signals ever sent via radio waves.

Another fundamental change in the past century is how we travel around the world. Once again, our province played a pivotal role in the origin of aviation.

At 1:45 p.m. on June 14, 1919, John Alcock and Arthur Whitten Brown lifted off Lester's Field in St. John's aboard their modified Vickers Vimy airplane. It was not an easy flight. They battled heavy fog and only barely missed the top of the trees during takeoff. They lost radio contact after a short time in the air, and with a failed generator, they soon lost their heating source and the ability to communicate through their intercom system. They ran into a major snowstorm, and it is said that Brown had to climb onto the wings and clear the engines. I guess the action of de-icing had its beginning here also.

Through it all, the pilots persevered and beat the odds. At 8:40 a.m. on June 15, 1919, after less than 16 hours' flying time, they made landfall in County Galway, Ireland, making their endeavour the first non-stop transatlantic flight. A small amount of mail was also carried on the flight, making it the very first transatlantic airmail flight as well. It all began on that rock we know and love as the island portion of Newfoundland and Labrador.

The Royal St. John's Regatta is the oldest annual sporting event in North America, with documented proof of boat races taking place in 1816. It is known as the largest garden party in the world, drawing crowds of up to 50,000 people to the shores of Quidi Vidi Lake each year. Regatta Day is also the only civic holiday in North America that is determined by the weather, more specifically which way the wind blows and how much of it blows. Safety is paramount.

Then we have the biggest little street in North America known far and wide as George Street in downtown St. John's. People from all over the world have made their way to these two city blocks that hold the most pubs per square feet in Canada. You will not need to have Google Maps on your phone to go enjoy a night of bar-hopping on George. There is a great variety of music and restaurants, and the place is rich with some of the best entertainers our province has to offer. If you are musically inclined and want to join in the festive mood, you may end up on a stage singing along with one of our local musicians. If memory serves me correctly, my good friend Senator Gold is fully aware of the opportunity to take the stage on George Street — the locals are still talking about his performance there a few years ago.



Around the year 0, the Beothuk people migrated from Labrador to the island of Newfoundland, becoming our first inhabitants. Their extinction is a sad part of our history that I will tell you about at a later date.

In 1907, Newfoundland was given dominion status by the United Kingdom, thus making Newfoundland its own independent country. It remained a dominion until the rest of Canada decided to join us in 1949. The details of that story I will leave for another day also: stay tuned. Thank you.

### NOVA SCOTIA WILDFIRES

**Hon. Stan Kutcher:** That's a hard act to follow. Honourable senators, in 1976, following summer storms that greatly impacted the inshore fishery of northern Cape Breton, singer-songwriter Allister MacGillivray composed the song "Sea People." The chorus aptly describes the connection and tenacity of the people of Nova Scotia:

They are sea people, the pride of the land, strong of the spirit and rough of the hand.

Over the past week, Nova Scotians have again banded together in the face of devastation and heartbreak. The unprecedented wildfires add to the list of adversities experienced over the last several years that have both caused great anguish and pulled our communities together. Unfortunately, we know there will be more challenges to come with climate change and the unpredictable nature of the world we live in.

I know you all share my sentiments of support and compassion for all those dealing with the impacts of this early and record-breaking wildfire season across our country. Our thoughts are with the families who have lost their homes, beloved pets, businesses that were centres of communities and with the firefighters who continually put themselves in harm's way. We thank all the emergency response teams who are working tirelessly to address the threats the fires cause to our lives, health and economy.

In times of challenge, the people of Nova Scotia stand together through collective action, resilience and support of each other. It is human connection that improves the human condition. These connections will aid adaptation as communities rebuild.

As parliamentarians, we need to consider how we aid adaptation through climate-responsive policies, building codes and emergency response plans. We can use these times of challenge to take agency in our own responses through community building, fundraising and making changes in our lives that address climate change. It is also a time to talk to children and youth about their own agency to empower their voices and actions to ensure we are leaving them a better world than the one that we continue to damage today.

Colleagues, Mother Nature is speaking to us and we must listen. We have ignored the science at our peril.

Again, my thoughts are with those facing displacement and loss from coast to coast to coast. Please join me in a heartfelt thanks to all responders from Canada and those who have

travelled from other countries to assist, fight and manage these fires. For my home province forever, "Nova Scotia Strong." Thank you.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of the family of the victims Mchale Busch and Noah McConnell. 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!

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[Translation]

### ROUTINE PROCEEDINGS

#### CRIMINAL CODE

#### SEX OFFENDER INFORMATION REGISTRATION ACT

#### BILL TO AMEND—FIRST READING

**Hon. Pierre-Hugues Boisvenu** introduced Bill S-266, An Act to amend the Criminal Code and the Sex Offender Information Registration Act.

He said: Honourable senators, today I have the honour to introduce this bill in memory of Mchale Busch and her 16-month-old son, Noah McConnell, who were both murdered in Hinton, Alberta, on September 17, 2021.

(Bill read first time.)

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

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

• (1440)

#### CANADA-AFRICA PARLIAMENTARY ASSOCIATION

#### BILATERAL VISIT TO SENEGAL, NOVEMBER 5-10, 2022— REPORT TABLED

**Hon. Amina Gerba:** Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Africa Parliamentary Association concerning the Bilateral Visit to Senegal, held in Dakar, Senegal, from November 5 to 10, 2022.

[English]

## INDIGENOUS PEOPLES

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

**Hon. Brian Francis:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Indigenous Peoples be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate an interim report relating to its study on the constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Métis peoples, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

## HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT  
REPORTS ON THE STUDY OF ISSUES RELATING  
TO HUMAN RIGHTS GENERALLY WITH CLERK DURING  
ADJOURNMENT OF THE SENATE

**Hon. Salma Ataullahjan:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, no later than September 30, 2023, interim reports on issues relating to human rights generally, if the Senate is not then sitting, and that the reports be deemed to have been tabled in the Senate.

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## QUESTION PERIOD

### PRIME MINISTER'S OFFICE

NATIONAL SECURITY AND INTELLIGENCE COMMITTEE  
OF PARLIAMENTARIANS

**Hon. Donald Neil Plett (Leader of the Opposition):** Government leader, my question today is about the National Security and Intelligence Committee of Parliamentarians, or NSICOP, which the Prime Minister claims is the best place to investigate what he knew about Beijing's interference. Two seats reserved for senators on this committee were vacant for some months. On Friday, the Prime Minister filled only one of those seats as he appointed Senator Duncan to NSICOP.

Now, let me be clear that I have no doubt Senator Duncan is very worthy and will be a valuable member of that committee. But as a result, two of the three Senate seats on NSICOP are now filled with members from the same caucus — the Independent Senators Group. These two senators were also named to this place upon the advice of Prime Minister Justin Trudeau, who put them on NSICOP.

Leader, can you tell us why the Prime Minister filled only one of the two vacancies on this committee last Friday? Why wasn't a member of the official opposition in the Senate appointed to NSICOP? Leader, you have access to the Prime Minister. You're a member of the Privy Council. Please don't pass this off, leader. Tell us why this happened.

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for the question. The Prime Minister's decision to appoint members to NSICOP follows the terms of the legislation setting up NSICOP. It is a prerogative of the Prime Minister. My understanding is that the Prime Minister assesses first and foremost the needs — the expertise, competency and balance — of the committee in terms of experience, competency, regional representation and the like.

I have not been advised as to why the Prime Minister made the appointments that he did, nor the timing of it, nor have I been advised as to what his intentions are with regard to the remaining vacant seat.

**Senator Plett:** Senator Gold, this happened on Friday. I'm sure you were well aware that I was going to ask you this question today. I think it would be very shallow for you to say that you did not anticipate this question. You may not have been advised, but why wouldn't you pick up the telephone and call and ask?

When Minister Mendicino was in our chamber here a week ago, I asked him about NSICOP vacancies, and he said:

... I do agree that it needs to have broad representation as was originally envisioned when we set up this committee.

I guess by now we should know better than to put any faith in what Minister Mendicino has to say. Leader, the Prime Minister appointed two senators to NSICOP — two from the same caucus and two that he appointed to the Senate. How is that broad representation as Minister Mendicino said? If the Prime Minister is intent on excluding the official opposition — as he has done for some years now — from the remaining Senate seat on NSICOP, then isn't that further confirmation that he will do anything to hide the truth about Beijing's interference?

**Senator Gold:** No, it is not. Members of NSICOP, under the act, include representatives from all recognized parties in the other house and three senators from the Senate. The Prime Minister put in place a change in the way in which senators are appointed and indeed in the conception of the Senate as an independent chamber of sober second thought. Senators are chosen for NSICOP based upon the needs of the committee and other criteria relevant to the work of the committee. It is neither in the act nor necessarily in the conception of an independent senator that seats are reserved for or otherwise allocated to particular groups.

## FINANCE

## INTEREST COSTS ON FEDERAL DEBT

**Hon. Leo Housakos:** Senator Gold, can you tell this chamber how much your government is spending this fiscal year on the servicing of and interest payments on the Trudeau debt? Can you compare that to the 1.29% of GDP that your government is spending on national security, defence forces and our NATO obligations?

Honourable colleagues, can you imagine if we had to carry out an operation today like we did this week in 1944 with our Canadian troops? What would happen if they had to carry out an operation on behalf of Canadians in the name of freedom? I can tell you what would happen, Senator Gold: We would be in quicksand. I read the CBC story a couple of days ago where we have Canadian soldiers paying out of their pockets for helmets and basic equipment that they need to do their job. One just has to shake their head.

Why is this government spending so much more on interest to pay for the debt that Trudeau has accumulated compared to supplying resources needed by our forces? Isn't your government — the Prime Minister and its ministers — ashamed of the fact that you're spending tons more to service the debt than you are to supplying our national forces with the equipment they need?

**Hon. Marc Gold (Government Representative in the Senate):** No, the government is not ashamed, and you've asked me this question many times. Then, of course, you answer it, so you'll forgive me if I don't always take notes of your answers.

Let me say two things: The investments that the government made and the debts that have been accrued — as I've said on many occasions — were investments in helping Canadians get through the pandemic and transition from the pandemic and were investments in our future. The position of the government is that these things were necessary, prudent and worthwhile investments for Canada and for our future generations.

With respect to defence spending, this government is not ashamed. On the contrary, this government's contribution to defence spending has increased and is significantly higher as a percentage of GDP than it was under the previous government.

• (1450)

**Senator Housakos:** The government should be ashamed. When you have soldiers paying out of their pockets for helmets and the basic equipment they need to do their job, you should be ashamed. The fact that you're not shows how shameless this government is.

But let's return to the core of this issue and the problem that we have: You're spending \$44 billion in interest payments to service the Trudeau debt. That's where the real shame and the problem are. If you're not ashamed that our military is on their knees, are you ashamed that 6.5 million Canadians can't find a doctor in this country? Are you ashamed that your government is paying just as much right now to service the Trudeau debt as you are in Canada Health Transfer payments to provinces, which is

probably one of the reasons why 6.5 million Canadians can't find a doctor? Are you, at least, not worthy of accepting that as shameful?

**Senator Gold:** I am going to refrain from playing tit-for-tat — only to remind senators that the attribution of blame to the federal government for problems regarding access to doctors in this province is a shameful example of either ignorance or disregard for our constitutional framework, which I assume is well understood.

**Senator Housakos:** Health care —

**The Hon. the Speaker:** Order.

**Senator Gold:** Thank you, Your Honour. The government's investments in our economy, and in our social safety net in partnership with the provinces and territories, are a necessary and important part of maintaining and strengthening the fabric of this country. All parties should appreciate that these measures are necessary for Canadians to weather the challenges that they're facing, whether it's economic challenges or challenges in accessing social services. This government is doing its part in partnership with the provinces and territories in order to make life better for Canadians.

## INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

## RESEARCH FUNDING

**Hon. Stan Kutcher:** My question is for Senator Gold. Graduate, trainee and post-doctoral programs are the apprenticeship positions in higher education that build the innovators and scientists of our future research and development and economic systems. Merit-based government-funded grants and scholarships level the playing field to allow access to those programs for everyone — and not only the privileged few.

Senator Gold, does the government realize the importance of these programs for the Canadian research ecosystem and the thriving of the future economy?

**Hon. Marc Gold (Government Representative in the Senate):** Indeed, the government has been steadfast in its support of Canadian researchers and scientists since 2015. In particular, the government recognizes the central role that graduate students, doctoral students and post-doctoral students play within our research ecosystem.

Colleagues, previous budgets have provided \$40.9 million to support targeted scholarships and fellowships for promising Black student researchers; and \$38.3 million for the federal granting councils to add new Canada Excellence Research Chairs in the fields of science, technology, engineering and mathematics. The recent \$1.4 billion announcement — through the Canada First Research Excellence Fund, or CFREF — demonstrates the government's ongoing commitment to continue supporting the scientific and research community.

Colleagues, I've been advised that since this government was elected, more than \$17 billion has been directly dedicated to science funding.

**Senator Kutcher:** With all due respect, Senator Gold, the Canada Excellence Research Chairs program is not funding post-doctoral students, master's students and PhD students. Given the importance of keeping these positions in Canada, and the fact that these positions are well below the current poverty line — so we have our best and brightest people struggling below the poverty line — will the government reconsider what it overlooked in the 2023 budget, and increase funding to these valuable contributors to the Canadian economy in the fall economic update?

**Senator Gold:** Thank you for your question. I wasn't suggesting for a moment that the Canada Excellence Research Chairs program was for post-doctoral students. Personally, my family and friends provided post-doctoral funding at the University of Montreal in recognition of the needs — and the government is very sensitive to the needs of all members of the research family in Canada, and is committed to ensuring that Canada remains competitive in that regard.

The budget was crafted in circumstances where hard decisions had to be made regarding how much could be spent and where. I'm not in a position to respond to whether the government is reconsidering aspects of the budget implementation act, for example, which is currently in debate in the other place.

But thank you for raising these concerns — they're important concerns, Senator Kutcher, and I'll raise the matter with the relevant minister at the earliest opportunity.

## FOREIGN AFFAIRS

### HUMAN RIGHTS IN UGANDA

**Hon. Ratna Omidvar:** My question is for the Leader of the Government. Senator Gold, this is Pride Month. I want to take a minute to congratulate Senator Cormier on his leadership in creating and launching the Canadian Pride Caucus.

I want to shift your attention to what is happening to the LGBTQ2 community in Uganda where they passed a draconian law, calling into question the safety and security of members of this community. The law includes the death penalty for crimes of aggravated homosexuality, and significant penalties for anyone who is seemingly promoting homosexuality.

I'm, of course, encouraged by the statements put out by our government, the Prime Minister, the Minister of Foreign Affairs, the Canadian Pride Caucus and other parliamentarians. But, beyond the statements, I would like to know what the government is doing proactively to work with our regional partners, possibly the U.S., in trying to build a campaign to protect the LGBTQ2 people in Uganda.

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for the question. I stand with the Prime Minister in his recent remarks regarding this issue when he stated, "This law is appalling and abhorrent, and we strongly

condemn it." He went on to say that Canada will continue to stand with the 2SLGBTQI+ people, and stand up for their rights at home and abroad.

It's my understanding, senator, that the Minister of Foreign Affairs is working with partners in the region to support communities impacted by this law, and will continue to do so. As we know, not only Canada, but also the United States, the United Kingdom and the European Union have condemned this gross violation of human rights. The community in Uganda is not alone, and Canada is part of that effort to assist them. Canada stands with that community here and around the world in this fight against the rising crackdown on their fundamental rights.

**Senator Omidvar:** Thank you for your answer, Senator Gold. I think it is inevitable to expect that some members of this community will look to Canada for refuge, and I'm wondering if the Government of Canada will consider a special refugee program that goes beyond the existing numbers of the current immigration plan. Otherwise, we're just shuffling one lot of refugees with another lot of refugees. Will the Government of Canada consider a special program that goes beyond the 400,000 cap?

**Senator Gold:** Thank you, senator, for raising this issue. I certainly will raise this question, and pass on your considerations and recommendations to the relevant minister.

[Translation]

## NATURAL RESOURCES

### WILDFIRE MANAGEMENT

**Hon. Jean-Guy Dagenais:** Every year, during the July 14 festivities in France, I am always impressed to see the thousands of firefighters in uniform marching in the Champs-Élysées parade. France has more than 252,000 firefighters, including 197,000 volunteer firefighters, who the country can call upon in the case of wildfires or other natural disasters. Many of these volunteers are retired members of the military.

Yesterday, I was shocked to see that the Prime Minister seemed unable to tell us what was going to be done to get the wildfires under control. We are talking about 2,200 wildfires so far this year, and it is not even summer yet. Unfortunately, wildfires, flooding and tornadoes all seem to be on the agenda for the coming years.

Will Canada stand idly by or will it do like France and set up a mobile volunteer fire brigade to intervene when major disasters strike? Believe me, we are going to need it.

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for the question and for raising awareness of the challenges posed by the many wildfires burning across Quebec, Alberta, Nova Scotia and the rest of the country.

• (1500)

It is my understanding that a large number of the firefighters in Canada are volunteer firefighters, and one of the challenges facing communities is how hard it is to recruit enough firefighters to meet their increased needs. That being said, and with all due respect, it simply isn't true that the government isn't doing anything. On the contrary, following a request by the Province of Quebec, the government approved the deployment of the Canadian Armed Forces to help them deal with the situation.

I'm told that the government is also assessing whether additional federal resources are available to meet the province's needs. The government knows that the current forest fire situation is and will continue to be difficult across the country for a number of reasons, including the climate, of course, but also a lack of volunteer firefighters. Your suggestion is important, and I will bring it to the minister's attention.

**Senator Dagenais:** I have a supplementary question. Forest fires are burning in the Maritimes, British Columbia, Alberta and Quebec. France is half the size of Ontario. Canada is 1,700 times bigger than France, but France, I would remind you, has 197,000 volunteer firefighters. I think it is going to take more than a carbon tax to save the environment. Your Prime Minister urgently needs to have a national vision when it comes to disasters.

Do you honestly believe that Canada has the equipment it needs to fight the forest fires that are plaguing the country?

**Senator Gold:** Thank you for the question. As I suggested in my response, it is clear that given the magnitude of the fires you describe, Canadians need more resources to respond to these environmental disasters. Again, I will share your suggestion with the government.

[English]

## WOMEN AND GENDER EQUALITY

### RIGHTS OF 2SLGBTQ+ PEOPLE

**Hon. Wanda Thomas Bernard:** My question is for the Government Representative in the Senate. Senator Gold, Minister Marci Ien announced that \$1.5 million is being allocated to Canada Pride to be used for safety precautions during Pride parades and festivals this year. This money is being allocated in a reactive manner in response to the very real rise in violence and threats of violence to the 2SLGBTQ+ community. 2SLGBTQ+ people also experience everyday violence year-round here in this country in the form of workplace discrimination, systemic discrimination in the medical system and harassment.

Senator Gold, given the acknowledgement of this increased violence towards this community during Pride Month, what kind of support does the government plan to offer after Pride Month is over, and what other strategies are the government planning to put in place to protect 2SLGBTQ+ people year-round?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question, senator, and for underlining this important issue and the vulnerability of the LGBTQ community to forms of discrimination that regrettably, and often tragically, continue apace.

This government is proud of the measures that it has taken to strengthen our laws against discrimination. We, in this chamber, had occasion just a few short years ago to debate amendments to the Canadian Human Rights Act to broaden the protection for members of that community. The funding that you announced and other measures are designed to increase and enhance support provisions to bring back the court challenges program as another mechanism whereby the infringement of legal rights, which is too often the case, can be challenged by those who would not otherwise have the means to do so.

The work will never be finished, and more will always need to be done until all Canadians can live with the full respect and dignity we are all entitled to regardless of our sexual orientation, our gender orientation and how we choose to live. This government is proud of its commitment to support those in that community. Actions speak louder than words, and actions will continue to be taken to support the community.

**Senator Bernard:** Thank you. As was mentioned, real change comes in many different forms. Workplace discrimination is certainly one of the areas of discrimination that queer people experience every day. When will the government include queer and transgender people in Canada's Employment Equity Act, which is one specific action that could be taken?

**Senator Gold:** Thank you for the question. I'm not in a position to answer that specifically, but I will certainly bring that to the attention of the minister. However, I will underline nonetheless that not only our Constitution but also our Human Rights Act and general jurisprudence that have evolved under the equality of rights provisions both in federal and provincial legislations are increasingly understood to prohibit such forms of discrimination. Thank you for the question. I will bring it to the attention of the minister.

## PRIVY COUNCIL OFFICE

### INDEPENDENT SPECIAL RAPPORTEUR ON FOREIGN INTERFERENCE

**Hon. Denise Batters:** Senator Gold, the only dollar figure Prime Minister Trudeau actually revealed in his Special Rapporteur's mandate was David Johnston's \$1,600 daily fee. Now we are learning just how expensive "special rapporteuring" can be. Johnston has decided he needs an entire entourage to help him. He hired high-powered lawyer Sheila Block. This major Liberal Party donor and "the team she led at Torys" helped Johnston interview more than 50 people. Bay Street law firm Torys is one of the largest and most expensive law firms in Canada.

Now, Senator Gold, my legal career was in Saskatchewan, not on Bay Street, but I do know that kind of help would rack up a ton of sky-high billable hours. How much are all those legal fees costing Canadian taxpayers?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. Former Governor General David Johnston was given a task by this government to inquire into the serious issue of foreign interference. He has been subjected to the most odious character assassination and has had his integrity impugned time and time again. In my 72 years on this earth, I have never seen such an attack orchestrated and sustained by a political party, by an opposition that has taken rhetoric to such depths. In that regard, I think that if the former governor general felt the need to defend his integrity and to make sure that the job he was doing could be done in an appropriate way for the benefit of Canadians, then his decision is something the government is prepared to support.

**Senator Batters:** There was not even close to an answer there. But wait, there is more. The special rapporteur's entourage has grown even bigger and more expensive. To counter questions about his close ties to Prime Minister Trudeau, Trudeau Foundation member Johnston hired another Trudeau Foundation alumnus, Frank Iacobucci, to give him an independent legal opinion. And, wouldn't you know it, Iacobucci works at the Torsy law firm too?

The Special Rapporteur has also employed the elite public relations firm Navigator, which specializes in crisis communications. And since that wasn't enough pricey public relations help, Johnston hired another communications company, RKESTRA, for media relations support. I wonder which of his high-priced help advised Johnston to leave the words "Trudeau Foundation" out of his 55-page report.

• (1510)

Senator Gold, instead of spending all this taxpayers' money trying to crisis-manage his way out of the mess Prime Minister Trudeau created, when will his Special Rapporteur listen to the people of Canada, as expressed by the majority of MPs, and step down?

**Senator Gold:** Clearly, the leadership that is being expressed in the other place has found its echo chamber here in this chamber.

The fact is the government remains confident in the former Governor General, and the continued attempts to impugn his integrity and to divert attention from the real problems that Canadians are facing, whether it is the wildfires that are ravaging the country, people who are dislocated from their homes or the economic issues Canadians are facing, are a regrettable example of misplaced priorities.

[ Senator Batters ]

## FINANCE

### COST OF LIVING

**Hon. Donald Neil Plett (Leader of the Opposition):** Senator Gold, if you answered a question once, you would be able to stop rolling your eyes every time we ask a question.

For us to ask questions about forest fires, which we all agree are devastating — no one is suggesting that we shouldn't spend money on fighting forest fires. For you to try to get away from the Beijing interference is shameful.

You referenced your 72 years of your life. I can't remember all 73 of mine, but never have I seen a government as corrupt as this Liberal government or as afraid of answering questions as this Liberal government.

You know, Senator Gold, if you would answer a question once, we would be able to get along much better in this chamber.

Thank you, Senator Dean. You can help me, talking about echo chambers.

**The Hon. the Speaker:** Could you ask your question, Senator Plett?

**Senator Plett:** My question for the Liberal government, leader, concerns the cost of living. I hope that is a concern for you as well, as forest fires are.

Last week, the Ottawa Food Bank opened its new location, which is twice the size of the previous space. As their CEO Rachael Wilson stated, there is nothing to celebrate about having to move to a larger space because the need in this city continues to rise.

The Ottawa Food Bank has seen an 85% increase in the number of visits since 2019, which their CEO called astronomical numbers that they have never seen in their 40-year history. Last year alone, they saw a 30% increase.

Harvest Manitoba says the need for food banks in my province increased by 40% in just one year. A quarter of their food bank clients are now people with jobs, a 50% increase from just a year earlier.

Of course, this increase occurred with only one carbon tax in place. A second carbon tax will be in place on July 1. According to the Parliamentary Budget Officer, the average household in Manitoba will pay an extra \$611 under the second carbon tax. Combined with the Prime Minister's first carbon tax, Manitobans will be out \$2,101 per household.

I hope that concerns you, too, Senator Gold.

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

**Senator Plett:** Leader, how much will food bank usage increase in the city of Ottawa, the province of Manitoba and everywhere else in Canada because of the Prime Minister's carbon taxes and tax on taxes? Do you know, Senator Gold? Do you even care?

**Hon. Marc Gold (Government Representative in the Senate):** I certainly care, as I think all senators care about the hardships that Canadians are facing due to worldwide supply chain problems, worldwide inflation and worldwide climate change, which have significantly affected our supply of food. That is why this government has made serious efforts to assist Canadians most in need, as I have outlined on many occasions.

With regard to the food banks, I do not know how the situation will continue to unfold. I have been involved in food banks in my hometown. Thank goodness for the volunteers and organizations that do provide this assistance and the governments that support them.

In that regard, the Government of Canada has made significant investments and funding available to local food banks to help them meet the needs of their residents and will continue to do so.

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## ORDERS OF THE DAY

### STRENGTHENING ENVIRONMENTAL PROTECTION FOR A HEALTHIER CANADA BILL

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS—  
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, in relation to Bill S-5, An Act to amend the Canadian Environmental Protection Act, 1999, to make related amendments to the Food and Drugs Act and to repeal the Perfluorooctane Sulfonate Virtual Elimination Act, the Senate agree to the amendments made by the House of Commons; and

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

**Hon. Rosa Galvez:** Honourable senators, I rise to speak to the message from the other place on Bill S-5, strengthening environmental protection for a healthier Canada act.

A year after our comprehensive study of the bill to reform the Canadian Environmental Protection Act, known as CEPA, we are finally close to modernizing Canada's legislative framework on toxic substances. I need not remind you that CEPA was adopted in 1999 and had not been updated since. Twenty-four long years is an outrageous amount of time to leave untouched the most important tool for protecting the environment and our health while science has progressed at an unprecedented rate and has warned us.

As we see the omnipresence of plastic pollution, microplastics in human organs, uncontrolled toxic spills, terrifying wildfires, floods and other extreme weather events caused by polluting gases warming the atmosphere, I can't help but wonder: If we had revised CEPA 15 years ago, would we be at this dreadful cul-de-sac?

[*Translation*]

Bill S-5 is coming back to the Senate with a set of amendments modifying 38 clauses. We are grateful to the House of Commons, whose amendments are generally based on the work of the Senate. The House of Commons made no changes to 21 of our amendments, which validates the good work we did in committee. I sincerely thank every member of the Standing Committee on Energy, the Environment and Natural Resources.

The other Senate amendments were for the most part clarified or reformulated, and only a few were rejected by the Commons.

In my speech, I will address a few specific amendments, which, I believe, were improved by the House, and also a few remaining gaps and weaknesses.

[*English*]

One of the main features of Bill S-5 is the inclusion of the concept of a right to a healthy environment. During our study, most witnesses applauded the concept but criticized the bill for simply instructing the Minister of Environment and Climate Change to develop and implement a plan rather than enshrining the actual right.

The House made a few modifications, but the intent remains the same. It added a definition of a healthy environment, describing it as "an environment that is clean, healthy and sustainable." It restructured the Senate amendment that required the implementation framework to elaborate on the reasonable limits to which that right is subject but maintained the Senate's intent.

It also further clarified the principle of intergenerational equity by stating that:

. . . it is important to meet the needs of the present generation without compromising the ability of future generations to meet their own needs;

Under CEPA, the government is tasked with assessing substances and categorizing them depending on their toxicity. The government assesses approximately 600 substances new to the Canadian market each year. However, it does not give itself enough resources to assess all the substances currently in the Canadian market. For that reason, I had attempted to amend the bill by imposing a set timeline for the minister to finalize an assessment and publish its results. At the time, the committee had opted not to impose a deadline, as the timeline of an assessment would depend on the amount of government resources dedicated to that matter.

To address this issue, the House proposed what I think is a reasonable compromise. If the assessment of a substance has not been completed after two years, the minister must publish a statement indicating the reasons for the delay and an estimated time frame within which the final decision is to be published.

This is a question of ministerial responsibility. Therefore, it is incumbent on the minister to justify any delay that could harm our health.

• (1520)

The next point I would like to address is confidentiality. Currently, when a corporation provides information on a substance requested by the minister, they can request confidentiality by written request. Under the current CEPA regime, confidentiality appears to be granted automatically with no need for approval by the minister. This demonstrates a lack of transparency. Of course, there may be many valid reasons for the need for confidentiality, including trade secrets, integrity of contracts or protection against financial loss. However, the requester should have to demonstrate why confidentiality is needed, and the responsibility should fall on the minister to grant or deny it. This is something that both Senator Miville-Dechéne and I had argued in our committee study. Unfortunately, the committee opted to defeat our proposal.

Thankfully, the House of Commons picked up on this important issue of transparency and found a compromise. Their amendment would require the minister to review a statistically valid representative sample of confidentiality requests granted and determine whether the request is justified under a set of four possible justifications. The requests that don't qualify are then deemed non-confidential and the minister shall report annually on these confidentiality requests.

I believe this strikes a good balance. When information does not need to be confidential, Canadians have the right to access that information, especially when it concerns their health and the protection of the environment.

Overall, I feel the other place has reinforced the Senate's work on this bill. That is not to say, however, that there aren't any remaining gaps or unaddressed issues with CEPA.

Environmental policy experts are not satisfied with the removal of the title of Schedule 1. This list exists because these substances have been found to be toxic in certain contexts, amounts or paths of exposure. The industry complained, saying that some of these substances can be found in everyday products. Whether or not the title of this list includes the words "toxic substances" does not change any legal requirements on these

corporations — it is merely a labelling issue. Out of transparency, and for the benefit of the average Canadian, nomenclature is important. Hiding the fact that these substances were scientifically found to be toxic in certain contexts is not being transparent with Canadians.

Another major issue remains with the government's capacity to assess substances. The government is over-reliant on industry to provide the scientific basis for assessments and often merely does a literature review rather than scientifically testing the substances themselves. This is problematic as we rely on industry for decisions that are the minister's responsibility. For example, just last week, we learned through an article published by the CBC that industry knew for decades about the risks of per- and polyfluoroalkyl substances, also known as PFAS or forever chemicals, and kept it hidden. Major industry players knew these substances were toxic, yet they are present in everything from cookware to makeup. These chemicals are known to cause liver problems, pregnancy issues and cancer. Worse yet, the industry used tactics reminiscent of the tobacco and fossil-fuel industries to muddy the water around the toxicity of forever chemicals and to prevent more research to study the matter.

This is completely unacceptable, and it is our job as legislators to adopt a legislative framework that better regulates the industry. We cannot play with the health and safety of Canadians. We cannot rely on experiments that are overwhelmingly designed, performed, analyzed and disclosed by industry for the purpose of sales and profit rather than for the best interest of Canadians. We must equip our government with the adequate resources to make its own rigorous and transparent scientific assessments.

[*Translation*]

Colleagues, Bill S-5 makes essential updates to the Canadian Environmental Protection Act. It's not perfect, and we still have a lot of work to do to ensure that our environmental protection act really focuses on preventing pollution, not managing and monitoring it.

The current Minister of Environment and Climate Change promised that more revisions are to come, and I eagerly await those proposals. Never again should we wait 24 years to modernize legislation that is so crucial to protecting our health and the environment.

I encourage you to support the bill while continuing to advocate for other improvements in the near future.

Thank you. *Meegwetch.*

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



**CRIMINAL CODE**

BILL TO AMEND—HUMAN RIGHTS COMMITTEE AUTHORIZED TO STUDY SUBJECT MATTER

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)**, pursuant to notice of June 1, 2023, moved:

That, in accordance with rule 10-11(1), the Standing Senate Committee on Human Rights be authorized to examine the subject matter of Bill C-41, An Act to amend the Criminal Code and to make consequential amendments to other Acts, introduced in the House of Commons on March 9, 2023, in advance of the said bill coming before the Senate; and

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

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

[*English*]

**PARLIAMENTARY LIBRARIAN**

CERTIFICATE OF NOMINATION REFERRED TO JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)**, pursuant to notice of June 1, 2023, moved:

That the Certificate of Nomination for the proposed reappointment of Heather Powell Lank as Parliamentary Librarian, tabled in the Senate on June 1, 2023, be referred to the Standing Joint Committee on the Library of Parliament for consideration and report; and

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

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

• (1530)

**CRIMINAL CODE**

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Wallin, seconded by the Honourable Senator Tannas, for the second reading of Bill S-248, An Act to amend the Criminal Code (medical assistance in dying).

**Hon. Donald Neil Plett (Leader of the Opposition):** Honourable senators, I rise today to speak to Bill S-248, an initiative brought forward by a passionate and diligent advocate for patient autonomy and dignity, Senator Wallin. I know this legislation, like her amendment to the previous government bill, is based on a very personal and painful experience and is presented with sincere intentions.

In the previous speeches I have made on assisted suicide, I have stressed my concern with the speed and the magnitude of the expansions the government has made to what was initially a careful, cautious response to a decision made by the Supreme Court of Canada.

While we were keenly aware at the time of the paradigm-shifting nature of legalizing assisted suicide, most of us were also aware of the need for clarity, certainty and stringency in the law so that we could ensure no life would end prematurely without careful evaluation and the express consent of the individual.

For many of us, the safeguards at the time fell short, yet, as I have said before, I could never have imagined that a few short years after our “slippery slope” arguments were dismissed, we would be legalizing assisted suicide for people suffering from mental illness and tabling committee reports recommending the expansion of assisted suicide to children. These are proposals I find indefensible.

However, I would not put Bill S-248 in that category. I am sympathetic to the rationale for advance requests, particularly for patients diagnosed with Alzheimer’s and dementia, who fear living in an unfathomable state as their illness progresses.

That said, in practice, this legislation would eliminate one of the most fundamental safeguards in Canada’s assisted suicide regime: the need for unequivocal, unquestionable and clear final consent before ending the life of a person.

Advance requests eliminate the ability of a physician to ascertain the person’s present desire, leaving a very real possibility that a person’s life could be ended against his or her wishes.

The Supreme Court of Canada in *Carter* emphasized numerous times that a person requesting assisted suicide must provide clear consent. If the consent must be clear and unequivocal, it must also be contemporaneous. According to the experts, there are data highlighting the risk of providing assisted death to a patient against his or her wishes.

In discussing advance requests, or ARs, the report of the Council of Canadian Academies on advance requests for MAID prepared for the Government of Canada stated that:

The primary risk involved in ARs for MAID is the risk that a person will receive an assisted death against their wishes.

This risk is supported by Health Canada data. Health Canada's first, second and third annual reports on assistance in dying in Canada demonstrate that, on average, approximately 20% of people who withdrew their requests for assisted suicide did so immediately before the provision of the assisted suicide.

That is a striking statistic, and one that should give us all pause.

I was not a member of the Special Joint Committee on Medical Assistance in Dying, but I did read the testimony and the final report with great interest. While some witnesses certainly agreed with what Senator Wallin is proposing, others raised serious legal, ethical and practical charges with advance requests.

There were three overarching concerns raised by witnesses. The first was the inability of an individual to predict with accuracy what their quality of their life would be in the future, particularly if they are living with a chronic medical condition. The second concern was the inability of a person to withdraw consent, and the third was that the advance requests present the possibility of abuse, coercion and undue influence of vulnerable patients.

On the first point, several witnesses provided examples of the limitations of our ability to assess our future quality of life. Dr. Romayne Gallagher, Clinical Professor of Palliative Medicine at the University of British Columbia testified on behalf of the Canadian Society of Palliative Care Physicians, stating that:

. . . . medical and social science literature reminds us that people are poor at anticipating what life would be like with a life-changing illness or disability. People adapt to illness and disability and adjust their needs for a decent quality of life. Many medical conditions have long and unpredictable courses. . . .

Dr. Jonas-Sébastien Beaudry similarly noted that patients making advance requests may have experiences and desires that are different from those that they had in the past. They have never experienced what it is to live a life with fewer cognitive capacities.

He gave the illustration of a 75-year-old man named John who has lost the capacity to make his own health care decisions. It is widely accepted that when health care decisions are made on someone else's behalf, they should only be made for the benefit of that patient. Dr. Beaudry noted that one would assume that John, without dementia, when he was, say, 50 years old, would know his future self better than anyone and that he would instinctively know what is best for John at the age of 75.

However, that is not so obvious. For one thing, John may be making decisions to, first and foremost, ease the burden on members of his family. He might also imagine his future self

bedridden and highly dependent and feel shame at the thought of being seen this way. These assumptions may be based on widely held discriminatory beliefs about the quality of life of people with illnesses and disabilities and about whether their lives are worth living at all.

Dr. Beaudry noted that many people live happy lives with various significant medical conditions or a high level of dependency. However, if John or anyone in his family or health care team does not agree or is unaware of that because of ableist generalizations, John at 75 years old would become the victim of these ableist or ageist stereotypes.

Dr. Beaudry's overarching point was that when it comes to health care, we should care for the patient before us even when that patient has advanced dementia. It does not mean that John's past experiences are irrelevant. The holistic assessment of what is in his best interests may include his past wishes and preferences.

The bottom line is we do not give the last word to the former self of a patient, particularly a cognitively and experientially distant self.

The committee also heard from Dr. Alice Maria Chung, a geriatrician who has worked with elderly patients for 30-plus years and teaches capacity assessments to medical students, residents and practising physicians so that they will be able to identify whether a patient is capable of making a medical decision.

• (1540)

Dr. Chung posed this question:

What right does the 60- or 70-year-old you have to judge the quality of life of the 80- or 90-year-old you? Patients with chronic illnesses can often adapt to their altered circumstances and develop a new equilibrium and sense of self, and feel that their quality of life is actually quite good.

There is a body of medical literature demonstrating this point. She noted that she had seen it in her practice as well.

In response to this concern, Senator Wallin said that we do this all the time within the law. We write wills and we leave them with lawyers, we have "do not resuscitate" orders, et cetera. That is all true. However, we all know that actively ending a person's life without certainty of their present consent is entirely different. In this case, I would argue, if there is any risk of getting it wrong, we cannot ethically proceed.

The second issue is that an individual would be unable to withdraw consent, which is an essential component to informed consent. Consent is a concept that has permeated public discourse over the past several years, and we have come to a societal understanding that, on the most serious of matters, consent must be current, explicit and unambiguous. I cannot imagine a more serious circumstance in which consent must be ascertained.

Are we really suggesting that a lack of refusal constitutes consent? We know that it does not and it cannot.

We can all agree that a person's autonomy must be respected, and if an individual is capable of decision making and able to clearly communicate that decision, it is reasonable to hold a view that those wishes should be honoured. However, we have decided as a society that there are necessary limits to freedom of autonomy.

Dr. Félix Pageau, geriatrician and researcher, told the committee:

The government must protect vulnerable people and protect people from themselves. Which is why it has established a legal age for alcohol consumption and requires people to wear seat belts in cars and helmets on motorcycles. Freedom of autonomy is therefore not absolute in Canada; it is regulated.

Similarly, our current law places necessary limits on the ability of a person to make future decisions without the ability to change their minds on the most serious medical decision one can make. It is well-documented that when it comes to assisted death, requests and minds are being changed immediately prior to administration. Requests are being withdrawn. This option to withdraw consent at the last minute must remain.

Finally, there is the risk that allowing advance directives for people with dementia and Alzheimer's could lead to abuse. People already face undue influence to avoid being a burden to their loved ones. As Dr. Chung stated:

I have had multiple patients who have been heartbroken at having been coerced into selling their home and moving into a facility because of family pressures to not be a burden. I cannot currently protect vulnerable elderly from financial abuse with the current safeguards. I do not believe safeguards could be crafted to adequately protect them from undue influence to accept or request MAID.

Trudo Lemmens is an expert in health and law policy. In the submission to a joint committee on this topic, he provided international context to the discussion, highlighting the requirements of other countries that have implemented advance requests for assisted suicide. He noted that:

Belgium only allows MAID based on AR when persons are permanently unconscious, to avoid euthanizing people who still enjoy life and may resist. The Netherlands originally had difficulty with MAID based on AR, since it was considered impossible to defend this practice on the basis that persons 'suffer unbearably', when they were no longer able to confirm this. It now has permitted it for persons even when they appear to resist.

Neither regime involves explicit contemporary consent, which is arguably constitutionally required in Canada given the Supreme Court's emphasis on clear consent in *Carter*.

Lemmens notes that our current medical assistance in dying, or MAID, regime already goes well beyond the Belgium law, while our social and health care support is below the Organisation for Economic Co-operation and Development, or OECD, average. Finally, he pointed out that perhaps, not surprisingly, the Dutch experience with advance requests has led to insurmountable ethical and legal challenges.

Colleagues, while I have tremendous compassion for people who have received a troubling neurocognitive diagnosis in which the future is unknowable and the fear of a poor quality of life sets in, as the experts have stated, there is no way to predict with certainty how one will feel as the illness progresses.

Giving the final sign-off or the last word to the past version of a person is wrong. We cannot give prior wishes of people who cannot fully appreciate their future lived experience priority over current interests. The stakes, colleagues, are too high.

Given that Health Canada's own data states that 20% of those who withdraw their requests for MAID do so immediately before the procedure, if this bill passes, there will undoubtedly be people who fall through the cracks, patients whose lives are ended against their present wishes — the involuntary ending of a life.

The cost of getting it wrong far outweighs the cost of not acting. For that reason, I cannot support this bill. Thank you, colleagues.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, I rise to speak today as the critic of Bill S-248, An Act to amend the Criminal Code (medical assistance in dying).

I would like to acknowledge Senator Wallin, the sponsor of this bill, for her hard work and advocacy on the issue of advance requests.

As I've stated before, medical assistance in dying has been — and remains — one of the most complex and deeply personal issues for individuals and families across the country. There is a wide range of valid opinions in this chamber on what the appropriate parameters and safeguards should be as we continue to grapple with these questions in the development of our MAID regime.

As the critic of Bill S-248, a bill that will permit advance requests for MAID if an individual loses the capacity to consent, I would like to outline a few concerns regarding this bill and talk about important safeguards that need to be put in place. We have heard in detail from colleagues on what this bill does and doesn't do. We have heard colleagues raise important points on the need for clearly defined safeguards, such as the length for which an advance request is valid, the role of independent witnesses and what constitutes voluntary and informed consent.

Bill S-248 amends the Criminal Code to:

(a) permit an individual whose death is not reasonably foreseeable to enter into a written arrangement to receive medical assistance in dying on a specified day if they lose the capacity to consent to receiving medical assistance in dying prior to that day; and

(b) permit an individual who has been diagnosed with a serious and incurable illness, disease or disability to make a written declaration to waive the requirement for final consent when receiving medical assistance in dying if they lose the capacity to consent to receive medical assistance in dying, are suffering from symptoms outlined in the written declaration and have met all other relevant safeguards outlined in the *Criminal Code*.

• (1550)

The content of Bill S-248 was originally proposed as an amendment to Bill C-7, which passed in the Senate but was rejected by the government. If passed, this bill will give Canadians who have been diagnosed with a grievous and irremediable medical condition the ability, before they lose the capacity to give consent, to make an advance request for MAID.

As co-chair of the Special Joint Committee on Medical Assistance in Dying, I worked with committee members as we reviewed medical assistance in dying with respect to palliative care, mature minors, protection for persons with disabilities, mental illnesses and advance requests. As a committee, we heard from various witnesses who supported and advocated for advance requests.

Dr. Helen Long, Chief Executive Officer of Dying With Dignity Canada, said:

Canadians tell us that they are concerned about their capacity to provide informed consent to MAID due to a family history of neurocognitive conditions, such as dementia or Parkinson's, or that an accident or other medical problem could result in diminished mental capacity. Advance requests for MAID would allow those who so choose to avoid a life of grievous and irremediable pain and suffering if loss of capacity occurs.

Dr. Serge Gauthier, emeritus professor and neurologist, described how many of his patients want the choice to make advance requests, with some of his patients advising that they would contemplate suicide without having advance requests as an option.

Sandra Demontigny, who is 43 years old and has early-onset Alzheimer's, shared what an advance request would mean for her:

However, I don't want to experience the final phase of the disease, completely dependent and unable to express myself very much, if at all. I've seen it and I don't want to live through it. That's what I would specify in an advance request. It would definitely give me more time.

Without wishing to put pressure on you, if advance requests were not approved by Parliament, then unfortunately, I would have to decide to leave before entering that phase, in order to avoid becoming trapped.

We also heard from witnesses who cautioned that important safeguards must be put in place to be sure when dealing with advance requests.

Mr. Pierre Deschamps, lawyer and ethicist, said:

. . . the challenge for legislators is to design robust safeguards that will protect persons who have made advance requests for medical assistance in dying — such requests are generally made many years before the condition that may potentially give rise to their activation appears — from abuses such as medical assistance in dying that is provided too early or in haste under pressure from family members or medical staff who sympathize with the state of mental deterioration of the person, who will thus be put in a highly vulnerable position.

Dr. Alice Maria Chung, as quoted earlier by our leader, said:

The issues with advance directives for MAID are several-fold. First, we are not able to predict with accuracy what our own quality of life will be in the future, let alone if we are also living with a chronic medical illness. . . .

Second, with end-stage dementia, there would be absolutely no chance to withdraw consent, which is also essential to informed consent. Someone else, a health care worker who may not know the patient, or a caregiver, would have to decide when it's time for MAID to proceed. . . .

Finally, there is the risk that allowing advance directives for patients with dementia could lead to abuse. . . . I do not believe safeguards could be crafted to adequately protect them from undue influence to accept or request MAID.

In the 2018 report from the Council of Canadian Academies, entitled *The State of Knowledge on Advance Requests for Medical Assistance in Dying*, the expert panel cited a number of knowledge gaps regarding advance requests.

McGill University physician Catherine Ferrier appeared before the Joint Committee on Medical Assistance in Dying and raised this concern, stating that the utility of advance directives in general is being seriously questioned by many experts. She noted that there is growing evidence that people tend to poorly predict their quality of life in hypothetical situations due to cognitive biases, such as projection bias — projecting current preferences onto future situations — focalism — focusing on what gets worse, not what remains positive — and immune neglect — underestimating one's adaptive capacity.

Another knowledge gap noted in *The State of Knowledge on Advance Requests for Medical Assistance in Dying* dealt with the broader impacts of allowing advance requests for MAID in Canada. This would include the impacts experienced not only by those requesting MAID but also by those responsible for deciding if and when to follow through with the requests and by society as a whole.

Honourable senators, medical assistance in dying is indeed a complex and deeply personal issue. As the eldest daughter and primary caregiver of my late mother, who lived with advanced dementia for over a decade, it would have been impossible to follow an advance request had the law allowed her to put one in place before the disease had advanced. Neither she nor I could have anticipated the joy she exuded and spread to everyone on her floor as a person whose advanced dementia made her angelic and happy about everything.

I cannot imagine how I could have followed my mother's wishes for an advance request for MAID at any point in her care.

MAID and the issue of advance requests are matters that are challenging for every parliamentarian. As legislators, we want to know we are making the right decision. We want clear evidence that our efforts are helping people and not harming them. Yet, on these highly emotional social issues, the path forward is not always clear. It is my hope that through the witness testimony at committee, we will be able to find that path, to hear from those experts in the field about advance requests for MAID and what safeguards we can put in place to ensure Canadians are protected and to ensure that their wishes are heard. Thank you.

(On motion of Senator Clement, debate adjourned.)

[Translation]

## CANADIAN POSTAL SAFETY BILL

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Dalphond, seconded by the Honourable Senator Cordy, for the second reading of Bill S-256, An Act to amend the Canada Post Corporation Act (seizure) and to make related amendments to other Acts.

**Hon. Claude Carignan:** Colleagues, I rise today at second reading of Bill S-256, the short title of which is the Canadian postal safety act. I fully support the objective of the bill, as described by Senator Dalphond in his November 29 speech. He said, and I quote:

The Canadian postal safety act's purpose is to assist law enforcement, Indigenous communities and rural municipalities in their efforts to intercept dangerous drugs, particularly fentanyl and other opioids, that could be delivered by the mail system, especially in remote areas. . . .

The aim of this bill is not to weaken or change requirements for searches and seizures, but rather to remove an old statutory limit that prevents police from fully assisting Canada Post inspectors and customs officers in enforcing the law.

The old statutory limit that Senator Dalphond was talking about is subsection 40(3) of the Canada Post Corporation Act, which reads, and I quote:

Notwithstanding any other Act or law, but subject to this Act and the regulations and to the *Canadian Security Intelligence Service Act*, the *Customs Act* and the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, nothing in the course of post is liable to demand, seizure, detention or retention.

This provision clearly sets out a broad prohibition — applicable to police officers in particular — on seizing or retaining items in the course of post. As Senator Dalphond pointed out, when an item entrusted to Canada Post is being sent, the police cannot intervene without the assistance of a Canada Post inspector.

• (1600)

The fact is, postal inspectors can open all mail items that weigh 500 grams or more to check whether they contain objects that contravene any Canadian law or regulation. This authority is set out in subsection 41(1) of the Canada Post Corporation Act. This provision is an exception to the prohibition on seizure and detention set out in subsection 40(3).

Senator Dalphond summarized the very important limits that subsection 40(3) places on police work as follows, and I quote:

While an item is in the mail, the only option the police have is to work closely with 1 of the 25 inspectors at Canada Post — 25 to cover the whole country. An inspector could then find a way to inspect a parcel and retain it if illegal material is found inside. Subsequently, based on the information communicated by the inspector, the police could seize the item for further investigation and possibly to lay a charge.

In his Bill S-256, Senator Dalphond proposes an exception to the prohibition in subsection 40(3). He proposes that this prohibition not apply if the seizure or detention of mail is necessary for the enforcement of federal laws, including the Criminal Code and the Controlled Drugs and Substances Act, as well as provincial laws.

Personally, I wonder if it would be better to simply repeal the prohibition in subsection 40(3).

The Assembly of Manitoba Chiefs also recommended repealing this subsection. The association believed that this would, quote, “increase the effectiveness of the proposed changes to combat the trafficking of contraband,” according to a May 19, 2023, letter from the assembly that I will come back to later.

In my opinion, subsection 40(3) was rendered obsolete in 1982, when protection from unreasonable seizure was enshrined in section 8 of the Canadian Charter of Rights and Freedoms.

It is important to note that the prohibition on seizure in subsection 40(3) is a privacy safeguard established long before 1982. Indeed, the current wording of subsection 40(3) of the Canada Post Corporation Act is substantively very similar to previous versions from the last few decades. Examples include the 1981 version, subsection 38(3) of the Canada Post Corporation Act, and the 1951 version, section 41 of the Post Office Act, which reads as follows:

Notwithstanding anything in any other Act or law, nothing is liable to demand, seizure or detention while in the course of post, except as provided in this Act or the Regulations.

Like Senator Dalphond, I think the current wording of the ban is undesirable because this ban is far too broad.

This provision jeopardizes the safety of Canadians and it even prevents a judge from issuing a warrant under section 487 of the Criminal Code or section 11 of the Controlled Drugs and Substances Act, to allow police officers to open a letter which they have reasonable grounds to believe contains fentanyl or other banned substances.

This problem was raised in 2017 in *R. v. O'Dell* in the Provincial Court of Saskatchewan. In fact, Ms. O'Dell was charged with trafficking in fentanyl. The day before her arrest, she dropped off a package containing that drug at a Canada Post office. Police officers seized it without a warrant, but obtained one afterward before opening the package. The judge found that the seizure of the package was not authorized under the Canada Post Corporation Act, because of the ban in subsection 40(3).

This subsection also prevents, for example, a judge from authorizing police, under section 487.01 of the Criminal Code, to intercept and secretly open an envelope left in the possession of Canada Post by a suspect. That was the finding in the 2018 Supreme Court of British Columbia ruling in *R. v. Perkins*. In that case, an individual was accused of possession of cocaine and fentanyl for the purpose of trafficking. In its ruling, the court accepted the admission of the Crown prosecutor that the judge could not provide this judicial authorization given the prohibition in subsection 40(3).

I am going to the trouble of citing these examples to demonstrate that if subsection 40(3) did not exist, the police would have to respect the usual privacy protections found in the Constitution, the Criminal Code and other laws.

I am obviously thinking of the protection against unreasonable search and seizure in section 8 of the Charter, and also sections of the Criminal Code imposing rigorous conditions that police must satisfy in order for a judge to issue a search warrant.

In addition to these legal provisions, there are thousands of court decisions interpreting them. In other words, since section 8 of the Charter was created in 1982, there have been more than 40 years of case law, primarily from the Supreme Court of Canada, requiring police officers to obtain judicial authorization to conduct investigations or seizures in situations where a person has a reasonable expectation of privacy or protection.

Thus, the common law principles created by these decisions will automatically apply if exceptions are created or if we repeal the prohibition on seizing or retaining objects in the intended course of post.

This contradicts the argument that Bill S-256 proposes overly broad exceptions to the prohibition set out in section 40(3), a provision that, on the face of it, no longer serves any purpose. It has become outdated since the Charter was created.

Bill S-256 grants no new investigative or seizure powers to police officers compared to those they already have with respect to packages shipped by any company other than Canada Post.

As Senator Dalphond pointed out, traffickers have spread the word that there is much less risk of their packages being intercepted if they send them through Canada Post rather than through any other private courier company, such as FedEx, UPS, Purolator or DHL.

It is critically important that we do everything we possibly can to combat fentanyl. Bill S-256 is a step in that direction. It also represents a concrete solution to enable police to tackle one of the links in the fentanyl trafficking chain by allowing judges to issue authorizations to police officers to open parcels and letters in the possession of Canada Post, when there are reasonable grounds to believe they contain fentanyl or other criminally prohibited goods.

As the saying goes, great sorrow is often silent. This is true of the sorrow experienced by many people who are, or will be, suffering from opioid addiction. Many of them will die or find themselves vulnerable, living on the margins of society or even homeless. They need us, as parliamentarians, to speak out and take action against the ravages of opioid trafficking on public health and public safety.

Opioids have caused over 32,000 deaths in Canada according to statistics recently posted on a Government of Canada website.

The trafficking of opioids and other hard drugs does not just affect addicts. This scourge tears families apart and increases the violence and profits of criminal organizations. That is the situation described by Justice Moldaver in his dissenting opinion

in the 2021 Supreme Court of Canada case *R. v. Parranto*, which was uncontradicted on that point. Justice Moldaver said, and I quote:

The dangers posed by trafficking in hard drugs, such as heroin and cocaine, have long been recognized in Canada. . . .

Trafficking also leads indirectly to a host of other ills, including an increase in all manner of crime, committed by those seeking to finance their addiction, as well as by organized crime syndicates. . . .

A further and perhaps even more devastating consequence of the hard drug trade is its impact on families and the intergenerational trauma it causes. . . .

Justice Moldaver goes on to say that the threat posed by the trafficking of drugs, such as heroin and cocaine, and I quote:

. . . pales in comparison to the one posed by fentanyl and its analogues. . . . [F]entanyl has altered the landscape of the substance abuse crisis in Canada, revealing itself as public enemy number one. . . .

The scale of fentanyl's devastating impact becomes even more apparent when one considers that, between 2016 and 2020, there were approximately 3,400 homicides across Canada, a number far below the number of fentanyl-related deaths. . . .

• (1610)

Therefore, to prevent such misdeeds, I urge you to vote in favour of Bill S-256.

As I explained, this bill will finally close the loophole that traffickers have been exploiting in the Canada Post Corporation Act. This loophole, which only applies to items sent by Canada Post and not through other courier companies, means that traffickers prefer to do business with Canada Post because they know that this law deprives the police of their usual legal means of seizing, opening or tracking items containing lethal drugs.

As Senators Dalphond and Boniface mentioned in their speeches, the Canadian Association of Chiefs of Police has in fact publicly expressed, in a resolution adopted in August 2015, the need to close this loophole as soon as possible.

Why is it that, six years after this resolution, the federal government has not introduced a bill to try and address this urgent problem? How seriously does the government take the fact that the Canada Post Corporation Act deprives police and postal inspectors of essential powers to intercept mail containing drugs or other illegal and dangerous items?

On this point, I would like to return to *R. v. Gorman*, which Senator Dalphond referenced in his speech. In this case, the judge found, among other things, a very important power of inspectors in subsection 41(1) of the Canada Post Corporation Act to be unconstitutional.

The ruling by the Supreme Court of Newfoundland and Labrador was not appealed by the federal government. In fact, the Attorney General of Canada even decided not to intervene to plead legal arguments before the judge.

The court first gave the federal government one year, which ended on April 12, 2023, to amend the Canada Post Corporation Act. Subsequently the court granted an additional six months, which will end on October 12.

On April 20, the government introduced Bill C-47, the 2023 budget bill. Clause 509 of the bill proposed a legislative amendment required to comply with the ruling in *R. v. Gorman*.

Let's recall that, in this case, the court found that the challenged provision was contrary to section 8 of the Canadian Charter of Rights and Freedoms because it allowed the postal inspector to open a package without objective reasons to suspect that it contained an illicit object. If the bill is passed, the wording of clause 509 would correct this problem. The relevant part of clause reads as follows:

**509 Subsection 41(1) of the *Canada Post Corporation Act* is replaced by the following:**

**Inspection of mail**

**41(1)** The Corporation may open any mail, other than a letter, if it has reasonable grounds to suspect that . . .

(c) the mail is non-mailable matter.

“Non-mailable matter” is defined in a regulation as “Any item transmitted by post in contravention of an Act or a regulation of Canada.”

Although section 509 of Bill C-47 makes it possible to comply with the ruling in *Gorman*, I find it disappointing, inexplicable and very worrisome that the proposed amendment still proposes maintaining the words “other than a letter” in subsection 41(1). That means that postal inspectors are still not allowed to open items that are being transmitted by post weighing less than 500 grams, which is the regulatory definition of a letter, even if they have reasonable grounds to suspect that the letter contains fentanyl or other illegal objects within the meaning of the Criminal Code. Five hundred grams of fentanyl is a lot, given that consuming even the tiniest bit of this drug can be fatal.

If the government chose to amend subsection 41(1) through the 2023 budget bill in response to the *Gorman* decision, why didn't it take the opportunity to incorporate the contents of Bill S-256, the heart of which is an amendment to subsection 40(3) of the Canada Post Corporation Act, which I mentioned earlier? The federal government was well aware of this problem.

As evidence of that, here's an exchange that took place in the Senate on December 1, 2022, between Senator Dalphond and Minister Hutchings, Minister of Rural Economic Development. Senator Dalphond asked the following question:

As you may know, it is reported that, for fentanyl sellers, Canada Post is the shipping method of choice, and often the only one available to ship these illegal products into rural and remote communities.

... are you ready to consider proposals such as Bill S-256 to remove from the Canada Post Corporation Act restrictions that impede the police from seizing illegal drugs and other illegal items shipped through mailed envelopes?

The minister replied with the following:

Thank you, senator. That is an incredible question because it alludes to what I mentioned earlier about the terrible drug problem that we have in rural Canada. As you know, Canada Post is a Crown corporation, but I will be following that bill's progress to the detail. I know that is exactly how some of the drugs are getting into these rural communities.

If Bill C-47 on Budget 2023 were adopted and came into force in its current form, postal inspectors would still be prohibited from opening an object weighing less than 500 grams in the course of post containing drugs, weapons or any other object prohibited under the Criminal Code. Police would also still be prohibited from opening any object in the course of post with the assistance of a postal inspector even if the police had obtained a search warrant from a judge.

In view of these facts, are you, like me, seriously concerned about the fact that the federal government is not taking seriously the threat of the trafficking of hard drugs, such as fentanyl, shipped through Canada Post? Why is the government not closing as quickly as possible the loopholes I have just mentioned that are in the Canada Post Corporation Act?

Another thing in *Gorman* fuels my concerns about the inadequate measures taken by the federal government to combat trafficking in hard drugs. In this case, a significant amount of cocaine was seized: It was two kilograms of apparently high purity. What's more, the judge found that Mr. Gorman was planning to receive more packages containing the drug, again for trafficking. I'm concerned that because of government Bill C-5, which just passed, this individual will be given a sentence to be served in the community and not in prison.

In closing, I completely agree, on one hand, with the purpose of Bill S-256. I invite you to refer this bill to the Standing Senate Committee on Legal and Constitutional Affairs for further scrutiny. On the other hand, I hope the Senate committee will carefully consider in its study of Bill S-256 the two recommendations for amendments that I raised in my speech. These are exactly the same recommendations that the Assembly of Manitoba Chiefs made in the letter I mentioned previously and that it sent to the Standing Senate Committee on Legal and Constitutional Affairs as part of its study of Bill C-47 on Budget 2023.

[ Senator Carignan ]

I will read an excerpt from that letter about these recommendations. The assembly makes the following recommendations to the Standing Senate Committee on Legal and Constitutional Affairs:

- 1) Replace the current section 41(1) of the *Canada Post Corporation Act* with the proposed amendment from Bill C-47, and remove the words "other than a letter" from the provision; and
- 2) Remove section 40(3) of the *Canada Post Corporation Act* in its entirety.

I also note that the position of the Canadian Association of Chiefs of Police expressed during the study of Bill C-47 by the Senate committee was along the same lines as the two recommendations made by the Assembly of Manitoba Chiefs.

In closing, I thank attorney Michael Spratt and law professors Steven Penney and Steve Coughlan, and the Association des avocats de la défense de Montréal-Laval-Longueuil and the Association québécoise des avocats et avocates de la défense for sharing their observations about certain aspects of this bill with my team. Thank you.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Dalphond, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

• (1620)

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Daniel Allain, Minister of Local Government and Local Governance Reform, from the beautiful province of New Brunswick. He is the guest of the Honourable Senator Mockler.

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

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



## INTERNATIONAL TAX JUSTICE AND COOPERATION DAY BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Pierre J. Dalphond** moved second reading of Bill S-264, An Act to establish International Tax Justice and Cooperation Day.

He said: Honourable senators, I rise today to introduce Bill S-264 to establish international tax justice and cooperation day.

You might be thinking to yourselves that this is just one more international day. That may be true, but of the 200 international days recognized by the United Nations, not one of them has any connection whatsoever to taxes.

I think it's important to correct that oversight for two reasons. First, taxes are an essential part of the social contract in all societies of the world and they often represent the biggest expenditure in people's budgets. So I think it's important to have a day in the year where we collectively consider the importance, usefulness and effectiveness of taxes in our societies.

Second, whether we're talking about the Pandora Papers, the Paradise Papers or the Panama Papers, multinational companies that are profiting from double non-taxation, e-commerce operations that all too often manage to get out of paying their fair share of taxes, or tax havens, news reports regularly remind us of how such tax scandals are continuing to occur and of how much they affect Canadians' confidence in their institutions.

In fact, I think everyone will agree that all of these scandals led to a growing need for cooperation between countries and tax authorities around the world, especially in Canada.

The concept of tax justice evolves with the times and in various parts of the world. It also varies depending on the type of tax, its function, its shape, its base and public acceptance. Whatever its definition, however, the need for tax justice is as old as taxation itself. History shows, with its various tax revolutions, that if any form of taxation exists, it must be fair.

Tax justice is so important that several countries, including France and Italy, have elevated the notion of a "fair share of taxes" to the status of a law in their constitutions.

Tax fairness is at the heart of Canadian taxation. For example, in our recent 2023 budget, our government prioritized the notion of a fair share of taxes and fair taxation of taxpayers, corporations and digital companies.

As Senator Downe so wisely reminded us on April 18 in his speech on Bill S-258, beyond the considerable loss of money for tax authorities, it's also unfair to those who play by the rules and are being deceived by those who are skipping the system.

As parliamentarians, we have a duty to ensure that people living in Canada and companies operating in Canada pay their fair share of taxes. This requires a high degree of cooperation between countries and adherence to international tax rules that are fair to all.

In fact, societies rise up — rightly or wrongly — against tax injustice for two reasons: non-compliance with the applicable rules and, from a moral standpoint, the feeling of injustice.

Taxation without tax justice cannot be allowed to continue. However, it doesn't stop there. These days, in a world that is ultra-connected since the advent of the internet, taxation must be coupled with international tax cooperation if it is to exist fairly and effectively. Taxation is one of the components of a sovereign state; therefore, it is up to each state to decide whether they will cooperate.

International tax cooperation has several advantages for countries. For example, by cooperating with each other, countries have managed to put an end to banking secrecy over the last 10 years and, as a result, significantly curb international tax evasion.

International tax cooperation can also help countries better administer their tax systems by exchanging and sharing tax methods, systems and knowledge, particularly under the aegis of the OECD, which has several reports on this subject.

Most importantly, international tax cooperation is crucial to addressing international tax competition. Indeed, some states are waging veritable tax wars to attract capital and investment, but this also results in the erosion of other countries' tax bases.

For a long time, tax regimes were established by governments without any consideration for the consequences this might have outside their borders.

Over the years, globalization of the economy and trade liberalization — starting with capital and the dematerialization of activities — have been a game-changer. Governments have become stakeholders in global economic competitiveness, and having a competitive tax environment has become a weapon.

Although the movement of capital around the world has always existed, it is the ease and speed with which it happens that is now an issue.

Considerable sums can be transferred with a simple click of a button to the other side of the world, without being traceable or being tracked in either direction.

At the end of the day, these are national budgets that come with a cost, when fewer financial resources are collected to invest in our public and social services or in supporting our society when it comes to climate change, for example.

Another notable consequence is that, to continue to offer an adequate level of services with fewer resources, the tax burden is spread out differently among the remaining taxpayers. This can translate into direct or indirect tax increases.

What's more, the lack of fiscal cooperation primarily affects developing countries. To remain attractive and receive foreign investments, the most vulnerable countries are sometimes forced to sacrifice their right to tax the activities that occur in their jurisdiction.

This means fewer resources for states that are already heavily indebted and that often find it hard to deliver sufficient infrastructure and services to their citizens.

As we can see, every country is dependent on the legal and fiscal framework of its neighbours. This interdependence should make all countries aware of the need to cooperate. There are no long-term winners in this tax competition. There are only losers between countries. All countries have much to gain if they cooperate. The aim is not to restrain public or private economic players, but to establish the rules of the game in order to balance different interests.

• (1630)

Of course, the challenge is not a simple one in a globalized, financialized economy that is sometimes considered borderless, because, at the same time, tax issues and tools are attached to countries and borders. We therefore need to rely on the goodwill of each country to participate in a collective movement without feeling like it's losing an advantage.

Despite the difficulties inherent in international tax cooperation, progress is being made, which is welcome news. We're seeing one initiative after the other, both bilateral and multilateral, most likely thanks to public pressure, a certain political will on the part of leaders and some high-profile media cases. I'd like to highlight a few multilateral initiatives here, because they're broader in scope and more likely to have a global impact on the international community.

[English]

In recent years, there have been numerous initiatives, notably under the aegis of the Organisation for Economic Co-operation and Development, or OECD, to advance tax transparency and cooperation, combat fraud and establish tax harmonization rules for greater tax justice. Since 2009, under the mandate of the G20 and since this Group of Twenty declared the end of banking secrecy, the OECD has been working within the Global Forum on Transparency and Exchange of Information for Tax Purposes, made up of 168 states and jurisdictions, to implement international standards designed to put an end to the problems associated with tax evasion, tax havens, double taxation and money laundering.

In 2012, member states of the OECD and the G20 adopted an action plan to curb tax base erosion and profit shifting. This plan aims to prevent tax optimization strategies by companies that take advantage of the lack of international tax harmonization and cooperation.

Among the achievements of this plan, I note the creation in 2016 of the Platform for Collaboration on Tax, a joint initiative of the OECD, the International Monetary Fund, the World Bank Group and the United Nations. This platform is notable in two respects. First, it allows these four organizations to more easily

exchange information relating to their operational activities. Furthermore, it facilitates the provision of technical assistance to developing countries seeking to strengthen their capacities and have a greater influence when international rules are formulated.

In 2019, the OECD proposed rules for the establishment of a global minimum tax on corporate profits. In July 2021, 130 countries agreed on this standard, which should come into force in 2024.

A century earlier, circumstances seemed equally opportune for states to establish the first harmonization of international taxation after the First World War. Indeed, in the aftermath of the First World War, the costs of debt and reconstruction were particularly high for all belligerents. Increased direct taxation was a lever widely used by governments, provoking capital flight.

However, in the absence of any transmission of tax information between state administrations, it is easy to evade taxation altogether. Moreover, multinational companies making profits in several countries incur multiple taxation. It therefore appears necessary to collaborate on a larger scale to not only curb the effects of double taxation but also stop export tax evasion.

The Genoa Conference of 1922, attended by 34 countries, launched the movement towards multilateral collaboration on taxation. Under pressure from the French and Belgian governments, a resolution was passed to set up the first permanent international tax committee under the auspices of the League of Nations, of which, incidentally, Senator Dandurand was the second president. This committee, named the Committee of Experts on Double Taxation and Tax Evasion, tackled both issues jointly for the first time — tax evasion and double taxation.

At the time, the committee's Italian president recalled the ambitious and broad objective of reaching an agreement which would "eventually be the subject of an international convention."

Interestingly, the committee held its first meeting on June 4, 1923, just over 100 years ago. This is why this bill proposes that June 4 be the international tax justice and cooperation day.

[Translation]

This is still a burning question a century after this international tax committee began its work. The establishment of an international tax justice and cooperation day would provide an opportunity to debate this major issue in order to continuously improve our common tax regulations in a constructive manner, without waiting for public scandals to occur.

Canada is an important player when it comes to international tax reform. Our country has an important seat at the negotiating table in its bilateral and multilateral relations with major international organizations, such as the United Nations, the OECD, the G7 and the G20.

With this bill, I am proposing that Canada become the first country to suggest to the United Nations to establish such a day and that we continue to be a leader on this issue, which is so important to global justice and stability.

Although I'm alone in bringing this bill before you today, I do so as the spokesperson for many influential stakeholders, organizations and leaders who are all engaged in this noble cause. I'm thinking, of course, of Brigitte Alepin, a well-known tax expert in Quebec and elsewhere in the world, but also of CPA Quebec, UQAM's School of Management, the International Consortium of Investigative Journalists, and figures like Pascal Saint-Amans, former director of the OECD's Centre for Tax Policy and Administration.

Your honour, honourable senators, in addition to the binding legal standards that are absolutely indispensable to ensure tax justice and cooperation, we also need to launch more symbolic initiatives that seek to promote greater awareness of public opinion. Let's be as ambitious and exacting when it comes to tax justice and cooperation as our ancestors were, as Senator Dandurand was, over 100 years ago.

Thank you for your attention. *Meegwetch.*

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

(On motion of Senator Martin, debate adjourned.)

## NATIONAL STRATEGY RESPECTING ENVIRONMENTAL RACISM AND ENVIRONMENTAL JUSTICE BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator Boisvenu, for the 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.

**Hon. Rosa Galvez:** Honourable senators, I rise today to speak to Bill C-226, An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice, sponsored by Senator McCallum.

The objective of the bill is as follows, and I quote:

. . . to develop a national strategy to promote efforts across Canada to address the harm caused by environmental racism.

That is a major problem affecting marginalized communities, particularly low-income, Indigenous, and Black and racialized communities. This bill is a necessary step in addressing this problem and guaranteeing all Canadians access to clean, safe environments.

• (1640)

[*English*]

Environmental racism has a long and painful history in Canada. For decades, certain communities have been disproportionately impacted by environmental hazards, such as pollution, toxic waste and other environmental hazards. These communities are often marginalized, and lack political and economic power to protect themselves from environmental harm.

I want to start by saying that my prayers and thoughts are with the Athabasca Chipewyan First Nation community. This year has been particularly difficult on them. We must show solidarity and do more to stop what the evidence shows is a flagrant case of environmental racism. On June 2, Chief Allan Adam urged the evacuation of more than 1,000 people as wildfires raged in northern Alberta — just months after he received reports regarding a leak of toxic waste water at Imperial Oil's Kearn oil sands mine affecting his community's land and water. For the last 10 months, four tailings ponds at the facility have been leaking toxic sludge into the surrounding environment.

The Alberta Energy Regulator and Imperial Oil failed to inform Indigenous communities downstream, despite regularly discussing the disaster behind closed doors. It took another incident — which released an additional 5.3 million litres in late February — for the communities and the public to be notified.

The impacts of industrial development on Indigenous lands and waters have been devastating, causing harm to people, animals, wildlife and the environment. Another example of this is the Grassy Narrows First Nation community in Ontario, which has been dealing with the effects of mercury poisoning from industrial activity for more than 50 years. The impacts of this pollution are still being felt today — 90% of the population in Grassy Narrows has neurological problems, such as numbness in fingers and toes, or seizures and cognitive delays, caused by mercury that entered the food chain decades ago.

Environmental racism is not limited to Indigenous communities. Racialized communities in urban areas across Canada also face disproportionate exposure to pollution, hazardous waste and many other environmental hazards. Dr. Ingrid Waldron, one of Canada's leading experts on environmental justice, has documented, at length, cases of environmental racism in Canada. Her book entitled *There's Something in the Water*, which was later adapted as a documentary, exposes the dire conditions of the Black community outside of Shelburne, Nova Scotia, due to well water contamination, and illustrates how colonialism has led to systemic environmental racism.

The Black community of Africville, Nova Scotia, for example, was greatly underserved by the City of Halifax, and was a dumping ground for many undesirable and dangerous developments that threatened the health of the community. It was later demolished in the 1960s, without meaningful consultation, to make way for industrial development, expropriating all residents from their tight-knit community. This is not how we should treat our fellow Canadians, and yet this kind of problem persists today.

Indeed, scientists and Indigenous people agree and highlight the inability of typical environmental laws to protect the environment. In their view, this inability is because the line drawn by environmental law is so far removed from the line drawn by the laws of nature that the phenomena of global environmental degradation, which endanger all forms of life on Earth, have not been stopped or prevented, thus greatly penalizing already vulnerable populations.

Instead of designing, implementing and enforcing laws that protect people, we have been relying on companies that cause pollution to set their own rules for pollution prevention. This system bakes in a conflict of interest — with companies prioritizing cost minimization over pollution prevention.

Colleagues, we all know that toxic tailings ponds in Canada are a ticking time bomb. This should be more evident now, especially after we heard about the wildfires in northern Alberta closing thousands of gas wells. These ponds are massive reservoirs of toxic waste that leak into groundwater and release toxins into the air, leading to high rates of cancers and respiratory diseases among Indigenous communities who live downstream. The failure to manage these ponds has led to catastrophic environmental damage, which can take centuries to clean up.

To address this issue, we need to move away from the current approach of asking polluters to set rules for pollution prevention, and instead implement scientifically rigorous plans for the cleanup of tailings ponds. Companies must be held financially responsible for the costs of cleanup rather than passing them on to taxpayers and future generations.

In the short term, we need to work in partnership with Indigenous governments to ensure that they're never again kept in the dark about environmental disasters that threaten their communities. Indigenous people have a deep connection to the land; their knowledge and expertise must be taken seriously in environmental decision making.

Environmental racism is the result of systemic discrimination, the lack of community representation at the decision table and the absence of meaningful community engagement in decision-making processes. These factors have contributed to a situation in which certain communities are more likely to live near pollution sources and face higher rates of exposure to environmental hazards.

To address environmental racism in a meaningful way, we need a comprehensive strategy at the national level that recognizes the unique experiences of different communities and provides a framework for action.

It is time for Canada, as well as its provinces, territories and regulators, to act by designing, implementing and enforcing laws that really protect people and the environment.

Bill C-226 proposes such a comprehensive strategy. This strategy must be developed with meaningful community consultation, and must address various aspects of environmental racism, such as identifying the link between race, socio-economic status and environmental risk; mapping areas with high levels of pollution; improving access to environmental information; and looking for feasible solutions.

[ Senator Galvez ]

One key aspect of the bill is the recognition of Indigenous people's rights and perspectives in the development of the strategy. This recognition is critical in acknowledging and addressing the historical and ongoing impacts of environmental racism on Indigenous communities.

This bill is a necessary step toward addressing environmental racism in Canada. By establishing a comprehensive strategy and ensuring meaningful community engagement, we can work toward a more equitable and sustainable future for all Canadians.

The passage of Bill C-226 would have several important benefits for all Canadians: First and foremost, it would lead to an improvement in the health outcomes for marginalized communities that have historically been impacted by environmental racism. By identifying areas with high levels of pollution and other environmental hazards, we can take action to reduce exposure and mitigate the impacts of these hazards.

Additionally, the establishment of a national strategy would create opportunities for accountability for polluters, and ensure there is oversight of environmental policies and regulations. This will help prevent future instances of environmental racism.

The bill also aligns with Canada's commitments to human rights, environmental sustainability and, of course, reconciliation with Indigenous people. By doing so in the development of the strategy, we can work toward a more just and equitable society.

[*Translation*]

In conclusion, Bill C-226 offers a simple but important opportunity to better inform our decision-making on environmental justice in Canada. By passing this bill, we will take an important step towards creating a more just and sustainable society for all Canadians, including future generations, regardless of race or socio-economic status.

Colleagues, I encourage you to support this bill and send it to committee as soon as possible.

*Meegwetch.* Thank you.

• (1650)

[*English*]

**Hon. Mary Jane McCallum:** When we as senators know about this blatant racism against First Nations, Métis, Inuit and other minority people, and that this action of racism is directed at them through no fault of their own — they are there; they were living their lives and then this happened to them and further marginalized them — do you think it's egregious that we, the senators, sit on this issue when there's premature mortality and increased morbidity? Could you tell me why you think that it isn't being sent to committee?

**Senator Galvez:** I tried to answer a similar question the other day, and I was shut down. We don't want to hear some things. There are two issues. There is the technical issue — the content — which, of course, your bill is trying to address and is

essential and important. We cannot move any further with reconciliation and call it an inclusive society if we don't take care of this discriminated group of people. At the same time, there are these procedural things in the rules; some rules are very clear and others are less clear. There is opacity in how decisions are made. I'm sorry that this bill is taking time to be sent to committee. I have tried to seek the answers to why some decisions are made in a confidential way and not open to the public, because every decision that we take in this chamber should be public because 100% of our activity is public affairs. I hope that answers your question. Thank you.

(On motion of Senator Martin, debate adjourned.)

### GREENHOUSE GAS POLLUTION PRICING ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Wells, seconded by the Honourable Senator Batters, for the second reading of Bill C-234, An Act to amend the Greenhouse Gas Pollution Pricing Act.

**Hon. Pamela Wallin:** Honourable senators, farmers and food producers everywhere are feeling severe financial pressures. We recently saw Dutch farmers flying their country's flag upside down to protest their government's plan to cut fertilizer use in half. The protests generated widespread support as people finally focused on what "farm to table" really means.

Farmers feed the world. Our farmers feed the world.

Arbitrary rules to reduce fertilizer usage or taxes on farm activities will only push high food prices even higher and lead to food insecurity in developed countries and continued shortages in the poorest. Food insecurity is not acceptable in the age of plenty. My colleague Senator Burey just last week spoke very eloquently on this issue. We have a responsibility to ensure that people do not go hungry globally because of some ill-considered policies here at home.

These concerns I have raised relate directly to Bill C-234. There is growing concern about the future cost to farmers and consumers of Ottawa's approach to net-zero policies and the

impact on production and yield, the cost of land and equipment, the movement of grain and what this all means for the global supply of food or global hunger.

Farmers have long known about the cyclical nature of weather and that extreme weather linked to climate change can affect crops, so many of their practices have been revolutionized to respond. Farmers are the stewards of the land and their livelihoods depend on the wise use of water, land and air. They are, in a sense, the original environmentalists.

But the cost of the carbon tax on agriculture has been exorbitant and disproportionate, putting many smaller operations on the auction block or out of business. There have been some exemptions for on-farm use for gasoline and diesel fuel, but this bill seeks to expand that to other qualifying farm fuels like propane and natural gas. This is crucial, as it provides much-needed relief from the overwhelming cost of the carbon tax on such things as heating or cooling the barns where they keep animals, climate mitigation and, most importantly, grain drying. You can have a great crop, but if it rains at the wrong time, the crop degrades literally overnight — along with its value.

Farmers are not asking for a handout; they put their own money where their hearts live. In my own province, for example, more than \$11 billion will be invested by farmers this year across the province to get their crops into the ground in 2023, according to a report from Economic Development Regina. The report takes into account the cost of seed, treatment, fertilizer and labour to reach that \$11-billion number. Seeding is without question Saskatchewan's largest annual megaproject. When you consider the impact of this work extending across our economy, it's impossible to overstate the value to our province and country.

There are over 34,000 farms in Saskatchewan comprising more than 43% of the cropland in Canada. Saskatchewan generated more than \$18.4 billion in international sales last year and contributed over \$82 billion to the province's gross domestic product in 2022.

Colleagues, the cost of the carbon tax and the clean fuel tax to farmers is millions upon millions of dollars a year, and these costs move all along the supply chain as food makes it from farm to fork. In the end, the consumer pays more. It is an inevitability unless we do something about it, here in this chamber, before we rise for the summer so that our farmers can take advantage of this much-needed bit of relief before this year's harvest.

There are many ways to reduce carbon emissions in agriculture, and farmers are already well ahead of the game. Colleagues, don't let this bill languish and die on the Order Paper or delay it to another session or another year. Farmers quite literally cannot face another season with the increases to the costs of their operations. Please do not hinder the relief for Canadians who feed this country and the world.

This bill came to us with multiparty support from the other place, with the Conservatives, New Democrats, Bloc Québécois and Green Party all voting in favour. Three of the four parties on that list, of course, support the tax on carbon, and yet they still voted in favour of this bill. I think that sends a message about the necessity of this legislation.

For our farmers, our ranchers and our growers, but also for everyone in this country who is living through one of the greatest periods of food inflation this country has ever seen, please take the right stand. Combatting climate change is important and we are all working diligently, but the burden should never fall disproportionately on the shoulders of those who are at the core of our economy and who feed us. Let's help them fight food insecurity for all of our sakes.

Thank you.

**Hon. Jim Quinn:** Thank you for your speech. The last few weeks we've heard about food security and the various risks that are involved in the agriculture industry in Canada. Last week, I was the host of a panel in New Brunswick where one of the senior people from Nutrien was present and it was on exactly this topic. The one thing I walked away with was the impression of the challenges that our agriculture industry face, whether it be passing the family farm on to kids who may not want that farm or any number of issues. To me, this bill seems to be of absolute fundamental importance to food security. Do I have that wrong? This is something that we can do today — in this session of Parliament — to help secure the future of our agriculture industry and our farms.

• (1700)

**Senator Wallin:** This is absolutely something that we should do. I live in a rural community filled with farmers. I have this discussion on a daily basis. They bring me their bills with the costs to dry their grain and heat their barns; it is quite staggering. We all think about it in terms of what it means when we go to the pumps to fill up, and the gas is slightly more expensive, and then the home heating bill comes — it is impacting everybody, of course. However, they have such a crucial role in our economy. You heard the numbers in terms of the contribution to the Saskatchewan economy, and that filters out. We have farmers everywhere across this country — producers of all kinds, ranchers, fruit farmers and the whole list.

Yes, I think this is crucial — the food inflation issue is huge, and the increases are massive. I was listening to a Saskatchewan farmer on an open-line radio show, and he said that while he was growing up, he was told that it was their job to feed the world — and that's what they did. They called themselves “the breadbasket of the world.” This has all been exacerbated because of what is happening in Ukraine. They supply a lot of food, which they will not be able to do now. It is even more incumbent on us to try to fill that gap. The Saskatchewan farmer was wistful as he spoke, and he said, “This is what I was taught. I'm a farmer's son, I'm a farmer and my son will be a farmer. It is my job to feed the world. Please just let me do my job.” That's how he put it. It was quite powerful because that's all they are asking to do.

(On motion of Senator Dalphond, debate adjourned.)

[ Senator Wallin ]

## INCOME TAX ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

**Hon. Yonah Martin (Deputy Leader of the Opposition)** moved second reading of Bill C-241, An Act to amend the Income Tax Act (deduction of travel expenses for tradespersons).

She said: Honourable senators, I rise today as the sponsor in the Senate of Bill C-241, An Act to amend the Income Tax Act (deduction of travel expenses for tradespersons) — it's the “fair travelling tradesperson's bill,” as MP Chris Lewis said when he proudly introduced the bill in the House of Commons.

I would like to begin by acknowledging my colleague in the other place, Member of Parliament Chris Lewis, for his tireless work on this bill and his advocacy on behalf of Canadian tradespersons. I would also like to thank all of the MPs from all parties in the House of Commons who supported this legislation at third reading and sent it over to this chamber, including unanimous support from the Conservatives, as well as the New Democratic Party, the Bloc Québécois and the Green Party.

Colleagues, Bill C-241 is an act to amend the Income Tax Act to allow tradespersons and indentured apprentices to deduct from their income amounts expended for travelling where they were employed in a construction activity at a job site that is located at least 120 kilometres away from their ordinary place of residence.

This bill will amend section 8(1) of the Income Tax Act by adding the following to include the tradesperson's travel expenses:

(q.1) where the taxpayer was employed as a duly qualified tradesperson or an indentured apprentice in a construction activity at a job site that was located at least 120 km away from their ordinary place of residence, amounts expended by the taxpayer in the year for travelling to and from the job site, if the taxpayer

(i) was required under the contract of employment to pay those expenses,

(ii) did not receive an allowance in respect of those expenses that is not included in computing the taxpayer's income for the year, and

(iii) does not claim those expenses as an income deduction or a tax credit for the year under any other provision of this Act . . . .

Colleagues, this is a simple bill, yet it is very important. Tradespersons play a vital role in our communities. They are hard-working individuals whose skills are essential in providing access to basic needs, like clean water, electricity, safe homes and buildings, safe infrastructure and clean energy. Their day-to-day work life is comprised of long hours, travel and tight deadlines. They frequently miss valuable time with their families. The work they do and the importance of skilled trades are immeasurable. We cannot take for granted the essential services that they provide for all of us.

By the very nature of their work, every construction job is temporary. When one job is done, they must move to the next job site. These job sites are often many miles away from the tradesperson's home, and sometimes located in another province.

If you are a businessperson, these travel costs have been deductible for a very long time if you incurred those expenses to earn business or professional income. But for tradespersons, this has not been the case.

In March 2021, NDP member of Parliament Scott Duvall attempted to change this inequality when he introduced Bill C-275 as a private member's bill. Later, in December 2021, MP Matthew Green reintroduced the same bill once again. However, neither of those bills made it to second reading because of the nature of private members' business in the other place.

During that same period, Canada's Building Trades Unions, known as CBTU, was actively pressing the federal government to recognize these costs as legitimate, tax-deductible expenses for tradespersons. In their pre-budget submission, their first recommendation to the government was as follows:

That the Government permit a skilled trades workforce mobility tax deduction to allow skilled trades workers to deduct work-related travel costs when these costs are not covered by their employer.

They went on to explain in more detail:

The Income Tax Act is currently an inequitable tax policy in its treatment of construction workers related to the deductibility of work-related expenses. Salespeople, professionals and Canadians in other industries can receive a tax deduction for the cost of their travel, meals, and accommodations. The same option is unfairly denied to skilled trades workers who work on jobsites that are in different regions or provinces from their primary residence. The Government has a responsibility to ensure a system of tax fairness is in place for all Canadians and to support skilled trades workers who build our infrastructure and communities.

Skilled trades workers have always had to travel for work — that's why we're called journeypersons. But infrastructure investments and growth across the country is oftentimes uneven, with some areas experiencing higher levels of construction activity resulting in labour shortages, while others will see high unemployment levels. To build a strong economic recovery, the Government should address the long-standing issue of labour mobility in the skilled trades by allowing skilled trades workers to deduct from their income the cost to travel and go to work.

It was shortly after this that the legislation before us today was introduced in the House of Commons. On February 8, 2022, MP Chris Lewis tabled Bill C-241 to, once again, secure a deduction of travel expenses for tradespersons. In response to the mounting pressure, the Liberal government seemed to recognize that there was validity to this request, and included a new

measure in Budget 2022 called the Labour Mobility Deduction, or LMD, for Tradespeople. As explained by the Canada Revenue Agency:

The LMD provides an eligible tradesperson with a deduction for certain transportation, meals and temporary lodging costs incurred for travelling significant distances to earn income at a temporary work location from temporary employment in construction activities during the 2022 and subsequent taxation years.

• (1710)

This was significant, colleagues, because it was a step forward and showed that there is no disagreement in principle over the need for such a deduction.

There was, however, one significant problem: The government limited the deduction to a maximum of \$4,000. And according to a representative from Canada's Building Trades Unions, or CBTU, some tradespersons would max out that deduction in only about two months.

So although the Labour Mobility Deduction was a step in the right direction, it did not go far enough. Bill C-241 will correct this by not imposing an arbitrary cap on travel expense deductions. I would note, colleagues, that this does not mean there are no guardrails around the deduction to prevent it from being abused. There are.

The parameters of what constitutes an allowable travel expense are already well defined by the Canada Revenue Agency, or CRA. In addition, Bill C-241 notes that a taxpayer does not qualify for the deduction if they received an allowance for these expenses from their employer or received an income tax deduction or tax credit under any other provision in the Income Tax Act for the same expenses.

The deduction is meant to capture those who currently have no way to deduct legitimate expenses from their taxable income. And if more clarification is needed on the application of the deduction, the CRA can and will issue additional guidance to provide the needed clarity, as it currently does frequently on other tax measures.

Colleagues, in his second-reading speech, MP Lewis stated that:

By 2025, Ontario alone will need an additional 350,000 tradespeople to fill the current need. As is often the case, tradespersons can be expected to travel long distances from one job to the next, far from home. With inflation at a 30-year high and during the ongoing cost-of-living crisis, this bill is a common-sense proposal for hard-working Canadians.

When it comes down to it, this legislation is basic fairness for tradespeople.

Tradespersons are fathers, mothers, grandparents, sisters and brothers — hard-working Canadians who are part of the backbone of our Canadian economy. Skilled trade workers are vital to Canada. Each is a master of their craft, and their knowledge and abilities are essential to communities and to our

country. We must support them to allow the industry to grow and to provide support for resources for training to allow for the success of future generations of tradespersons.

Canada's Building Trades Unions are the national voice of over half a million Canadian construction workers, members of 14 international unions who work in more than 60 different trades and occupations. They advocate on behalf of our hard-working tradespersons across Canada.

The CBTU commissioned an independent financial projection which estimates that a Canada-wide implementation of a skilled trades workforce mobility tax deduction could save the federal government an estimated \$347 million annually through increased tax revenues and reduced reliance on Employment Insurance and other government programs. This is a substantial impact.

As noted by the CBTU:

Other jurisdictions, such as the United States, already permit a tax deduction like this to those working in the skilled trades. The US Revenue Code allows workers to deduct meals, travel, and accommodation expenses for temporary work away from home. Implementing a similar measure will help put Canadians to work, address labour shortages and reduce reliance on government programs like Employment Insurance, ultimately saving the government hundreds of millions of dollars.

Honourable senators, today I ask for your support for our Canadian tradespersons by sending Bill C-241 to committee for further study. Thank you.

**Hon. Andrew Cardozo:** I have a question if the senator will take one.

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

**Senator Martin:** Yes.

**Senator Cardozo:** Thank you for your speech, Senator Martin. I think it is an important bill and an important issue. I note you indicated Budget 2022 had included a Labour Mobility Deduction with a limit of \$4,000. As I understand what you are saying is this bill will simply remove that limit.

It is important for us to understand this is one group of workers who do travel and, like others, are not able to deduct the expenses that they incur. I think you have indicated quite wisely, with our need for 350,000 workers over the next few years, we need to make this industry as welcoming and hospitable as possible for the workers we need.

And, of course, it relates to everything, like housing. If we want more housing, we need more people to be working there.

You indicated it would help the Treasury with \$347 million in terms of increased tax revenue. Do you have any sense how much it would cost the Treasury to have an unlimited number as opposed to \$4,000? I'm somewhat familiar with this issue and I understand they did \$4,000 at the start to have a sense of how much it was going to cost. If it becomes unlimited, do we have a sense of how much it would cost the Treasury? Do you know whether any provinces have programs of this kind?

**Senator Martin:** Thank you for the question. I don't have the cost of what it would be to remove the cap, but that \$4,000 is very limiting in that for some it would only be covering the cost for two months.

In terms of other provinces, I don't have that information either, but the union that represents all of these half a million workers has done their research, and given this is such an important industry and we want to encourage more young people to go into the trades, this is one measure. It would only be fair because business people already have this opportunity, whereas they do not.

**Senator Cardozo:** Thank you for that. I share your view. This is an important bill, and that \$4,000, while a good step, is certainly something we need to be considering. Thank you for your work on this bill.

[*Translation*]

**Hon. Jean-Guy Dagenais:** Your Honour and honourable senators, I rise today in support of the bill now before us, Bill C-241, An Act to amend the Income Tax Act (deduction of travel expenses for tradespersons).

I'd like all of us to pay particular attention to this bill, which aims to give tradespeople, whose skills are so badly needed, the opportunity of deducting expenses when they work more than 120 kilometres from their home.

This isn't a new topic in the political arena. It has been the subject of various pieces of legislation since 2006 that have never been passed by Parliament.

Bill C-241 fits on a single page. The few lines that make it up didn't generate much discussion when it was studied in committee in the other place. It took just 17 minutes for it to be sent back to the House of Commons for passage.

What is surprising is that all members from each of the opposition parties voted in favour of this pro-tradespeople bill, but all the Liberal members voted against it. Fortunately for tradespeople, this is a minority government.

I'm now hoping that everyone in this chamber, which some describe as non-partisan, will pass it quickly.



We can't lose sight of the fact that electricians, plumbers, welders, tinsmiths and many other construction workers are working in trades that are essential in our society.

While this class of workers has been ignored or even devalued for too long, it now includes people who earn very respectable wages, taxpayers who pay their fair share of taxes.

We're currently facing a labour shortage, and it's not uncommon these days for tradespeople to take jobs on construction sites that aren't necessarily in their home community. As a result, they have to temporarily incur travel and living expenses in order to earn their wages.

• (1720)

Bill C-241 that is before us today seeks to enhance the mobility of construction workers and make it easier for business owners to hire workers.

What's more, I believe that a bill like Bill C-241 will likely help different trades to convince young and not-so-young people to work in construction.

Construction workers are badly needed.

Our economy has always been based on construction. However, work sites aren't always located in communities that have the workers needed to do the job. What's more, the working conditions offered by business owners don't always cover tradespersons' travel costs.

Bill C-241 seeks to set guidelines that will encourage construction workers to travel in order to make it easier to complete certain projects.

This is also a good way to address the current labour shortage.

I now want to talk a bit more about why I think the Liberal MPs are refusing to vote in favour of this bill that is good for middle-class workers.

They must have had to tow a party line because the current government believes it has done its part by bringing in a \$4,000 tax deduction for the mobility of tradespeople. In contrast to this deduction, Bill C-241 doesn't set a ceiling and will allow tradespeople to choose the tax regime that is most favourable to them and their family.

I want to emphasize the family aspect here.

Even though we already have compensation programs for workers who have to move to be within 40 kilometres of their work site, it's important to remember that a family today is often made up of two people who earn a salary and children who are rooted in their community.

Moving can sometimes mean a job loss for the spouse, in addition to having to work to recreate a family and school setting for the children. These tough choices aren't just limited to construction workers.

As a police officer with the Sûreté du Québec, I personally refused to enter competitions for a promotion because I knew that this could lead to a move and that my wife would lose her job.

Bill C-241 seeks to allow tradespeople who agree to temporarily move to earn a living to deduct employment expenses when those aren't paid by the employer.

The current mobility tax deduction of \$4,000 is insufficient and, in my view, too restrictive.

However, the Liberal members in the other place haven't understood this. Instead, they've decided, in a partisan manner, to turn their backs on construction tradespeople.

The right to claim travel expenses as tax deductions mustn't be reserved for the elite.

I will close by reminding you that the members of this chamber and those in the other place have travel allowances and per diems because they're called upon to travel temporarily outside their place of residence.

This situation is indisputable.

Furthermore, our tax system allows any businessperson or professional in Canada to travel by plane, train or automobile, to stay at hotels and to claim meal expenses when these expenses are work-related.

They can do so as often as they like during a fiscal year and that is indisputable.

If it is acceptable in the two situations I just talked about, ask yourselves why construction workers, who must travel in their own vehicle and with their own tools, wouldn't have the right to claim such expenses when they have to travel more than 120 kilometres from their home to earn a living.

When people travel to earn a living, it makes no difference to me if they're travelling with a toolbox or a computer.

I therefore hope that you will feel as I do about tradespeople and vote in favour of Bill C-241 to grant them the right to tax deductions in cases that require extensive travel.

I believe that the mobility of this workforce is essential for construction, which is a major economic sector. Thank you.

(On motion of Senator Clement, debate adjourned.)

[English]

## CANADA NATIONAL PARKS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

**Hon. Peter M. Boehm** moved second reading of Bill C-248, An Act to amend the Canada National Parks Act (Ojibway National Urban Park of Canada).

He said: Honourable senators, I rise today as the Senate sponsor of Bill C-248, An Act to amend the Canada National Parks Act (Ojibway National Urban Park of Canada), which passed the House of Commons on April 26, 2023, after a near-unanimous third reading vote of 319 to 1 and which was introduced in the Senate the same day. It is my expectation that this bill will be sent to the Standing Senate Committee on Energy, the Environment and Natural Resources, and it is my hope that it will be referred before the summer recess.

Given the time of year and the hour of the day, and the fact that the principle of the bill has overwhelming support and should thus result in a relatively quick second reading, I promise I will not speak for the allotted 45 minutes.

I thank the bill's sponsor, Mr. Brian Masse, Member of Parliament for Windsor West, where the park will be located, for his dedicated work for many years on this significant project, both outside and inside Parliament. The idea for this bill was initiated by a public town hall hosted by Mr. Masse in 2019, but the fight to establish Ojibway national urban park has been ongoing for decades. I wish to acknowledge the residents of the Windsor region and the local Indigenous peoples who have been working diligently and passionately to protect this significant green space and its ecosystem.

As a senator from southern Ontario — my hometown of Kitchener is not far from Windsor — I am honoured to have been asked to shepherd this legislation through the Senate. This is also important to me as a staunch and long-time advocate for reconciliation between Canada and Indigenous peoples.

This is one bill, colleagues, where I will not refer to any clauses because if you have read it, you will have found it to be little more than longitudinal and latitudinal coordinates and 304 instances of the word “thence.” Indeed, Samuel de Champlain's astrolabe might prove useful in that regard.

The bill itself sets out the boundaries of the approximately 900 acres of publicly owned land that will become Ojibway national urban park: Ojibway Park, Spring Garden Natural Area, Black Oak Heritage Park, Tallgrass Prairie Heritage Park, Ojibway Prairie Provincial Nature Reserve and Ojibway Shores. Of note is that Ojibway Shores, a 33-acre green space, is the only remaining undeveloped natural shoreline in the Windsor-Detroit area and is home to 130 endangered species.

Crucially, ownership of the land on which Ojibway Shores is located was also recently transferred in May from the Windsor Port Authority, under Transport Canada, to Parks Canada. That had been a long-standing hurdle, now overcome, on the journey toward creating Ojibway national urban park.

Colleagues, the lands that compose the future Ojibway national urban park — including the Detroit River — are home to hundreds of endangered species, including butterflies, birds, other fauna and trees, and it also mitigates flooding due to climate change.

Further, as you all know, North America's busiest border crossing is between Windsor and Detroit, and is currently served by the Ambassador Bridge. In 2025, the long-awaited Gordie Howe International Bridge is expected to be completed and

opened to traffic, also between Windsor and Detroit. With six lanes for vehicle traffic — three Canada-bound and three going into the United States — and one multi-use lane for pedestrians and cyclists, the new bridge will serve as a vital new link for people and trade between Canada and the United States at our busiest crossing.

• (1730)

However, progress for the economy, including increased tourism, often comes with hardship for the environment. With thousands of vehicles, including transport trucks, expected to cross the bridge every day for business and ecotourism, as is already the case for the Ambassador Bridge, the impact on the local ecosystem, especially endangered species, in the adjacent lands of the proposed Ojibway national urban park will increase significantly.

Compared to the Parks Canada process, the more expedient process of this bill, which will ensure the impacted land and ecosystem are protected sooner once the bill is enacted, is partly why local Indigenous communities and environmental groups, along with the City of Windsor, whose city council in April 2022 voted unanimously for a resolution supporting Bill C-248, are all in favour of this bill.

Also, the creation of the park and the resulting protection and preservation of its land and species will offer significant mental health benefits as residents of the local communities and surrounding areas will be encouraged to get outside and enjoy the park. We all saw how important access to green and outdoor spaces was during the worst of the COVID-19 pandemic when lockdowns and social distancing were in effect.

Colleagues, in my introduction, I referred to reconciliation. It is important to note that along with the City of Windsor; the Wildlands League, a major national conservation organization; and the Friends of Ojibway Prairie, a volunteer group that promotes public awareness of the biological and historical importance of the Ojibway Prairie Complex, the Caldwell First Nation also offers its vital support for Bill C-248.

On October 28, 2022, during consideration of Bill C-248 at the House of Commons Standing Committee on Environment and Sustainable Development, Mary Duckworth, Chief of the Caldwell First Nation, appeared as a staunch supporter of the bill, the process it has undertaken and the ultimate creation of Ojibway national urban park. In responding to a question from Mr. Masse about whether Caldwell First Nation views the park as reconciliatory — after claims by Chief Duckworth that Caldwell First Nation was not meaningfully consulted by the federal government about the Gordie Howe International Bridge, which is being constructed on its ancestral territory — Chief Duckworth spoke about the importance of action in reconciliation. She said:

In truth and reconciliation, we talk about that, and the truth is that we're trying to create a national park through a legislative framework so that it is solid and it will be there.

The reconciliation part comes with action. There can be no truth and reconciliation without actions from the governments that sit over top of the nations. We like to see ourselves as equals to you; however, we are not treated as equals, as you know.

She went on to say:

Being able to have truth and reconciliation means exactly what we're doing. Look at us all working together at different levels of government, as well as non-government, special interests and people who care about the environment. We're all at the table.

We're all waiting. . . .

In closing on that question, with a specific reference to Parliament enacting the United Nations Declaration on the Rights of Indigenous Peoples Act in June 2021, Chief Duckworth stated that:

. . . we know Canada has aligned itself with the rights of indigenous people. Where is Canada at with that? Now that Canada has adopted that, it's a piece that we need to look at when we're developing these parks and respecting what is happening.

Colleagues, as Chief Duckworth made clear, and as we have heard so much in the past few years as we discuss reconciliation and the nation-to-nation relationship between Canada and Indigenous peoples, words are nice, but they're nothing without action.

The treaty rights to the Anishinaabe territory on which the parcels of land that will compose Ojibway national urban park are held by the peoples of the Three Fires Confederacy. That is the Anishinaabeg in the Windsor area, which comprises the Ojibwe, Odawa, and Potawatomi peoples.

I understand that Parks Canada is actively engaged with the Caldwell First Nation and the Walpole Island First Nation on co-management agreements in which both nations are interested. According to the Parks Canada website, both nations have also:

. . . expressed strong interest in . . . the potential of the park as a place for traditional and cultural practices, a place to demonstrate leadership in conservation and stewardship, and a place with potential for economic benefit for their communities.

So, colleagues, Ojibway national urban park is not just a park but an example of reconciliation in action.

As Chief Duckworth said at committee in the other place, part of the reason getting the park established through this bill is so important not just to the local First Nations but also to the residents of the Windsor area is that it is a concrete, legislated framework.

That leads me to address the concerns about the competing processes underway to create Ojibway national urban park. As I said at the beginning of my remarks, establishing Ojibway

national urban park is a long-standing goal of many stakeholders, including Parks Canada. The goal is not in dispute but, rather, the path to achieve it.

I will be brief in summarizing this debate at second reading as it is during eventual review by the Committee on Energy, the Environment and Natural Resources that these technical and very important details should be studied.

Mr. Masse, Member of Parliament for Windsor West, introduced Bill C-248 in the House of Commons on February 9, 2022, after a public town hall in August 2019 where the plan to create Ojibway national urban park was initiated. It was not until two years later, in August 2021, that Parks Canada launched its national urban parks program. According to the backgrounder on the program available on Parks Canada's website:

The new National Urban Parks program will build on the many successes of the Rouge National Urban Park, exploring different approaches that involve working with partners to develop collaborative and innovative management and governance frameworks.

The backgrounder further states that:

Parks Canada is developing a national urban parks policy to guide the designation and management of national urban parks. The Policy will provide a flexible framework in recognition of the unique characteristics and local circumstances of each national urban park, such as local Indigenous authorities, while also ensuring that national urban parks across the country meet a common set of standards.

That is all well and good, and Parks Canada is, of course, an agency of which all Canadians should be proud for its stewardship of our best-in-the-world national parks. However, while Bill C-248 has, between February 2022 and today, gone through the entire legislative process in the other place, with extensive public consultation before and during, and is now being debated in this chamber, the Parks Canada national urban parks policy is, nearly two years after its launch, still in draft form. In fact, its website, as of two weeks ago, on May 23, when it was last modified says:

Over the coming months Parks Canada will prepare a first edition of the National Urban Parks Policy. . . .

I do not believe, colleagues, that Bill C-248 is cutting any corners, neither in terms of consultation nor due diligence. What I do believe, as someone with a few decades of experience in public policy and governance, both as a federal public servant and as a parliamentarian, is that this debate comes down to bureaucratic process versus action.

The approximately 900 acres of publicly owned land that will compose Ojibway national urban park is an area of significant biodiversity that is home to hundreds of endangered species.

Protecting the land and conserving its natural environment is vital for the flora and fauna that call it home, for the region's human residents who rely on the green space to lead active lives conducive to their physical and mental health, for the regional

economy on both sides of the international border and for the strengthening of the nation-to-nation relationship between Canada and Indigenous peoples who have called these lands home since time immemorial.

All of this, while the explicit goal of stakeholders on all sides, will happen sooner through this legislation than it will through the national urban parks policy of Parks Canada.

I would encourage all honourable senators interested in this legislation, and especially members of the Committee on Energy, the Environment and Natural Resources, to review the debate on this bill in the other place, as well as the transcript of the meeting held last October 28 at the House of Commons Standing Committee on Environment and Sustainable Development.

While there are indeed questions about process and consultation, the creation of Ojibway national urban park — the very principle of the bill — has overwhelming support both inside Parliament from all parties, including the government, and outside Parliament, including from Parks Canada.

Therefore, colleagues, I encourage senators to vote to refer Bill C-248 to the Committee on Energy, the Environment and Natural Resources expediently, before the summer recess, so the bill and any concerns may be studied in depth by the committee when we return in the fall.

Thank you.

**Hon. Michael L. MacDonald:** Honourable senators, I rise today as critic of Bill C-248, An Act to Amend the Canada National Parks Act (Ojibway National Urban Park of Canada).

• (1740)

This bill proposes to create the Ojibway national urban park in Windsor, Ontario. It is the product of years of effort from Brian Masse, the Member of Parliament for Windsor West, and I first and foremost want to commend him for his passion and determination on this initiative. As you know, colleagues, shepherding a private bill through Parliament can be a challenging task.

You may have recently received an information package from the MP's office regarding this bill, which I found to be thorough and helpful, and I encourage you to review it if you have not already done so. Senator Boehm, the sponsor of the bill here in this chamber, has just provided us with a detailed overview of the legislation, so I do not intend to speak at length, but I do want to outline why, as critic, I am comfortable and supportive of Bill C-248.

Essentially, this bill is 22 pages of coordinates. There's not much to it. These coordinates mark the latitudinal and longitudinal boundaries that would be added to Schedule 1 of the Canada National Parks Act, creating the Ojibway national urban park of Canada.

This new national urban park, or NUP, would amalgamate six existing public land areas, including Ojibway Park, Spring Garden Natural Area, Black Oak Heritage Park, Tallgrass Prairie Heritage Park, Ojibway Prairie Provincial Nature Reserve and, finally, Ojibway Shores, a 33-acre green space that is the last

remaining undeveloped natural shoreline in the Windsor-Detroit area. If looking on a map, these lands are essentially adjacent to each other in the western area of Windsor and are all already publicly owned.

Together with the Detroit River, the Ojibway NUP would provide for 900 acres of green space in an environmentally sensitive area that is already pressured by industrial development and its role as a transportation hub. The Windsor-Detroit border crossing is already the busiest border crossing between Canada and the United States, and with the Gordie Howe International Bridge set to open in 2025, pressures on the neighbouring ecosystems are bound to increase.

Although we all enjoy parks and green space for their natural beauty and recreational opportunities, these lands also serve a major role in protecting the local flora and fauna. The area we are discussing today constitutes the home of hundreds of rare and endangered species. Many of these species rely on the area for migration and habitat. It is an environmental hotspot that, in my opinion, should be provided the appropriate federal protections.

In a 2017 ecological report entitled *Ojibway Shores Natural Heritage Inventory/Evaluation*, which looked at the Ojibway Shores area alone, 554 different species of flora and fauna were documented on the land during the study, 28 of which were federally or provincially protected species.

The report adds, “. . . Ojibway Shores is an important stop-over for migratory birds which includes eight Species at Risk . . .”

It concludes:

Undertaking this study has provided a unique opportunity to study an unaltered piece of habitat in an otherwise developed area. Despite such close proximity to development and residing in a bi-national Area of Concern . . . Ojibway Shores supports a number of species and likely supports many more living adjacent to the property. Given the species diversity and habitat heterogeneity, this property would be a great candidate for preservation and habitat enhancement.

Furthermore, in a letter endorsing this bill, the environmental organization Wildlands League stated:

Windsor embodies the threats and opportunities that are being faced across Canada's South. Its remnant Tallgrass Prairie is the most endangered ecosystem in Canada, and there are more rare species than anywhere else in Ontario. It is a biodiversity hotspot within a hotspot. But Tallgrass is also the land cover most resilient to a warming climate and one of the best natural sponges when the skies open up and water rises. This is a natural solution in a city where annual flooding makes insurance almost impossible to obtain.

Colleagues, our national parks are something I think all Canadians treasure, all with uniquely memorable beauty. Banff, Jasper and the Pacific Rim National Park Reserve out west come to mind. Or on the East Coast, I think of Gaspé, Quebec; Gros

Morne National Park, Newfoundland; and, of course, Sable Island National Park Reserve and the Cape Breton Highlands National Park, both in Nova Scotia.

Although these lands may be celebrated for their picturesque and quintessentially Canadian landscapes, our national parks are also critical to protecting vulnerable ecosystems, which is why I believe there is growing interest in the establishment of more national urban parks near our ever-expanding and developing urban centres.

Ojibway national urban park would be the second national urban park in the country, following Rouge National Urban Park in Toronto, which I sponsored in this chamber. Parks Canada is currently studying the feasibility of establishing four other national urban parks in other urban areas. National urban parks provide an opportunity to not only preserve the beauty in the natural green space but also provide the protection of habitat for our flora and fauna that are increasingly pressured by nearby urban development.

As I've already mentioned, colleagues, all lands that would constitute Ojibway national urban park are already in public ownership. There are no private lands in question, and the current public entities that own the areas that would form this national urban park are all in support of transferring ownership and control to the federal government.

As I mentioned at the outset, the proposed urban park is the culmination of years of efforts by local residents and stakeholders, so allow me to outline the process and support for the project.

The initiative was officially launched in 2019 with a town hall hosted by Mr. Masse to publicly discuss the formation of the Ojibway NUP with local and national organizations, including grassroots groups such as The Friends of Ojibway Prairie, Friends of the Rouge, the Detroit River International Wildlife Refuge, the Wildlands League, scientists and local Indigenous leaders. All Windsor municipal, provincial and federal officials committed to this initiative.

Caldwell First Nation and Chief Duckworth also fully support the establishment of the park. It is also significant to note that it was announced that Ojibway national urban park is to be co-managed with the Indigenous community.

In terms of municipal support, in 2021, the Windsor city council unanimously endorsed the proposal and have indicated their intent to transfer its lands to the federal government as soon as feasible for Parks Canada.

Also in 2021, the federal government signed a statement of collaboration with the City of Windsor to work towards designating the area as a national urban park and, furthermore, committed \$130 million towards the establishment of national urban parks. It was at this point in the process, after years of collaboration and widespread support, that Mr. Masse introduced his bill in the House of Commons in February 2022. Since this time, the Ontario Ministry of the Environment, Conservation and Parks has committed to transferring ownership of Ojibway Prairie Provincial Nature Reserve, one of the six parks that would constitute the NUP, to the federal government.

And, finally, in what Mr. Masse called the “final piece of the puzzle,” Ojibway Shores, the 33-acre parcel of undeveloped land on the shores of the Detroit River, has officially been transferred from the Windsor Port Authority, under Transport Canada, to Environment Canada, allowing for Parks Canada control.

Bill C-248 then passed in the House of Commons at third reading by a margin of 319 to 1.

Colleagues, after due process in the other place, it is now in our hands, and although I speak to you today as critic, I do so in full support of Bill C-248. Given the extensive support that this bill has, including all-party support, I believe it would be prudent of us to act on this bill as quickly as possible and, therefore, I recommend we send it to committee as quickly as possible. Thank you, colleagues.

(On motion of Senator Martin, debate adjourned.)

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### FOURTH REPORT OF COMMITTEE—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Klyne, for the adoption of the fourth report (interim) of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled *Amendments to the Rules*, presented in the Senate on February 7, 2023.

**Hon. Denise Batters:** Honourable senators, as the Deputy Chair of the Rules Committee, I'm presenting what the Chair of the Rules Committee, Senator Bellemare, called a friendly amendment to the fourth report of the Standing Committee on Rules, Procedures and the Rights of Parliament. Senator Bellemare is unable to present this amendment because she has already spoken on this matter, but she is in full agreement with this.

The fourth report of the Senate Rules Committee added the following new rule:

1. adding the following new rule immediately after current rule 1-1(2):

“Accessibility

1-1. (3) If a provision of these Rules or a practice of the Senate constitutes a barrier to a senator's full and equal participation in proceedings solely due to a disability, as defined in the *Accessible Canada Act*, the Speaker, or the chair of a committee, may authorize reasonable adjustments to the application of the rule or practice.”;

• (1750)

The amendment that we are proposing today clarifies that adjustments to allow full participation for a senator in proceedings of the Senate Chamber or a committee only applies to proceedings here in Ottawa.

MOTION IN AMENDMENT ADOPTED

**Hon. Denise Batters:** Therefore, honourable senators, in amendment, I move:

That the report be amended by adding the following at the end of proposed new rule 1-1(3):

“in order to facilitate the senator’s participation in proceedings in the Senate Chamber or in the committee room, as the case may be”.

Thank you.

[*Translation*]

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

**Hon. Renée Dupuis:** Would Senator Batters accept a question?

[*English*]

**Senator Batters:** Yes.

[*Translation*]

**Senator Dupuis:** What is the reason for this amendment and why are you moving it today?

[*English*]

**Senator Batters:** We’re presenting it today because this issue has been before the Senate for a while, but we wanted to make sure that this report, with some smaller changes, is handled before the end of this month. This amendment is necessary to clarify that the rule that is being amended here can’t be used to allow a senator to demand to use hybrid to access a committee or chamber. They do have to be in Ottawa. So it just makes that clarification.

**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 in amendment?

**Hon. Senators:** Agreed.

(Motion in amendment of the Honourable Senator Batters agreed to.)

[ Senator Batters ]

FOURTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Klyne, for the adoption of the fourth report (interim), as amended, of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled *Amendments to the Rules*, presented in the Senate on February 7, 2023.

**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.)

AGRICULTURE AND FORESTRY

BUDGET—STUDY ON THE STATUS OF SOIL HEALTH—  
ELEVENTH REPORT OF COMMITTEE—DEBATE

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on Agriculture and Forestry (*Budget—examine and report on the status of soil health in Canada—power to travel*), presented in the Senate on June 1, 2023.

**Hon. Robert Black** moved the adoption of the report.

He said: Honourable senators, the Standing Senate Committee on Agriculture and Forestry is focused on ensuring it’s well positioned to provide a meaningful and well-rounded report on soil health to support Canadian farmers, producers and the world.

With food security, land use, biodiversity and environmental and agricultural health in mind, the committee looks to have a fulsome and in-depth perspective on soil health that will be as beneficial as the previous Senate report has been for nearly 40 years.

In order to do this, the committee finds that it is essential to meet with global counterparts in Rome as a greater opportunity to engage with experts on soil health from around the world. This fact-finding mission originates from an invitation extended to the Agriculture Committee from the deputy director of the Food and Agricultural Organization of the United Nations, or UN FAO, to meet many international experts with the organization, which would be impossible to coordinate in a virtual method.

This will involve roundtable discussions as well as a mix of formal and informal meetings that will highlight the importance of global coordination on soil health programs and projects.

Honourable senators, as you know, I’m not one to lay idle, and I keep my schedule booked solid with meetings while also adhering to my responsibilities here in the chamber and in committee. This fact-finding mission will be no different. So to my colleagues travelling with me, we can look forward to a very busy schedule, packed full of meetings, tours and a soil conference as well.

Our Agriculture Committee has had consistent and meaningful discussions around this budgeted option. We understand that this is a large expenditure for Canadians. Soil health, however, is a global problem, and while the committee is working to travel throughout Canada to better understand soil health here, an international perspective will have vast benefits as well. We can learn from other experts, beyond Canada, and from our largest trading partners and allies. As I've alluded to earlier, we will also be attending the Global Soil Partnership Plenary Assembly where we'll engage in meaningful discussions with leading stakeholders and experts on soil from around the world, who can, without a doubt, contribute to our understanding of soil health here in Canada.

Therefore, Madam Speaker, if it's the will of the chamber, I hope that we can pass the report today so that our diligent committee support staff can begin making arrangements for this travel, expected to take place in mid-July. Thank you, *meegwetch*.

**Hon. Pierre J. Dalphond:** Can you explain the budget, because I see here it's \$134,764, and it includes transportation for four senators at \$16,000 each for \$74,600, accommodations for seven nights at \$820 per night, per diems, taxis and a charter bus? Could you explain exactly why the budget is so expensive?

**Senator Black:** Thank you for your question, senator. As you well know, when we submit a budget, we have to submit it at the largest possible number. Taking into account the maximum number that could travel as well as the high cost — in this case, the euro is trading high against the Canadian dollar right now, inflating a budget prepared in our currency. As well, travelling in the summer is vastly more expensive, as tourism returns to pre-pandemic levels. The timing chosen is to guarantee senator attendance at the Global Soil Partnership Soil Plenary Assembly, as well as engaging with integral stakeholders and experts. Unfortunately, these are just a few of the difficulties we've had when we put together the budget.

The cost of the accommodations is the maximum that we found. We will look for less expensive accommodations. We've also put on a larger dollar for bus travel in case we have to travel from outside the area to get a cheaper rate on accommodation.

**Senator Dalphond:** Thank you.

So on air transportation, four senators at \$16,000 each, is it business class or economy class?

**Senator Black:** I've already instructed our clerk to seek out premium economy, if that's the best way we can go. We were instructed by the Internal Economy Committee what the maximum allotment is, but were asked to please try to do less. So the senators travelling will travel, if we can, on premium economy, unless they choose to upgrade on their own points or dime.

**The Hon. the Speaker pro tempore:** Honourable senators, it is now six o'clock and pursuant to rule 3-3(1), I'm obliged to leave the chair until eight o'clock, when we resume, unless it is your wish, honourable senators, to not see the clock. Is it agreed to not see the clock?

**Some Hon. Senators:** No.

**The Hon. the Speaker pro tempore:** There is no agreement.

• (1800)

[*Translation*]

Accordingly, honourable senators, leave not having been granted, the sitting is suspended and I will leave the chair until eight o'clock.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

[*English*]

• (2000)

BUDGET—STUDY ON THE STATUS OF SOIL HEALTH—  
ELEVENTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Black, seconded by the Honourable Senator Quinn, for the adoption of the eleventh report of the Standing Senate Committee on Agriculture and Forestry (*Budget—examine and report on the status of soil health in Canada—power to travel*), presented in the Senate on June 1, 2023.

**Hon. Pierre J. Dalphond:** I have a final question for Senator Black.

Thank you very much, Senator Black, for providing all of this information. I understand that if we adopt this report, it includes one condition: The overall expenditures for this activity will be reduced by 35%, which means that you cannot exceed \$87,000 for the trip to Rome. Am I right that it is no longer \$134,000 that would be authorized but, rather, a maximum of \$87,000?

**Hon. Robert Black:** Thank you for the question. As my honourable colleague knows, being a member of the Internal Economy Committee that is charged with approving travel requests, we were advised — as part of it, as you say — to seek reduced costs wherever possible. We were also advised to stay beyond the city boundaries in order to remain fiscally responsible and keep the costs lower for Canadians. I remain aware of the expense to taxpayers, and we will do our best to limit costs.

**Hon. Donald Neil Plett (Leader of the Opposition):** Would Senator Black take another question?

**Senator Black:** I would never turn down a question from you.

**Senator Plett:** Thank you. I'm not a lawyer, but I think that most lawyers don't ask questions that they don't know the answers to. I may be asking that kind of question.

You alluded to Senator Dalphond being on the Internal Economy Committee. If I recall correctly, he may also have been at the meeting of the Subcommittee on Senate Estimates and Committee Budgets where this started. But he is certainly a

member of the Internal Economy Committee, and he has attended some of the Subcommittee on Senate Estimates meetings as well where these issues are discussed.

**Senator Black:** My question is this: What if we do not approve of this in short order? Much of what you are trying to do can be achieved by booking tickets and hotel rooms in advance. The longer we wait, the more difficult that will become. If somebody should suddenly, in a foolhardy move, try to adjourn this debate tonight, that may only delay your ability to obtain tickets and save the 35% that you are required to save. Would I be correct in, at least, part of that assumption?

**Senator Black:** Senator Plett, thank you for your question. You are absolutely correct; we have five weeks before we depart. We need to proceed with booking the tickets and accommodations. Every day that passes, this will become more expensive. We know that — that's a general rule of thumb.

**Senator Plett:** Of course, did both the Subcommittee on Senate Estimates and, subsequently, the Internal Economy Committee approve and endorse this trip?

**Senator Black:** You are correct. Thank you for the question.

[Translation]

**Hon. Josée Verner:** I wanted to confirm in French the questions that Senator Plett asked in English. Given that, a few years ago, I myself was chair of the subcommittee that approved travel requests, among other things, I'm wondering whether the rules have changed. In other words, from the moment this request is considered in the chamber, it means that the said request has been approved, first and foremost, by the Internal Economy Committee, a committee on which Senator Dalphond sits.

Have the rules changed since then? Has that budget already been approved — the one you're getting a lot of questions about tonight, Senator Black?

[English]

**Senator Black:** Thank you for your question. Yes, in fact, it has been approved. Let's be clear: It's been approved by the steering committee of the Agriculture and Forestry Committee, then approved by the Agriculture and Forestry Committee itself, by the Subcommittee on Senate Estimates and by the Internal Economy Committee.

**Hon. Lucie Moncion:** Would you take another question, Senator Black?

**Senator Black:** Absolutely.

**Senator Moncion:** My question is about our role in the Senate. Although it has been approved by four different committees, does it necessarily have to be approved by the Senate?

**Senator Black:** My understanding is that all reports have to be approved by the Senate.

**Senator Moncion:** Agreed; I might not have been clear in my question.

[ Senator Plett ]

Is there automatic approval? Since it is a travelling expense, does the Senate have the privilege of voting against the report at the end of all this?

**Senator Black:** Having spent only five years in this august chamber, I would expect that the Senate does have the right to not approve of the expense.

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

**Hon. Senators:** Question.

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

**Some Hon. Senators:** Agreed.

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

(Motion agreed to, on division, and report adopted.)

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### BUDGET—STUDY ON ISSUES RELATING TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY GENERALLY—THIRTEENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the thirteenth report of the Standing Senate Committee on Social Affairs, Science and Technology (*Budget—examine and report on such issues as may arise from time to time relating to social affairs, science and technology generally—power to travel*), presented in the Senate on June 1, 2023.

**Hon. Ratna Omidvar** moved the adoption of the report.

She said: Honourable senators, I feel that I'm stepping into sensitive territory here. The Standing Senate Committee on Social Affairs, Science and Technology has put a request before the chamber that was approved by the steering committee of the Social Affairs Committee, by the Subcommittee on Senate Estimates and then by the Internal Economy Committee.

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

**Senator Omidvar:** We need your approval to undertake a trip — a study trip, not a full committee meeting — as part of our study that we began on November 3, 2022, under our general order of reference, on the topic of Canada's temporary and migrant labour force.

Why did we start this study, colleagues? The labour market in Canada is facing severe challenges. The number may have changed, but as of two weeks ago, 327,000 jobs in Canada are going vacant, with a significant number being in low-wage sectors, such as agriculture, seafood processing, fishing, caregiving, health support, retail, transportation, et cetera.



Both workers and employers are heavily impacted by this labour shortage. Regions and industries are at the forefront of asking for more supply of labour or, as workers would say, more assured working conditions.

We have had seven meetings so far, and most have been extremely informative. Most of the participants have appeared via Zoom. I'm happy that we are able to question our witnesses on Zoom. However, colleagues, we believe it is important to see people — both workers and employers — where they are in their local and regional contexts. We believe it is important to bring the Senate's interests to these stakeholders in person, and to be informed by them.

Therefore, we are seeking approval of one fact-finding activity to support our study. The activity is a fact-finding mission to New Brunswick and Prince Edward Island, with stops in Fredericton, Moncton, Summerside and Charlottetown.

You may ask why it's these regions. It is for a very good reason: The labour market shortage in New Brunswick and Prince Edward Island presents us with an opportunity to see and hear from many sectors — not just a few.

There is a concentration here that we can take advantage of. Demographics in these regions — retirement, aging, et cetera — present both a special challenge and an opportunity for the labour market and for the industries in these regions.

• (2010)

In addition, we have been told migration presents an opportunity for these regions to stabilize their fading populations.

Who will go? We have limited our request to eight senators. We will be accompanied by analysts, the clerk, interpreters and, strategically, a communications person because there is lots of content that we can animate and put out.

I wish to remind everybody that the Standing Senate Committee on Social Affairs, Science and Technology has not asked for approval of a travel budget since 2009. It is not why we are asking. We are asking because this is an incredibly important study that will help the Senate of Canada — and senators — fulfill one of its most important roles, which is to shine the light on a pressing problem, talk to the people of Canada and present solutions.

We, too, are under some pressure because — I didn't know this — in Charlottetown, it is incredibly difficult to confirm hotels, even now, for September. By the way, we are going on a non-sitting week.

We will likely have to locate ourselves in Summerside, rent a bus and go to town. We are looking forward to being informed and educated by the people of New Brunswick. We have many senators here who I know I will reach out to for help in connections, and to P.E.I., so I urge you, colleagues, please approve this budget.

**Hon. Robert Black:** Thank you, senator. Will you take a question?

**Senator Omidvar:** Yes, of course.

**Senator Black:** Thank you. I will point out the reason Charlottetown is so busy at that time is because there is a significant agricultural conference happening that same week, bringing people in from Europe and across Canada.

My question to you is: Will you make every effort to expend public funds wisely?

**Senator Omidvar:** Of course.

**Hon. Donald Neil Plett (Leader of the Opposition):** If the senator would take one more, although Senator Black basically asked it, but if you would?

**Senator Omidvar:** I will. I don't mean to be facetious. I am taken aback by the question of ensuring that we spend money wisely.

I want to tell you that we are asking for \$110,000 for a five-day trip with more than 15 people. We are renting a bus. We are travelling across regions to save money. Was that your question, Senator Plett?

**Senator Plett:** I haven't quite asked the question yet.

**Senator Omidvar:** Okay, go ahead. I would happily go with Senator Black to Rome as well, if he would make room.

**Senator Plett:** I did have a question, although between Senator Black and Senator Omidvar, they took care of it.

I wanted to say, for the record, that when we were the government a few years ago in the good old days, former senator Joan Fraser was in opposition. Senator Fraser never let one of these committee trips happen without her asking a question. Her question was usually very similar to what Senator Black's was. Since you have already answered it, I will just leave it at that, Your Honour. I certainly encourage you and wish you well.

**Senator Omidvar:** Thank you.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

### NATIONAL FINANCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY A ROAD MAP FOR POST-PANDEMIC ECONOMIC AND SOCIAL POLICY TO ADDRESS HUMAN, SOCIAL AND FINANCIAL COSTS OF ECONOMIC MARGINALIZATION AND INEQUALITY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Duncan:

That the Standing Senate Committee on National Finance be authorized to examine and report on a road map for post-pandemic economic and social policy to address the human, social and financial costs of economic marginalization and inequality, when and if the committee is formed;

That, given recent calls for action from Indigenous, provincial, territorial and municipal jurisdictions, the committee examine in particular potential national approaches to interjurisdictional collaboration to implement a guaranteed livable basic income; and

That the committee submit its final report no later than December 31, 2022.

**The Hon. the Speaker:** Senator Plett, do you want to ask for leave to adjourn in Senator Martin's name?

**Hon. Donald Neil Plett (Leader of the Opposition):** Certainly. I was going to get up and do that, Your Honour. Thank you very much.

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

**Hon Senators:** Agreed.

(Debate adjourned.)

### INDIGENOUS PEOPLES

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE EFFECTS OF IDENTITY FRAUD ON FURTHER MARGINALIZING INDIGENOUS PEOPLE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator Campbell:

That the Standing Senate Committee on Indigenous Peoples be authorized to examine and report on the misrepresentation of Indigenous ancestry, inadequate self-identification standards and the profound effects that such identity fraud has on further marginalizing Indigenous people, in particular Indigenous women; and

That the committee submit its final report no later than December 31, 2023.

**Hon. Paula Simons:** Honourable senators, I'm honoured to rise today as a resident of Treaty 6 territory to speak on the traditional, unceded territory of the Algonquin Anishinaabeg people, and to address Motion 96 moved by our colleague, Senator Mary Jane McCallum.

Motion 96 seeks authorization for the Standing Senate Committee on Indigenous Peoples to examine and report on the misrepresentation of Indigenous ancestry and inadequate self-identification standards, and the profound effects that such identity fraud has on the further marginalizing of Indigenous people, in particular, Indigenous women. I want to thank Senator McCallum for bringing the attention of the Senate to this concerning and complicated problem.

Every afternoon, as we enter the chamber, we pass a statue of Senator James Basil Gladstone, the first status Indian to sit in the Senate of Canada where he represented my own province of Alberta.

Senator Gladstone was appointed by Prime Minister Diefenbaker in 1958 at a time when status Indians did not yet have the right to vote in federal elections, which meant he was able to vote on legislation in this chamber, but not able to vote for his own member of Parliament.

If you Google James Gladstone, you will quickly find articles that tell you that his father was Cree and that his mother was a member of the Kainai Nation, a part of the Blackfoot Confederacy. But that is not true.

According to public genealogical records, James Gladstone was officially the son of Harriet Gladstone and her then partner, James Bowes. James Bowes wasn't Cree. He wasn't Indigenous. He was identified in public records as White and came from Lanark County in Ontario.

Harriet's family tree is a little bit more complicated. Her father William James Shanks Gladstone was born in Montreal to Scottish parents.

Her mother, whose name was Harriette, was the daughter of Louis Leblanc who, according to government records, was French Canadian and of Angélique Vallee who was Métis with French, Sioux and Saukteaux roots.

As best I can deduce, James Gladstone's biological claims to Indigenous identity flowed through his Métis great-grandmother. To judge by the public genealogical records I've found, he was neither Cree nor Blackfoot.

Was our first First Nations senator a "pretendian"? Well, it's not quite that simple.

Because of family circumstances, young James Gladstone ended up being sent to the St. Paul's Anglican residential school near Cardston, Alberta, at the age of 7. At 16, he was enrolled in another residential school, St. Dustan's Industrial School, near Calgary, where he trained to be a printer.

When he was 24, he married Janie Healy, known as Pok-otun or Little Daughter. She was a member of a prominent Blackfoot family and the daughter of Joe Healy, known as Flying Chief.

Together, they raised their family on or near the Blood Reserve, what we now call the Kainai First Nation. He fought for a decade to be adopted as a member of that First Nation and to be granted Indian status, which he finally won in 1920.

Gladstone became a successful farmer and rancher, and became deeply involved in First Nations politics and the fight for voting rights. In 1949, he was elected president of the Indian Association of Alberta. When he gave his maiden speech in our Senate in August of 1958, he began his remarks by speaking in Blackfoot. The translation of his speech reads:

The Indians of Canada are very happy to know they have someone in Ottawa to represent them in the Government of Canada. I pray that I will be able to speak the right words for them.

Two years later, the Diefenbaker government passed the Canadian Bill of Rights and the legislation granting all registered Indians in Canada the right to vote. Gladstone played a key role in making that happen. How exactly are we to understand his life now?

I wanted to share his story to illustrate some of the difficult complexities of the pretendian issue. It's easy enough to condemn people who appropriate Indigenous identity in a calculated and cold-blooded way as a fraud, a trick, a way to cheat their way into a scholarship, to market a book or get a promotion in academia.

Pretending to be First Nations, Inuit or Métis as a way to further your career or just make yourself seem more interesting is clearly dishonest and immoral. Such fakery is an audacious insult, a slap in the face to any authentic Indigenous person who has spent a lifetime coping with racism, economic injustice and social inequity. It's a sort of stolen valour — exploiting not just the suffering and trauma but also the resilience and courage of a marginalized minority group to give yourself economic or social advantage.

• (2020)

It's harder, though, to know exactly what to do with people who have fallen in love with the idea, the romance, of Indigenous identity. Personally, I blame Jean-Jacques Rousseau, my least favourite philosopher, who celebrated the romantic ideal of the "noble savage" in the 1750s. Some 270 years later, it seems all too many people are still entranced with the idea of appropriating some such Rousseauesque heritage.

It began in Canada with Grey Owl, also known as Archie Belaney, the British adventurer, conman and world-renowned animal conservationist, who claimed to be of Apache descent. His lifelong fraud was only revealed after his death in 1938. He was English through and through, but he posed and postured as exactly the kind of "noble Indian" that Americans and Europeans wanted to believe in. He was a grifter, but he knew his audience well and leveraged his fake feathers into a global success as a bestselling author.

Today, it sometimes seems that we are in the midst of a flock of grey owls — authors, filmmakers, artists, academics and politicians, people who have built identities and careers out of very dubious, sometimes willfully deluded claims to Indigenous identity. In some cases, these bogus claims seem to be based on a naïve misunderstanding of family stories — people who honestly believed that they had a secret or lost Indigenous grandparent or great-grandparent, perhaps because of misheard or misremembered family lore. It might explain the largely debunked claims by Alberta Premier Danielle Smith and American Senator Elizabeth Warren to have Cherokee roots — a wistful, wishful exaggeration of a murky family tradition.

In other cases, people seem to have gone far deeper into their romantic delusions, constructing whole professional and social lives around their fantasies of being Indigenous to the point where I suspect they themselves have come to ardently believe their own personal mythologies. Maybe they're just besotted with that noble savage illusion, with the idea that somehow claiming Indigenous heritage will make their lives more interesting, more intense or more "authentic."

Perhaps they are so horrified by the violence and injustice of colonization, that they'd rather identify with the colonized than the colonizers. Pretending to yourself that you are Indigenous and, hence, innocent may be easier than facing up to your own culpability in the ongoing project of settler colonialism. For people who have lost touch with their own roots, who don't know anything about their own ancestry or identity, adopting someone else's story might make them feel more rooted and centred, more part of a community and less alienated in our deracinated modern culture.

For some, this cosplay may be a relatively benign act of imagination — they dress up in ribbon skirts, buy dream catchers and attend sweats. Their actions may cause some eye-rolling, but they aren't doing anyone any direct harm.

In other cases, though, this putting on of a fake identity is far more corrosive. Every time a non-Indigenous author, journalist, artist or filmmaker wins professional success and attention by playacting Indigenous identity, it means their voice drowns out the authentic voices of those with lived experience of being First Nations, Inuit or Métis. Every time a self-deluded narcissistic pretendian wins an award, gets university tenure or is given a seat at a boardroom table, it means someone real has been pushed out or denied access. It is all too evident that many such pretendians delight in perpetuating clichés, stereotypes and tropes about Indigenous people, making it even harder for authentic contemporary voices to be heard.

Yet moral judgments aren't always so easy to make, especially given so many pretendians see themselves as champions of Indigenous causes, and especially given that a few of them have actually done legitimately good work in advancing social justice for Aboriginal Canadians, often leaving heartbroken and betrayed colleagues in their wake when their fraud is revealed.

Then there is the flip side of the issue. For decades, for generations, many Indigenous people, particularly Métis and non-status Indians, were encouraged or even forced to deny and hide their cultural identity. Others lost their status when their mothers married out and were cut off from their culture and their

treaty rights. In other cases, Indigenous children lost their identities because they were adopted by White families or raised in White foster homes.

In an effort to weed out the pretendians, we don't want to overcorrect and deny people who are just discovering their Indigenous roots the chance to explore and reclaim their cultural identity. After 300 years or so of intermarriage, there are dangers in getting fixated on blood quantum as a proof of Indigeneity. It reduces Indigenous identity to a question of genetics and percentages, and history teaches us, many times over, that such calculations are disturbingly reductive.

I started this speech by noting that James Gladstone had a Métis great-grandmother, yet he grew up amongst Indigenous children and lived his adult life as an Indigenous man, was adopted and claimed by the Blackfoot Confederacy and dedicated his life to fighting for Indigenous rights, including during his time as an Independent Conservative senator. As a non-Indigenous person, what right do I have to critique or police his identity post-mortem?

These questions of identity are so political and so personal. What do we claim? What are we allowed to claim?

My own father of blessed memory was Jewish. I was raised with a strong sense of my Jewish cultural roots, but I'm not Jewish, and I know it offends and angers many in the Jewish community if and when they perceive that I'm trying to pass myself off as Jewish or to claim a right to Jewish identity or voice.

My late mother was born on a Mennonite colony in Ukraine. Her father was Mennonite, but she wasn't raised as a Mennonite. I have next to no lived experience of Mennonite culture, yet my Mennonite roots are real and authentic. Am I allowed to claim any part of that heritage? Or does that just make me a pretender of a different sort? Have I ever, subtly and not so subtly, ever so slightly misrepresented my cultural heritage in a bid to seem more interesting or to advance my professional and political interests? Well, yes. Over the years, I have probably done just that.

Still, there is something sadly racist and reductive in assuming that our identity is all in our DNA and our bloodlines. In this multicultural country, where we're sometimes a little too keen to sort and label people by racial or ethnic identity, perhaps we've made it too tempting for people to pretend to be something they're not just so they can pin a convenient label to their metaphorical lapels.

It's hard to know precisely what the Senate or the federal government could do about this problem of misrepresentation of Indigenous identity. We surely don't want the state to interfere with the autonomy of universities to hire academic staff, nor with the rights of publishers to offer contracts to the writers they choose to publish. And for the Crown to define who is and isn't Indigenous is a story we've seen before, and it doesn't end happily.

And yet, it is exasperating, frustrating and infuriating to see so many people leveraging mythical or tenuous claims to be Indigenous to advance their careers or take up space in the public

discourse. Sometimes they seem to be the loudest voices, flexing their privilege to aggrandize themselves and shut out others. So I hope the Indigenous Peoples Committee will, at some point, explore the complexities of this sensitive issue. I know the committee will do so with care and nuance.

I thank Senator McCallum for giving us all this inspiration and for being, always, an inspiration to us all. Thank you and *hiy hiy*.

(On motion of Senator Housakos, debate adjourned.)

## THE SENATE

### MOTION TO CALL UPON THE GOVERNMENT TO IMMEDIATELY DESIGNATE THE ISLAMIC REVOLUTIONARY GUARD CORPS AS A TERRORIST ENTITY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Dean:

That, given reports of human rights abuses, repression and executions of its citizens, particularly women, in Iran by the Islamic Revolutionary Guard Corps (IRGC), the Senate call upon the government to immediately designate the IRGC as a terrorist entity.

**Hon. Leo Housakos:** Honourable senators, I rise to speak on this important motion from Senator Omidvar calling on the Government of Canada to list the Islamic Revolutionary Guard Corps, or IRGC, as a terrorist organization. Of course, this should come as no surprise. Many of you have seen me get on my feet on many occasions in this chamber over the years, and this is an issue that is very important to me, as it has been for this caucus now for many years. Human rights are universal. Human rights have no religion or colour and should have no politics.

Unfortunately, I have seen far too often politics get in the way of doing the right thing and defending human rights unequivocally. It is unfortunate. Of course, I rise to condemn the IRGC and to condemn Iran, as my colleagues have before me. Senator Frum and Senator Tkachuk, when I came to this place, way back in 2009 and 2010, would unequivocally be on their feet on a regular basis condemning the IRGC for their terrible human rights violations and for the fact that they are a regime that is probably number 1 in the world in sponsoring state terrorism. It is a regime that is diabolically set on destroying our Western values and principles, and we've seen it time and time again when they fund organizations like Hezbollah, other terrorist groups and fundamentalism, which they've been known to fund around the world.

• (2030)

We've seen women in this state being treated more atrociously than in any other state. We've seen the morality squad picking up citizens without any justification, without any rule of law, imprisoning them and doing even worse. We've seen people being lashed because of their religious beliefs, their faith or, for that matter, no faith.

It's a despicable regime and it's amongst some of the great bullies of the 21st century, right up there with the Chinese Communist Party in China, in Beijing, and the Erdoğan regime. They're in a race to see which nation can imprison more journalists and take away more rights from LGBTQ people or women, as I said, or any other rights.

It's a moral obligation of this institution, of course, to call them out, as it is a moral obligation of the Canadian government to always stand on the right side of history, as more often Canada has done. I go back to 2007, when the Canadian government prohibited Canadians from financial or other dealings with designated persons, as described in UN sanctions, Resolution 1737; or in 2010, when the government imposed additional sanctions against Iran in relation to their proliferation of sensitive nuclear activities. This was carried out in close consultation with like-minded partners, including the United States and the European Union, in response to a grave breach of international peace and security that was likely to result in serious international crisis. Also in 2010, Canada, as chair of the then G8, prioritized action against Iran. Prime minister Stephen Harper at the time stated, "Canada will use its G8 presidency to continue to focus international attention and action on the Iranian regime."

In 2012, Canada suspended diplomatic relations with Iran, giving Iranian diplomats five days to leave the country. That's called leadership; that's called action. It also closed the Canadian embassy in Iran. Canada updated its travel reports and warnings to advise Canadians to avoid all travel to Iran. Simultaneously, Canada listed Iran as a state sponsor of terrorism under the terms of the State Immunity Act.

Colleagues, these are just some actions that were carried out by a principled government when foreign policy was principled, not transactional or knee-jerk-reaction politics, which was, "Let's do what the other government before us did." It was a government that decided to stand up for what was right, regardless of the political or economic consequences. I can tell you as a young senator through the years 2007 to 2012, I was very proud of my government because we put our money where our mouth is.

Now, I look at what has been happening over the last few years, and the truth of the matter is every single time I've gotten on the floor of this chamber to find out why the Canadian government hasn't listed and taken even more steps against the IRGC, I get nothing but vacillating and rhetoric about how it's difficult, and it's complicated, and we support human rights, but, but, but. So at some particular point, as I said, you always have to put your money where your mouth is.

We've also seen, as of 2015, a government that was elected in this country, and it was one of the most shameful moments of my parliamentary life as a Canadian. None of us should forget that

the current Prime Minister and the government used words like, "We have to open dialogue with Iran." Let's not forget, colleagues, back in 2016, the current government was talking about reopening our embassy and diplomatic ties.

By the way, they never hit pause when it came to trampling on women's rights in 2016. They weren't treating homosexuals, lesbians or gay people better in 2016. They never showed any signs of glasnost or openness. They never said, "You know what? We're pulling back our funding from Hezbollah." Nothing had changed whatsoever, except our government decided to do the opposite of what the previous government did, with blinders on. That is nothing more than blatant and unacceptable partisan politics.

Then we saw time and again over that period of time motions in the House of Commons being defeated and pushed back — motions that were calling for strong condemnation of the current regime in Iran. Back in 2018, there was further ongoing sponsorship around the world of terrorism, including instigating violent attacks on the Gaza border. We asked back then in the House of Commons that we condemn the recent statements by the Supreme Leader Ayatollah Ali Khamenei calling for genocide against the Jewish people. We called on the government to abandon its plan back then and cease any negotiations or discussions in regard to restoring diplomatic relations. I can go on and on.

But we achieved nothing. All we got from the government was, "We can do better." I don't think it's better. I don't think emboldening bullies, terrorists and organizations of that nature to think that a democratic government like ours is transactional and we're willing to make a deal at any price and sell down the river souls and human rights. I think it's actually despicable, and it was one of the most embarrassing moments as a parliamentarian for me.

But I can tell you this: I've had many embarrassing moments as a Canadian and as a parliamentarian since 2015, because I've been unequivocal about human rights. It doesn't matter if it's minority Uighurs in China, press freedom and religious freedoms vis-à-vis the Erdoğan regime or, when it comes to Iran, shooting down Flight PS752 and killing 55 Canadians and many more. Never, ever show any flexibility or any tolerance for these despicable bullies.

But our government did and has, and I think it's wrong. Amongst the list of despicable actions on the part of our government and our Parliament, nothing was more embarrassing than when, a couple of years ago, we had a motion before this floor recognizing what was happening to the Turkish-minority Uighur people in China and calling it what it was — a genocide. By the way, colleagues, of all the democratic houses and chambers in the Western industrialized world, not one except the Senate of Canada defeated that motion — the most shameful experience that I ever had as a parliamentarian. There's no justification. I still don't have any logical justification for how a majority of government-appointed senators — 33 of them — got up and voted against a motion recognizing what was going on against the minority Uighurs in China as a genocide. And we know what was going on. Let's call a spade a spade.

In the other chamber, which is a minority chamber, we had the NDP, the Conservatives and the Bloc all do the right thing and call it what it was, and we had our government abstain — by the way, the only Western democratic government that abstained from calling it what it was. The Americans weren't afraid. The Brits weren't afraid. The French weren't afraid. What in the world was our government thinking to this day of abstaining, other than giving in to a bully and a government that has no respect for human rights? And that despicable behaviour crossed over — it spilled over — in this chamber. Not only did we not allow that motion to stand on principle and shine as a beacon of hope for standing up for people and human rights, but we did the most despicable thing. Thirty-three senators stood up and voted against that motion, and that's for you to look at yourselves in the mirror as the years go by and ask yourselves why.

**Senator MacDonald:** They're independent.

**Senator Housakos:** Senator Omidvar, I appreciate, all of a sudden, the concern that we have in this chamber, and, of course, our side will respect and support your motion; it's common sense.

But I would also like to see more consistency when it comes to human rights and not cherry-picking. I also want to make sure that the government that represents this Parliament and this country also has the courage to stand up and call out Iran when they invest in Hezbollah and when they do what they do so despicably in Lebanon, in Gaza and all around the world. It's not enough to have a navel-gazing motion and just call on the government to list them. We've been calling on this government to list them since 2015. What we'd really like to see is the government leader get up in the chamber and say that we will do it. I'd like the government leader to get up in the chamber as representative of this institution and tell the government you represent to list the IRGC, and do it now. You have a moral obligation. Until we start doing stuff like that, I think I'm a little bit skeptical about the intention of many of these motions — when they happen and the way they happen.

• (2040)

We've now had eight years of a government that has been soft on human rights and has been soft on Iran. Just a few weeks ago, I asked about a news story we saw in the Canadian news about family members and friends of the ayatollah and the regime in Iran living in Toronto. They're living off the proceeds of that regime, and they're living here freely — no Magnitsky sanctions. None of the laws we have in this country are holding these authoritarians and their friends and family to account. Colleagues, you were there when I asked the question, and you can pull them out in the transcripts. I got less than acceptable answers from the government leader, and, of course, we never get acceptable answers from the government. They keep telling us it's complicated.

I can go on and on, but it's a little bit late, and I know everyone is tired. All I will say is that, of course, we Conservatives support the motion. We have been consistent now for two decades when it comes to condemning the IRGC. We've never wavered. When Mr. Harper was in government, he took concrete actions. He did it in the international arena. He was never afraid to do so. He was never afraid of the consequences

and blowback, and we currently have a government that is afraid to call out Beijing. For about two years in 2016-17, they were actually giving us a lecture in diplomacy — ready to reopen embassies in Iran. These are all facts. I'm not making it up, and you all know it.

Let's move this motion. It deserves to pass, Senator Omidvar, but colleagues, let's also make sure that, going forward, human rights is something we defend morning, noon, evening and all the time. It's our obligation as a nation.

Thank you.

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

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

**Some Hon. Senators:** Agreed.

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

(Motion agreed to, on division.)

## CHALLENGES AND OPPORTUNITIES OF CANADIAN MUNICIPALITIES

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Simons, calling the attention of the Senate to the challenges and opportunities that Canadian municipalities face, and to the importance of understanding and redefining the relationships between Canada's municipalities and the federal government.

**Hon. Donna Dasko:** Honourable senators, before I begin my comments today, I wanted to congratulate Senator MacAdam. I also wanted to say that today is also a special day for me. This is the fifth anniversary of the date I was appointed to the Senate along with my dear colleague Senator Dalphond; I want to recognize you too. I would say to her that I have appreciated every single day here — or just about every day — in this chamber, and it is a great privilege to be here. I just wanted to mark that.

This is not the topic of my discussion tonight, however fascinating it might be. I rise today to add my voice to Senator Simons' inquiry on the challenges and opportunities that Canadian municipalities face and to the importance of understanding and redefining the relationships between municipalities and the federal government.

In the course of this inquiry, we have heard from honourable senators that over 80% of Canadians live in our urban areas, that they are engines of economic growth and that municipal governments are on the front lines of dealing with the vital issues of the day. We've heard from colleagues with personal

experience in municipal politics and intergovernmental relations, and we've heard creative ideas for reform. There's much food for thought.

Today, I want to focus mainly on issues related to the topic of civic governance, particularly as it concerns my city of Toronto. Today in Toronto, in the middle of a mayoral election, polling shows that the top issues for voters are housing, the cost of living, city infrastructure and taxes, crime and gun violence and transit and traffic. Good governance and cooperation between Toronto and the other levels of government are parts of the solution.

Nevertheless, a series of events in recent years has highlighted the vulnerability of my city to decisions taken at the provincial level. By extension, every municipality in this country is similarly vulnerable to the provincial decisions I will describe, given the disadvantageous constitutional status of cities in this country.

Let me explain: In 2016, the City of Toronto redrew its city ward boundaries, increasing the number of wards from 44 to 47 in advance of the 2018 municipal election. This decision was based on an independent consultant's nearly four-year review, which highlighted the city's unprecedented growth — particularly in the downtown core — and concluded that an increasing number of wards was needed to achieve effective representation where every vote would have equal weight — known as voter parity. The recommended 47-ward option would achieve voter parity by the 2026 election, as the consultants had told us, and the 2018 election was thus set in motion.

The new Government of Ontario had other ideas, however, none of which were shared with Ontario or Toronto voters during the provincial election campaign leading up to election day on June 7, 2018 — five years ago tomorrow, Senator Dalphond. Rather, it was announced after that election in July, and implemented in September of that year, that the number of wards would be cut from 47 to 25 for the October 22 municipal election. What a shock it was to the city with 242 candidates now fighting for half the seats with one month to go, and what a blow that was for democratic representation and civic autonomy.

But there's more. Fast-forward to another June election in Ontario, this time in 2022, and yet another blow to civic democracy: Again, with no mention of it in the provincial campaign itself, the newly re-elected provincial government passed Bill 3, known as the Strong Mayors, Building Homes Act, which gives special powers to the mayors of Toronto and Ottawa to organize the political and bureaucratic structures of city hall, hire and fire top city officials, write the budget and more.

As well, another piece of provincial legislation, Bill 39, gives the mayors of Toronto and Ottawa the ability to put through bylaws in areas — get this — related to provincial priorities with the support of only one third of city council. As Toronto councillors and many others in my city and elsewhere have said, this bill clearly invalidates the will of voters and reduces the democratically elected city council to a tool for an agenda of another level of government. It is, without question, undemocratic.

Colleagues, if Canada's largest city can be subject to these actions by a provincial government, any city in this country can find itself in the same situation — I'm thinking of Edmonton, and others. As creatures of the province, under our Constitution, municipalities have no inherent powers other than the ones given to them by the provincial legislature. We often focus on the deleterious impact of this situation on fiscal arrangements, which disadvantage Canadian municipalities. But we can see from my Ontario examples how civic governance — and, indeed, democratic structures themselves — are also at risk.

Our constitutional arrangements are at the root of the problem. However, the courts have consistently supported these arrangements — even the controversial decision of the Ontario government to cut the number of wards in Toronto in half during the 2018 municipal campaign. The Supreme Court of Canada ruled 5-4 that Ontario was within its constitutional rights to do this. That is a very close decision, but still, that's what the courts said. And the constitutional situation of the cities vis-à-vis the provinces is highly unlikely to change in the near future since the provinces have no desire to give up control.

Even outside the drama of the Ontario situation, the so-called normal status of municipalities is fraught with disadvantages. As noted by University of Toronto Professors Enid Slack and Tomas Hachard, municipalities have a semblance of authority in several policy areas but have little power to make changes unilaterally. They have inadequate revenue sources and inadequate fiscal flexibility to meet their responsibilities. There's often unclear and overlapping jurisdiction among the three levels of government, and much of Canada lacks appropriate regional governance structures, which hinders cooperation.

• (2050)

Even though cities are involved in an increasing number of policy areas — climate change, health care, economic development, immigration and public safety, to name just a few — their role in politics and policy-making is underappreciated, and their voices are under-represented.

In a 2022 paper entitled *A Seat at the Table: Municipalities and Intergovernmental Relations in Canada*, Professor Tomas Hachard of the Institute on Municipal Finance & Governance at the University of Toronto outlines a series of reforms that would work to include municipalities in federal and provincial policy-making and collaboration to improve policy outcomes.

These reforms include, first, beefing up the capacity of municipalities to participate effectively in intergovernmental relations through investment in staff, municipal associations and increased regional coordination.

The second reform is increasing municipal involvement in provincial policy-making. With the range of issues involving municipalities, it's not enough to silo them into one provincial ministry. Future models might involve a council for provincial-municipal relations or a set of intergovernmental councils focused on specific policy issues.

A third idea is eliminating unfunded mandates where governments are tasked with responsibilities they cannot afford through, for example, explicit or implicit downloading of costs to

municipal governments. This seems to happen to municipalities all the time. In Toronto right now, for example, the city is picking up costs of immigration settlement and highway maintenance, which fall outside of their areas of jurisdiction. Ending unfunded mandates might be achieved through agreements that require consultation on the fiscal impacts of legislation and promises that resources will be provided to take on new responsibilities.

Hachard's fourth proposed reform is strengthening trilateral relations. Again, recognizing that so many issues cross jurisdictions, trilateral agreements can be helpful in policy areas such as economic development, mental health and so many others.

These four reforms would give municipalities the voice they need and help achieve positive outcomes for citizens.

Still, it takes goodwill on the part of policy-makers and politicians to embrace such ideas and, essentially, it takes goodwill for provincial politicians to give up control. When it comes to my great city of Toronto and its future relations with Queen's Park, I'm not sure that will happen. With the prospect of a new mayor, with different priorities and different approaches from our provincial government after the municipal election on June 26, it's hard to be optimistic about future cooperation. I sure hope that I will be proven wrong on that score.

I began with comments about the issues which concern people in my city: housing, the cost of living, city infrastructure, taxes, crime, gun violence, traffic and transit. Good governance and cooperation across three levels of government are a big part of the solution. Politicians have to understand that it's not a zero-sum game. By sharing power, working together and giving municipalities a voice, the result is good politics, good policy and a stronger democracy. Thank you.

**Hon. Ratna Omidvar:** I have a question.

**The Hon. the Speaker:** Will you take a question, Senator Dasko?

**Senator Dasko:** I will.

**Senator Omidvar:** The time is late, I understand. I have a brief question. Canada is not the only country where three orders of government fight for power, resources and stability. I can think of Germany, for instance, and I can think of the United States. Does any country do it worse than us?

**Senator Dasko:** Senator Omidvar, that is an excellent question. I don't have a great answer because I have not studied this in an international scene. But I think everybody in this room is aware of the battles and struggles, especially between our municipalities and our provincial governments.

In our chamber, we have municipal politicians, former mayors and those who have been intimately involved with municipal politics, and they have worked these corridors. They know what the issues are, and these are truly difficult issues to deal with.

My point here is you can win if you get along with the other levels of government. You don't have to fight them. It can be a win-win game. When I see politicians, for example, federal and provincial, in the province of Ontario, they can get along quite well, or they can fight. It depends on the political situation, but I've noticed that it is possible for the two levels to get along very well, and that is to the benefit of everybody, including them.

We're not going to change the constitutional situation of this country with respect to jurisdiction. I think we're stuck with what we have, but we can do a much better job, and I think that's the point I would like to make. Thank you.

(On motion of Senator Clement, debate adjourned.)

## BANKING, COMMERCE AND THE ECONOMY

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY  
OF MATTERS RELATING TO BANKING, TRADE  
AND COMMERCE GENERALLY WITH CLERK DURING  
ADJOURNMENT OF THE SENATE

**Hon. Pamela Wallin,** pursuant to notice of May 30, 2023, moved:

That the Standing Senate Committee on Banking, Commerce and the Economy be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on business investment in Canada, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(At 8:59 p.m., the Senate was continued until tomorrow at 2 p.m.)



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