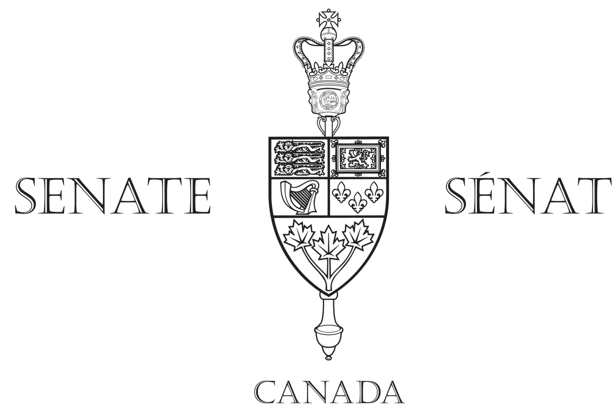

DEBATES OF THE SENATE

1st SESSION 44th PARLIAMENT VOLUME 153 NUMBER 141

OFFICIAL REPORT
(HANSARD)

Thursday, September 21, 2023

The Honourable RAYMONDE GAGNÉ,
Speaker

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

Publications Centre: Publications@sen.parl.gc.ca

Published by the Senate
Available on the Internet: http://www.parl.gc.ca

THE SENATE

Thursday, September 21, 2023

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

Prayers.

SENATORS' STATEMENTS

UNITED KINGDOM STATE PENSIONS

Hon. Percy E. Downe: Honourable senators, I would like to thank the senators who have added their signatures in support of our efforts to have the U.K. government correct the appalling situation where recipients of the U.K. State Pension in Canada are receiving pensions of declining value because they are not indexed. U.K. State Pension recipients in the United States and a host of other countries — Turkey, Iceland, Philippines, this list goes on — receive indexed pensions, but not in Canada.

Given the high inflation in our country, some of these pensioners are now living in poverty and therefore must be supported by the Canadian government through the Guaranteed Income Supplement rather than pensions into which they contributed in the United Kingdom.

Colleagues, over 120,000 U.K. citizens living in Canada are collecting non-indexed British state pensions, and our Canadian economy is losing over $450 million in spending power because of the U.K. government.

As a reminder, Canada indexes the Canada Pension Plan, or CPP, regardless of where in the world the recipient lives. As the U.K. government now tries to negotiate a free trade deal with Canada, this would be a great opportunity for the United Kingdom government to show goodwill by removing this irritant between our countries and treating their citizens in a fair and compassionate manner. Thank you, colleagues.

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ontario Provincial Police Constable Brett Boniface, Senator Boniface's son; as well as Grayson and Hudson, her grandsons.

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

Hon. Senators: Hear, hear!

CANADIAN POLICE AND PEACE OFFICERS' NATIONAL MEMORIAL DAY

Hon. Gwen Boniface: Honourable senators, welcome back.

Toronto Police Constable Andrew Hong; South Simcoe Police Constable Devon Northrup; South Simcoe Constable Morgan Russell; RCMP Constable Shaelyn Yang; OPP Constable Grzegorz Pierzchala; Edmonton Police Constable Travis Jordan; Edmonton Police Constable Brett Ryan; Sûreté du Québec Sergeant Maureen Breau; RCMP Constable Harvinder Singh Dhami; OPP Sergeant Eric Mueller; OPP Detective Constable Steven Tourangeau.

Dear colleagues, 11 Canadian police officers' lives were taken while in the line of duty in the past year. Eleven spouses and life partners no longer have their person. Twelve children have been left with a gaping hole they will feel for the rest of their lives. An unborn child will never meet their father. Parents an ocean away have lost their daughter. A retired police officer has lost the child who followed in their footsteps. It is a club nobody wants to belong to. It has been devastating for families and colleagues, and so tragic for our communities and our own sense of safety.

This Sunday is Police and Peace Officers' National Memorial Day. Every year, on the last Sunday in September, a memorial service is held on Parliament Hill to honour the lives of police officers and peace officers who have been killed in the line of duty. The memorial gives an opportunity for their loved ones to gather, grieve and remember together.

Colleagues, we know this has been a tragic year — in a way that is unlike any other that I have experienced. I invite you to join my family and me, and all the dignitaries and the police family at the service, which begins at 11 a.m. on Sunday. The parade will step off at 10:15 on Wellington Street at the Supreme Court. Please join as we remember them, grieve with their families and honour their dedication and commitment to our communities. Thank you, *meegwetch*.

Hon. Senators: Hear, hear.

[*Translation*]

THE LATE ÉTIENNE GABRYSZ-FORGET

Hon. Diane Bellemare: Colleagues, I rise today to pay tribute to Étienne Gabrysz-Forget, whom some of you will remember as being part of the Senate family, since he was my parliamentary adviser from 2014 to 2016. He took his own life on April 21, just before his thirty-third birthday. A lawyer by training who specialized in litigation, he had a bright and promising future ahead of him. At the time of his passing, he was working for the Morency law firm. He always sought justice and wanted to become a judge. He supported me very well in my work as a senator.

He was the one who conducted the statistical research that can be found on my website regarding senates around the world. We were trying to better understand the unique nature of the Canadian Senate in relation to other senates around the world.

He encouraged me when I decided to become an independent senator, and later when I agreed to join Senator Harder in the Office of the Government Representative in the Senate. He also left his mark on today's Senate by proposing a new title for the Deputy Leader of the Government in the Senate, namely the Legislative Deputy, which is now in the Parliament of Canada Act.

Étienne was a mischievous, sociable soul who loved to laugh. He talked to everyone and was very quick-witted. One morning, he decided, without telling me, to talk about Senate reform with the Minister of Democratic Reform at the time, none other than the current Leader of the Opposition, Pierre Poilievre, and it did not go as well as he thought it would. Étienne also liked to have his picture taken with the Speaker of the Senate, Pierre Claude Nolin.

Under his refined, well-dressed exterior, Étienne was a complex being. He was trying to find his way. His spirts were low, but I never ever would have thought that he would resort to such an irreversible act. However, as senators know, mental health problems can sometimes manifest suddenly and without warning. Temporary problems can lead to lasting consequences.

We will never know what he was thinking when he did what he did, but what we do know is that he knew he was having an unbearable anxiety attack and that he went to the hospital to stop himself from committing suicide. Unfortunately, the staff there did not feel it was necessary to keep an eye on him and sent him home. Even specialists have a hard time truly grasping mental health issues because they are so intangible. What a waste.

Colleagues, we take care of our physical health by having our blood pressure taken, getting blood tests and watching our weight, but we also need to take care of our mental health and that of our loved ones.

Étienne, there were so many people at your funeral. It was incredible, and yet you felt alone. Many of us are thinking of you and hold you close in our thoughts.

Étienne leaves behind his mother, Marguerite Gabrysz, his sister, Fanny, her partner, Guillaume and his young nephew, Adrien, whom he never met since the child was born just weeks after his death, as well as his uncles, aunts and many friends.

Rest in peace. Thank you.

• (1410)

[*English*]

BRITISH COLUMBIA WILDFIRES

Hon. Bev Busson: Honourable senators, I rise today with a heavy heart. As you probably have heard, four wildland firefighters died yesterday in a tragic motor vehicle accident west of Kamloops, B.C. They were returning home from battling the horrendous wildfires in our area.

Our thoughts are with the families, friends and colleagues of these four, courageous young men. This devastating news comes on the heels of the worst fire season in colonial recorded history, bringing to six the total number of wildland firefighters killed this summer in B.C.

The season was spawned in the winter with a below-average snowpack, resulting in a much-drier-than-average moisture level in the forests. It was exacerbated by an extremely dry summer, coupled with high temperatures to create a perfect storm. Fire forecasters were pessimistic as spring began. Soon after, the fires across the province started, spreading through almost the entire province. Some were person-caused, while the vast majority were sparked by dry lightning.

As is the policy in B.C., most of these fires were allowed to burn so long as they did not threaten structures or infrastructure. Where I live on the Shuswap, a substantial fire was left to burn for about three weeks in the vicinity of Adams Lake. Late in July and early August when it was clear that Mother Nature was not going to intervene, people started to pay attention, but it was too late. On the night of August 17, high winds took this fire out of the Adams Lake Valley, which it had devastated, and brought it to the Shuswap.

In 12 hours, it travelled 20 kilometres, jumping fire breaks and the lake, overwhelming firefighters. An emergency evacuation order was immediately declared, too late for many who could do no more than flee on the only road out. Some fled to the lake and were rescued by boaters. Many were members of the Little Shuswap Lake Band. Sadly, some lost their homes, barely escaping with their lives.

On that same evening, another fire — about 100 kilometres south — exploded in Kelowna. Firefighters from the Shuswap were immediately deployed to the erupting wildfire emergency there.

At this end of this apocalyptic day, in the Shuswap alone, more than 11,000 residents were evacuated. Approximately 131 homes and cabins were turned to ash and another 37 were damaged. Across the province, approximately 22,500 square kilometres — which is half the size of Nova Scotia — have been destroyed for generations. As I speak to you today, despite the recent rain, 216 wildland firefighters are still battling to turn the corner on these unprecedented fires in the Shuswap alone.

From those with the hoses to others rushing through communities to make sure everyone is out of harm's way — in some cases, while their own homes burned — we salute your courage.

To the four young men who died yesterday, joining their young comrades on the list of those killed in service to their communities this year, we owe you a debt of gratitude we can never repay. May you rest in peace. *Kukwstsétsemc*.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Alan Cotter, Senator Cotter's brother; Deb Cotter, his sister-in-law; and Katie Cotter, his niece.

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

Hon. Senators: Hear, hear!

NORTH AMERICAN INDIGENOUS GAMES

Hon. Brent Cotter: Honourable senators, I don't usually have an audience, so I'll try to get this right. This has been an extremely unpredictable summer and, in some cases and in some places — as we have just heard — a tragic one. All of our hearts go out to those who suffered consequences of dramatic, unprecedented water events and weather events that brought such destruction and, in some cases loss of life, to Canadians in different parts of our country.

But today I want to say a few words about an international event that took place in July in Nova Scotia on the unceded and ancestral territory of the Mi'kmaq people that was both celebratory and uplifting.

From July 16 to 23, Halifax, Dartmouth, the Millbrook First Nation and Sipekne'katik hosted the tenth North American Indigenous Games. It was the largest and, to my mind, the most successful in the history of the games. Five thousand Indigenous athletes from 750 First Nations across the continent, with the support of 3,000 volunteers, took part in a range of competitions in 16 different events. Outstanding performances all.

I was in Halifax for part of the time that the games took place. I can tell you that the mood in the city was spectacular. Exuberant groups of young athletes in team uniforms were warmly greeted and welcomed throughout the city by the citizens of Halifax. Fans were cheering on local athletes and cheering on athletes from afar whom they knew not of.

Now sports is not everything, but it is often a window on our society, a window on the possible, a glimpse toward excellence and a glimpse sometimes toward reconciliation. To my mind, this glimpse was, to say the least, uplifting, both in the abilities and the commitment of these athletes but also in the welcome they received from the good people of Nova Scotia. Congratulations.

I would be remiss if I did not conclude these remarks by noting that of all of the contingents of athletes who participated in the games, the team that won the most medals — and I guess, therefore, won the 2023 North American Indigenous Games — was Team Saskatchewan. The games have been held 10 times, and Saskatchewan has only won 7 of them.

Congratulations to Nova Scotia, and congratulations to all of the athletes, coaches and officials who took part. Special congratulations to Team Saskatchewan and its chef de mission, Mike Tanton. Thank you.

Some Hon. Senators: Hear, hear.

NOVA SCOTIA DEPARTMENT OF CYBER SECURITY AND DIGITAL SOLUTIONS

Hon. Colin Deacon: Honourable senators, today, I am proud to speak about how Nova Scotia is rising to the challenges and opportunities associated with technological change.

In May 2023, the Government of Nova Scotia created the new Department of Cyber Security and Digital Solutions. This department is mandated to deliver on challenges that I've discussed in this chamber many times before, like designing and delivering services around the needs of citizens.

The importance of this department became abundantly clear when the government learned that it was part of a massive, global cyberbreach of a supposedly secure file transfer service used by hundreds of thousands of governments and corporations around the world. As a result, some Nova Scotians' personal information was stolen.

Over the summer, I had the opportunity to meet with Nova Scotia's Minister of Cyber Security and Digital Solutions, the Honourable Colton LeBlanc. I was most impressed by the fact that this cyberbreach only fuelled his passion and commitment to ensuring that Nova Scotia becomes a digital transformation leader. For example, Nova Scotians can now complete routine transactions like driver's licence renewals, taking learner's permit tests and grant applications online in their choice of French or English. Medical tests and appointments can be booked and modified online. Within days, the government launched online relief programs in response to Hurricane Fiona, the spring wildfires and the severe flooding event over the summer, providing simple online services and forms to help citizens in the most trying of times.

The minister's commitment to constantly iterating services and systems to meet the expectations of Nova Scotians is inspiring.

Too often, we hear government announcements that suggest that a given job is done. The job isn't ever done in the digital era. The digital era constantly introduces increasing vulnerabilities across society whether governments digitize or not. The only path to greater security is one where we constantly advance. We have to prioritize best practices over past practice and build secure digital infrastructure to mitigate both nefarious and accidental cyberbreaches and their enormous costs.

These risks will only grow with the astonishing advancements of artificial intelligence and other emerging technologies. Every Canadian, including everyone in this chamber, needs to learn the skills and habits necessary to reduce our cybersecurity risks. Criminals always attack the most vulnerable targets.

I am proud to see my home province tackling these issues head on, and I wish Minister Colton LeBlanc and his department continued success in their efforts to protect and improve the lives of Nova Scotians.

• (1420)

ROUTINE PROCEEDINGS

JUSTICE

CHARTER STATEMENT IN RELATION TO BILL C-48—DOCUMENT TABLED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, a Charter Statement prepared by the Minister of Justice in relation to Bill C-48, An Act to amend the Criminal Code (bail reform), pursuant to the *Department of Justice Act*, R.S.C. 1985, c. J-2, sbs. 4.2(1).

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

ELEVENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—GOVERNMENT RESPONSE TABLED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the government response to the eleventh report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled *All Together — The Role of Gender-based Analysis Plus in the Policy Process: reducing barriers to an inclusive intersectional policy analysis*, tabled in the Senate on March 30, 2023.

(Pursuant to rule 12-23(4), this response and the original report are deemed referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

THE SENATE

NOTICE OF MOTION TO AUTHORIZE JOINT COMMITTEES TO HOLD HYBRID MEETINGS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, notwithstanding any provision of the Rules, previous order, or usual practice, until the end of the day on June 30, 2024, any joint committee be authorized to hold hybrid meetings, with the provisions of the order of February 10, 2022, concerning such meetings, having effect; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

UKRAINIAN HERITAGE MONTH BILL

FIRST READING

Hon. Stan Kutcher introduced Bill S-276, An Act respecting Ukrainian Heritage Month.

(Bill read first time.)

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

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

THE SENATE

MOTION TO PERSIST IN STANDING IN SOLIDARITY WITH UKRAINE AND ITS PEOPLE ADOPTED

Hon. Stan Kutcher: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

> That the Senate of Canada:
>
> (a) acknowledge that the illegal and genocidal war by Russia on Ukraine continues to cause death and destruction in Ukraine, to threaten global health and wellbeing and to show contempt for the international rule of law; and
>
> (b) persist in standing in solidarity with Ukraine and its people.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

QUESTION PERIOD

PUBLIC SAFETY

NATIONAL SECURITY AND INTELLIGENCE COMMITTEE OF PARLIAMENTARIANS

Hon. Donald Neil Plett (Leader of the Opposition): Senator Gold, on Tuesday, my colleagues and I asked you multiple questions about Prime Minister Trudeau's Senate appointments to the National Security and Intelligence Committee of Parliamentarians, known as NSICOP. We asked for transparency on the appointments and we have asked you to get information from the Prime Minister as a representative of the Trudeau government in this chamber. Senator Gold, you have had two days to make a phone call and get an answer from your boss, the Prime Minister. Why are there no Conservative opposition senators on NSICOP?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. As I answered on many occasions on Tuesday, the Prime Minister made the decision based upon a range of criteria, from the need for diversity to geographic and others, the competencies that different candidates would have brought forward and the needs of the committee.

Senator Plett: Of course, there are many Conservatives who would be able to fulfill all those criteria that you just mentioned.

Let's be clear: This isn't about us personally being upset for not being included. This is about Prime Minister's Trudeau disregard, complete lack of regard, for democratic representation and balance for a committee that deals with issues of national security and intelligence matters. NSICOP is tasked to review issues that Canadians are, with good reason, increasingly worried about. At a time when Canadians need reassurance, the Prime Minister chooses to disregard the convention of cross-party cooperation and has seemingly chosen to appoint only supporters of his government and him personally at NSICOP.

Senator Gold, why is Prime Minister Trudeau going to such great lengths to exclude the opposition in the Senate? Why is the government so afraid of having an opposition party at the table?

Senator Gold: It is simply not the case that the Prime Minister is appointing "supporters" of him. He has named three eminent, qualified senators who are not identified with any political party. NSICOP has members of the Conservative Party and all opposition parties in the chamber. It is a well-rounded, diverse and extremely competent body that has served Canadians well.

FINANCE

FINANCIAL INFORMATION

Hon. Elizabeth Marshall: My question is also for the Leader of the Government in the Senate. Senator Gold, I have asked numerous questions in this chamber and also in committee, looking for basic financial information but getting no answers. In June, I asked you if the subsidies for the battery plants were included in Budget 2023, but I have yet to receive an answer. Then, in May or June, I asked the Minister of Finance for the revised interest costs on the debt because the Bank of Canada has raised interest rates several times. The figure in the budget is $43.9 billion, but it's going to be more than that. I noticed yesterday in this chamber somebody used the $43.9 billion figure again. Again, I couldn't get an answer from the minister.

I can cite many examples where I have been looking for information and I can't get it, and it's basic information. So the document that I have been using mostly is the Public Accounts of Canada for the year ended March 2022. But that information is now 18 months old. It is six months now after the fiscal year just ended.

• (1430)

Next week, our National Finance Committee will continue their study of the Main Estimates. It would be very helpful if we had the actual numbers for last year so that we could look at the estimates for this year and compare the numbers.

My question is this: When will the government release the 2023 Public Accounts — are they going to make us wait until December as they did the year before last?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for your and other senators' ongoing commitment to holding the government to account on financial matters. I will certainly bring your preoccupations to the attention of the minister and hope very much that the information you request is forthcoming.

Senator Marshall: My supplementary question relates to — again — the lack of financial information. It's just not available. When I asked you the question in May or June, I mentioned that there is an air of secrecy over some of this information. At the time, you took offence and didn't agree with me.

Even the simplest of information isn't being provided. This is information that, historically, the government has been free to provide to us in committee. I find that the door is now being shut on even the most basic information.

I'll give you an example. In June, I asked Department of Finance officials for the consolidated debt of the government. That would be the central government plus all its Crown corporations. In the past, they have always provided me with the number or would later send it as a follow-up. Now I can't get that number.

The strange thing about this is that I could get the number myself, but I'd have to go through about 12 different financial documents and add up the numbers. It would take me a day to do it. I don't understand why the government is so secretive over very basic financial information.

You continually talk about transparency, but when you talk about the government being transparent, I always think about the difficulty I'm having in getting basic financial information.

My question is the same as the last time: Why is the government so secretive about basic information that, though I can't say is readily available, you could find if you put a day's effort into it? Can you answer that question? Can you explain it?

Senator Gold: Thank you for the question. It's a fair question. I am not in a position to explain the delays in getting the information that you're seeking; however, once again, I will do my best to try to facilitate the discharge of that information.

ENVIRONMENT AND CLIMATE CHANGE

CANADA'S EMISSIONS TARGETS

Hon. Mary Coyle: I have a question for the Government Representative in the Senate.

Senator Gold, yesterday, before the Climate Ambition Summit at the United Nations Headquarters in New York City, the Minister of Environment and Climate Change Canada, Steven Guilbeault, tweeted that "Canada is among the 'movers and doers' in the battle against climate change."

To me, this tweet implies that Canada is playing a significant leadership role in the fight against climate change.

Senator Gold, could you update this chamber on any important announcements made at the Climate Ambition Summit in relation to accelerating the efforts to reach Canada's own net-zero commitments, as well as anything new and significant in terms of support from Canada and other historic polluters for the Global South in achieving their net-zero goals?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. Since 2015, the government has been delivering real, concrete action on climate change that cuts pollution, creates jobs and promotes a healthy environment. The government regularly makes announcements as to programs and plans in place.

Yesterday at the summit, I'm advised that Minister Guilbeault announced that Canada will exceed its target of reducing methane emissions from the oil and gas sector by at least 75% from 2012 levels by 2030. The government remains committed to making important investments and taking necessary action to fight the climate crisis and build a better future for our country.

Senator Coyle: Thank you, Senator Gold.

Senator Gold, we also know that international cooperation on climate is of paramount importance. In fact, without more, better and sustained global collaboration on climate, we're at serious risk of exceeding the 1.5-degree Paris Agreement target.

Senator Gold, in today's ever-more-fractured geopolitical world, could you tell us if and how Canada plans to be more proactive on climate diplomacy?

Senator Gold: Thank you for the question. I don't have concrete examples to provide. I do know that the government is committed to working with its allies and, indeed, beyond its allies, with those countries that have expressed an interest — as I said on another occasion, in their own self-interest — in reducing carbon emissions so that their resources and the world's resources will not be further degraded.

In that regard, the fight against climate change is part of the international suite of priorities that Canada continues to prosecute with its counterparts on the world stage.

[*Translation*]

GLOBAL AFFAIRS

CANADIAN CITIZEN DETAINED IN ALGERIA

Hon. Julie Miville-Dechêne: My question is for the Government Representative in the Senate. Senator Gold, a 36-year-old Canadian researcher, Raouf Farrah, was recently sentenced to two years in prison in Algeria. He has been held in an Algerian jail since February on charges of receiving funds that would disturb the public peace. Every observer agrees that these charges are baseless. According to PEN America, this unjust sentence against Raouf Farrah illustrates how far the Algerian government is willing to go to stamp out critical commentary and independent scholarship.

Senator Gold, can you give us any information about steps under way to try to have Mr. Farrah freed from prison?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question and for bringing this troubling case to our attention. It is troubling not only for the individual and his family, but also for democratic freedom. I was advised that Global Affairs Canada is aware of the situation and of the individual's detention in Algeria. As I'm sure you'll understand, senator, for reasons of confidentiality, no more information can be shared at this time.

Senator Miville-Dechêne: Let me see if I can coax a little more information out of you anyway. Maybe, maybe not. This man is a Canadian citizen, a graduate of the Université de Montréal and the University of Ottawa. He married a Quebecer. He has a 4-year-old daughter. I understand the need for discretion, but my request today is simple. Can you assure us that the government will not ignore this case, that it will not be forgotten?

Senator Gold: Yes, I can offer you those assurances, senator, and thank you for the question. I'm told that Canadian officials are in contact and providing consular assistance to the Canadians and their families.

[*English*]

IMMIGRATION, REFUGEES AND CITIZENSHIP

UKRAINIAN REFUGEES

Hon. Pamela Wallin: Government leader, many Ukrainians believed us when Canada offered refuge, work and a welcoming embrace. I think the unanimous motion here today reinforces that early promise.

However, those with everything in order, with documents submitted, who have paid their own way here, are still waiting months for work visas, stuck in limbo. Their calls are not answered, their employers' calls are not answered and I cannot get any answers on their behalf.

People need a place to live. People need to eat. They need work. They need an income. Not being able to work makes it impossible to stay or to go.

When will you put the people and resources in place to end the backlog? In my community, Ukrainians came to work in agriculture; now harvest is almost done.

How long should people fleeing death have to wait? Why is the government unwilling to do what it promised it would do and provide proper refuge for Ukrainians?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for highlighting the challenges that still face Ukrainian refugees here — and, indeed, too many immigrants who have come here and are still waiting for final resolution of their applications. The government has put resources in place — and will continue to put resources in place — and is working diligently to address the backlog to which you refer.

Senator Wallin: We have made a promise and a commitment, and the President of Ukraine is arriving tomorrow. This is a question that can be solved. Can you put some kind of timeline on it? I have one constituent who has been waiting without a cent coming into his pocket since June 15, having filled out every form, having paid his own way and living off the kindness of strangers in our community.

• (1440)

Senator Gold: Thank you for the question. I certainly will bring these to the attention of the minister. I can also tell you that I have the personal experience to which you refer of someone who on approximately the same timeline is still waiting for resolution. I understand these things take time and I understand the frustration and difficulty that the delays or the times imposed. The government is working as hard as it can to address them.

CROWN-INDIGENOUS RELATIONS AND NORTHERN AFFAIRS

INDIAN ACT

Hon. Brian Francis: My question is for the Government Representative in the Senate.

Last July, the United Nations Special Rapporteur on the rights of indigenous peoples issued a report about Indigenous peoples in Canada. Among a number of recommendations, Mr. Cali Tzay specifically called on Canada to implement the recommendations of the Senate Committee on Indigenous Peoples, including repealing section 6(2) of the Indian Act, also known as the "second-generation cut-off."

Is the Government of Canada finally going to end the discrimination against First Nations women and their descendants in the registration provisions of the Indian Act? Or will it simply continue to take a reactive approach in response to court decisions?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and, again, for reminding us that the work towards eliminating gender inequality and other inequities in our system of law — the Indian Act being only the most prominent example of it in this regard — is ongoing.

This government has done more than any government in history to address it. The Senate has played a critical role in that regard. I will certainly make inquiries and bring the preoccupations to the attention of the minister and encourage all colleagues here, members of the Indigenous Senators Working Group and the committee to continue to use our bully pulpits to make sure this issue stays on the agenda.

Senator Francis: Senator Gold, First Nations women and their descendants have fought for decades in the courts to address sex discrimination, and we deserve redress for the harms that continue to be perpetrated. If the Government of Canada is truly committed to reconciliation, it is beyond time it removes all outstanding inequities in the Indian Act. Anything less is unacceptable, and I welcome a detailed update on what progress, if any, will be made in 2023.

Senator Gold: Again, I certainly understand and respect the question. I will certainly bring this to the attention of the relevant minister.

[*Translation*]

IMMIGRATION, REFUGEES AND CITIZENSHIP

PASSPORT SERVICES

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. Leader, here's another government disaster, the new passport, which cost $284 million — a cost overrun of $123 million. This is yet another example — among dozens, if not hundreds — of this government's incompetence.

Moreover, the new passport deteriorates in wet weather. After a few weeks, the corners curl up. The old passport easily lasted 10 years; the Trudeau government's is worn out after only two months. Senator Gold, how do you explain the astronomical cost of designing a new passport of such poor quality?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The government has been working with Canadian Bank Note Company Limited on the design, development and distribution of the next generation of passports. This was necessary to ensure that our passports are secure in a world that is increasingly vulnerable to technological attacks. Thanks to advances in technology, these passports will be secure. That was the objective of the design and decisions surrounding the new passport.

Senator Carignan: I do not see how a two-month passport will improve security.

One of the characteristics of this new passport is that it no longer contains the historic and iconic images of Canada. We no longer see the Vimy monument, the Chateau Frontenac, or our national hero, Terry Fox. We are now known as the country of snowflakes and little squirrels. Clearly, the use of new materials for the passport is a failure and we suspect that the work was botched and the appropriate testing was not done. Leader, why do Canadians have to spend a fortune on consultants, simply because the Trudeau government insisted on erasing pages of our history, not to mention a cost overrun of nearly 100%?

Senator Gold: Decisions were made in the past and are being made today about what images appear on our passport. The images that you mentioned are important, but there were many others that were invisible in the previous design. The decision was made to ensure that the passport better reflects Canada, and not just one image in particular. The government understands that there has been grumbling in some circles. Let's not forget, however, that when the last passport was put in place with the images you described, there was also discontent because some people didn't see themselves in those images. There will always be differences of opinion on the symbols used. The government made a choice and followed the rules to ensure that the passport is more inclusive and better reflects our country's diversity.

[*English*]

FINANCE

AFFORDABILITY FOR CANADIANS

Hon. Leo Housakos: Senator Gold, I was happy yesterday to hear you acknowledge the struggles being faced by Canadians, especially when it comes to the soaring cost of food and housing prices.

Also yesterday, incidentally, I was even happier to see the Honourable Pierre Poilievre introduce a bill called "Building Homes Not Bureaucracy." While your government says it will drop the GST on construction of rental properties, conversely, you are threatening an extra tax to supposedly somehow combat the soaring food inflation Canadians are dealing with because of your fiscal mismanagement.

How does that work, Senator Gold? How does adding a new tax, which will be passed on to consumers, help to lower the cost of food for Canadians, who will have to choose between eating and heating during these winter months?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, Senator Housakos. The fact is, government has not put in place a tax. It has simply invited the leaders of the five largest grocery chains to come back with a plan that they develop. That plan will be evaluated for its credibility and efficiency.

At the very least, one can say this, though, that the Government of Canada is using the leverage it has within its areas of jurisdiction, unlike the threats that Mr. Poilievre has made to attack and punish municipalities in areas of exclusive provincial jurisdiction.

Senator Housakos: Yes, we're all very well aware of Liberal action. It's called public relations exercises by calling grocers here to Ottawa and basically saying, "The burden to solve the problem is on you," because of the incompetence of your government. This is the same government that six years ago promised in their electoral program to get rid of a GST on the construction of rental housing in this country — six years ago. Talk about always trying to catch up to the curve.

• (1450)

The truth of the matter is that when you're putting in place a carbon tax, which is going to be punishing middle-class and working-class Canadians who are trying to heat their homes, put shoes on their children's feet and drive their children to school, that's a tax that is directly causing inflation and is directly causing a growth in the cost of living, and your government is doing nothing. All you have to do is put a pause on that tax.

I know you love taking money out of people's pockets as a government, but put a pause on that tax so that Canadians can have a break.

The Hon. the Speaker: Senator Housakos, do you have a question?

Senator Housakos: Will your government commit to getting rid of that carbon tax?

Senator Gold: Senator Housakos, you have asked the question many times, as some of your colleagues have, and I am taken to task if I go on too long to explain the merits and virtues of the carbon tax, as you call it, and then when I simply answer in an economical fashion within the time limits that leaders think appropriate, I'm chastised for not giving answers.

I have now taken up about 30 seconds to tell you that no, the government has no plans to eliminate the price on carbon.

CANADA EMERGENCY BUSINESS ACCOUNT

Hon. Yonah Martin (Deputy Leader of the Opposition): My question is for the government leader in the Senate.

This past spring, Senator Gold, you may remember that I asked you a series of questions about the secret outsourcing of the Canada Emergency Business Account, or CEBA, small business loans program to the consulting firm Accenture. I asked you questions on May 30 and June 13 that have yet to be answered, including who made the decision to keep these sole-source contracts hidden from Parliament and taxpayers, and when Minister Freeland and Minister Ng became aware that Accenture was administering the program.

Leader, what are the answers to these questions?

Could you also tell us the current total amount paid out to Accenture?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, and, again, I do regret that the answers that were requested have not yet been forthcoming. I'll certainly follow up and make every effort to get those answers.

Senator Martin: Yes, it is disappointing that we haven't been able to get the answers to those questions. As I'm sure you know, the Prime Minister made an announcement last week regarding the CEBA loans. The repayment deadline to qualify for partial loan forgiveness now includes a refinancing extension until March 28, 2024. A delayed answer I received in May stated that Accenture's contracts were set to expire in January and February 2024.

Leader, as Accenture is running the loans collection, could you tell us if the contracts have been extended and for how much? As well, could you tell us if the Trudeau government consulted with Accenture about the repayment extension prior to the Prime Minister's announcement last week?

Senator Gold: The extension of the loan repayment to Canadians is an example of this government being sensitive to the fact that though the payments were necessary for many thousands of businesses and, indeed, critical in helping our economy weather this storm, circumstances have made it difficult for many to repay it. That is why the government is extending the time in order to give companies a longer period of time to repay and take advantage of the benefits that the program provides.

CANADIAN HERITAGE

ONLINE NEWS ACT

Hon. Leo Housakos: Senator Gold, just a couple of months after this chamber acquiesced to the government on a bill that the opposition warned would have the opposite of the desired effect — we warned that instead of saving media, Bill C-18 would be its death knell, especially for local and smaller outlets — and despite those warnings, the Online News Act was passed, and here we are, Senator Gold.

Facebook wasted no time carrying through on its threat, a threat you and your government scoffed at. As promised, they are out of the news business in this country. Google looks poised to follow very soon.

How is that working out for us, Senator Gold? This week we heard about Torstar Corporation shutting down its Metroland Media Group publications, and they won't even pay severance to those who lost their jobs. What does your government have to say about how well Bill C-18 is doing with regard to saving media in this country?

Hon. Marc Gold (Government Representative in the Senate): One of the impetuses for Bill C-18 was a recognition that traditional media were really struggling in the face of changing circumstances and that the giants — two of whom you mentioned — were benefiting without contributing their fair share.

The government was always aware that the tech giants would use their market force to try to bully Canada and try to impede our ability to have them sit down and negotiate fair deals with both big and small media outlets in Canada. They are doing exactly what their nature seems to be doing, and the Government of Canada remains committed that it's doing the right thing for Canada and will continue to do so in the face of the bullying tactics of big tech.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to the order adopted December 7, 2021, I would like to inform the Senate that Question Period with the Honourable Mark Holland, P.C., M.P., Minister of Health, will take place on Tuesday, September 26, 2023, at 5 p.m.

CRIMINAL CODE

BILL TO AMEND—SECOND READING

Hon. Marc Gold (Government Representative in the Senate) moved second reading of Bill C-48, An Act to amend the Criminal Code (bail reform).

He said: Honourable senators, I rise today to speak to Bill C-48, An Act to amend the Criminal Code (bail reform). This bill would strengthen Canada's bail laws and address public safety and public confidence concerns in relation to repeat violent offending, intimate partner violence and offences involving firearms and other weapons.

[*Translation*]

The bail system ensures that people accused of criminal offenses appear in court to face the charges against them. In theory, the most foolproof way to achieve this would be to simply detain a person from the moment of arrest until trial. However, there remains a fundamental principle of our criminal justice system: The presumption of innocence until proven guilty. This principle is enshrined in section 11 of the Canadian Charter of Rights and Freedoms, the same section that protects the right, and I quote:

> **(e)** not to be denied reasonable bail without just cause;

Thus, any measures that limit access to bail or increase the likelihood of pretrial detention must be taken with caution and restraint, in a targeted manner and for compelling reasons.

The government — with considerable input from the provinces, territories, Indigenous organizations and other partners — developed Bill C-48 with those considerations in mind.

Therefore, the bill is narrowly focused on repeat violent offenders, for the compelling reason of protecting Canadian communities.

[*English*]

Currently, bail can be denied for three reasons: first, to ensure the accused's attendance in court; second, to protect the public; and, finally, to maintain public confidence in the administration of justice.

When deciding whether to grant bail or what bail conditions to impose, courts are required to:

> . . . give primary consideration to the release of the accused at the earliest reasonable opportunity and on the least onerous conditions that are appropriate in the circumstances.

For the most part, justice ministers across Canada agree that these guidelines serve us well and that the bail system functions properly in most cases. However, concerns have been raised that the current system should be recalibrated to better protect public safety. This concern was notably raised last January in a letter to the Prime Minister from all provincial and territorial premiers and has been the subject of many discussions between various levels of government.

This is an area of shared jurisdiction. Laws regarding bail are set out by the federal government in the Criminal Code but are generally implemented by the provinces and territories.

• (1500)

At recent meetings between federal, provincial and territorial justice ministers, everyone took responsibility and agreed to do their part. For the provinces and territories, this means improving the implementation of existing laws, making better use of existing legal tools and collecting better data related to bail. Federally, it means contemplating legislative changes — namely, those contained in Bill C-48.

This legislation would do the following five things: enact a new reverse onus for repeat violent offending involving weapons; add certain firearm offences to the list of provisions that trigger a reverse onus; expand the current intimate partner violence reverse onus; clarify the meaning of "prohibition order" in an existing reverse onus provision; and, finally, add new considerations and requirements for courts.

I'll start by discussing the concept of reverse onus before delving into each of these in more detail. In most cases, the default presumption is that the accused will be released pending trial, and the onus is on the prosecution to show why bail should be denied. When the onus is reversed, it means the initial presumption is detention pending trial, and it's up to the accused to show why they should be released.

Currently, a reverse onus exists for murder and attempted murder, as well as certain offences involving drug and weapons trafficking, firearms, terrorism and intimate partner violence. The Supreme Court has upheld the constitutionality of narrowly tailored reverse onus provisions, notably in the case of *R. v. Pearson* in 1992. Crucially, even with a reverse onus in place, the court retains the full discretion to grant or deny bail, or to impose conditions as it may see fit.

As I outlined a moment ago, the first new reverse onus provision created by Bill C-48 would deal with repeat violent offending involving weapons. It would apply only where the following conditions are met: First, the alleged offence must involve the use, attempted use or threat of violence involving a weapon; second, the offence must be punishable by a maximum penalty of 10 years or more; and third, the accused must have been convicted of another weapons offence with a maximum penalty of 10 years or more in the preceding five years.

These criteria specifically target instances of repeat violent offending that is most concerning from a public safety perspective. And, as specifically requested by the Government of Manitoba and the Government of Saskatchewan, they cover all serious weapons offences, including those involving firearms, knives or bear spray, which I understand has been a particular concern in those provinces recently.

The second change proposed by Bill C-48 would expand the existing list of reverse onus provisions applying to firearm offences to include unlawful possession of a loaded prohibited or restricted firearm, or an unloaded prohibited or restricted firearm where ammunition is readily accessible; breaking and entering to steal a firearm; robbery to steal a firearm; and altering a firearm to make it automatic.

These offences are evidence of conduct that can significantly undermine public safety. We should note that the first of these — the unlawful possession offence — responds directly to the call of all 13 premiers, as expressed in their January letter to the Prime Minister, as well as to the call of law enforcement partners.

[*Translation*]

Bill C-48 would also strengthen the current provision relating to reverse onus for those accused of intimate partner violence. As many senators will remember, reverse onus was established by Bill C-75, which received Royal Assent in June 2019. It applies to those accused of intimate partner violence who have already been convicted of a similar offence, in recognition of the fact that women who report an abusive partner often expose themselves to greater risk in doing so.

Bill C-48 would expand this provision so that it applies not only to those already convicted of intimate partner violence, but also to those who have already been released for such an offence. A discharge is a finding of guilt, not a conviction; it often means that the accused can avoid a criminal record if they comply with certain conditions. This tool can be useful to judges who determine sentencing in some cases, but for risk assessment purposes, the government believes that a prior discharge for intimate partner violence should be treated like a prior conviction. In both cases, there is a finding of guilt and the accused could present a high risk to reoffend if released.

I also want to point out that this aspect of Bill C-48 is comparable to a provision of Bill S-205, sponsored by Senator Boisvenu, which was passed by the Senate in April and is currently being examined by the other place.

[*English*]

The fourth key proposal of Bill C-48 would clarify the meaning of "prohibition order" at the bail stage of criminal proceedings. Currently, there is a reverse onus for people charged with weapons offences who were subject to a weapons prohibition order at the time of the offence. In other words, if a court had already said you can't have a firearm, and then you commit a weapons offence, the law takes that more seriously for the purposes of bail.

Bill C-48 would make clear that the same approach should be taken for people who commit a weapons offence while on bail — when one of their bail conditions was that they couldn't possess a weapon. If this sounds like a technicality, frankly, it's because it is. It's essentially a codification of the common law understanding of a prohibition order. It's unlikely that this will alter the law as it's currently applied, but when it comes to criminal law — and, indeed, the Criminal Code — it's better to be clear, so the bill makes this explicit.

The final piece of Bill C-48 relates to the approach that courts must make when deciding whether to grant bail. In 2019, Bill C-75 amended the Criminal Code to provide that before making a bail order, courts must consider any relevant factors, including the criminal record of the accused, or whether the charges involve intimate partner violence.

Bill C-48 would take that a step further by expressly requiring courts to consider whether the accused has a history of violent offending. Plus, the judge would have to state — on the record — that the safety and security of the community were considered in the decision.

At present, while this generally does form part of most judges' decision making, the law only requires courts to consider the safety and security of an individual victim. This change would address concerns raised by some municipalities and, indeed, some Indigenous communities as well.

Let me provide you with one example: There was a case last year where a man — with a history of violent sexual offences — was supposed to be released on bail to his community of Old Crow in the Yukon, prompting pushback from the Vuntut Gwitchin First Nation. Ultimately, that order was revised, and he was sent to Whitehorse, but the new provision in Bill C-48 would require that these types of community-specific considerations form part of the decision-making process.

And that, honourable senators, is the content of this legislation. As I said at the outset, it's designed to be narrowly focused, addressing safety concerns, such as those raised by the provinces and territories, while respecting Charter rights. This bill is part of a national effort — in collaboration with other levels of government — to strengthen Canada's bail system. It's a bill that reflects significant input from the provinces and territories.

As I mentioned earlier, provincial and territorial governments have been engaged on this file. Recently, Ontario and Manitoba announced commitments to enhance bail compliance measures, amongst other things. British Columbia has made significant investments to strengthen enforcement and improve interventions in relation to repeat violent offending.

• (1510)

Importantly, the provinces and territories have committed to improving data collection, because, to be frank, we need much better data on this subject. Colleagues, as you know, that is an issue we have encountered frequently, especially in the area of criminal justice, where the system is administered by so many different jurisdictions across the country. Recent federal budgets have included investments in better data collection, including disaggregated data, and the government is hopeful that the provinces' commitments related to bail will herald a significant improvement in this space.

Colleagues, I would also note that Bill C-48 includes a provision for parliamentary review after five years. I expect Parliament will have the benefit of more comprehensive data at that time.

It is also important to note that discussions about bail reform have been held with representatives from national Indigenous organizations and other Indigenous representatives, which include the Assembly of First Nations, AFN; Inuit Tapiriit Kanatami, the ITK; the Métis National Council, the MNC; as well as the Indigenous Bar Association; the Assembly of Manitoba Chiefs; the Federation of Sovereign Indigenous Nations in Saskatchewan and numerous others. Their input has been an important part of developing a legislative approach that will help protect Indigenous communities from violent crime, while recognizing the need to continue combatting the overrepresentation of Indigenous people in the criminal justice system.

Colleagues, one of our roles in this chamber is to represent the regions of Canada. Bill C-48 is a piece of legislation that is supported by every province and territory. In fact, it was expressly called for by all premiers. In Bill C-48, the government has answered that call.

Repeat violent offending and offending with firearms or other weapons need to be taken seriously. Bill C-48 takes concrete action at the federal level to strengthen the bail regime and respond to public safety concerns in a manner that respects the Charter, judicial discretion and the fundamental principles of justice that define our system of justice.

The other place adopted this bill as soon as it possibly could, debating and passing it this past Monday — the very first day of its fall sitting. I ask that honourable colleagues recognize the call for quick action from the provinces and territories, and the sense of urgency shown by members of Parliament, and move Bill C-48 forward expeditiously.

With that, I thank you very much.

Hon. Denise Batters: Senator Gold, if Bill C-48 on bail reform had been in place in Canada for the last five years, how many criminal offenders would have stayed in jail as opposed to being released on bail? Given what you have described, this Trudeau government bill has a very limited scope, so my guess is that the actual number of offenders this would actually apply to is tiny.

Senator Gold: Thank you for the question. Obviously, a critical question is what the impact of this bill is or what it might have been. I'm not going to hide behind speculation; the bill was not in place.

However, I will bring to the Senate's attention, as I mentioned only in passing, that we don't have proper data. There are a number of reasons for this. Not all bail decisions are actually recorded, and even those that are recorded are not necessarily gathered, aggregated or analyzed at the provincial level. Some of these decisions are made at the justice of the peace level, and there is simply no record of them, nor is there a system yet in place for gathering all the data — incomplete though it surely is at this point — and analyzing it.

It is hoped that through this bill and through, indeed, the commitment of the provinces and territories to do their part in their areas of jurisdiction, that we will start to have better, more comprehensive data and that we, as parliamentarians — whether it's in five years, during the parliamentary review, or whether we choose to pursue that study in the interim through committees — will be able to answer those questions with greater certainty.

It's important to understand as well, though, that these reverse-onus provisions are situated in the context of the fundamental principles of our criminal justice system as protected, guaranteed and reflected in the Charter of Rights. This means that judges still have discretion to grant or deny bail, or to impose the conditions they see fit in the interests of public safety, whether they are dealing with a reverse-onus provision or not.

These are believed, by the Government of Canada and all the provinces and territories, to be helpful steps forward to strengthen the bail system and protect Canadian communities to a greater degree. Their impact awaits analysis and will require a serious commitment to data collection and analysis in that regard.

Senator Batters: The Department of Justice actually would have this information, or absolutely should have this information, as they draft such a bill, because all we're looking at are the types of offences and the number of years that an offence would potentially be subject to. If you don't know the answer, that's fine, but can you please get us the answer as soon as possible, particularly as you are looking for very quick passage? You are the Senate sponsor of this bill and the government leader in the Senate.

The Department of Justice absolutely would have done such an assessment to determine how many potential offences this type of bill would cover. Could you please get us that information as soon as possible?

Senator Gold: Again, the Department of Justice only has the information that it is able to cobble together from information that is provided or available from the provinces. I am not going to pretend that it is properly comprehensive.

However, we will be studying this bill at committee. The minister will be there, as will the officials, and we'll have the opportunity, through the study of this bill, for these questions to be answered in a more comprehensive way than I can provide to you now.

Again, it's also important, colleagues, to remember that in order for this bill to satisfy the test that the Supreme Court has set out and the exigencies of the Charter, the focus has to be choosing and targeting, in the context of a reverse-onus provision, things that are narrowly drafted and that are deemed necessary to promote the objectives of the bail system. Those objectives are to protect public safety, make sure that offenders appear and to promote and protect public confidence. In that regard, the government is satisfied that it has targeted the kinds of offences appropriately and consistently with our basic principles of justice.

Hon. Paula Simons: Senator Gold, as a journalist, I covered some terrible incidents in which terrible crimes were committed by people who had been released on bail, so I understand the

emotional and political impetus to speed this bill to passage. However, I am concerned with the speed at which things are moving, because we are dealing with an issue in which people's fundamental liberties are at stake. As you have so eloquently explained, we have a presumption of innocence in Canada, and we only use reverse-onus provisions in very particular cases, because we have that presumption to be assumed innocent.

Given the state of our remand centres, which are not lovely places to be and are very full, and given the delays in our court system, the Canadian Civil Liberties Association has raised concerns that expanding reverse-onus provisions may lead to people pleading guilty simply to speed along their passage to a less uncomfortable place than remand.

I have two questions. First, what assurances do we have that this will not have knock-on effects to make remand centres even fuller, to cause even more court backlogs and to make people take guilty pleas in order to get out of the limbo of remand? Second, given the pace at which things are moving, will the Legal and Constitutional Affairs Committee be allowed the latitude to conduct a proper and thorough committee study, which was not allowed for in the House?

Senator Gold: Thank you. You are raising important issues.

As you would expect, the government is very aware of the concerns that were expressed, not only by the Canadian Civil Liberties Association, but also the Elizabeth Fry Society and John Howard Society. It is clear that one important consideration in this was to ensure that the measures in this bill — the changes or, in some cases, tweaking in this bill — were done in the most narrow and focused way not only to satisfy the Charter, fundamental though it is, but also to minimize knock-on or collateral effects.

• (1520)

The concern about overrepresentation of Indigenous, marginalized and racialized people is a real one this government has taken very seriously, as evidenced by many of the measures that it has already introduced, including ones concerning minimum mandatory sentences and the like. It was also at the heart of the discussions that were had with many of the stakeholders as this bill was developed.

The Senate is not rushing this through. The decision was made in the other place, and not at the initiative of the government, to pass it all in one stage. When the motion was put on the table, for their reasons, all members of the House of Commons — all parties, unanimously — supported this. I think it was in recognition, by the way, that this is something of importance to communities, territories, provinces and those responsible for administering the justice system.

We, in the Senate, are going to do our job. As many of you will know by now, this bill will be sent to the Legal Committee, which will draft its work plan and conduct itself as it sees fit. I have every confidence in the committee and in this chamber to give it the proper attention it deserves, to hear from the witnesses both for and against and to do our job. All I ask is that senators keep an open mind and please follow the workings of the committee, if you see fit, so that when it does come out of committee and we have our third-reading debate, it is as informed as possible.

But it is important to the 13 provinces and territories, the stakeholders and the communities that we do our work properly and diligently, because this is a matter of public safety and public importance.

Hon. Percy E. Downe: Senator Gold, I share the concern about the rush through the House of Commons and how the legislation will land here after no review at all there. As we all know, the Senate is often criticized, but we're now put in a position in which what we call "the other place" — the House of Commons — simply did not do its job. They sent the legislation over here without reviewing it. Now it lands in our chamber. Given that, we may need much more time than we normally would because normally, as you know, we check the transcript and the hearings of the other place. We're really starting from ground zero here. You would agree that we need more time than normal, I assume.

Senator Gold: Every bill is different, raises different issues and requires different points of view to be properly brought to bear on it. So I don't know what is typical for a very short bill like this, the principles of which — I hope to your satisfaction — I have certainly outlined accurately. The government has made a policy choice, in consultation, not only with all provincial governments but with other stakeholders, to make some additional changes to the existing bail reform system, which already contains measures and reverse-onus provisions for serious crimes. This simply adds to — and, in some senses, perfects or completes — some of the work that was already done by us in the chamber with the bills, which I mentioned, in 2019.

I am confident that the committee will hear from the necessary witnesses and that all points of view will be properly canvassed. Senators will have the opportunity to question not only the minister and the officials, but also those who have different points of view. I have every confidence that our debate in the chamber will be as robust as we choose for it to be.

Senator Downe: Well, colleagues, the members of Parliament have dropped the ball. Their job is not to prance around during Question Period looking for clips. Their job is to review legislation. That's our responsibility as well. I will remind some of the newer senators here that when I first came to the Senate, we had a very similar situation of the New Veterans Charter. It went through the House of Commons in two minutes and came to the Senate, and the Senate failed to do the job. It passed in a total of five hours. Most of that time — four hours and 50-some minutes — was in the Senate. Years later, we found out from the Parliamentary Budget Officer that those changes cost veterans, who were injured in service to the country — and their families — millions of dollars in lost benefits because the Senate and the House of Commons did not do their jobs.

We're back in a very similar circumstance. The onus is now on the Senate — the much-criticized Senate — to do the work that the House of Commons has not done. I know that colleagues on the committee and the whole institution will do that. I hear you, Senator Gold, and this is my question: Can you tell us that we'll have the time necessary to do that work so Canadians are not short-changed by this legislation — as they were by previous rushed legislation from not only the House of Commons but the Senate?

Senator Gold: Thank you for your question and your comment.

I have confidence in the Senate. I have confidence in the committee that it will develop a work plan that is appropriate to the bill — its content, the issues it raises and its importance. I'm confident that the Senate will strike the appropriate balance as we have always done — at least in this era — balancing the importance of the bill and the support for the bill from those who are seized with the responsibility of living with it — Indigenous and other communities, and provinces and territories — and the need for us to do our constitutional job of providing proper, critical review of legislation before us. That is what is before us, and I have every confidence we will do the job Canadians expect us to do.

[*Translation*]

Hon. Renée Dupuis: Senator Gold, in your speech, you spoke about victims of violence and intimate partners. You spoke about people who have a history of sexual offences and sexual violence.

When you were talking about the organizations that the government consulted when drafting Bill C-48, I heard you say that you consulted the provinces, the territories and a few national Indigenous organizations. Perhaps I misunderstood what you said, but I didn't hear you mention national associations like the Native Women's Association of Canada, yet I think we can all agree that, when it comes to intimate partner violence, the victims are often women.

Can you specify which national women's organizations were consulted on this bill?

Senator Gold: First of all, I don't have the complete list, and I'm sorry about that. I was told that discussions and consultations were held not only with the national organizations that I mentioned but also with many others. Once again, I would invite you to ask the ministers and officials that question when they appear before the committee.

Hon. Pierre J. Dalphond: My question is along the same lines as the previous questions, Senator Gold.

The Senate has a duty to carefully consider all of these bills, especially those that reverse the burden of proof. Wouldn't you agree that that burden is even greater today? The House of Commons passed this bill without convening a real committee of the whole. There were no submissions or witnesses, and the bill passed in one day.

In that context, shouldn't we be a little more thorough and take a bit longer than usual to get written submissions from the Canadian Bar Association, the Barreau du Québec, the Association des avocats de la défense and the Canadian Civil Liberties Association, which is quoted in *The Globe and Mail* today criticizing the fact that it wasn't consulted and that it didn't even have time to prepare?

Shouldn't we take our time on this? If the House of Commons thought this bill was so urgent, it could have passed it before June 22. They passed it the first day they were back in the House. We could have worked on it over the summer.

Senator Gold: At the risk of repeating myself, it's up to the committee to decide how to proceed with this bill.

• (1530)

I wear two hats: one as a parent and the other as the Government Representative. I also have some suggestions when it comes to witnesses, like the other committee members I'm sure. As I already said to Senator Downe, we need to take our time, given the issues raised. Yes, it's always interesting and important to consult committee evidence from the other place from time to time. However, in my experience of nearly seven years in the Senate, it isn't often that we say that they've done good work and there isn't much left to do. The same witnesses appear regularly before our committees with the same briefs; the same questions are asked and the same answers are given.

For me, it's not simply a question of saying they didn't conduct a study. They made their decision, and it's their prerogative to do so. We have a job to do, and I prefer to focus on the need to study this bill properly, regardless of what happened in the other place. Again, I'm confident we will do the job right. This bill is rather short, but that doesn't make it any less important. It's not a quantitative issue, nor is it new. There's already case law on reverse onus. The courts have provided us with certain criteria. We have a responsibility not only to study the bill properly, but also to respect the parameters of our role in making constitutional public policy choices, with the support of all the provinces and territories. We have to find the right balance. Once again, I have full confidence in the House, and I believe that the committee is in a good position to study the bill.

[*English*]

Hon. Brent Cotter: Senator Gold, thank you for your remarks and for your leadership on an important bill that is being considered by this chamber.

I'm a member of the Legal and Constitutional Affairs Committee, where it seems likely this bill will go, so I'll have a decent number of opportunities to explore the bill, but I did want to ask one, what I would call, institutional question, in your capacity both as sponsor of the bill and as Leader of the Government in the Senate. You made reference to the five-year review and you used, I thought very carefully, the words "reviewed by Parliament." But I think as you know, the bill calls for a review by the House of Commons.

I have in front of me here the clause, which is clause 2 of the bill, a review on the fifth anniversary to be carried out by a standing committee of the House of Commons.

This strikes me as not entirely respectful of this portion of Parliament, and in light of your endorsement of the confidence you have in the Senate, which I believe was part of your speech, I wonder if you could speak to what I would call an oversight. I would be interested in your view on that, especially since, as I seem to understand, the House of Commons didn't study it at all in the first go-round.

Senator Gold: Thank you for your question. It's a fair question. I think that's a question that should be explored at committee and posed to the officials as to why specific mention was made not just simply of Parliament but of the Standing Committee on Justice and Human Rights in the House of Commons, which is typically the place in the other place that deals with these matters.

Hon. Mary Jane McCallum: Senator Gold, I was invited to attend a brunch with the police association and the premiers on bail reform this summer, and I raised a concern at that time. One of the panellists gave an example of an offender who had stolen a bottle of liquor and, 10 years later, he is a hardened criminal is what she said. Because of the way the system is set up, at that time, we were told that 70% of the people in the provincial jails were Indigenous and the majority had not even been to court.

Indigenous relationship with police administration, police officers and the justice system is already precarious. How will racial profiling and racism be addressed? If they are not, there will be a continuous flow of new criminals, and no law will be able to handle the load, even if additional resources are given. An example I'll use is 80% of the Indigenous prisoners who are in the pen were children who were apprehended. So we need to look at reducing the flow of child apprehension so we don't have that flow going in, because we're not going to change the penitentiary system. How will this be addressed?

One comment that came up was people were so upset in there that they said, "Throw them in jail and throw away the key," which caused me great concern. Thank you.

Senator Gold: Thank you for your question, senator. The social determinants of crime, the overrepresentation not only of Indigenous and marginalized people but also of poor people, those who don't have access to the resources that others do, is a real problem, a tragic problem and something that we should be ashamed of.

This government, provincial governments and territories are doing what they can to provide better resources, whether it's social services or the like, but the work will never be complete. So you're right to point out the despair that many experience when they find themselves in the system and it goes from bad to worse.

This bill is a very targeted measure to deal with people charged with offences and under what additional circumstances they might have to demonstrate to the satisfaction of a judge that they don't pose a risk to the public at large, to their partner or to their community.

It builds upon a recognition in the law of many years that there are circumstances where it is totally appropriate, notwithstanding the presumption of innocence, to at least require the person to demonstrate their willingness and ability to abide by the rules and comply with their conditions.

It makes more public the criteria that judges apply when they have to make the decision whether to release somebody back into the community when they are facing trial for an offence. It is important to remember that we are dealing here with only the circumstances where there are charges of very serious violent offences, whether it's with a firearm or with bear spray or knives, or of violence and repeat violence against intimate partners and so on.

• (1540)

This bill does not attempt to tackle the real problems that you raised that are with us, sadly and tragically, but it is a step in the right direction to mitigate the risk of violence to individuals and to communities. In that regard — if you'll allow me to use a cliché — we can't let the better be the enemy of the good here.

This is an important step. It does not address any of the important issues that you raise. That's for other bills and other measures from all levels of government.

Hon. Mary Coyle: Honourable senators, I wasn't going to ask a question, but because of the question raised by Senator McCallum I'm happy, frankly, to have this discussion we're having here right now, both about the process and the need for a robust debate on this important bill and a really thorough study.

Senator McCallum raised an issue that sparked in my mind this question and so much of this is based on reverse onus. This is a deviation from how we normally operate in our justice system in Canada. I am concerned about different groups being disproportionately disadvantaged, as they always have been, but even more so — possibly — under this legislation if the onus is on the person to prove that they deserve bail. That can sometimes be an advantage to someone who has the money and resources to hire good legal talent to help them. Because we haven't had a thorough study yet — hopefully we will — I'm just curious whether the government has looked at this issue of advantage to those with resources in a situation of reverse onus and what the implications of that would be.

Senator Gold: The government takes very seriously the impact of the criminal law and the criminal justice system on Canadians and is very aware — as we all are — of the disparate impact that any otherwise neutral law has on those with means and those without. Independent of whether it's a reverse onus, if you have the means to have a good lawyer, you're going to navigate the system far better than if you're impecunious. That's a fact of life in our society.

This government has taken these issues very seriously, and again — at the risk of saying more than is necessary at second reading — to its credit, as compared with previous governments.

That said, this builds upon an existing body of law in the Criminal Code and an existing body of law in our courts that recognize that it's appropriate, at times, to reverse the onus because otherwise the risk to public safety, individuals and communities is unreasonably compromised, potentially. Judges always retain the same discretion, for better and for worse, in the face of someone accused of a crime in applying for bail.

These are proper questions for the committee, proper questions for the minister and the officials and for the other witnesses, but I am assured that the government is taking these considerations very seriously and believes that the collateral impact of these changes, modest though some of them may seem — and some of them are, as I explained in my speech — will not materially change what is the unfortunate disparate impact of our criminal law on those with more and less means.

[*Translation*]

Hon. Claude Carignan: Honourable senators, I rise today to speak at second reading of Bill C-48, An Act to amend the Criminal Code (bail reform).

This bill has followed a somewhat unusual trajectory.

The federal government introduced it with great fanfare at first reading in the House of Commons on May 16, 2023, then stalled on bringing it back for second reading speeches and moving it forward in the House.

However, on September 18, 2023, the bill went through all stages in the House of Commons and the members passed it. The government therefore can't accuse the opposition of delaying the study of this bill.

Yes, the bill was passed in the House of Commons, and it may pass at second reading today in the Senate, but that doesn't mean it goes far enough and contains all the necessary measures to fix the problem it seeks to fix. That problem is the need for tougher bail provisions to better protect Canadians against those who commit serious crimes when they are out on bail.

This bill applies to individuals the police haven't released after their arrest. In these cases, these individuals have to appear before a judge quickly to get a bail hearing.

Bill C-48 proposes adding offences for which an accused must demonstrate to the judge, during this bail hearing, that their release before trial is justified. One of these offences is currently set out in section 95 of the Criminal Code: possession of a loaded prohibited firearm. The 13 provincial and territorial premiers unanimously asked Prime Minister Trudeau, in a letter dated January 13, 2023, to place the burden on the accused for this offence.

Their letter reads, and I quote:

> A reverse onus on bail must be created for the offence of possession of a loaded prohibited or restricted firearm in s. 95 of the Code. A person accused of a s. 95 offence should have to demonstrate why their detention is not justified when they were alleged to have committed an offence where there was imminent risk to the public, as is already the case with several offences involving firearms. A review of other firearms-related offences is also warranted to determine whether they should also attract a reverse onus on bail.

This is one example of why the bill doesn't really go far enough. There are a number of serious violent and gun-related offences that aren't included in Bill C-48.

In other words, these offences, though intrinsically serious, place no burden on the accused to show why they should be released. Some of these offences are: aggravated sexual assault without the use of a firearm; aggravated assault; hostage-taking without the use of a firearm; attempted murder without the use of a firearm; arson with disregard for human life.

I'm also thinking about offences such as manslaughter with a firearm and criminal negligence with a firearm causing death. Both of those offences are punishable by a minimum sentence of four years in prison, and that minimum sentence was deemed constitutional by the Supreme Court of Canada in *R. v. Morrisey* and *R. v. Ferguson*.

I'm sure that if we asked Canadians, they would say that people who commit such dangerous crimes must remain behind bars while awaiting trial or, at the very least, have the burden of proving that their release is justified.

Bill C-48 doesn't remedy that, and I hope that the witnesses who appear before the Senate committee, including those in law enforcement, will speak out about this problem. Right now, there's a statutory presumption set out in sections 493.1 and 515 of the Criminal Code that ensures that these accused must be released at the earliest reasonable opportunity and on the least onerous conditions that are appropriate in the circumstances, unless the Crown prosecutor can prove to the judge that it is necessary to detain them while awaiting trial or to impose on them onerous conditions of release.

Here's another example of why Bill C-48 doesn't go far enough. Bill C-48 proposes placing the onus on a person to justify why they should be released on bail when charged with an offence involving violence and the use of a weapon against a person and convicted of another offence involving violence and the use of a weapon against a person in the five years preceding the date of their indictment for that offence.

• (1550)

In other words, Bill C-48 is for repeat violent offenders. The problem is the five-year maximum between the commission of the two offences. Hypothetically speaking, a person who commits a violent offence with a weapon and would be sentenced to 10 years in prison for having committed the same type of offence isn't affected by Bill C-48, since more than five years would've already gone by between the two offences.

In other words, if that person commits a violent offence with a weapon the day after being released from prison, there's no legal presumption that they should remain behind bars while awaiting trial for this new offence. Could the federal government have set in Bill C-48 a 10-year limit between the two offences instead of five, or better yet, could it have simply eliminated this five-year threshold between the two offences? The federal government should have thought of that before introducing Bill C-48. That's why I maintain that Bill C-48 could have gone much further to protect Canadians from repeat offenders.

Basically, this doesn't necessarily surprise me from this government. This is the same government that proposed Bill C-75 in 2018, with the support of the Bloc. The Conservatives and police forces continue to denounce the bill as lax, because C-75 unduly favoured the release of violent repeat offenders or those who commit serious crimes with handguns.

I would like to quote from a letter dated January 12, 2023, that the Association des directeurs de police du Québec sent to the federal Minister of Public Safety in response to the tragic and preventable death of a fellow police officer, Grzegorz Pierzchala:

> We cannot . . . tolerate violent criminals who repeatedly use firearms to endanger the lives of our police officers and Canadian families. These repeat offenders must not be allowed to move freely in our communities. We therefore ask you to reverse your government's recent decision regarding the release process for violent and repeat offenders charged with firearms-related crimes. . . . Police officers have the right, as does the public, to be protected from the criminal behaviour of violent and repeat offenders, particularly those charged with firearms-related crimes. This right must take precedence when decisions related to release and sentencing are being made.

That being said, despite these serious reservations, I urge you to vote in favour of Bill C-48 at second reading in the Senate so we can continue our study at the Standing Senate Committee on Legal and Constitutional Affairs. I support the bill's objective. Given the increasing incidence of crimes committed with illegal handguns in major Canadian cities, we must take urgent action to tighten bail rules. We all, including the Quebec Court of Appeal, recognize the dangers associated with this uptick in crime.

In fact, in its 2022 decision in *Dallaire v. R.*, the court stated the following:

> Canadian society strongly condemns the use of illegally owned firearms by criminals who use them illegally, dangerously and often fatally. Recent events in Quebec, such as in the Montreal, Montreal North, Longueuil, Laval and Rivière-des-Prairies areas, confirm this very real danger to peoples' safety and to social peace.

Given the urgency of this problem and the bill's objective, which is universally supported, I agree that an exception should be made for this bill, that is, that it should pass second reading immediately so it can be referred to the Senate committee immediately for a thorough and in-depth study as soon as possible.

Unfortunately, I'm still disappointed by the lack of strong measures in this bill to protect our fellow Canadians. Thank you, colleagues.

[*English*]

Hon. Kim Pate: Honourable senators, there is no doubt that the horrifying and egregious acts of violence that led to this bill are just that. However, they were outliers, and they were not the result of an inability to detain; rather, they were primarily the result of the inadequacies and failures of social, housing, economic and health — especially mental health — systems.

At a time when there are crises of mass incarceration — particularly of Indigenous and Black people, as well as those living in poverty with mental health and addiction-related issues linked to the past trauma of abuse — why is this being offered to Canadians?

Provincial jails are already full, as you have heard, with more than 71% of people who are awaiting trial — the majority of whom are there because they are poor, racialized or dealing with past trauma, addiction and mental health issues.

We know that Indigenous women alone represent 50% of those serving federal sentences. Did you know that they represent upward of 75% to 99% — and sometimes even 100% — of those in provincial custody?

When we look at young women and girls, they represent 95% to 100% of those in jails designated for girls and young women in Saskatchewan, Manitoba and the North.

Meanwhile, are Indigenous and Black communities provided with the resources they need, if we are to redress that overrepresentation? They're offered a pittance, perhaps. Instead, they — we — are offered this, which puts the burden on specific accused to prove that they should be released from jail.

It also proposes expanding the use of reverse onus in intimate partner violence cases — without any analysis of the likely impact of this in terms of reducing reporting in an already vastly discriminated against, under-represented and underserved group.

Where is the legislation and policy to shore up the very systems that currently keep victims of intimate partner violence at risk? This includes the economic, housing, social and health supports that truly assist women to escape and be safe.

Where is the action on the Calls to Action of the Truth and Reconciliation Commission and the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls?

Where are the community-based and educational programs to address attitudes and biases that persist about violence against women, intimate partner violence and poverty?

Who will this bill actually end up jailing?

Let's look at Indigenous women who have experienced violence: We know that when they are trying to escape violence, if they actually do it without grabbing something to help protect themselves, they are more likely to end up dead, quite frankly, than they are to escape.

These women are not who we think of as being a risk to public safety, yet they will face the greatest barriers in lifting a reverse onus. We see this already in the vast numbers who plead guilty, even when they have self-defence or the defence of others, or even when they are not responsible for the death or harm.

Criminal lawyers are already signalling that people of means may be able to meet the new reverse onus by proposing strict supervision and release conditions that they can self-fund, which will deepen the inequities of the legal system.

They and other groups — who are troubled by the other place's fast-tracking of Bill C-48 — have underscored that ". . . a wealthy white person is able to displace a reverse onus presumption on bail far more easily than a racialized person from an impoverished background."

This bill undermines Canada's commitments to a nation-to-nation relationship, the Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls. It insists on recriminalizing those already overrepresented in the criminal legal system, instead of addressing those issues in a meaningful way.

• (1600)

We also face the added reality that there is no evidence to back up the assertions that the bill will have the desired effect on public safety. If it's anything other than political posturing, why hasn't it been the subject of proper scrutiny in the other place? The public should be horrified by the willingness of elected officials to bypass the usual process of studying a bill and evidence such as what Canadian crime rates actually are, including violent crime rates, and the fact that they continue to be at historic lows.

The rate of individuals being found guilty of a crime and incarcerated has declined, but, while it has declined, the numbers of people in pretrial detention has more than quadrupled in the last 40 years. Bail decision making in Canada has become more restricted and risk averse over time. The only contribution sending an individual to pretrial detention could make to public safety comes from the removing of that person from the broader community for a period of time, but doesn't focus on what happens when that person returns to the community without access to the very supports that brought them there in the first place.

The only contribution sending an individual to pretrial detention could make to public safety comes from that removal, and, yet, we're encouraging the increased reliance on pretrial detention, which will make it more likely that an individual will plead guilty just to be released from jail. This raises more concerns about another bill that we're waiting to see: that of wrongful convictions and how we address them. Tightening the bail system and increasing reliance on pretrial detention will have discriminatory outcomes and undermine efforts to combat systemic discrimination and the legacies of colonialism.

I would argue, colleagues, that it is irresponsible and undemocratic to race this kind of performative legislation through Parliament. The bill facilitates throwing people, especially Indigenous women, into jail without a trial. The parliamentary process mirrors that of the system that already exists. We should be treating people fairly, not hastily. The government's position is that the bill will address the public's concerns related to repeat and violent offending, and offences involving firearms and other weapons. The public needs to be provided with meaningful, substantive and accurate information, a Charter and constitutionally compliant system, based on facts and evidence and free from political interference. That, my friends, is what I hope we will contribute through the Legal Committee and debates in this place. *Meegwetch*. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Frances Lankin: Thank you very much. I appreciate all the contributions, and I think that there are important issues for us to delve into. I particularly appreciate you raising not just specifically Indigenous and Black women, but the gender bias within the justice system.

One thing that I have been aware of from working with women's organizations that work with women who have experienced intimate domestic violence and/or abuse within the home is the change in the attitude of policing that has gone on over a period of time. I would have thought there would be more sensitivity and a better situation, but the statistics I have seen — and from what I have been told — show that there has been a growth in the number of times in which a woman defending herself will be, in fact, charged and arrested.

I wonder if you have any other specific or general information about that. In particular, at the Legal and Constitutional Committee, I hope that in the study this will be one of the second reading concerns that have been raised that you will look into. You alluded to this in terms of speaking about the added difficulty that women face in these circumstances in having to meet the reverse onus, so I hope that you would undertake to examine that part of it, too.

Senator Pate: Thank you very much for that question and suggestion. I would agree. Certainly, the findings coming out of numerous inquests into the deaths of women, particularly Indigenous women, but also the Mass Casualty Commission,

really point to the need to do more of that work and understand how countercharging and the vilification of the victim has actually backfired, particularly when it comes to those who are intersectionally disadvantaged, whether it's by race, gender, identity or poverty.

While there have been great strides made in awareness about these issues — I have certainly met individual police officers and I know of excellent police policies, they are not always followed. It's often more unusual to see — and I think I have spoken about those previously in this chamber — when really exceptional work has been done by police officers. It shouldn't have to be the exception, and I think that's one of the areas that we need to examine. This kind of approach doesn't come close to addressing the overarching issues that contribute to those situations.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

REFERRED TO COMMITTEE

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

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

ADJOURNMENT

MOTION ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of September 20, 2023, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, September 26, 2023, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

DEPARTMENT FOR WOMEN AND GENDER EQUALITY ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator Mégie, for the second reading of Bill S-218, An Act to amend the Department for Women and Gender Equality Act.

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

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

Hon Senators: Agreed.

(Debate adjourned.)

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

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Martin, for the second reading of Bill S-247, An Act to amend the Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law).

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

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

Hon Senators: Agreed.

(Debate adjourned.)

• (1610)

NATIONAL FRAMEWORK ON ADVERTISING FOR SPORTS BETTING BILL

SECOND READING—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Deacon (*Ontario*), seconded by the Honourable Senator Busson, for the second reading of Bill S-269, An Act respecting a national framework on advertising for sports betting.

Hon. Brent Cotter: Honourable senators, I rise to speak to Bill S-269. Senator Woo was kind enough to point out to me that the live audience for this speech has dwindled to three, but I'm especially pleased that they have hung in here for it.

Two days ago, Senator Marty Deacon laid out the motivation for this bill and the direction it proposes for the regulation of the advertising and promotion of sports betting in Canada. She also spoke extensively about the structure of the bill and its intended objectives. I wish to lend my support to the bill and fully endorse her remarks.

In the interest of trying to make my own comments useful, I will divide my remarks into three parts. To add a bit of spice, maybe for Senator Dalphond, I will try my best to keep your interest by giving each section of my remarks a catchy title.

The first section, reflecting on how we got here initially, is entitled, "How I may have committed crimes before coming to the Senate." The second section is entitled, somewhat enigmatically, "The elephant," and the third section is entitled, "What do we do when we come to a fork in the road?"

Here goes — "How I may have committed crimes before coming to the Senate." I'm kind of hopeful that parliamentary privilege applies to these remarks.

For over a decade before I came to the Senate, I used to teach a course at the law school in Saskatoon and sometimes at Dalhousie University in Halifax entitled, "Sports and the Law." Students in this course wrote major research papers, and nearly every year, someone opted to write a paper on sports betting and the criminal law of Canada. What I learned from those papers was a bit troubling.

When I'm in Saskatoon on Sunday evenings, we commonly have family dinners. My various nephews attend, and it was not uncommon for family members, including me, to discuss various sports teams and the likely outcomes of the games, prospectively. The purpose of these discussions was for them to make judgments on the teams that they would bet on in those games. Well, what I learned from reading my students' sports betting papers, at least up until 2021, was this: My nephews were betting on sports games individually and, in doing so, were committing criminal offences. It could be argued, I guess, that my discussing it with them and offering my relatively uninformed opinions amounted to aiding and abetting these crimes — essentially, if I may say so, aiding and abetting betting.

It struck me in those years — and as the motivation of my support for Bill C-218, sponsored in 2021 in this chamber by Senator Wells and passed in that year — that while you might disapprove of betting in any form, it hardly rises to the level of committing a criminal offence to bet on a single sports outcome. Indeed, until the adoption of that bill in 2021, we had the unbelievably incongruous situation where if you bet on three games at once, you were engaged in a perfectly legal activity, but if you bet on one single game, you were committing a crime.

As Senator Deacon noted, that bill brought into the sunlight the issue of sports betting. It achieved at least four positive things: It created a legitimate industry away from the grey or black markets of sports betting; it at least made possible effective regulation of this industry; it brought revenues to public government; and it made possible the adoption of strategies to identify those at risk from sports gambling and to direct revenues to help ameliorate those risks.

I continue to support that initiative — the decriminalization of single-event sports betting. As you know, there was a good deal of background associated with the adoption of that bill, and, as Senator Deacon pointed out, the passing of that bill opened up a whole range of sports-betting opportunities and also, it turns out, an onslaught of advertising and promotion of sports betting. The latter, of course, is the focus of this bill.

But for my part, a confession: I had anticipated we would see a good deal of advertising by betting platforms to attract people to join their websites and place bets through them. It's not surprising that this would take place since the profitability of betting platforms relies, to a certain degree, on small margins earned through a significant number of bettors placing a significant number of bets. What I had not anticipated — and I think this is also true in England — was the degree to which we have been inundated with advertising to encourage us not just to join the betting platforms but to place bets on ever so many outcomes — and even components of outcomes — to the point where the things that one could bet on have become ridiculous and, in some cases, problematic. The promotion of betting has become overwhelming and, in some cases, offensive.

I read an article last spring about a particular sports broadcaster putting out an apology to this effect: It apologized to viewers for having cut away from a sports-betting ad to return to the live action. The apology was a spoof, but it essentially makes the point I'm trying to make here.

Senator Deacon outlined well the challenges and risks that excessive amounts of sports betting and advertising have generated for us. Now we have the public policy challenge of appropriately reining in this plethora of betting promotion, which brings me to the next section, "The elephant."

There's an old story that circulates in the legal field, and it goes like this: Four students — a Canadian, a Brit, a German and an Italian — are taking a writing course. The instructor gives them an assignment, which is to write an essay on the subject of "the elephant." Having written their essays, they come back to

class, and the instructor asks each for the title of their essay. The British student's response — it could have been a young Tony Dean — is, "The role of the elephant in the history of the British Empire." The German student — it could have been a young Peter Boehm — said, "How to build a bigger and better elephant." The Italian student — perhaps a young Tony Loffreda — called his essay, "The love life of the elephant." The Canadian student — and here I am coming to my point; it could have been a young, nerdy Brent Cotter — titled his essay, "The elephant: a federal or provincial responsibility?"

You might be wondering what that punchline has to do with this bill. Let me get to that point.

Sports betting, and particularly the promotion of sports betting, is a topic like that of the elephant story: its topic is a mishmash of federal and provincial jurisdictions. Senator Dalphond identified this in his dialogue with Senator Deacon on Tuesday. On the subject of sports betting, the federal government has the power to criminalize that activity — which it did for a very long time, until 2021. It could include sports betting as a form of gaming, which it did in the 1980s, and legally transfer the oversight of it to provinces. It delegated authority to the provinces, who undertook the management of gaming, including sports betting. Additionally, Ottawa can regulate communications with respect to sports betting, which are conducted under the regulatory authority of the Canadian Radio-television and Telecommunications Commission, or CRTC.

The result of all of this essentially constitutional line drawing is that Ottawa has some meaningful authority over sports betting, but much of the regulation of gaming, including sports betting, is in the hands of the provinces. This explains why at least one part of the "gaming elephant," if I can call it that, is a matter of provincial jurisdiction and why, for example, the Alcohol and Gaming Commission of Ontario announced that it would no longer be possible for sports-betting agencies to use celebrities in their ads. Similarly, British Columbia's gaming regulator has taken steps to attach conditions to licences issued to sports betting agencies, which seeks to have a moderating effect on some of the issues that are concerning so many.

• (1620)

As I will mention in the final section of my remarks, there are things that provincial gaming authorities can and should do beyond what has happened so far that are within their and not Ottawa's authority. But some parts of the gaming elephant are within federal jurisdiction.

Finally, the third section of my remarks: what to do when we come to the fork in the road. Some of you, hearing that phrase, might think of Robert Frost's poem "The Road Not Taken," but I would like to refer you to someone else. I commend to you today the consideration of a line from another great poet, Yogi Berra, who said — some of you will say it with me here — "When you come to a fork in the road, take it!" The fork in the road for me hints at the options for both the federal and provincial regulatory engagements on this issue. The advice, as you can tell from that great poet and constitutional expert Yogi Berra, is take both regulatory forks in the road.

How to get there: There are two federal asks in this bill. One is to direct the CRTC to develop appropriate constraints on advertising and promotion of sports betting in the areas where they possess federal regulatory jurisdiction. The other, led by federal cabinet ministers through widespread consultation, is the development of a national strategy to rein in the advertising and promotion of sports betting across the jurisdictional divide. This must be a wide-ranging project, for example, as Senator Marty Deacon noted, since research has informed us of the risks for vulnerable gamblers and young people, and those risks do not know jurisdictional boundaries.

Some examples of that, as she mentioned, are no advertising just before, during or after sports games; limits or bans on celebrities and athletes as promoters of gambling; no advertising during periods when young people are significant parts of audiences; and no presentation of ads in sports arenas or on players' uniforms. Various European countries have undertaken variations of this. These approaches are set out in an excellent recent paper on the issue developed by a group led by former mayor of Toronto John Sewell and Dr. Bruce Kidd, a distinguished former Olympian and professor emeritus at the University of Toronto. My own research has captured a range of opportunities that are possible as well.

Dealing with the preservation of the integrity of sports, I will just make this one point: This wide-ranging national strategy should and could include an examination of the categories of sports that ought not to be allowed to be bet on, particularly where the athletes themselves are more susceptible to being bribed to throw or fix a game outcome. For example — and this has happened in other jurisdictions — the strategy could include the elimination of betting on amateur sports; no betting on college sports, as a number of U.S. states adopted when they received the authority in 2019 to regulate sports betting; and no betting on Olympic sports, a point that a number of proponents on this issue, including Dr. Kidd, have championed.

The reason for this needed national strategy is that many options are within provincial jurisdiction, a fork in the road that needs to be taken as well but that Ottawa can catalyze.

A broad cross-section of Canadian society wants action, from the deeply concerned parent about whom Senator Deacon spoke on Tuesday to the tens of thousands of viewers — it feels to me like I have heard from all of them — annoyed by the advertising onslaught, to those who have seen first-hand what addiction in any form can do to the lives and families of the vulnerable, to those who have given their lives and careers to sport and who worry that the object of their passion is being besmirched and its essence diminished, to sports ethics organizations like the Canadian Centre for Ethics in Sport, who worry that their commitment to healthy, safe, ethical athletic activity is being excessively and dangerously commercialized. Senator Marty Deacon's bill gives us the opportunity to martial our resources — not to destroy an industry but to get it on the right path, a wisely nationally regulated path.

I support this bill and encourage you to do the same. Thank you very much.

(On motion of Senator Martin, debate adjourned.)

NATIONAL THANADELTHUR DAY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Mary Jane McCallum moved second reading of Bill S-274, An Act to establish National Thanadelthur Day.

She said: Honourable senators, I rise today to speak to second reading of Bill S-274, An Act to establish National Thanadelthur Day. I want to share with you my experience of oral history among the Denesuline in Brochet and Lac Brochet. The Dene signed their Treaty 10 agreement in 1906, and the Crees moved in in the early 1920s. They lived together in Brochet, Manitoba, where they intermarried and raised families.

Young children who were Dene and Cree from Brochet were sent to the Guy Hill Residential School, where, as students, we did indeed become family. With this closeness, I was privileged to hear the story of Thanadelthur 20 years ago from Ms. Lucy Antsanen, a Dene citizen of Brochet and Lac Brochet who experienced intergenerational residential school trauma. Historically, in their years of oral history, the young Dene have heard and continue to hear about this remarkable young woman through stories passed down from their grandparents and parents.

At the outset, colleagues, I want to inform you that the word "Chipewyan" is used in historical reference. This is a derogatory term, whereas I will use the correct term, "Denesuline," which means the Original Peoples. The word "Cree" is a colonial term as well. We call ourselves Athinuwick.

Honourable senators, over 20 years ago, Ms. Antsanen, a young Dene woman with her master's in education and working as a teacher in Lac Brochet, introduced the story of Thanadelthur in the classroom. From that day on, the students wore red on February 5 to commemorate the memory of this young peacemaker, February 5 being the day Thanadelthur journeyed into the Spirit World.

I wear red today and every day for my sisters. Today, I also wear the moccasins given to me in 1979 by Dene Elder St. Pierre.

This story takes place before Canada was reinvented as a nation and before Manitoba became a province. There were no borders, only territorial boundaries of each of the Indigenous nations. This story takes place at the height of the fur trade. Both the Hudson's Bay Company and the North West Company were trading in the vicinity of York Factory.

Thanadelthur was born in the latter part of the 1600s. Prior to written history and over the ages, the Dene people counted the number of winters from the birth of their children to keep account of age. The reason for bringing this up is because there are varying ages assigned to Thanadelthur in different historical forums, including Hudson's Bay Company Archives and accounts told by individual historians. Regardless, she was a young girl in her early to mid teens when she arrived at the Hudson's Bay fort.

Honourable senators, we are hard-pressed in modern times to find the actual names of Indigenous women in history. History has normalized reducing these *ethenewuk* to "Indian/Aboriginal women." In our community of Brochet, when the French priest who had lived amongst us for over 50 years wrote his book about our lives in our lands, he referred to the people simply as "Indian" — not even acknowledging our humanity. This is happening in my lifetime.

• (1630)

At a time when Indigenous women rarely made it into history books, we have this remarkable Dene girl whose name, Thanadelthur, is etched into history books for eternity. As such, this information exists as oral history, yes, but it transcends that medium as it is also archived and housed in history books as well as through teaching tools used in schools. Author Rick Book's publication entitled *Blackships/Thanadelthur*, which features the life and contributions of this young woman, is being used as a teaching aid in the Northwest Territories.

Colleagues, during Thanadelthur's life, the Dene and Cree were warring ancient enemies. Dene elders from different Dene communities in Manitoba and Saskatchewan tell of the warring between the two nations. When the Cree came upon a Dene encampment, they killed the majority of the Dene but captured the young girls, as Dene girls were known to be hard workers. Conversely, when the Dene came upon a Cree encampment, they did not take prisoners.

In 1712 to 1713, Thanadelthur's family was hunting caribou in the area near Arviat, Nunavut, when they were attacked in their encampment and slaughtered by the Cree. Thanadelthur was taken into captivity. The Cree elders called her "Akwakan Iskwew," which means "slave woman." The Dene elders say that she survived because she was stunningly beautiful and very skilful.

Thanadelthur was enslaved for over a year, and late in 1714, she and another young woman escaped their Cree captors and headed north to find their people. Without warm food and clothing, they were soon in dire straits. The girls survived on edible plants, berries and small game they snared along the way. It is believed they used their long hair to make snares. During this journey, Thanadelthur's young companion tragically passed away, forcing Thanadelthur to then abandon her route and make her way to the fort, hoping to encounter the English. Thanadelthur had known of the fort but had never been there.

When she came upon tracks in the snow, she followed them, knowing full well that she could be killed if she came upon the Cree. Yet, she followed the tracks that lead her barely alive — to goose hunters at Ten Shilling Creek, southwest of York Factory. Luckily, William Stuart, an employee of the Hudson's Bay Company, was among the hunters. The goose hunters brought Thanadelthur back with them to York Fort, which is located near the mouth of the Hayes River in northern Manitoba.

The governing manager of the fort was Governor James Knight, who, a few days prior, had made plans to employ another Dene woman to forge peace between the Dene and the Cree so he could expand the fur trade into the Far North — into Dene country. Sadly, that Dene woman passed away, forcing Governor Knight to explore other options.

According to the Hudson's Bay journals, Thanadelthur was brought to York Fort — which today is York Factory, Manitoba — on Wednesday, November 24, 1714. Thanadelthur told Governor Knight that her people would trade with the Hudson's Bay Company. However, that trade was difficult this far south, as the Cree had guns and were known for their attacks on the Dene people.

Both Knight and Stuart were impressed by Thanadelthur's enthusiasm and intelligence. When she recovered from her harrowing escape, Knight decided to send Thanadelthur and Stuart, with about 150 Cree, on a peace mission to the Dene in late June 1715. He believed that Thanadelthur was the best person to help establish peace between the two nations.

Honourable senators, the party spent most of the year in the tundra, covering hundreds of kilometres, and the long trek took its toll. Food was in short supply, several expedition members fell sick and many turned back. Along the way, Thanadelthur used her extensive knowledge and skills of the northern environment to keep herself and William Stuart alive. She made their winter clothes from animal skins and snowshoes from sticks and animal sinew.

More than once, Thanadelthur saved the expedition from starvation. Hunger was kept at bay by drinking tea and eating soup made only from snow, blackberries and animal hides.

In the end, the party was reduced to Thanadelthur and Stuart, along with the Cree leader and about 10 of his people. Near to their destination, they came across the bodies of nine Dene, apparently killed by the Cree. Afraid they might be blamed for the deaths, Stuart and the Cree refused to go any further.

Thanadelthur asked the party to make camp and wait for 10 days while she went to find her people and bring them back to negotiate peace. She struck out alone over the barrens and within a few days came upon several hundred Dene.

Having earlier been attacked by the Cree, it took much talking for Thanadelthur to convince her people to accompany her to the Cree camp. In the end, more than 100 agreed, and in true epic fashion, she arrived at the Cree camp on the tenth day.

Then the peace negotiations began. Thanadelthur led the talks, haranguing and scolding the parties into making peace. Finally, heading a delegation of 10 Dene, including her brother, she led them back to York Fort in May 1716.

At the post, she quickly became one of Knight's chief advisers. Seeking her thoughts on a variety of plans, he found her to be one of the most remarkable people he had ever encountered.

In early 1717, Thanadelthur fell ill. Realizing she was dying, she spent hours teaching one of the young Hudson's Bay Company workers to speak Dene so that he could take her place. She died on February 5, 1717, at the age of about 16.

In the book *Muskekowuck Athinuwick: Original People of the Great Swampy Land*, author Victor P. Lytwyn gives more detail about this time:

> When the HBC re-settled York Factory in 1714, it was anxious to facilitate a peace between the Lowland Cree and the Dene. The company had economic motivations for encouraging such a peace initiative; it planned to establish a trading post at the mouth of the Churchill River to collect furs from the Dene. There were also rumours of precious metals in the Dene territory, and the company wanted to develop a friendly relationship to exploit these mineral resources. The motivation for peace on the part of the Lowland Cree is more difficult to ascertain. There were no obvious economic advantages to be gained by making peace with their traditional enemies. However, the peace initiative does make sense if it is viewed from the perspective of the alliance between the Lowland Cree and the HBC. As allies of the company, the Lowland Cree may have participated in peacemaking with the Dene in order to solidify their relationship with the English traders. A careful examination of the peace mission in 1715-16 clarifies the role of the Lowland Cree in this initiative. This peace mission has been previously analysed by scholars who have been interested in the role of the HBC or the Dene woman who acted as interpreter.

James Knight, through feasts and gifts, persuaded the leader of the Lowland Cree to undertake the peace mission. The Cree leader was followed by 17 men and their families, numbering about 150 people in total. Accompanying this group was William Stuart and Thanadelthur, who had been captured by the Lowland Cree.

> They left York Factory on June 27, 1715, and headed north toward the Churchill River. Nothing was heard of the peacemakers until April 13, 1716, when three Lowland Cree arrived at York Factory with news that the party had suffered from a shortage of food and forced to break into four or five smaller groups. According to their report, the Lowland Cree leader had taken four men, along with Stuart and Thanadelthur, in the direction of the Dene winter hunting grounds. Another group of eight Lowland Cree men also continued along a different route toward Dene winter hunting grounds. These men in the party of eight met a group of Dene and killed nine people in self-defence.

• (1640)

These two stories that come from two different archived sources are basically telling the same story.

> On May 7, 1716, the Lowland Cree leader returned to York Factory with Stuart, Thanadelthur and four Dene men. The latter had joined the Cree leader as evidence of the peace that had been made between the two groups of Indians. According to Stuart's report, their party came across the bodies of the Dene who had been slain by the other Lowland Cree. Thanadelthur agreed to go out and bring her people to the camp in order to explain the situation and reach a peace. Within ten days, Thanadelthur returned with 400 Dene, including 160 men. Using Thanadelthur as an interpreter, the Lowland Cree leader explained that they had come in peace

> and offered his pipe to smoke in friendship. The Dene leaders accepted and after two days of meetings and gift exchanges, they parted company in peace. The Lowland Cree leader took four Dene boys who were "adopted" as a sign of the peace. One of these boys remained with the leader and he was thereafter treated as his own son.

Honourable senators, as I mentioned near the outset of my speech, in the present day, teaching guides are used in the classroom to highlight Thanadelthur's experiences for teaching and covering sensitive subjects and issues. I will share one example given by Jane Hunt:

> Compare the differences between life in the past and present. Discuss how people obtained food (gathering, hunting, farming) as opposed to today's grocery shopping. What skills were necessary to survive in the wilderness, in small villages or towns? Talk about the realities that people in the past faced on a daily basis for survival. Use other documents and previous knowledge to support the discussion.

Colleagues, on August 13, 2017, a 300-year commemoration took place in Churchill, Manitoba. Many of the Dene and Cree people led by Ms. Lucy Antsanen congregated in Churchill to honour and commemorate Thanadelthur.

Furthermore, for her courage and peacemaking abilities and her contribution to Manitoban and Canadian history, Thanadelthur was commemorated in 2000 as a Person of National Historic Significance and as an Historical Role Model for the Youth in 2002.

In August 2022, I was invited to Churchill by Ms. Antsanen and representatives from the Dene nation in Manitoba and Saskatchewan to witness the renaming of Hudson Square to Thanadelthur Square. At that time, I delivered my second apology speech to the Dene for the pain that was inflicted upon them.

Treaty 10 was the treaty signed by the Dene in Brochet, Manitoba. The Crees started to move in in the early 1920s. The relationship between the Crees and Dene in Brochet was violent in many ways, for many years, but there has been intermarriage between the two, and these families have lasted over our lifetime. My aunt is Dene, and my relatives are Dene.

The violence culminated in the act of the Dene moving from their traditional lands and losing the wisdom and historical connection that resides in that place in Brochet for them when they moved to Lac Brochet in 1974. They made that extremely difficult decision and moved to a place where there was no electricity, and through sheer determination they shaped a place for themselves.

In 2009, at the 100-year celebration of the treaty, I gave my first apology speech to the Dene because it was the right thing to do. I remain close friends and an ally to my Dene brothers and sisters and grandmothers and grandfathers. My mom and dad were close to the Dene, and my dad visited the Dene in Lac Brochet and helped them through hard times and celebrated good times with them. I have been told stories of my parents from the Dene. I would not have known about this side of my father if not for the Dene sharing their stories with me. Throughout these years, as Cree and Dene, we have continued to gather and have conversations not only about our shared troubled history but what connects us.

I have always felt like an intruder into another's territory because we were in historic Dene territory as Cree. In 2005, at our yearly gathering in Brochet, Elder Joe Hyslop said, "This is my land and this is my territory." I spoke after him and informed the people that it was indeed his land and his territory, but it was also mine. I was born and raised there, and it was the land I was connected to from birth. I knew, as I always knew, that we needed to keep looking for peace because we are family.

You see, we were already making our way to reconciliation even before the word became popular. We were actively working towards it from the time of Thanadelthur.

Colleagues, I would like to share my apology speech to the Dene in Churchill in August 2023.

> Thank you to the Dene for inviting and welcoming me to their home territory.
>
> I would like to start with a moment of reflection on the mistreatment of the Dene throughout history and in this instance by the Cree. I want to say how sorry I am for the fear, the pain, the suffering and the indignities suffered while in close contact with the Crees.
>
> I know there is nothing I can say today that can take away the pain and hurt you and your ancestors have suffered individually and collectively. But I am extending my hand out to you in the spirit of brotherhood/sisterhood in the hopes of helping to resolve our past and begin a new beginning — one that Thanadelthur strived for and worked on relentlessly.
>
> My parents were Horace McCallum from the Peter Ballantyne First Nation in Saskatchewan and Marie Adele Thomas, whose ancestors were Metis from Selkirk and Metis from Cumberland House, Saskatchewan. They both arrived in Brochet and settled in the Treaty 10 area. I grew up in the trap-line and fish-camp until I was sent to residential school in 1957. Our house in Brochet was on the island across from the Northern Store. The summers were the only time we could come home and as Cree and Dene children we returned from the Guy Hill Residential School.

• (1650)

I remember the drumming and the hand games that the Dene played, and these cultural events remain a cherished part of my memories. When the evenings were calm, you could hear the sound of the drums throughout the whole village. It was the Dene playing their drums. In times of great stress in my life, I sought the sound of drums because it reminded me of my home and kinship in Brochet. The drums continue to remain a very powerful healer for me today. In times of great stress, I have sought the advice and comfort of both my Cree and Dene friends and family. The Dene will always be a strong anchor in my life, and I hope to continue to walk with you during my journey in life.

I remember hearing stories of the trauma that was inflicted upon our Dene brothers and sisters, and how they felt they had to move from Brochet to make the lives of their children safer. Their decision to move was based on great courage to leave their home territory and to make a new life in Lac Brochet. We cannot forget their stories of hurt and trauma that went with the displacement, as well as what the Dene continue to feel as a consequence of the brutal treatment of the Crees. We must face the cold, uncomfortable truth anywhere violence and trauma occur, including Churchill, Brochet and Tadoule; we need to face it and deal with it — let's start with the historical story of Thanadelthur and, like her, champion justice.

I must also remember the existence of intergenerational trauma. These types of historical injustices, whether in Lac Brochet, Tadoule or Churchill, still continue to exert their impact today on the continuing existence and vitality of their communities, laws and customs, language, land ownership and sovereignty.

I do not know the extent of the horrors that some of the families and individuals went through — not only in Brochet, but also in Churchill. In her book *Night Spirits*, Ila Bussidor was articulate about many of the harms that occurred, and that continue to occur today.

I understand that the Inuit, Métis, First Nations and non-Indigenous peoples inflicted trauma on the Dene in Churchill. How do we start that process of reconciliation and/or conciliation with each other? How do we start the conversation to include the federal government who removed the Dene from their nomadic lifestyle and lands, and forcefully placed them in Churchill without any resources, including housing? How does the government acknowledge the harm that these removal policies inflicted on the Dene?

Identifying the impact on communities, as well as individuals, is a powerful way to recognize the foundation of First Nations differences. As you are aware, Thanadelthur, a skilled interpreter and negotiator, played a crucial diplomatic role that led to peace between her people — the Dene — and their traditional enemy, the Cree.

On behalf of the Cree, I acknowledge the hurt that was inflicted on our brothers and sisters — the Dene. The Cree and the Dene have their own unique cultures, and in Brochet, there was a mixing of the two because we lived and loved together. We have families together. The Creator put us together for a reason, and we must honour the unity of the two tribes for that reason. For the sake of our children, we need to find each other again.

My hope is that this acknowledgement and this apology lead to a process of healing — a recognition and an acknowledgement of the Dene's human worth and dignity. How do we begin to end the cycle of resentment, and of hurt?

I am not expecting forgiveness, and, as an individual, I promise not to repeat any of the trauma you have undergone. I offer my apology in the spirit of healing between the Cree and Dene Nations.

It is important that we do not stay where we are. I acknowledge that the Dene — as sovereign nations — have the power to reject this statement and this apology.

I understand that to allow space for a response is important — and that the response might not be immediate, and, when it comes, it may not be positive. The point is to acknowledge and recognize that injustice did happen. For that, I am truly sorry.

Honourable senators, this July 2023, I went home to Brochet to celebrate the Treaty 10 celebrations, along with the Treaty 10 chiefs from Saskatchewan and Manitoba. We revisited and truly celebrated the Dene-Cree kinship we have. The Crees hosted the Dene in their homes, cooked all the traditional foods, played hand games and challenged each other in different competitions. There was dancing, singing, drumming and feasting. I would say it was the best and most collegial gathering that we have ever had in all these years.

Colleagues, I want to end with a quote that Chief Simon Denechezhe, from the Lac Brochet Dene Nation, gave at the Manitoba Keewatinowi Okimakanak, or MKO, Annual General Assembly on August 23, 2023, when he addressed the MKO chiefs on a resolution he sponsored regarding national Thanadelthur day. As a strong ally, Cree Councillor Billy Linklater, a proxy for Chief Michael Sewap from the Barren Lands First Nation, was the seconder. This resolution — which calls on the federal government to adopt legislation recognizing February 5 as national Thanadelthur day — was unanimously adopted by the MKO chiefs, with the full support of the Keewatin Tribal Council and their Grand Chief Walter Wastesicoot.

In speaking to this resolution, Chief Denechezhe said:

> This is oral history that has been passed on, generation to generation. It happen[ed] in the early 1700s. I heard it orally, too, from my parents and Elders. This is not only recognition, but it['s] also for the path to truth and reconciliation, and as Nations, we must learn to respect and acknowledge each other. And this is the form of working collectively together with all nations. Truth and Reconciliation; we are on the path now. This needs to be clearly understood and that we need to work Nation to Nation, in th[ese] modern times. I [have] heard it many times that we need to help each other. It seems like we are always at . . . odds, but us around the table, that's our voice, voices of our Nations, and we need to [be] recognized, too, and be on the path to reconcile. Thank you. *Maci-chok!*

With that, *kinanâskomitin* to everyone. Thank you for listening.

Hon. Senators: Hear, hear.

(On motion of Senator Pate, for Senator McPhedran, debate adjourned.)

BUSINESS OF THE SENATE

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

That the Senate do now adjourn.

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

Hon. Senators: Agreed.

(*At 4:59 p.m., the Senate was continued until Tuesday, September 26, 2023, at 2 p.m.*)

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