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The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Wednesday, October 4, 2023

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

Prayers.

SENATORS' STATEMENTS

MENTAL ILLNESS AWARENESS WEEK

Hon. Stan Kutcher: Honourable senators, this week is Mental Illness Awareness Week, and it provides us with an opportunity to reflect on mental health and mental disorders, and to acknowledge the contributions of some national leaders for their work in improving the lives of our family members, friends and, indeed, members of our global community.

Good mental health is not about feeling good all the time. It's about being willing and able to engage fully with the existential challenges that life throws at us: good and bad; happy and sad; joyful and anguished.

It is by so doing that we develop the competencies needed to understand what our feelings are and how to act so we can learn to adapt, become more resilient and — above all — support each other.

It is also a time to speak clearly about mental disorders. Someone who is living with a mental disorder is not by the fact of having it a lesser person. It does not automatically make them unable to make decisions about themselves or their lives, understand complex issues and think critically about what they are facing.

Let's remember some who have lived with mental illness and ask ourselves this question: What would those people say if competent persons living with mental disorders were deemed unable to make important and indeed life-altering decisions — people such as Queen Victoria, Abraham Lincoln, Winston Churchill, Virginia Woolf and Martin Luther King Jr.? This list is long and getting longer. Indeed, colleagues, it includes some of us who currently sit in this chamber. Certainly, we are not as well-known but are equally able to think clearly and act with agency.

I acknowledge the good work that the Canadian Alliance on Mental Illness and Mental Health, or CAMIMH, is doing — not only this week but every week of the year — to highlight the contributions that Canadians have made in advancing our knowledge and understanding of mental disorders and advocating for better mental health care for all. This week, CAMIMH announced the 2023 Champions of Mental Health on Parliament Hill. These seven champions have demonstrated exceptional commitment to advancing and increasing access to mental health and substance use services. Their hard work has created important changes in their lives and in the lives of their communities.

As we observe Mental Illness Awareness Week and congratulate the 2023 Champions of Mental Health, let us reaffirm our commitment to supporting and funding the best available evidence-based mental health literacy and care, and doing what we can to ensure that everyone in this country — regardless of where they live, who they are and whom they love — has access to the care and resources they need. Thank you. *Wela'in.*

Hon. Senators: Hear, hear.

THE LATE GEORGE REED, C.M.

Hon. Denise Batters: Honourable senators, I rise today to pay tribute to a true legend — George Reed. This Canadian Football League great passed away Sunday in Regina, one day shy of his eighty-fourth birthday. George Reed was beloved throughout Saskatchewan and Rider Nation, which extends across Canada and far beyond. Reed excelled in his 13 years with the Saskatchewan Roughriders, tearing up the field with 16,116 rushing yards and 137 touchdowns. George Reed and his perennial and also legendary on-field partner — quarterback Ron Lancaster — led the Roughriders to their first Grey Cup championship in 1966, and made the Green Machine a top-level team for the next decade.

In 1973, George Reed became pro football's all-time leading rusher, passing Jim Brown's record in the NFL — and achieved all of this despite constant and often major injuries. During one season, he played six games with a broken leg. He embodied "Saskatchewan tough."

George Reed was also a strong leader for all CFL players off the field, serving a long and accomplished tenure as president of the CFL Players Association. The Saskatchewan Roughriders and their devoted Rider Nation were quick to honour George Reed after his retirement in 1976. That fall, Reed's iconic number 34 was retired. He was inducted into the SaskTel Plaza of Honour in its very first year of existence. When our beautiful new Mosaic Stadium was built, bronze statues of George Reed and Ron Lancaster were installed there — Ronnie and George, together again.

Reed attained his rightful place of prominence in CFL excellence in a 2006 TSN poll where he was named the CFL's second-greatest player of all time; Doug Flutie was named number one. After his outstanding football career, Reed used his fame for significant charitable causes, like his George Reed Foundation to assist persons with disabilities and the key role he played in the formation of Special Olympics Saskatchewan.

Even with all the deserving accolades Reed received, he remained humble — yet his legendary status could not be denied. Whenever I had the privilege of seeing him around Regina, the last time being this summer, it always made me catch my breath for a second and say excitedly, "There is George Reed!" He continued to attend Roughrider home games, including several

this season, and every time they showed George on the giant screen, he'd receive a long and sustained ovation — no matter what the score was.

It is fitting that the Saskatchewan Roughriders' annual Legends Night game is this weekend, and George Reed will be honoured there — the legend among legends. Sincere condolences to his family, his many friends and his legions of fans. Rider Nation will love George Reed forever. Thank you.

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 Theo Darie Schulze Torres, who is accompanied by his family and representatives of Make-A-Wish Canada. They are the guests of the Honourable Senator Ravalia.

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

Hon. Senators: Hear, hear!

MAKE-A-WISH CANADA

Hon. Mohamed-Iqbal Ravalia: Honourable senators, it is my privilege to rise today to recognize the Make-A-Wish Foundation of Canada, which for the past 40 years has granted 38,000 life-changing wishes for children with critical illnesses across Canada. With a robust team of volunteers, this national organization is responding to the needs of children across the country.

In 1983, Nigel Brown and Robb Lucy established the first Canadian chapter of the Make-A-Wish Foundation. They were inspired by a 13-year-old who was diagnosed with leukemia and wished to go visit her grandparents in Germany. When Nigel and Robb heard the story, they paid for the trip personally.

In my home province of Newfoundland and Labrador, the VOCM Cares Foundation was established in 1986 by the Butler family, owners of Radio Newfoundland, with a commitment to supporting charities. The foundation recognized the urgent requirements to provide the hope, strength and joy to a wish child facing critical illnesses in my province, and helped pave the way for our provincial chapter.

With the integral support of devoted volunteers, over 900 wishes have been granted for children in my province, ranging from the Avalon Peninsula to northern Labrador, and this number continues to grow. For Connor, a young boy from central Newfoundland with cancer, travelling to Disney World with his family provided hope and joy that he had not seen in the darker days of his treatment. For Ali, a young girl from Westport with complex genetic conditions, having "Rock Solid Builds" build her a dream home playhouse provided a haven from the hospital beds she had become so accustomed to. For Theo, who is with us here today, attending a fortieth-anniversary trip to the Give Kids The World Village in Florida with 40 wish families across Canada meant a sense of togetherness and connectivity.

The support of my province for the Make-A-Wish Foundation of Canada is unwavering, from ATV rides in rural communities to the Doctors for Wishes team in central Newfoundland, to the HMCS *St. John's* navy crew riding over 900 kilometres across the province to raise funds and awareness.

Catalyzing this remarkable effort is Dr. Desmond Whalen. His altruistic spirit, generosity and unwavering support embody and reflect the essence of my province and its long history of always being there for those in need.

• (1410)

Honourable senators, please join me in welcoming the team from Make-A-Wish Canada in our chamber today, as well as Theo and his family, as they continue their work to brighten the lives of children with critical illnesses in our communities. Thank you. *Meegwetch.*

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 members of the Korean-Canadian community of British Columbia. They are the guests of the Honourable Senator Martin.

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

Hon. Senators: Hear, hear!

NATIONAL FOUNDATION DAY

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today in the presence of fellow Korean Canadians Ann Woo, Myung Shin An, Soon Hee Oh and Ho Sook Kwon to recognize an important day for us and the national Korean-Canadian community and people of Korean descent around the world. October 3 is *Gaecheonjeol*, National Foundation Day, a day that celebrates the legendary origin and ancient history of the Korean people.

Gaecheonjeol, meaning "the day when the heavens opened," is a day to commemorate the founding of Gojoseon, the first nation of the Korean people formed in 2333 BC, according to the Dangun myth.

Gaecheonjeol has been designated as a national holiday in Korea since 1909 and is currently a public holiday that is celebrated in various ways. According to the long-standing tradition, on October 3, communities gather at official ceremonies to mark this important day. Families visit ancestral burial sites or gather to honour their ancestors. They enjoy traditional foods and play games. In towns and cities, there may be parades or festivals to bring people together to enjoy traditional performances and entertainment in celebration of the shared culture and thousands of years of history.

In celebration of *Gaecheonjeol* here in Ottawa, the Embassy of the Republic of Korea will be hosting an event tomorrow evening at the Fairmont Château Laurier.

This year, 2023, is indeed a historic year. It marks the sixtieth anniversary of diplomatic relations between Canada and Korea and the seventieth anniversary of the Korean War armistice.

Korea has a proud history of overcoming Japanese colonial rule and the devastating Korean War and achieving today's prosperity as the twelfth-largest economy in the world.

The Korean people also remember the courageous patriots of the independence movement from Japanese colonialism and the Korean War veterans, whose efforts and sacrifices have built the foundation upon which Korea has flourished and become a G20 nation.

Honourable senators, please join me in recognizing *Gaecheonjeol* and what this day means to the more than quarter-million members of the Korean-Canadian communities across Canada.

Thank you. *Gamsahamnida*.

Hon. Senators: Hear, hear!

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of David Brazil, Leader of the Progressive Conservative Party of Newfoundland and Labrador. He is the guest of the Honourable Senator Wells.

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

Hon. Senators: Hear, hear!

THE HUNGER PROJECT

Hon. Robert Black: Honourable senators, I rise today in the Senate Chamber to speak about a rising concern for us all — food security. In the wake of the COVID-19 crisis, supply chain management difficulties and climate change, which have been challenging our crucial agricultural and food sectors, many Canadians and people throughout the world have become food insecure. While the government develops many programs, benefits and policies to correct this, it will take efforts from all aspects of society to improve Canadian food systems. That is why, today, I want to recognize a particular organization working to grow and foster food security both domestically and internationally.

The Hunger Project, as it is known, works towards ending hunger and poverty by pioneering sustainable strategies and advocating for widespread practice adoption in countries throughout the world. According to The Hunger Project, up to 811 million people around the world live in chronic hunger, of which 60% are women.

In Canada, individuals like Matt Bunch, from my hometown of Fergus, continue to advocate for Canadians facing food insecurity. As the Co-Country Director, Matt continues to engage with community leaders, stakeholders and agencies to connect and improve to adapt local and regional supports to ongoing challenges.

The Hunger Project is a success story, fellow senators. Since its founding 20 years ago, it has successfully reached over 1.6 million people, helping to pull them out of food poverty, generating sustainability and a future for communities throughout the world.

It's important, colleagues, that we in the Red Chamber continue to focus on food security and address the long-term challenges to continue supporting Canadians and people throughout the world. Advocating and supporting groups like The Hunger Project will do just that. I take pride in standing here today celebrating their continued success. Thank you. *Meegwetch*.

Hon. Senators: Hear, hear!

[*Translation*]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Crescence Ottou, Mayor of Bikok, Cameroon. She is the guest of the Honourable Senator Gerba.

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

Hon. Senators: Hear, hear!

WAB KINEW AND GREG FERGUS

CONGRATULATIONS ON ELECTION VICTORY

Hon. Pierre J. Dalfond: Honourable senators, I rise to congratulate Manitobans and, more specifically, their newly elected premier, Wab Kinew, on his inspiring and historic victory in yesterday's election. In forming a majority government, Mr. Kinew has become the first Indigenous premier of a province in the Canadian federation. This is a great day for reconciliation and Canadian democracy.

[*English*]

In the words of Mr. Kinew, "Manitoba did something more progressive than any of those big cities ever did." He added, "Seek your vision. Dreams come true."

Mr. Kinew's victory was especially beautiful following the outgoing governing party's negative and divisive campaign with overtones of racism. As Michelle Obama says, "When they go low, we go high."

Yesterday, our Parliament was also the site of a historic election. Greg Fergus, MP from my province, became the first Black Speaker of the House of Commons. Congratulations to Speaker Fergus! I know this chamber wishes him all success in his new role.

In addressing the other place, he said:

. . . respect is a fundamental part of what we do here. We need to make sure that we treat each other with respect and that we show Canadians an example, because there can be no dialogue unless there is a mutual understanding of respect. There can be no ability to pursue arguments, to make points be heard, unless we all agree to extend to each other that sense of respect and decorum.

Colleagues, these messages are as important in the Senate as in other debating places in this country. Canada must guard against the regression threatening American democracy through the falsehoods and divisive rhetoric against diversity, minorities and newcomers.

[Translation]

On behalf of the Progressive Senate Group, but also on behalf of progressives across Canada, I extend my congratulations to the new premier, Mr. Kinew, and to Speaker Fergus. Through them, Canada has demonstrated that it remains a wonderfully progressive country.

Thank you. *Meegwetch.*

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Stefan Marquis and Colin Anderson from the Leeds Grenville Paramedic Service. They are the guests of the Honourable Senator Boyer.

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

Hon. Senators: Hear, hear!

[Translation]

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Michel Patrice, Deputy Clerk, Administration of the House of Commons since August 2017. As many honourable senators will recall, prior to his taking on that role, he served this institution for many years, beginning as a committee clerk, and then taking on a number of roles within the Office of the Law Clerk, culminating in his own appointment as Law Clerk and Parliamentary Counsel, and a member of our Executive Committee.

Throughout his time in both chambers, he has been known for his calm demeanour and his wise counsel, and has been a trusted source of advice for senators and staff alike.

[Senator Dalphond]

Next week, Michel will be retiring, and I would ask honourable colleagues to join me in expressing our appreciation for his long service to Parliament in general, and the Senate in particular.

Hon. Senators: Hear, hear!

• (1420)

[English]

ROUTINE PROCEEDINGS

HUMAN RIGHTS

STUDY ON ISSUES RELATED TO ITS MANDATE—FOURTH REPORT
OF THE COMMITTEE TABLED DURING
THE SECOND SESSION OF THE FORTY-THIRD PARLIAMENT—
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 fourth report of the Standing Senate Committee on Human Rights, entitled *Human Rights of Federally-Sentenced Persons*, tabled in the Senate on June 16, 2021, during the Second Session of the Forty-third Parliament.

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

ADJOURNMENT

NOTICE OF MOTION

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, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, October 17, 2023, at 2 p.m.

SPECIAL ECONOMIC MEASURES ACT

BILL TO AMEND—FIRST READING

Hon. Ratna Omidvar introduced Bill S-278, An Act to amend the Special Economic Measures Act (disposal of foreign state assets).

(Bill read first time.)

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

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

INCOME TAX ACT

BILL TO AMEND—FIRST READING

Hon. Ratna Omidvar introduced Bill S-279, An Act to amend the Income Tax Act (data on registered charities).

(Bill read first time.)

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

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

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE ASSISTED HUMAN REPRODUCTION LEGISLATIVE AND REGULATORY FRAMEWORK

Hon. Ratna Omidvar: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the order of the Senate adopted on Thursday, May 19, 2022, the date for the final report of the Standing Senate Committee on Social Affairs, Science and Technology in relation to its study on the Canadian assisted human reproduction legislative and regulatory framework be extended from October 31, 2023, to June 30, 2025.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I wish to remind you that yesterday the Senate adopted an order to govern the times for questions and responses during Question Period. Pursuant to the order, when we do not have a minister with us, a senator's initial question is limited to one minute, and the answer to another minute. The senator can then ask one supplementary question of at most 30 seconds, with the answer limited to the same duration.

The reading clerk will stand 10 seconds before the expiry of these times.

Is it also agreed that, if a senator has started a question, they be allowed to continue with their supplementary question and to receive the answer without being interrupted by the expiration of the time for Question Period?

Hon. Senators: Agreed.

QUESTION PERIOD

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

SUSTAINABLE DEVELOPMENT TECHNOLOGY

Hon. Donald Neil Plett (Leader of the Opposition): Senator Gold, last night the Minister of Innovation, Science and Industry admitted the Trudeau government has frozen the work of Sustainable Development Technology Canada. This is a federal foundation, Senator Gold, that the Trudeau government has given \$1 billion — over five years — to distribute to green technology firms.

According to external investigators, in 2020 and 2021, this foundation gave \$38 million in emergency relief COVID payments to companies it had dealt with previously without proper eligibility monitoring or reporting.

Leader, this is yet another example of waste and incompetence on the part of the Trudeau government. No one was giving this foundation proper oversight. Senator Gold, is anything being done to recoup these taxpayers' dollars?

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, as soon as the government learned of the alleged wrongdoing, it engaged a third party expert to conduct a review. The government has received the report. The government takes these findings seriously; that's why it's taking immediate, corrective action, including implementing the action plan by December.

As this process continues, the government will monitor the situation. It expects all organizations funded by the government to adhere to the highest standards.

Senator Plett: The only reason Canadians know about this waste is because a group of whistle-blowers came forward. I hope the Prime Minister isn't going to go after them the way he did with the Canadian Security Intelligence Service, or CSIS, whistle-blowers earlier this year.

The investigators also found issues with conflict of interest and other mismanagement of funding. Yet, this past summer, the foundation said the allegations were all unfounded.

Leader, how many taxpayers' dollars have been spent on salaries, expenses and bonuses at this foundation under the Trudeau government?

Senator Gold: I do not have the information that you have requested.

I will repeat: The government, upon learning of this, took the appropriate remedial action, and expects all of the organizations funded by the government to comply with the appropriate and strict standards.

CANADIAN HERITAGE

[Translation]

BROADCASTING ACT

Hon. Leo Housakos: Senator Gold, your government repeatedly said that user-generated content would not be regulated by Bill C-11. You explicitly ruled out the regulation of podcasts.

On May 12 of this year, the Canadian Radio-television and Telecommunications Commission, or CRTC, released a myths and facts communiqué stating that concerns over the regulation of podcasts were a myth, and that anyone who creates a podcast isn't a broadcaster under this law.

Quietly, last Friday, the very same regulator announced that podcasts must be registered with your government. Senator Gold, for a government supposedly consumed with misinformation and disinformation, this government continues to engage in it. Why were Canadians lied to in this manner by the Trudeau government and the Canadian Radio-television and Telecommunications Commission, or CRTC?

• (1430)

Hon. Marc Gold (Government Representative in the Senate): Canadians were not lied to by the government or the CRTC. My understanding is that this is the first stage within the regulatory process, and the criteria that will ultimately develop, as I understand it, will include — as colleagues would recall from our debates — the extent or degree to which initiatives on platforms can be considered properly broadcasters, and that also includes the extent of their reach and of their revenues. Therefore, it is simply not correct to attribute this stage of the regulatory process as a lie.

Senator Housakos: Senator Gold, your government continues to say — as does the CRTC — that digital creators are not being regulated but that the platforms are. The reality of the matter is that's the equivalent of saying books aren't being regulated, but bookstores are. This is insanity, Senator Gold. It has to stop.

At the end of the day, if the CRTC doesn't clearly understand what the government's intention is with this bill, will you give clear directive? Or is this just another mess that Pierre Poilievre will have to clean up when he becomes prime minister?

Senator Gold: Well, I certainly won't comment on what mess Pierre Poilievre will clean up, create or otherwise if and when he becomes prime minister.

Again, Bill C-11 was the subject of rigorous study and debate in this chamber. We did our job well. We studied it. We improved it with our amendments. The other house considered them, and the bill was passed into law. There are now further processes under way, and I have confidence in them.

IMMIGRATION, REFUGEES AND CITIZENSHIP

IRANIAN REFUGEES

Hon. Julie Miville-Dechêne: Senator Gold, the Iranian regime's repression has forced many women to flee, including Nahid Modaressi, a member of Iran's LGBTQ+ community who is particularly at risk.

In 2018, Ms. Modaressi fled Iran and obtained refugee status in Turkey. However, because of an agreement between Iran and Turkey, her status was not renewed and she is now facing deportation. A group of Canadians is prepared to welcome her here. She applied for a visa to enter Canada, but her application was denied. Urgent action is needed.

Senator Gold, can Canada do more to help Nahid Modaressi and other exiled women in the same situation?

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

The government announced that Rainbow Railroad will work to identify LGBTQI+ people and their families who are fleeing violence and persecution and refer them to the Government-Assisted Refugees Program. I have been assured that the government is continuing to work with Rainbow Railroad and other civilian organizations to help the private sector sponsor refugees from abroad who are part of this community, including those who are fleeing Iran.

Everyone should have the right to be safe, regardless of their gender identity, gender expression or sexual orientation. The number of LGBTQI+ refugees is growing, and the government continues to find them a safe place to call home here in Canada.

Senator Miville-Dechêne: Unfortunately, Senator Gold, the Rainbow Railroad coalition is overwhelmed. As such, Nahid Modaressi, like other women in her situation, would like to apply for refugee status in Canada but does not have the means to take a plane to get to Canada because her visa was denied.

Is there a way for Ms. Modaressi to apply for refugee status in Canada from Turkey?

Senator Gold: Thank you for raising this concern. I will follow up on your question with the Minister of Immigration. The Privacy Act prevents me from discussing the details of this specific case. However, as promised, I will follow up on this.

[English]

CANADIAN HERITAGE

ONLINE NEWS ACT

Hon. Donna Dasko: Senator Gold, Bill C-18, the Online News Act, received Royal Assent on June 22 of this year, and regulations were gazetted on September 2, with consultations closed on October 2.

Canadians are no longer able to view or share news content on Facebook and Instagram, including news articles and audiovisual content that parent company Meta has blocked. Search engine Google has threatened to do the same, and a report yesterday in *The Globe and Mail* suggests this may happen soon.

My first questions concern Google. Has the government engaged with Google, including at the ministerial or departmental level, regarding Bill C-18? Did Google participate in the consultations? Most importantly, is the government contemplating changes to the legislation or other responses to deal with these latest developments?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. As has been reported publicly, the Minister of Canadian Heritage has met with Google and Facebook, among other stakeholders, since she became minister. This continues ongoing discussions between the government and tech giants, news organizations, experts and Canadians throughout the initial consultations and the parliamentary process and then leading into the regulatory process that has not yet been finalized. I'm advised this dialogue has been under way throughout.

Colleagues, I also understand that Google has stated in the media that they have submitted comments as part of this regulatory process, and the government looks forward to reviewing the submissions made while working collaboratively with the tech platforms, news organizations and Canadians before finalizing the regulations.

Senator Dasko: In September, the polling firm Leger surveyed Canadians about aspects of Bill C-18 and found that 59% of Canadians want Meta to lift its ban on Canadian news on its platforms. More specifically with respect to Meta, is the government still attempting to engage with Meta? Has the government engaged with Meta regarding that company's decision to block Canadians from viewing or sharing news content? Or has the government basically given up on Meta?

Senator Gold: Thank you. They have not given up. As the polls suggest, Canadians expect the tech giants to pay their fair share and to support news and information sharing in Canada on their platforms. Meta's decisions are unfortunate, reckless and irresponsible, particularly affecting Canadians who will have come to rely upon their news through those platforms. I'm assured the government remains open to discussions and has sought to work collaboratively with Meta during this period.

[Translation]

FINANCE

COST OF SUPPORT TO UKRAINE

Hon. Jean-Guy Dagenais: My question is for the Representative of the Government in the Senate.

Barely 10 days ago, the Prime Minister announced an additional \$650 million in aid to help Ukraine in the war against Russia. That brings Canada's assistance to Ukraine to \$9.8 billion in less than two years.

My question relates to economics and is very specific. Does Canada have an unlimited budget for assisting Ukraine? Giving \$10 billion to Ukraine, when the new President of the Treasury Board Secretariat is asking your government to trim its spending by \$15 billion, is not inconsequential for anyone who knows how to count.

How can we ensure that Canadians are not ultimately deprived of government services because the Prime Minister wants to help Ukraine?

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

First of all, Canada's support for Ukraine is necessary to fight Russia's invasion of Ukrainian territory. The battle is being fought not only for Ukrainians and their territory, but also for democracy and a society founded on the rule of law.

Second, the government needs to save money, and the National Defence budget is not excluded. In the current economy, however, this will be done carefully and responsibly.

Senator Dagenais: I am not questioning our duty to Ukraine. However, when the government announces \$1 billion in cuts to National Defence, even though Canada's military is so poorly equipped, one has to wonder.

Did the Prime Minister forget to take a look at his own country before doling out taxpayers' money around the world? Perhaps he's still living in a dream world, where he can print all the money he needs to look good in the eyes of the international community.

• (1440)

Senator Gold: Thank you for the question. A responsible government has an obligation to do many things at once, to balance our commitments to our allies and to democracy, which is at risk in Ukraine and elsewhere, while ensuring that we, here in Canada, have the resources to protect ourselves. That is what the government is trying to do with these two announcements.

[English]

HEALTH

CANADIAN DENTAL CARE PLAN

Hon. Jane Cordy: Senator Gold, by the government's own estimation, one third of Canadians do not have dental insurance and one in five avoid dental services because the price is prohibitive. We know that dental care is health care. Poor oral health can lead to a myriad of other health issues and a deterioration of quality of life. I applaud the government for its commitment to providing financial assistance to those Canadians who face barriers in accessing dental services by bringing forward the new Canadian Dental Care Plan.

My question today is from Cliff Williams, a Nova Scotia senior, who is relying on the new program to access dental services. To date, the government has been vague with specifics about when the benefit will be available to all eligible Canadians.

Senator Gold, could you tell Mr. Williams when he and other Canadian seniors will be able to access the dental services under the new Canadian Dental Care Plan?

Hon. Marc Gold (Government Representative in the Senate): Thank you very much for your question. Every Canadian deserves to have access to good oral health care. Yet the government knows — and Canadians know — that approximately one third of Canadians cannot visit an oral health care professional because they don't have dental insurance.

I'm advised that the first phase of the government's plan, the interim Canada Dental Benefit, has already helped over 366,000 children under the age of 12 get the dental care they need.

To answer your question, I am further advised that the Canadian Dental Care Plan is expected to begin rolling out by the end of this year, and by 2025, the Canadian Dental Care Plan will be fully implemented to cover all uninsured Canadians with an annual family income under \$90,000. This government remains committed to ensuring that Canadians can get access to quality dental care, which is important, colleagues, as we know, not only for oral health but for overall health. Thank you.

Senator Cordy: Thank you, Senator Gold. I know that families with children 12 and younger have had access to dental benefits under the interim Canada Dental Benefit. Have there been lessons learned from the rollout of the interim Canada Dental Benefit that will be applied to the new Canadian Dental Care Plan when it becomes accessible to eligible seniors?

How will the Canadian Dental Care Plan be communicated to eligible Canadians when it finally becomes available because it's important that seniors know what the program is and whether or not they are eligible?

Senator Gold: Thank you for the question. I'm not in a position to know, frankly, what data is being collected, much less analyzed. It is still relatively new, but I can assure this chamber that all lessons from this program will be applied to future ones,

and that information — I am sure — about the details of the rollout will be communicated well in advance of its implementation.

[Translation]

NATIONAL DEFENCE

DEFENCE BUDGET

Hon. Pierre-Hugues Boisvenu: Senator Gold, to follow up on your response to Senator Patterson's question yesterday, I don't believe that your government is approaching its spending thoughtfully and prudently. Our national debt has nearly tripled in eight years. The recent revelations of General Eyre, Chief of the Defence Staff, clearly demonstrate that the Canadian Armed Forces are facing enormous challenges, ranging from an ammunition shortage to a lack of housing for troops. These challenges are amplified by your government's recent request to cut the National Defence budget by \$1 billion.

Given the situation, Senator Gold, how does your government justify such a budget cut — which would be very detrimental to the preparation, training and well-being of our Armed Forces — while claiming that national security and the well-being of our soldiers are priorities?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question and thank you for highlighting the importance of ensuring that our Armed Forces continue to have the resources we need to be protected.

That being said, as I've explained on a number of occasions, there are certain choices that a responsible government must make in the current economic situation. This applies not only to National Defence, but also to every aspect of the government's budget, which is now being examined so that we can find the savings needed to remain prudent and responsible. Once again, as I've said in this chamber, the government will take a prudent and responsible approach.

Senator Boisvenu: Senator Gold, the Standing Senate Committee on National Security, Defence and Veterans Affairs disproved that in its report on the Arctic by indicating that, instead of making cuts, we need to reinvest in the Armed Forces.

How can the Prime Minister reconcile his firm commitment to National Defence and his support for Ukraine with the cuts he is making to our defence budgets, which are essential to keeping that commitment? Don't you think that this is rather hypocritical and that it suggests the government's statements of support for Ukraine are more about grandstanding than about taking concrete and consistent action to help that country?

Senator Gold: No, I completely disagree with that, and I don't want to get into a discussion about hypocrisy. The government has invested a lot more in National Defence than previous governments, and we will continue to ensure that our Armed Forces are properly equipped and supported by this government.

[English]

FINANCE

FINANCIAL CONSUMER AGENCY OF CANADA

Hon. Yonah Martin (Deputy Leader of the Opposition): My question is for the government leader in the Senate. Information released through the Access to Information Act shows that since 2019, the Financial Consumer Agency of Canada, or FCAC, failed to follow up on any of the over 27,000 complaints it received from Canadians about breaches of the Bank Act. The agency claimed it doesn't know how many of these complaints it has investigated since 2019, saying it doesn't track that information. This is an odd response given that its 2021-22 annual report says that in that year alone, the agency received 295 complaints "related to consumer protection measures that FCAC oversees."

Leader, has the Trudeau government done anything in response to the Financial Consumer Agency of Canada's inaction regarding complaints from Canadians about their banks?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. Canadians should be satisfied that there is in place, through legislation that we enacted some years ago, nationwide consumer protection provisions that affect the banking system and which were made more robust through legislation that this government introduced and this chamber passed.

With regard to your particular question, senator, I will certainly bring that to the attention of the relevant minister. I really don't have further information about those incidents at this juncture.

Senator Martin: Well, unfortunately for Canadians, this agency appears to be part of a well-established pattern under the Trudeau government of being very good at spending taxpayers' dollars while producing few, if any, results. The failed Canada Infrastructure Bank is an obvious example.

Leader, could you let us know how much in taxpayer dollars the Financial Consumer Agency has paid out in long-term and short-term incentives or bonuses to its staff since 2019? Could you also tell us how much this agency has paid out in termination benefits and any other —

The Hon. the Speaker: Thank you, Senator Martin.

Senator Martin: — type of discretionary bonuses since 2019?

Senator Gold: I don't have that information, senator, but I think that the chamber should understand that the agencies that do the work on behalf of Canadians need to be properly supported and need to do their work as we expect them to do and, as I know, to the best of their ability.

NATIONAL FINANCE

BUSINESS OF THE COMMITTEE

Hon. Yuen Pau Woo: My question is for the Chair of the Standing Senate Committee on National Finance.

Senator Mockler, on June 13, this chamber referred Bill C-234 to the National Finance Committee for study on the subject of matter of that bill. My understanding is that the steering committee of your committee has chosen to not accede to the request of the chamber.

Could you explain the reasons why it has done so?

Hon. Percy Mockler: Thank you very much, Senator Woo. I think it is an important question.

• (1450)

Last night I answered that question during the Agriculture and Forestry Committee. I'll take this opportunity to answer the question more specifically.

As we all know, chairs of committees and senators are masters of our committees when it comes to proceedings and studies. On that, before I speak about the mandate, Senator Woo, please permit me to add that the steering committee met twice to consider the agenda of the Finance Committee. We decided unanimously that Bill C-234 could not be studied by the Finance Committee.

Senator Woo: Yet, Senator Mockler, the bill is ostensibly a finance bill. It has to do with the fiscal position of the government. It has to do with modes of taxation or exemption from taxation. It has questions around the design of systems to encourage lesser emissions of greenhouse gases.

Did you consider any of these factors? Will your committee as a whole reconsider taking on this request from the chamber?

[Translation]

Senator Mockler: As I said earlier, the steering committee of the Standing Senate Committee on National Finance made that decision after examining the issue. After careful consideration, the committee decided that Bill C-234 should be examined and that the clause-by-clause consideration should be done after the report was tabled in this chamber.

PUBLIC SAFETY

ROYAL CANADIAN MOUNTED POLICE—OFFICIAL LANGUAGES

Hon. René Cormier: My question is for the Leader of the Government in the Senate. I would like to come back to the question that my colleague, Senator Carignan, asked yesterday in the Senate. The question had to do with the fact that senior officers at RCMP headquarters hold bilingual positions even if they don't speak French or even have access to language training.

In the media, a lawyer who specializes in language rights, Mark Power, thinks the Treasury Board needs to intervene to resolve this situation at RCMP headquarters.

My question is the following: What clear deadlines has the government set for drafting the necessary regulations and orders to fully implement the modernized version of the Official Languages Act?

Hon. Marc Gold (Government Representative in the Senate): Thank you. I want to reassure this chamber regarding the matter raised yesterday concerning the RCMP. The Minister of Public Safety will be discussing it directly with the Commissioner of the RCMP. Although I don't have the timelines you're asking for regarding the regulations, I have been assured that the government is approaching this exercise with the seriousness it deserves and has been doing so since the bill received Royal Assent.

I want to specifically point out that the government is working with the Commissioner's office to ensure that it has the resources needed to do its work. The government is also committed to adopting the regulations on Part VII of the Official Languages Act and to consulting Canadians to define what constitutes a strong francophone presence, in order to give concrete expression to the right to work and to be served in French. The government expects the RCMP to live up to this principle and to fill bilingual positions with bilingual staff.

Senator Cormier: Thank you for that answer, Senator Gold. Still on the subject of official languages, and considering the commitment to ensure that our country has a fully bilingual Constitution, how does the government intend to respond formally to the motion moved in this chamber by Senator Dalphond and adopted by the Senate on March 29, 2022, now that Bill C-13 has passed without including the substance of that motion in the modernized act?

Senator Gold: Thank you. The government is committed to guaranteeing Canadians access to justice in the official language of their choice. When the *Final Report of the French Constitutional Drafting Committee* was published in 2022, it set out a draft official French version of certain constitution enactments. We are not talking about a final French version, but about a one-stop resource where lawyers and legal experts can find and refer to constitutional documents in French. I have been assured that the Minister of Justice is fully committed to our official languages —

The Hon. the Speaker: Your time is up, Senator Gold.

[English]

IMMIGRATION, REFUGEES AND CITIZENSHIP

PASSPORT SERVICES

Hon. Donald Neil Plett (Leader of the Opposition): Government leader, I hoped that the Trudeau government would have come to its senses by now and abandoned their changes to our passports, but they never, ever admit a mistake.

The Trudeau government has claimed that removing images of Canadian history from our passports occurred after 10 years of consultations. In June, you said it reflects the feedback the government heard from an extensive process of consultation. A written answer tabled in the other place indicates that this consultation, leader, was with four federal entities and through annual telephone surveys of passport holders. That's it; that's all.

Why did the Trudeau government mostly just consult with itself and decide it was okay to erase our history from Canada's passports?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I don't believe you were implying that consulting Canadians through surveys on an ongoing basis was somehow not a worthwhile exercise or that the voices of individual Canadians should not count.

As I mentioned in this chamber, when passports are redesigned every 10 years or so, the images are changed. The governments of the day make their choices. It is simply not the case that the passport images — with which we have become familiar over the last 10 years and which many of us hold dear — necessarily reflected the full diversity of our history, and certainly not a history or an image of Canada in which increasing numbers of Canadians could see themselves. The decision to change those images was made in the light of the changes in our country and after consultation with Canadians.

Senator Plett: One of the reasons why the Trudeau government refuses to admit it was wrong is the massive cost attached to changing the passport design. Leader, a project budget of \$161 million was set in 2016. However, three years later, leader, a contract was awarded worth \$284 million — over a quarter of a billion dollars. That's a high price for Canadians to pay for having images of our history removed from passports.

Leader, the new passports are poor quality. They have covers that damage and curl easily. Does that mean your government is going to pour even more money into this? If so, how much?

Senator Gold: The cost of the passports was not exclusively a function of the design. Security measures necessary to protect Canadians were an important part. Once again, this government took the steps that it thought appropriate to reflect Canada as it has become and is becoming and to provide secure passports for Canadians' protection abroad.

ORDERS OF THE DAY

THE SENATE

MOTION TO AUTHORIZE JOINT COMMITTEES TO HOLD HYBRID MEETINGS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LaBoucane-Benson, seconded by the Honourable Senator Duncan:

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.

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

An Hon. Senator: Question.

The Hon. the Speaker: Honourable senators, it is moved by the Honourable Senator Martin, seconded by the Honourable Senator Plett, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(On motion of Senator Martin, debate adjourned, on division.)

• (1500)

GOVERNOR GENERAL'S ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Plett, for the second reading of Bill S-221, An Act to amend the Governor General's Act (retiring annuity and other benefits).

Hon. Donald Neil Plett (Leader of the Opposition): Your Honour, if I might, I would like to reset the clock on behalf of Senator Carignan for the balance of his time.

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

Hon Senators: Agreed.

(Debate adjourned.)

ROYAL CANADIAN MOUNTED POLICE ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Mary Jane McCallum moved second reading of Bill S-271, An Act to amend the Royal Canadian Mounted Police Act.

She said: Honourable senators, I am pleased to rise today to give second reading to Bill S-271, an Act to amend the Royal Canadian Mounted Police Act.

I would like to acknowledge that I have had the privilege of working on two private members' bills — Bills S-271 and S-272 — for Manitoba Keewatinowi Okimakanak, or MKO, and the Lands Advisory Board, or LAB. It is critical that we, as parliamentarians, start working directly with the people who are adversely affected by issues — many not of their own making but from other sources, like government legislation.

Bills S-271 and S-272 are so intimately connected that they are discussed together in many of the quotes. As such, I will be repeating some of my quotes concerning Bill S-272 from yesterday.

Bill S-271 is important legislation that is necessary to clarify and confirm with conclusive certainty that the statutory duty of the RCMP includes the enforcement of First Nation laws and the execution of warrants that may, under First Nation laws, be lawfully executed and performed by peace officers.

Bill S-271 will also amend the Royal Canadian Mounted Police Act to include the following definition of First Nation laws:

First Nation law means

- (a) a bylaw made under the *Indian Act*;
- (b) a First Nation law as defined in subsection 2(1) of the *Framework Agreement on First Nation Land Management Act*; or
- (c) a law enacted by a council, government or other entity that is authorized to act on behalf of a First Nation under a self-government agreement implemented by an Act of Parliament. . . .

The June 2021 report of the House of Commons Standing Committee on Indigenous and Northern Affairs, or INAN, entitled *Collaborative Approaches to Enforcement of Laws in Indigenous Communities*, states:

The committee acknowledges that this is a complex issue, and that identifying the barriers to enforcing First Nations laws and by-laws is challenging. What is clear, however, is that addressing it requires significant collaboration between First Nations, federal departments and agencies, and provinces/territories. There is no “off-the-shelf” solution, and any response must be distinctions-based and recognize the need for individual communities to craft their own solutions, as desired, in order to respect their inherent rights.

The committee continues:

. . . the experiences shared by witnesses about how enforcement issues are affecting their People requires the Government of Canada to act now.

. . . the recommendations presented in this report are aimed at moving this issue forward in the short-term, recognizing that in many cases, longer-term solutions are required.

On August 22, 2023, my office contacted the chair of the Indigenous Affairs Committee regarding the status of the 10 recommendations made in the June 2021 report, entitled *Collaborative Approaches to Enforcement of Laws in Indigenous Communities*. Recommendation 1 suggests the establishment of a permanent federal advisor who would, among other things, advise the Minister of Justice and Attorney General regarding the challenges to the enforceability of Indigenous laws and the unique issues relating to jurisdiction on-reserve and First Nations lands management, and identify solutions to the lack of enforcement of First Nations laws and bylaws within one year. Recommendation 2 suggests the Government of Canada convene a working group on how to address issues of law enforcement, prosecution and Charter compliance in Indigenous communities within two years. The response we received was that, “Justice was the lead on the government response; due to the 2021 election, it ended that work.” We further asked, “Were they able to determine if the government took any actions in response before it ended that work?” to which there has been no response to date.

So what recourse do First Nations have, since this involves different levels of government and a whole-of-government approach? This is the reason they are appealing to the Senate for help and support.

• (1510)

While temporary emergency measures were invoked to address COVID-19 and assist in enforcement of First Nations health protection bylaws, these measures did not and do not address the ongoing issue of why First Nations bylaws are not being enforced in the first place.

[Senator McCallum]

In the article “Solving the Indian Act by-law enforcement issue: Prosecution of Indian Act by-laws” by Olthuis Kleer Townshend LLP, the author states:

First Nations by-laws are ignored by many police forces across the country because those police forces know that in most cases, there is no effective way to prosecute or convict those who violate these by-laws. While section 81 of the *Indian Act* allows bands to make on-reserve by-laws in areas including traffic control, residency, public health, and intoxicants, and while some of these by-laws can include penalties such as fines and/or imprisonment, the *Indian Act* does not specify whether the provinces/territories, federal government, or First Nations themselves are responsible for prosecuting by-law infractions. Lack of federal and provincial/territorial coordination or leadership on this issue has led to a situation where oftentimes neither federal nor provincial/territorial levels of government are choosing to prosecute these laws.

The author continues:

. . . Many police forces view *Indian Act* by-laws as not having the same legitimacy as federal, provincial/territorial or municipal law, and as not being worth the liability risk and resource expense required to enforce them. . . .

. . . The fact that the *Indian Act* doesn’t specify whether the provinces/territories, federal government, or bands themselves are responsible for prosecuting by-law infractions leads to both the provincial government and the federal government claiming that it’s not their problem, with First Nations stuck with the resulting lawlessness and insecurity.

The federal and provincial governments need to step up, take the security and well-being of First Nations communities seriously and ensure these by-laws are being enforced and prosecuted. It is the duty of both levels of government to protect citizens, particularly Indigenous citizens with whom the government has a fiduciary relationship.

The problems with enforcement and prosecution of First Nations laws were known in 1999, when Bill C-49 was first enacted, but were thought of as being part of an ongoing, longer-term discussion that never took place. Twenty years later, the COVID-19 pandemic starkly illuminated the effects of the failure to prosecute and enforce and placed lives in danger over these many years. It illuminated the lack of progress or initiative in addressing prosecution and enforcement.

Honourable senators, it is important to reiterate what was stated in the speech on Bill S-272 that as part of our consideration of Bill C-32 in December of 2022, Grand Chief Garrison Settee of MKO provided our Standing Senate Committee on Indigenous Peoples and our Standing Senate Committee on National Finance with a clear written explanation

of why Part 4, Division 3 of Bill C-32 should have been amended to ensure clarity on the enforcement and prosecution of First Nations laws enacted pursuant to the Framework Agreement on First Nation Land Management.

Colleagues, I again want to reiterate the statement made by Chief Heidi Cook from the Misipawistik Cree Nation to the House of Commons Standing Committee on Indigenous and Northern Affairs regarding the community's experiences during an outbreak of COVID-19 in the winter of 2020-21:

During that time, it was expressed by the members of our pandemic emergency response team, our health team and our enforcement team that we felt abandoned. We were struggling to control the spread. Our second wave reached 155 cases and close to 300 contacts. We all suffered personal fallout. I feel that we all have PTSD from the situation we found ourselves in.

We have not enacted any laws after the expiry of our emergency law. The decision was, basically, what good is the law if it's not enforceable? As a result, we haven't done anything since then.

On May 25, 2021, Lands Advisory Board Chairman Robert Louie informed the House of Commons Standing Committee on Indigenous and Northern Affairs:

Many land code First Nations have faced refusal from police forces when they ask for help, with police forces expressing concerns regarding validity of land code laws, concerns about potential liability of police officers, and uncertainty regarding who will prosecute laws if charges are laid. It has been difficult to this point to reach agreement with either federal or provincial prosecutors to tackle First Nation laws under the Framework Agreement.

On November 22, 2022, LAB Chairman Robert Louie advised our Indigenous Peoples Committee during its consideration of Bill C-32:

We have come to find out over the last 20-plus years that Canada and the RCMP are not readily backing and enforcing the First Nation laws that First Nations have passed. It's an issue that is bubbling. It's something that we didn't quite expect at the outset, but we're working now with Canada and with provinces and with Attorneys General both at the Canadian and provincial levels to deal with this issue.

The RCMP Commissioner's February 17, 2020, letter to MKO Grand Chief Settee served to provide an earlier confirmation of LAB Chairman Robert Louie's statements that land code First Nations faced a "refusal from police forces" and that "the RCMP are not readily backing and enforcing the First Nation laws that First Nations have passed." The RCMP Commissioner advised Grand Chief Settee:

The RCMP recognizes First Nations' authority under the FNLMA. However, there are concerns as to whether the FNLMA Land Codes provide the legal authority to enact COVID-19 related laws. Pending further direction, the RCMP will continue to follow the processes in place with

respect to the enforcement of COVID-related bylaws passed under the Indian Act, as well as enforcing applicable provincial laws.

On March 15, 2021, the Assistant Deputy Minister of Lands and Economic Development at Indigenous Services Canada wrote to LAB Chairman Robert Louie:

I appreciate the frustration felt by First Nations who have taken on such fundamental aspects of their governance through the enactment of a Land Code, only to be forced to rely on Indian Act authorities to address the current COVID-19 pandemic. While more analysis will need to be done, I have instructed my team to collaborate with you on options to expand and clarify authorities through the next amendments to the Framework Agreement.

RCMP Inspector Jeff Preston, officer in charge of the Campbell River, British Columbia, detachment, told the Indigenous and Northern Affairs Committee in the other place on May 6, 2021:

Generally speaking, band bylaws are treated as federal laws that are enforceable by the RCMP, the police of jurisdiction or the band bylaw enforcement officers.

However, when responding on June 1, 2023, to a question from Chief Hubert Watt of the God's Lake First Nation about the enforcement of First Nations laws on the second day of the MKO and RCMP symposium, the chief federal prosecutor for Manitoba said:

With respect to your question, with respect to specifically the issue of the Indian Act bylaws, it's always been the position of the federal Prosecution Service that we don't prosecute those bylaws. So, I take it that the RCMP, once they get that message from us, they take the position that if the Crown's not going to prosecute, we're (RCMP) not going to lay charges.

• (1520)

As I noted in my speech at second reading for Bill S-272, those are conflicting statements. The RCMP and the Public Prosecution Service of Canada, or PPSC, witnesses did share many pieces of this puzzle with the Indigenous and Northern Affairs Committee, but the RCMP and PPSC witnesses did not put the pieces together so that the House of Commons Standing Committee on Indigenous and Northern Affairs could see the actual full picture.

Honourable senators, to put all of this in very simple terms, it has become the established practice of the RCMP that if there is no potential prosecution of an offence under a First Nation law, the RCMP will not enforce and will not lay a charge pursuant to the First Nation law — even where the First Nation law is recognized by the RCMP as a federal law, and unquestionably has the force and effect of a federal regulation under the laws of Canada.

First Nations from coast to coast to coast are experiencing a crisis in public safety and well-being, largely driven by an epidemic of addictions that are driven by virtually uncontrolled drug dealing and bootlegging. The failure and refusal of the RCMP to enforce, and the failure and refusal of the PPSC to prosecute First Nation laws, including intoxicants prohibitions and trespass laws, are directly contributing to this crisis.

Honourable senators, in the CBC News article, released on April 4, 2023, entitled “Chiefs welcome RCMP efforts to curb bootlegging in northern Manitoba, but say more needs to be done” — with the byline “Manitoba RCMP say they’re helping remote First Nations communities enact local bylaws” — 11 northern First Nations in Manitoba, including God’s Lake, have recently declared states of emergency amid a range of social issues in their communities, including suspected drug-related deaths; suicide; inadequate emergency health and fire supports; and concerns around substance use.

The article states, “Meanwhile, there has also been rising tension between RCMP and some communities.”

The article continues:

Several communities like God’s Lake are attempting to enact local bylaws restricting or prohibiting drug and alcohol use, and have asked for more support from government and RCMP.

In a news release, it said that RCMP enforcement:

... “will continue as per the expressed wishes of community leadership” in communities that have their own drug and alcohol bylaws and “have asked to make enforcement a priority.”

But Chief Hubert Watt takes issue with how the RCMP has characterized their response to communities that want help enacting local drugs and alcohol bylaws. Watt said:

I think they’re just saying that because more and more First Nations are coming out and saying that the RCMP are not very effective . . . in northern communities

The article also states:

The First Nation wanted RCMP involved in mandatory searches of vehicles entering the community, but RCMP won’t proactively search every vehicle due to legal limitations, according to both Watt and Phillip Kanabee, a God’s Lake band councillor.

Kanabee said:

I’ve been fighting with the RCMP for the longest time to get them to enforce the bylaws We try to work with RCMP in the community but . . . the partnership is not there.

The article continues, “Police also recognize that some community bylaws around drugs and alcohol have been in place for decades”

Manitoba RCMP media relations spokesperson Tara Seel said in a statement that “. . . our recent communication regarding enforcement in this area is in no way saying this is a new initiative.”

Seel said:

. . . the RCMP, Crown prosecutors and other partners need to operate within the bounds of the provincial and federal laws — including the Charter of Rights and the Privacy Act — when investigating illegal distribution of drugs or alcohol.

Seel added that bootlegging enforcement has to be balanced with “a number of other public safety priorities,” including responding to violent crime.

I have worked in God’s Lake for about six years as a dentist, and my own personal observation is that much of the violent crime stems from alcohol and drug abuse. I was there for weeks at a time.

Nisichawayasihk Cree Nation Chief Angela Levasseur stated that:

. . . communities are dealing with mental health and addictions issues that worsened during the pandemic, on top of the intergenerational trauma from residential schools and child and family welfare system.

She goes on to say that if:

. . . provincial and federal government made a greater investment in healing initiatives, First Nations people would not feel the need to self-medicate with substances.

Colleagues, I spoke to Chief Hubert Watt this morning, and he stated:

We have asked the RCMP to search for contraband every time the winter road opens, but they don’t do anything. The confiscation in March 2023 was a one-time event.

Chief Watt says that if that were done all the time, imagine what they could have confiscated and the violence that could have been prevented.

The confiscation he was referring to took place on March 10 to 12 on key roads heading into northern communities, including Highway 6 and Provincial Road 373, as well as winter roads into Gods Lake Narrows, Island Lake and surrounding communities.

The RCMP said they seized 26 bottles of liquor from a single vehicle during the checkstop. They issued a total of 75 traffic tickets; executed four arrest warrants; and charged one driver with impaired driving and another with trafficking under the Cannabis Act during that checkstop period. The news release said that RCMP enforcement “will continue as per the expressed

wishes of community leadership” in communities that have their own drug and alcohol bylaws and “have asked to make enforcement a priority.”

As Chief Watt stated, that checkstop was a one-time event. It didn't happen again.

Honourable senators, the final four words of each of the provisions speaking to the prohibition of intoxicants in Treaties 1, 2, 3, 4, 5 and 6 are “shall be strictly enforced.” The strict enforcement by the RCMP of First Nation laws prohibiting intoxicants is a treaty promise and treaty commitment of the Crown. The refusal and failure of the RCMP to enforce intoxicants prohibitions enacted by First Nations are a breach of Canada's treaty promise and commitment, and it is also contributing to the crises of health and public safety in First Nations.

On February 3, 2023, Chief David Monias of the Cross Lake Band in northern Manitoba wrote to the Director of Public Prosecutions; the Minister of Justice and Attorney General of Manitoba; the RCMP; the Honourable Marc Miller; the Honourable David Lametti; the Honourable Patty Hajdu; and the Honourable Marco Mendicino to make an urgent request to uphold the rule of law and the treaty commitment to enforce and prosecute Cross Lake Band bylaws via section 85.1 of the Indian Act. He stated:

The terms of Treaty 5 set out an unmistakable and explicit treaty promise to enforce a prohibition of intoxicants on our reserve, including to enforce our duly enacted band bylaw, pursuant to section 85.1 of the Indian Act that is currently in force.

In the words of Treaty 5:

Her Majesty further agrees with Her said Indians, that within the boundary of Indian reserves, until otherwise determined by Her Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force, or hereafter to be enacted, to preserve Her Indian subjects inhabiting the reserves, or living elsewhere within Her North-west Territories, from the evil influence of the use of intoxicating liquors, shall be strictly enforced.

• (1530)

Chief David Monias wrote:

The Manitoba Court of Appeal in *R. v. Campbell*, 996 CanLII 7298 (MB CA), which case was prosecuted by PPSC, upheld the Charter compliance of both the s.85.1 By-law of the Mosakahiken Cree Nation and of s.85.1 of the *Indian Act*. However, to our knowledge, this was the last enforcement and prosecution of a s.85.1 By-law in northern Manitoba — some twenty-seven years ago.

In the April 5, 2023, news article by The Canadian Press entitled “Feds back away from timeline for law to make First Nations policing essential service,” it stated that the then minister Marco Mendicino told The Canadian Press last December “that the government hoped to table a bill in 2023.”

The article goes on to say that:

This week, however, a press secretary for the minister backed away from any timeline, saying “It is too early to say when the legislation will be tabled.”

Honourable senators, through Bill C-49 — the First Nations Land Management Act — in 1999 and through Bill C-428 — the Indian Act Amendment and Replacement Act — in 2014, Parliament intended to create new and enhanced lawmaking authorities to support the self-determination of First Nations. One published official summary of Bill C-49 says that:

Bill C-49 would expand the range of powers that First Nations could exercise and no longer leave them at the discretion of the Governor in Council or Minister.

A departmental summary states that:

Bill C-428 . . . eliminates the Minister's oversight in regards to the submission, coming into force and disallowance of by-laws and gives First Nations the autonomy and responsibility over the development, enactment and coming into force of by-laws.

Despite the intent of Parliament to enhance the self-determining, lawmaking powers of First Nations, Bill C-49 and Bill C-428 have created stranded regimes of First Nation laws that are not enforced by the Royal Canadian Mounted Police and have not been subject to prosecution by the Public Prosecution Service of Canada.

Colleagues, acting in his capacity as Chief of the Westbank First Nation, Chief Louie wrote Manitoba Keewatinowi Okimakanak Grand Chief Settee to request:

Today, I wanted to write to you in my capacity as the re-elected Chief of Westbank First Nation. I would like to see any change to federal law encompass Indian Act by-laws, the Framework Agreement and other self-government agreements such as the Westbank Self-Government Agreement.

Evidence given on May 13, 2021, at the Standing Committee on Indigenous and Northern Affairs by Mr. Brooks Arcand-Paul, a lawyer, former vice-president with the Indigenous Bar Association and in-house counsel for the Alexander First Nation, states:

As a practitioner on reserve, and having primarily first nations in Alberta as clients while in private practice, I am intimately aware of the issues that exist within the framework of enforcement on reserve in Alberta and certainly on the Prairies. I've been dealing with this issue regularly in my practice. The same problems are highlighted time and time again.

Over the course of my work on these issues, I've been stonewalled by the Public Prosecution Service of Canada with regard to the enforcement of bylaws for first nations.

The public prosecutions office is not seized with the ability to prosecute these bylaws

I would argue that such bylaws, formed under the act, are within the ambit of federal laws, given the first nations' stature within the federation. However, I would go one step further and recognize that Mr. Richstone was correct in his statement that laws passed by first nations should be attracted with the appropriate enforcement by all levels of law enforcement in Canada. Many of your agents are offering their willingness . . . to enforce our laws. It is now your turn.

In sum, I make three major recommendations: a review of the bylaw-making capacities of first nations to amend the act to reflect that first nations have the authority to enact laws, not just bylaws; that such laws be adequately funded for first nations to develop and/or enforce; and finally, that such laws be enforced by those charged to do so, akin to the laws of other law-making jurisdictions in the federation, including your own.

In the same committee meeting, Mr. Derek Yang, Director, Community Services, Tla'amin Nation, British Columbia, states:

The short story that we want to present is that self-determination is virtually meaningless without the authority and capacity to pass and enforce laws. Many federal and provincial laws, negotiating mandates, funding decisions and approaches to enforcement undermine or weaken first nation law enforcement rather than supporting and strengthening it.

Mr. Murray Browne, legal counsel for Tla'amin Nation stated:

We have the unfortunate situation that the Public Prosecution Service of Canada has said that it can only enforce COVID bylaws under the Indian Act. That's a nice step under the Indian Act, but it's problematic otherwise.

We need changes to the federal offence act They need to be amended to refer specifically to the authority of treaty first nations.

We need to retain all of the authorities under the Indian Act as well as under the land code.

We also need to think that enforcement is not only about prosecution. Much of enforcement is education, but it is also ticketing. Right now, first nations in B.C. do not have access to municipal ticketing the way municipalities do. I don't know about other provinces, but we have to have ticketing enforcement, because it works.

Colleagues, as I stated yesterday with regard to Bill S-272, Manitoba Keewatinowi Okimakanak recently engaged in a legislative co-development exercise with the Manitoba Minister of Justice to secure the introduction, consideration and passage on May 30, 2023, of amendments to the Manitoba Provincial Offences Act which will — for the first time in Manitoba —

create a ticketing regime for First Nation laws. Similar provincial laws were pursued by First Nations and passed in Alberta on December 9, 2020, and in Saskatchewan on May 11, 2023.

Together with the enactment of the amendments to the Royal Canadian Mounted Police Act set out in Bill S-271, these provincial ticketing regimes for First Nation laws will significantly enhance the duty of the Royal Canadian Mounted Police to enforce First Nation laws in Alberta, Saskatchewan and Manitoba.

Therefore, in addition to addressing the currently stranded regimes of Indian Act bylaws and Land Code laws, when enacted into law, Bill S-271 will address and clarify with conclusive certainty that the Royal Canadian Mounted Police have a duty to enforce:

. . . a law enacted by a council, government or other entity that is authorized to act on behalf of a First Nation under a self-government agreement implemented by an Act of Parliament.

When enacted into law, Bill S-271 will also clarify with conclusive certainty that it is the will of Parliament that all duly enacted First Nation laws are to be effectively enforced by the Royal Canadian Mounted Police.

Honourable senators, I want to express that First Nations have not sat idly by as these ongoing problems hit their communities and endangered lives. They have gone on to create, to seek relationships, to amend laws and to propose solutions and put them in place.

• (1540)

As a key part of the ongoing efforts of Manitoba Keewatinowi Okimakanak, or MKO, Grand Chief Settee to secure the effective recognition, respect, enforcement and prosecution of First Nation laws, MKO has successfully pursued the agreement of the Director of Public Prosecutions and the Commanding Officer of RCMP D Division in Manitoba to enter into a *Protocol relating to the Enforcement and Prosecution of By-Law(s) adopted pursuant to s. 81 and 85.1 of the Indian Act*. The renewed protocol is effective as of June 30, 2023, as a two-year pilot project proposed by the Director of Public Prosecutions in a March 9, 2023, letter to Grand Chief Settee:

I further propose that my officials work with your organization and other key stakeholders during these three months to discuss the possibility of developing a broader pilot program for the enforcement and prosecution of Indian Act bylaws beyond those directly related to the COVID-19 pandemic. This kind of pilot would not be a permanent solution, but rather a joint opportunity to expand on the work done to date beyond the crisis posed by the pandemic. In addition, it would be an opportunity to gather evidence and experience that can then inform the development of solutions to better serve your communities in the long term.

Colleagues, it is MKO's understanding that the two-year pilot project of the Public Prosecution Service of Canada, or PPSC, the RCMP and MKO for the enforcement and prosecution of Indian Act bylaws through the protocol is unique in Canada and applies only to those of the 23 law-making MKO First Nations that elect to participate. As there are 634 First Nations in Canada, this means that just 3.6% of First Nations in Canada have the opportunity to see the potential enforcement by RCMP and prosecution of offences by the Public Prosecution Service of Canada pursuant to their Indian Act bylaws through a protocol process. As well, the protocol does not address the enforcement and prosecution of all First Nation laws and therefore does not address the enforcement and prosecution of a First Nation law enacted pursuant to a land code or a First Nation law enacted by a First Nation that has entered into a self-government agreement.

I am honoured to share with you that MKO and Lands Advisory Board, or LAB, representatives closely collaborated with my office to develop this version of Bill S-271. I can tell you it was a lot of work; I'm not a lawyer, and it took me time to understand what I was going to be speaking on and to make certain that I was comfortable.

This represents a concrete example of co-development in action of proposed legislation affecting First Nations. Such legislative co-development reflects and is consistent with Articles 19 and 38 of the United Nations Declaration on the Rights of Indigenous Peoples and therefore reflects and is consistent with Canada's United Nations Declaration on the Rights of Indigenous Peoples Act.

MKO and LAB stated that the co-development of legislation by a senator and other parliamentarians with First Nations is consistent with the call for the actions of government to be on a nation-to-nation basis and consistent with the principles of reconciliation, as emphasized in the Deputy Prime Minister's response on December 7, 2022, to a question by Senator Loffreda in committee on Bill C-32.

I call on all honourable senators to fully support the self-determination and enhanced law-making powers of all First Nations in Canada that are intended by Parliament through Bill C-428 for those First Nations who choose to exercise the law-making authority intended by Bill C-49 as well as First Nations under self-government agreements entered into between a First Nation and Canada.

I call on my honourable colleagues to fully support and endorse Bill S-271, refer it to committee and pass the proposed amendments to the Royal Canadian Mounted Police Act that are set out within it, which will clarify and confirm with conclusive certainty the statutory duty of the RCMP to enforce First Nation laws.

Kinanāskomitin. Thank you.

Hon. Gwen Boniface: Senator McCallum, thank you very much for explaining the bill. I wanted to bring something to your attention and ask you a question related to a discussion we had yesterday.

In the provinces of Ontario and Quebec, policing would be done by the Ontario Provincial Police and the Sûreté du Québec in many of the northern communities, as well as by First Nation police services. In Northern Ontario, it's the Nishnawbe Aski Police Service or the Treaty Three Police Service.

How will the amendment to the Royal Canadian Mounted Police Act impact those? Because that would maybe mean provincial — or, in the case of tripartite agreements, between the federal and provincial — interplay with stand-alone police services in First Nation communities.

Is there a mechanism that will allow that to take place or will that need further legislation? Is that something the committee should look at?

Senator McCallum: I made a statement about how it doesn't affect all the communities across Canada because some of them have their own agreements. It excludes them.

These are specifically for a certain group of people. I did ask that question because I was working with lawyers. I made a statement in there that it doesn't involve the ones that already have their own ways of dealing with the issues. There are some bands in B.C. that have already dealt with this through a tripartite agreement. It doesn't include them.

When this bill goes to committee, we will invite the groups that have their own agreements to tell us what works and what doesn't in order to inform parliamentarians about any concerns we should have.

(On motion of Senator McPhedran, debate adjourned.)

• (1550)

THE SENATE

MOTION TO RECOGNIZE THAT CLIMATE CHANGE IS AN URGENT CRISIS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Galvez, seconded by the Honourable Senator Forest:

That the Senate of Canada recognize that:

- (a) climate change is an urgent crisis that requires an immediate and ambitious response;
- (b) human activity is unequivocally warming the atmosphere, ocean and land at an unprecedented pace, and is provoking weather and climate extremes in every region across the globe, including in the Arctic, which is warming at more than twice the global rate;

- (c) failure to address climate change is resulting in catastrophic consequences especially for Canadian youth, Indigenous Peoples and future generations; and
- (d) climate change is negatively impacting the health and safety of Canadians, and the financial stability of Canada;

That the Senate declare that Canada is in a national climate emergency which requires that Canada uphold its international commitments with respect to climate change and increase its climate action in line with the Paris Agreement's objective of holding global warming well below two degrees Celsius and pursuing efforts to keep global warming below 1.5 degrees Celsius; and

That the Senate commit to action on mitigation and adaptation in response to the climate emergency and that it consider this urgency for action while undertaking its parliamentary business.

Hon. Leo Housakos: With leave, I would like to take the adjournment in my name for the balance of my time, Your Honour.

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

Hon Senators: Agreed.

(Debate adjourned.)

MOTION TO RESOLVE THAT AN AMENDMENT TO THE REAL PROPERTY QUALIFICATIONS OF SENATORS IN THE CONSTITUTION ACT, 1867 BE AUTHORIZED TO BE MADE BY PROCLAMATION ISSUED BY THE GOVERNOR GENERAL—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Patterson (*Nunavut*), seconded by the Honourable Senator Greene:

Whereas the Senate provides representation for groups that are often underrepresented in Parliament, such as Aboriginal peoples, visible minorities and women;

Whereas paragraph (3) of section 23 of the *Constitution Act, 1867* requires that, in order to be qualified for appointment to and to maintain a place in the Senate, a person must own land with a net worth of at least four thousand dollars in the province for which he or she is appointed;

Whereas a person's personal circumstances or the availability of real property in a particular location may prevent him or her from owning the required property;

Whereas appointment to the Senate should not be restricted to those who own real property of a minimum net worth;

Whereas the existing real property qualification is inconsistent with the democratic values of modern Canadian society and is no longer an appropriate or relevant measure of the fitness of a person to serve in the Senate;

Whereas, in the case of Quebec, each of the twenty-four Senators representing the province must be appointed for and must have either their real property qualification in or be resident of a specified Electoral Division;

Whereas an amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

Whereas the Supreme Court of Canada has determined that a full repeal of paragraph (3) of section 23 of the *Constitution Act, 1867*, respecting the real property qualification of Senators, would require a resolution of the Quebec National Assembly pursuant to section 43 of the *Constitution Act, 1982*;

Now, therefore, the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the Schedule hereto.

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

1. **(1) Paragraph (3) of section 23 of the *Constitution Act, 1867* is repealed.**

(2) Section 23 of the Act is amended by replacing the semi-colon at the end of paragraph (5) with a period and by repealing paragraph (6).

2. **The Declaration of Qualification set out in The Fifth Schedule to the Act is replaced by the following:**

I, *A.B.*, do declare and testify that I am by law duly qualified to be appointed a member of the Senate of Canada.

3. **This Amendment may be cited as the *Constitution Amendment, [year of proclamation] (Real property qualification of Senators)*.**

Hon. Leo Housakos: With leave, I would like to take the adjournment for the balance of my time.

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

Hon Senators: Agreed.

(Debate adjourned.)

MOTION PERTAINING TO MINIMUMS FOR GOVERNMENT BILLS—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Black:

That, notwithstanding any provision of the Rules, previous order or usual practice:

1. except as provided in this order, the question not be put on the motion for third reading of a government bill unless the orders for resuming debate at second and third reading have, together, been called at least three times, in addition to the sittings at which the motions for second and third readings were moved;
2. when a government bill has been read a first time, and before a motion is moved to set the date for second reading, the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate may, without notice, move that the bill be deemed an urgent matter, and that the provisions of paragraph 1 of this order not apply to proceedings on the bill; and
3. when a motion has been moved pursuant to paragraph 2 of this order, the following provisions apply:
 - (a) the debate shall only deal with whether the bill should be deemed an urgent matter or not;
 - (b) the debate shall not be adjourned;
 - (c) the debate shall last a maximum of 20 minutes;
 - (d) no senator shall speak for more than 5 minutes;
 - (e) no senators shall speak more than once;
 - (f) the debate shall not be interrupted for any purpose, except for the reading of a message from the Crown or an event announced in such a message;
 - (g) the debate may continue beyond the ordinary time of adjournment, if necessary, until the conclusion of the debate and consequential business;
 - (h) the time taken in debate and for any vote shall not count as part of Routine Proceedings;

- (i) no amendment or other motion shall be received, except a motion that a certain senator be now heard or do now speak;
- (j) when debate concludes or the time for debate expires, the Speaker shall put the question; and
- (k) any standing vote requested shall not be deferred, and the bells shall ring for only 15 minutes.

Hon. Leo Housakos: Again, I ask leave to take the adjournment for the balance of my time.

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

Hon Senators: Agreed.

(Debate adjourned.)

NET-ZERO EMISSIONS FUTURE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Coyle, calling the attention of the Senate to the importance of finding solutions to transition Canada's society, economy and resource use in pursuit of a fair, prosperous, sustainable and peaceful net-zero emissions future for our country and the planet.

Hon. Bernadette Clement: Honourable senators, I move that further debate be adjourned until the next sitting of the Senate for the balance of my time.

(On motion of Senator Clement, debate adjourned.)

LIFE OF GORDON PINSENT

INQUIRY—DEBATE ADJOURNED

Hon. Fabian Manning rose pursuant to notice of March 7, 2023:

That he will call the attention of the Senate to the life of Gordon Pinsent.

He said: Honourable senators, I note that this item is at day 15, and I am not ready to speak at this time. Therefore, I move the adjournment of the debate in my name for the balance of my time.

(On motion of Senator Manning, debate adjourned.)

(At 3:53 p.m., the Senate was continued until tomorrow at 2 p.m.)

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