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(HANSARD)

Thursday, October 26, 2023

The Honourable PIERRETTE RINGUETTE,
Speaker pro tempore

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THE SENATE

Thursday, October 26, 2023

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

Prayers.

SENATORS' STATEMENTS

EMANCIPATION DAY

Hon. Wanda Thomas Bernard: Honourable senators, I am grateful to be able to rise today on this unceded Anishinaabe Algonquin territory to deliver this statement about Emancipation Day.

While some communities across our country have been celebrating Emancipation Day for over 160 years, the federal government, the Senate and the Province of Nova Scotia only officially recognized August 1 as Emancipation Day in 2021.

Acknowledging Emancipation Day is recognizing the existence of slavery in Canada. This is an important first step to help us remember, reflect, learn and engage with Black communities and acknowledge the harms of anti-Black racism that are rooted in the enslavement of our ancestors.

Each August, I am impressed with the number of government departments, organizations, workplaces, municipalities and individuals who plan special events, programs and activities; 2023 was no different. I saw weekend festivals, community walks, religious services, staff lunch-and-learn events and empowerment programs. The social work community has been actively engaged by organizing a series of "teach-ins." It has been a privilege to work with the Canadian Association of Social Workers and the provincial Associations of Black Social Workers from Nova Scotia, Alberta and Saskatchewan on this series.

My office hosted the first teach-in on reparations for African-Canadian seniors, based on the call to action in the Halifax Declaration.

This year, for Emancipation Day, I spoke to many community groups. To each group, I asked the question, "What's next?" I heard so many responses that went beyond creating awareness. Many people stressed the need for apologies, reparations and ways to honour our collective past. We had conversations about ways to support Black Canadians beyond basic survival, and ways to create systemic change.

As I reflect on Emancipation Day 2023 and the work that lies ahead, I am encouraged by the collective sense of critical hope that continues to fuel our passion to fight for change.

Asante. Thank you.

VISITOR IN THE GALLERY

The Hon. the Speaker pro tempore: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Catherine Boivie, Founding President of the Chief Information Officer Association of Canada. She is the guest of the Honourable Senator Jaffer.

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

Hon. Senators: Hear, hear!

NEWFOUNDLAND AND LABRADOR

Hon. Bev Busson: Honourable senators, I rise today to share some thoughts about my journey last month to Newfoundland and Labrador, alongside my colleagues on the Fisheries and Oceans Committee, to study the effects of the out-of-control seal population on the Canadian fishery.

At the risk of stealing Senator Manning's script, I want to tell you about the exceptional quality of the people of Newfoundland and Labrador and their outstanding hospitality. It is often said that you will not find strangers there, only friends you haven't yet met.

Nowhere does this ring truer than in the communities that our committee visited. Port de Grave, Senator Petten's hometown, is one of those places that you would think only exists on a postcard. The port is adorned with beautiful fishing boats that dot the picturesque harbour. There, locals with hearts as big as the Atlantic Ocean itself told us stories about the now-defunct seal harvest and the destruction of the cod fishery. These stories were shared in a local tea house which had been closed for the season, but opened just for us. You could feel the warmth, hospitality and genuine kindness around the table. It almost felt like a family reunion with long-lost relatives.

This warm welcome to Port de Grave included an invitation to return in December, when all the boats in the harbour are lit with thousands of Christmas lights and the docks are transformed into a sparkling winter wonderland. I have it marked in my calendar.

I was surprised to learn that, in the 1930s, when the province was a British colony, its economy was in ruins. The price of fish had plummeted, and the government was bankrupt. In response to mismanagement and corruption, a violent riot ensued. The Colonial Building in St. John's was targeted. Windows were shattered, doors were demolished and furniture was laid to waste.

In answer, the London-based government imposed an unelected colonial government led by Britain. Despite this affront to their rights, and perhaps because of their fierce independence, the vote to join Canada in 1949 succeeded by the slightest of margins.

Another highlight was the beautiful Home From the Sea, John C. Crosbie Sealers Interpretation Centre. There stands a lone statue depicting Reuban and Albert John Crewe, a father and son found frozen to death in each other's arms during the 1914 sealing disaster, when a staggering 251 sealers died.

I can assure you that we worked hard, but the highlight of this trip came on the very last night when we were hosted at a "kitchen party" by Senator Petten. This unique experience came complete with fresh-caught halibut. Now, no kitchen party would be complete without some lively entertainment. Mark Manning, the son of Senator Manning and a talented musician and Juno nominee, added his voice to this unforgettable evening.

I end by thanking all of those who made the trip possible. Most of all, I thank the people of Newfoundland and Labrador for reminding me what real hospitality looks like. As they like to say, "Long may your big jib draw."

Hon. Senators: Hear, hear.

[*Translation*]

REPEAT SEXUAL OFFENDERS

Hon. Pierre-Hugues Boisvenu: Honourable senators, on Tuesday morning in the other place, my colleague, MP Blaine Calkins, tabled a petition signed by more than 22,000 people, who are calling on the government to quickly pass Bill C-336, which was introduced by MP Gerald Soroka, and Bill S-266, which I introduced in this chamber on June 6.

I would like to remind you that, on September 16, 2021, Robert Keith Major, a known repeat sexual offender, murdered 24-year-old Mchale Busch and her 16-month old baby, Noah, in their home in Hinton, Alberta.

This dangerous criminal had very strict parole conditions, but despite the fact that he was prohibited from approaching areas where children could be found, he lived near an elementary school, near a park and in an apartment building where many families lived, including that of Cody McConnell.

I am asking you to put yourselves in this father's shoes, even if it is just while I'm speaking. A father comes home from work to find his apartment building surrounded by police. They forbid him from returning to his apartment. He then learns, several hours later, that his baby was just found dead in a dumpster. Then, within the next few minutes, the police find his wife's body near the baby's.

• (1410)

Imagine learning that the murderer, a dangerous repeat sex offender unlawfully at large, lives right next door. How would you react? Probably in the same way that the family and friends of these innocent victims reacted when I met with them in Alberta last spring. The justice system failed in its duty to protect this mother and her child by quietly setting this dangerous and ruthless criminal free.

Colleagues, I want to ask you the following questions today: What use is a system that releases dangerous repeat sex offenders with very strict conditions if nobody bothers to check on them? Why does breaching those conditions carry absolutely no consequence for these repeat offenders? Why does the justice system keep secret the presence of repeat offenders in the apartment next door?

This is the textbook definition of a failure: the failure to protect the public, especially women and children, from these repeat offenders despite the fact that Canada has a charter that recognizes the right to protection.

The 22,000 petitioners call on the federal government to make it mandatory for convicted sex offenders to report to the nearest police station upon any change of residence, to immediately arrest any repeat offender who fails to do so and to create a special designation for dangerous sex offenders who prey on children and women.

Protecting the lives of Canadian women and children is not the responsibility of any one political party. That responsibility belongs to the legislators in Canada's Parliament, who have the privilege and duty to pass laws to that effect.

Honourable senators, someone must be held responsible for monitoring and supervising these dangerous offenders on release who all too often, in Canada, go on to reoffend. The petitioners are asking you to assume that responsibility and urging you to pass Bill S-266 quickly.

Noah and Mchale paid with their lives for this failure. Today, the family has this question for you: How many more will have to pay that price? Thank you.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker pro tempore: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Pearnel Charles Jr., Minister of Labour and Social Security, Government of Jamaica; Ms. Marsha Coore Lobban, High Commissioner of Jamaica to Canada, and other members of the delegation. They are the guests of the Honourable Senator Moodie.

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

Hon. Senators: Hear, hear!

INSPIRING HEALTHY FUTURES

Hon. Rosemary Moodie: Honourable senators, first, on a sombre note, I want to express my deep sadness at the passing of our honourable colleague, Senator Shugart. I offer my condolences to his family, friends and all of us grieving his loss, including here in this chamber.

I want to take a moment to welcome the Honourable Pearnel Charles Jr., Minister of Labour and Social Security from Jamaica, Ms. Marsha Coore Lobban, High Commissioner of Jamaica and Her Excellency Ms. Colette Roberts Risden, Permanent Secretary for the Ministry of Labour and Social Security from the Government of Jamaica. Welcome.

Colleagues, I rise today to recognize the Inspiring Healthy Futures initiative and to welcome to Ottawa hundreds of delegates from the A Future Fit for Kids summit taking place tomorrow here in Ottawa.

Inspiring Healthy Futures emerged in the middle of COVID-19 with a mission to address many of the long-standing issues facing children and families in Canada. Since then, they have built a broad and powerful coalition of youth, parents, researchers, educators, advocates, policy-makers, service providers and community and business leaders throughout this country to look at the urgent issues facing children and to create an innovative agenda that will help move us forward. They have had a powerful impact. For example, they were leading voices in pushing the Government of Canada to commit $2 billion to address the pediatric health crisis earlier this year. Additionally, the community secured $125 million of federal funding for One Child Every Child, a pan-Canadian health research initiative led by the University of Calgary.

Colleagues, as I conclude, I want to share with you two opportunities for you to engage with these delegates from our regions here in Ottawa. First, I want to invite you to the Imagine the Future reception taking place this evening. It will be a great opportunity to meet these young people, advocates and researchers who are making a difference in our health care system today. Second, please join the Parliamentary Child Health Caucus for breakfast tomorrow morning for a more fulsome discussion on the paths forward and ways that we as parliamentarians can be strong, reliable partners.

Colleagues, now is not the time to rest on our laurels. We have seen some success for children, but it is just a fraction of what they need to live healthy, happy and successful lives. I invite you to partner in securing that future. Thank you.

[*Translation*]

THE LATE HUBERT REEVES, C.C.

Hon. Jean-Guy Dagenais: Honourable senators, I rise today to mark the passing of a great Canadian, astrophysicist Hubert Reeves, who died at the age of 91. His funeral was held yesterday in Paris. Born in the small town of Léry on the south shore of Montreal, Hubert Reeves was one of the most eloquent science popularizers out there, in my opinion.

Although astronomy and physics may not be everyone's favourite topics, as soon as Hubert Reeves spoke, no matter the forum, his enthusiasm was irresistible. His educational descriptions of the cosmos brought science within the grasp of children and adults alike.

A researcher, professor and communicator, Hubert Reeves was one of the first to try to raise people's awareness of the climate changes we are now facing. He was well ahead of his time. He had serious concerns about the state of planet Earth long before our present-day politicians.

Hubert Reeves wrote approximately 40 books, including *Poussières d'étoiles*, published in 1984, and helped produce numerous science-related television documentaries. He taught at the Université de Montréal and at other universities in the United States, Belgium and France. He also worked as a NASA consultant.

This Quebecer also served as Director of the French National Centre for Scientific Research. After settling in the small village of Malicorne, France, in the 1980s, Mr. Reeves returned regularly to Montreal to support then-radio host Louis-Paul Allard, who had set up the Fondation québécoise en environnement in 1987. I will point out that this was over 35 years ago.

How many of us were really concerned about environmental issues in the mid-1980s? Even back then, the small guy with the distinctive voice was talking, without being alarmist, about the dangers he saw coming. Reporting on the state of the environment, Hubert Reeves insisted that there was always room for optimism, as long as humans took good care of humanity.

Hubert Reeves was made a Companion of the Order of Canada and was awarded France's Legion of Honour. Canada has lost one of its greatest scientists, who, in my view, deserves the title of climate action whistle-blower.

Thank you.

WORLD POLIO DAY

Hon. Amina Gerba: Colleagues, before I begin, I would like to offer my condolences to the family of our late colleague.

I rise today to recognize that October 24 was World Polio Day. Polio is a very serious and highly infectious disease that can cause paralysis. Rotary International has been fighting polio through its PolioPlus program.

Yesterday, I had the opportunity to co-sponsor a Rotary event dedicated to fighting this disease. I would like to thank my colleagues who participated in the event. It was an opportunity to celebrate how far we've come and to remind ourselves that the fight against this terrible disease must go on until it is eradicated for good.

As a former Rotarian, I've seen what a huge impact the organization's work has had. Eradicating polio has been Rotary's flagship effort since 1985, and the organization has contributed $2.6 billion to the cause. We should also be very proud of the role our country has played in ridding the world of polio.

For almost 40 years now, Canada has been a key partner in the fight, contributing a total of nearly $1 billion so far.

• (1420)

However, while global efforts have made it possible to vaccinate three billion children and prevent 20 million cases of paralysis, the fight is not over. That is why we must intensify our efforts and continue to work to put a definitive end to this scourge.

I would like to take this opportunity to pay tribute to a polio survivor, Ramesh Ferris, a well-known resident of Whitehorse, Yukon. A past president of the Rotary Club Whitehorse Rendezvous and a Paul Harris Fellow, in 2008, Mr. Ferris travelled over 7,000 kilometers on his hand-cycle, rallying Canadians from west to east and raising thousands of dollars to eradicate polio.

Mr. Ferris is an inspiration, and his example should motivate us to come together to finally defeat polio.

Thank you.

Hon. Senators: Hear! Hear!

[*English*]

VISITOR IN THE GALLERY

The Hon. the Speaker pro tempore: Honourable senators, I wish to draw your attention to the presence in the gallery of Vina Nadjibulla from the Asia Pacific Foundation of Canada. She is the guest of the Honourable Senator Woo.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

NATIONAL COUNCIL FOR RECONCILIATION BILL

FIFTEENTH REPORT OF INDIGENOUS PEOPLES COMMITTEE PRESENTED

Hon. Brian Francis: Honourable senators, I have the honour to present, in both official languages, the fifteenth report of the Standing Senate Committee on Indigenous Peoples, which deals with Bill C-29, An Act to provide for the establishment of a national council for reconciliation.

(*For text of report, see today's* Journals of the Senate*, p. 2065.*)

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

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

[*Translation*]

GREENHOUSE GAS POLLUTION PRICING ACT

BILL TO AMEND—TWELFTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE PRESENTED

Hon. Paula Simons, for Senator Black, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, October 26, 2023

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

TWELFTH REPORT

Your committee, to which was referred Bill C-234, An Act to amend the Greenhouse Gas Pollution Pricing Act, has, in obedience to the order of reference of June 13, 2023, examined the said bill and now reports the same with the following amendments:

1. *Clause 1, pages 1 and 2*:

   (a) On page 1, replace lines 4 to 15 with the following:

   "**1 (1) Paragraph (c) of the definition *eligible farming machinery* in section 3 of the *Greenhouse Gas Pollution Pricing Act* is replaced by the**"; and

   (b) on page 2, delete lines 1 to 10.

2. Make any necessary consequential changes to the numbering of provisions and cross-references resulting from the amendments to the bill.

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

ROBERT BLACK

Chair

(*For text of observations, see today's* Journals of the Senate*, p. 2068.*)

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

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

[*English*]

FOOD AND DRUGS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker pro tempore informed the Senate that a message had been received from the House of Commons with Bill C-252, An Act to amend the Food and Drugs Act (prohibition of food and beverage marketing directed at children).

(Bill read first time.)

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

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

[*Translation*]

FINANCIAL PROTECTION FOR FRESH FRUIT AND VEGETABLE FARMERS BILL

BILL TO AMEND—FIRST READING

The Hon. the Speaker pro tempore informed the Senate that a message had been received from the House of Commons with Bill C-280, An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act (deemed trust — perishable fruits and vegetables).

(Bill read first time.)

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

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

NATIONAL STRATEGY FOR EYE CARE BILL

FIRST READING

The Hon. the Speaker pro tempore informed the Senate that a message had been received from the House of Commons with Bill C-284, An Act to establish a national strategy for eye care.

(Bill read first time.)

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

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

[*English*]

CANADIAN NATO PARLIAMENTARY ASSOCIATION

JOINT VISIT OF THE SUB-COMMITTEE ON TRANSATLANTIC DEFENCE AND SECURITY COOPERATION AND THE SUB-COMMITTEE ON RESILIENCE AND CIVIL SECURITY, SEPTEMBER 12-16, 2022—REPORT TABLED

Hon. Jane Cordy: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian NATO Parliamentary Association concerning the Joint Visit of the Sub-Committee on Transatlantic Defence and Security Cooperation and the Sub-Committee on Resilience and Civil Security, held in Copenhagen, Denmark, and Nuuk, Greenland, from September 12 to 16, 2022.

BUREAU MEETING AND SPRING STANDING COMMITTEE MEETING, MARCH 25-26, 2023—REPORT TABLED

Hon. Jane Cordy: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian NATO Parliamentary Association concerning the Bureau Meeting and Spring Standing Committee Meeting, held in Oslo, Norway, from March 25 to 26, 2023.

• (1430)

QUESTION PERIOD

NATIONAL DEFENCE

REMEMBRANCE DAY

Hon. Donald Neil Plett (Leader of the Opposition): Leader, Canadians increasingly feel that their faith is under attack. That's true no matter where they practise their religion, whether at a mosque, synagogue, temple, cathedral or church. We remember an unimaginable act of evil committed at a mosque in Quebec City in 2017; two years ago, churches across Canada were burned down; and in Toronto on the weekend, a Jewish-owned restaurant was targeted by a large group of anti-Semitic protesters. Now, leader, there are reports that Canadians will not hear prayers for the fallen during Remembrance Day ceremonies.

Why is the Trudeau government doing this, leader?

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

Respect for people of faith is fundamental to who we are as Canadians. It's protected in the Canadian Charter of Rights and Freedoms, and it is an article of faith, permit me the expression, of all people of goodwill, regardless of their faith or lack of it.

As I expressed in an earlier answer to this question, it is my understanding that it is not that prayers will no longer be stated or said; it's only that those prayers and other commemorations at the beginning should reflect the diversity of faiths and beliefs of Canadians, that they be inclusive. That is my understanding.

It's the government position, and it always will be, that people of faith in all of their diversity should be respected.

Senator Plett: Leader, the new directive issued by the Trudeau government does, in fact, refer to prayers only in a historical context and asserts that public prayers in past ceremonies were not sensitive or inclusive. Sadly, this directive is yet another example of Prime Minister Trudeau having no moral compass, always seeking to divide Canadians. He is not worth the cost to our unity, leader.

Leader, if your government is proud of this, and if they can defend this and have nothing to hide, why did the NDP and Liberal coalition MPs shut down a committee to study this new directive on Tuesday this week?

Senator Gold: Senator, I will read from the directive:

> Chaplains shall endeavour to ensure that all feel included and able to participate in the reflection . . . no matter their beliefs . . . .

This is not banning prayer. To continue to suggest otherwise is not true and, indeed, insulting to those who would like to see their faiths and beliefs reflected in these important public pronunciations.

AGRICULTURE AND AGRI-FOOD

CARBON TAX

Hon. Denise Batters: Senator Gold, last week, your government deputy leader went to the Agriculture and Forestry Committee to help gut a bill that would exempt farmers from paying the carbon tax on propane and natural gas. This week, Senator Gold, you went to the same committee and voted for an amendment to further weaken that bill.

First, the Trudeau government told farmers they didn't need a carbon tax exemption. Then they fixed only a small part, and when a private member's bill to correct this passed the House of Commons with all party support, Trudeau-appointed senators try to delay and gut it. Now, you and your deputy leader, as the Trudeau government's representatives in the Senate, have stepped into private member's business at committee to ensure farmers get a raw deal.

Who gave you those marching orders? Was it the Prime Minister's Office? It's obvious cabinet doesn't want the bill. Why is this Trudeau government so determined to hurt farmers with this punitive carbon tax?

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

It is the position of the Government of Canada that it has both the interest and the right to take positions on legislation that is before the House or the Senate. This government does so. The vote in the other house reflects quite clearly some preoccupations that the government had with that private member's bill. Although a handful of members of the governing party voted for it, a great majority did not.

The Government Representative Office in the Senate, just as the office of the opposition, has the right to send ex officio members to committees. We do so when we are advised that our counterpart attends. We were advised that would be the case, and we went there to listen to the debate and to express our views. In the first instance, my colleague abstained on an amendment in question. It passed nonetheless.

An Hon. Senator: I did.

Senator Gold: The record will show that I am correct. Senator Batters is correct that I voted in support of an amendment, albeit one that was defeated.

Senator Batters: That's just the kind of answer I would expect from a senator belonging to the government party. Your deputy leader voted to overturn the committee chair's ruling that removing barns from the exemption was out of order. Plus, she voted to cut the bill's sunset clause to render it practically useless. I know what the farmers she is supposed to represent in Alberta would think of that.

You are dodging the question, Senator Gold: What is this Trudeau government's problem with the farmers who feed us?

Senator Gold: The government supports grain farmers. They do important, noble work on all of our behalf.

The fact that the government has a position that is different in a bill that uses its right — our right as senators — to seek to improve bills is something that is totally appropriate, and the government makes no apologies for doing that.

HEALTH

CANNABIS USE

Hon. Tony Loffreda: My question is for the Government Representative in the Senate.

In a new report published in the *Canadian Medical Association Journal*, we learned that the prevalence of cannabis use has mostly increased or remained steady since its legalization five years ago. However, Statistics Canada has reported an overall increase in cannabis use from 22% to 27% among Canadians aged 16 and older between 2017 and 2022.

We know that Health Canada is projected to spend $136 million in total on its Substance Use and Addictions Program this year. What work is the government doing to reduce cannabis use among our population, particularly among our youth? Are you not concerned that the government's education and awareness campaign on the harms associated with cannabis use is not achieving its goal?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. It's an important one.

The government has taken a public health approach to the regulation of cannabis. That was the hallmark of the legislation we passed in this chamber some years ago. The government, in terms of its responsibility, along with provinces and others, is disseminating clear, factual evidence and information to users and potential users as to the health risks, the potency of the products, their composition, the provenance and so on. In that way, Canadians of all ages are able to make informed choices as to whether they should consume, what they should consume and when they should consume.

The government will continue to make available public information to continue to educate and inform Canadians about cannabis. It supports and plays a role in a national dialogue about the health and safety of these products.

Senator Loffreda: Thank you for that answer.

A lot needs to be done to address long wait times in emergency rooms across the country. We all know that. In my home province, patients are waiting, on average, over 5 hours in emergency rooms and over 18 hours on emergency room stretchers.

Cannabis-related emergency room visits have increased since legalization, in some cases by up to 20% with visits related to edible consumption.

Recognizing this may be a jurisdictional issue. What is the government doing to ensure that cannabis-related emergency room visits head in the right direction?

Senator Gold: I have three points. First of all, my understanding is that the government has established working groups with the provinces and territories, and they have been meeting regularly since 2017 to discuss and coordinate public education. Second, there is a legislative review of the Cannabis Act, as we know, that was launched last year. Third, in that regard, I'm advised that the review is being done by an independent expert panel. Their important work is ongoing.

[*Translation*]

WOMEN AND GENDER EQUALITY

FEDERAL 2SLGBTQI+ ACTION PLAN

Hon. René Cormier: My question is for the Government Representative in the Senate.

Senator Gold, today being Intersex Awareness Day, I would like to point out that "body normalization" surgeries done on intersex persons without their consent are still legal in Canada.

I also want to point out that the Federal 2SLGBTQI+ Action Plan announced that consultations were to take place starting in the fall of 2022 about criminalizing surgeries of this kind performed on intersex persons during their childhood.

Last April, I brought this commitment to the attention of the federal government by asking you a question — that is yet to be answered — about when the consultations would start.

Senator Gold, I want to reiterate my question and ask you precisely what the government's timeline is on this matter.

• (1440)

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. It is very important. Thank you also for your ongoing work on behalf of 2SLGBTQI+ communities.

I made inquiries with the government, colleague, but I have not yet received an answer, unfortunately.

What I can say is that the government has been very clear when it comes to human rights. The government doesn't choose; it is there for all Canadians, regardless of who they are. The government will always stand with the 2SLGBTQI+ communities.

Senator Cormier: Thank you, senator Gold. It is a health issue and a matter of urgency, as you can understand.

Last Tuesday, October 17, 10 senators rose in this place to speak out against the growing hate targeting 2SLGBTQI+ communities, especially the trans community. Most of these senators urged the government to move forward with the development of the national anti-hate action plan announced in Budget 2023.

Senator Gold, when will this action plan finally be tabled?

Senator Gold: Thank you, colleague.

As you know, the government has already implemented Canada's first anti-racism strategy and is building on those efforts to develop a new strategy that includes an anti-hate action plan. This strategy is supported by close to $200 million in funding.

I don't have a date for the launch of the national action plan, but the government has always been committed to supporting 2SLGBTQI+ communities and will always stand against hate.

CANADIAN HERITAGE

CBC/RADIO-CANADA

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

Over the years, CBC/Radio-Canada has considerably reduced the broadcasting time of newscasts and news specials on its basic channels to invest more in variety shows and television series. The primary mission of CBC/Radio-Canada is to give all Canadians access to a top-quality information service.

However, to follow recent events as they develop, such as the terrorist attack in Israel or even the returns for the provincial election in Manitoba, Quebecers need to have a cable subscription to have access to RDI's 24-hour news cycle. This service should be free, just like the weather channel.

Can your government justify why Canadians do not have free access to CBC/Radio-Canada's 24-hour news channels?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question and for pointing out the importance for Canadians of not only RDI and CBC, but also of access to information. I am setting aside all the issues around Bill C-18 and all the issues tied to the funding of CBC/Radio Canada — which are still issues, especially in certain parts of our country.

I will certainly take your concerns seriously and share them with the government so it can act to better help Canadians have access to the information we all need as and when it gets the opportunity to do so.

Senator Dagenais: CBC and Radio-Canada receive $1.3 billion a year from the federal government. That's Canadian taxpayers' money. Your government keeps talking about access to quality information in its rather futile and never-ending war with the web giants.

Rather than going after Meta and Google, could your Prime Minister first ensure that the CBC's information mandate is respected and, more importantly, free?

Senator Gold: Once again, access to information is vitally important in a democracy. I will add that to my questions for the government.

FINANCE

FEDERAL-PROVINCIAL-TERRITORIAL COLLABORATION

Hon. Diane Bellemare: My question is for the Government Representative, Senator Gold.

In several committees, including the Standing Senate Committee on Banking, Commerce and the Economy, we often hear economic players complaining about the lack of leadership in Canada when it comes to defining clear and effective strategies to address the housing crisis, the health care crisis and the skilled labour shortage in strategic sectors such as construction, housing and digital technology. We know that these sectors fall under provincial or shared jurisdiction.

Could the federal government not show some leadership in this area to ensure better coordination? Can you tell me what the government is doing in terms of coordination to address these crises?

Hon. Marc Gold (Government Representative in the Senate): Thank you. Our system is very diverse and encompasses many economic elements. As you so rightly observed, many of those elements are under either federal or provincial jurisdiction. Coordination is therefore crucial, and the federal government must play a role, a leadership role, to ensure that all the players, political or otherwise, at least talk to one another and try to coordinate their efforts.

That said, with respect to the housing crisis, the minister is actively encouraging his counterparts to do their part and the private sector to take advantage of government financial support.

There are lots of other examples I don't have time to list. Thank you.

Senator Bellemare: The federal government has signed on to the Global Deal, an initiative of the Organisation for Economic Co-operation and Development, the OECD. The Global Deal promotes social dialogue among trade unions, businesses and governments.

Can you tell us what concrete actions the government has taken in recent years to promote tripartite dialogue on skill development and employment insurance?

Senator Gold: I don't have any details to share with you, but I do want to reiterate the importance of dialogue, not only with the provinces and territories, and not only with employers, but also with unions. You noted that, and the government recognizes it as well. It is crucial to our economy that all stakeholders be at the bargaining table.

[*English*]

FISCAL ACCOUNTABILITY

Hon. Elizabeth Marshall: Senator Gold, earlier this week, the C.D. Howe Institute released its annual report card on the fiscal transparency and accountability of Canada's senior governments — so that would include the provincial, territorial and federal governments. This year, ranking at the bottom of the class again was the federal government, with a rating of C minus. I spoke about this in a speech earlier last year. The federal government always seems to rank at the bottom of the class.

Why is the federal government, with all the resources available to it, languishing at the bottom spot in a report on fiscal transparency and accountability?

Hon. Marc Gold (Government Representative in the Senate): Well, it pleases no one, including the Government of Canada, I assume, and certainly not this office, to be reminded that the Government of Canada is not doing a better job. One thing we can say with certainty is that the performance of the government will not be blamed on your persistence —

[*Translation*]

— and I commend you for it —

[*English*]

— in raising these questions in the chamber.

I am not going to speculate about the different ability, capacity and scope of — or challenges faced by — the federal government vis-à-vis smaller jurisdictions, but I will certainly bring this, although they are already aware of it, to the attention of the government and implore them to do better.

Senator Marshall: Thank you very much. I have a supplementary question.

Because this issue is very well known and has been present for several years, in 2019, this government supported a report by the Government Operations and Estimates Committee of the House to improve the government's financial reports and processes. This would have improved the transparency and accountability of the government's financial documents. There were some pilot projects undertaken, but, after two years, the government cancelled them. There was never any explanation as to why they were cancelled, and nobody could explain it to me.

Why did the government cancel the fiscal transparency project, and why was it never re-established?

Senator Gold: Again, Senator Marshall, I do not have the answer to that question, but it's a legitimate one. I will certainly make inquiries so that I better understand the situation.

[*Translation*]

COST OF LIVING

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. In Quebec, 872,000 people are using food banks every month, according to a report from late 2023. According to a study conducted by the Quebec food bank network, that is 30% more than last year and 73% more than in 2019. That is the sad reality being reported by the food banks.

• (1450)

The number of workers using food aid has more than doubled since 2019. How does the government leader explain such a disaster?

Hon. Marc Gold (Government Representative in the Senate): Every time I try to explain the multitude of factors that unfortunately contribute to the challenges facing Canadians — not just the poor, but also an increasing number of middle-class families — the government is accused of being irresponsible.

The government is doing its part to help Canadians who need help. It is encouraging producers and supply chain companies to ensure that price increases stop, and the hope is that we will see lower prices and other support programs for Canadian families who are struggling as a result of the rising cost of living.

Senator Carignan: Leader, of course, the situation is even worse in some other provinces. Compared to last year, food bank use is up by over 44% in Newfoundland and Labrador and over 42% in Prince Edward Island. Ontario, however, has the largest annual increase at over 40%.

When we ask about the main reasons why people are using food banks this year, we are told that it is because of the cost of food and housing. The government has completely dropped the ball in these two sectors.

Leader, can you name the food products that came down in price at Thanksgiving, as your colleague Minister Champagne promised?

Senator Gold: Thank you for the question. You are right in saying that the price of food and housing are two reasons for the challenges Canadians are facing. I will repeat, once again, that the government will continue to work hard to ensure that the situation improves for Canadians.

IMMIGRATION, REFUGEES AND CITIZENSHIP

IMMIGRATION PROCESSING BACKLOG

Hon. Marie-Françoise Mégie: My question is for the Government Representative in the Senate. Senator Gold, my question has to do with the ninth report of the Auditor General of Canada regarding the backlog of permanent residency applications at Immigration, Refugees and Citizenship Canada, or the IRCC.

The IRCC currently has about 2,600 employees, but the target for the number of cases that must be processed has increased by 50% from 2018 to 2023, going from 310,000 to 465,000 cases. If the government intends to increase the target to 500,000, will it also hire more people to ensure more humane working conditions for the staff processing these cases?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The Government of Canada is doing everything it can to reduce wait times, eliminate processing backlogs and welcome more newcomers to Canada.

I am told that the government processed approximately 5.2 million applications, twice as many as the year before, and was able to restore the 60-day service standard for new study permit applications. That was made possible thanks to the digitization of applications, the hiring of additional staff and the streamlining of the application process.

Senator Mégie: In the same report by the Auditor General, we learned that applications from people coming from Haiti are almost automatically processed manually, which unduly increases processing times.

Could we simplify the immigration process in Canada to keep those processing times from becoming the equivalent of a death sentence for some asylum seekers?

Senator Gold: There is a migrant crisis around the world, including in Canada. The government streamlined the asylum claim process and increased its processing capacity. It has done a lot to tackle this challenge. I understand that the Department of Immigration, Refugees and Citizenship and the Canada Border Services Agency are implementing innovative measures to streamline the process and deal with pending applications as quickly as possible.

[*English*]

FINANCE

ALTERNATIVE MINIMUM TAX

Hon. Ratna Omidvar: Senator Gold, I don't need to tell anyone in the chamber — or you — how charities have suffered during COVID and post-COVID. Donations are down, while service demands are up, and now they are facing the negative tail end of the alternative minimum tax, which was in Budget 2023. According to a report by the Canadian Association of Gift Planners, they estimate that as much as 30% of the $11.4 billion that is given to charities annually could be tied up in these changes. That's not chump change. That's a lot of money, Senator Gold.

I don't disagree with the principle of the alternative minimum tax. Canadians, whether they are wealthy or not, should pay their fair share, but this should not come at a cost to Canadian charities. Will the government remove the provisions impacting charities?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, as well as for underlining this and for your work in ensuring that we have a robust sector that is supported not only by Canadians but by public policy as well. However, without the contribution of those supported by the charitable sector, so much of what we take for granted in Canada could not be accomplished, especially in these tough times.

I have not been advised as to what the plans of the government are with regard to that, but I will certainly take your preoccupations and legitimate concerns to the attention of the minister.

Senator Omidvar: Thank you, Senator Gold. I'm told that Finance has its own in-house calculations about the amount at play. We have an estimate of 30% of $11.4 billion. Maybe the government's estimate is different. I would ask you to please share those calculations with us.

Senator Gold: I will certainly inquire as to the status of the thinking of the government in this regard. Again, it is important that our public policy strike the right balance to support the charitable sector, but also to be appropriate in all other respects. I have every confidence that is the goal of the government.

PUBLIC SERVICES AND PROCUREMENT

PROCUREMENT PROCESS

Hon. Leo Housakos: Senator Gold, over the last two years, your government paid a company called GC Strategies over $164 million for IT work. It is the same company responsible for the $54-million ArriveCAN app. This company has two owners but no employees. Neither of those two owners do any IT work. They subcontract all the work, and, of course, that's a practice that allows the government to hide key information from public scrutiny.

Senator Gold, who in the Trudeau government made the decision to hire this company? Who in your government thought that the height of the pandemic was the time to go with a small, unproven company — with no employees and no expertise — to develop an app that you keep describing as being so pivotal in the government's response to COVID? To which members of the Trudeau government are these insiders connected?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I have stated on a number of occasions — and I will not repeat — the reasons why the government took quick action during the pandemic. The pandemic is now behind us. Things have emerged, as you have properly pointed out, whether in costs or otherwise. In some respects, as senators will know and as I have stated here, the RCMP is investigating allegations of wrongdoing. Those investigations are ongoing, and are being done properly and independent of the government.

All other speculations, insinuations and the like will have to await the disclosure of the results of those investigations.

Senator Housakos: Rapid decisions are welcome, but transparent, accountable decisions in Parliament are more welcome.

• (1500)

Senator Gold, we now know that another company that secured a contract with your government blew the whistle on the irregular practices associated with the GC Strategies and your government as early as September 2021. Why did your government ignore the warnings of these whistle-blowers and continue to outsource even more work to GC Strategies to the tune of an additional $17 million? Is that why your government also now refuses to cancel these unreasonable fines that were levied to Canadians through ArriveCAN? Is it because Liberal insiders just need to get paid?

Senator Gold: Again, Senator Housakos, you are implying wrongdoing and many things without evidence and I will not dignify those by engaging with you on that, except to say that allegations of wrongdoing, such as they may be, are being investigated whether internally or, as I mentioned before, by the RCMP.

ORDERS OF THE DAY

CRIMINAL CODE
SEX OFFENDER INFORMATION REGISTRATION ACT
INTERNATIONAL TRANSFER OF OFFENDERS ACT

BILL TO AMEND—MESSAGE FROM COMMONS—AMENDMENTS

The Hon. the Speaker pro tempore informed the Senate that a message had been received from the House of Commons returning Bill S-12, An Act to amend the Criminal Code, the Sex Offender Information Registration Act and the International Transfer of Offenders Act, and acquainting the Senate that they had passed this bill with the following amendments, to which they desire the concurrence of the Senate:

1. *Clause 2, pages 2 and 3*:

   (a) on page 2, replace lines 26 to 30 with the following:

   "**(a)** informed the witnesses and the victim who are the subject of the order of its existence;";

   (b) on page 3, replace line 2 with the following:

   "who is the subject of the order and is about that person";

   (c) on page 3, replace line 7 with the following:

   "an order prohibiting the publication in any document or the broadcasting or transmission in any way of information that could identify that other person.";

   (d) on page 3, replace line 13 with the following:

   "make the information known to the public, including when the disclosure is made to a legal professional, a health care professional or a person in a relationship of trust with the victim or witness.".

2. *Clause 3, pages 3 and 4*:

   (a) on page 3, replace line 23, in the English version, with the following:

   "who is the subject of the order and is about that person";

   (b) on page 3, replace line 28 with the following:

   "an order prohibiting the publication in any document or the broadcasting or transmission in any way of information that could identify that other person.";

   (c) on page 3, replace line 33 with the following:

   "to the public, including when the disclosure is made to a legal professional, a health care professional or a person in a relationship of trust with the victim, or witness or justice system participant.";

   (d) on page 4, replace lines 25 to 27 with the following:

   "istence;".

3. *Clause 4, page 5*:

   (a) replace lines 14 and 15 with the following:

   "do so may affect the privacy interests of any person who is the subject of any order prohibit-";

   (b) replace line 22 with the following:

   "person who is the subject of any".

4. *Clause 32.1, pages 32 and 33*: delete clause 32.1.

5. *New clause 48.1, page 49*: add the following after line 2:

"**48.1 (1) Subsections (2) to (4) apply if Bill C-291, introduced in the 1st session of the 44th Parliament and entitled *An Act to amend the Criminal Code and to make consequential amendments to other Acts (child sexual abuse and exploitation material)* (in this section referred to as the "other Act"), receives royal assent.**

(2) If section 8 of the other Act comes into force before subsection 6(2) of this Act, then subparagraph (a)(xi) of the definition *primary offence* in subsection 490.011(1) of the *Criminal Code* is replaced by the following:

(xi) section 163.1 (child sexual abuse and exploitation material),

(3) If subsection 6(2) of this Act comes into force before section 8 of the other Act, then that section 8 is replaced by the following:

8 Subparagraph (a)(xi) of the definition *primary offence* in subsection 490.011(1) of the Act is replaced by the following:

(xi) section 163.1 (child sexual abuse and exploitation material),

(4) If section 8 of the other Act comes into force on the same day as subsection 6(2) of this Act, then that section 8 is deemed to have come into force before that subsection 6(2) and subsection (2) applies as a consequence.".

[*Translation*]

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

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

[*English*]

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS ADOPTED

The Senate proceeded to consideration of the message from the House of Commons concerning Bill S-12, An Act to amend the Criminal Code, the Sex Offender Information Registration Act and the International Transfer of Offenders Act

1. *Clause 2, pages 2 and 3*:

(a) on page 2, replace lines 26 to 30 with the following:

"**(a)** informed the witnesses and the victim who are the subject of the order of its existence;";

(b) on page 3, replace line 2 with the following:

"who is the subject of the order and is about that person";

(c) on page 3, replace line 7 with the following:

"an order prohibiting the publication in any document or the broadcasting or transmission in any way of information that could identify that other person.";

(d) on page 3, replace line 13 with the following:

"make the information known to the public, including when the disclosure is made to a legal professional, a health care professional or a person in a relationship of trust with the victim or witness.".

2. *Clause 3, pages 3 and 4*:

(a) on page 3, replace line 23, in the English version, with the following:

"who is the subject of the order and is about that person";

(b) on page 3, replace line 28 with the following:

"an order prohibiting the publication in any document or the broadcasting or transmission in any way of information that could identify that other person.";

(c) on page 3, replace line 33 with the following:

"to the public, including when the disclosure is made to a legal professional, a health care professional or a person in a relationship of trust with the victim, or witness or justice system participant.";

(d) on page 4, replace lines 25 to 27 with the following:

"istence;".

3. *Clause 4, page 5*:

(a) replace lines 14 and 15 with the following:

"do so may affect the privacy interests of any person who is the subject of any order prohibit-";

(b) replace line 22 with the following:

"person who is the subject of any".

4. *Clause 32.1, pages 32 and 33*: delete clause 32.1.

5. *New clause 48.1, page 49*: add the following after line 2:

"**48.1 (1) Subsections (2) to (4) apply if Bill C-291, introduced in the 1st session of the 44th Parliament and entitled *An Act to amend the Criminal Code and to make consequential amendments to other Acts (child sexual abuse and exploitation material)* (in this section referred to as the "other Act"), receives royal assent.**

(2) If section 8 of the other Act comes into force before subsection 6(2) of this Act, then subparagraph (a)(xi) of the definition *primary offence* in subsection 490.011(1) of the *Criminal Code* is replaced by the following:

(xi) section 163.1 (child sexual abuse and exploitation material),

(3) If subsection 6(2) of this Act comes into force before section 8 of the other Act, then that section 8 is replaced by the following:

8 Subparagraph (a)(xi) of the definition *primary offence* in subsection 490.011(1) of the Act is replaced by the following:

(xi) section 163.1 (child sexual abuse and exploitation material),

(4) If section 8 of the other Act comes into force on the same day as subsection 6(2) of this Act, then that section 8 is deemed to have come into force before that subsection 6(2) and subsection (2) applies as a consequence.".

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

> That, in relation to Bill S-12, An Act to amend the Criminal Code, the Sex Offender Information Registration Act and the International Transfer Act, the Senate agree to the amendments made by the House of Commons; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

• (1510)

He said: Honourable senators, I rise today to speak to Bill S-12, An Act to amend the Criminal Code, the Sex Offender Information Registration Act and the International Transfer of Offenders Act.

[*Translation*]

As you may recall, our chamber made several amendments to the bill last June, some pertaining to the publication ban rules. The bill is back before us once again, this time with new amendments to consider.

[*English*]

Bill S-12 proposes important reforms empowering victims of crime. It does so by changing the rules governing publication bans and a victim's right to information. It also amends the National Sex Offender Registry in response to the Supreme Court of Canada's decision in *R v. Ndhlovu*, which — as you'll recall — declared certain provisions related to the registration of sex offenders, as well as the duration of those orders, to be unconstitutional.

The publication ban provisions are those that were amended further by the other place and are the subject of our examination today.

Colleagues, publication bans are useful tools to shield the identity of victims and witnesses, thereby protecting them from further harm. However, it is not uncommon for some survivors to want to share their stories publicly, and it can come as a surprise to them that they are unable to do so because of the bans that are in place. Survivors are also often unaware of the procedures to have such bans lifted.

It is in response to these concerns that Bill S-12 proposes changes to the publication ban regime with the aim of giving a greater voice and a greater agency to victims in the criminal justice system, including survivors of sexual assault and those wishing to share their stories.

[*Translation*]

Victims' groups that appeared before the Standing Senate Committee on Legal and Constitutional Affairs were of the opinion that, as written, the bill did not go far enough toward achieving the goal of respecting victims' and witnesses' wishes when publication bans are imposed. Witnesses called for greater clarity in identifying actions meant to be protected by a ban and for a simpler process to change or revoke a ban. The committee then made several amendments to create a more robust, victim-centred approach to publication bans.

While the majority of those Senate amendments are retained in this version of the bill, a small number of changes were made in the other place, and they impact the amendments we made. Those changes were made because of witnesses' concerns about unintended consequences. Nevertheless, in my opinion, the current version of the bill does reflect the spirit and objectives of the bill the Senate passed earlier this year.

[*English*]

The first change relates to the Senate amendment requiring the prosecutor to advise the victim or witness of the existence of a publication ban and to inform a victim or witness about its effects. This would include the circumstances in which identifying information could be disclosed without breaching the order.

Concerns were raised by some Attorneys General — particularly from Ontario and Nova Scotia — that the latter part of the amendment, which required a prosecutor to outline which information could be disclosed, was problematic. It was felt that this element risked unintentionally requiring a prosecutor to provide victims and witnesses with legal advice on a matter that the prosecutor may have the responsibility to prosecute at a later date should a breach be committed. This same concern was also expressed by Ms. Megan Stephens, a criminal and constitutional lawyer who worked as a prosecutor for more than a decade and who represents victims in sexual assault proceedings, including in proceedings to lift publication bans.

Accordingly, with this information, Bill S-12 was amended to remove this requirement, thereby eliminating legal and policy risks concerning prosecutorial independence and the potential conflict of interest prosecutors could face in these situations. Colleagues, prosecutors will still be required, however, to provide information to victims about publication bans, including the right to apply for modification or revocation.

Colleagues, two technical amendments were also included to ensure that the bill's objectives are clearly understood. The first clarifies what kind of information sharing would not be captured by a publication ban, including when a victim or a witness shares information about themselves provided that the information does not identify a person who is protected by another publication ban. As passed by the Senate, the bill's provisions on this point were limited to persons protected by the same publication ban. This technical change recognizes that multiple victims can be protected by multiple publication bans.

The second technical amendment was in relation to language in the bill as passed by the Senate that spoke to persons who were "subject to the order." This provision allowed victims who were protected by a publication ban to disclose information about themselves. But, as was noted by the witness in the other place from the National Association of Women and the Law, this idea would be better reflected by using the formulation "subject of the order." In my view, this amendment is appropriate and provides for the harmonization of the language in the English version of the legislation with that of the French version.

Next, during the committee's study of Bill S-12 in the other place, some witnesses expressed a desire for the bill to be clearer about to whom disclosure might be made by victims or witnesses without them falling within the scope of a publication ban. The Senate committee added a provision to Bill S-12 ensuring that a publication ban does not apply where the disclosure of information is made by the person whose identity is protected provided the disclosure was not done for the purpose of making the information public.

This limitation was amended for greater clarity and now specifies that it also includes cases where the disclosure is made to a legal professional, a health care professional or a person of trust, but is not made for the purpose of making the information public.

[*Translation*]

I would now like to draw your attention to a small but important change to the wording of clause 4 of the bill, which made reference to the privacy rights of the accused. The Senate amendment included the expression, and I quote, "other than the accused" in the proposed subsections 486.51(2) and 486.51(3) to make it clear that the accused's right to privacy should not be taken into account when determining whether to revoke or vary a publication ban. This amendment was understood as a change reflecting common law, and it was concluded that considerations related to the accused's privacy were irrelevant when determining whether a publication ban had to be imposed or revoked.

However, concerns have been raised over the fact that wording specifically excluding the accused's right to privacy could have the opposite effect and lead to the erroneous conclusion that, without such wording, the accused would otherwise have been able to invoke a right to privacy in the application.

The common law is clear. An accused has no right to privacy with respect to publication bans. This wording was therefore struck from the bill to better reflect the policy intent of the provision and thereby eliminate any risk of confusion.

[*English*]

Another change relates to the amendment made by the Senate to the publication ban provisions in the context of the mental disorder regime. Colleagues, this regime governs accused persons found unfit to stand trial or not to be held criminally responsible because of a mental disorder, or NCR.

• (1520)

This amendment would have required the Review Board, charged with overseeing persons subject to this regime, to inform those whose identities are protected by a section 486.4 publication ban about the existence of the order, its requirements and the consequences of failing to comply.

While the objective of this amendment was clearly laudable, there were concerns that its addition did not reflect the other changes made to section 486.4 and section 486.5 publication bans, and it was determined that further study of this issue would be beneficial.

The "not criminally responsible" regime is a unique area of the criminal law with different considerations, and it needs to be considered comprehensively. I further understand that Review Boards operating in this regime are constituted provincially; therefore, the government believes that a review of the mental disorder regime should be a separate exercise from this bill, requiring more thorough examination, especially in relation to these provisions. For these reasons, this clause has been deleted unanimously by the Standing Committee on Justice and Human Rights in the other place.

Finally, a coordinating amendment between Bill S-12 and private member's Bill C-291 was added. Bill C-291, which was referred to the Standing Senate Committee on Legal and Constitutional Affairs last June, proposes numerous amendments to the Criminal Code by replacing the term "child pornography" with the term "child sexual abuse and exploitation material." This coordinating amendment would ensure that the new proposed definition of "designated offence" in Bill S-12 aligns with the updated terminology proposed in Bill C-291 should both bills receive Royal Assent and come into force.

In summary, colleagues, the committee in the other place agreed with six Senate amendments, albeit advanced on behalf of the government and drafted with key stakeholders. The other place also agreed with five other Legal and Constitutional Affairs Committee amendments with further modifications, disagreed with one committee amendment on the issue of mental disorder and brought in one coordinating amendment.

[*Translation*]

Honourable senators, I support Bill S-12, as amended. These amendments promote the bill's initial objectives and honour the spirit of the improvements that the Senate made previously. I would invite you to support this bill and its swift passage.

[*English*]

Before I conclude, I would like to clarify one final point: As colleagues know, Bill S-12 responds to the Supreme Court of Canada's decision which identified a constitutional deficiency with the status quo. The court imposed a deadline of October 28, 2023, for new legislation to be in place.

Earlier this week, Senator Dennis Patterson asked me whether the government would be prepared to seek an extension from the Supreme Court. I was subsequently informed that for contingency purposes, the government did, indeed, act responsibly by seeking an extension of the deadline in case things did not work out either in the other place or here in the Senate. Earlier today, I was advised that an extension was, indeed, granted yesterday.

That said, I encourage senators to proceed with consideration and adoption of the message on Bill S-12 today, as I believe the chamber is ready, and the other place acted quickly so that we would be able to bring this to Royal Assent, notably to ensure that the unconstitutional provisions at issue are repealed and replaced by a better, stronger law that we improved here with our work.

Just as the government acted responsibly in requesting an extension, might I suggest and submit that the responsible thing for the Senate to do today is to conclude debate and adopt the message to prevent prolonging a status quo identified by the Supreme Court as constitutionally deficient.

Bill S-12 would bring much-needed clarity to the National Sex Offender Registry in Canada, it will empower victims of crime and help build confidence in the criminal justice system.

Colleagues, thank you very much for your time today.

Hon. Donald Neil Plett (Leader of the Opposition): Senator Gold, would you take a question?

Senator Gold: Of course.

Senator Plett: You and I did speak about this earlier, and I appreciate that. I don't want my standing to ask you a question to be seen as an intention to delay things. I think we have shown that we are supportive, certainly, of the intent of this legislation, both in this place and in the other.

You're absolutely right; not only did Senator Dennis Patterson ask that question in this chamber, but at our leaders' meetings we have asked this question a number of times: Why could we not seek an extension? Why are we being asked to rush? We were constantly reminded we needed to rush, and so we did that.

You say they acted responsibly. I would suggest that being responsible would at least include telling us that they are trying, but they didn't.

So why would they not have told us? Why would you not have told us? I accept that you maybe didn't know. Why would the government not have told you, "We're trying to seek an extension"?

And how much of an extension did they get? If this bill does not pass today, how much of an extension did they get? What is the deadline?

Senator Gold: Those are fair questions. Thank you for that.

The short answer to the latter part of the question is that the government sought a three-month extension, which was granted by the court yesterday in the latter part of the day. My office was informed of it midday today, and the first thing I did — as some of you would know, and I hope you shared it with your colleagues — was I spoke to all the leaders to inform them, and I also called Senator Dennis Patterson, who was the one who had raised this first. At the time he raised the question, I did not know that the government had sought an extension, and I still don't know exactly when they made that decision.

But I can state with some confidence that when a request for such an extension is made, it does not come with an automatic date for the hearing, much less certainty of the conclusion. I strongly believe the government acted responsibly, as the deadline was approaching, to seek an extension — and they got it — in the event that circumstances in the other place, which are not always smooth sailing, were such that they couldn't get it to us in time, or, indeed, whenever they could get it to us, we would not have time or the will to move quickly.

In that regard, I do also want to remind senators and thank them because when we did get the bill, and it was introduced in this place, I asked all leaders and all senators to study it properly, as we did — and we improved it — and to do so with dispatch so it could be sent back to the House before we rose for the summer.

Why did I ask that? Because the deadline was known, and I thought it was only appropriate that we give the House of Commons the equivalent amount of time to study the bill that we chose to take to do it. We didn't rush our study, and they, as it turns out, spent less time on the bill than we were able to devote to it.

The only point of difference, Senator Plett, that I would take with your question — because it's a fair question — is I don't think we're being asked to rush this. I think that our committee did tremendous work. Earlier in the week I circulated both to leadership and to all senators a high-level summary of the amendments that were accepted, tweaked and introduced in the other place.

We're here on a Thursday. It's 3:30 p.m. We have plenty of time for each and every senator to take the floor and debate it. I continue to hope that we will conclude the debate, send it for Royal Assent and complete the work that we began and that we began so well.

Thank you.

Senator Plett: I have a brief follow-up question. You're right, Senator Gold; you called us all at noon. We let our critic know, but, clearly, in light of time, we didn't let everybody know, although you told me very clearly you would be addressing it in the chamber, so everybody would know before we got to a vote. I thank you for that.

My question is — and you answered part of it — you said they sought a three-month extension. Did they get a three-month extension?

Senator Gold: I apologize. Yes, they did. They sought and received a three-month extension.

I'm sorry if I wasn't clear on that.

Hon. Kim Pate: Would you take another question, Senator Gold?

Senator Gold: Of course.

• (1530)

Senator Pate: One of the amendments that the Senate passed aimed to ensure that victims and witnesses subject to publication bans were informed about the effects of a publication ban and the circumstances where Bill S-12 permits disclosure of information subject to a publication ban.

As you mentioned, this amendment was removed in the other place. I wonder how the government is planning to ensure that those subject to publication bans, especially the most marginalized and disadvantaged, have the information that they need to know their rights, and to feel confident in exercising them — secure in the knowledge that they will not face criminal charges, which is part of what gave rise to this bill in the first place.

Senator Gold: It's a very good question. I will answer the question, and then I will comment.

I don't know exactly what measures might be taken going forward, whether it's by the federal government, the Crowns or those responsible for the administration of justice. It is still the case — notwithstanding that the committee deleted the amendment — that victims and witnesses are informed of the nature of publication bans and procedures. I'll certainly make inquiries. It's an important question for the simple reason that it's one thing for some of us — when provided with such information — to know how to navigate it. It's not always obvious to others either because of the circumstances or the stress they are under, or their lack of access to the kind of resources that some of us are more privileged to have.

It's a fair question, and it's the government's position that the objective of this was laudable. But there were concerns that were raised in the other place. I believe it was unanimous, Senator Pate — all members of the committee voted to delete it. I'll certainly do some follow-up to find out what, if anything, is being done, and to bring forward your preoccupations — which I'm sure you will also continue to advance — to the attention of the relevant minister.

Senator Pate: Thank you very much for that, and I look forward to that information.

One of the other amendments that the Senate passed, and which was essentially negated in the other place, concerned section 672.501(4) of the Criminal Code, which you alluded to. This provision relates to publication bans that can be ordered by review boards charged with determining whether people are not criminally responsible for reasons related to mental health.

Though very similar to other publication bans under the Criminal Code, this type of publication ban was not touched by Bill S-12, and the Senate's amendment aimed to help ensure that similar rules continue to apply to all forms of publication bans under the Criminal Code. You mentioned that the other place recommended further study, and I'm curious what the government is planning to do for outstanding publication ban provisions such as these in the Criminal Code that have not been updated to reflect the new changes proposed in Bill S-12.

Senator Gold: Thank you. Again, it's a legitimate and important question. I don't know what thinking, if any, the government has put into this particular issue. It was not very long ago that the tweak, or the change, was made in the other place. You can be sure that I will raise this issue, and I fully expect that once Royal Assent is granted to this bill, this issue — and all the other issues that flow from Bill S-12 — will be taken up with proper consideration.

Hon. Denise Batters: Senator Gold, I want to ask you a question about the coordinating amendment which coordinates with Bill C-291 — it's a bill that I'm honoured to sponsor in the Senate, and a bill that was initiated by my MP colleagues Mel Arnold and Frank Caputo in the House of Commons, and passed unanimously. Now we're waiting for the Legal Committee to study it. I think it's very forward-looking on the part of those who added this language in order to change the language from "child pornography" to "child sexual abuse and exploitation material." I just want to thank those who had done that for this particular bill, and also thank the government for accepting that amendment. I'm wondering if there is any further comment that you could provide to us regarding more explanation about that. Thank you.

Senator Gold: Thank you for your comments. I really don't know, frankly, if there is anything else to add. I believe it reflects the government's agreement that the older way of describing this material was inappropriate, and that the definition advanced in the bill — which you sponsored here in the Senate — is a more appropriate and accurate way to describe this material. None of us wants to see it exist, but it does exist, and, therefore, it needs to be dealt with appropriately and under the Criminal Code.

Hon. Percy E. Downe: I have a point of order. Now that we have a three-month extension, I seek the advice of Your Honour and your officials on the legislative grounds that we're proceeding on.

My experience has been that messages from the House of Commons to the Senate are always from the Clerk of the respective chamber. For the document that I'm looking at — and I may be reading it wrong — I understand there is no Clerk in the House of Commons; there is an Acting Clerk. Was this document signed by the Acting Clerk or by someone else on their behalf? Is that legitimate?

The Hon. the Speaker pro tempore: Senator Downe, I'm being told that, yes, it was signed by the Acting Clerk of the other place, and proper notice has been given. The process is in order.

Senator Downe: Thank you.

[*Translation*]

Hon. Pierre-Hugues Boisvenu: Honourable senators, I rise today as the critic of Bill S-12, An Act to amend the Criminal Code, the Sex Offender Information Registration Act and the International Transfer of Offenders Act, which was introduced by the Honourable Marc Gold, the Liberal government's representative in the Senate.

Honourable colleagues, I would like to begin my speech by talking about the measures in Bill S-12 that deal with publication bans. The Standing Senate Committee on Legal and Constitutional Affairs made a series of amendments to the bill that sought to reflect the requests of My Voice, My Choice, an initiative created by victims of crime who want section 486.4 of the Criminal Code to be amended so that no one is ever forced to be silent because of an unwanted publication ban.

Colleagues, I would like to remind you of some of the stories shared by this victims' group.

In 2021, a victim from Victoria, Kelly Favreau, appeared in person before the Supreme Court of British Columbia to ask for her publication ban to be lifted. She discovered the existence of this ban four years after the end of the legal proceedings. She stated that this process again infringed on her freedom and that she felt revictimized by the justice system. The alleged perpetrator in her case was authorized to present arguments explaining why the ban should not be lifted. The victim had never consented to a publication ban.

In May 2021, a victim from Ottawa, Morrell Andrews, asked the Crown prosecutor associated with her case for a hearing to lift the publication ban, but the prosecutor said that she was not sure about the procedure or policy in effect or whether the Crown would consent to lifting the ban.

• (1540)

After making the same request directly to the judge at the sentencing hearing, Ms. Andrews was told that the judge was no longer in a position to do so.

When a third Crown prosecutor finally asked the court to lift the publication ban, the alleged criminal's defence lawyer opposed the request and was allowed to present arguments as to why the ban should not be lifted. The victim never gave her consent for a publication ban.

Is it normal for the abuser to control the victim's decision? These publication bans are supposed to be a tool to protect victims and they should never be used against them. When a victim requests the lifting of a publication ban, a process should automatically be put in place by the justice system to study the request and discharge the victim of all responsibility.

In my speech at second reading, I stated that it is essential that the victim's consent be sought before a publication ban is issued on their behalf. Crown prosecutors tend to apply publication bans in the early stages of a trial, particularly at the accused's initial appearance. Typically, the victim is not present at that time. In such cases, victims are neither notified nor consulted, which contravenes their right to information and right to participation, rights guaranteed by the Canadian Victims Bill of Rights. The result is that victims are excluded from judicial decisions and silenced, even though they are the ones most affected and should, logically, be the first to know.

Bill S-12, in its current form, simply suggests informing the victims. However, it is important to obtain their explicit consent. Victims have to be able to decide whether they want to publicly talk about their experience, where they feel that would serve their interests. It is unacceptable that anyone can deny them this right or limit their freedom of speech under the guise of protection.

As part of the study of Bill S-12 by the House of Commons Standing Committee on Justice and Human Rights, the Liberals and the New Democrats rejected amendment PV-2, proposed by the Green Party. This amendment had a clear and essential intention, namely, to ensure that every victim was informed and had the opportunity to decide whether a publication ban was appropriate, in their situation, before such a measure was unilaterally imposed by the court.

Allow me to explain why this decision is so problematic.

Under the current framework, when a court case is opened, specifically upon the first appearance of the accused in court, judges frequently issue publication bans. However, these decisions are made without victims being informed, let alone consulted. Accordingly, if we do in fact reject amendment PV-2, we are perpetuating a status quo that is unacceptable.

As a result, victims are deprived of their right to choose. Not only is this contrary to the spirit of our justice system, which is intended to be fair and transparent, it also neglects the fundamental rights of victims, leaving them in a position of weakness, often at a time when they are particularly vulnerable. This perpetuates the legal tradition of making victims incidental to our justice system.

Victims deserve to be heard, informed and involved in the process that directly concerns them. It is imperative that our justice system recognize and respect this fundamental right.

I would now like to address another aspect of the changes made by the House of Commons.

First, I would like to remind senators that, originally, the bill allowed the victim or witness to request that the publication ban be modified or lifted, which required a court hearing. However, the Standing Senate Committee on Legal and Constitutional Affairs amended this provision to simplify the procedure for victims or witnesses who wish to modify or lift a publication ban. The revised statute now requires the prosecutor to file an application on their behalf to modify or lift the ban as quickly as possible, although victims or witnesses may still do so themselves, if they wish.

The court is required to modify or lift the publication ban, in accordance with the wishes of the victims or witnesses, unless doing so would compromise the privacy of another person also covered by the ban. In that case, a hearing must be scheduled to determine whether the ban should be modified or lifted.

It is critical to note that an amendment by Senator Simons prevented the privacy of the accused from being included in the protection afforded by publication bans. The goal of publication bans is first and foremost to protect the privacy of victims and witnesses, not the accused. The accused has to be informed if the ban is lifted, quashed or varied. However, at the House of Commons Committee on Justice and Human Rights, the Liberals

moved an amendment to delete Senator Simons' amendment, thereby allowing for criminals to be protected by publication bans.

It is ironic, and quite frankly worrisome, to see that, under the guise of providing protection, these amendments help to maintain the power of accused persons in the judicial process. Under these changes, if a victim wants to challenge a publication ban or have it lifted, the accused can still benefit from protection.

The accused, who is often central to the case, can end up in a position where they are able to use their influence to keep a publication ban in place, even if the ban goes against the victim's wishes. That creates a clear imbalance. We have here a situation where the rights of the accused seem to take precedence over those of the victim, particularly in terms of freedom of expression and the victim's ability to share their own story. How is it fair for a victim who is trying to find their voice again and share their story to be prevented from doing so by the accused, the very person who caused their suffering in the first place?

This measure, as adopted, opens the door to a form of injustice where the accused, who already enjoys numerous protections under our judicial system, can be granted additional powers, specifically to indirectly muzzle the victim. It is critically important to question the logic of a law that, instead of striking a balance between the rights of the accused and the rights of the victim, leans more in favour of the person who is in a position of strength relative to the victim. Should we allow our justice system to be used not only to defend the accused, which is fair and necessary, but to potentially suppress victims' voices?

Justice, in its purest form, must seek a balance between the rights of the accused and the rights of the victim. However, recent changes seem to have upset this delicate balance.

Honourable senators, there is much more to be said about the changes made to this bill, which have considerably reduced the scope of the amendments made by the Senate. An examination of the recent changes to Bill S-12 reveals a disturbing trend on the part of this government, which seems to be ignoring not only the valuable contributions of the Senate, but also, and far more troubling, the voices of victims themselves. By severely limiting the scope of the amendments proposed by the Senate, the government is showing an unwillingness to accept external, expert perspectives. This one-sided approach raises serious concerns about the government's willingness to listen to and integrate diverse perspectives that are essential to drafting fair and balanced legislation.

• (1550)

The Senate, in playing its role as a chamber of sober second thought, made thoughtful changes to the bill to strengthen the rights and protection of victims. However, by rejecting these amendments, the government is sending a very clear message: Its actions do not match its words. Although the government claims to stand up for and listen to victims, its actions show a lack of consideration for and sensitivity to the real needs of victims and the recommendations that seek to improve how they fare in a complex and callous judicial process.

Honourable senators, I would now like to remind you of my views on the other part of the bill, which has to do with the National Sex Offender Registry. I already shared them in this chamber a few months ago, so I will keep my comments brief.

As we all know, Bill S-12 was introduced to respond to the Supreme Court of Canada ruling in *Ndhlovu*, which involved a 19-year-old man who sexually assaulted two women at a party, where he touched both women's private parts.

Despite these acts, which I would describe as serious and troubling, there is a sense, from reading the Supreme Court ruling, that including this offender in the registry is unjustified, considering the consequences that could have on his life. Similarly, the ruling seems to justify striking down the provisions that would require the automatic registration of any person found guilty of or not criminally responsible for a sexual offence as well as the provisions requiring that certain particularly violent offenders who commit more serious crimes be included, in perpetuity, in the National Sex Offender Registry.

Personally, I wonder whether the victims' point of view was taken into account in this ruling, whether they were asked if they had suffered any trauma and whether they have suffered lasting harm as a result of the assaults. Why weren't victims asked whether they thought the offender should be added to the registry?

This kind of ruling trivializes sexual violence against women in Canada and sends a negative message to women who are victims of sexual assault and who are reluctant to report their attackers. This offender should be registered in the National Sex Offender Registry, because he is a sex offender. The acts he committed are unacceptable in a law-abiding society like ours. The goal is to protect women against future attackers.

Take, for example, the recent case of a sex offender who was sentenced to three years and nine months in prison on April 11, 2023. From January 7 to June 5, 2022, this man assaulted six women between the ages of 30 and 65.

The Hon. the Speaker pro tempore: Senator Boisvenu, I'm sorry to interrupt, but I must remind you that, as critic of the bill, when replying to a message, you have 15 minutes to speak. You may conclude your speech in debate.

I'll read the relevant rule.

Senator Boisvenu: In that case, Your Honour, I would ask for five more minutes.

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

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: I will begin by reading the rule, and then I will ask if leave is granted. The rule reads as follows:

> . . . the critic of a bill, if not the Leader of the Government or the Leader of the Opposition, shall be allowed up to 45 minutes for debate at second and third reading;

Therefore, the duration is 15 minutes in any other context.

[*English*]

Is leave granted, honourable senators, for five more minutes?

Hon. Senators: Agreed.

[*Translation*]

Senator Boisvenu: Thank you, colleagues. I'll try to read fast.

Take the recent case of a sex offender sentenced to three years and nine months in prison on April 11, 2023. Between January 7 and June 5, 2022, this man assaulted six women between the ages of 30 and 65. Those crimes were committed in the Quebec City region.

Imagine: three years and nine months for assaulting and traumatizing six women! Pardon me if I criticize our justice system for being so permissive, so soft on these criminals. No wonder the stats for sex crimes are so high. No wonder women choose not to report their attackers. According to 2015 data, 50% of women who have been sexually assaulted drop their case during legal proceedings. Add to that the number of women who do not report these crimes, which is also high; only one in ten women report. A mere one in thirty attackers will ever be sentenced to jail.

Honourable senators, the court gave the federal government until October 28, 2023, to respond. We were pressed for time when we studied this bill because the federal government waited six months to introduce it. That delay had a significant impact on our ability to study changes to the National Sex Offender Registry.

It is essential to take into account victims' voices and to think about the lasting harm they have suffered. Laws and court decisions like this one can dissuade women from reporting assault, which is counterproductive in our fight to end violence against women.

The statistics clearly show that violence against women, particularly Indigenous women, is a major problem in Canada. It is imperative that our justice system reflect the urgent need to treat these crimes with the seriousness they deserve. Given the alarming statistics on violence against women, it is imperative that we strengthen our legislation. By requiring that only child sex offenders and repeat sex offenders be automatically included in the National Sex Offender Registry, Bill S-12 fails to properly address this urgent situation. Most victims of sex crimes are women, and it is fundamental that any man who is sentenced to more than two years for such crimes against a woman be automatically included in the registry.

I proposed an amendment to correct that and to call for the automatic registration of offenders sentenced to more than two years for sex crimes against women. Unfortunately, that amendment was rejected. I still do not understand why my colleagues on the Constitutional Affairs Committee made that decision on something that is so important for victims.

Some have suggested this might conflict with the Supreme Court's decision, but let's remember that it is not up to the Supreme Court to tell us how to do our legislative work. We must act courageously to keep women in our society safe. When we stand up for victims' interests, we must be guided not by fear, but by courage, the same courage the victims show when they report their attackers.

We are about to pass Bill S-12, but I'm deeply concerned that it will not be good enough to go up against crime in Canada, especially not crimes of violence against women. This bill doesn't include necessary improvements to the National Sex Offender Registry, so it could end up making it possible for many attackers to victimize even more people.

I know what I'm talking about, because my own daughter, Julie, was the tragic victim of a sex offender. Our justice system was soft on him, and that is one of the factors that led to him committing that crime. In 2002, there was no registry, and, as a result, a predator who had just been released from jail was able to take my daughter's life. I won't even mention the sentence he got before that fatal attack, a sentence that essentially served as his licence to reoffend.

The safety of Canadian women should always take priority over an offender's right to privacy. We must never underestimate the disastrous consequences of a sexual assault, which can sometimes escalate to femicide. I fear that one day, with this bill, we will regret our actions.

It is essential to recognize that the victims, often forgotten or ignored in the judicial process, deserve much more attention and support than just words of comfort. These women, scarred by events that are often traumatizing, need us to take well-reasoned action that reflects a true understanding of their suffering and their specific needs.

As committed and responsible members of our society, it is our duty to guarantee that each and every victim is treated with the respect and dignity they deserve. Thank you.

[*English*]

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1600)

CRIMINAL CODE

BILL TO AMEND—SEVENTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventeenth report of the Standing Senate Committee on Legal and Constitutional Affairs (*Bill C-48, An Act to amend the Criminal Code (bail reform), with amendments and observations*), presented in the Senate on October 24, 2023.

Hon. Brent Cotter moved the adoption of the report.

He said: Thank you, Your Honour.

I rise to speak to the Standing Senate Committee on Legal and Constitutional Affairs's seventeenth report on its study of Bill C-48.

To assist in your recollection of this bill, it is referred to as An Act to amend the Criminal Code (bail reform).

I'll say more about the bill in a few moments. To give you a sense of the central thrust of the bill, it is to increase the number of offences in the Criminal Code for which, when a person is charged, he or she faces a so-called reverse onus, such that it rests with the accused person to persuade the judge or justice of the peace on a balance of probabilities that they should be released on bail. For these offences, it transfers the "burden of proof," in legal language, onto the accused in order to get released pending trial.

First, I'll provide a bit of context. As a general rule, people who are accused of crimes are let out on bail. The presumption is for release, but the Criminal Code provides three situations where a person can be detained: to ensure attendance in court, for the protection of the public and any victim and, third, to maintain confidence in the administration of justice. Usually, it is for the prosecution to establish that one of these situations or conditions for denial of bail exists or is met.

However, for some offences, the Criminal Code has established what is referred to as a reverse onus; that is, it is for the accused person to make the case that he or she should be released. The legal language is that the onus, or burden of justifying release, rests not with the prosecution but the person accused of the crime. This reverse-onus approach for offences, where it has been applied, has been held to be constitutional by the Supreme Court of Canada.

As I say, Bill C-48 will add a series of offences to this category of reverse-onus situations for bail. The categories are generally in the following range: a range of offences associated with the use of a firearm. This is the thrust of clause 1(2), 1(3) and part of what's referred to as 1(4) of the bill, as well as offences associated with intimate partner violence where the accused person had been previously granted a discharge for a similar offence.

To assist in your understanding of this dimension of the bill — and it's important, and also the subject of an amendment — a discharge is an outcome in a court where a person has admitted guilt or been convicted of guilt, but the sanction imposed by the judge is to discharge the person of the offence, either absolutely or on conditions. Once the conditions are met, while the record is maintained, the conviction is essentially not recorded against them — generally thought to be at the low end of sanctions for criminal offences.

Now, Bill C-48 came to us in a slightly unusual way. It was introduced in the other place on May 16, 2023. It had been the subject of periodic debate in late spring of 2023. The subject matter of Bill C-48 had been discussed among federal, provincial and territorial justice and public safety ministers prior to its introduction. The bill was supported by the provinces and territories, as well as police leadership in the country.

As many of you will have observed, over the past number of months there has been a good deal of attention paid to occasional events where a person out on bail, or out from custody on an analogous basis, is alleged to have committed a very serious crime, often a crime of violence, with tragic consequences for the victims. The sentiment around these events motivated expeditious action respecting Bill C-48.

On September 18 of this year — that is, approximately a month ago — the bill received second reading, Committee of the Whole consideration and third reading in the other place all in one day, and was adopted unanimously — and I emphasize this — without reference to the Justice Committee there. Unlike nearly all bills of this type, it received no committee study prior to its adoption in the House.

This conveyed two messages to our chamber: first, obviously one of urgency with respect to the consideration of this bill in the Senate; second, given the absence of the study in the other chamber, there was a compelling argument that the bill received meaningful, timely consideration when it was referred to the Standing Senate Committee on Legal and Constitutional Affairs on Thursday, September 21 of this year.

In this case, the bill required sober first thought, if I may say so, and that is what it received in our committee.

Your committee held four meetings and heard from 26 witnesses, including the Minister of Justice, the Attorney General of Canada, officials from the Department of Justice, the Attorney General of British Columbia, police and legal associations, advocacy groups, academics and experts, Indigenous representatives and other stakeholders.

The committee also received nine written submissions.

I would like to briefly highlight aspects of what we heard at the committee and indicate the three places where the committee adopted amendments to the bill.

I anticipate colleagues will expand on these comments and provide perspective. I will also briefly say a bit about observations adopted by the committee.

Comments here then fall into four general categories aligned with your committee's report.

First, many witnesses underlined the importance of collecting comprehensive and accurate data on bail in Canada to better understand and address the problems plaguing the bail system, a point we heard from nearly every witness, and to analyze the impact of legislation like Bill C-48, particularly on groups already overrepresented in the justice system.

The fact of the matter is that data collection regarding bail is the responsibility of the provinces and territories and not prioritized in the gathering of justice statistics and information. Many witnesses, however, underscored that federal legislation like this bill must be evidence-based and grounded in comprehensive, empirical data. I think it's fair to say that the empirical basis for the adoption of this bill is weak.

As one of the observations notes, it's critical that we know more about the bail system generally and exactly what effects, positive and negative, amendments like this to the bail system ultimately produce.

The second point concerns public safety. Witnesses expressed divergent views on the necessity, usefulness and impacts of the measures produced and proposed by this bill with regard to public safety.

In the wake of recent tragic incidents of violence involving individuals on pretrial release, several witnesses noted the importance of preserving public safety and confidence in the Canadian criminal justice system by ensuring that accused individuals are detained when that detention is justified to ensure public safety.

The committee heard testimony explaining that the bill includes targeted measures intended to respond to concerns raised by law enforcement across the country, and specific requests to expand reverse onus provisions to include select offences were received from 13 provincial and territorial premiers, including a co-signed letter in January of this year.

• (1610)

In contrast, some witnesses questioned the potential effectiveness of the proposed amendments, arguing that prosecutors could already argue for the detention of an accused when it is justified, including for reasons of public safety.

Some witnesses stated that the bill would not lead to a reduction of violent crime — as it does not address the root causes of violent crime — and investments in so many areas that could assist were critical.

This brings us to the first amendment to the bill adopted by the committee. Some witnesses recommended the removal of one of the provisions in the bill that would expand the reverse onus provision to apply to an accused who has received an absolute or conditional discharge for a previous conviction involving intimate partner violence. That is one of the provisions that would be a reverse onus provision in the initial bill. The witnesses argued that it would inappropriately target and criminalize survivors of intimate partner violence, as there is often a significant overlap between perpetrators and survivors of intimate partner violence. In some respects, this tends to scoop up relatively vulnerable people in this net, who are captured by the reverse onus clause. Others, including provincial and territorial governments, supported the bill in its existing form as a means to protect survivors of intimate partner violence.

The committee considered and adopted an amendment on this point to remove the reverse onus clause in these discharge and intimate partner violence cases. This was done on division, although I think that's only technically the correct way of saying it. Senator Batters pointed out to me that, in fact, there was a roll call vote on this, and the vote was 8 to 5.

Third, the report summarizes what the committee heard in relation to the impact of Bill C-48 on Indigenous, racialized and marginalized communities. Some witnesses were concerned that the adoption of the bill would lead to prolonged litigation in bail court, increased demands on the legal aid system, longer bail delays and increased times in detention, exacerbating existing delays in the bail system. Several witnesses warned that these adverse effects would be visited disproportionately upon Indigenous, racialized and marginalized groups who are already overrepresented in the justice system, and already disadvantaged in obtaining release on bail.

All of this led the committee to consider and adopt an amendment proposed, in this case, by Senator Clement. This amendment requires additional consideration of the circumstances of vulnerable persons in judges' and justices' decisions respecting bail. The committee amended clause 1 of Bill C-48 to require that a justice presiding over a bail hearing state in the record of proceedings how they went about considering whether a person fell into one of the categories of people in section 493.2 that deserved special consideration — Indigenous or otherwise vulnerable people — and, if such a person is identified, how the justice applied his or her mind to that question of pretrial release.

My fourth and nearly last comment relates to the contemplated five-year review of the impact of Bill C-48. Strangely, as was noted here and at committee, clause 2 of this bill contemplates a five-year review by the Justice and Human Rights Committee of the House of Commons — period; full stop. Perhaps this was an oversight. It's not the most critical point to be decided because the Senate would have the authority to initiate a study without any legislative blessing from the other place. Nevertheless, the committee expressed its view, noting the oversight, and introduced and adopted an amendment unanimously, as I recall, to Bill C-48 that a directive for a Senate committee — most likely the Legal and Constitutional Affairs Committee — be included in the clause 2 provision, which is the five-year review provision.

Finally, I will highlight four themes in the committee's observations.

The first point is one that I've made already about the need for a comprehensive database reform of Canada's bail system. It's frustratingly fragmented and not a priority, but when you're the one who has to sit in jail waiting for your trial, it's pretty darn important.

The second point is regarding gender-based violence and violence against women: There is an observation to the effect that the vulnerabilities surrounding gender-based violence — and the need for a comprehensive response to these concerns — need to be a broad and general priority, as has been noted in previous reports.

The third point is an observation that this is an ideal topic for the Law Commission of Canada to consider in its review of the criminal law. The Criminal Code has been amended in a piecemeal way — sometimes by this chamber — for decades, and, no doubt, there are cumbersome, repetitive or inconsistent provisions that need comprehensive reform.

The final theme is the need for Gender-based Analysis Plus. I think it's fair to say that the committee continues to experience frustration with the government in that it does not provide timely information regarding gender-based analysis. That was also the case with this bill. We received that information only days before clause-by-clause consideration, and I think it's fair to say that the committee was disappointed not to receive that information prior to hearing the minister testify. In order to study a government bill in a serious and comprehensive way, the committee requires timely access to this analysis. The result in this observation is that the committee urges the federal government to provide Gender-based Analysis Plus information in a timely way when the bill is referred to the committee. Failing to do this, the committee may delay consideration of a bill until the committee receives this information.

I want to extend my thanks to the committee members and to the staff who supported the committee in the work on the bill, especially in the unusual circumstance where we had to be both the house of sober first thought and the house of sober second thought with respect to the bill.

Thank you.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

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

(On motion of Senator Gold, bill, as amended, placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[*English*]

PROTECTING CANADA'S NATURAL WONDERS BILL

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Sorensen, seconded by the Honourable Senator Audette, for the second reading of Bill S-14, An Act to amend the Canada National Parks Act, the Canada National Marine Conservation Areas Act, the Rouge National Urban Park Act and the National Parks of Canada Fishing Regulations.

Hon. Dennis Glen Patterson: Honourable senators, I rise today to speak to Bill S-14, An Act to amend the Canada National Parks Act, the Canada National Marine Conservation Areas Act, the Rouge National Urban Park Act and the National Parks of Canada Fishing Regulations.

This bill makes several amendments to various acts related to parks and conservation areas, and establishes in law a national park in Labrador — Nunatsiavut — and a marine conservation area in Nunavut, namely Tallurutiup Imanga.

I'm sure that it will surprise no one that I'll be focusing my remarks on those provisions affecting my home territory of Nunavut.

Inuit in the High Arctic region of what is now Nunavut have been calling for the protection of a marine area in Lancaster Sound since the 1960s. In 2010, the first proposal was brought forward by the government of the day. The proposed area did not include the area that Shell Canada held oil and gas leases in. In 2016, Shell relinquished their leases, and, in 2017, the agreement in principle to establish Tallurutiup Imanga was signed between Parks Canada, the Government of Nunavut and the Qikiqtani Inuit Association, or QIA.

• (1620)

Following that was a much-acclaimed whole-of-government approach to define the benefits with Inuit and a management plan that ultimately culminated in an Inuit Impact and Benefit Agreement, known as an IIBA, signed on August 1, 2019. Such an agreement is required for any significant changes affecting Inuit owned lands within Nunavut.

The IIBA defines the rights, roles and responsibilities of the signatories as they pertain to Tallurutiup Imanga and includes, but is not limited to, key provisions surrounding continued use and access of Inuit to the area for traditional activities; Inuit stewardship of the area; clarifying the roles of Community Land and Resource Committees — we call them CLARCs — hamlets and Hunters and Trappers Organizations, known as HTOs; and the establishment of key mechanisms such as the Aulattiqatigiit Board. The Aulattiqatigiit Board is of specific importance as it is

comprised of representatives from Inuit organizations and the Government of Canada. The IIBA in this connection specifically states that:

> . . . Parties shall work together in reaching consensus decisions through the process outlined in this Agreement to guide management of Tallurutiup Imanga . . . .

Unfortunately, here we are four years later, and the board has not been able to finalize an interim management plan for a protected area spanning a huge 109,000 square kilometres. In fact, colleagues, I would draw your attention to section 25 which states that section 18 — that is the section related to the establishment of the borders of Tallurutiup Imanga — has a delayed coming into force. It states:

> Section 18 comes into force on the day on which a notice is published in the *Canada Gazette* confirming that an interim management plan for the Tallurutiup Imanga National Marine Conservation Area has been approved by the Aulattiqatigiit Board, as defined in section 2.2 of the Tallurutiup Imanga National Marine Conservation Area Inuit Impact and Benefit Agreement signed on behalf of Inuit of the Qikiqtani Region of Nunavut and Her Majesty the Queen in Right of Canada on August 1, 2019.

In short, this clause confirms what I have just reported to this chamber: the board has been so far unable to resolve the outstanding issues between Inuit and Canada, and, until there is a resolution, we will not see Tallurutiup Imanga formally recognized in law.

Colleagues, another important point to make here is that, in addition to the IIBA, there were several other side agreements for additional benefits to Inuit and impacted communities. These agreements included the establishment of multi-use facilities by Parks Canada that would be used to, among other things, allow for office space to enable the management and monitoring of the area; house equipment for harvesting and monitoring; and provide the capacity for maintaining harvesting equipment. Community users would also have the ability to host events in these spaces which will be important for transfer of cultural knowledge and practices.

Originally, $26 million was provided by Parks Canada to construct five facilities in five different communities, with the Qikiqtani Inuit Association, or QIA, agreeing to cover additional cost increases. However, no one could have anticipated the effects of a global pandemic on supply chains and inflation. This has led to an $18 million cost increase. This is an exceptionally large burden to place on a regional Inuit organization with limited resources and many competing priorities for limited funding. To their credit, the QIA has pursued ways of structuring the projects to lower costs to help supplement the cost of operation and maintenance, but the deficit of $18 million persists.

As a direct result, only three of the five planned facilities are currently under way. A related deal between the Government of Nunavut and Transport Canada led to the promise of community harbours in Grise Fiord and Resolute Bay, which are currently in the design phase. Transport Canada has engaged in open and continuous dialogue on the project through a working group consisting of Transport Canada, the Government of Nunavut and QIA.

Conversely, a deal between Inuit and Fisheries and Oceans Canada, or DFO, promised small craft harbours in Clyde River and Arctic Bay. DFO informed QIA after the tender process that cost estimates had changed dramatically due to the pandemic and that they would only be able to proceed with one small craft harbour at this time. So work on Clyde River's harbour is under way, but there is no update on when, if ever, Arctic Bay's harbour will go back out to tender.

Similarly, there is no information available to Inuit regarding costs and timelines related to both projects. Inquiries from QIA generate the stock response that the department is "looking for solutions."

Qikiqtani Inuit are working towards increasing Inuit participation in fisheries to advance economic opportunities for Inuit in the economy. The small craft harbours are an important step towards enabling and addressing the significant infrastructure gap in the Arctic.

Senators, I would argue that we have an opportunity in this bill to examine an existential question pertaining to the honour and duty of the Crown. Here we have a marine protected area that Inuit have been advocating for — for decades — and we stand on the cusp of it finally being enshrined in law, but we cannot move forward until we end the standstill between Inuit and Canada over the interim management plan.

The government lauded its whole-of-government approach to negotiating Tallurutiup Imanga. Indeed, one need only look to the August 18, 2017, CBC article entitled, "Feds, Inuit sign unprecedented working arrangement to negotiate Lancaster Sound benefits deal," which byline reads, "Whole-of-government approach puts onus on federal cabinet to work as one."

If only.

While there have been improvements to the relationship between Inuit and the Government of Canada, there continues to be frustrations over inconsistent and siloed approaches to Indigenous issues across different departments and even across different sectors within the same department. We see the legislative branch of Parks Canada pushing ahead with this legislation, while the policy branch is unable to resolve key issues with Inuit in the interim management plan.

Parks Canada needs to work with the Inuit organization to address the unprecedented inflation of costs surrounding the multi-use facilities to ensure the promised infrastructure will become reality. Transport Canada has, admirably, worked closely with the Government of Nunavut and Inuit in an open and transparent way to advance their promised community harbours, while DFO's approach to and progress on the promised small craft harbours remain shrouded in secrecy.

I must observe that, for decades, DFO has excluded Northern Canada — which has by far the longest coastline in Canada — from participating in its well-known Small Craft Harbours program, which is well patronized on Canada's east and west coasts. Finally, we are seeing this program implemented with the new and welcome small craft harbours in Pangnirtung and Pond Inlet.

DFO is familiar with the challenges and, yes, the costs of building harbours in remote locations like Arctic Bay, which is on the north coast of Baffin Island, at 73 degrees north latitude.

I remember watching the national news as the Prime Minister announced — alongside other cabinet members — the creation of Tallurutiup Imanga from Arctic Bay, where an overflowing community hall full of hunters, fishers and their families was overjoyed to hear of the promised small craft harbour. Now, six years after the initial announcement, I am hearing of great disappointment and frustrations from the mayor, council and citizens of Arctic Bay, asking me when they can expect even the first steps towards their new small craft harbour.

• (1630)

I feel it is incumbent on me, honourable senators, to ensure that we do not debate this bill without also including in our discourse the importance of the government fulfilling all the promises made when the marine conservation area was negotiated and agreed to. We should ensure that every enactment upholds and maintains the honour of the Crown and that the duty to Inuit will be discharged by every department delivering what it promised to deliver.

I wish to congratulate the sponsor of this bill, the Honourable Karen Sorensen. I believe this is the first bill she has sponsored in the Senate. Her pronunciation of the Inuktitut terminology was impressive. I do welcome the opportunity to speak in favour of the principle of the bill, but also, in doing so, to alert the sponsor of the bill — and this is the job of a sponsor; she will know this — to alert the government through her that there are details in the so far imperfect implementation of the bill's promises and the failure of the government to deliver on promises made to Inuit which were pivotal to achieve Inuit support for the creation of this huge conservation area in the Nunavut Settlement Area.

With that, honourable senators, I look forward to the bill proceeding to committee, where I have, I hope, clearly given notice there are questions I will pose to the minister and the sponsor.

Qujannamiik. Thank you. *Taima*.

Some Hon. Senators: Hear, hear.

Hon. Michael L. MacDonald: Honourable senators, I rise today to speak as the critic of Bill S-14, An Act to amend the Canada National Parks Act, the Canada National Marine Conservation Areas Act, the Rouge National Urban Park Act and the National Parks of Canada Fishing Regulations, introduced in the Senate on October 19, 2023, by Senator Gold, the government leader in the Senate.

Colleagues, we gather here today to deliberate a bill that seeks to implement changes in the realm of conservation and preservation of our natural heritage.

Bill S-14 amends the Canada National Parks Act to establish a new park reserve in Labrador. This initiative includes specific provisions concerning its operation and administration.

It also proposes the expansion of the boundaries of no fewer than seven existing national parks and one national park reserve.

The bill aims to strengthen legislation against offences related to the discharge or deposit of harmful substances in a national park or national park reserve.

It will rename one park and modify the Canada National Marine Conservation Areas Act. This portion of the bill focuses on the establishment of the Tallurutiup Imanga National Marine Conservation Area, an initiative that underscores the importance of preserving our precious marine ecosystems.

Covering over 108,000 square kilometres, this park will account for nearly 1.9% of our protected marine areas, serving as a bastion of biodiversity in the eastern Canadian Arctic. This area is not just crucial for its unique biodiversity; it is also vital for the survival and livelihood of the Inuit of the High Arctic. Described as an ecological engine, this park is more than that. It is the heart of an entire ecosystem, a life-giving source supporting not only a wide range of marine species but also the human communities that rely on these waters.

Lastly, the bill amends the Rouge National Urban Park Act, aiming here to strengthen penalties against the discharge or deposit of substances in this urban park, thereby ensuring its protection for future generations.

The government asserts that the purpose of these amendments is to protect and enhance our natural and cultural heritage. National parks are designed to preserve Canada's representative terrestrial and aquatic ecosystems while allowing the public to enjoy and utilize them sustainably.

As for national marine conservation areas, they protect marine ecosystems while promoting ecologically sustainable use of their resources.

Beyond these objectives, the government aims to achieve ambitious conservation targets, such as conserving 25% of our lands and waters by 2025, and 30% by 2030. Moreover, the goal is to create several new national parks, marine areas and urban parks in the coming years.

Honourable senators, allow me to focus on a critical point: the importance of a more thorough analysis of this bill. We are facing significant issues that require proper and enlightened reflection.

One is the potential impact expanding existing park boundaries might have on the people who live near the parks. Certainly, many of these expanded boundaries are in areas where relatively few people are domiciled, but many are in areas where there are primarily Indigenous people who regularly hunt and fish, and these realities must be accommodated appropriately.

But not all national parks are remote. I grew up beside a national historic park, the Fortress of Louisbourg on the western side of Louisbourg Harbour. In the late 1920s, the land where the fortress itself stood was purchased by the federal government, which designated it a national historic site.

There were only a few homes on that 60-acre site, and they were removed. Except for a nice stone museum and a caretaker's home that the federal government built in the early 1930s, the entire site was empty. Then in 1961, the Diefenbaker government announced it would partially reconstruct about one quarter of the original fortress.

Even at a young age, I was excited about the plans for the fortress. My mother's people were from West Louisbourg, so I was often there, and playing around the fortress site was a common pastime. The bombproofs of the original château were exposed, and we'd always climb around on them. The old roads were marked, and some foundations for significant buildings, like the hospital, had been rebuilt over the years. To think that it would be somewhat restored was exciting to the townspeople for sure. The people of Louisbourg were always proud of the town's unique history, and to see the fortress rise again had a romantic appeal to everyone in the town.

The reconstruction from the early 1960s to the early 1980s was a significant economic generator for the town of Louisbourg and the greater community during that time. Laid-off miners from communities like Glace Bay were retrained to be stonemasons, bricklayers and metalworkers, to name a few trades. In 1966, the Louisbourg Town Council voted to restore the old French spelling to the town itself as a salute to the restoration. Many people built careers for themselves with the reconstruction of the fortress.

That reconstruction became important to me personally, as I worked in archaeology for five summers when I attended university between 1974 and 1978. Of course, I have always loved history, and my hometown has a lot of it, and being able to work there and live at home during my university years was a wonderful gift.

But there were a lot of downsides as well, both immediately and some which became much more evident with time. Ottawa had determined that West Louisbourg — an old, mostly Irish Catholic community dating back to the 1760s which lay outside the incorporated town and included the fortress site — was to be expropriated, as were the communities of Kennington Cove and Deep Cove along the Atlantic Coast west to Gabarus, a distance of about eight miles.

In all, by the time the bureaucrats were finished, over 16,000 acres to the west of the incorporated town were eventually expropriated by the federal authority. All the homes and the people were removed, and the lovely old Stella Maris church in West Louisbourg — which stood directly across from my grandfather Kehoe's home, where generations of my mother's family had attended and where all my siblings and I were baptized — was torn down by the government. It was a very sad day. When people ask now why they had to tear the church down, which is nowhere near the fortress site and should never have been destroyed, one can only conclude it must have blocked the view of the fortress from Ottawa.

Many people did not want to move, but Ottawa was determined to expropriate a lot more land than was necessary for the reconstruction. The locals were just a bunch of small-town and rural people who had no leverage and eventually did what they were told to do by the authorities. Some tried to fight it, but most acquiesced and tried to see the good in it.

Now, Louisbourg's great historic strategic advantage was always as an active seaport. Most of what today is referred to as "industrial Cape Breton" is found around or near Sydney Harbour and its many communities. But they are all found on the northeast side of the island, where the Cabot Strait enters the Gulf of St. Lawrence.

Louisbourg itself is located away from industrial Cape Breton, on the southeast coast of Cape Breton, on the Atlantic Ocean. It was chosen by Louis XV and his advisers to be the site for the fortress because of its ice-free harbour — something not available on the Cabot Strait side of the island. That was still important until the 1950s. Louisbourg had been the winter shipping port for all of industrial Cape Breton since the late 1890s — coal and steel going out, iron ore coming in. Only rail connected us to the rest of industrial Cape Breton. The industrial era was coming to an end, but the fortress seemed to compensate for the changes.

• (1640)

However, by the late 1980s, when the reconstruction phase was well over, the community was beginning to atrophy noticeably. Our population began to plummet and all kinds of services disappeared. There used to be four gas stations; now there are none. The credit union is long gone and the bank just closed. Then the high school was gone, then the junior high school was gone and now there are no schools at all. The town lost its incorporation in 1994. No more drugstore, no more doctor, no more much of anything except during tourist season.

Why did the community's vitality begin to suffer? It is true that many small towns in Canada are in decline, and there might have been some of that at work, but the biggest problem is that the federal government's land grab to the west of Louisbourg had cut off the town's access along the western shore road to Gabarus. This is part of what is known locally as "the old French road," the oldest road on Cape Breton Island. You can't drive through the community anymore. All of the normal services that you expect in a community dried up because it couldn't operate normally outside of the tourist season.

The old seaport had become a de facto outport — a dead end, a cul-de-sac. You can't enter the town from the coastline to the west. All visitors to Cape Breton now have to drive through to industrial Cape Breton and then backtrack to Louisbourg.

This is a cautionary tale. I tell this story because it's a story of expropriation with no consultation and it resulted in serious unintended consequences. I resent — and I'm not alone in my resentment — the way my hometown was changed for the worse by this massive expropriation of land. So much damage has been done, and most of it was easily avoidable. All they had to do was leave the road to Gabarus open through the park boundaries.

I bring this saga of Louisbourg to the Senate's attention because I know the effect that massive expropriation without proper consultation can have on communities. However, that doesn't mean I'm not relatively supportive of the goals outlined in this bill, because I am broadly supportive of the goals of this bill. But let's make sure that consultation is not a mere formality but, rather, a genuine, respectful and constructive dialogue with any community that is being affected by these proposed changes.

There are important national interests to consider. Our national parks and nature reserves often border areas of energy activities. Decisions related to the management and extension of these protected areas can have a significant impact on access to resources and methods of energy exploitation. Thorough consultation with this sector not only allows for anticipating and managing economic impacts but also innovating towards more sustainable and environmentally friendly solutions.

Tourism, for its part, derives direct value from the beauty and integrity of our natural spaces. National parks and reserves are major attractions for both national and international tourists. It is crucial to assess how our decisions affect this sector, not only in terms of revenue but also in terms of the quality and sustainability of the tourist offering.

Both the energy and tourism sectors are important to our country and to our economy. Each change we make to the management of our parks can have repercussions on these sectors. It is imperative to ensure that all stakeholders have been consulted and that the economic impact has been rigorously assessed.

Moreover, as our country embarks on ambitious conservation goals, we must also consider the costs, both financial and human, associated with these projects. Implementing these new regulations and managing new reserves and parks — all of this requires resources. Do we have a solid plan to deal with this? We cannot afford to make hasty decisions. It is our duty to scrutinize this bill thoroughly in committee to ensure the well-being of our heritage, our citizens and our future generations.

Honourable senators, each of us can attest to the geographical magnificence of our country. We are privileged in Canada to be surrounded by national parks of breathtaking beauty. Protecting these spaces is more than a responsibility; it is a duty to our heritage and a legacy that we must pass on intact to future generations.

I urge the chamber to get this bill to committee as soon as possible so we can give this proposed legislation the due diligence it deserves as quickly as possible. Thank you, colleagues, for your time and attention.

Some Hon. Senators: Hear, hear.

Hon. Mary Jane McCallum: Senator MacDonald, thank you for your speech. I don't know if you realize how closely what you have recounted mirrors what has happened to First Nations throughout Canadian history. You said that this is a cautionary tale about expropriation without consultation and about massive expropriation of land. This has happened to different people. I want senators to remember that we experienced historical colonialism and colonization. I want senators to remember that what we fight for is true and that we would like our issues to be recognized.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator LaBoucane-Benson, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.)

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

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

Hon. David M. Arnot: Honourable senators, I rise today to respond to the Speech from the Throne, in the spirit of the long-held tradition of an inaugural speech.

Some Hon. Senators: Hear, hear.

Senator Arnot: I am no longer a "new" senator, having been here for two years. This timing may be explained partially as being consistent with my path — as a lawyer, judge, treaty commissioner and human rights commissioner — that I prefer to take the necessary time to have a full understanding of the facts, to weigh them carefully and to proceed with offering a judgment or decision.

Colleagues, I can say that, even with two years of tenure, I can only offer a preliminary commentary — a pre-sentence report, if you will. This commentary is shaped deeply by what I have learned from you, my colleagues, and from many other wise, articulate and passionate Canadians who have helped shape my world view. These were sometimes family, friends and parliamentarians, and sometimes teachers, educators and elders.

One specific thing I learned from elders is that, in making introductions, it is helpful to tell people about where you were born, your family, where you grew up and to give others a sense of your connections.

• (1650)

The biggest claim to fame I have likely comes from the fact that my grandfather played football for the Saskatchewan Roughriders for a decade, between 1919 and 1929. He played in three Grey Cup games.

In 1984, he was, at that time, the oldest living former Saskatchewan Roughrider and was interviewed by the *Regina Leader-Post* newspaper. He was asked what he regretted about the modern game compared to the rules he had played under. His answer was "the invention of the forward pass." That rule allows a player to throw the ball from behind the line of scrimmage to a teammate downfield. The purpose is to accelerate the chance of a touchdown. It is, if you will, a shortcut to success.

While I have admiration for the Canadian Football League and certainly the Saskatchewan Roughriders, I sought success in the field of law. In 1972, my mother was proudly bragging to my grandmother that I had been accepted into law school. My grandmother, however, was not impressed, not at all. In fact, she was very upset. She had grave concerns — not because I might become a lawyer but because I might become a politician.

Nearly 50 years later, in July 2021, her worst fears were realized with the call from the Prime Minister when I was given the honour to join the Senate of Canada.

While I will never know for sure, I believe any worries she had about me being involved in politics would be allayed by the company I keep with you, honourable senators — people who represent regions, provinces, territories, communities, citizens and, importantly, minority groups — people entrusted with the oversight of many of the most important decisions to be made in our country — decisions to be made for Canadians by bringing our collective experience to bear and learning from one another.

Years ago, a colleague in the judiciary challenged me to better understand Indigenous peoples and communities. He asked me to attend a sweat lodge ceremony near what was then called Hobbema, Alberta. It was the first sweat lodge I ever attended. The elder looked at me and said, "I always save the hottest rocks for judges," and I believed that.

At the end I asked the elder to help me make an outreach to the First Nations people in the Battlefords area. He wrote a name and a phone number on the back of a matchbook cover and he told me to call that person when I got home. I eventually made that telephone call about a week later, after working up the courage to pick up the phone. When a man at the other end answered, I told him, "Hi, I'm the local judge. I would like to speak to you about what's happening in the justice system." He said, "Oh, I know who you are. We have been waiting for your call for over 100 years." He meant it.

That call was a catalyst for me. It changed the trajectory of my career and my life, and I felt compelled to work with Indigenous leaders, communities and people.

In doing that work, I was fortunate to learn two important things: First, there is more than one way to view the world, and Indigenous people had a world view that I needed to understand; second, I realized that my education was wholly incomplete. Education through a formal system, through oral history and through lived experience is essential.

I suspect those of you who have heard me speak about the power of education, treaty rights, Indigenous rights, human rights and citizenship wonder why this is a focus and passion for me. In part, it is a response to the intersection of two world views: politics and the life and history of my great-grandfather, J.K. McInnis. He was a politician, educator, a real estate developer and a journalist. He owned the *Regina Standard* daily newspaper. He was the twelfth mayor of the City of Regina and a city councillor for many years.

He ran in the 1896 federal election in Assiniboia West constituency. The result was a dead-heat tie between him and his opponent. The returning officer, as was the practice, broke the tie by casting his vote in favour of the incumbent, Nicholas Flood Davin, a lawyer from Ireland who owned a rival newspaper, the Regina *Leader*. Davin later became one of the key architects of the Indian residential school system, a system that prioritized assimilation over integration, the priorities of one world view over another, a disregard for the cultural mosaic that distinguishes Canada on the global stage today.

Indeed, it has been said that Canada is the most successful experiment in pluralism the world has ever seen. However, the success of Canada's pluralistic, multi-ethnic, multitheistic and multicultural country and society is fragile. That fragility is directly related to the knowledge, understanding and commitment Canadians have for our democracy, our democratic institutions and the need for a sustained and active commitment to inherent responsibilities of citizenship.

I was and remain humbled and honoured to have been summoned to support democracy and the rights of Canadians. I am acutely aware of the tremendous responsibility and commitment to my fellow Canadian citizens and to you, my fellow senators. I embraced the challenge to be part of a new ethos in the Senate: to be non-partisan and independent, free to

make decisions based on what I consider to be in the best interests of Canada, without an agenda, but rather to vote according to my experience and conscience.

As a judge, I was afforded judicial independence, a robust and essential tool defined as a core tenet of our justice system in maintaining the rule of law. I am an unwavering advocate for that independence. The 20th century was, and the 21st century is rife with examples of what happens when the rule of law and judicial independence are tampered with or even eliminated: We have social upheavals, economic chaos, wars and millions of human lives lost.

The world's response to the Holocaust is embodied in the 1948 Universal Declaration of Human Rights. That was the first time in history that the rights of every individual human being were recognized. That was only 75 short years ago. That document is the foundation for the Canadian Charter of Rights and Freedoms, the various human rights codes in Canada and the United Nations Declaration on the Rights of Indigenous Peoples. I'm proud to say that the first human rights act in North America was the 1947 Saskatchewan Bill of Rights, created by Morris Shumiatcher and Tommy Douglas.

Human rights, treaty rights and Indigenous rights, just like the rule of law and judicial independence, are not and must never be measures of compromise. Our ability as senators to act independently from government, to be the chamber of sober second thought, is not a measure of compromise.

The rights of Canadians as citizens and as human beings remain strong because of strong institutions. Strong institutions require people of integrity who do not waver in fairness, justice and truth. Those are not measures of compromise.

Neutrality is sometimes included in that list of qualities. It is essential to the role of the judiciary and core to our work as senators when we hear from witnesses, balance their testimony and determine what to report.

However, there is a caveat. I believe that we as senators must not compromise on our responsibility to uphold the rights of minority groups. The Senate must not succumb to the tyranny of the majority. This means we have a bias in upholding the Constitution, Charter rights and human rights. It is a bias in upholding the rule of law and our commitment to truth and justice. It is in our calling to the Senate to always, without fail and with the biases required of our positions hold the government of the day accountable and improve every piece of legislation we are required to assess, and thereby make our democratic institutions stronger.

There is an old concept in common law that I believe applies to our work. We must act in accordance with the honour of the Crown. I have written and spoken about the honour of the Crown to many audiences, students, academics, lawyers, judges, chiefs, elders and policy-makers. The honour of the Crown is a principle and a convention that requires, in every action and decision, the women and men who represent the Crown in Canada to conduct themselves as if their personal honour and family name depended on it.

• (1700)

To be clear, I'm speaking about the people in the legislative and executive branches of government, because they are responsible for the actions of the Crown. I know that some consider the honour of the Crown to be a remnant of a time long past, an anachronism to be ignored. Colleagues, I don't share that view. The principles of the honour of the Crown demand that senators and Canadians operating in a mature, democratic society act with principle from the highest moral standard. Perhaps most of all, it is imperative that our words and actions are honourable in the way that my grandmother would approve. While I might disagree with my grandfather about the merits of the forward pass, I know there is no quick forward pass in our work. There can be no shortcut to success that abrogates our responsibility to the next generation.

Thinking about the future, I recall the words of Chief Mistawasis during Treaty 6 negotiations at Fort Carlton in 1876, just a few kilometres north of present-day Saskatoon. He was a head chief. He really understood the power of education. He spoke about it and advocated for it. These are his words, which reflect his world view. He said:

> What we speak of and do now will last as long as the sun shines and the river runs, we are looking forward to our children's children . . . .

Colleagues, protecting our democracy requires constant vigilance. I am proud to stand with you, my Senate colleagues, as we work to strengthen the future of our country and to make Canada a better place for our children's children. Thank you. *Kinanâskomitinâwâw*.

Hon. Leo Housakos: Honourable senators, first of all, I would like to congratulate Senator Arnot on his maiden speech in the chamber on the Speech from the Throne. I'm sure he will make a great contribution to this institution with all his knowledge and background.

I would like to also, though, participate in giving my thoughts on the Speech from the Throne, which is an important tool for parliamentarians. It is the Speech from the Throne that outlines the direction, the strategy and the objective of the Crown — of the government — and where they want to take government. And, of course, it's our responsibility to review that document thoroughly, and for many of us who care about holding the government to account, to express their views.

So I think if we look at the Speech from the Throne and this particular Parliament, we have a government that has failed on all accounts. I think the reality of the matter is that, as parliamentarians, we have an obligation to highlight them and call upon them to do better. If we look at their commitment to fiscal responsibility, they've actually failed on a number of Speeches from the Throne, starting from the first one they delivered back in 2015, where they promised a balanced budget by the end of their first mandate. Of course, now, after three Speeches from the Throne, this current one has thrown out the door any fiscal responsibility whatsoever. I guess, in a way, they are actually consistent in that promise.

They also said in the Speech from the Throne that the world needs more Canada. Of course, colleagues, if we do a thorough review of our foreign policy standing — it doesn't matter if it's our operations in Afghanistan or the way we're dealing with the IRGC — there has probably never before been less Canada on the global stage than there is currently. If we look at our peacekeeping and defence capabilities, we don't have the capacity that this once-great country did on the world scene.

Of course, it's compelling on our part to hold the government to account. We have committees here, we do studies and, more importantly, we vote on government legislation, which is rooted in the Speech from the Throne. When we see that the executive is not consistent with their objectives and don't actually realize their goals, we have an obligation, I think, to call it out and even vote against it.

I want to get to a particular point. I don't want to take up a lot of time because I realize you all know my views on this particular government and how successful they've become. We know the series of failures, and it's indicated in the plummeting polls right now. We see how Canadians feel about this government. However, there are two cornerstones of the Speech from the Throne. We have now seen how this government is going forward, and one commitment they kept from the Speech from the Throne is putting in place a carbon tax, which they claim would clear up all the pollution in the environment and would actually be the catalyst to making Canada a world leader in dealing with pollution and making us the leaders when it comes to environmental climate change and challenges.

Of course, simultaneously, another achievement of this carbon tax is it has pummelled middle-class Canadians across the country, coast to coast to coast. Senator Carignan brought up some statistics of the number of Canadians lining up at food banks. We've never seen that before. In large part, it is due to the carbon tax.

We in the opposition, those of us who are partisan and actually disagree with this public policy and engage in debate, think it doesn't fulfill any environmental goals whatsoever. It just makes Canadians poorer and poorer while driving up inflation.

Lo and behold, here is another Speech from the Throne promise that just went out the door a few minutes ago. Prime Minister Trudeau decided to go to Atlantic Canada and announced a few minutes ago — many of you might not know this; you might be hearing this for the first time — that he's putting a pause on the carbon tax for home heating. Congratulations, Senator Gold. After months and months of us asking the question and giving sound advice, finally someone over at the PMO has heeded that advice. Congratulations.

I'm not too disturbed about breaking that promise in the Speech from the Throne. I think it's a good start. I don't think it goes anywhere near far enough because our agricultural sector is still being pummelled by a carbon tax that is being reflected every single time we walk into a grocery store and fill up a cart of food. The middle class and poor Canadians working hard trying to make it to that middle class — that is a line from your own Speech from the Throne — will never achieve that goal if we continue to pummel them in the spirit of trying to save the environment.

I will say this, colleagues: We should debate this thoroughly. I think we have an obligation to debate the carbon tax thoroughly.

My question is the following: Senator Galvez, is this decision today an admission that the government has failed on all fronts when it comes to combatting climate change and they're taking a step back? Or is it an admission that this is a bad economic strategy and that taxing Canadians in the spirit of saving the environment will only create more poor Canadians and drive middle-class Canadians to the poorhouse? It's either one or the other.

Senator Plett: It could be both.

Senator Housakos: It could be both, you're right. I think we, as a Parliament, have an obligation to thoroughly look at this very carefully.

Now, we all know why politicians flip-flop and don't honour their commitments from Speeches from the Throne and, in this particular instance, flip-flop on their own public policy that has been the cornerstone of their government for years. I suspect they flip-flopped in this case because they realize Canadians are catching onto them, that they're not solving any of the environmental climate change problems while driving Canadians to the poorhouse.

We will continue to be partisan on this side. We will continue to follow through on our responsibility as parliamentarians that we've been summoned to do here, which is to engage in the public discourse and the public-policy-making and debate Speeches from the Throne, energy policy and taxation policy and do our due diligence in a sober-second-thought manner in the interests of Canadian taxpayers.

Today, Senator Gold, it's your day. I want to compliment your government for finally listening to some common sense, but there's more common sense to come. Thank you, colleagues. Have a great weekend.

(On motion of Senator LaBoucane-Benson, debate adjourned.)

• (1710)

INTERNATIONAL TAX JUSTICE AND COOPERATION DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Dalphond, seconded by the Honourable Senator Bernard, for the second reading of Bill S-264, An Act to establish International Tax Justice and Cooperation Day.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

CRIMINAL CODE
SEX OFFENDER INFORMATION REGISTRATION ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Pierre-Hugues Boisvenu moved second reading of Bill S-266, An Act to amend the Criminal Code and the Sex Offender Information Registration Act.

He said: Honourable senators, I move the adjournment of the debate for the balance of my time.

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

Hon. Senators: Agreed.

(On motion of Senator Boisvenu, debate adjourned.)

[*English*]

NATIONAL FRAMEWORK ON ADVERTISING FOR SPORTS BETTING BILL

SECOND READING—DEBATE CONTINUED

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. Gwen Boniface: Honourable senators, I rise today in support of Senator Deacon's Bill S-269, An Act respecting a national framework on advertising for sports betting.

Colleagues may remember the reservations that Senator White, our former colleague, and I had with Bill C-218 dealing with single-event sports betting. At that time, and even now, I feel that we jumped on board too quickly because of tight timelines.

Bill C-218 could have seriously benefited from more consultation and research. In developing a proper and safe single-event sports betting regime, it needs to come with supports to dissuade problem gamblers and those vulnerable to becoming them. One might argue that those supports are primarily a provincial responsibility, but a conversation between the federal government and the provinces and territories would have been prudent to ensure supports existed before single-event sports betting was legalized.

That brings me to Bill S-269 before us today. This is the type of sober second thought needed when discussing a bill that makes sports betting easier and more addictive. These are the type of supports needed for those most affected and most vulnerable to gambling. I commend Senator Deacon for her efforts in this regard, and Senator Cotter for his contributions as well. Senator Deacon and Senator Cotter succinctly defined for us the purpose of the bill, and what it hopes to accomplish, so I will simply paraphrase as a reminder.

Beginning with the second part of the bill is the requirement of the Canadian Radio-television and Telecommunications Commission, or CRTC, to review its regulations and policies to assess their effectiveness in reducing any harms due to the proliferation of advertising for sports betting. From the federal perspective, this is a good tool to apply in order to reduce the harms of this type of gambling.

The first part of the bill is the development of a national framework on advertising for sports betting. Framework and strategy bills are important, especially with multi-jurisdictional laws, because it brings the much-needed conversations together. The bill before us would bring the federal government together with the provincial and territorial governments, the Indigenous community and other relevant stakeholders, such as gaming regulators and those within sports ethics.

These conversations are crucial to develop a whole-of-Canada approach to tackling the issue of sports betting. Developing baseline regulations, with the agreement of the provinces and territories, would create a consistent, manageable and predictable regime, which would enable better tracking of information and statistics surrounding sports betting and its consequences. This is about setting national standards to help curb the addictions that gambling can cause, and avoiding a piecemeal approach wherever possible.

We have seen the Ontario government move to restrict the use of athletes and other celebrities in advertising for sports betting, which will come into effect at the end of February. Current hockey icons such as Connor McDavid and Auston Matthews — and the Great One, Wayne Gretzky — have appeared in such ads since single-event sports betting was legalized. It generally isn't our adults whom these advertisements are appealing to, but to our vulnerable youth.

These players are seen as idols to them, and something that should be emulated. What I see is multi-millionaires promoting unhealthy, addictive habits that are primarily directed at youth. I think it's safe to presume that these already wealthy figures are making even more money by doing these ads — I expect their price tags aren't cheap. This is just a snapshot into the profits that can be made from single-event sports betting in Ontario — that the NHL elites can be bought to promote.

While this is a worthwhile step for the province to take — and I expect that all provinces will look to do the same — it is a very small step. Removing star appeal from sports betting advertising won't necessarily curb the advertising itself, which is a massive part of the issue.

Some potential solutions have been raised by previous speakers to Bill S-269: no advertising before, during or after sports matches; no advertising at times when our youth would be significant parts of the audiences; and no advertising in sports arenas or on players' uniforms.

This last point is contained within Recommendation 47 from the 2020 House of Lords report entitled *Gambling Harm — Time for Action*, which reads:

> Gambling operators should no longer be allowed to advertise on the shirts of sports teams or any other part of their kit. There should be no gambling advertising in or near any sports grounds or sports venues, including sports programmes.

This report contains other important recommendations to consider for our purposes today. Recommendation 52 says:

> Advertisements which are objectively seen as offering inducements to people to start or to continue gambling, or which create a sense of urgency about placing bets, should be banned. . . .

Recommendation 46 is more wide-reaching and explains that:

> The Government should commission independent research to establish the links between gambling advertising and gambling-related harm for both adults and children.

Research should also be done here in Canada for a made-at-home approach to preventing sports betting-related harms.

If we look to other countries, we are seeing progress that Canada can emulate. Colleagues, work is already being done elsewhere, so let's incorporate it into our thinking, as well as what fits into our own framework. For example, Spain, Italy and Belgium have already banned nearly all gambling ads, and the Netherlands effected a new ban on untargeted online gambling advertisements just this past July.

• (1720)

Canada and its provinces can investigate the details of these bans to see what may work here. Because there is over one suicide a day in Britain due to gambling-related harms, as of 2020, they put a stop to betting companies accepting credit cards. Access to credit was obviously putting people further into debt due to their addictions and perpetuating their problems. This is also something worth considering in a Canadian context.

None of these possible solutions can be administered in a vacuum. As with treating any addiction, a holistic approach is necessary to make headway because it is such a complex issue. Another option that could be considered in national framework discussions is a government-funded advertising campaign covering television, radio, social media and other messaging fora speaking to the harms of gambling. We currently see this type of messaging here in Ontario concerning the harms of cannabis, including cannabis-impaired driving.

Something else that could be raised with the provinces is a funding formula to support research, education — such as the public awareness campaign mentioned above — and treatment services for harmful gambling. This formula could be based around the proceeds created through government-funded sports betting ventures. As we know, the sports betting industry is one that creates billions of dollars in revenue annually, with estimates by the Canadian Gaming Association of $1.4 billion per year in Ontario alone.

In fact, according to a report from iGaming Ontario, a subsidiary of the Alcohol and Gaming Commission of Ontario, sports betting netted over $35 billion in total wagers during the market's first year from more than 1.6 million active player accounts.

As we passed a law to allow for single-event sports betting before the provinces were ready for it, in my assertion, we're now playing a game of catch-up. The proliferation of advertising for sports betting was not far-fetched since there wasn't any regulation around it. The floodgates were opened, allowing for the situation we find ourselves in today.

It is incumbent upon the provinces, with perhaps some support from the federal government, to provide funding to ensure that Bill C-218 doesn't create a generation of problem gamblers and a system without supports for those who are addicted. Bill S-269 is a critical piece of legislation to ensure these conversations happen and holistic solutions are found.

Senators, when I spoke to Bill C-218, I said that if we're going to bring single-event sports betting into the light, we should do so with our eyes open. Well, now we have the opportunity to open our eyes. I thank Senator Deacon for her leadership on this file. I unreservedly and enthusiastically support the purpose of Bill S-269 and its study at committee. I encourage my colleagues to do the same.

Thank you, *meegwetch*.

(On motion of Senator Martin, debate adjourned.)

NATIONAL STRATEGY RESPECTING ENVIRONMENTAL RACISM AND ENVIRONMENTAL JUSTICE BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator Boisvenu, for the second reading of Bill C-226, An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I rise today to speak at second reading as a critic of Bill C-226, An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice.

Please allow me, colleagues, to offer a quick summary of Bill C-226. I will not be long.

This bill requires the Minister of Environment and Climate Change to develop a national strategy to promote efforts across Canada to prevent environmental racism and advance environmental justice.

Following consultations or cooperation with anyone interested, the national strategy must include measures such as possible amendments to federal laws, policies and programs, and compensation to families and communities. Within two years of the day the act comes into force, it calls upon the Minister of Environment and Climate Change to prepare a report setting out the national strategy to be tabled in both houses.

Let me be clear, colleagues — I firmly believe that all Canadians should live in a healthy environment and we should work to combat racism in all its forms. However, I disagree with the approach proposed by Bill C-226 of using a national strategy to attain such goals.

From the very beginning, Bill C-226 fails to establish a reasonable scope for the consultation process. The legislation calls on the minister to consult or cooperate with "any interested persons, bodies, organizations or communities," which includes other ministers and representatives of government in Canada and Indigenous communities — but provides no definition of what constitutes an "interested" person, body, organization or community, leaving the scope of consultation wide open.

This is unwieldy and unworkable. Without a precise scope, you cannot have an effective consultation process. Regardless of the goal of any national strategy being developed, the scope of consultations must have clear parameters in order to give concise direction to the strategy or framework.

For example, in the Forty-second Parliament, Conservative MP Todd Doherty presented Bill C-211, An Act respecting a federal framework on post-traumatic stress disorder, which received Royal Assent on June 21, 2018. That bill specifically identified the various ministers, representatives and stakeholders who needed to be consulted in order to build a framework on post-traumatic stress disorder. Federal ministers were named right in the bill, along with provincial and territorial representatives, representatives from the medical community and patients' groups. This approach ensured that the bill was set up for the best possible chance of success.

When you compare the consultation clause from Bill C-211 with the one in the bill before us today, there is a stark, striking difference.

With Bill C-226, you are left to wonder where the consultation will begin and end — and whom it will involve. It is extremely broad and ambiguous. It is left wide open, allowing the minister to pick and choose who they consult with. They can tailor the consultations to fit what they want to hear and see in the national strategy while ignoring other important voices.

Considering this government's terrible track record regarding consulting, this is a very real concern. Will they prioritize consulting close friends of the government instead of listening to people on the ground? The parameters are unclear, which leaves the consultation process open to manipulation.

Bill C-226 goes on to propose a series of possible measures which could be taken as part of the national strategy. The first of these is suggesting possible amendments to federal laws, policies and programs.

Again, like the consultation clause in the bill, this is very broad and open to interpretation. I am concerned that this national strategy could end up being ineffective in combating environmental racism and instead just add more layers of red tape to an already complicated regulatory process in this country. During these difficult economic times, we need more stability, not more bureaucracy.

Another optional measure proposed in the bill is providing compensation for individuals or communities in order to advance environmental justice and address environmental racism. But do we have any parameters around the compensation? No. Do we have any indication on how it will be developed? No. Do we even have conditions of admissibility of whom would qualify? Again, no. It seems to give a blank cheque to the minister to decide how they want to compensate individuals and communities.

• (1730)

I have never been in favour of giving a blank cheque to a government — any government, quite frankly — and even less so the current government. But Bill C-226 certainly leans in that direction and leaves the door wide open. It is, yet again, a case of having a very broad and general piece of legislation.

Finally, honourable senators, I must voice my concern about this government's inability to achieve little, if anything, from national strategies. Indeed, I remind you that in 2017, the federal government launched the National Housing Strategy, a 10-year, $72 billion plan to address key issues in the Canadian housing landscape. One only needs to look at the current housing market to see the failure of the Trudeau government on this front. We now have a housing market that is much less affordable and much less accessible for first-time buyers. The National Housing Strategy has cost Canadians billions of dollars to date, and the results are simply not there.

How can we trust this government to come up with a reasonable and effective national strategy? I am concerned that the only result will be spending more money with nothing to show for it. That is why I highly doubt the Trudeau government's ability to deliver on a national strategy respecting environmental racism and environmental justice. As Bill C-226 states, the minister will have two years to prepare a report setting out the strategy. Knowing how this government operates, the two years of consultation will not be done with the best interest of taxpayers' money in mind.

Furthermore, honourable senators, it will take five years after the strategy is tabled in Parliament to measure its effectiveness. During that time, the government might think it is working towards the goal of ensuring all Canadians live in a healthy environment and combating systemic racism, when they are doing little more than pouring money into an ineffective strategy that yields few results. In my opinion, Bill C-226 raises too many questions and uncertainties for Canadians.

I am not the only one, honourable senators. During a study on Bill C-226 in the Environment and Sustainable Development Committee in the other place, Ellis Ross, who is currently a member of the legislative assembly representing the riding of Skeena in British Columbia and who was previously the chief councillor for the Haisla Nation, agreed that the bill is much too broad and could be interpreted in many ways. Furthermore, he also said:

> . . . Where does this end in terms of financial costs? Everything I've seen in terms of government policy always ends up on the ratepayer, the taxpayer, or it actually chases investment out of provinces. . . .

Honourable senators, Mr. Ross is right. At the end of the day, it is the taxpayers who will foot the bill. Canada cannot afford costlier initiatives that have the potential to scare away future investments in our country. I wish the committee in the other place had taken more time to study the bill and listen to various points of view from coast to coast to coast so that we would have a better understanding of what we have in front of us today because at the end of the day we need to make sure that national strategies do not ignore provincial and local issues while also not overstepping its federal jurisdiction.

Colleagues, I cannot support a bill where there are so many open-ended questions. As Conservatives, we sincerely believe all Canadians should live in a healthy environment and that racism needs to be combated in all its forms. I do not believe this bill will have the expected outcome and could instead be costly, while not serving Canadians' best interests. This bill is too broad, lacks definitions and could bring even more uncertainties to too many industries that are looking for stability. Furthermore, I don't believe the current government has demonstrated the ability to lead such an initiative to consult with the people it needs to consult with.

Honourable senators, even though I oppose this bill the way it is right now, I have always maintained that bills should get a thorough vetting at committees. And so I do oppose the bill, but I support it going to the committee for a thorough examination — and I'm looking at the chair — and would support that it proceeds. I will support this on division. Thank you, colleagues.

Some Hon. Senators: Hear, hear.

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 McCallum, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.)

[*Translation*]

ROYAL ASSENT

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

RIDEAU HALL

October 26, 2023

Madam Speaker,

I have the honour to inform you that the Right Honourable Mary May Simon, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 26th day of October, 2023, at 5:18 p.m.

Yours sincerely,

Christine MacIntyre

Deputy Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, October 26, 2023:

An Act to amend the Department of Public Works and Government Services Act (use of wood) (*Bill S-222, Chapter 27, 2023*)

An Act to amend the Criminal Code, the Sex Offender Information Registration Act and the International Transfer of Offenders Act (*Bill S-12, Chapter 28, 2023*)

• (1740)

[*English*]

ADJOURNMENT

MOTION ADOPTED

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

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, October 31, 2023, at 2 p.m.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

STUDY ON THE FEDERAL GOVERNMENT'S RESPONSIBILITIES TO FIRST NATIONS, INUIT AND MÉTIS PEOPLES

TWELFTH REPORT OF INDIGENOUS PEOPLES COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Francis, seconded by the Honourable Senator Bellemare:
>
> That the twelfth report of the Standing Senate Committee on Indigenous Peoples, entitled *On the Outside Looking In: The Implementation of the Cannabis Act and its effects on Indigenous Peoples*, tabled in the Senate on June 14, 2023, be adopted and that, pursuant to rule 12-23(1), the Senate request a complete and detailed response from the government, with the Minister of Health being identified as minister responsible for responding to the report, in consultation with the Deputy Prime Minister and Minister of Finance, the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs, the Minister of Indigenous Services of Canada and the Minister of National Revenue.

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, on division, and report adopted.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

CULTURAL DIPLOMACY AT THE FRONT STAGE OF CANADA'S FOREIGN POLICY—TWENTY-SIXTH REPORT OF COMMITTEE TABLED DURING THE FIRST SESSION OF THE FORTY-SECOND PARLIAMENT AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the twenty-sixth report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled *Cultural Diplomacy at the Front Stage of Canada's Foreign Policy*, deposited with the Clerk of the Senate on June 11, 2019, during the first session of the Forty-second Parliament.

Hon. Peter M. Boehm moved:

> That the twenty-sixth report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled *Cultural Diplomacy at the Front Stage of Canada's Foreign Policy*, deposited with the Clerk of the Senate on June 11, 2019, during the First Session of the Forty-second Parliament be adopted and that, pursuant to rule 12-23(1), the Senate request a complete and detailed response from the government, with the Minister of Canadian Heritage being identified as the minister responsible for responding to the report, in consultation with the Minister of Foreign Affairs.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE SITUATION IN LEBANON—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Smith:
>
> That the Standing Senate Standing Committee on Foreign Affairs and International Trade be authorized to examine and report on the situation in Lebanon and determine whether Canada should appoint a special envoy, when and if the committee is formed; and
>
> That the committee submit its final report no later than February 28, 2022.

Hon. Leo Housakos: Your Honour, given this item is on its fifteenth day, I would like to take the adjournment, with leave, in my name for the balance of my time.

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

Hon Senators: Agreed.

(Debate adjourned.)

COMMITTEE AUTHORIZED TO STUDY INTERESTS AND ENGAGEMENT IN AFRICA

On the Order:

Resuming debate on the motion of the Honourable Senator Boehm, seconded by the Honourable Senator Arnot:

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on Canada's interests and engagement in Africa, and other related matters;

That the committee submit its final report no later than December 31, 2024;

That the committee have permission, notwithstanding usual practices, to deposit reports on this study with the Clerk of the Senate if the Senate is not then sitting, and that the reports be deemed to have been tabled in the Senate; and

That the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

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

Hon. Senators: Agreed.

(Motion agreed to.)

INDIGENOUS PEOPLES

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE FEDERAL GOVERNMENT'S CONSTITUTIONAL, TREATY, POLITICAL AND LEGAL RESPONSIBILITIES TO FIRST NATIONS, INUIT AND MÉTIS PEOPLES

On the Order:

Resuming debate on the motion of the Honourable Senator Francis, seconded by the Honourable Senator Gerba:

That, notwithstanding the order of the Senate adopted on Thursday, March 3, 2022, the date for the final report of the Standing Senate Committee on Indigenous Peoples in relation to its study on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Métis peoples and any other subject concerning Indigenous Peoples be extended from December 31, 2023 to September 1, 2025; and

That the committee be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate its reports relating to this study, if the Senate is not then sitting, and that the reports be deemed to have been tabled in the Senate.

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

Hon. Senators: Agreed.

(Motion agreed to.)

HUMAN RIGHTS

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

On the Order:

Resuming debate on the motion of the Honourable Senator Ataullahjan, seconded by the Honourable Senator Martin:

That the Standing Senate Committee on Human Rights be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate its reports on issues relating to human rights generally, if the Senate is not then sitting, and that the reports be deemed to have been tabled in the Senate.

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

Hon. Senators: Agreed.

(Motion agreed to.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

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

On the Order:

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

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.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

RCMP'S ROLE AND MANDATE

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Harder, P.C., calling the attention of the Senate to the role and mandate of the RCMP, the skills and capabilities required for it to fulfill its role and mandate, and how it should be organized and resourced in the 21st century.

Hon. Bernadette Clement: Honourable senators, I note that this item is at day 15, and Senator Busson would like to participate in the debate. Therefore, with leave of the Senate and notwithstanding rule 4-15(3), I move the adjournment of the debate in the name of Senator Busson.

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

Hon Senators: Agreed.

(Debate adjourned.)

[*English*]

BUSINESS AND ECONOMIC CONTRIBUTIONS MADE BY INDIGENOUS BUSINESSES TO CANADA'S ECONOMY

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Klyne, calling the attention of the Senate to the ongoing business and economic contributions made by Indigenous businesses to Canada's economy.

Hon. Mary Coyle: Honourable senators, I rise today, on the unceded, unsurrendered territory of the Anishinaabe Algonquin Nation to speak to Senator Klyne's Inquiry No. 13, highlighting the business and economic contributions of Indigenous businesses to Canada's economy.

As Senator Klyne has said:

> There are many valuable lessons to be learned and built upon for continued success towards accelerating the participation of Indigenous people in Canada's economy.

Colleagues, at our Standing Senate Committee on Indigenous Peoples, we have been completing our study on Bill C-29, An Act to provide for the establishment of a national council for reconciliation.

We know, colleagues, that before contact with colonizers, Indigenous peoples had thriving economies, communities and governance structures and that colonization and assimilation, in all their forms, suppressed that prosperity and that strength.

Supporting Indigenous prosperity by advancing economic reconciliation is key to meeting several of the Calls to Action of the Truth and Reconciliation Commission. Equitable access to education, employment and economic opportunities for Indigenous people is essential, and of course, those efforts must be led by Indigenous people themselves.

• (1750)

The new national council for reconciliation will, among other responsibilities, monitor progress on reconciliation across Canada in all sectors, including economic reconciliation.

However, this monitoring responsibility may not be so easy to accomplish.

In its paper released earlier this month entitled An Overview of the Indigenous Economy in Canada, the Bank of Canada pointed out that there are about 1.8 million people self-identified as Indigenous, representing 5% of the Canadian population. Of this total, there are 1.05 million from more than 630 First Nations, with approximately 30% of First Nations people living on-reserve and 70% living off-reserve. There are 624,000 Métis people and 70,500 Inuit people with close to 70% of the Inuit people living in Inuit Nunangat, where they are the majority population.

Almost 60% of the Indigenous population in Canada lives in rural areas compared to one third of the non-Indigenous population, and one quarter of the Indigenous people live in Canada's 12 largest cities.

The Bank of Canada paper says that:

> Attempts to measure the size or contributions of the Indigenous economy in Canada are limited by data availability and quality.
>
> Despite these gaps in data, some studies have attempted to quantify the size or contributions of the Indigenous economy . . . . While the estimates vary considerably, they suggest that the share of gross domestic product (GDP) of Indigenous people is well short of half of their population share, which speaks to the . . . economic disparity that exists between the Indigenous and non-Indigenous populations of Canada.

Colleagues, half — 50% — is quite a significant gap.

Is this discouraging? Yes. Is this unacceptable? Yes, definitely. Now, colleagues, let me turn to some examples of efforts being made to close that prosperity gap.

Today, as we come closer to the end of Mi'kmaw History Month, I would like to highlight two incredible stories of economic leadership from Mi'kmaqi, the place I have the good fortune to inhabit. One is a story about Membertou and the other is about Paqtnkek.

Let me start with the success story of Membertou First Nation, a well-known economic powerhouse on Cape Breton Island. You heard me mention it last week in my statement honouring Sister Dorothy Moore, and as many of you likely know, our former colleague the Honourable Dan Christmas has played a central role in that success of his nation.

I would first like to share the most recent chapter in that story by reading the words of Chief Terry Paul, and I will mention, a recipient of a 1977 diploma in leadership graduate of the Coady Institute, where I used to work. In a letter written in November 2020 to his community, he wrote:

> Dear Membertou, I am incredibly proud to announce that Membertou has led a major commercial acquisition that will have lasting positive impacts on our community for seven generations to come.
>
> As of today, *Clearwater Seafoods* has been acquired by a Mi'kmaq Coalition, which includes Membertou, and our new business partner, *Premium Brands*. Clearwater is one of the largest fully-integrated seafood companies in North America, and is now owned by the Mi'kmaq. A truly monumental day for our people.

He went on to say:

> The details of this commercial acquisition include Membertou and a coalition of participating Mi'kmaq communities from across Nova Scotia and Newfoundland, owning 50% of *Clearwater Seafoods* and 100% of . . . Clearwater licences.
>
> For 13,000 years, the Mi'kmaq have sustainably fished the waters of Atlantic Canada, and today, on this truly transformational day, we are owners of a global leader in the fishery.
>
> For so many years, our communities were not welcome to participate in big industry. Today, on our own terms, we are 50% commercial owners. All . . . benefits of ownership will flow back to our community, and with a seat at the table comes the ability to influence the role of our people in the commercial fishery.
>
> Please understand that this commercial acquisition is separate from both our moderate livelihood (rights-based) fishery, and our commercial in-shore fishery operations. With today's news, we are . . . participants in all sectors of the fishery.

Chief Terry goes on to say:

> Through working with our partners at First Nations Finance Authority . . . the collective of communities has financed $250 million over 30 years. This investment is unique and separate from our current commercial operations, and does not financially impact Membertou's ability to continue providing all the services necessary for our growing community in any way. In fact, it creates a brand-new revenue stream for us; diversifying our financial portfolio and creating wealth for Membertou for many years to come.

He concludes:

> Today, we are keeping our hero, Donald Marshall Junior, in our hearts. It's a moment we know he would look on with great pride.
>
> Wela'lioq, Chief Terry Paul.

And proud is what all members of Membertou First Nation should be. This is huge. It builds on decades of forward-thinking, painstaking and smart economic development efforts by Chief Terry, Dan Christmas and other Membertou First Nation leaders. From establishing the Membertou Development Corporation in 1989, to becoming the first ISO 9001-certified Indigenous community in the world, to being voted the best managed company in Canada, as Chief Terry says, "We used to be the backwoods, now we're uptown."

In addition to Clearwater Seafoods and their other fisheries, Membertou has a trade and convention centre, a data centre, a geomatics company and a boat-building company. It is involved in gaming and entertainment, a sports and wellness centre and commercial real estate. They have a stake in a planned wind-powered green hydrogen initiative and big plans for much more. Colleagues, Membertou is often cited as a success story for other communities to emulate.

Now, colleagues, the second Mi'kmaw community economic development success story comes from the First Nation just down the road from where I live, Paqtnkek First Nation, where our new colleague Senator Prosper was chief for seven years before he became regional chief for Nova Scotia and Newfoundland. Colleagues, last Wednesday evening, on opposite coasts of our country, economic development in Paqtnkek was being celebrated. On the East Coast, in Antigonish, for the first time ever, a Mi'kmaw business, Paqtnkek's Bayside Travel Centre, won the Antigonish Chamber of Commerce Emerging Business Award. On the West Coast, at the Westin Bayshore Hotel in Vancouver, Rose Paul, CEO of Paqtnkek's Bayside Development Corporation, was being presented with the National Indigenous Women in Leadership Award by the Canadian Council for Aboriginal Business.

The citation for her award said:

> . . . Rose has been the trailblazer for business development, negotiations, and partnerships the business arm of Paqtnkek Mi'kmaw Nation, that commitment has fueled a vision to maximize future employment and business development for Paqtnkek community members.
>
> Rose and her leadership team worked to develop the first ever tripartite agreement with Provincial and Federal governments and was awarded the multi-million-dollar highway interchange site on Exit 38B and with land that the community was separated from a 1960 breach of agreement. . . .
>
> Rose has built a strategy for economic strides and developing Strategic Partnerships, reclaiming spaces at decision and planning tables, and creating partnerships Corporately through Economic Reconciliation. An essential element of the community's long-term economic vision are strategic partnerships with corporate stakeholders, such as industry leader, first of its kind in North American Everwind Fuels. It is an alliance that Paul says will drive them towards 'energy sovereignty' and becoming a net zero contributor in the fight against global warning. . . .

Rose Paul credits Senator Prosper as a great leader who rolled up his sleeves with her on economic prosperity efforts in Paqtnkek.

I first met Rose Paul when she participated in the Coady Institute's Indigenous Women in Community Leadership program. She has gone on to complete an MBA at Cape Breton University and recently completed an executive leadership program at Harvard.

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When I sat down with Rose Paul at Bayside a few weeks ago, she told me the story of how, since she took up her economic development leadership role in 2006, reclaiming that land on the other side of the highway had become a community priority and key to its future prosperity.

The Hon. the Speaker pro tempore: Honourable senators, it is now 6 p.m., and pursuant to rule 3-3(1), I am obliged to leave the chair until 8 p.m. when we will resume, unless it is your wish, honourable senators, to not see the clock.

Is it agreed to not see the clock?

Hon. Senators: Agreed.

Senator Coyle: Back to Rose Paul and the success at Paqtnkek Mi'kmaw Nation.

In addition to its new state-of-the-art Bayside Travel Centre, which has a large gas station, two restaurants, a convenience store, a liquor store, a gift shop, a Nova Scotia tourism facility, gaming and a long-haul trucking facility, the site provides a base for so much more.

Paqtnkek also has Bayside Renewables, through which they are involved in solar farms and are planning the only integrated micro grid in Atlantic Canada which will combine solar panels, battery storage and EV charging — right on that site.

Like Membertou, Paqtnkek has a stake in Clearwater Seafoods. They have an equity position and are at the table with EverWind Fuels, a green hydrogen initiative. They are involved with Maritime Launch, Canada's first commercial spaceport, in Canso, Nova Scotia, and they have plans for a new business centre and a hotel.

When I asked Rose about the impact of all this economic activity on the community, she told me that social assistance rates are down 30%. More people are employed, and it is a real paradigm shift — a real mind shift — for young people who now see themselves pursuing business opportunities or being employed right there in their own community. Rose said these successes are long overdue and so important to fulfill the promise of those who came before her — like her own grandmother — to make it right by them and honour their hard work and vision.

Honourable senators, I am so impressed with CEO Rose Paul and Chief Terry Paul and the Mi'kmaw nations of Membertou and Paqtnkek. These leaders and these communities, like their peers who we are hearing about from across Canada, are working hard and creatively every day to close that wide prosperity gap discussed earlier. They are doing this with a clear focus on fulfilling the visions of their ancestors and with a steadfast effort to create economic opportunities and a healthy, prosperous future for generations of young people to come.

Honourable senators, please join me in congratulating Chief Terry Paul and CEO Rose Paul on their leadership and many accomplishments.

Wela'lioq. Thank you.

(On motion of Senator Clement, debate adjourned.)

(*At 6:04 p.m., the Senate was continued until Tuesday, October 31, 2023, at 2 p.m.*)

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