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(HANSARD)

Thursday, November 23, 2023

The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Thursday, November 23, 2023

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

CITY OF MONTREAL

Hon. Tony Loffreda: Thank you, Madam Speaker.

Honourable senators, I rise to share some of the results of an analysis recently published by the Institut du Québec in collaboration with Montréal International and the Chamber of Commerce of Metropolitan Montreal.

Released last month and entitled *Comparer Montréal*, this study assesses the state of the city and compares it with 14 other North American cities of similar size and importance, analyzing six indicators, including quality of life, economic activity, economic growth and the environment.

[*English*]

The biggest takeaway from this study is that Montreal is top class when it comes to quality of life and stands out for its affordable housing, with the proportion of people spending 30% or more of their income on housing lower than in other cities. It also has the lowest percentage of its population living below the poverty line. Montreal, along with Toronto and Vancouver, fill the top three positions for the lowest homicide rates and have the best and lowest income inequality results.

As the report suggests, quality of life is a key factor in reinforcing the city's role as an economic locomotive, improving its attractiveness to further entice companies, talent and immigrants to ensure its continued growth. On the economic front, Montreal remains in the bottom half of the peloton, but there are encouraging signs. The report puts forward two major items that should be prioritized to increase economic activity.

First, we must improve our productivity. This is something I've said many times before, and it was also one of the issues raised in our recent Banking Committee report on the Canadian economy. This is not unique to Montreal. Canada has a major productivity deficit compared to the U.S.

Second, despite being an attractive destination for post-secondary education with world-class institutions in English and French, Montreal needs to increase the rate of educated and skilled workers. On that note, Montreal did crack the top five with respect to university graduates in science, technology, engineering and mathematics, which certainly helped the city inch up two spots to reach the sixth position for innovation.

[*Translation*]

While the study paints an encouraging picture, it is clear that more can be done. The report proposes some courses of action to improve Montreal's economy and ensure that Montreal reaches its full potential.

Honourable senators, I am delighted with Montreal's performance, which positions it as a destination of choice for entrepreneurs, immigrants and foreign capital. Montreal is still a very livable city.

Thank you. *Meegwetch*.

[*English*]

VIOLENCE AGAINST WOMEN

Hon. Leo Housakos: Honourable senators, in 2017, the Trudeau government launched its feminist foreign policy, bragging that it would position Canada as a ". . . champion for gender equality . . . ."

It appears, however, that this policy and the claims about applying a feminist lens to our foreign policy is just for show. When it is time for real action and leadership, Canada is nowhere to be found.

I'm talking, colleagues, about the deafening silence in the face of mounting evidence of Hamas' rape and horrific acts of sexual violence committed against innocent Jewish Israeli women on October 7, and the denial of these acts having even occurred.

Hamas was not shy about having committed these heinous crimes. They filmed and published videos, including one showing them with a young kidnapped Israeli woman with blood-soaked pants as they paraded her through the streets of Gaza.

Hamas terrorists have also admitted to the atrocities in now-public police interrogations. In other cases, eyewitnesses have bravely come forward about the horrors they saw. One woman spoke about seeing her friend gang-raped and having her breasts cut off. She went on to describe how some Hamas terrorists started playing with the discarded breast while others continued the gang rape until one of them shot the woman in the head while still in the act of raping her.

Israeli paramedics and first responders who first encountered the horrific scenes of bodies found strewn throughout Israeli border communities have shared their stories of witnessing young women — some even in their early teens — found without pants and with evidence of rape on their bodies.

Others describe women with broken pelvises, so violent was the sexual attack against them. But for some unknown reason, despite our feminist foreign policy, the minister responsible has yet to comment on these crimes.

Sadly, to my knowledge, as these details have emerged, none of our colleagues from the government or anyone in Parliament have called out Hamas for violating international law by using rape as a weapon of war and targeting innocent young women in this way.

What is worse is that we are seeing our elected officials at the provincial and municipal levels, as well as academics and even those responsible for university sexual assault centres, signing on to statements denying Hamas' rape and sexual assault.

This denial is all too familiar for Jewish people.

So where are all of the voices who talk about standing up for women? Why has no one stood in this chamber? The silence by many parliamentarians and members of our government who claim to be defenders of women's rights is an abdication of responsibility that allows Hamas to get away with their unspeakable crimes.

It also sends a message to the Jewish community here in Canada that their families abroad are not worthy of this feminist government's concern.

Failing to issue strong statements of condemnation further allows for these stories of denial to permeate our streets and social media, resulting in Jewish women, young and old, feeling unsafe and unimportant.

Colleagues, we can and must all do better. Thank you.

SOILEOS PRODUCTION FACILITY

Hon. Marty Klyne: Honourable senators, I rise before you today to mark the grand opening of the AGT Soileos sustainable fertilizer production facility in Rosetown, Saskatchewan. This event is a testament to the innovative spirit and commitment to sustainability that defines my great province. The new facility opened its doors on October 11 and is the result of the ongoing partnership between AGT Food and Ingredients and Lucent BioSciences. The Protein Industries Canada supercluster also contributed to the project.

The new facility is state of the art with a focus on sustainability, carbon sequestration and principles of a circular economy, and is a proud beacon of modern agriculture. Soileos is an example of smart fertilization, employing better use of micronutrients to boost yield on the same amount of nitrogen fertilizer, doing more with less. Soileos takes a waste by-product and puts it back into the soil to benefit the growth of the next crop. It is made into pellets and, when added to the soil, binds micronutrients to cellulose and uses the soil's natural biological activity to release nutrients to the crops.

The important side benefit of the Soileos suite of products is that it also results in lowering the carbon intensity of crop production. The agricultural sector has demonstrated tremendous potential for climate action, such as cover cropping, no-till farming, rotational grazing and intercropping.

Supporting initiatives like Soileos aligns with Canada's objectives for a greener and more sustainable future. It is through the synergy of government, industry and community that we can create opportunities for future generations, protect our environment and ensure that Saskatchewan remains a thriving and resilient province.

Colleagues, the new AGT Soileos sustainable fertilizer production facility is more than just a factory; it is a symbol of our shared commitment to responsible land stewardship, environmental sustainability and the well-being of our communities. This facility showcases the potential for economic growth while respecting our precious environment. By utilizing cutting-edge technology and sustainable practices, Soileos has shown that progress and sustainability can go hand in hand. Thank you. *Hiy kitatamihin*.

• (1410)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Fiona and Mark Harper. They are the guests of the Honourable Senator Deacon (*Ontario*).

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

Hon. Senators: Hear, hear!

SAFE EDUCATIONAL INSTITUTIONS

Hon. Marty Deacon: Honourable senators, I am thankful for this last-minute opportunity to speak today, and for the chance to speak to something that I've been meaning to for a while.

I would like to take us back to June. Shortly after the Senate rose for the summer, at Hagey Hall on the campus of the University of Waterloo, a planned and targeted attack was carried out on students in a gender studies class.

The accused — a recent Waterloo graduate — stabbed and injured three people who were sent to the hospital with injuries. Fortunately, each one of them has physically recovered. This violated and shocked the university community, particularly the LGBTQ2+ community who were actively celebrating Pride Month.

Over the early days, this was confirmed to be a hate-motivated incident related to gender expression and gender identity. Approximately 40 students were inside the classroom during the stabbings of a 38-year-old associate professor from Kitchener and two students: a 20-year-old and a 19-year-old.

I had the opportunity to meet with students on the campus on picnic tables closely placed in a big circle at Hagey Hall two days after this incident. I listened as heartache, shock and anger were articulated — and articulated very well.

Universities Canada, an association which represents universities across the country, condemned this violence. In a statement, it said:

> It is deeply concerning that this hate-motivated attack targeted gender expression and gender identity, and those seeking inclusion in our communities.

Professor Morrison, an associate professor of English at the University of Waterloo, stated:

> It broke my heart and it terrified me. This is the building that I work in. I teach in that classroom. I teach students similar materials. All of us are a lot less safe because of this.

As the days and weeks have passed, this incident has sparked much debate, thought and action. Post-secondary institutions must ensure they remain arenas of free debate, while protecting marginalized groups at the centre of polarizing discussions and issues.

We all know that the freedom to explore differences and to challenge conventional wisdom is at the heart of what universities and colleges are all about, and they should be. However, this is one of the things that we are also very clear about in Canada: Free expression does not include the right to express yourself or incite violence.

While still very rare, this terrible incident at Waterloo has demonstrated that new ideas, open discussion and debate can breed violence, especially when mixed with the recent political discourse on the rights of our LGBTQ2+ youth in our schools. Universities and colleges are responding with recognition that those LGBTQ2+ have come under increasing assault across Canada in a variety of settings.

Colleagues, I urge all of us to reflect on this incident. The opinions we express can often have unintended, real-world consequences for individual Canadians. Like this chamber, we must ensure that all educational institutions are safe, welcoming, inclusive places for learning.

THE HONOURABLE LEO HOUSAKOS

CONGRATULATIONS ON AWARD OF ARMENIAN ORDER OF FRIENDSHIP

Hon. Percy E. Downe: Honourable senators, in these difficult days in the chamber, I rise to advise you of some good news regarding one of our colleagues.

Earlier this week, the President of the Republic of Armenia awarded Senator Leo Housakos with the Order of Friendship for his contribution to the development of closer ties between Armenia and Canada, and his dedication to pursuing universal human values.

The Order of Friendship of Armenia is awarded for significant services in promoting mutual understanding in the political, scientific and educational, cultural and religious fields.

Prior to the presentation ceremony, the President spent up to an hour discussing with Senator Housakos the following: Canada and Armenia relations; the political situation in the region; and the appreciation that Armenians feel toward Canada for our establishment of the first Canadian embassy in Armenia four or five weeks ago.

After meeting with the President, we were advised that the Prime Minister of the Republic of Armenia also wanted to meet with Senator Housakos and the rest of the Canadian delegation to the Organization for Security and Co-operation in Europe, or OSCE, meeting. The Prime Minister emphasized Canada's support for democratic institutions in that country and the decision of the Canadian government to participate in the European Union's civil mission in Armenia.

Speaking of our diplomatic relations, I know that the Senate pages will be particularly interested in this: It turns out that Canada's first Ambassador to Armenia is a former Senate page. We may have some future ambassadors among us today.

Prior to his appointment, Ambassador Andrew Turner was in the Senate during the debate over the recognition of the Armenian genocide — a decision that was controversial at the time, when Canada was one of the first countries to acknowledge the genocide. Now Mr. Turner is our Ambassador to Armenia, so he certainly knows the history of that country.

Colleagues, throughout his involvement in international issues, Senator Housakos has consistently advocated for a democratic Armenia — in a part of the world where there are few democracies. His ongoing work with Armenian Canadians has been key to help push the Government of Canada to establish an embassy there.

His service to Canada and to our international relations was well recognized with this award. It was an honour to him personally. I might say it was the first time that I ever saw him speechless. He had a few words; he was so moved. It was a very nice ceremony.

It was an honour to the Canadian Senate as an example of the impact that individual senators can have on public policy.

Thank you, colleagues.

Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE IMPACTS OF CLIMATE CHANGE ON CRITICAL INFRASTRUCTURE IN THE TRANSPORTATION AND COMMUNICATIONS SECTORS

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

> That, notwithstanding the order of the Senate adopted on Thursday, February 10, 2022, the date for the final report of the Standing Senate Committee on Transport and Communications in relation to its study on the impacts of climate change on critical infrastructure in the transportation and communications sectors and the consequential impacts on their interdependencies be extended from November 30, 2023, to November 30, 2024.

[*Translation*]

QUESTION PERIOD

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

BUSINESS OF THE COMMITTEE

Hon. Marie-Françoise Mégie: My question is for the Chair of the Standing Committee on Internal Economy, Budgets and Administration.

Madam Chair, how much do Senate operations cost during those fifteen-minute or hour-long breaks for voting? Do you have that information?

Hon. Lucie Moncion: Thank you for the question, Senator Mégie. I don't have that information, but I can get it for you.

All I can tell you is that, while the bell is ringing, all senators and staff are waiting for the sitting to resume. That's probably 150 to 200 people waiting, so there would be salary and overtime costs.

We can ask the administration people. They might be able to give us more exact numbers.

• (1420)

[*English*]

Hon. Donald Neil Plett (Leader of the Opposition): I would like to ask a follow-up question of the Chair of the Internal Economy Committee, if she would take one. Thank you.

Perhaps when you do that, Senator Moncion, you could also find out what the impact and implications would be of having a 15-minute bell or an immediate vote when there are committees meeting and senators are not available to come here because we have duties right across the entire Parliamentary Precinct. Maybe you could explain, when you do explain the numbers, some of the reasons why we have a one-hour bell versus an immediate vote or a 15-minute bell. Thank you.

Senator Moncion: There is no answer right now, so we will look into it and bring an answer back to Senator Plett.

ORDERS OF THE DAY

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

FIRST REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the first report of the Standing Committee on Ethics and Conflict of Interest for Senators, entitled *Consideration of an Inquiry Report from the Senate Ethics Officer*, presented in the Senate on November 21, 2023.

Hon. Judith G. Seidman moved the adoption of the report.

She said: Honourable senators, I rise today on behalf of the Standing Committee on Ethics and Conflict of Interest for Senators to speak to its first report, which presents the committee's findings and recommendations in relation to an inquiry report from the Senate Ethics Officer, or SEO, concerning the conduct of Senator Michael L. MacDonald.

The inquiry report relates to Senator MacDonald's conduct on the evening of February 16, 2022, when he made a series of comments to a member of the public that were recorded and then disseminated on social media and national media. Over the month that followed, the Senate Ethics Officer received nine requests from senators asking for an inquiry to determine whether Senator MacDonald's behaviour on that night breached his obligations under the *Ethics and Conflict of Interest Code for Senators*.

The SEO undertook a preliminary review and, on June 21, 2022, informed Senator MacDonald that he would conduct an inquiry into the matter. On July 18, 2023, the SEO provided his inquiry report to your committee, which that same day tabled the report with the Senate through the Clerk. It immediately became a public document.

In his inquiry report, the SEO found Senator MacDonald's conduct to be in breach of subsections 7.1(1) and 7.1(2) of the code because of the comments he made and the language he used when speaking to the member of the public on that February evening. He also found that Senator MacDonald breached subsections 48(7), 7.1(1) and 7.1(2), and section 7.2 of the code for failing to cooperate throughout the inquiry process.

Upon receiving the SEO's inquiry report, your committee met promptly, as required by the code, on August 4, 2023, to begin its study. Since then, it has been the committee's main priority. Your committee met eight times to review the inquiry report, met with Senator MacDonald, considered his written and oral submissions, agreed on appropriate sanctions and worked expeditiously to prepare this report.

Before I proceed to the specific recommendations in this report, it is important to advise you that this study represents very serious work and careful consideration undertaken by all members. The report reflects the views and conclusions of your committee.

I also want to emphasize that consideration of the SEO's inquiry report by your committee and then considerations of the committee's recommendations by the Senate itself are part of a comprehensive enforcement process set out in the code. This code makes clear that following an inquiry, it is the Senate Ethics Officer alone who determines whether a senator has breached their obligations under the code. As part of its study, your committee is also expected to afford the senator who is the subject of the inquiry an opportunity to be heard. When the SEO finds that a senator has breached the code, your committee is expected to recommend appropriate remedial measures or sanctions and report these recommendations to the Senate.

The final step is for the Senate to consider your committee's report and recommendations. It is up to the Senate itself to exercise final and exclusive authority with respect to remedial measures and sanctions.

That final stage of consideration begins today.

It is important to remind honourable senators that the *Rules of the Senate* prescribe specific timelines for consideration of reports from this committee when they concern a senator. These rules are meant to ensure a prompt decision from the Senate while also respecting the right of the senator who is the subject of the report to be heard. Consequently, no vote on this report can take place until the fifth sitting day following today's motion to adopt the report unless the senator who is the subject of the report has spoken.

The rules also provide that the Senate must decide on the report no later than 15 sitting days after the motion to adopt the report has been moved.

In his inquiry report, the SEO made two findings of breaches of the code. First, the SEO found that Senator MacDonald's behaviour on the night of February 16, 2022, did not ". . . uphold the highest standards of dignity inherent to the position of senator," as required by subsection 7.1(1) of the code. He also found that Senator MacDonald did not:

> . . . refrain from acting in a way that could reflect adversely on the position of senator or the institution of the Senate —

— as required by subsection 7.1(2) of the code.

It is important to remind all honourable senators, especially those who have come to the chamber more recently, that section 7.1 is part of a series of code amendments that were adopted by the Senate between 2008 and 2014 to reassert the commitment of the Senate and of each senator to uphold the highest standards of conduct.

Specifically, the 2014 amendments established rules of general conduct and ethical behaviour for senators. At that time, the Senate renamed the code the *Ethics and Conflict of Interest Code for Senators* to serve as a reminder that upholding the highest standards of conduct requires more than just the simple avoidance of conflicts of interest.

To further emphasize this change, the Ethics and Conflict of Interest Committee also issued a directive to the SEO, stating:

> These rules of general conduct are applicable to all conduct of a Senator, whether directly related to parliamentary duties and functions or not, which would be contrary to the highest standards of dignity inherent to the position of Senator and/or would reflect adversely on the position of Senator or the institution of the Senate. . . .

These amendments and this directive are relevant to Senator MacDonald's situation in that the issues relevant to this inquiry relate to the senator's ethics, including behaviour in his personal life and non-Senate activities. This is what led to the finding that Senator MacDonald's conduct on February 16, 2022, breached the ethics provisions of the code.

The SEO also found that Senator MacDonald's failure to cooperate during the inquiry process constituted further breaches of subsections 7.1(1) and 7.1(2). In addition, Senator MacDonald's conduct was found to breach section 7.2, which states, "A Senator shall perform his or her parliamentary duties and functions with dignity, honour and integrity."

He was also found in breach of subsection 48(7), which requires that "Senators shall cooperate without delay with the Senate Ethics Officer in respect of any inquiry."

• (1430)

Honourable senators, I wish to expand for a moment on the question of cooperation. It is not the role of the committee to make a determination as to whether or not Senator MacDonald breached the code — that is for the SEO to determine.

Your committee does, however, feel a responsibility to remind all senators of the essential nature of cooperation with the SEO.

The committee accepts that, at least initially, Senator MacDonald genuinely misunderstood his obligations under the inquiry process. However, all senators are expected to understand their obligations and duties under the code, and that includes the enforcement process. A lack of awareness of this process does not excuse a senator from meeting their obligations under the code, including the duty to cooperate in an inquiry. The committee noted that despite repeated explanations of the process provided to Senator MacDonald by the SEO, Senator MacDonald maintained his position and declined to cooperate.

Honourable senators, the code is an instrument of the Senate itself. It has adopted it in order to uphold the highest standard of dignity and integrity inherent to the position of a senator and to ensure that the actions of its members do not reflect adversely on

the institution. A failure to cooperate in the inquiry process challenges the ability of the Senate itself to effectively oversee the conduct of its own members.

Having considered the nature and extent of the breaches found by the SEO and taking into account Senator MacDonald's submissions, the committee then turned to the issue of appropriate remedial measures or sanctions. The code provides a non-exhaustive list of remedial measures or sanctions that the committee might recommend to the Senate. In determining which of these measures is appropriate in the circumstances, your committee applied criteria laid out in its fifth report from 2019, which recommended that the committee consider:

> the seriousness of the breach and its impact on the Senator's ability to continue to perform their parliamentary duties and functions;
>
> the effect of the breach on other Senators and on the respect, dignity and integrity of the Senate as an institution; and
>
> public confidence and trust in the Senate.

In applying these criteria, your committee makes two recommendations. First, it recommends that the Senate directs Senator MacDonald to provide a sincere, unqualified apology in the chamber for his breach of subsections 7.1(1) and 7.1(2) of the code in relation to his conduct on February 16, 2022, and for his breach of subsections 48(7), 7.1(1) and 7.1(2) and section 7.2 of the code in relation to his lack of cooperation in the inquiry conducted by the SEO.

We also recommend that the Senate direct Senator MacDonald to post this apology on his Senate and personal websites as well as his Senate and personal social media accounts.

Recommending that a senator apologize for breaches of his or her obligations under the code is not a new or unusual measure. It is already contemplated as a remedial measure or sanction in the non-exhaustive list provided in the code. This committee has also made similar recommendations in the past.

Your committee's second recommendation is that the Senate censure Senator MacDonald for his breach of subsections 7.1(1) and 7.1(2) of the code in relation to his conduct on February 16, 2022, and for his breach of subsections 7.1(1) and 7.1(2), section 7.2 and subsection 48(7) of the code in relation to his lack of cooperation in the inquiry conducted by the Senate Ethics Officer.

Censure is a recognized formal expression of a legislative body's disapproval of the conduct in which one of its members has engaged. Censure holds an important role for the Senate as a visible mark on the parliamentary record, denoting the shared values of senators, denunciating specific conduct and aiming to deter others from engaging in similar conduct in the future. Adopting this sanction would mean that the Senate agrees with the committee that Senator MacDonald's conduct fell short of what is expected of senators. It would also serve as a reminder of the importance of abiding by the code that each senator has pledged to uphold.

It should be noted that in 2020 this committee recommended censure in similar circumstances, stating that censure ". . . would mean that the Senate agrees with the committee's view . . ." that a senator's conduct ". . . fell short of what was expected . . . ."

In that case, the Senate concurred with the committee's recommendation of a censure.

In closing, colleagues, if you have not already read both the SEO's report and this committee's report, I encourage you to do so. It is the duty of all senators to abide by the obligations set out in the code. This is a public interest obligation of the Senate as an institution and of each of us as members of the institution. It imposes on senators a greater, not lesser, responsibility to ensure that our members are accountable for their conduct. Thank you.

The Hon. the Speaker: Honourable senators, pursuant to rule 12-29(2), a decision cannot be taken on this report, as yet. Debate on the report, unless some other senator wishes to adjourn the matter, will be deemed adjourned until the next sitting of the Senate.

Is that agreed, honourable senators?

Hon. Senators: Agreed.

(Pursuant to rule 12-29(2), further debate on the motion was adjourned until the next sitting.)

CANADA EARLY LEARNING AND CHILD CARE BILL

THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Moodie, seconded by the Honourable Senator Miville-Dechêne, for the third reading of Bill C-35, An Act respecting early learning and child care in Canada.

Hon. Rosemary Moodie: I resume my discussion around Bill C-35. I left off when I was talking about the section that ensures accountability that the federal government must take going forward.

It is a stake in the ground that holds Ottawa accountable, and it is how, through the agreements, Ottawa will work with the provinces to keep them accountable.

Reading from clause 7(1):

> Federal investments respecting the establishment and maintenance of a Canada-wide early learning and child care system — as well as the efforts to enter into related agreements with the provinces and Indigenous peoples — must be guided by the principles by which early learning and child care programs and services should be accessible, affordable, inclusive and of high quality . . . .

The following paragraphs detail what is meant by this. Paragraph (a) tells us that federal investments must support the provision of equitable access to high-quality care with a

preference for expansion in public and not-for-profit spaces. These services must be licensed, built on evidence-based practices and respond to the varying needs of children and families.

Paragraph (b) tells us that the federal investment into child care must contribute to making child care more affordable for all families.

Let's talk about paragraph (c). Paragraph (c) tells us that federal investments must support access in rural and remote communities and the expansion of services for children with disabilities, official language minority communities and children from other marginalized groups. It reiterates the obligation for federal investments to respond to the varying needs of families, this time adding respect and the value of diversity.

I want to pause here because paragraph (c) is extraordinarily important. What it says is that the federal government must invest in child care services for children with disabilities. It is clear from paragraph (c) that the federal government must invest in rural and remote communities to ensure greater access there. It is also clear from paragraph (c) that the obvious intent of this bill is that the federal government must invest in child care services for official language minority communities.

That is an obligation that will be placed into law should this bill be given Royal Assent. It is a certainty that every family who is in a community where their official language is in the minority can expect that, by law, the federal government will ensure that its investment will allow for greater access to child care spaces so that their language, their culture, their identity can be passed down to their children and their children's children.

• (1440)

This paragraph, colleagues, ensures that no one is left behind. It commits Ottawa to ensuring that funding in perpetuity for these groups continues, as is reflected in the agreements. By placing these elements within the guiding principles, it makes clear the intent of Parliament that these groups receive federal funding to ensure proper access to high-quality child care that meets their needs.

I am now moving on to paragraph (d). This paragraph tells us that federal investments should contribute to high-quality child care that supports the social, emotional, physical and cognitive development of young children by ensuring a strong workforce. Indeed, all governments have recognized the core role of the workforce, and developing this workforce is an important dimension of the agreements that are already in place and will be an ongoing part of the work of building a strong Early Learning and Child Care, or ELCC, system going into the future.

In subsection 2, we are told that the federal investments and agreements with Indigenous peoples must be guided by the Indigenous Early Learning and Child Care Framework. As I said at second reading, Canada has co-developed an Indigenous early learning and child care system with Indigenous communities and governments. This subsection has the effect of ensuring that Canada will continue to make investments based on this framework and in collaboration with Indigenous peoples.

Finally, subsection 3 tells us that the federal investments must be guided by the Official Languages Act, or OLA. As we know, colleagues, one of the purposes of the Official Languages Act is to:

> support the development of English and French linguistic minority communities in order to protect them while taking into account the fact that they have different needs;

This is just one purpose. Section 7 tells us that the federal investments must be guided by the entire act. In fact, we know that this quasi-constitutional act aims to ensure the respect and substantive equality of both official languages throughout and across Canada.

This is very important. By including the OLA in section 7, Bill C-35, therefore, creates an obligation for investment to not only focus on official language minority communities now but to also consider the future development and evolution of both official languages in Canada in line with the OLA.

In summary, we see in section 7 the rules of engagement, and we can understand that there are specific obligations that Canada must respect when working with provinces to make investments in child care. Section 7 decides where the money goes, and it tells us that investments in high-quality, affordable and inclusive care that meets the needs of families through funding in public and not-for-profit places is non-negotiable.

Paired with section 8, which tells us that the Government of Canada commits to maintaining long-term funding for ELCC through agreements with provinces, territories and Indigenous peoples, we have a guarantee of an ongoing funding commitment based on the rules of engagement already outlined in section 7. Therefore, whether you need care that is culturally sensitive and in the language of your ancestors, whether you are a parent with a disabled child in urban Vancouver or rural northern B.C., whether you're an anglophone in Quebec or a francophone outside of Quebec, sections 7 and 8 of Bill C-35 guarantees that the federal government will continue to work toward making sure that one day you have access to affordable and high-quality care that meets your needs.

Colleagues, I have spoken at length about the bill, but I would like to take a moment to turn toward our work at committee and to specifically speak to why, in my opinion, the bill has come back to us unamended.

First of all, it is my belief that our study was robust. We met with child care workers, economists and academics. We met with community leaders and Indigenous governments. We heard from parents with children with disabilities and parents who did not currently have access to child care in the language of their choice. What we heard is that more progress is needed and is needed faster. What we heard was that Canadians believe in the benefits of Canada-wide ELCC and that fee reductions have been an important step forward. Yet, space creation and workforce development are still crucially needed.

I want to thank, once more, all the witnesses for their voice and for their time, even those with whom I did not agree. Many amendments were proposed by witnesses and during clause by clause. Nevertheless, the bill has come back to us unamended, and I want to speak to this.

Colleagues, we are building and expanding a significant and immensely complex social program, one that hinges on relationships and negotiation and one that is based on collaboration and shared vision. In this exercise, the federal government has many partners it has to work with to see this through, and I think we need to be patient as we work to build our child care system, especially when doing important things like training workers and building spaces, among other critical steps.

It also means that as federal legislators, we have to remember that Canadians want Bill C-35 to be adopted. For them, it means a guarantee that ELCC is here to stay. They are looking for this certainty.

Consider Jennifer Nangreaves, Executive Director of the Early Childhood Development Association of Prince Edward Island, who told us:

> The position of the ECDA is we are absolutely in support of Bill C-35. The importance of having federal commitment to the Canada-wide early learning and child care system, no matter the government in power in the future, will allow for true system building across the country. Having access to predictable, appropriate and sustained funding instead of what we've been doing in the past, with grants here and there, will provide stability and predictability that will allow for strategic and long-term investments so that provinces, territories and Indigenous peoples can reach their goals in achieving a high-quality, accessible and affordable early learning and child care system.

Her words resonated with me. Canadians are looking to this bill for certainty. They are looking to Parliament for certainty. We must remember this as we deliberate today.

I believe that the committee in the other place did a strong job in amending this bill and strengthened it significantly. I'm also aware of the political tensions in the House of Commons and know that amending the bill would perhaps lead to delays in its adoption, which would create greater uncertainty for Canadians. Therefore, for every amendment, I weighed whether or not the uncertainty was worth the proposed change. I will say, honourable colleagues, that none of the amendments brought forward resolved substantive issues or challenges that I felt warranted delaying the adoption of this legislation for many months.

Therefore, I argued and voted against all the amendments that were tabled, and the majority of the committee seemed to have agreed.

Honourable senators, I want to acknowledge one concern that was heard from official languages minority communities. Many felt that they needed to be included in section 8 of the bill to ensure they continue to receive long-term funding. It is their concern that without this inclusion, the courts would assume that Parliament meant to exclude them from ongoing funding commitments despite section 7, as I outlined.

• (1450)

Colleagues, with all due respect, I do not agree with this concern, but I acknowledge it. I believe, as I have argued, that the rules of engagement are outlined in clause 7 — the founding principles — and that these are very clear indicators of what Parliament intends for ongoing funding to include.

Nevertheless, I have worked with the Fédération des communautés francophones et acadienne, or FCFA, du Canada, as well as with Senator Cormier and Senator Moncion, to craft a statement that clarifies this without a shadow of a doubt, and I will read it now:

> I am aware of the ordinary principles of statutory interpretation and the relevant case law on language rights. In particular, I'm aware that the Supreme Court of Canada, in *Caron v. Alberta*, refused to recognize the existence of language rights because of the absence of explicit guarantees in the relevant constitutional and legislative texts.
>
> Consequently, as sponsor of this bill, I wish to express a clear intention that the text of clause 8 implicitly includes a guarantee of long-term funding for early learning and child care programs and services for official language minority communities.
>
> It is my understanding that as Bill C-35 is currently drafted, the intention has always been for francophone communities to continue to be part of federal-provincial-territorial discussions, within the framework of funding agreements.
>
> I'd like to emphasize this point: Protecting the interests of official language minority communities and other minority groups is not mutually exclusive. Often, communities intersect, and individuals are at the intersection points of several minority groups.
>
> To conclude, I will make a clear clarification regarding terminology used in the bill on the issue of official language minority communities. I would like to acknowledge that there are indeed two different terms used in Bill C-35 that refer to official language minority communities. I assure you that despite the two different terms used, they do respect the spirit of the Official Languages Act.
>
> I want to thank Senators Cormier and Moncion, as well as the FCFA, for their partnership and their collaboration. I look forward to continuing to work with you to ensure every child can learn and grow in the language of their families.

Honourable colleagues, thank you for your attention and your hard work. I look forward to hearing from other speakers, and I look forward to seeing this bill become law. Thank you. *Meegwetch*.

Senator Cormier: Thank you. Would Senator Moodie take a question?

Senator Moodie: I will.

Senator Cormier: Thank you. First, thank you for drawing attention to the incoherent terminology used in the bill, and clarifying the intent and scope of clause 8 which deals with the long-term funding of official language minority communities.

I understand from your speech that you support the principle that protecting the interests of official language minority communities and other minority groups is not mutually exclusive.

Often, like you said, communities do intersect, and individuals are at the intersection of several minority groups.

However, in opposition to one of my amendments presented at committee, which was intended to clarify the government's commitment to official language minority communities, you stated:

> Equally concerning are some of the comments that we heard from ITK President Natan Obed who expressed concerns to us right here in this committee that this amendment would harm language rights for Inuit peoples.

Do you still maintain this position today? If so, could you clarify it, as your comments seem to contradict — in a certain way — each other?

Senator Moodie: Thank you, Senator Cormier.

In my response to your question there, I reminded you — another member of the committee — of President Natan Obed's words. It was his own language when asked — he was posed a question by, perhaps, Senator Moncion — about how this would affect, if any, Indigenous peoples, and that was his response. His language is in the answer. It's clear, and he did raise concern. And I stated a fact.

You asked me if I stand by what I said today; I absolutely do. There is no question that there's an intersection of racial minorities, of language requirements and of people with disabilities. All communities are very keen to see and make sure that their interests are represented in this law, and that their children are offered the best possible child care — working together, that's where we should focus for the future. We work to build that as a country, and we try to make sure that we ensure the rights of all groups, including rural and remote children, so that they have access to care as well.

My position stands today, and, in fact, the answer that I gave you then simply reflects the facts of what President Obed said.

Hon. Elizabeth Marshall: Senator Moodie, thanks very much for your speech. I was hanging on to every word you were saying because, early in your speech, you were talking about no one being left behind. What I'm hearing from people in the community — not just in my home province of Newfoundland and Labrador, but also a number of other provinces — is that there are many families who are not able to access the $10-a-day daycare. It's available to some families, but it's not available to other families. Then, in other instances, not only is the $10-a-day daycare not available, but there's also no daycare available, and families are struggling to arrange daycare or child care for their children.

I know that in my own province — CBC Radio had several articles on it — there are doctors who cannot return to work because they don't have child care. Did that issue come up during your study of the bill?

The Hon. the Speaker: I'm sorry, Senator Moodie; your time for debate has expired.

Are you asking for five more minutes?

Senator Moodie: Yes, I am.

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

Hon. Senators: Agreed.

Senator Moodie: Senator Marshall, you are correct — we heard that. We heard that the workforce is in trouble, and that it needs to be built. We heard about fee structuring and supporting professional development. We heard about a number of key factors — gaps, if you will — of the current system.

There is no question that this is a new system that's being built. What exists already in the landscape is a mixture of varying levels of service, varying levels of quality of service being provided and areas where there is no service. That is clear, and that was loudly heard at committee.

It's acknowledged that we have work to do here. The provinces have outlined in their agreements how they see the action plan of moving this forward, as well as building on what exists in some places and creating something new. There is a clear recognition — in answering your question — that there are areas with gaps, like you identified.

Hon. Jim Quinn: Thank you for your speech, Senator Moodie. My question goes back to clause 8. You acknowledged that there was concern with clause 8 in terms of courts in the future, perhaps, not interpreting funding as — in the case that you quoted — being guaranteed and locked in, and funding is the subject matter of clause 8.

• (1500)

In your statement, you made it clear that you agree that there needs to be the guarantee that funding be ongoing. My question is this: If that is the case, why wouldn't we make it explicit? There are new systems being developed. Why would we want to put future generations at risk of having a court review a case, make a determination that it is not explicit and, therefore, not be in favour of locking in funding for those minority groups, not just in New Brunswick but across the country?

Senator Moodie: Thank you for your question, Senator Quinn.

I'm not one for using hurried statements. I believe that there is work to be done in building our system. I believe that the legislation as written supports — and clearly states and outlines

in the area of section 7 that talks about guiding principles — the who and why of what we need to support our child care system as we build moving forward.

I also believe that section 8 speaks to the funding mechanisms that exist and how money would flow from the federal government to the establishments on the ground in the provinces and territories, as well as Indigenous governments. The legislation states it clearly. The groups of children that must be protected are clearly outlined in the guiding principles. I believe that the act, the legislation, already states what it needs to.

Clearly, I believe that we need to strengthen the system and that there may be future need for improvements.

We're starting to build at the foundational level, and there is no question that there are gaps. Anybody who would suggest this is not the case would not be giving you the truth.

Senator Marshall: Senator Moodie, you were saying that the bill is being reported back with no amendments. Are there any observations attached to it that will address the issue of lack of access to ten-dollar-a-day daycare or lack of access to any child care?

Senator Moodie: Thank you. There are a number of observations that speak to strengthening the system and funding particular groups. They do enhance and draw attention to the areas that were discussed during committee. I think they pinpoint, if you will, some of the gaps that we have seen — the need to continue work and to observe — where the government needs to improve.

Hon. Jane Cordy: Senator Moodie has answered all the questions. Honourable senators, I rise today at third reading to speak in support of Bill C-35, An Act respecting early learning and child care in Canada.

I want to thank you, Senator Moodie, for your very detailed speech explaining Bill C-35 and its importance as a social contract.

I also want to thank you for your hard work in sponsoring this bill in the Senate. I want to thank the members of the Social Affairs Committee for your very thoughtful and important questions and comments when we studied this bill.

This bill is a first step toward the federal government's commitment to facilitating a Canada-wide early learning and child care system, and a ten-dollar-a-day child care program. It sets out the government's commitment to maintaining long-term funding relating to early learning and child care to be provided to the provinces, territories and to Indigenous communities.

Along with these commitments, the bill will also establish the National Advisory Council on Early Learning and Child Care. As a grandmother and former elementary school teacher, I have seen first-hand how important early learning and accessible, quality child care is to young Canadians and their families.

Honourable senators, it is essential that children be given the best possible start to set them up for a lifetime of learning.

Canadian families from every corner of the country experience barriers to accessing inclusive, culturally appropriate, high-quality child care. Too few child care spaces and rising costs have left many families struggling to find affordable care for their children.

We heard from a wide variety of witnesses from across the country at the Social Affairs, Science and Technology Committee. The committee heard that disparities have persisted in Canada when it comes to access to high-quality and culturally appropriate child care for Indigenous families, lower-income families, new Canadians, language minority communities and those living outside urban areas.

Bridging these gaps is going to take time, successful planning and financial support. I believe Bill C-35 will go a long way toward helping families to find affordable and quality care.

The federal government has shown its support to the provinces, territories and to Indigenous communities with their commitment of funding through the signed funding agreements. To unlock the federal funding, the provinces and territories have agreed to submit action plans and progress reports at the beginning of each fiscal year for the duration of the agreements.

I believe the progress reports will be beneficial to governments and, more importantly, to young families.

In 2021, my province of Nova Scotia signed the Canada – Nova Scotia Canada-Wide Early Learning and Child Care Agreement – 2021 to 2026, which provides a commitment to creating 9,500 new child care spaces and moving to ten-dollar-a day child care by 2026. Under the agreement, the federal government will commit $123 million this fiscal year, $143 million for the next fiscal year and $169 million for the 2025-26 fiscal year.

This funding will be essential to developing strategies to meet the needs of all families with young children, but particularly for Indigenous communities and French-speaking communities in my province of Nova Scotia.

Honourable senators, one of the major hurdles provinces and territories are facing when it comes to creating spaces is the labour shortage in the early child care sector. We heard from several witnesses at committee about how difficult it is to find and retain — and the retention part is important — qualified, dedicated and motivated staff.

Jobs in the child care sector have traditionally been filled by women — and they have traditionally been low-paying jobs with few benefits. As such, there has been very little incentive for young people to pursue careers in this industry.

Provinces and territories must find solutions to attract and to retain high-quality staff. In the case of Nova Scotia, this means staffing 9,500 new spaces by 2026. This must include higher wages and better benefits for employees if we are to retain high-quality staff, not just for the immediate future but for the long term.

As Taya Whitehead, Board Chair of the Canadian Child Care Federation, said:

> We encourage mechanisms to ensure that child-care funding remains predictable, sustainable and sufficient in each province and territory based on the community needs and objectives of the agreements.

Bill C-35 aims to be the mechanism to ensure predictable, sustainable and sufficient financial support from successive federal governments in the future.

Honourable senators, I support Bill C-35. It is an essential piece of legislation to ensure future funding and support from the federal government beyond the current agreements which end in 2026.

• (1510)

Honourable senators, it is not often that we can have agreements of any kind arranged between the federal government and the provincial and territorial governments. This early childhood agreement has happened because governments at all levels have rightfully recognized that early learning and child care in Canada must be a priority.

I believe this is an opportunity not to be taken lightly. Canadian families need the supports that Bill C-35 will provide to ensure long-term access to inclusive, culturally appropriate and high-quality child care. I will be supporting Bill C-35.

(On motion of Senator Martin, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT—VOTE DEFERRED

On the Order:

> Resuming debate on the motion of the Honourable Senator Gold, P.C., seconded by the Honourable Senator LaBoucane-Benson, for the third reading of Bill C-48, An Act to amend the Criminal Code (bail reform), as amended.

And on the motion in amendment of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Seidman:

> That Bill C-48, as amended, be not now read a third time, but that it be further amended in clause 1 (as amended by the decision of the Senate on October 26, 2023), on page 3, by replacing lines 11 to 13 with the following:
>
> "cused has, within five years of the day on which they were charged for that offence, been previously convicted of or been serving a sentence of imprisonment for another offence in the commission of which vio-".

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

Some Hon. Senators: Question.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I think the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Any agreement on the bell?

Senator Plett: We will defer the vote to the next sitting.

[*Translation*]

The Hon. the Speaker: Pursuant to rule 9-10(1), the vote is deferred to 5:30 p.m. at the next sitting of the Senate, with the bells to ring at 5:15 p.m.

[*English*]

BILL TO AMEND THE CRIMINAL CODE AND THE WILD ANIMAL AND PLANT PROTECTION AND REGULATION OF INTERNATIONAL AND INTERPROVINCIAL TRADE ACT

SECOND READING—DEBATE ADJOURNED

Hon. Marty Klyne moved second reading of Bill S-15, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act.

He said: Honourable senators, today is a great day for animal welfare in Canada. I'm thrilled to rise as sponsor of Bill S-15, new government legislation to protect elephants and great apes in captivity. This bill is one of the strongest animal welfare bills in Parliament's history.

Thank you to the government — especially Minister of Environment and Climate Change Steven Guilbeault; the Government Representative, Senator Marc Gold; and Parliamentary Secretary Julie Dabrusin — for their efforts to bring this bill forward. I note that the introduction of Bill S-15 fulfills a 2021 government election and mandate letter commitment to introduce legislation to protect wild animals in captivity. That promise to Canadians followed the introduction of the Jane Goodall act on this subject in 2020 by our former colleague, the Honourable Murray Sinclair, Chair of the Truth and Reconciliation Commission, together with MP Nathaniel Erskine-Smith, the bill's House sponsor.

I trust this government bill can build on the Senate's recent successes to protect animal welfare. These include Canada's whale and dolphin bill captivity laws, adopted through the leadership of Senators Moore, Sinclair and Harder; Senator MacDonald's shark fin ban; Senator Boyer's efforts to prevent animal abuse and dog fighting; Senator Stewart-Olsen's work to ban animal testing for cosmetics; and Senators Galvez and Dalphond's amendments to Bill S-5 to phase out animal toxicity testing, which became law in June.

As government legislation, Bill S-15 can move through this chamber and our committees with far greater priority and expediency than our related Bill S-241, the current version of the Jane Goodall act. As you know, I am also the sponsor of that bill, which was debated extensively at second reading over 14 months and stands referred to three Senate committees. Legally, and although drafted differently, Bill S-15 is essentially a piece of Bill S-241 and, as such, has already received this chamber's strong support in principle.

I will speak more about the relationship between the two bills. For now, let us focus on the animals. For elephants and great apes in captivity, Bill S-15 provides the enhanced legal protection they deserve, according to their scientifically established characteristics and needs. Elephants and great apes are self-aware, highly intelligent, emotional and social. They love their friends and families, mourn their dead and use tools. Great apes can even learn and communicate in American Sign Language, sometimes teaching the skill to each other. In many ways, these remarkable creatures are very much like us.

Yet, in Canada, possession of these creatures does not require a licence or a justifiable purpose. Therefore, as with the Jane Goodall act, Bill S-15 would prohibit new captivity of elephants and great apes, including breeding, unless licenced for individual welfare, conservation or science. Also like Bill S-241, this bill would prohibit the use of these species in performances for entertainment, which have occurred in recent years with elephants in Canada and may be ongoing.

Bill S-15 can and should achieve the world's first nationally legislated phase-out of elephant captivity. Over 20 captive elephants live in Canada at four locations, with most located at African Lion Safari near Hamilton, Ontario. Zoo de Granby and Edmonton Valley Zoo have already pledged to phase out keeping elephants.

A grandfathered phase-out is recommended by scientists and other independent experts due to elephants' serious health, behavioural and reproductive problems in captivity. In North American zoos, elephant deaths outpace births at a rate of two to one, meaning their captivity does not have conservation value. Other considerations include the fact that all Canadian zoos with elephants have individuals taken from the wild; the need to keep these huge, wide-ranging creatures indoors for much of the Canadian winter; the ongoing risk of cruel separations of mother-daughter pairs in commercial transactions; the use of bullhooks in Canada, which are implements used to control elephants through pain and fear; and the use of elephants in recent years in Canada for rides and performances for entertainment.

With elephants, Bill S-15 reflects changing social attitudes, which have evolved with our increasing scientific knowledge of these creatures. As Senator Sinclair said in debating the whale bill, we do not stand in judgment of those activities in the past, but we are seeking to establish appropriate policy and laws based on current knowledge going forward.

With respect to great apes, Bill S-15 upholds Canada's sanctuary, conservation and science programs for chimpanzees, gorillas and orangutans. Great apes face exploitation in captivity in other countries and the risk of extinction in Africa and Asia. Bill S-15 can send a message to the world about the need to safeguard these species, humanity's closest living relatives, who share up to 98.8% of our DNA. Indeed, Bill S-15 would offer great apes some of the strongest legal protection in the world that could, for example, include conditions of licensing based on

evolving scientific information about their well-being — not to mention that the continuation of captive great ape conservation and science programs at high welfare standards is important to Dr. Jane Goodall, world-renowned scientist, conservationist and UN Messenger of Peace, as her team continues to work with local communities to save great apes in the wild.

Approximately 30 great apes live in Canada at four locations, with chimpanzees at Fauna Sanctuary near Montreal, gorillas and orangutans at the Toronto Zoo, and gorillas at the Calgary Zoo and Zoo de Granby. I commend these organizations for their excellent work and commitment to the well-being of the great apes in their care.

As I mentioned, in 2020, our former colleague, the Honourable Murray Sinclair, laid the foundation for Bill S-15. He authored and introduced the original version of the Jane Goodall act, Bill S-218, proposing to protect captive elephants, great apes and potentially other wild species. In speaking to that bill, Senator Sinclair urged us to understand our connection to nature and to respect our fellow creatures. He said:

• (1520)

> In many Indigenous cultures, we use the phrase, "all my relations" to express the interdependency and interconnectedness of all life forms and our relationship of mutual reliance and shared destiny. When we treat animals well, we act with both self-respect and mutual respect.

I am grateful for Senator Sinclair's wisdom and guidance in advancing Bill S-15, as well as the Jane Goodall act. At this time of roadside zoos, mass extinction and climate crisis, I take to heart his view that this bill will advance reconciliation with the natural world, a goal of the Truth and Reconciliation Commission's report. In sponsoring Bill S-15, I hope both science and Indigenous knowledge will inspire senators and MPs to prioritize this bill for Royal Assent sooner than later and before the next election.

Before getting into the details, thank you to the Canadian animal welfare NGOs whose dedicated work over the years has opened hearts and minds to compassionate legislation like Bill S-15. Thank you to Humane Canada, Animal Justice, World Animal Protection Canada, HSI/Canada and Zoocheck.

In co-developing Bill S-241, which contains the policies in Bill S-15, thank you as well to the Jane Goodall Institute of Canada, the Toronto Zoo, the Wilder Institute/Calgary Zoo and Zoo de Granby.

Many such voices are eager that measures in the Jane Goodall act be considered in conjunction with Bill S-15, such as the ban on big cats at roadside zoos and as pets and the animal care organizations' framework for excellent zoos, aquariums and sanctuaries. I am confident that our process will afford that opportunity, and I understand the government is open to potential amendments with the benefit of evidence presented on Bill S-241.

Indeed, in my view as sponsor, as we debate Bill S-15 at second reading, the legislation is consistent with considering such amendments at later stages, particularly as both bills amend the same two statutes regarding wildlife captivity.

Colleagues, I will speak to you today about five subjects relating to Bill S-15: first, the bill's legalities; second, elephant captivity in Canada; third, great ape sanctuary, conservation and science programs in Canada; fourth, potential amendments to Bill S-15; and fifth, the process ahead for this bill and our related but different bill, Bill S-241, the Jane Goodall act.

Legally, Bill S-15 would amend the animal cruelty section of the Criminal Code, as well as the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, referred to as the WAPPRIITA. This is a wildlife trade statute administered by Environment and Climate Change Canada.

The bill will prohibit new captivity of elephants and great apes, including breeding, unless licensed for individual welfare, conservation or science. Like Canada's 2019 whale and dolphin laws, Bill S-15 authorizes the federal and provincial governments to potentially license breeding for these purposes, while cross-border transport is exclusively federal.

Whether or not licences should be granted by the environment minister and for what purpose is a question of fact and ethics. Based on the recommendations of independent scientists and other experts, my view is that licences should not be granted for new elephant captivity in Canada.

In considering the merits of a conservation or science program under the bill, such programs should hold the promise of significant contributions to the species' long-term survival in the wild. Notably, captive breeding has played a role in over half of the cases where extinction has been prevented for birds and mammals.

In addition, Bill S-15 would prohibit the use of affected species in performances for entertainment, which have occurred with elephants in Canada in recent years. No potential licences will be available for such performances. Unlike Bill S-241, Bill S-15 does not explicitly prohibit elephant rides, which have also occurred in recent years. This may be an amendment to consider.

As with Canada's whale and dolphin laws, the penalty for illegal breeding or performance for entertainment would be a summary conviction and a fine of up to $200,000. Unlike Bill S-241, Bill S-15 does not contain new sentencing measures to provide for the potential relocation, with costs, of wild animals involved in these offences.

Constitutionally, Bill S-15 exercises the federal criminal power over animal cruelty and the federal trade and commerce power over international and interprovincial trade. Federal animal cruelty offences have existed in Canada since 1892, and international trade restrictions are already in place for endangered species on conservation grounds.

As well, provinces have long enacted complementary property and civil rights laws to seize captive animals in distress, as well as patchwork municipal ownership restrictions. Bill S-15 would establish strong, sound and uniform national restrictions for the species at issue.

For senators looking to take a deep dive into the legal aspects of this legislation, I refer you to my written brief to our Legal and Constitutional Affairs Committee on Bill S-241 dated September 7 of this year.

An important point is that the legalities of Bill S-15 are the same as those of Canada's federal whale and dolphin captivity laws — that is, the "Free Willy" bill — studied at our Fisheries and Oceans Committee and adopted by Parliament in 2019. Those amendments to the Criminal Code and the Fisheries Act serve as the legal model for Bill S-15.

The Senate overwhelmingly endorsed the whale and dolphin measures in a standing vote on Bill C-68. That government fisheries bill, sponsored by Senator Christmas, contained the then-Government Representative Senator Harder's amendments to secure a vote on the whale measures, as well as Senator MacDonald's shark fin ban. The Senate voted in favour of Bill C-68 with 86 "yeas," 3 "nays" and 2 abstentions.

In the Senate's debate on Bill C-68, Senator Harder said:

> . . . I hope the amendments in Bill C-68 will stand as an example of the results that can be achieved when the government and the Senate work together to deliver the best possible public policy results for Canadians. . . . I hope it can be a model going forward in a more independent, positive Senate. . . .

I note as well that Canada's whale and dolphin captivity laws have worked well. Bill S-203, Senator Moore's and Senator Sinclair's Ending the Captivity of Whales and Dolphins Act, together with Bill C-68, ended the breeding of beluga whales and the import of wild captured belugas and dolphins to Marineland in Niagara Falls, Ontario. Those laws also resulted in a charge in 2021 for Marineland's allegedly illegal use of dolphins in a performance for entertainment purposes.

Today, the Vancouver Aquarium no longer holds captive whales and dolphins, and a whale sanctuary currently in development in Nova Scotia provides hope for a better life for some of Marineland's more than 30 remaining belugas.

Since the passage of Canada's whale bill in 2019, France has banned whale and dolphin captivity, as has the Australian state of New South Wales. The United States Congress is considering similar legislation with the "SWIMS Act."

With Bill S-15 building on the whale bill's success, the time has come to protect additional wild species in captivity, starting with elephants and great apes and considering other priorities like big cats.

Colleagues, I focus now on the need to phase out elephant captivity in Canada. As Senator Sinclair told us in 2020, Asian and African elephants are the largest land animals in existence. Elephants are intelligent and highly emotional, with excellent memories and a strong sense of empathy. They experience the world primarily through smell and hearing. In fact, their sense of smell is five times stronger than a bloodhound's.

Elephants use low-frequency sounds to communicate over several kilometres, with pitches inaudible to humans. They can hear storms hundreds of kilometres away and change their routes days in advance to intercept rain. They have home ranges of between 400 and 10,000 square kilometres.

Socially, elephants are matriarchal, living in herds of adult females with adolescents and young. Older females keep the knowledge that allows the herd to survive. During drought, the herd will follow a matriarch for days to a drinking hole no one else knows about, trusting her.

Elephants are also altruistic. They try to revive sick or dying individuals, including strangers, lifting them with their tusks to get them on their feet. Elephants mourn their dead, standing vigil over dead matriarchs.

• (1530)

Honourable colleagues, 23 captive elephants live in Canada. African Lion Safari near Hamilton holds 17 Asian elephants, the largest group in North America, with at least two born in the wild. The Edmonton Valley Zoo is home to a lone Asian elephant named Lucy, born in the wild. In Quebec, Parc Safari has two African elephants, both born in the wild. Zoo de Granby has three African elephants, of which two were born in the wild. Obviously, removing elephants from Africa and Asia for display in North American zoos is counter to elephant conservation.

At the expense of being repetitive, the Edmonton Valley Zoo and Zoo de Granby have committed to phasing out elephants. In 2011, Toronto City Council voted to send the Toronto Zoo's three remaining African elephants to a sanctuary in California, a journey paid for by Bob Barker.

In 2014, three Asian elephants in Calgary were relocated to a warmer climate in the United States. Between the early 1990s and 2012, over 22 U.S. zoos shut down their elephant exhibits or announced phase-outs.

In urging an elephant phase-out in Canada with Bill S-15, I rely on two letters from 23 independent scientists and other experts in support of this policy. The letters are signed by global leaders in their field, such as Dr. Joyce Poole. They write:

> Scientific and experiential evidence indicates that the use of elephants as performers, riding objects, and exhibit specimens can be physically and psychologically detrimental to these highly intelligent, sensitive, and self-aware animals. Confinement, restraint, travel, harmful training practices, exhibition, isolation, noise, performing, and exposure to the public while living in unnatural environments can adversely affect elephants' health and welfare.
>
> Elephants are not suited to any form of captivity, as no captive facility can fulfil the basic biological, social, spatial, cognitive and intrinsic requirements of elephants. The keeping of elephants in captivity in Canada should be brought to an end, with every effort made to ensure those elephants that remain in captivity are provided with the best possible conditions to meet their welfare requirements and ensure their well-being for the remainder of their lives.

Senators, both of these expert letters are available on the websites of the three committees studying Bill S-241. The second letter responds to arguments made against Bill S-241 by the International Elephant Foundation. This is an organization whose board is largely comprised of zoo executives, including from African Lion Safari. The second expert letter responds to arguments made against the bill by the Elephant Managers Association, also with a board composed of zoo staff.

In the second response letter we received from independent experts, I highlight four of their conclusions.

First, there is not a single case of captive elephants boosting conservation or wild populations through the import of wild elephants required to sustain North American zoos.

Second, elephants kept in Canada must spend most of their time indoors in the winter to avoid frostbite and hypothermia.

Third, reproductive and other research at African Lion Safari has not had conservation value for wild elephants.

And fourth, captivity has been shown to cause brain damage on elephants.

I trust we will hear from these experts in a committee process.

A 2019 *New York Times* article is also eye opening. It states:

> [A] 2012 Seattle Times investigation found that 390 elephants had died in accredited zoos in the previous 50 years, a majority of them from captivity-related injuries and diseases.
>
> Still, the biggest threat by far has proved to be the preternaturally low birthrate of captive elephants. . . . One of the more disturbing manifestations of zoo-elephant psychosis is the high incidence of stillbirths and reproductive disorders among pregnant mothers. Even when births are successful, there are often instances not only of infant mortality but also of calf rejection and infanticide, something almost never witnessed in thousands of studies of wild elephant herds . . . . [I]n essence, the trend has been that for every new birth in captivity, two elephants have died.

I also note on the record some problematic recent events at African Lion Safari. Like many others, I found it disturbing that in 2021, African Lion Safari offered elephants for sale to a Texas zoo. That transaction — later cancelled — would have broken up two mother-daughter pairs who normally stay together for life. Elephants named Emily and Nellie were offered for $2 million with a $200,000 bonus if Emily had a calf that lived over 60 days. We can imagine the distress caused by those cruel separations.

In addition, in 2019, an elephant attack left a trainer with serious injuries following elephant rides. CBC reported on the incident:

> Born in Burma, the Asian elephant was ridden for 25 years by visitors to African Lion Safari . . . .
>
> But on June 21, 2019, Maggie lunged at her handler as the last rider was dismounting. . . .

Despite everything we know in recent years, elephant performances for entertainment have occurred. You can watch YouTube videos of elephants in a stadium dunking basketballs, painting, standing on their hind legs, kneeling, doing funny walks, shaking their heads and other circus-style tricks.

In addition, some elephant trainers use bullhooks to control their elephants. A bullhook is a sharp baton that gains compliance through pain and fear. The Association of Zoos & Aquariums, or AZA, announced a phase-out of bullhooks in 2019.

Around the world, we have seen developments to limit elephant captivity. In 2019, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, or CITES, which is the international regulator of trade in wildlife, banned sending wild African elephants to zoos. The next year, in Pakistan, Justice Athar Minallah held that animals have constitutional rights and protections under the Quran. He ordered

a lone zoo elephant moved to a sanctuary after being held in chains for 35 years. Last year, the lone elephant at the Bronx Zoo, Happy, lost a case for her relocation before the State of New York Court of Appeals, 5-2. Still, she made it that far.

Senators, this progress for our fellow creatures reminds me of the words of Martin Luther King Jr.:

> The arc of the moral universe is long, but it bends towards justice.

With Bill S-15, Canada can lead the way for elephants with the first legislated phase-out of their captivity in the world. Like Senator Sinclair, I believe sanctuary options in warmer climates should be considered for Canada's remaining elephants. When it comes to elephant captivity, senators, we must follow the science; the truth will set them free.

I turn now to great apes.

First, chimpanzees, our closest living relatives, native to the forests and savannahs of tropical Africa. Chimps form lifelong family bonds and friendships. They feel happiness, sadness, fear, despair and grief. They may greet each other by kissing, and young apes laugh when tickled.

In 1960, Dr. Jane Goodall was the first person to observe chimps making and using tools. This prompted the anthropologist Louis Leakey's famous telegram:

> Now we must redefine tool, redefine man, or accept chimpanzees as human.

As Senator Sinclair told us, chimpanzees live within complex societies, forming political alliances to achieve their goals. Male chimps even fawn over infants when vying for power. Like humans, chimps can be violent, but they also take care of elderly relatives and grieve their dead.

However, humans have treated our closest relatives atrociously. Since 1900, humans have reduced chimpanzee numbers by between 70% and 80%, with numbers still plummeting. In captivity, chimpanzees have been exhibited at roadside zoos and circuses, owned as pets, exploited in TV and films, sent to outer space and used in military and biomedical research. Experiments on chimps have involved food deprivation, electric shock, surgery and exposure to radiation, chemical weapons and diseases.

• (1540)

In Canada, six chimpanzees live at Fauna Sanctuary near Montreal, with 17 others having passed away over the years, in the relative peace and comfort of the sanctuary after lives of devastating trauma.

The heroes behind Fauna, led by founder Gloria Grow, rescued these chimps from laboratory research, the entertainment industry and unsuitable zoos. The best-selling book *The Chimps of Fauna Sanctuary*, by Andrew Westoll, tells their story. Consider this passage about the death of their beloved chimp Tom, who was captured from Africa before being sold into laboratory research. Despite what Tom endured, he went on to mentor young males and help Fauna's most damaged chimpanzees to recover. He is remembered as a loving and wise leader. After his death, it was said:

> . . . a small measure of solace might be found in the simple lesson that the chimps of Fauna sanctuary have been teaching Gloria for more than a decade now: that no matter what kind of trauma we've been through, we all have the capacity to recover and to help others heal.

Senators, Bill S-15 will allow Fauna to continue their inspiring work with licences available for the best interests of chimpanzees in need.

I turn now to the gorilla and orangutan conservation and science programs at the Toronto, Calgary and Granby zoos.

Gorillas are the largest primate inhabiting central Africa. They live in family groups led by a silverback. In the wild, gorillas are critically endangered with three subspecies having lost between 70% and 80% of their population in the last 25 years.

Orangutans inhabit the Asian islands of Borneo and Sumatra. Covered in shaggy red fur, they are relatively solitary. However, the relationship between a mother orangutan and her offspring is extremely close, a maternal bond thought to be the most intense of any in nature with the possible exception of humanity.

Orangutans are also critically endangered: 80% of their habitat has been wiped out, and the Sumatran population numbers less than 14% of mid-20th century numbers.

The Toronto, Calgary and Granby zoos are part of the AZA's Species Survival Plan for gorillas, with a new birth in Calgary this year. As well, the Toronto Zoo is part of such a plan for Sumatran orangutans with a new birth last year and 13 orangutans raised since 1974. Operating at the highest standards, these programs aim to manage healthy, genetically diverse and demographically stable populations for the long-term future as a fallback for conservation efforts in the wild to safeguard the existence of the species.

In addition, since 2011, the Toronto Zoo has participated in 60 gorilla and orangutan studies with universities, including York University, the University of Toronto and Laurentian University. Calgary Zoo veterinarians have presented their findings on gorilla medical conditions at veterinary conferences. Last year, the Calgary Zoo announced a partnership with two West African conservation organizations, supporting graduate research projects in Nigeria to help save Cross River gorillas with only 300 remaining.

Dr. Jane Goodall supports the continuation of the Toronto, Calgary and Granby Zoos' interrelated AZA great ape conservation and science programs, as does Bill S-15.

Excellent zoos are helping to save endangered species in Canada and around the world, including great apes, and in doing so, they have my full support.

Senators, I turn now to potential amendments to Bill S-15. I understand the government is open to some changes with the benefit of evidence presented on this bill and Bill S-241. It is fortunate that we will be able to study both bills in tandem and that we have the first kick at the can with an "S" bill starting in the Senate. I guess that's a great thing.

With Bill S-15, our task is not sober second thought; it's enthusiastic first thought. As sponsor, I commend the government on their strong record of considering and accepting Senate amendments, including those to the "save the whale" bill, to pass the shark fin ban and to phase out animal toxicity testing.

Bill S-15 is a milestone to celebrate as a government-initiated animal welfare bill that can achieve the world's first elephant captivity phase-out. However, we may consider an amendment or two to make permanent the elephant ivory and rhino horn regulations announced by Minister Guilbeault this week.

Congratulations to the minister on that achievement to severely restrict trades in elephant ivory, rhino horn and hunting trophies of those species with narrow exceptions as antiques.

Other topics to consider for an amendment in conjunction with Bill S-15 may include banning elephant rides; authorizing judicial relocation of captive wild animals involved in illegal breeding or performance at sentencings for these offences with costs; banning big cats at roadside zoos and as pets; exploring the animal care organization framework in Bill S-241 for excellent zoos meeting the highest standards; and providing a mechanism to extend legal protections to additional captive wild species by cabinet decision.

At the same time, we need to be mindful that for wildlife captivity legislation in this Parliament, the hour grows late. We must move quickly with two words on our mind: Royal Assent. Fortunately, with the government procedural features of Bill S-15, the beacons of hope are lit.

Colleagues, I turn to my final subject: the process ahead for Bill S-15 and our related but distinct Bill S-241, the Jane Goodall act. As you know, neither the whale captivity bill nor the Jane Goodall act have advanced quickly or easily through Parliament.

When the "Free Willy" bill received Royal Assent in 2019, that event concluded the longest process to pass a bill in Canada's parliamentary history. The bill's three-and-a-half-year journey included 34 months of debate and study in the Senate, compared to 8 months in the House of Commons. The Senate process involved a hoist amendment proposing to kill the bill at second reading, 16 committee hearings, six months of report-stage debate — compared to the normal period of several days or weeks — and a filibuster at third reading.

In this Parliament, Bill S-241, the Jane Goodall act, has been the most-debated bill at second reading with 17 speeches and well over five hours of debate prior to our second reading vote in June. Most of those speeches were in strong support of the bill, and I am grateful to the senators who spoke for our fellow creatures. However, the critic entered our debate to oppose the bill after 14 months on the condition the bill would be referred to multiple committees. Thus Bill S-241 became the first non-government bill in Parliament's history to be referred to more than one committee — and not two committees but three: the Environment, Legal and Agriculture Committees.

On this point and as a strong supporter of the agricultural sector, I would emphasize that neither Bill S-15 nor Bill S-241 contemplate nor make proposals regarding agriculture. These bills do not contemplate game farms but pertain to captive wildlife only.

However, I welcome all three committees' studies and have provided written briefs to each. Unfortunately, the Environment Committee's first two meetings to study Bill S-241 have been cancelled due to the Senate sitting. Still, I know our chair, Senator Galvez, is eager to be under way.

In Bill S-15, government procedural features may finally ensure the wildlife captivity legislation receives a fair, timely and transparent hearing in a path to Royal Assent in this Parliament.

For my part, procedural dynamics with Bill S-241 are water under the bridge. However, I urge this chamber not to tolerate similar dynamics going forward with Bill S-15. We have lost valuable time, and it is imperative that committee hearings begin at the soonest opportunity. I urge senators who wish to speak to this bill to please do so on an expedited basis. Then let's see how far the holiday spirit can carry this bill before we break.

I trust everyone in this chamber wants to do the right thing for the magnificent creatures with whom we share this earth. I believe that if we follow science and Indigenous knowledge, we can achieve this goal together in Canada, our great nation of nations.

• (1550)

I conclude with a quote from my inspiration on this bill, the Honourable Murray Sinclair:

> . . . I want to remind you that we are all connected — not just you and me, but all life forms of creation. This understanding imposes responsibilities. . . .
>
> Senators, we live in a time of great challenge, with the natural world in peril. However, we also live in a time of great hope, with social values increasingly reflecting a moral and spiritual awakening. We can yet save this beautiful planet, along with Indigenous cultures and knowledge and the sacred and innocent animals who deserve our compassion.

Senators, I ask for your help in taking a small step towards fulfilling this vision with Bill S-15. Thank you, *hiy kitatamihin*.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

INVESTMENT CANADA ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Clément Gignac moved second reading of Bill C-34, An Act to amend the Investment Canada Act.

He said: Honourable senators, I am pleased to stand before you today and speak to Bill C-34, An Act to amend the Investment Canada Act.

The Investment Canada Act, or ICA, is a major asset to the economy, because its clear and predictable regulatory regime makes Canada an attractive destination for foreign investment.

The ICA seeks to encourage economic growth and employment and provides for intervention only if an investment is injurious to Canada's national security.

However, it also gives the government the authority to act quickly and decisively when needed.

Over the years, the government has identified three major areas where the act needs to be modernized: strategic and geopolitical concerns; improved certainty and transparency for investors; and protection for innovations in Canada.

[*English*]

The geopolitical context in which Canada operates continues to shift rapidly. Hostile state and non-state actors pursue deliberate strategies to acquire goods, technologies and intellectual property. They do so in ways that are incompatible with Canada's interests and principles. We also know that foreign investment can be used as a conduit for foreign influence activities that seek to weaken our norms and institutions.

The nexus between technology and national security is clear and here to stay for the long run. Rapid technological innovation has provided Canada with new opportunities for economic growth, but it has also given rise to new and difficult policy challenges.

[*Translation*]

At the same time, we must support a welcoming investment climate for beneficial investments. That means that ICA operations must be clear, transparent and effective. We know that regulatory certainty and the speed of reviews are important factors in attracting investments to Canada.

Canada's foreign investment regime also needs to adapt to the speed of innovation. Intangible assets, such as intellectual property and data, have grown in importance in defining Canada's economic strength, and at the same time they pose new challenges in terms of how these are to be managed.

Canada is an open economy with many natural resources, an economy that is the envy of the world and a source of wealth creation. However, Canada is also increasingly targeted by hostile actors. This is a threat to our national security and our prosperity. That is why the government is taking steps today to protect the Canadian market by developing our tools to provide better protection against current threats.

We are living in unprecedented times, when foreign investments around the world are being examined more closely from a national security perspective.

Some of the reasons for this include the COVID-19 pandemic, the security implications of climate change, global supply chain disruptions and changing geopolitical considerations. Only by taking appropriate action today to address the threats of tomorrow will we ensure that Canada remains a top destination for foreign investors.

[*English*]

The time is right to pursue the modernization of the Investment Canada Act. Now more than ever, the government must take concrete actions to foster an innovative and healthy economy. The global environment has evolved significantly in recent years, including in global competition, investment, technology and access to critical minerals.

This last area is of particular importance: the accessibility of critical minerals. In fact, BloombergNEF ranked Canada second among the top 10 producers of critical minerals, and this ranking accounts for sustainability requirements.

Earlier this year, Rio Tinto CEO Jakob Stausholm spoke about mining and metal projects around the globe and stated, "I would say there is no place on the planet that I get more optimistic about than Canada." These are encouraging signs and ones we must protect.

[*Translation*]

Canada's well-known excellence in emerging and sensitive technologies and critical minerals makes us an attractive target for hostile states. With the amendments proposed in Bill C-34, the government is making sure it has the right tools to protect these sectors as well as Canadian intellectual property, personal data and infrastructure.

Colleagues, honourable senators, the volume and complexity of foreign investment reviews are increasing, and this significant change provides a strong rationale for supporting the modernization of the Investment Canada Act.

Fundamentally, the government has established that an effective review system must be robust, transparent and flexible in order to adapt to a changing world, and now is the time to make these changes.

This bill represents the most significant update of the Investment Canada Act since 2009. Now the government is taking significant steps to review and modernize key aspects of the legislation while ensuring that the overarching framework for supporting the foreign investment needed to grow our economy remains strong and open.

Honourable senators, we all need to recognize the importance of Bill C-34, even if bills ending in "34" are not very popular these days in this chamber. The other place voted unanimously to support the bill after having studied in committee, without presuming what would happen here.

[*English*]

In its study, the House of Commons Standing Committee on Industry and Technology worked to refine the bill. The committee focused on making sure the amendments were balanced so that they could protect Canada's national security without chilling beneficial foreign investment.

The committee met 12 times and heard from multiple subject-matter experts who provided meaningful and valuable insight into Canada's investment screening regime, on matters of national security, on the treatment of intangible assets and on ensuring that Canada's economy remains healthy.

[*Translation*]

Now allow me to go over the seven key amendments to the Investment Canada Act proposed in Bill C-34.

First, there is a new pre-implementation filing requirement for certain investments. This will provide the government with earlier visibility on investments in prescribed sectors, especially where there is a risk that the foreign investor would gain access to material assets or material non-public technical information, such as cutting-edge intellectual property or trade secrets, immediately upon closing.

The government can therefore ensure that such irremediable harm does not occur. Investors will now be required to file notifications in time periods set out in regulations.

An across-the-board pre-implementation filing requirement without regard to nuance of business sector, type of transaction or other relevant facts would have an unnecessarily burdensome impact on needed and beneficial investment into Canada without providing improvements to national security analysis. A targeted approach will support transparency and certainty for investors.

• (1600)

Second, the bill makes the national security review process more efficient by providing the Minister of Innovation, Science and Industry, in consultation with the Minister of Public Safety, the authority to extend the national security review of investments, whereas previously an order was required at that stage. As I know from my former life, having to get an order can really slow things down.

Removing the additional step of getting an order will give our interdepartmental experts in security and intelligence more time to complete their vital work, including the intelligence analysis assessing the national security risks of a transaction.

Third, the amendments update the penalties for non-compliance with Investment Canada Act provisions. The penalties were established several decades ago and no longer correspond to current deal valuations or inflation.

For example, the maximum penalty of $10,000 per day that was established in 1985 under the current Investment Canada Act will go up to $25,000 per day per offence with no time limit. There is also a new penalty for investors who fail to comply with the pre-implementation filing requirement. They will be fined $500,000 or the amount specified in the regulations, whichever is higher.

This update will make the penalties more effective deterrents.

Fourth, the bill authorizes the Minister of Innovation, Science and Industry, after consultation with the Minister of Public Safety, to impose interim conditions on a foreign investment.

This will reduce the risk of national security injury taking place during the course of the review itself, such as through the possible access to or transfer of assets, intellectual property or trade secrets before the review is complete.

Fifth, the act provides for greater flexibility in mitigating national security risks by allowing investors, through the collaboration between the Minister of Innovation, Science and Industry and the Minister of Public Safety, to submit binding undertakings. These undertakings must show that that they sufficiently address the national security injury that would result from the investment.

Previously, the imposition of such conditions on a transaction to mitigate national security risks could only occur through a Governor-in-Council order. Allowing binding undertakings that can be discussed and accepted at the ministerial level also means these can be amended, or even ended, as needed.

Sixth, the bill allows Canada to share specific information with its international counterparts to help protect common security interests.

This kind of cooperation is important when considering an investor who may be active in several jurisdictions seeking the same technology, for example. The government would have more discretion to share such information, though it would of course be based on the evaluation of confidentiality and other concerns in doing so.

Canada's investment review regime strives for excellence, and achieving that excellence requires close collaboration with our allies, several of whom, including the Five Eyes — Australia, New Zealand, Canada, the United Kingdom and the United States — have either updated or introduced new screening mechanisms in response to evolving geopolitical threats. This bill allows the government to adopt a coherent approach to dealing with our allies and our common national security concerns, particularly with respect to the transfer of technology.

Finally, the legislation introduces new provisions for the protection of information in the course of judicial review of decisions. This change will allow the government to rely on sensitive information to defend its national security decisions, while protecting that information from disclosure. These new provisions will also allow applicants to participate more fully in the process.

[*English*]

Colleagues, I would like to take a moment to discuss some amendments adopted by the other place when the Standing Committee on Industry and Technology studied the bill.

[*Translation*]

First of all, all of the parties in the other place agreed to present amendments that emphasize the importance of transparency.

They include authorizing the minister to disclose the identity of parties who are subject to final orders under the Investment Canada Act once the national security review is complete, and introducing the obligation to report to oversight bodies when certain powers are exercised under the Investment Canada Act.

Second, as a result of amendments proposed by a Conservative MP from Nova Scotia, the committee proposed that the minister be given a new power. Going forward, the minister will be able to request an order to examine the net benefit of any investment from a state-owned enterprise from investors with no trade agreement, regardless of the threshold. That is not the case right now. However, if Canada does not have a trade agreement with another country, then the thresholds do not apply and the first dollar is what gets analyzed. This provision applies only to investors with whom Canada does not have a trade agreement. For example, we do not have a trade agreement with China.

Third, the amendments will specify that the sale of assets falls under the general scope of the national security review authorities provided for in the act. That clarifies the application of the Investment Canada Act for stakeholders, both Canadian companies and foreign investors.

Fourth, through a series of amendments tabled by the NDP member for Windsor West and the Liberal member for Mississauga—Malton, the amended bill clarifies the consideration of the treatment of Canadians' intellectual property and personal data when examining net benefit.

Fifth, with an amendment proposed by a Conservative MP from Nova Scotia, the amended bill will speed up the national security review process if an investor has been convicted of corruption in any jurisdiction.

All these amendments, which were accepted by the government, demonstrate that bills can be improved after they are introduced. I applaud the government's open-mindedness. This demonstrates the importance of committee work. It is the work of the committee in the other place that made it possible to improve this bill.

[*English*]

Bill C-34 is an important tool for keeping pace with evolving economic and geopolitical circumstances. While the Investment Canada Act provides broad authorities to intercede and address national security risks that can arise through foreign investment, the amendments to this bill build upon that strong foundation and improve the mechanisms of the process around the national security reviews of investments.

Taken together, these legislative amendments will help ensure Canada is able to continue to reap the economic benefits of foreign investments while strengthening our ability to move quickly and decisively to address threats to our national and economic security.

Colleagues, it is worth noting that for the first six months of 2023, Canada was ranked third behind the U.S. and Brazil among Organisation for Economic Co-operation and Development, or OECD, countries as far as foreign direct investment is concerned. This is just one additional reason why we need up-to-date legislation that provides clarity and predictability to foreign investors.

[*Translation*]

The act encourages economic growth and gives the government the possibility to act quickly if the circumstances call for it. There is no doubt that the time has come to modernize the Investment Canada Act and adapt it to today's world.

Honourable senators, as the unanimous vote in the other place indicates, if there is one thing we can all agree on, it is the importance of protecting our assets and safeguarding our prosperity.

I am eager to work with the designated opposition critic, Senator Carignan, and with all of you to move this bill forward.

Thank you.

(On motion of Senator Martin, debate adjourned.)

• (1610)

[*English*]

ADJOURNMENT

MOTION ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of November 22, 2023, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, November 28, 2023, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

QUESTION OF PRIVILEGE

SPEAKER'S RULING RESERVED

The Hon. the Speaker: Honourable senators, with regard to the recent question of privilege raised by Senator Saint-Germain, as announced on Tuesday, I will now hear further arguments. As I indicated on Tuesday, I would ask senators to be as brief as possible with their interventions and to raise new points only.

Hon. Donald Neil Plett (Leader of the Opposition): First, Your Honour, I want to thank you for having given me the opportunity to review the issues that were raised on Tuesday, and to do some research and prepare my remarks. I want to first provide context for the events that are at the heart of Senator Saint-Germain's question of privilege.

Second, I would like to point to some elements that I think should guide you in your decision.

Finally, I would like to close with some personal considerations on this.

I will apologize ahead of time, Your Honour, that I may speak a little longer than you suggested, and I hope that you will indulge me.

I will return later to the actual facts that happened on November 9 — which had been raised on Tuesday — but I want to start by giving you, Your Honour and colleagues, the reasons why opposition senators were frustrated and, many would say, angry when the debate on Bill C-234 was adjourned.

First, we were of the impression — I was of the impression — that an agreement between groups had been reached to complete the debate on Thursday, November 9. This, as far as we were concerned, had been agreed upon 10 days earlier. It is, of course, the purview of all leaders or groups to change their mind. One could have expected that, but one would have, perhaps, expected that the other leaders — if they had changed their mind — would have given me notice that debate on Bill C-234 would not conclude that evening. They did not.

The different groups and their leaders have every right to enter — or not — into deals to move legislation, or on the timing for the debate. They have every right to change their mind. I believe it is, however, common courtesy to advise the other groups when there is a change after a deal is made, and that usually is the case; it was not on November 9.

Second, we were somewhat surprised when Senator Moncion moved an amendment. I remind you that, Your Honour, in our mind, the debate on the bill was to close that day, so, to our surprise, a senator moved an amendment. Senator Moncion, like any other senator, has the absolute perfect right to move an amendment on any bill regardless of the substance of that amendment, and we certainly appreciate and respect that.

Senators will know that, most of the time, notice of an amendment is given at the scroll meeting. On November 9, no such notice was given to the other groups — or, at least, certainly not to us.

As I said, a senator has every right to move an amendment. It is, however, common courtesy to advise the other groups. There was no such common courtesy.

Finally, Senator Clement moved the adjournment of the debate before a single senator had a chance to speak on the amendment. As it was pointed out on Tuesday, the adjournment is usually moved after senators who want to enter debate on that day can do so.

We never said that we did not want senators who were not in the chamber on that day — as Senator Woo suggested the other day, because he hadn't been able to be here — to enter debate at a later date. What was unusual was that the adjournment was moved before the list of people who — those who were in the chamber and, indeed, who were standing — wanted to intervene was exhausted or, in this case, actually even started.

Imagine, colleagues, in her haste to adjourn the debate — to allow senators who were not in the chamber to enter debate at a later date — Senator Clement may have prevented the entering of debate for a senator who was present on November 9, and who wanted to enter debate, but who could not be here at a later date. That person would have had the right to enter the debate.

A senator has every right to adjourn the debate on a motion or an amendment. Again, it is common courtesy to let senators — who are in the chamber — who want to intervene to do so before moving the adjournment. It is in this context that the adjournment was moved, and a standing vote was called, and I then went over to Senator Saint-Germain, who was sitting next to Senator Clement. I will deal with that later on in my remarks regarding the events that happened there.

Before I delve into the specific facts that were brought up and discussed regarding if the privilege of a senator was indeed breached, let me point out what the definition of "privilege" is.

The classic definition of "parliamentary privilege" is found in *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*:

> Parliamentary privilege is the sum of certain rights enjoyed by each House collectively . . . and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. . . .

The *Senate Procedure in Practice*, on page 224, says the following:

> The purpose of privilege is to enable Parliament and, by extension, its members to fulfill their functions without undue interference or obstruction. Privilege belongs properly to the assembly or house as a collective. Individual members can only claim privilege if "any denial of their rights, or threat made to them, would impede the functioning of the House."

On page 226, it states:

> The individual privileges that senators enjoy include the following:
>
> freedom of speech in Parliament and its committees;
>
> freedom from arrest in civil cases;
>
> exemption from jury duty and from appearance as a witness in a court case; and
>
> freedom from obstruction and intimidation.

To Erskine May, the privileges of Parliament are rights ". . . absolutely necessary for the due execution of its powers . . . ." Privilege is not just something nice to have; it is a strict minimum for parliamentarians to do their jobs.

• (1620)

From the question of privilege raised on Tuesday, only one of those privileges has allegedly been breached: freedom of obstruction by intimidation.

The fifth report of the Senate Standing Committee on Privileges, Standing Rules and Orders from May 6, 1993, and quoted in the *Journals of the Senate* on pages 2052-53, says the following:

> An adverse reflection upon a Senator or the Senate can constitute breach of privilege, but only if it impedes the Senator or the Senate from performing parliamentary functions.

So for a senator's privilege to be breached, there must be proof of obstruction and intimidation, and there must also be proof that such obstruction and intimidation impeded the senator from performing their parliamentary functions.

Senator Saint-Germain said on Tuesday, "The events in question affected numerous senators and had a negative impact on the Senate as an institution . . ." This may be true. But one or more senators being affected or a negative impact on the Senate does not constitute a breach of privilege. Privilege is very narrowly defined. This is normal, as parliamentary privilege is ". . . an immunity from the ordinary law . . . ." as former Speaker Furey said on March 1, 2018, or powers ". . . which exceed those possessed by other bodies or individuals. . . ." as Erskine May said in the definition I quoted earlier.

With all due respect, privilege does not protect the Senate from a negative impact or senators from being affected. Privilege does not insulate senators and the Senate from anything negative that can be said to or about them. It protects them from being impeded from performing their parliamentary functions.

What are the facts about what happened on November 9 that were raised by Senator Saint-Germain? She said that: I violently threw my earpiece; I stood in front of Senators Saint-Germain and Clement and yelled and berated them; I pointed fingers at Senator Moncion; Senator MacDonald shouted the word "fascist"; and that threats were made that business in committees chaired by the Independent Senators Group, or ISG, senators would be blocked. Senator Saint-Germain also accused Senators Batters and Housakos of having retweeted a post made by Andrew Scheer, inviting Canadians to phone the offices of two senators. She also took offence at the tweets from Senator Wells, accusing the ISG leadership of working in concert with the Speaker of the Senate.

Senator Saint-Germain never explained how any of this constitutes an obstruction of the parliamentary functions of any of the senators. She never alleged that her or any other senator's ability to debate and vote on Bill C-234 or any other Senate matter was impeded. In fact, Senators Saint-Germain, Clement and Moncion all voted on the adjournment of the debate on Bill C-234 on November 9. So was the parliamentary privilege of one or more senators breached on November 9 or through the tweets and retweets? You will note, Your Honour, that none of the senators who rose to speak on Tuesday quoted a former Speaker's decision or an author to support their case that there was a breach of privilege. There is a reason for this, Your Honour. There was none.

There are, however, several precedents where the issue of breach of privilege was studied and decided upon that I think might guide you through your decision, Your Honour. Let's see what the precedents tell us.

Number one: Privilege does not cover everything. On March 1, 2018, former Speaker Furey ruled on a question of privilege raised by Senator McPhedran and stated that:

> The purpose of privilege is to enable Parliament and its members to fulfill their legislative and deliberative functions, without undue interference. Not all activities undertaken by senators in the course of their work, no matter how valuable or commendable, are always covered by privilege.

A senator does not enjoy parliamentary privilege for everything. There must be undue interference in their legislative and deliberative functions for their privilege to be breached.

Number two: Personal, sharp and taxing language in the chamber is not an issue of privilege. On April 21, 2009, former Speaker Kinsella had to rule on a question of privilege raised by Senator Harb regarding some language used during debate. Here is his quote.

> On the second criterion, that the matter must directly concern privilege, Senator Harb felt that the remarks affected him personally, seeing them as an attempt to silence him. In point of fact, however, nothing actually prevented the senator from continuing to speak in debate. If there was any problem with the remarks, it was more as to whether they were "personal, sharp or taxing," to use the language of rule 51. As such, the issue may have been one of order, but was certainly not one of privilege.

A senator being attacked, even if the language used is personal, sharp or taxing, does not constitute a breach of privilege of a senator, especially if the senator was not prevented from participating in debate.

In fact, freedom of speech is the right protected by privilege, not freedom from speech. In a ruling made on October 5, 2010, former Speaker Kinsella said:

> The basic privilege in this case is freedom of speech. As noted in the second edition of the House of Commons Procedure and Practice, at pages 89 and 90, this is:
>
> > By far, the most important right accorded to Members of the House . . . a fundamental right without which they would be hampered in the performance of their duties. It permits them to speak in the House without inhibition, to refer to any matter or express any opinion as they see fit, to say what they feel needs to be said in the furtherance of the national interest and the aspirations of their constituents.
>
> According to page 96 of the twenty-third edition of Erskine May, this means that:
>
> > Subject to the rules of order in debate, a Member may state whatever he thinks fit in debate, however offensive it may be to the feelings, or injurious to the character, of individuals; and he is protected by his privilege from any action for libel, as well as from any other question or molestation.

Number three: Attacks in the media and on social media are not an issue of privilege.

While some senators may feel they are unfairly attacked in the media or on social media platforms, this does not constitute a breach of privilege. Let me again quote former Speaker Kinsella from his ruling on December 14, 2009:

> As the English philosopher John Stuart Mill pointed out in *On Liberty* more than 150 years ago, it is not our role as parliamentarians to suppress the liberty of the citizen, particularly in the exercise of free speech.
>
> We now understand that public engagement in national affairs is to be fostered and nurtured. It is part of the vibrant democracy we enjoy in Canada. Good debate inside Parliament, and therefore good legislation and policy, is helped by informed criticism from keen observers and the general public.
>
> With useful criticism, however, we must all too often be willing to accept ill-informed, indeed harsh and offensive, comments. We need not like it at all, but no one occupying a position in Parliament, at the heart of public life, can claim exemption from being exposed to sometimes unmerited or ignorant criticism. Those are not my words. That is a quote.

• (1630)

For privilege to be breached, the threats must be serious. Again from Speaker Kinsella's ruling:

> It may also be of interest to note here that, when Beauchesne refers to threats attempting to influence members, it appears to envision more than merely uninformed or disagreeable commentary. Citation 99 explains that normal practice is now to turn investigation over "to the ordinary forces of the law." This suggests an entirely different type of matter from mere words in a press release. It implies direct threat and menace, even physical intimidation.

The fourth point is that a senator or the Senate must not be able to perform their duties. As I said before, to invoke privilege, a parliamentarian must prove not only that they received what could be perceived as a threat but that they were obstructed in the performance of their duties — not that they were troubled or affected by these perceived threats.

Speaker Furey ruled on November 1, 2017, on a question of privilege that I raised regarding a letter from Senator Lankin. Here is what he said:

> Parliamentary privilege relates to the privileges, immunities and powers enjoyed by the Senate and each of its members without which they could not discharge their legislative and deliberative functions. In addition, as noted at page 228 of *Senate Procedure in Practice*:
>
> > If senators are to carry out their parliamentary duties properly, it is only logical that . . . they be protected from interference in the performance of their duties. For example, any attempt to prevent senators from entering Parliament or to intimidate them in carrying out their duties would constitute a breach of privilege.

And then:

> While I understand that some senators might be troubled by Senator Lankin's letter, there is nothing that would impede senators from continuing their work on Bill C-210. The bill is still on the Orders of the Day and is called each sitting day for debate according to our usual practices. Senators remain free to deal with the bill as they see fit — the independence of the Senate and senators is not affected by this letter.

I submit to you, Your Honour, that several other decisions from your predecessors are saying the same thing. Speaker Molgat ruled on November 7, 1995, that something can be inflammatory, can be disagreeable, can be offensive, but it may not be a question of privilege unless the comment actually impinges upon the ability of members of Parliament to do their job properly:

> An adverse reflection upon a Senator or the Senate can constitute breach of privilege, but only if it impedes the Senator or the Senate from performing parliamentary functions. As such, it has a very narrow application, and is to be distinguished from actions for defamation, which are available to all citizens and are pursued through the civil courts. It is extremely difficult to bring oneself within the protection offered by this aspect of parliamentary privilege. There must be a link or nexus between the alleged defamation and the parliamentary work of the Senator.

Speaker Hays on May 8, 2003, said that while the language used in a formal message from the other place may seem harsh or stern, it does not constitute a breach of privilege.

Again, Speaker Kinsella on February 12, 2008, ruled that absent some form of a threat, a message from one house to another cannot be treated as a point of order or breach of privilege.

Speaker Kinsella also said on December 14, 2009, there cannot be a breach of privilege if the senator raising the issue and the Senate as a whole were able to perform their duties:

> Senator Cools can speak freely on the bill, subject to our rules and practices. Other senators can do the same. Neither her right to speak, nor that of any other honourable senator, has been infringed. Eventually, at a time determined by the Senate, it will make a decision on second reading of Bill C-268.

No matter what happened on November 9 or what was said on social media, there was no proof given that a senator was not able to speak or vote freely on that day or since. There is no proof that any of this affected the Senate's right to deal with Bill C-234. In fact, everything that has happened that evening and since points to the contrary. So let me answer the question of whether there is prima facie evidence of a breach of privilege.

First, I would like to reiterate the point I made on Tuesday about the fact that notice given by Senator Saint-Germain was insufficiently detailed, and that means her question of privilege cannot be considered. As to the facts that Senator Saint-Germain laid out Tuesday, I do not question them. I may have experienced some of them differently, but they are what they are.

But the decision you will have to make, Your Honour, is the following: Was there on that evening or since a breach of privilege? The answer, in my opinion, is clearly no. Unless we want to reinvent the notion of parliamentary privilege, there was no breach.

What happened in this chamber on November 9, and what some senators did on social media, offensive as those actions may be, is not covered by privilege. As I said, parliamentary privilege is very narrow. It does not protect senators from being troubled by their behaviour of a colleague. It does not protect senators from sharp language. It does not shield senators from attacks in the media or on social media. However uncomfortable that may make them, it does not mean that Canadians cannot come in front of the Senate Building to voice their opinion. It does not make the Senate, as we debate and vote on legislation that affects the daily lives of all Canadians, into a comfortable ivory tower insulated from the noise and the fury of the political arena.

As said by your predecessors, Your Honour, in the rulings I mentioned, receiving political pressure is an integral part of the job of senators. The issue is whether they are threats and whether they obstruct the work of senators.

This week, the Standing Committee on Procedure and House Affairs of the House of Commons voted a resolution asking the Senate to adopt without amendments Bill C-234. Does anyone feel threatened by this? Will the fact that the elected representatives of Canadians express once again their wish to see this adopted be an impediment on the Senate doing its job? I don't think so. I don't think anyone here could argue that.

And if the facts that were presented to you, Your Honour, were covered by privilege, no evidence was presented that the work of a senator or the Senate was impeded. In fact, none of the senators who spoke on Tuesday made reference to the fact that a senator was or is unable to perform their functions. This is the essence of privilege.

From the decisions of your predecessors, Your Honour, it is clear that the facts presented to you by Senator Saint-Germain do not constitute a breach of privilege.

If there were a breach to the decorum or the use of sharp language, it should have been raised as a point of order. That was the appropriate remedy.

And when a senator is threatened, they should never hesitate to report the threat to our security service and to the police. Senator Clement did that, and I commend her for that.

Your Honour, I just have a few minutes left, and I think it's important for you in taking your decision to look at how this place functions not just on one evening but on a regular basis.

You all know I have been here for quite a while, and not that I think this should be a competition on who gets more maligned in the chamber or in the media, but I think it's important to share some of my experience since I've been a senator.

Some senators sent letters to the leader of the Conservative Party sometime ago asking him to do what they thought I should do. I already talked about Senator Lankin's letter as it was the subject of a question of privilege I raised when she wrote that letter to our leader.

• (1640)

On October 15, 2020, Senator Dalphond wrote a letter to Erin O'Toole and copied some other Conservative MPs, asking them to pressure me to end Senate obstruction on private bills. Isn't it somewhat ironic, colleagues, to see that same Senator Dalphond participating in the delaying of Bill C-234?

I have stopped counting the number of ministers, parliamentary secretaries, MPs and senators who have gone on social media to tell me what I should or should not do or to invite followers to contact me.

I will give you just two examples. First, Liberal Parliamentary Secretary Mark Gerretson tweeted this in May, "I am calling on Senator Don Plett to stop stalling and get tough on crime by passing Bill C-21." He had every right to send this tweet, although the fact that he was accusing me of stalling a bill that we did not yet have in this chamber at the time made him look a little ridiculous.

Senator Klyne has gone on Twitter several times to ask me to speed up passage of Bill C-241. I took no exception to this. He was doing his job. I'm fine with that.

I don't think any senator receives more personal shots in this chamber than I do, and I'm okay with that. I cannot remember a speech from Senator Woo or Senator Dalphond that did not contain a swipe at either me or our caucus. Are these two ultra-partisan senators bullies toward me, my colleagues and our staff? Probably, but they are who they are.

May I remind you, Your Honour, that Senator McPhedran insulted me in her maiden speech. She had been here only in a few days and said something that she was forced to retract.

A few years ago, there was a protest right here in front of the Senate building — people calling me names, carrying signs with my picture on it. I could not get through the main door. I had to be escorted to the back door. These protesters were here at the behest of other senators. I don't recall anyone here calling them out on this — I didn't.

Just a couple of weeks ago, a group of pro-Palestinian protesters surrounded my car, jumped on my car, beat on the roof of my car and tried to prevent me from driving. It was reported in the media. Part of a daily routine of a senator.

After a committee meeting in 2014, in one night I received 1,300 emails. The Legal Committee was studying the prostitution bill. Let me tell you, none of those emails were kind to me. There were threats; there were doctored pictures of me.

I have been involved in a lot of controversial pieces of legislation over the years. I received tons of messages on dolphins, on conversion therapy, on transgender rights, on prostitution, on the Canadian Wheat Board, on the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, and on elephants, among others — not all fan mail, I assure you.

Again, I don't want to diminish in any way what happened on November 9, senators. What I am saying is that violence in public discourse is, sadly, neither new nor specific to the Senate or to some senators. It can be a cancer on our democratic life. For sure, something must be done about it, but there is no simple solution to this. Crucifying one senator over one incident will not change anything about it. Parliamentary privilege is not the tool to change the behaviour of parliamentarians and ordinary citizens.

Now, Your Honour, I will just take a few minutes to reflect personally on what I did Thursday, November 9.

I have reflected on this for some time. Again, Your Honour, thank you for giving us the extra days. I have sought wisdom and advice in hopes of better understanding the situation before us.

What I did Thursday, November 9, did not constitute a question of privilege. But, Your Honour, I conducted myself in a way that I cannot hold myself to. I hold myself in higher regard than how I conducted myself that day.

I never intended to cause harm or discomfort. I acknowledge that I lost my cool. I spoke too loudly — many would say yelled. My wife, when we speak at the dinner table, says many times, "Don't yell at me." I have a hearing impediment which causes me, first of all, to talk loudly at the best of times. Then when I raise my voice, that is yelling. And I did. I did get much too loud. My intentions were never to be mean-spirited, and I recognize that I didn't conduct myself in a manner that I would like.

I have, on occasion, quoted Scripture, and I will quote just one short verse, the Apostle Paul at Ephesians: "Be angry, but do not sin."

I was angry and I sinned. I was angry and I lost my temper. But being angry is not wrong. I believe I had the right to be angry because I believe we were treated wrong, but I did not have the right to conduct myself the way I did with that anger.

I tell myself countless times, "Count to 10 before you do anything." I said to my deputy leader today, "When things get heated and I get up, put your hand on my arm which might cause me to just think before I speak." Unfortunately, our deputy leader has gone through some difficult times and she wasn't here beside me when this happened. I'm not blaming her. I would like to, but it's not her fault; it's mine.

There were real emotions here. I came across to you, Your Honour, and I was much too vocal with you. I didn't respect your position the way I should have. I apologize to you for that, unreservedly.

I stood in front of Senator Saint-Germain and Senator Clement and I was loud — much too loud. I apologize to both of them for that sincerely and humbly. It was wrong of me.

Quite frankly, I didn't think that Senator Moncion and I had gotten into a mean-spirited exchange, but it was said in one of the comments that I had. If that was the case, Senator Moncion, thank you.

So, colleagues, I promise that I will try to do better. Will I succeed? I hope you will forgive me if I don't, but I will try. What I did was wrong. It was unprofessional. It was unbecoming. Mostly, it was unbecoming.

Colleagues, I thank you for your time. I thank you, hopefully, for your understanding.

Your Honour, you will, in due course, come back with your ruling. I do not believe that there is a question of privilege, but, Your Honour, I want you to know that I want to support you going forward. I want to support this chamber going forward, and I will respect your decision. Thank you very much, colleagues.

Hon. Denise Batters: Your Honour, thank you for giving me the opportunity to deliver further remarks on this question of privilege. As I stated on Tuesday, given that nothing in either Senator Saint-Germain's written notice nor her oral Senator's Statement introducing the question of privilege referred to me or to my actions directly in any way, I was very surprised to find that I was, in fact, accused of a breach of privilege.

Clearly, many members of the Senate knew all about the allegations because they arrived to speak that evening with lengthy prepared remarks in hand, but I still submit this was inadequate notice to the Senate as a whole to qualify under rule 13-3(1), written notice, or rule 13-3(4), oral notice for a question of privilege.

I read Senate precedent regarding notice into the record on Tuesday, so I will not repeat it here. I will just say, in addition, that neither the written nor the oral notice even alleged that senators were the people allegedly intimidating other senators.

• (1650)

As such, the intimidation could have been from senators. It could have been from staff, MPs or members of the public. There were no specifics.

In any case, I submit that my action of retweeting a tweet did not fall within the offending parameters as outlined by Senator Saint-Germain in her notice of this question of privilege.

Let me first begin by offering my sympathy to Senators Clement and Petitclerc, who have expressed eloquently the fear and pain they felt when subjected to threats and harassment by members of the public. No one should feel unsafe for doing their jobs.

The matter before us is whether the actions outlined by Senator Saint-Germain about this situation constitute a breach of privilege. I will speak only to the allegations made against me in this regard, and I submit that my actions did not. To find a prima facie case of a breach of privilege, the action must prevent or curtail the ability of the Senate and, by extension, senators to carry out their functions. My action of retweeting a tweet did not curtail the parliamentary functions of Senators Clement or Petitclerc, and there was no causal link between my retweet and any obstruction or intimidation of these senators, alleged or proven.

To stay with that point for a moment, I wanted to address the harassment Senator Clement reported that she linked to the retweets of Senator Housakos and me. She said:

> When a tweet was posted with my photo and the photo of Senator Petitclerc, asking Canadians to call us about Bill C-234, the consequence was a threat to my safety, made to the staff answering the phone.

Your Honour, there is absolutely no evidence here that the threat to Senator Clement's safety made to her staff was as a consequence of my retweet. I don't know who called her or threatened her. I don't know where that person got her contact information, and I have not been told nor has it been alleged that there was any indication it was from my retweet.

Both Senator Clement and Senator Petitclerc have Senate web pages and social media accounts. The Twitter bios for both of these senators have a direct link to their Senate web pages on the Senate of Canada website. When you click on the link to each of their Senate web pages, the most immediately visible items are their official Senate photos, their Senate office phone numbers, their Senate office email addresses and, in fact, the names of all their Senate staff.

In any case, nothing in my retweet or the original tweet encouraged harassing, threatening or intimidating the two senators in question or their staff members. It did not link to their private, residential or personal contact information, which I don't even know. Most importantly, if I had never retweeted that post, the very same harassment and intimidation of Senators Clement and Petitclerc may well still have occurred.

The original post from MP Andrew Scheer has 796 retweets. Mine was only one of those 796, and while I don't know the exact number of engagements my retweet received, because it's not logged and tracked the same way, I do know that it was very few.

In her Senate Chamber speech on Tuesday night, Senator Clement, who is a lawyer, said herself that ". . . when colleagues in this chamber reposted that photo they didn't expect that it would leave me feeling unsafe. . . ." On this we certainly agree.

She went on to refer to it as "Careless communication . . . ." She also said it, ". . . lacked nuance . . . ."

While that might be a matter of opinion, I think you could agree, Your Honour, that in this context these allegations do not meet the test of a ". . . grave and serious breach . . ." that is required to find a prima facie question of privilege.

Senator Petitclerc alleges my retweets spread "misinformation." She described Mr. Scheer's original post as a ". . . a mock "most wanted" poster stating a lie and asking Canadians to call and email my office." I submit that this description is misleading.

The image in Mr. Scheer's tweet actually reads: "Call and ask these Trudeau Senators why they shut down debate on giving farmers a carbon tax carveout." Below are the official photos of Senators Clement and Petitclerc and their taxpayer-funded, publicly available Senate office phone numbers and Senate email

addresses. The pictures are on a background that looks like an article torn from a newspaper. This does not look like a wanted poster from the wild west. The word "wanted" is not there, nor is there any font in a 19th-century style.

There is no image of a target, and there are no threats.

I am assuming Senator Petitclerc disagrees with the assertion that she and Senator Clement shut down debate on giving farmers a carbon tax carve-out, but this is not a lie, as she calls it. Senator Clement's adjournment motion, which Senator Petitclerc seconded, did shut down debate on Bill C-234 on Thursday, November 9. Conservative senators were ready to speak, and the Independent Senators Group, or ISG, senators' adjournment motion prevented us from doing so. That is all factual information. Senator Petitclerc may not agree with us, but that doesn't make our interpretation of those facts a lie or misinformation.

Your Honour, there is parliamentary precedent for this type of communication not reaching the level of breaching privilege. On December 14, 2009, Senate Speaker Kinsella ruled on a case involving Senator Cools involving a press release released by Benjamin Perrin, an assistant professor of law at the University of British Columbia. It was regarding Bill C-268, a child-trafficking bill, and stated that the senator had stalled the bill by unilaterally adjourning debate. The ruling stated that Senator Cools asserted that in the Senate, items are adjourned by decision of the Senate, not by one single senator, and that adjournment hadn't blocked progress of the bill, but rather temporarily halted it. Senator Cools claimed the release was an act of intimidation directed at her. Speaker Kinsella wrote:

> It is . . . important to remember that privilege has changed over time. Matters considered breaches of privilege or contempt in a less democratic era, are no longer treated as such.

The speaker went on to say:

> . . . we must draw a distinction between the question of privilege and Bill C-268 itself. Disagreeable or offensive words are not in themselves sufficient to violate privilege. . . .
>
> Citation 69 of Beauchesne states that "It is very important ... to indicate that something can be inflammatory, can be disagreeable, can even be offensive, but it may not be a question of privilege unless the comment actually impinges upon the ability of [parliamentarians] to do their job properly.''

Further, he noted: "It is extremely difficult to bring oneself within the protection offered by this aspect of parliamentary privilege."

The speaker ultimately found it did not constitute a prima facie breach of privilege, writing:

> While the language in the press release was exaggerated, and Senator Cools can quite rightly be offended by it, nothing in it affected the Senate's right to deal with Bill C-268 as it sees fit. All senators can still speak freely. A few lines in a press release are not enough to cause honourable senators, let alone the whole chamber, to change their minds or course of action. The ruling is therefore that a prima facie case of privilege has not been established.

Now, certainly, any harassment or threats Senator Petitclerc or Senator Clement received are indeed reprehensible and abhorrent. Your Honour, all of us, as public figures, politicians and senators, are subject to immense unpleasantness online. Often that crosses the line into harassment and abuse, especially, unfortunately, for women.

I have experienced that first-hand, as I am sure all my female colleagues have. I can't tell you how many insulting, disgusting, degrading, harassing, sexist and violent things have been said to me online — quite literally thousands — from supposedly progressive leftist trolls, some of whose Twitter accounts are followed online by senators in this chamber. Many of these trolls delight in making posts saying that I only have my Senate job as a "pity appointment" because my husband, former member of Parliament Dave Batters, killed himself, or that living with me drove him to it. I have actually been doxed with a photo of my car and licence plate published on Twitter, linked online to a local newspaper reporter's column. Earlier this month, some horrible person posted a picture of what they hoped to be my coffin because I had criticized the Trudeau government.

I can tell you, colleagues, I understand the pain and fear of online threats, harassment and intimidation. I have even received denigrating and sexist attacks and attempts at intimidation by supposed progressive senators in this very Senate Chamber and in committees. This awful behaviour is not exclusive, unfortunately, to one side or one group in the Senate.

Honourable senators, threats and harassment should never be used as tools of political weaponry. One of the great hallmarks of the Senate has traditionally been the ability of senators from opposite sides to disagree politically, but then leave it on the field. That's democracy and that's collegiality, and I fear we are losing that in this place.

Your Honour, I submit that my actions in this matter — retweeting a post — do not meet the test for a prima facie question of privilege. First, the substance of both Senator Saint-Germain's written and oral notices was insufficient, leaving me scrambling to defend myself Tuesday night. This was unfair. My actions in retweeting a tweet from my MP colleague were never intended to be malicious, and I am heartened to hear that Senator Clement recognizes this.

As such, the retweet cannot qualify as a ". . . grave and serious breach . . ." — particularly since there is no causal evidence linking the two.

Since it does not meet that criterion, and given the precedent stating that a similar situation failed to meet the standard of a breach, I submit that there is no prima facie question of privilege. Thank you.

• (1700)

Hon. Leo Housakos: Thank you, Your Honour, for the opportunity to address this question of privilege, given the fact I was absent on Tuesday and I was named in this question of privilege. Without a doubt, I do not believe this is a question of privilege, as properly highlighted by my colleagues, and I won't relitigate the procedural aspect of this, but at the end of the day, colleagues, we all know that Senator Clement and Senator Petitclerc were not in any way impeded from carrying out their parliamentary duties.

The only breach of privilege that took place last week on November 9 was clear, and that was the breach upon the rules and procedures of this chamber. And it is incumbent, colleagues, that if we want democracy to function and in order to maintain credibility, those rules have to be supported and defended at all costs. The only privilege that was breached during that particular debate was that we had a colleague get up and move an amendment on a bill, which is well within her right, and it is well within this chamber's right to demand we ask questions of that amendment and well within the member's right to take or not take those questions. But it is our fundamental right to be allowed to engage in debate, and that was the only thing breached that particular evening. The adjournment motion was not breached. We exercised that demand on the part of Senator Clement, and the outcome, of course, was never in question.

Colleagues, I have gone back and forth with myself about discussing whether this question is a privilege issue based on procedure, but I think we are beyond that process. That's not to say I don't have strong feelings on the importance of following proper procedures, conventions and precedents, which I believe are sometimes either discarded or, in the process of errors, we forget about the importance of them. That was part of our frustration on November 9 and has been for many years in this place. I know a lot of you are also frustrated and that you have grown tired of our tone from time to time, of what some would call our chirping and heckling and what have you. That certainly seemed to be at the core of the debate that took place last Tuesday on the matter.

I can certainly relate there is plenty we're tired of as well, colleagues. It's not one side in a debate or in a parliament. My good friend Senator Cardozo, you don't like to be called a Liberal. We don't like to be deemed and told we are unable to think and act for ourselves and that we are just here to raise money for political purposes and that, somehow, belonging to a national caucus makes us second class and that, somehow, our work is less meaningful or less important than yours.

I can assure you that my work is just as important and vital as yours is, and the people for whom I speak will tell you that their voice and perspective are also as imperative and important as those of the people for whom you speak. We're tired of being told otherwise, and it has been going on, colleagues, for eight years, which, unsurprisingly, wasn't included in your revisionist history, Senator Cardozo. Nevertheless, here we are.

Regardless of who appointed us and why they thought we were worthy of appointment, we are all parliamentarians with the same rights and privileges, which takes me to the substance of the question of privilege as it pertains to my actions, as I have been named. As parliamentarians, we are regularly called upon to answer to Canadians. It's called accountability and transparency. I have said it before: Even though we're an appointed chamber, we are no less accountable than the other house.

In our particular instance, as a Conservative caucus, we actually have direct accountability to the democratic house. Public emails and public telephone numbers are part and parcel of that accountability. I assume that's how we arrive to conclusions of supporting motions and bills and so on and so forth and what positions we take on debate. It is based on the input we get from our citizens. That's why if you go to the Senate of Canada website, the telephone numbers and your emails, colleagues, are posted. That's not a breach of privilege. That's a requirement and, I feel, an obligation that we all have. Our office numbers and emails are there for a reason.

However, I want to be abundantly clear that doesn't mean Canadians should feel free to use their resources and those particular numbers and emails to bully and intimidate anyone in this chamber or anyone, period. But to reiterate: Whether it is a tweet or a retweet or an interview in the media, an op-ed or a speech at an event or it is being done by stakeholders, we are regularly called upon to answer for our votes and our actions and our speeches or lack thereof in this chamber, as we should be. That is part and parcel of our democracy, it is part of our privileges, and it is part of our obligations.

I feel terrible that in so doing in this case my colleagues were made to feel unsafe. That should never happen, and it is inexcusable. But, colleagues, that has nothing to do with the question of privilege. It seems to me this whole debate we are having is about a comportment and behaviour in this chamber when things get out of hand, as they sometimes do in democracy.

Democracy gets to be messy. It is not always clean, but, colleagues, it is far better than the alternative. We see what's going on in other countries around the world, and God forbid we ever get to that. It is sometimes better we engage in lively debate and use words sometimes that are above and beyond what we might find acceptable, but in the heat of the moment, that is part of the democratic process.

If we need to have a discussion about enlarging the list of vocabulary that is acceptable or not acceptable in the chamber, well, let's have that discussion. If we feel that social media and other forms of communication are somewhat reaching into the bounds of hate speech, well, we have laws in the Criminal Code in order to deal with those things. That has nothing to do with privilege, colleagues. But we do have the right to open up those debates and reopen the Broadcasting Act and reopen hate laws in this country if we think they are not efficient and effective.

We can also debate the design merits of the original social media post. Although I'm not a graphic artist, colleagues, I didn't at the time and still don't see it as a "Wanted" poster, as Senator

Batters pointed out. If I thought that was the case, I can assure you I wouldn't have liked it or retweeted it. But I do appreciate that others did, and that's important.

Senator Clement, I thank you for acknowledging that you didn't believe it was our intent to elicit the response that you endured, and you are absolutely right. It wasn't at all. But impact often negates intent. I know that. I do feel terrible for what you have endured and perhaps continue to endure, and for your staff as well.

My own staff a few years ago had to reach out to Corporate Security and the Ottawa Police when our office number was published with a close-up picture of my staffer. A subsequent post included a graphic of a headstone with her name, her date of birth and a date of death that was the next day. Tweets calling my staff a "Conservative cum dumpster" — that's some of the stuff that we unfortunately endure from the public.

Senator Petitclerc, your story also struck a chord with me. I know what it feels like to have to explain awful things to your young son. I had to do it with both of mine early in my Senate career. I remember the terrible bullying my young kids got because of precipitated debate that was happening in this chamber, and the phone calls we used to get, me and my wife, to go pick up our 9- and 12-year-old kids from school. So I know it isn't fun.

I'm not saying that in any way to diminish what either of you felt or are feeling. On the contrary, I empathize with you and your staff, and I empathize with all my colleagues right now. We are probably all feeling a little more rattled than usual as we see continuous protests on our streets, shots being fired at schools, Molotov cocktails being thrown around. That is, unfortunately, the era of disruption that we are living in, and we bear the brunt of that as parliamentarians.

I do empathize with Senator Clement and Senator Petitclerc. I have worked with both of you. I have the utmost respect for both of you.

With that said, colleagues, I won't apologize for encouraging Canadians to engage with us and to hold us to account. That's our job. It's our job to hold ourselves and each other to account when we disagree with each other, and the only tool we have is through public discourse, communication through the various platforms we have available to us. I caution against introducing mechanisms to dissuade or penalize such calls for accountability, which is the bedrock of our system. Free speech is the most essential part of our democracy.

However, what I can and will do right now is use my position and platform to strongly urge Canadians to engage in a respectful, civilized manner. Holding us to account doesn't mean anyone in this chamber should be intimidated or subjected to racist or misogynistic language. Again, I feel terrible that happened in this case to Senator Clement and Senator Petitclerc. I don't and never will condone such behaviour against them or any other parliamentarian or, for that matter, any other Canadian. Thank you.

• (1710)

Honourable David M. Arnot: Honourable senators, I rise to speak on the question of privilege relating to the events that occurred after the November 9, 2023, sitting of this chamber and the subsequent developments inside and outside of this chamber.

Specifically, I want to rebut arguments that this question of privilege is out of order because it appears in some way procedurally deficient. I will also rebut the argument that what happened after the sitting on November 9 inside and outside of this chamber, including on social media, is out of order. I will do so using principles relevant to courtrooms, multi-party negotiations and the adjudication of human rights complaints. I will draw on my knowledge and experience as a human rights commissioner because human rights issues are at play in this debate.

I will begin by telling you that I always told complainants, lawyers and investigators that where rights issues were at play, listen carefully, look for and agree to reasonable compromise and, above all, act with the end goal in mind.

With respect to the issues at hand, our hard work today will and must positively shape the tone and tenor of this chamber of sober second thought. I suggest, honourable colleagues, that we begin with the end in mind, that we consider what we do want as senators as opposed to what we do not want. I will offer a short list as a start, and I invite others to add to that list.

First, I believe that we want to enter this chamber each and every day, every time we sit and in every meeting we have as colleagues — from Latin, *collega* — which is "a partner in office." Whether we agree or disagree on an issue, we partner in stride to find the best outcomes for Canadians.

The second is that we act with restraint, as our late colleague Senator Shugart asked us to do. He stated that for each of us, for parties and for institutions, restraint may begin with acknowledging that our point of view, legitimate as it is, is not the only point of view.

The third is that we act with honour in every act or action that we take. A month ago, I stood in this chamber to offer my inaugural address. I spoke about the honour of the Crown, that in every action and decision, the women and men who represent the Crown in Canada should conduct themselves as if their personal honour and their family names depended on it. Why? Because the actions of legislators and policy-makers actually shape the actions of the Crown. The principle of the honour of the Crown demands that we, as senators and as Canadians, operating in a mature, democratic society, act with principle from the highest moral standard.

When I speak of the honour of the Crown and I refer to the components of honour, I think of integrity, honesty, empathy, transparency, understanding and respect. We do not need to search for a standard or a line to cross. That is the standard. That is the line. It is a very high standard. Yes, we must rely on and implement the *Rules of the Senate* and follow the *Senate Procedure in Practice* — such rules are guardrails against behaviour that we do not want.

Through my tenure as the Chief Commissioner of the Saskatchewan Human Rights Commission, I found that dialogue was far preferable than relying on guardrails if restorative outcomes and healthy workplaces was the desired goal. To be clear, this chamber is our workplace. There are behaviours, actions and words that we do not want to hear or see in our workplace. They have been noted. I won't speak about them. These issues have been decided in numerous workplaces and in numerous court cases that have spanned the course of the last 50 years. Courts, arbitrators and human rights commissions have spent the better part of the 1970s, the 1980s, the 1990s and well into this current century fine-tuning what is and is not allowed in a Canadian workplace environment.

As a human rights commissioner, I oversaw hundreds of complaints every year for more than 13 years, complaints from large and small businesses, including national corporations and mom-and-pop shops. Canada's workplaces continue to respond to all the "isms" — ageism, ableism, sexism and racism. It is an unfortunate though reliable truism that where there is one "ism," all will be present. Where there is ageism, there will be ableism. Where there is sexism, there will be racism, and so on.

If you want to provoke a strong reaction in another person anywhere, whether in a mediation or even on the street, you only need to call out their discriminatory behaviour. Telling a person that their behaviour is racist, for example, elicits a swift, sure and frequently hostile response. No one wants to be told that they are racist. It has been said accountability feels like an attack when you are not ready to acknowledge how your behaviour harms others. No one wants to be confronted with their words, actions or behaviours. Sometimes, however, it needs to happen, because the risk of not doing so invariably foments long-standing acrimony within relationships. Long-term consequences of acrimonious relationships are costly, including damaged morale and productivity.

To be more specific, Senators Clement and Petitclerc have told us that they experienced both verbal and physical bullying and intimidation, online verbal attacks and doxing using their photos and contact information in a way that encouraged and promoted harassment of them personally in their offices, their homes and their personal lives, by extension.

To be clear, there are many ways to define doxing. Doxing is not a law, a rule or a social norm. It is social abnormality. The exercise of parliamentary privilege requires safety in the chamber and in pursuit of the work of senators in this chamber. Fundamentally, doxing is antithetical to the legitimate debate that we need in a free and democratic society.

The concept of doxing was born on the internet. It is fluid. There is not one agreed-upon, lasting definition. Researchers have found widespread evidence of doxing, the act of broadcasting private or identifying information about an individual for the purpose of harassment, particularly racial and gender-based harassment. This release of information is designed with the intent to shame, harm, influence or intimidate a person. That is its fundamental purpose. That is at its core. It is to invite at one's behest others to do that in one's stead or as one's agent.

Some of our colleagues have already spoken about the disproportionate gender-based impacts of this kind of behaviour. Senators, I am not so bold as to speak for the women in our groups or across the chamber. Senators Saint-Germain, Clement, Petitclerc, Dupuis, Miville-Dechêne, Moncion, Pate and McPhedran have made that case very well.

I will offer one insight and one experience from my time serving as a human rights commissioner. I believe one of the main distinguishing features of the issue before you, Your Honour, is the intersectionality of gender, race and disability.

First, women are disproportionately affected by workplace harassment, and this harassment is exacerbated by the intersectionality of identities, including race, perceived race and disability.

Second, this is not random or infrequent. The Saskatchewan Human Rights Commission was fortunate to partner with academic, legal and business communities in an ongoing campaign to stop sexual harassment in the workplace. At one of the first meetings of that group, held at the College of Law at the University of Saskatchewan and around a table filled exclusively by women who were lawyers, educators, experts and all leaders in their fields, each person relayed the first time they were harassed, and each person relayed the most recent time they were harassed. These events, and every event in between, is etched permanently in their memories. That was very clear. These are no small matters. They must be taken seriously and must be considered in the light of apparent intersectionalities.

Colleagues, we can, if we want, have our human resources specialists and our legal advisers provide us all with guidance, as they regularly do at the Standing Committee on Rules, Procedures and the Rights of Parliament. We will certainly benefit from the wisdom of the Speaker — I say to you, colleagues — as she is now required to do.

• (1720)

There has been a big change in the context of what has happened here, and there has been a big change in the context — over the last decade — on these very issues. Based on experience, I would observe that often meaningful, compelling and durable solutions arise from dialogue, and that we can ensure durable and ongoing accountability through debate, and that we can respond effectively to any harms that arise. As Senator Gold stated concerning the events of November 9, it was not our finest hour; that is true. Is there a silver lining to be gleaned? I believe there is.

Two days ago, on the evening of November 21, in this chamber, we witnessed a dialogue between Senator Moncion and Senator Wells. I invite you all to review the recording of that exchange. Our colleagues mediated and resolved their concerns in our presence. In many ways, this was akin to many family group conferences and sentencing circles that I have witnessed, and akin to effective conflict resolution mechanisms used by human rights commissions to settle complaints; used by unions to settle labour disputes; and used by international negotiators. That night, facts, perceptions and feelings were exchanged in this chamber. Their dialogue led to what — in the world of mediation — is called a "resolution." We all witnessed

restorative justice in action that night. It was compelling. I, for one, felt relief. I commend Senator Wells and Senator Moncion for their courage, their empathy and the respect that they obviously have for each other and their colleagues here in the Senate.

Honourable senators, debating these issues defines us, as well as what we do as senators. It is, if you will, our bread and butter. At its best, debate is healthy and constructive. I believe that we all deserve and desire a workplace where our relationships with our colleagues — regardless of affiliation — as well as with our advisers and with the professionals that we rely on, enable this chamber to function effectively. It is incumbent on us, as senators, to never counsel, aid or abet bullying, intimidation or harassment — not in this chamber, not in our Senate offices, not in the streets and not in our communities. Above all, it is our responsibility to demonstrate respect, and uphold our individual and collective rights and best interests.

Honourable senators, we are Canadians tasked with the privilege of serving our fellow citizens. Our service must, in all ways, reflect partnership, restraint and the honour of the Crown in order to uphold the honour of the Senate. Thank you.

Some Hon. Senators: Hear, hear.

[*Translation*]

The Hon. the Speaker: I want to sincerely thank the senators for their contributions. Before taking the matter under advisement, I will follow general practice by asking Senator Saint-Germain, who raised the question of privilege, if she has any final remarks to make.

Hon. Raymonde Saint-Germain: I sincerely thank you, Madam Speaker, for respecting this general practice and giving me this opportunity to speak. I appreciate it. I want to reiterate the importance of your decision for our institution and for the future of our work.

[*English*]

First, allow me to reiterate that any threat or attempt to influence the votes or actions of a member is a breach of privilege. According to *Beauchesne's Parliamentary Rules and Forms, Sixth Edition*, "Direct threats which attempt to influence Members' actions in the House are undoubtedly breaches of privilege." You could refer to this, Your Honour, in my brief, which I presented on Tuesday.

I have one additional element to argue about, and it relates to the standard against which alleged violations of parliamentary privilege should be measured. In his statements on Tuesday and again today, the Leader of the Opposition in the Senate observed that he is passionate in his work and commitments, and true to his own values. I truly respect that, and I will add that I have the utmost respect for Senator Plett's dedication to fulfill his parliamentary duties.

I'm also surprised by Senator Batters underestimating the link between the original tweet from the Conservative MP and what both Senator Clement and Senator Petitclerc had to go through. When we share a tweet, we obviously support and contribute to promoting its content unless we state that this is not the case. Senator Batters's retweet did not state that.

However, if passion, commitment and a personal value framework — on their own — are used to justify a senator's behaviour, it then constitutes a subjective standard against which alleged violations of privilege would be measured. The resulting approach would be that an institution's expected standards would have to bend to the individual senator's personal sense of what is acceptable. If this is the approach adopted in this chamber, it leads to anarchy. Any senator could plead good faith as a defence of his or her actions, however egregious. Indeed, this approach cannot be allowed to govern these questions. The standard must be an objective one. While this is not explicit in our governing documents, it is obviously the right and necessary approach.

The House of Lords — a chamber with which we share so much and draw inspiration from — has addressed this question of personal honour argued by Senator Plett. Let me quote the code from the House of Lords:

> . . . the term 'personal honour' is ultimately an expression of the sense of the House as a whole as to the standards of conduct expected of individual members . . . members cannot rely simply on their own personal sense of what is honourable. They are required to act in accordance with the standards expected by the House as a whole. 'Personal honour' is thus . . . a matter for individual members, subject to the sense and culture of the House as a whole.

Your Honour, I respectfully submit that this is what our approach should be. To put it quite clearly, the conduct of some senators, which I described extensively in my speech on Tuesday, grossly failed this standard, hence breaching the privilege of members and bringing dishonour to our honourable institution. Your Honour, it is with the utmost respect that I am now deferring to you and will wait for your ruling. Thank you.

The Hon. the Speaker: Thank you, again, to everyone. Pursuant to rule 2-5(1), I will take this question of privilege under advisement.

CANADA REVENUE AGENCY ACT

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Percy E. Downe moved third reading of Bill S-258, An Act to amend the Canada Revenue Agency Act (reporting on unpaid income tax).

He said: Honourable senators, now for something completely different, I would like to thank the Chair of the National Finance Committee, Senator Mockler, as well as the members of the committee — Senator Dagenais, Senator Forest, Senator Galvez, Senator Gignac, Senator Loffreda, Senator MacAdam, Senator Marshall, Senator Pate, Senator Petten and Senator Smith — for their study of my bill. This was the second time that the committee has examined it, and I am pleased to note that, along with the improvement that they made the last time, their support for the bill remains unchanged.

I want to especially thank Senator Marshall, who has been a long-time supporter in the fight against overseas tax evasion. Her leadership has been outstanding on all financial matters that come before the Senate.

It would appear, colleagues, that support — at least, support for measuring the tax gap — is actually increasing. In testimony before the National Finance Committee, a representative of the Canada Revenue Agency, or CRA, spoke in glowing terms about the agency's work on the tax gap. In fact, to hear the CRA talk about their work, one might think that, for years, the agency has been begging to measure the tax gap, and finally someone has let them follow their dream. I must say my recall of the past decade is very different.

• (1730)

Speaking as someone who has been, according to one reporter, "banging the drum" about this issue for a long time, I find this newfound enthusiasm for measuring the tax gap on behalf of the Canada Revenue Agency rather surprising. Better late than never, but experience leads me to take any statement from the CRA about their past accomplishments or future intentions with a grain of salt.

The reason we need this bill is to force the Canada Revenue Agency to do the right thing and be accountable to Canadians. Sadly, based on their past record, we cannot believe their public statements.

Colleagues, it would be very easy for me to stand here and recite a litany of past occasions when the statements and claims of the Canada Revenue Agency did not stand up to any scrutiny. So, colleagues, let's do that.

The CRA has claimed that 90% of calls to its call centres were successfully completed and connected to an agent or the automatic helpline. The Auditor General of Canada looked at that claim, and it turned out that the CRA had achieved this seemingly impressive success rate by blocking 29 million of the 53 million calls received and excluding those blocked calls from the calculation. In other words, people called the CRA centre, and after a while their calls were simply disconnected.

When blocked calls and other factors were considered, the Auditor General found that ". . . the Agency's overall success rate was 36 percent." This was a serious attempt to mislead Canadians.

Another example from the CRA is that, over the years, 80% of applications from Canadians with diabetes for the disability tax credit were approved by the CRA. However, in 2017, that changed, and advocates noticed that almost all previously approved claims were now rejected. The agency claimed publicly that there had been no change to the eligibility criteria, but documents obtained by Diabetes Canada showed a Canada Revenue Agency email from May 2, 2017, modifying those criteria with what the agency called ". . . a new variable." In effect, diabetics who had previously qualified for the disability tax credit were now disallowed. When confronted with the evidence of their misleading statement, the Canada Revenue Agency backed down.

Colleagues, in another announcement, the CRA claimed that the agency had a full-time dedicated unit focused on offshore non-compliance, giving the impression that this unit was new and represented an additional resource to combat overseas tax evasion. However, in response to a written question in the Senate, it was revealed that the International, Large Business and Investigations Branch was merely formed by reorganizing existing CRA assets and ". . . did not necessitate an increase or transfer of resources." In other words, people already working for the agency were simply shuffled to a different part of the organization with no additional funding.

Then there was a claim of a different kind. In February and March of 2017, articles started to appear in newspapers and online across Canada praising the work of the CRA, bearing titles like "Federal programs in place to address offshore tax avoidance and evasion." Another title was "How Canada is cracking down on offshore tax evasion and aggressive tax avoidance."

I, of course, noticed these articles and read them with great interest since this was news to me. It was obviously the best press the CRA had ever received. After I filed a written question in the Senate, I found out years later that the CRA — operating under the premise that if you can't earn good press, you can buy it — paid $300,000 for this sponsored content in six print and digital newspapers from across Canada. Now, colleagues, that's fake news if I've ever seen it.

And, of course, there are the endless claims of money they have identified versus what they have actually collected, something members of the Senate Standing Committee on National Finance experienced during their study of Bill S-258. When asked by Senator Pate about what the agency had assessed and what they had actually collected in the wake of the Panama Papers, the Paradise Papers and the Pandora Papers, the agency replied in writing:

> (A)udit actions have results in amounts assessed as owing as of March 31, 2023 as follows:
>
> Panama Papers: $77,000,000
>
> Paradise Papers: $1,800,000
>
> Pandora Papers: NIL

So, colleagues, they have highlighted the degree of the overseas tax evasion burden Canadians are carrying.

However, in response to Senator Pate's direct question about how much they have actually collected of that money, they replied, and let me quote them:

> . . . the CRA . . . does not track payments against specific account adjustments like audits, as its systems apply payments to a taxpayer's cumulative outstanding balance by tax year, which can represent multiple assessments, reassessments such as audits of different types, and other adjustments.

Well, colleagues, that clears that up. Really, it is to laugh or to cry with a reply like that.

Other countries can show hundreds of millions of dollars in owed taxes. A Panama Papers country such as Iceland with a small population, they collected over $25 million, and it goes on and on to billions of dollars that have been recovered from these tax leaks, but in Canada, we don't know if they have recovered a cent or if they are still auditing. We know of no money that has actually been collected.

This history of false statements and evasive answers on the part of the Canada Revenue Agency is why I have included in my bill language that would not only require the CRA to continue to measure the tax gap but would also require it to cooperate with and support the Parliamentary Budget Officer's independent examination. It is good for the CRA to measure its own performance, but it is not enough. "Trust, but verify," as Ronald Reagan used to say, and when it comes to claims by the Canada Revenue Agency, the emphasis should be on "verify."

Colleagues, as I said at second reading, this is the third time I have introduced this bill in the Senate. I thank you for your past support for the previous times, and I ask for it one more time. Perhaps this time both chambers will see fit to enshrine this bill into law and ensure that Canadians receive the accountability and transparency they deserve from their revenue agency.

To that end, I am calling on the members of the House of Commons to join the Senate in the fight against overseas tax evasion and pass this legislation.

The Hon. the Speaker: Will you take a question, Senator Downe?

Senator Downe: Yes.

Hon. Colin Deacon: Thank you, Senator Downe. How does the CRA respond to Canadians who provide false or vague statements in response to their inquiries?

Senator Downe: I understand the rules are a little different. The Canada Revenue Agency, I want to be clear, does an outstanding job on domestic tax evasion. If you're a carpenter in New Brunswick, if you're a waitress in Saskatchewan, if you're a lawyer in Vancouver and you try to commit tax fraud, you're likely to be caught.

The weakness of the agency is that they have no capacity to manage and little understanding of overseas tax evasion. This goes back about 11 or 12 years, when there was one leak from one bank in Liechtenstein where over 100 Canadians had accounts containing hundreds of millions of dollars. No one was charged for that. The CRA's position, after there was a public disclosure of all the information, was that they're learning how this works so that they can get people in the future. Well, that simply didn't hold up, because after that, we had leaks in Panama, and the list goes on and on.

All of these banks — or law firms, in the case of Panama — had Canadians with accounts. As we know, it's not illegal to have an account overseas. It is illegal not to declare the proceeds from that account. Maybe someone from Liechtenstein was there on vacation and just decided to open an account in a tax haven — or maybe they were trying to defraud Canadians.

As we all know, in Ottawa, when any senator has a proposal, there are two replies: "That's a wonderful suggestion," and "How are we going to pay for it?" We pay for it by getting back what the Parliamentary Budget Officer says is up to billions of dollars owed to the Canadian government that has not been collected by our revenue agency.

• (1740)

What the tax gap does is measure the difference between what the Canada Revenue Agency, or CRA, collects and what they should be collecting, so Canadians will have that number. Second, once you have that number, you know how effective your agency is. Are they doing a good job? I don't think they are, but we could find out when we have those numbers.

Senator C. Deacon: Thank you.

Hon. Elizabeth Marshall: Thank you, Senator Downe, for your comments. Every incident you spoke of is one I can remember, so I share your opinions and views.

Honourable senators, I rise today to speak at third reading of Bill S-258, an Act to amend the Canada Revenue Agency Act. I'll be brief, but allow me to put a few comments on the record.

Since its inception, Bill S-258 has set out to address a fundamental gap in our understanding and management of the tax gap, which is the difference between the taxes that should be collected and what are actually collected.

This legislation is not merely about numbers; it's about fairness, transparency and the reinforcement of a tax system that is equitable to all Canadians. These are laudable goals, and Bill S-258 implements three measures to bring us closer to them.

First, Bill S-258 mandates that the Canada Revenue Agency provide a detailed list of all convictions for tax evasion, including international tax evasion, in its annual report to the Minister of National Revenue. This requirement not only enhances transparency but also serves as a deterrent, reinforcing the message that tax evasion is a serious crime with real consequences.

In testimony at our Finance Committee, the value of this deterrence was acknowledged, both by officials from the Canada Revenue Agency and the Parliamentary Budget Officer. The latter noted that:

> . . . Publishing the list of convictions for tax evasion in the annual report would be another opportunity to point out the consequences of overseas tax evasion, by providing some context, of course. This could have an additional deterrent effect beyond what is already being done.

Second, this bill introduces a requirement for the Canada Revenue Agency to report statistics on the tax gap every three years. This is a pivotal move toward greater accountability, and enables both parliamentarians and the public to gauge the effectiveness of our tax system as well as the agency's efforts in tax collection and compliance. It empowers us with data to make informed decisions on tax policies and resource allocations.

This three-year reporting cycle was the result of an amendment of an earlier version of the bill after Canada Revenue Agency officials expressed concern that annual reporting could initially prove to be onerous. Currently, the U.K. reports on its tax gap annually, but as noted by CRA officials, they have been producing those reports for almost 20 years, having started in 2005. The agency confirmed that a three-year time frame is very doable and is the international gold standard.

Third, the bill stipulates that the minister must provide tax gap data to the Parliamentary Budget Officer. This provision ensures an independent assessment of the tax gap, enhancing the credibility of the data and our understanding of tax compliance challenges. This is a critical component of the bill. The Parliamentary Budget Officer provides independent cost estimates and financial analysis to Parliament for the purposes of raising the quality of parliamentary debate and promoting greater transparency and accountability.

In the past, the Parliamentary Budget Officer has had difficulty obtaining the information he needs to assess the tax gap. Bill S-258 will help to address this deficiency.

I would note that the impact of tax evasion on our society is multifaceted. It's not just about lost revenue; it's about the integrity of our tax system and the public's confidence in it. Tax evasion undermines the public's belief in the fairness of our system. When individuals or corporations evade taxes, they shift the burden onto honest taxpayers and deprive the government of funds needed for crucial public services. This can lead to a sense of injustice and erode the social contract between citizens and the state.

Bill S-258 does not claim to solve all problems related to tax evasion or those of the Canada Revenue Agency. However, it represents a significant step forward in enhancing the transparency of our tax system and strengthening our collective efforts to tackle tax evasion. It paves the way for more informed policy-making and better resource allocation.

In conclusion, honourable colleagues, I urge you to consider the benefits of this bill not only in terms of revenue collection but in fostering a culture of compliance and fairness in our tax system. Please support Bill S-258. Thank you.

(On motion of Senator Martin, debate adjourned.)

GREENHOUSE GAS POLLUTION PRICING ACT

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT—DEBATE

On the Order:

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

And on the motion in amendment of the Honourable Senator Moncion, seconded by the Honourable Senator Dupuis:

> That Bill C-234 be not now read a third time, but that it be amended, in clause 2,
>
> (a) on page 2, by replacing lines 24 to 37 with the following:
>
> "**of the day on which this Act comes into force.**";
>
> (b) on page 3, by deleting lines 1 to 9.

Hon. Denise Batters: Honourable senators, I rise today to speak to Senator Moncion's amendment on Bill C-234.

The amendment would take away the government's ability to extend the carbon tax farm exemptions in the bill beyond the sunset period by Governor-in-Council and by motions in the House of Commons and the Senate.

I say this is Senator Moncion's amendment, but is it? When I asked Senator Moncion after her speech if this was the same amendment that Senator Woo had proposed at the Agriculture Committee, she replied, "I believe that it is similar." But here is the text of the amendment. Senator Woo moved:

> That Bill C-234 be amended, in clause 2,
>
> (a) on page 2, by replacing lines 24 to 37 with the following:
>
> "**of the day on which this Act comes into force.**";
>
> (b) on page 3, by deleting lines 1 to 9.

And Senator Moncion's amendment? It's not similar; these amendments are exactly the same, word for word.

So where did this amendment come from? Apparently, its sponsor in this chamber did not know her own amendment well enough to know that it was identical. Furthermore, Senator Moncion scarcely explained this amendment, offering only three sentences about it in her chamber speech that night.

However, Senator Woo explained his reasoning for bringing this amendment to committee by saying:

> . . . we should not, as the chamber of sober second thought, allow for an extension of these exemptions to be able to go through with such ease.

And that is really the point here, isn't it, honourable senators? The government doesn't want farmers to get any relief on carbon tax, and certainly not with ease. Amendments like this are part of their strategy to delay, block, gut and ultimately kill any measures that would help farmers.

Senator Woo's amendment was defeated at committee, but now Senator Moncion has brought it back to attempt to stonewall the bill again.

We've heard that "cabinet doesn't want this bill." No surprise for a Laurentian elite Trudeau government that is completely out of touch with Canada's farmers. This is the government that recently built an $8 million so-called barn at Rideau Hall that is heated, has two stories, is zero carbon and holds a parking garage. That doesn't sound like a barn to me; it sounds more like the stuff you shovel out of it.

Honourable senators, one of the Senate's primary purposes is to bring the voices of Canada's regions into the legislative process, so that is what I'm doing here today. I grew up in Regina. As with most kids who grow up in Saskatchewan, I have always understood the importance of agriculture. My dad sold farm equipment for decades. When I was a little girl, I would go to my dad's shop and take a copy of all the glossy farm machinery brochures of shiny tractors, combines and, yes, even grain dryers. I'd lay them all around my bedroom and then call in my little sisters to come shopping because the farm equipment store was open for business.

Honourable senators, most of you are from large, urban centres. You probably don't hear from farmers very often at all, but when you represent a largely rural province, as I do, I hear from farmers every weekend at home. Actually, this week, Regina's hosting the annual Canadian Western Agribition, where this bill is a hot topic. Farmers are appalled at how some in the Senate are trying to obstruct and spike this bill, one that provides common sense relief for agricultural producers from an unfair carbon tax — a tax that, in some cases, poses an existential threat to their very livelihoods.

Farming has never been an easy way to make a living. Farmers are subject to all kinds of forces beyond their control: the unpredictability of weather, international markets and trade agreements, insects, weeds and diseases and, of course, an often unsympathetic government in Ottawa.

Case in point, the Trudeau government clings desperately to its carbon tax policy to incentivize Canadians to make choices that are better for the environment, but farmers need no lecture from the Trudeau government on how to be good stewards of the land. Farmers take excellent care of the land because it is in their own economic self-interest to do so.

Agriculture is a carbon sink. Practices such as zero-till seed drilling and crop rotation benefit the environment, and as technology advances, farms will continue to evolve with it. However, there are unique realities specific to farming that the Trudeau government wants to ignore. Until the technology advances, farmers need to rely on fuels like propane and natural gas for certain farm operations, like drying grain or heating and cooling barns and greenhouses. Real alternatives are not yet available, but these operations are absolutely vital to the success of agricultural enterprises. And let's not forget: no farms, no food. If Canadian farms fail, our nation's food security fails, too. That will have a detrimental effect on every single Canadian.

• (1750)

Not surprisingly, the Trudeau government's proposed solutions involve huge costs. I've checked into it very recently, and a new farm-sized grain dryer sells for $300,000 for the dryer alone, plus another $100,000 to $150,000 for the requisite accessories.

Given that massive capital outlay, the energy savings from such a new unit would only be about 30%, as even Senator Dalphond recently admitted. Any savings would not even scratch the surface of the nearly $0.5 million you'd drop to purchase that grain dryer. And then there is the cost of carbon tax on drying the grain. I've seen the SaskEnergy bills from farmer Kenton Possberg of Humboldt, Saskatchewan. His carbon tax bill and the GST on top of that carbon tax for one month when he runs his grain dryer is $6,400. Another is about $4,000. Yet, in the winter month when he doesn't run the dryer, the carbon tax in that month costs him only $135. The $5,000-per-month difference is shocking.

Farmers in Saskatchewan especially feel the pain of the carbon tax because of our province's landlocked location. Ian Boxall, President of the Agricultural Producers Association of Saskatchewan, said:

> Saskatchewan farms are going to pay over $40 million in carbon tax just to get their products to port. This is money that comes right out of rural Saskatchewan.

Agricultural producers across the country share similar concerns. Hessel Kielstra, a poultry producer in Alberta, explained the impact of the carbon tax on his operation this way:

> We can't afford the crippling carbon tax. If it is allowed to continue to go to $170, we will need to shut down, which would be very painful to us as a family . . .
>
> The cost to us is as follows:
>
> $120,000 in 2022
>
> $180,000 in 2023
>
> $480,000 annually when the carbon tax reaches $170.
>
> As you can see, the carbon tax is prohibitive for us.

The Parliamentary Budget Officer has assessed Bill C-234 and determined that the carbon tax exemptions in this legislation would save farmers $1 billion by 2030. This would be significant for many agricultural producers. In many cases, it could save their livelihoods.

Gunter Jochum, a grain farmer from Manitoba and the President of the Western Canadian Wheat Growers Association, said:

> At the current rate, the tax is costing my farm about $40,000. However, the government wants to increase the tax, which would cost my farm a whopping $136,000 per year by 2030. This will jeopardize the viability and sustainability of my farm.

Recently, Prime Minister Trudeau provided a carve-out to the carbon tax, a reversal of his own government's signature policy, but the tax exemption was limited to those Canadians who heat their home with oil, meaning that the relief is mostly targeted at Atlantic Canada. This is, of course, for crass political reasons, an attempt to shore up sagging Liberal fortunes in the region. Trudeau's own Rural Economic Development Minister Gudie Hutchings admitted as much directly. She said the carve-out came as a result of pressure from Atlantic Canadian Liberal MPs and that if Western provinces wanted a similar carbon tax exemption, ". . . perhaps they need to elect more Liberals on the Prairies . . . ."

This just goes to show how little the Trudeau Liberals understand the West at all. It also doesn't say much for former Trudeau minister Ralph Goodale, who was Saskatchewan's only representative at the cabinet table when the carbon tax scheme was created and implemented. He also failed to stand up for Western farmers for years when they called for this exemption to the carbon tax.

With their partial reversal on carbon tax, the Trudeau government has admitted carbon tax costs are excessive and that the government should not charge it where costs are outside of consumers' control and no alternative fuel sources are available, which is exactly the situation for many farmers.

Given the carve-out the Liberals have already allowed for Eastern Canada, it is blatantly unfair to refuse Western farmers carbon tax relief on natural gas and propane as well.

Saskatchewan has already been paying the carbon tax for four and a half years. In that time, the Trudeau government has taken several positions on carbon tax relief for farmers. First, the Trudeau government said farmers didn't need a break from paying carbon taxes because, according to them, farms and agricultural operations would be "completely exempt from carbon pricing" for normal farming operations.

Of course, the Trudeau government broke that promise by charging carbon tax on grain drying. It is stunning that it took this government years to realize that grain drying is a normal farming operation. Then they switched their tune to imply that the poultry carbon tax rebate would cover what they viewed as "tiny" expenditures for grain drying. Of course, that simply wasn't true. Many farmers pay carbon tax bills in the tens of thousands of dollars, and the rebates they receive are only pennies on the dollar. The rebate covers only 7% to 10% of what agriculture producers pay in carbon tax. That means the other 90% to 93% of the cost is borne directly by farmers and, ultimately, the consumer.

Food does not fall from the sky and magically appear on the shelves at Whole Foods. The carbon tax is paid by the farmer who grows the food and the truckers who ship the food, so it's paid by the consumer who buys the food. The cost of fuel drives up the cost of everything, and prices rise in every sector with every contributor along the chain, as everyone charges more to cover their increased costs of production. Canadian consumers end up stuck with the bill, while Canadian farmers remain at a global disadvantage.

The Trudeau government likes to tout the recent doubling of the rural supplement as additional relief for farmers, but I can tell you doubling the supplement would yield someone living in rural Saskatchewan only $11 a month. How long does it take to spend $11? It takes only 11 seconds to put $11 of gas in your car. I timed it. And how far can you travel on $11 of gas? Roughly only 70 to 80 kilometres. That's less than the distance it takes many rural Canadians to go one way to a medical appointment, get groceries, take their kids to extracurricular activities and certainly less than the distance many farmers travel to buy parts for their farm equipment.

Many farmers commute longer than that to a secondary job because farming often can't cover all their family's costs.

The Trudeau government is pitting one region of the country against another, and now they are pulling out all the stops to ensure farmers won't get any relief from their crushing carbon tax scheme — which brings me to today's debate.

Farmers got a glimmer of hope with this MP's bill when Bill C-234 passed in the House of Commons with support from MPs in all parties, even including three MPs from the Liberals. But now that this bill has come to the independent Senate, the Trudeau government, including their own Senate leader and deputy leader, are taking extreme measures to delay, weaken and try to kill it. That explains a flurry of panicked phone calls from Ministers Guilbeault and Wilkinson to some senators.

Minister Guilbeault admitted in a recent interview that he spoke to "only a handful of remaining Liberal senators." Even the minister recognizes that there isn't complete independence in the Senate.

I know of at least one independent senator who was told carbon tax costs farmers only $900 a year. That is not the case. The Trudeau government is intentionally misleading senators.

Honourable senators, don't let yourselves be used by a government that is acting solely in its own partisan self-interest and not in the best interests of Canadians.

Senator Moncion's amendment is another way for this government to hurt Canadian farmers, to penalize them for not voting Liberal. Amending the bill at this stage could essentially kill the bill. Independent Senator Brent Cotter said as much at the Senate Agriculture Committee when he said:

> . . . every amendment that we introduce into this bill puts in jeopardy the likelihood that the exemption in any form doesn't see the light of day, and that seems to me to be sad and ironic since, based on our conversation last Thursday, we supported an aspect of the exemption itself at this committee, particularly with respect to grain drying.
>
> So for me, a relatively insignificant provision and a relatively insignificant amendment layered onto this are not justified, and I will vote against this amendment. . . .

If Bill C-234 is amended and returns to the House of Commons, it is likely that the government would not call it forward again, leaving it to die on the Order Paper with the next

election. Unfortunately, farmers don't have the luxury of waiting for this government to be defeated. They need carbon tax relief now.

Bill C-234 is a common-sense plan to deliver that much-needed relief to farmers. It passed the House of Commons many months ago. Thousands of Canadians have contacted our offices, urging us to pass this bill unamended. Five premiers have written to you on behalf of their provinces, urging the same.

Senators, if the Senate does not pass Bill C-234, you will show yourselves to be woefully out of touch with Canadians.

I ask you to do the right thing on behalf of Canadians. Vote against this amendment and stop the stonewalling on delivering carbon tax relief for the farmers who feed our nation and feed our world. Thank you.

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

Is it agreed to not see the clock?

Some Hon. Senators: Agreed.

An Hon. Senator: No.

The Hon. the Speaker: Honourable senators, leave was not granted. The sitting is, therefore, suspended, and I will leave the chair until eight o'clock.

(The sitting of the Senate was suspended.)

[*Translation*]

(The sitting of the Senate was resumed.)

• (2000)

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT—VOTE DEFERRED

On the Order:

> Resuming debate on the motion of the Honourable Senator Wells, seconded by the Honourable Senator Batters, for the third reading of Bill C-234, An Act to amend the Greenhouse Gas Pollution Pricing Act.
>
> And on the motion in amendment of the Honourable Senator Moncion, seconded by the Honourable Senator Dupuis:
>
> That Bill C-234 be not now read a third time, but that it be amended, in clause 2,
>
> (a) on page 2, by replacing lines 24 to 37 with the following:
>
> "**of the day on which this Act comes into force.**";
>
> (b) on page 3, by deleting lines 1 to 9.

Hon. Pierre J. Dalphond: Honourable senators, I would like to thank Senator Moncion for her amendment, which gives me the opportunity to point out one of the many flaws in Bill C-234. As the critic for the bill, I will have the opportunity to tell you all about its other flaws and shortcomings in a future speech.

First, let me tell you about Bill C-234's journey so far. Second reading of the bill began on May 9 with a speech by Senator Wells. We wrapped up second reading stage with my speech as critic on June 13, 2023. In short, that is just 12 sitting days for a bill introduced by the Conservatives in the other place, which was passed despite the government's opposition and which amends the government's primary tool for fighting greenhouse gas emissions: incremental carbon pricing. The bill also peripherally affects provisions of the Income Tax Act.

I would invite you to compare this process with the second reading of Bill C-226 on environmental racism, where the critic, Senator Plett, had to wait six months after Senator McCallum to speak to the bill. We could also look at Bill C-282 on the protection of supply management, a bill that was endorsed by all party leaders in the House of Commons. That same critic still has not had a chance to speak to this bill, two months after Senator Gerba gave her speech.

The reason this bill is moving so exceptionally fast is that an agreement was reached among the groups to refer it to two committees.

[*English*]

The adopted motion reads:

> . . . if Bill C-234, An Act to amend the Greenhouse Gas Pollution Pricing Act, is adopted at second reading:
>
> 1. it stand referred to the Standing Senate Committee on Agriculture and Forestry;
>
> 2. the Standing Senate Committee on National Finance be authorized to examine and report on the subject matter of the bill; and
>
> 3. the Standing Senate Committee on Agriculture and Forestry be authorized to take into account, during its consideration of the bill, any public documents and public evidence received by the committee authorized to study the subject matter of the bill —
>
> — finance —
>
> — as well as any report from that committee to the Senate on the subject matter of the bill.

[*Translation*]

That decision to have the Standing Senate Committee on National Finance involved rather than the Standing Senate Committee on Energy, the Environment and Natural Resources was due to the fact that the finance committee studied the carbon pricing legislation at the time of the 2018 budget, as well as amendments to the Income Tax Act, at the time of the 2022 budget, that gave credits to farmers that enabled them to divvy up the carbon tax they paid.

[*English*]

On September 20, before the Agriculture Committee started its study of Bill C-234, which was planned to be short, I emailed the chair a list of potential witnesses who had expressed concerns and even opposition to the bill.

Eleven minutes later, the chair replied:

> Thank you, colleague, for your email. The Steering Committee has approved a witness list earlier this month, for at least three upcoming committee meetings and we will begin witness testimony tomorrow. Should we decide we need additional witnesses or information we will certainly look at your suggestions.

The same day, I wrote to the Agriculture Committee's steering committee to stress the need to avoid a truncated process designed to achieve a certain result. I thanked steering for adding two meetings to hear some of my proposed witnesses.

At the third meeting, the chair said that at the end of the following meeting, we might proceed to clause-by-clause consideration and that it would be helpful to circulate amendments or observations in advance. Some senators then inquired about the input of the National Finance Committee. The chair responded that the committee will not be providing any insight on the bill and that amendments could be moved at third reading.

Surprised, Senator Woo suggested to invite the chair of the National Finance Committee to attend the Agriculture Committee's next meeting.

On October 3, Senator Mockler, as the Chair of the National Finance Committee, attended the Agriculture Committee and said:

> When we looked at the order of reference, it says that the Standing Senate Committee on Agriculture and Forestry was referred the entire bill, and then the Standing Senate Committee on National Finance being authorized to examine and report on the subject matter of the bill, so the subject matter of the bill versus the entire bill being referred to the committee.
>
> Because of our responsibilities in the Finance Committee, the steering committee — and we have met twice on this matter — opted to say that the Agriculture and Forestry Committee was well equipped to do the proper report and table that report in the Senate. We have decided that we would respect what will be put forward by the Standing Senate Committee on Agriculture and Forestry.

In other words, the Chair of the National Finance Committee confirmed a refusal to study the subject matter of Bill C-234, making it clear that the agreement between the groups was reneged upon.

In the terms of Senator Wells, was that a fix?

On October 17, the Agriculture Committee was scheduled to sit, but the Conservatives denied consent. On October 19, the Agriculture Committee moved to clause-by-clause consideration. Attendance surged to 14, compared to 6 to 10 at all the previous five meetings. This included Senator Plett, who exercised his privilege as Leader of the Opposition to attend ex officio. The practice is then to notify the Government Representative Office, or GRO. As a result, Senator LaBoucane-Benson also attended.

Ahead of the meeting, Senator Woo and I circulated four draft amendments, and some other members circulated draft observations. My sole amendment was a copycat of one defeated in the House committee by a vote of six to five. It was to limit the tax exemptions to grain drying and to exclude building heating.

After I summarized the evidence presented at the Agriculture Committee supporting my amendment, Senator Burey argued on a point of order that my amendment was not admissible, relying on excerpts from the *Senate Procedure in Practice.* Then Senator Plett, reading from a memo, argued in favour of the point of order.

Obviously, that day the Conservative Party of Canada, or CPC, and the Canadian Senators Group, or CSG, were acting jointly. Of course, neither the Progressive Senate Group, or PSG, nor the Independent Senators Group, or ISG, were told in advance to prepare.

In the terms of Senator Wells, was that a fix or, rather, a mega-fix?

I had no choice but to ask the committee to reverse the ruling, which it did on a vote of seven to five with two abstentions. The five votes to sustain the chair were the three Conservative senators and the two CSG senators. The whole event took about an hour and forced a second meeting for clause-by-clause consideration.

We finally debated my amendment, which was adopted by a vote of seven to six with one abstention — the GRO representative, Senator LaBoucane-Benson.

Contrary to what was said on social media by Senator Plett and by the Agriculture Carbon Alliance in the *National Post*, the GRO did not make possible the adoption of the amendment — to the contrary.

After the vote on my amendment, the chair moved to clause 2. Senator Woo proceeded to his first amendment, proposing to reduce the exemption period from eight to three years. After a long debate, the amendment was negatived by a tie vote, seven to seven.

Then, forgetting that Senator Woo had another amendment to the clause, the chair said, ". . . shall clause 2 carry?" Some senators said, "Yes," and the chair replied, "Thank you," and then asked the committee if the title shall carry.

Senator Woo immediately mentioned that there was still an amendment to deal with and that he would like to move it. The chair replied, "Please." Then he did move his amendment — identical to the one which is now before us.

Debate followed with Senator Plett arguing at one point that he wanted a commitment to finish the clause-by-clause before adjourning the meeting. The chair said that the committee had a hard stop at —

• (2010)

The Hon. the Speaker pro tempore: Order.

Senator Dalphond: The chair said that the committee had a hard stop at 11 a.m., and we adjourned.

At the following meeting, Senators Plett and Wells objected to continuing consideration of clause 2, arguing that it was out of order since the chair had stated at the previous meeting that clause 2 had carried.

Senator Woo, Senator Simons and I remarked that debate on that last amendment had already started. Furthermore, we referred to previous similar incidents in the chamber and to rule 10-5, which states:

> At any time before a bill is passed, a Senator may move for the reconsideration of any clause already carried.

The chair rejected Senator Plett's point of order. We then resumed consideration of the remaining amendments, completed the clause-by-clause consideration and unanimously appended many thoughtful observations.

Colleagues, if there were one or more fixes in this process, they were clearly not in this chamber but at the Standing Senate Committee on Agriculture and Forestry.

Now let's look at Senator Moncion's amendment. Yes, it is identical to the last one moved by Senator Woo at committee. Yes, it was defeated — but by a tied vote, seven to seven.

In such a context, reconsideration by the whole chamber is fully justified — even more so since Senator Moncion's amendment deals with an exceptional legislative mechanism. It would allow for an extension of the eight-year exemption currently found in the bill — I repeat: eight years, not three — on a simple motion adopted in both houses within the limited time frame.

As clearly explained by Senator Woo on Tuesday, this provides an easy way to extend the exemption before it expires, without committee hearings and normal debates.

Why should we agree to a special procedure designed to prevent a thorough review of the facts and to stifle debates? Is that another attempt to have a fix?

Furthermore, why signal to farmers that it would be an easy process to extend the exemption and that there is no real need to transition to greener farm practices during the exemption period?

Alex Cool-Fergus, National Policy Manager at Climate Action Network Canada, said before the committee:

> I am not arguing that there are no marketable solutions right now, but if there is no market signal pushing that kind of innovation, there won't be any more innovation, whether that is in eight years if this bill comes into effect and is sunset or longer down the road.

Colleagues, if we want to encourage Canadians to continue to push the technological frontier to reduce emissions, then we should not signal that this exemption may be rubber-stamped again in eight years, regardless of the evidence.

In conclusion, with this bill, it seems that we are always pressured to have a truncated process. This suggests that the facts do not present a strong case. Therefore, I support Senator Moncion's proposal. Thank you, *marsee*.

The Hon. the Speaker pro tempore: Senator Black, Senator Plett, Senator Wells and Senator Quinn. We only have two minutes.

Hon. Robert Black: Will the honourable senator take a question?

Senator Dalphond: Of course.

Senator Black: Thank you. With all due respect, as a senator from the metropolis of Montreal, why do you believe that you know better than farmers what they need?

An Hon. Senator: Exactly.

An Hon. Senator: Hear, hear.

Senator Dalphond: Thank you to the Chair of the Agriculture Committee, someone very close to farmers' interests.

Yes, I live in Montreal. However, you should know that two years ago, after the passing of my father, I sold the farmland that belonged to my family to a farmer in order for it to remain farmland, as it has been in my family for the last 150 years. I was born and raised on that farm, sir. I grew up with the cows and the grains.

[*Translation*]

I also made hay every year, sir.

[*English*]

I know the farm practice and the farmers, and the family home is still there.

The Hon. the Speaker pro tempore: Senator Plett, a quick question.

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

Senator Dalphond: With pleasure, senator.

Senator Plett: Thank you. Aside from the fact that Don Plett is supporting the bill, is there a reason why you are not? Because that seems to me to be the only reason.

I'm wondering, Senator Dalphond, whether your colleagues know that the reason why Bill C-282 has not been debated properly is because, for quite a while, you wanted Bill S-270, your bill, to be ahead of Bill C-282. At scroll, you finally put Bill C-282 there. I'm waiting for your colleague sitting directly in front of you to speak to Bill C-282; after that, I will.

Were you aware of that, Senator Dalphond? That is a question.

Senator Dalphond: May I have five more minutes to answer that question?

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

Senator Plett: I have another question. If it is only to answer the question, good.

The Hon. the Speaker pro tempore: Is leave granted for five more minutes?

Hon. Senators: Agreed.

Senator Dalphond: Thank you, colleagues.

Senator Plett, you know very well that you go to the leaders' meeting, I go to the deputy leaders' meeting and we do the scroll together. At our scroll meeting, Senator Martin said, "We're ready to move some bills. Here are the bills that we, the Conservatives, will move forward; here are the bills that you, the Independent Senators Group, will move forward; here is the bill that you, Senator Dalphond, will move on behalf of the Progressive Senate Group; and here is the bill that we are willing to accept to be moved on behalf of the Canadian Senators Group."

Senator Clement and I were taken by surprise by the fact that not only were they moving bills, but deciding which bills we were going to be moving. To please me, of course, they said, "We will move your tax bill, An Act to establish International Tax Justice and Cooperation Day."

I spoke with my colleagues, as we always do in our group. I don't decide by myself. We spoke about that the following week. There was agreement that if a bill were to be moved, it should be a bill about farmers. It should be Bill C-282, the bill about supply management — a bill that has been supported unanimously by the leaders in the House of Commons, including Mr. Poilievre.

I know that Mr. Poilievre has a position and that other colleagues have said during the summer that they will have concerns, even big concerns, about the bill. However, I said that if we want to move Bill C-234 — which is an important bill for farmers, according to you — I want a bill on supply management, which is an important bill for farmers, to also be moved. That was agreed upon. Unfortunately, you said, "No, this bill will not be moved unless my bill has gone through." I think you said to Senator Gerba that we had better vote the right way if we want to see the other bill going through.

Senator Plett: I think I deserve another question.

The Hon. the Speaker pro tempore: As long as the three senators are able to ask their questions within the two and a half minutes that remain.

Senator Plett: Senator Dalphond, of course, none of that is correct information. I did not tell Senator Gerba what you just suggested that I told her.

Are you aware that I am the critic of the bill and that normal procedure in the Senate is that the critic is the last person to speak? I am waiting for your colleague, and others, to speak to Bill C-282. I have my speech prepared. I am ready to speak to it the day after your colleague and others are finished. Are you aware of that, Senator Dalphond?

[*Translation*]

Senator Dalphond: Thank you, Senator Plett, for reminding us that the rule that the critic gets 45 minutes is so they can speak after everyone else has spoken, not so they can inform people about their concerns about a bill. Our rules give the sponsor 45 minutes to explain a bill and, normally, the critic, who is not necessarily a friendly critic, should get 45 minutes to explain to their colleagues, before debate begins, any concerns that other people have about it.

I know that the Conservative Party's preference is for the critic to speak last, but I would argue, as I said during my speech at second reading of Bill C-234, that that is not the intent behind the practice, Senator Plett.

[*English*]

Hon. David M. Wells: Thank you, Senator Dalphond, for your intervention on the amendment.

You talked about the importance of market signals and why that's one of the reasons that this bill should not pass.

• (2020)

What would you say is the market signal for an exemption on carbon tax for diesel and gasoline?

[*Translation*]

Senator Dalphond: Thank you. In my speech at third reading, I will address the issue at length. I will not get into it now during the debate on the amendment, but I am pleased that you recognize that we need to send an important signal to all Canadians to tell them that it is time to stop emitting carbon

dioxide, that it is time to stop emitting greenhouse gases and that the best way to do so, as every economist in the entire world knows, is to charge a carbon tax, as Europe and most countries are doing.

We went to Taiwan with colleagues three weeks ago, and one of the ministers we met with praised Canada as a leader in the fight against carbon for having charged a tax on carbon. Yes, I am in favour of the carbon tax and, unfortunately, I believe that your party, which has issued a policy platform entitled *Axe the Tax*, does not believe in it. There is a big difference between the two of us. I suggest that we amend the bill and refer it to the place where all of this needs to be decided: the elected house.

The Hon. the Speaker pro tempore: Senator Dalphond, your time is up.

[*English*]

Senator Black: Honourable senators, I had not planned on speaking to the amendment on Bill C-234, but I have to rise to express a few thoughts this evening.

First, I'd like to express my gratitude to Senator Arnot, who during his well-thought-out speech Tuesday left us with some very good questions. I would encourage you to review those if you have the time in the coming days. Thank you, Senator Arnot, for your wise words and thoughts.

Second, I want to reiterate to all in this chamber that other than propane and natural gas, there are no viable alternatives in use or able to be used at this time to dry grain, corn, beans or any other commodity in this country — none.

Finally, I wish to express my disagreement, respectfully, with my honourable colleague who said on Tuesday that the vote on this amendment is not a vote about farmers. Colleagues, voting for and passing this amendment will see it go back to the other place if it ultimately passes third reading in this chamber. There it is sure to die, and farmers will continue to suffer financially as a result. A vote in favour of this amendment is absolutely a vote about farmers. It is a vote against them.

Colleagues, please vote against this amendment and support our farmers, our ranchers and our growers. They support us three times a day, seven days a week, 52 weeks a year, year in, year out. Let's show them that we appreciate them and support them in their efforts to feed Canada and feed the world. Thank you.

Hon. Jim Quinn: Senator Black, will you take a question, sir?

Senator Black: I was going to speak very briefly, so I will say no, thank you.

Hon. Colin Deacon: Honourable senators, I want to try and untangle Bill C-234 from the unfortunate actions in this chamber on and following November 9 that have dominated discussions this week.

I want to firmly move the focus back to the action needed to ensure that our farmers are empowered to play a net-positive role in our collective efforts to address climate change.

Much of the debate about Bill C-234 has just focused on the role the carbon tax might have in incrementally reducing carbon emissions from the agricultural activities in our country. As stated in my speech to the Agriculture Committee report, I continue to be of the opinion that this misses a much larger opportunity. Colleagues, I fear that this amendment puts the bill at risk to the harm of our fight against climate change for reasons that have already been stated by Senator Arnot, Senator Black and others.

We're a long way from the day when agricultural activities will not produce greenhouse gases. However, the day when agriculture can play an important role in our fight against climate change is already here, but we're continuing to ignore this enormous opportunity. Let me repeat: The day when agriculture can play an important role in our fight against climate change is already here.

I find the reality that this opportunity is being ignored very concerning because if we're going to beat the climate crisis, not only do we need to reduce our production of greenhouse gases, but we must begin to pull greenhouse gases out of the atmosphere. The sequestration of atmospheric carbon into agricultural soils — a process called regenerative agriculture — is a natural process that improves soil health. That natural process can be dramatically accelerated today thanks to years of research, but much of that research is not being widely applied. This chronic problem is not limited to agriculture, far from it. You have heard me speak often about Canada's long-standing problem of not applying our best research to accelerate economic social health and environmental opportunities.

This problem has befuddled governments of every political stripe for decades.

I get that the issue related to farmers is they are subjected to so many external risks, be those due to extreme weather events, wars on the other side of the world causing massive increases to their input costs, or global market fluctuations on the price of commodities they produce. As a consequence, they are reluctant to implement any changes to those things within their control unless they have certainty in the outcome, hence the slow adoption of regenerative agricultural practices.

In an effort to introduce greater certainty for farmers and carbon markets, leading Canadian companies, like Terramera of Vancouver, have developed proprietary technologies that quickly and affordably measure soil ingredients so farmers can track the recarbonization of their agricultural soil. Other companies now have sensors in satellites that can measure soil carbon remotely. These are incredibly inspiring export opportunities for leading Canadian companies that are already demonstrating that they can help us in the fight against climate change.

Companies like these, if encouraged and incorporated into the fight against the climate crisis here in Canada, can then export their effective and cost-efficient solutions globally thanks to Canadian leadership and experience. If we refuse to act on this massive carbon sequestration opportunity and simply stay focused on the carbon tax as our only tool, we're missing this global opportunity.

All the while, countless other countries are developing and creating incentives and market frameworks to encourage and empower farmers to implement regenerative agriculture so they have greater certainty and can better manage the risks associated with these changes and ultimately be financially rewarded for their fight against climate change.

Farmers in other countries are being rewarded for the net increases in soil carbon content with cheques that are coming to the mailbox at the end of their lane — but not Canadian farmers. The lack of a carbon tax exemption on the cleanest fuels is not empowering farmers to become more carbon-efficient. One of the biggest reasons is that it is limiting their ability to afford to invest in those changes.

Slowing down the passage of Bill C-234 will force the continuation of a tax that only affects the fringes of total carbon emissions in agriculture. By admission of the government, the carbon tax only affects 3% of the total fuels used across Canada on farms.

All the evidence that I have seen through my own research, through the work of our Agriculture Committee on their study of soil health and through reports from Senators Black and Cotter from their attendance at the World Congress of Soil Science in 2022, the opportunity to sequester greenhouse gases in our agricultural soils would at minimum sequester the annual greenhouse gas emissions for the entire agricultural sector and potentially sequester the equivalent of Canada's total greenhouse gas emissions.

The Senate has been effective in passing private member's bills in their original state, especially when previous governments have failed to act. Let me remind you of a recent example, Bill C-208, in the last Parliament.

Like the bill we're studying right now, Bill C-234, and the amendment we're speaking about right now, that bill was potentially going to be amended in the Senate. It was a bill that aimed to amend the tax policy where intergenerational transfers of farms, fishing operations and small businesses were being taxed at rates that were double or triple the rates of other businesses.

This situation existed for years, putting parents in the untenable position of having to sell the family farm or fishing operation to a third party because they could not afford the additional tax burden that resulted from selling it to a son or daughter who wanted to carry on the family's legacy. Why did that situation exist? Simply because Finance Canada believed that allowing these transfers could encourage tax avoidance, yet a solution to the risk had existed for years and was known to Finance Canada but had not been implemented.

I'm incredibly proud of the fact that here in the Senate we pushed back against that amendment at third reading and we supported the unamended bill. Following Royal Assent in June 2021, concerns continued to be raised that uncontrolled levels of tax avoidance would result. They did not. In Budget 2023, after very thoughtful consultations, measures were put in place to firmly protect against any abuses of the intergenerational transfers of farms, fishing operations and small businesses into the future. I commend the government for finding a sensible and effective path forward, but they only did so because we held the line here in the Senate. Colleagues, we did our job. We challenged the government to do better, especially when they had failed to act on this issue, and that's precisely what was requested of me when I was appointed to the Senate.

• (2030)

So let me get back to Bill C-234 and this amendment.

Let me be clear: I'm generally for the carbon tax and the accompanying rebate. Personally, I've always preferred market-based solutions when a breadth of affordable solutions exist. I agree with Senator Gold when he reminds us that the Conservative Party does not have a plan to fight the climate crisis. Simply axing the tax is not a solution to the climate crisis. The intention of the carbon tax is to motivate change when affordable solutions exist. Whether it can be applied equally across all sectors and all jurisdictions is a question, and, as we've recently seen, this is even a question within the Liberal Party.

When decisions were made within the government about applications of the carbon tax and agriculture, clearly there was not agreement about the equal application of the carbon tax on the four different petroleum products used on farms, from the dirtiest — diesel and gasoline — to the cleanest — propane and natural gas. I still have not been able to find an answer as to why the two cleanest fuels were not exempted and the two dirtiest were. The answer that 97% of fuels used are exempted so it doesn't really matter is not an appropriate or an effective response because not every agriculture operation uses the same balance of fuels. The dominant fuel in greenhouses is overwhelmingly natural gas or propane. On other farms, it's overwhelmingly diesel.

Canadian vegetable operations are heavily disadvantaged as it relates to the carbon tax. There's no question that all of them want to be more energy efficient, but more than ever, I want them to be able to deliver grown-in-Canada produce that can cost compete with California, Florida and Mexico and the high carbon burden due to the cross-continental trucking that those vegetables incur.

Colleagues, forcing the status quo is tinkering at the edges of the greenhouse gas output resulting from our agricultural activities. Conversely, Canada's farms can fundamentally reduce their net greenhouse gas emissions if we begin to follow the comprehensive regenerative agricultural practices that have been successfully applied in other countries like France, Australia and New Zealand and if we were to work with our innovators to export their technological services and solutions around the world.

As my final point, colleagues, I want to highlight how incoherent climate policy is not just limited to this matter — with a focus on procurement as an example. The use of procurement to achieve sustainability goals was identified by the Council of Canadian Academies as being the most effective tactic to use to achieve our net zero objectives. Scope 3 emissions are our biggest emissions. These are emissions resulting from our purchases — effectively our procurement of products and services — as individuals and organizations.

However, I am concerned that the department responsible for our strategies to address climate change is not changing its own behaviour and adopting sustainable procurement practices. I say this because Environment and Climate Change Canada, or ECCC, does not consistently include sustainability criteria in its own procurement contracts. How can we expect others to step up and address our sustainability challenges when the department responsible fails to set an example?

Colleagues, the incredibly unfortunate behaviour and actions that followed November 9 have cast a troubling shadow over Bill C-234. We have to separate our decision making from that series of events and focus intently on the bill itself. Senator Moncion's clarifying amendment risks the bill, and the divisiveness in the House of Commons will make its climb back up the Order Paper next to impossible.

My motivation in supporting the unamended bill is based primarily on the need to push the government to capture the opportunity presented by soil carbon sequestration. I'm far from alone in this regard. Our Standing Committee on Agriculture and Forestry has been studying the issue of soil health through much of this Parliament. As I said, two of its members travelled to the World Congress of Soil Science to learn the best practices, policies and successes in other countries. Conversely, any discussion with officials from Agriculture and Agri-Food Canada has hit a brick wall. There is no interest in engagement and no reasons as to why.

Colleagues, I truly hope that we do not amend this bill, slowing relief to farmers and, worse still, causing it to languish in the House. I hope we choose to pass an unamended Bill C-234. By accepting the will of the elected chamber and with votes in support of this bill from all five parties, I believe that we will encourage the government to take another look at their plans to not rely solely on the carbon tax to incrementally reduce greenhouse gas emissions, but instead to create policies, incentives and frameworks that fundamentally alter the agricultural sector's total emissions and enable it to become a net carbon sink.

Again, colleagues, we are a long way from the day when agricultural activities are not producing greenhouse gases. However, the day when agriculture can play an important role in our fight against climate change is already here. We just need to begin to prioritize soil carbon sequestration.

Thank you, colleagues.

Hon. Lucie Moncion: Senator Deacon, I want to thank you for your speech, and the reason why I want to thank you is that it's one of the first speeches that gives us fact-based information. All through this process, I find there haven't been a lot of facts presented to us.

I'll give you just one example. We were told that the fuel cost for a farmer is $6,000, and as soon as the grain portion is done, the fuel cost goes down to $135. What we don't hear about is the portion that is related to the carbon tax because not the whole amount is carbon tax. That's one part of the equation.

The second part of the equation — and I'll be coming to my questions, colleagues — is how much is given back to the farmers.

The third part of the question is which part of that amount also benefits from the tax credit?

That's the first component. These are extremely important questions that we need to ask ourselves on this bill. We haven't heard that information here. We have heard the large amounts, but we haven't heard about the rest.

The other question — I have the floor, senator, and I don't intervene when you speak. I would like to have the same courtesy, please.

Here is my question: Government grants are provided, and there are 55 programs with the —

Hon. René Cormier (The Hon. the Acting Speaker): Senator Moncion, Senator Deacon's time has expired. Senator Deacon, are you asking for more time?

Senator C. Deacon: Yes, please, Your Honour.

The Hon. the Acting Speaker: Are you asking for five more minutes?

Senator C. Deacon: If it's the will of the chamber.

Senator Plett: The will of the chamber is to allow her to ask a question and him to answer.

The Hon. the Acting Speaker: Is it agreed?

Hon. Senators: Agreed.

The Hon. the Acting Speaker: Thank you.

Senator Moncion: There's the Agricultural Methane Reduction Challenge, and there's money there. Are you aware of these programs and what they do? Is the money invested in these programs enough to help farmers at least start to get to where they need to go?

Senator C. Deacon: Thank you, Senator Moncion, for your comments and for your question. I appreciate that.

I'll talk about a separate program. The government has a cyber risk program for small businesses. It is not being accessed. It's too complicated and too hard to fathom. Even though the risks are growing for small businesses and the risk is huge, they are not accessing the program in the way it's designed.

The challenge with the programs — I know the programs, and they were explained extensively to me by the minister's staff, by officials and by Senator Cotter on a call we had, and at no point did they explain what the strategy behind all these programs was and how they were enabling this market to happen. Market frameworks require, yes, incentives and different programs to help with costs, but the market framework itself has to be put in place so that it's not government subsidizing the function of the market. It's the market itself able to create value that others buy and want to buy. That is about creating rules, creating standards

and creating the marketplace, just like we have a carbon stock exchange where farmers can reliably sell a carbon credit to another party and that delivers value to that party as an offset to them, and the farmer receives the revenue back.

• (2040)

That is a government structure and a government priority that has not been prioritized in this country, but it has in other countries, and nobody has given me a reason. I had great conversations with Minister Wilkinson when he was the Minister of Environment and Climate Change. He was very intrigued by this. Agriculture and Agri-Food Canada shut it down.

We — Senator Cotter, me and others — tried again. It's a wall. They came to see us when I was on the Agriculture and Forestry Committee. We had question after question after question of the officials on this — we got nowhere.

I can't explain why the barrier exists, but a list of programs does not create a market framework. The market framework has to be developed, and it has to be a priority and be allowed to function, and be enabled to get started with a few subsidies — not because of subsidies, but because of the value that it delivers to the marketplace. I hope that helps. Thank you.

The Hon. the Acting Speaker: Did we agree on an additional five minutes?

Senator Plett: No, we did not.

The Hon. the Acting Speaker: Okay. Thank you.

Hon. Pierrette Ringuette: Honourable senators, I rise today to speak to the amendment proposed by Senator Moncion. In front of me is not a podium. In front of me is my research on this bill — that I conducted on the break week — so everything that I will be saying in my speech is backed up right here, and you're welcome — Senator Plett, I will tell you something: The rain of your sarcasm does not even attain the umbrella of my indifference to it.

[*Translation*]

Mr. Speaker, every time I'm interrupted during my 15-minute speech, I ask that, given that —

[*English*]

I do not have unlimited time to talk, so every time I'm interrupted, I want that time to be added back on my 15 minutes. Thank you.

Before I reach the arguments, I must say a few things to bring some context to our work of sober second thought — that is the raison d'être of the Senate. The Supreme Court of Canada indicated in its ruling that the Senate must review bills and policy in a dispassionate way to be a true sober second thought parliamentary institution.

Senators have never been subject to this much orchestrated lobbying. We must remember that lobbyists are highly paid professionals who seek to commit you to their request. It is, therefore, very important that you understand the many implications of any given issue.

My interest in this bill increased when I was informed by many senators that some of the lobbyists for Farmer Fairness were also lobbying against another group that wants a private member's bill — Bill C-282 — from the House of Commons. The same people arguing for fairness for farmers were arguing against fairness for a very large group of farmers that operate under supply management: the egg, milk and poultry producers.

I do believe that the farmers in my area do not appreciate such double-talk, and I certainly don't.

When lobbyists triggered my alarm, I started to do my own research. I started to read our Agriculture and Forestry Committee meeting transcripts, and cross-reference what was said with further research. It was a gratifying learning process. It was also important to me because in a recent conversation with Senator Klyne, he wisely reminded me how important it was to make the difference between myths and facts.

Then, I went on my fact-finding mission, necessary to have an informed opinion of the issues — not based on lobbyists, and not based on rhetoric, but based on facts that would enable me to be a responsible senator for current and future Canadians.

While this bill should have been a discussion about fair public policy, it has been blown into an outright partisan document against carbon pricing. As they say, the cat is out of the bag. This bill is not about fairness for farmers, but it's a bill that is a Trojan Horse from climate change deniers to axe the tax.

The numbers supplied by the Parliamentary Budget Officer, or PBO, that I will share will endorse this reality. Senator Plett? Thank you.

Central to this debate are carbon emissions creating climate change and a policy to reduce emissions so that humans can continue to survive on this planet. Scientists have been warning us for five decades that we need to reduce our carbon emissions, and many leaders have not acted.

In my humble rural area of New Brunswick, we have a saying, "If you critique a problem without bringing a solution, then you are part of the problem."

There are 46 countries that have carbon charges, and 80 more are planning to have carbon charges to address climate change. Are we saying that all these countries are wrong? The PBO report of June 15, 2023 — and I believe that the Agriculture and Forestry Committee didn't even look at that report — indicates that regarding the exemption of gas and diesel for farmers, which is 97% of their fuel usage, it estimates that foregone revenue from the carbon levy exemption is $595 million in 2023;

$734 million in 2024; $871 million in 2025; $1.009 billion in 2026; $1.147 billion in 2027; $1.282 billion in 2028; $1.422 billion in 2029; and rising to $1.562 billion in 2030.

Honourable senators, the current exemption on gas and diesel from 2023 to 2030 represents $8.622 billion in exemptions for farmers. And it seems like that is not enough. They are saying that they want 100%.

The PBO report also provided the data regarding total greenhouse gas, or GHG, emissions in the agricultural sector by activity for 2021. Animal and crop production accounts for 80% of farmers' emissions. There is no pricing on these emissions. That same report showed that net farm income from 2010 to 2021 has gone from $3.563 billion in 2010 to $13.816 billion in 2021 — that is a 387% increase.

• (2050)

Colleagues, on the issue of carbon pricing fairness, farmers and fishers are the only sector of our economy that receives such a generous exemption from carbon pricing. A central question, and one not yet voiced in this debate, is this: What is the cost of climate change to our economy? What is the cost of doing nothing or doing the least?

Colleagues, I'm not a scientist or an economist, so I rely on their research to guide me. Here is what I found from the Canadian Climate Institute research. In 2022, they issued a report called *The GDP cost of climate change for Canada*. It stated that climate change cost to our GDP is not a one-year event. It is a drag on our growth every year unless we take policy decisions.

The $25-billion GDP loss in the last nine years is because of climate change, which represents a loss of revenue per person in Canada of $630. The cost of climate change effectively compounds over time, and by 2030 our GDP will be $35 billion lower than it would have been otherwise. The report goes on to state:

> . . . households will lose income, and low-income households will suffer the most. Low-income households could see income losses of 12 per cent in a low-emissions scenario and 23 per cent in a high-emissions scenario . . . .

The report concluded that maximizing economic growth for every Canadian requires taking climate policy, both adaptation and mitigation, much more seriously. Is that what we're doing right now?

Honourable senators, these are not myths. These are scientific facts that we must consider.

A few weeks ago, in our national news, we saw a smiling 10-year-old Canadian boy that died of asthma from the continuous breathing of forest smoke in the air this year. A few years ago, colleagues, when we had extreme heat in Canada, this climate change event contributed to the death of more than 600 Canadians. Planet-wise, scientists estimate the number of deaths associated with temperature extremes at 5 million per year.

Scientific facts and rude awakening prompt me to ask: What is the cost to human lives? What is the cost to our health care system? The Canadian Climate Institute reported in June 2021 on these costs:

> Assessing a range of possible impacts under both low- and high-emissions scenarios, the report finds that the impacts of climate change could cost Canada's healthcare system billions of dollars . . . . Adding the value of lost quality of life and premature death, the societal costs of climate change impacts on health will amount to hundreds of billions of dollars.

That's in Canada alone. Who will pay for that? We cannot ignore these facts.

Honourable senators, these are scientific facts, not myths. I'm sure the six doctors whom we have in the Senate can speak to this and to how, in their practice, they have witnessed the realities of climate change.

Honourable senators, we cannot overlook these facts. We, as a society, have made a commitment to the world with the Paris Agreement. We, as Canadians, have made a commitment to our citizens, our children and our grandchildren to act and not to push further down the road the required action to reduce emissions and its potential costs due to climate change.

No one person or industry will volunteer to be subject to carbon pricing — no one, not even in this room — if it's not mandatory. It is the only way to go.

We, as independent senators, have not retreated on amending government and private bills. We have stood steadfastly on sober second thought and have sent amendments to bills to the other place. In fact, we have sent more amended bills to the other place than ever before in the history of the Senate, and that's because of the independent senators in this room.

Some Hon. Senators: Hear, hear.

Senator Ringuette: This is our mandate. It is our job to provide the best objective advice to the other place.

Now I've heard some say that amending this bill will kill it. Colleagues, I was an MP in the other place before I was here. The rules provide that this bill would not be killed. This bill would not be killed because we're not going to have an election for two years; that's for sure. And if there's prorogation, the rules provide for that.

You must understand that I know my stuff and the rules are there.

The Hon. the Acting Speaker: Honourable Senator Ringuette, your time has expired.

Senator Ringuette: Could I have 30 seconds?

The Hon. the Acting Speaker: Are you asking for five more minutes?

Senator Ringuette: Yes, five more minutes.

The Hon. the Acting Speaker: Do we agree?

Some Hon. Senators: Agreed.

Senator Ringuette: Thank you.

I support the amendment before us tabled by Senator Moncion —

Senator Wells: I am sorry, Your Honour, but I know this requires unanimous consent and I don't give it.

An Hon. Senator: She was interrupted, Your Honour.

Senator Dalphond: On a point of order, Senator Ringuette was interrupted at least two or three times when she spoke. She says she needs 30 seconds to complete her speech. She was interrupted for more than 30 seconds, so I think that Your Honour should recognize that she still has 30 seconds.

Senator Cordy: Agreed.

The Hon. the Acting Speaker: Senators, would you agree to the 30 seconds that she is asking for?

Some Hon. Senators: Agreed.

An Hon. Senator: No.

The Hon. the Acting Speaker: No? I heard a "no." Okay.

Hon. Percy E. Downe: Honourable senators, I'll be very brief. I just want to put on the record that I support this bill unamended. The farmers in Prince Edward Island are working very hard on adapting to climate change. Every farm I know has heat pumps installed and solar panels.

The problem in Prince Edward Island for the farmers is that we have no natural gas. Any oil or propane is shipped into our province. There's an additional transportation cost, and those costs are very high.

The cost of adapting to climate change is ongoing and very expensive for the farmers. The farmers in Prince Edward Island are doing everything they can to meet the objectives of climate change and reduce carbon emissions. Unfortunately, it's going to take them more time and more money than they currently have. That's why this bill is important as a bridge to that climate change reduction.

Farmers understand that they have to fight climate change, and they are already engaged in that fight in Prince Edward Island. But the cost is very high.

The parallel situation is what the Government of Canada just did on oil subsidies for Prince Edward Islanders with their carve-out — not only for Prince Edward Islanders but for other Canadians. They recognized that they were going too fast with the increases and it was impacting people's ability, quite frankly, to heat their homes. I heard from one Atlantic Canadian MP — not from Prince Edward Island — who told me just last week that citizens in his area were having a hard time deciding if they were going to heat their house or buy some food. One woman told this MP that she only has chicken or steak when a niece or nephew invites her over for Sunday dinner because of the high cost of heating.

• (2100)

The initiatives that the government took recently, particularly on oil, were well received in Prince Edward Island. There was a massive reduction in the cost, and that has helped everyone. This bill will help farmers specifically.

I also want to address the point that Senator Colin Deacon raised about legislation that comes here, such as Bill C-208, An Act to amend the Income Tax Act (transfer of small business or family farm or fishing corporation). I voted in favour of that bill. I was inspired by the cross-party support. Liberal MPs voted for it, including the then-chair of the House of Commons Finance Committee, the Honourable Wayne Easter, who is from Prince Edward Island.

When it came here, it caught my attention. As many of you know, unlike some independent senators here, I'm an independent Liberal senator. I share the values of the Liberal Party, and, to that end, I vote for 95% to 97% of the legislation that comes from the Liberal government because I have similar interests and values.

In this case, I was taken by the fact that these Liberal MPs voted against what the executive branch of government wanted to do. There is a distinction there. It is the same distinction with this bill. The executive branch of government wants this bill. The House of Commons said, "no," and they voted for it, including Liberal MPs. Two Liberal MPs from my province — Robert Morrissey from Egmont, and Heath MacDonald from Malpeque — voted for Bill C-234. That sends a message to me, as Bill C-208 did, when so many Liberal MPs voted for it. The Liberal Party and the Liberal government are not like a cult such as in North Korea where everyone talks about "dear leader." The government, on occasion, makes mistakes; they made a mistake in Bill C-208. The Senate did the right thing in sending that bill back to them, and, eventually, as Senator Deacon indicated, it was corrected in the long term.

It is the same with this bill. When the Liberal MPs — elected members of the House of Commons — pass legislation, that has a big impact on me. I notice that; I pay attention to that. I don't think it is my place to tell them that they are wrong, particularly when they are elected by farmers in their riding, and this is important legislation to them. It is important to the farmers of Prince Edward Island, and, therefore, it is important to me to support the residents of my province and those who work in the agricultural industry.

Thank you, colleagues.

Hon. Jim Quinn: Honourable senators, I will be short. Despite having tried to ask a question three times, I will put it in the form of a debate. We have listened in this chamber over many months to the question of food security, as well as how farmers and farms are at risk in our country, how we are losing farms daily and how difficult it is for farmers to pass their farm onto the next generation because of whatever rules are in place. We have heard all of these arguments.

I think that tonight we're hearing other arguments. In fact, excellent speeches have been given, including yours, Senator Ringuette — whom I have the utmost respect for, as you know — in which you clearly laid out the case that this is really about climate change.

We have had a bill come from the elected side. God knows we've had numerous debates and discussions about what our role is relevant to legislation that comes across to us from the elected chamber — and what we do and how we do it. We have heard discussions about restraint in how we deal with that.

We have had a committee of our honourable colleagues who have dealt with this, and have brought it to us unamended.

I would propose that rather than take the amendment under consideration and, more or less, stand back on the amendment to decide whether the bill goes back with an amendment or not, we should stand up and be a Senate of sober second thought before Canadians and before stakeholder communities — the farming community — and deal with the bill.

I will not be supporting the amendment simply to be able to voice my opinion on the bill and deal with the direct issue, which is climate change — not amendments that do this or do that, or risk this or don't risk that. I respect your opinion with your experience.

That is the question before us: Are we going to deal with the bill as the bill? Or are we going to stand at the back of an amendment, and not stand as a Senate before the people that we represent from our regions? Thank you.

Senator Moncion: Will Senator Quinn take a question?

Senator Quinn: I am listening to my colleagues tonight, but I will take a question.

Senator Moncion: Again, it's an excellent intervention.

Are you satisfied with the amount of information that you have received on this bill, whether for or against the bill? I am talking about the information that we've received on climate change. We have received information on the farmers, and it's extremely important for Canada's economy. It represents 10% of our GDP.

Are you satisfied with the financial information that you have received? If you are, I'm not. I would like to hear from you regarding that portion.

I will go to my second question, because you are saying that you would like to deal with the bill. My problem here is that I don't think that we have received unbiased information so that we can come here and look at the bill and try to make a decision — and it is an important decision. It is not just something that you look at from one side. Over the last couple of weeks, we have been inundated with emails, and it's only one-sided. Normally — if you have ever looked at a gun bill — you receive "for" and "against." But now that is all we have received, and we have received thousands of them. I want to understand this: Are you satisfied?

Our job here is that of sober second thought, and I don't think that I have received all of the information to be able to look at this bill with a clear view on how I am going to vote on this bill at the end of the day.

Senator Quinn: Thank you, senator. I will start by saying that, as a former CFO in the Government of Canada, I am not going to comment. I don't have enough information on the financial side of the argument.

But I do have enough information on the climate change side of the argument. We have a group of senators who come together monthly — those who are concerned about climate change — and we have great speakers and presentations; we had one this week. Senator Coyle does a great job in leading those initiatives.

Yes, I definitely have enough information to make an informed decision on the bill. I have full confidence that our committee did its job. I have full confidence in the elected people, whom we have heard many times — we need to really practise restraint in dealing with things that come to us from the elected side. We are carving out exceptions as we go forward with your amendment, with all due respect.

We owe it to this chamber to have the opportunity to stand and voice our opinion in front of Canadians — in front of the farming community — about how we feel about the bill, which is directly, in my opinion, tied to the government's agenda on climate change, which is an important agenda.

Senator Moncion: Thank you.

Hon. David M. Wells: Honourable senators, thank you for all of your interventions. I appreciate all sides of this and the discussions around it.

I was accused — in one of the interventions — of being a climate change denier. I can assure you that I am not. I see it every day in my home province. I live near the coast; I see it. I spent 35 years in the fishing industry, and I see significant changes in the fishing industry — all based on climate change. I am not a denier. I believe in it, and I believe that we have to do something about it. However, I believe that what we have to do has to be a global effort.

• (2110)

Colleagues, I am going to talk about the amendment. I hope to take only 15 minutes or less.

The key part of the amendment is the order-in-council or Governor-in-Council. The Governor-in-Council may, by order, which is what is proposed to be removed, establish the text of a resolution providing for the postponement and specifying the period of the postponement.

For those colleagues who do not know what an order-in-council is, it is a cabinet directive. We call it an order-in-council.

A federal order-in-council is a statutory instrument by which the Governor General, the executive power of the Governor-in-Council acting on the advice and consent of the King's Privy Council, expresses a decision. That is what an order-in-council is. It is essentially a cabinet decision.

The specific wording that is proposed to be removed in Senator Moncion's amendment was taken, word for word, out of another bill called the Fair Rail for Grain Farmers Act. I believe that was enacted in 2014. That was on something called interswitching. It was an interswitching clause, which allowed cabinet, very quickly — and when necessary — to allow, if there was a problem with moving grain from one rail line to the marketplace — and there was in 2015 — and this order-in-council, this wording, allowed cabinet to say, "You can switch that grain to another line."

That was to prevent the grain from rotting in the railcars or silos, waiting for other railcars to come. That is exactly what happened.

In 2015, the current government under Prime Minister Trudeau used that provision from the Fair Rail for Grain Farmers Act interswitching clause to allow grain to be moved to another rail line and get to market quickly. It had to be done quickly.

If it went to, as the amendment proposes, a motion in the House — a motion in the other place — and a motion in the Senate for debate, where each chamber would instruct on their opinion, that would take too long and certainly would have taken too long in the case of the interswitching clause, which is, word for word, what is in the coming-in-to-force section of this bill, and this is what Senator Moncion is proposing to change.

I wanted to deal with that because no one has talked about it in this discussion regarding the amendment.

In the other place, in the House's Agriculture Committee, colleagues, there was an amendment made that changed when it talked about the length of time that this would be in effect, and this bill, if passed unamended, would be in effect; there would be a sunset clause at eight years. The original bill had 10 years. There was an amendment proposed by NDP MP Alistair MacGregor who proposed that it go from 10 years down to 8 years. That had light debate and was passed without a vote. It was fully agreed.

There was significant or some consideration by all parties who were represented in the Agriculture Committee in the House of Commons, and it was agreed to go to eight years.

So this amendment by Senator Moncion is proposing to strike that, and not have it at eight years.

The same issue regarding — sorry, not the eight years — the Governor-in-Council was debated at committee and defeated in the House — the other place — at the Agriculture Committee. Then, of course, it came to our committee here at the Senate where it was defeated once again.

We often say, colleagues, and I said it in my report stage speech, that we are here to make bills better. We have all heard that. Perhaps many of us have said it. I know that I have said it. In fact, this amendment does not make this bill better. It makes it the opposite.

Colleagues, I want to talk now about Senate amendments to a private member's bill. We say, "Oh, it will kill the bill if it goes back to the other place. It will kill the bill." It is an easy thing to say. It is very easy to say. But I am going to explain how the bill is killed if it is a Senate amendment to a private member's bill.

I am reading from *House of Commons Procedure and Practice*, third edition, 2017, which states:

> When the item reaches the top of the order of precedence, it is considered during Private Members' Hour, and if not disposed of at the end of the hour, it is placed again at the bottom of the order of precedence. . . .

Senator Cuzner will know about this, and Speaker pro tempore Ringuette will know about this as well.

If this bill, as a Senate-amended private member's bill, goes back to the House — and I asked for the list of the bills that it would sit under if it went back, and there are 25 private members' bills in front of it. They are dealt with one hour a day. In fact, since the Fall Economic Statement, they've done no one-hour discussions. That is called a private member's hour. They've done none since the Fall Economic Statement. And that Fall Economic Statement debate will continue to push the private member's hours further ahead. So right now, even if this bill passed today with an amendment, it would go into the line and would not be addressed for the first time until February 8, 2024. Because it is a private member's bill amended by the Senate, it has a different rule than a private member's bill amended by the other place. There is a time limit — a time cap — on a private member's bill that comes from the House. That cap is two hours. After two hours, it is dispatched.

If it is a Senate-amended private member's bill, there is no time limit. It can be addressed during that hour, and if it is not completed, it goes to the bottom of the list again in the order of precedence, and then when it comes back up, it can be addressed again. All opponents of this bill have to do is to throw up speakers. Once that time — that hour — passes, it goes back to the bottom of the list and it comes back around in 25 days or however many bills are in front of it, for that hour, and then it is debated. It can be debated or spoken on by four people for 15 minutes. If it is not dealt with, it goes back. That, colleagues, is how to kill a bill without actually saying, "I've killed it."

I know that in the other place there are 15 private members' bills, or PMBs, that are under amendment now that are being discussed at private member's hour, and I have the list of all of them.

There are six Senate public bills amended being addressed over there and two motions, which also fit into that private member's hour. When we say the bill will be killed, it is easy to kill the bill without actually killing it. You just let it die because you throw up speakers, and then it goes to the bottom of the order. I wanted to explain that. I thought that was important because I think that is what is at play here.

Now, I didn't know that before, but now I know it. Now we all know it.

The last thing I wanted to talk about, colleagues, and I talked about it when I spoke the other day — I cannot remember what day my last speech on this was — I took on this bill because I thought it would be an easy one. I thought it was a principled stand that I could take. It is a question of farmers, ranchers, growers and those who provide food. It is not those who provide tennis rackets and rubber tires. It is people who provide food for us. They have a hard enough time. Every obstacle that you can imagine is thrown in front of them every year. They have high costs anyway.

Then we have the effects of climate change, whether it is flood, drought or maybe both of those in the same year. That can ruin crops. It can damage animals. We can have significantly high temperatures. We have seen that over the past couple of years with the heat domes out West. That kills animals. We have seen the wildfires, brush fires and grass fires, which remove land from being used for farming, ranching or growing.

Colleagues, I thought that this was an easy one. I thought this was a real motherhood issue that I could comfortably stand behind and do it on principle because I believe in climate change, and I believe in those who provide food for us and the world. Canada is a major grain and seed provider to the world.

When I think about the troubles that farmers might have, whether it is weather-related or price-related, because they don't always choose the price — that is chosen in the Chicago market or at some other negotiating table. They don't choose the price, and they don't always choose their costs, either. Their costs are given to them. They have to buy grain dryers. We heard from Senator Batters that it costs $300,000 for a grain dryer, so they have to do lease payments unless they can buy it with cash. I don't know many farmers who can. Any of the things that they have to buy are usually on a lease program, and those are costs too. Certainly, now they're going up because interest rates are increasing.

• (2120)

When I think about the obstacles that specifically farmers, ranchers and growers — we all have our own problems and obstacles, but they have obstacles every year, such as pestilence, viruses and things like diseases in their crops. All of those are things they have to fight against every time, each year. They might have a good year and have only a few of those obstacles. Generally, those hit all the time, and they're always costly. Whether they lose crops, animals or time, that's losing money.

What this bill does is it allows farmers to keep some of their money. I believe that increasing a tax on a transition fuel, unlike — I asked the question of Senator Dalphond about the pricing, and I didn't hear an answer that I understood. What's the price signal? What's the signal to the marketplace if you provide an exemption for diesel but you don't provide an exemption for natural gas or propane? Whenever I try to sell the idea of the bill, I start there because it doesn't make sense.

My thoughts on this bill are clear. I don't take the debate lightly. I appreciate, for sure, all of those who are supportive of the unamended bill, but I also appreciate forcing me to think about the arguments of those who are against the bill. I get it. Not everyone thinks the same way I do, and that's probably a good thing.

I wanted to close by saying — if this is the conclusion of this part of the debate on Senator Moncion's amendment — here is what it actually does: It takes the power out of the hands of cabinet to make a move on whether to increase or decrease the sunset or keep it as it is at eight years. The necessity that is granted to cabinet under the provisions of this bill is there, like it was under the interswitching, which is necessary and is still in place to be used by any government until the time it's removed.

Colleagues, I just want to say that I think this is a very good bill. It helps our farmers, growers and ranchers, and ultimately, it helps our consumers and our economy. Thank you.

[*Translation*]

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

Senator Dalphond: Yes. Would the honourable senator take a question?

[*English*]

Senator Wells: I will, Senator Dalphond.

Senator Dalphond: It's a very short question. Are you aware that in the other place you can trade places? If you are number 25 but another member from your own caucus is number 2, you can trade places and you can go straight to the top?

Senator Wells: Thank you, Senator Dalphond. Of course, I'm aware of that, but it still doesn't stop the process. You can move up the line, but you can quickly be moved down the line as well by running that one hour debate for the hour by putting up four speakers. It's simple.

There are no guarantees that you will be able to switch with someone. Everyone with a private member's bill takes these things very seriously. Perhaps they've waited for years. Maybe they've won a lottery that puts them to the front of the line. I think it's a heavy sacrifice and still no guarantee.

The Hon. the Speaker pro tempore: Senator Dasko, you have a question. Senator Wells, you are out of time. Are you asking for five more minutes?

Senator Wells: I would take Senator Dasko's question.

The Hon. the Speaker pro tempore: Senator Wells is asking to reply to one more question. Is it agreed, honourable senators?

Hon. Senators: Agreed.

Hon. Donna Dasko: Thank you, senator, for your comments.

You did say, and I believe you, that you are not a carbon denier —

Senator Wells: Climate change denier. I am a carbon denier.

Senator Dasko: Yes, sorry. Climate change denier. I have been inspired by Senator Ringuette's phrase "the cat is out of the bag" in her speech. I understand that you do support the bill because you are concerned about farmers. I do believe that, for sure. Is this bill also an effort to kill the carbon tax? Thank you.

Senator Wells: Thank you so much for your question, Senator Dasko.

In my second reading speech, I said very specifically this bill is not about whether you like or dislike the carbon tax. I knew if that were the debate we were going to have in this chamber on this bill, the room would be divided and there would be no opportunity to bring some unity to the debate.

The fact that there is a carbon tax is an instrument of the government. I accept that. They were duly elected to lead, and they've put policies in place. I don't like them all. Some I like, some I don't like, but that's the one that I accept is there.

This is, as we've talked about before, a fair and reasonable exemption. It's in line with the design of the carbon tax bill in the first place that allowed for exemptions. I think this is a reasonable exemption. In fact, if we're talking about climate change, it's probably a more reasonable exemption than the existing one that's there for diesel and gasoline. Thank you for your question.

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Would the senator take another question?

The Hon. the Speaker pro tempore: You have three minutes, Senator Wells. Oh, yes, we had agreed to one question. Unless, Senator Wells, you are asking to answer one other question.

An Hon. Senator: No.

Senator Wells: Thank you. I will take Senator LaBoucane-Benson's question, if the chamber wishes.

The Hon. the Speaker pro tempore: Is it agreed? I heard a "no."

Colleagues, on debate?

Some Hon. Senators: Question.

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Moncion, seconded by the Honourable Senator Dupuis, that Bill C-234 be not read the third time —

An Hon. Senator: Dispense.

The Hon. the Speaker pro tempore: All those in favour of the motion will please say, "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those opposed will please say, "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: I believe the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: I see two senators rising. Do we have agreement on the bell?

[*Translation*]

Hon. Michèle Audette Madam Speaker, the vote will be deferred to the next sitting of the Senate.

The Hon. the Speaker pro tempore: The vote is therefore deferred. Pursuant to rule 9-10(6), it will take place after the vote already deferred earlier today, without the bells ringing again, that is, immediately after the other vote.

[*English*]

THE LATE HONOURABLE IAN SHUGART, P.C.

INQUIRY—DEBATE

Leave having been given to proceed to Other Business, Inquiries, Order No. 17:

On the Order:

> Resuming debate on the inquiry of the Honourable Senator LaBoucane-Benson, calling the attention of the Senate to the life of the late Honourable Ian Shugart, P.C.

Hon. Peter Harder: Thank you, colleagues. The hour is late, but the time is right.

We have spent a few weeks now grieving the passing of our dear friend and colleague, Senator Ian Shugart. We have remembered Ian for his kindness, for his devotion to public service, his deep faith and his love of family. These were the essence of the man.

A few of us, including me, had the privilege of speaking with him in the weeks before he died, when we were able to convey some of these sentiments personally. During those conversations, Ian imparted much wisdom in return, some of which he hoped he would be able to share with you.

Originally, Ian was supposed to give this address, but it became clear that his failing health wouldn't allow him to do so. He asked if I would read it for him. Alas, Senator Shugart died before we could complete the final draft.

• (2130)

It is always risky to convey in your own words the thoughts of another. Just ask anyone who tried to write a speech for Senator Shugart. There was often almost no similarity between the speeches Ian delivered and the words that were originally put on the page in front of him. While his style was simple and direct, it was still original and earthy, as befits the man.

Given these caveats, I will try here to put a few of Ian's final thoughts into the record. In our conversations before he passed away, Ian conveyed to me his belief that the political environment in which we find ourselves is leading to a pivotal moment in our nation's history. He saw two choices: We would succumb to the polarization that has riven so many countries around the world, in some cases making the ability to govern almost impossible; or we could find a way to recommit ourselves to a solutions-based future, which could mark Canada as an example for a democratic world under siege.

Senators will recall, because it was referred to even this week, when Senator Shugart urged that members occupying this body must demonstrate restraint when reviewing legislation that emerges from the other place. Should we overreach in amending or, perhaps, by defeating legislation, we risk putting the Senate at odds with the MPs and, in turn, the voters who elected them. As we discussed it over the summer, Senator Shugart wanted to elaborate on that theme so that it would encompass all those other individuals who have a hand in building our nation — not just governments, but industry, members of civil society, educators and voters themselves.

When intransigence and conflict are the order of the day, Senator Shugart believed we risked being unable to effectively deal with the contemporary and existential threats to our society. Without compromise, we would leave potential solutions withering on the vine. Ian was not prone to overstatement. He was a cool head who, nonetheless, saw evidence all around him of intransigence, isolationism and hardening positions making resolutions almost impossible to achieve.

He worried, for example, about America, where the international community was looking for leadership on the war between Israel and Hamas, only to find the House of Representatives leaderless and adrift because it could not agree on who should lead the House of Representatives itself. He would have noted that those in the United States, which rightly calls itself the cradle of modern democracy, can't seem to find common ground on issues like immigration, gun control or abortion. He saw that attitudes were dangerously frozen, leading to insult, abuse and sometimes even violence.

These polarizing forces have yet to create a similar environment in Canada, but harder edges are also showing up in our national discourse, and anger is building here too. Witness the profanities regularly thrown at our Prime Minister, whose speeches sometimes have to be cancelled for security reasons. The same happens at institutions of higher learning, where speakers are made to feel unwelcome because of the subjects of their speechs.

Those on the left are characterized as the "woke mob" and those on the right as "redneck greedheads" who care nothing for the environment. But Ian was a solutions-oriented man, and he wanted this speech to give examples of how Canada has overcome political differences in the past.

He mentioned, for example, the construction of the St. Lawrence Seaway, which is integral to Canada's economic well-being and handles over 40 to 50 million tonnes of cargo annually. Few of us are old enough to remember, but the idea for the seaway was hardly a unanimous proposition when it was first put forward. Indeed, at various points in the process, the governments of Ontario and Quebec both opposed the plan, as did various railway associations and those operating harbours in Atlantic Canada. By 1945, however, the arguments for the prosperity of the seaway gained ground to the extent that Canadians proposed building the project even if the U.S. didn't contribute. That idea triggered a further groundswell of support in Canada, and the U.S. eventually joined in the venture. In all, 22,000 workers were employed in the seaway's construction, which has been characterized as a 3,700-kilometre-long superhighway of ocean freighters. Is a project like the seaway something that we could agree on today, given the intergovernmental battles over pipelines, dams and other cross-jurisdictional projects? It is a worthy question.

More recently, former prime minister Paul Martin and Canada's provincial and territorial leaders signed a 10-year, $41.3-billion agreement to strengthen the health care system. The 2003 agreement promised shorter wait times for surgery, increased access to primary and home care and the creation of a health human resources strategy. In return for the federal contribution, provinces agreed to a defined waiting period in which certain surgeries would be completed.

National objectives were and are politically charged issues for governments. Failure to meet them can cause the government to lose popular support. As an assistant deputy minister for Health Canada at the time, Senator Shugart would have seen these risks first-hand and appreciated the sacrifices made on both sides to reach this compromise. He would also have understood that some

felt the agreement was too rich, while others believed there were not enough strings attached to the money. But that's just the point, isn't it? An agreement was reached despite these misgivings. The perfect did not become the enemy of the good — at least not in this case.

Would such an agreement be possible in 2023? Today, as Canada and the world face challenges involving climate change, demographic shifts and threats to democracy, we might ask ourselves if we have the stuff to forge compromises and find solutions to these challenges.

For example, how will Canadians react should Alberta forge ahead with its idea to pull out of the Canada Pension Plan? Will regional tensions make it impossible for future national governments to find measures to mitigate climate change? And what of the use of the notwithstanding clause? Do we face a future in which the clause is regularly utilized to override the protections afforded by the Canadian Charter of Rights and Freedoms so one or other political parties can curry favour with a proportion of their electorate?

The watch words that guided Ian's public service career were "judgment," "compromise" and "inclusiveness." In a country as diverse and large as our own, what other words do we have if we wish to get things done? Ian would have known that we are too big and our population is too varied for everyone to get what they want.

Ian didn't say this to me directly, but I know he believed that the role of legislators is to broker disparate views and desires into something coherent that benefits the whole. The other choice is to cater to narrow segments of society who may provide enough seats for a party to govern but will not reflect the desires and needs of others.

My friend Lord Hennessy, the noted English historian, wrote, "Our system is based on decencies. Without them, it ceases to exist." Honourable senators, these are words to live by. In one of our final conversations, Senator Shugart mentioned he wanted to make one final appeal for civility to those candidates who will be contesting the next election.

Ian was not a Pollyanna. After all, he had worked as a political assistant. Election campaigns are vigorous, loud and sometimes rough. They should be. Convincing voters you have the best ideas often necessitates a noisy and enthusiastic debate in which you must demonstrate to people that you mean what you say. Elections also provide a narrow window of time during which numbers of Canadians are listening. They are a time when ideas need to be well articulated, dissected and evaluated. The more time we take away from debates with name calling, half truths and character assassinations, the less time we have to talk about more important matters. Moreover, with fewer traditional media outlets around to cover the debate, as well as an increase in the number of actors who want to manipulate it, the obligation of politicians to conduct themselves truthfully and with civility is essential. To not do so would shortchange Canadians who deserve as much honest and informed debate as we can give them.

Let me end by saying that Ian believed that serving in the Senate was a privilege. He had high hopes for a more independent and less partisan way of getting things done, and that we might serve an example for others. For my part, I will try to honour his memory by pursuing those goals, and with your help, I believe we can bring this lasting memory of Ian to a better Senate. Thank you.

Hon. Donald Neil Plett (Leader of the Opposition) moved:

That the Senate do now adjourn.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 9:40 p.m., pursuant to the order adopted by the Senate earlier this day, the Senate adjourned until Tuesday, November 28, 2023, at 2 p.m.*)

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