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OFFICIAL REPORT
(HANSARD)

Tuesday, December 5, 2023

The Honourable RAYMONDE GAGNÉ,
Speaker

This issue contains the latest listing of Senators, Officers of the Senate and the Ministry.

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THE SENATE

Tuesday, December 5, 2023

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

Prayers.

[*Translation*]

THE LATE HONOURABLE GERALD J. COMEAU, P.C.

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, it is with deep regret that I inform you that the Honourable Gerald Comeau, P.C., has passed away. There will be an opportunity for us to pay tribute to him at a later time, but for now I would like to extend my deepest condolences to his family and friends on behalf of all senators and everyone associated with this place.

Honourable senators, I would ask you to rise and join with me in a minute of silent tribute.

(*Honourable senators then stood in silent tribute.*)

The Hon. the Speaker: Thank you, honourable senators.

SENATORS' STATEMENTS

INTERNATIONAL VOLUNTEER DAY

Hon. Tony Loffreda: Honourable senators, today, December 5, we are celebrating International Volunteer Day and the millions of Canadians who give of their time to charitable and community organizations.

It is more important than ever, particularly during the holiday season, to take a moment to truly appreciate the volunteers across the country who put their hearts and souls into helping various community organizations and doing charitable work.

[*English*]

Volunteerism, like what it means to be Canadian, is all about being a part of something greater than yourself. Helping others is a value deeply entrenched in Canadian society, and this day exists to honour the generosity, compassion and selflessness of the volunteers who make up the fabric of our rich Canadian tapestry.

Food banks, homeless shelters, toy drives, charities, foundations, advocacy groups and many other similar organizations are always in need of volunteers. And in typical Canadian fashion, Canadians always step up and show up.

Over the years, I've personally volunteered for and chaired dozens of charitable and not-for-profit organizations. I've grown personally in so many ways from these experiences. Knowing you are contributing to something that can have a lasting impact on so many lives is truly empowering.

In Canada, we believe that everyone deserves an equal chance to have a prosperous and happy life. Canadian generosity and volunteerism can help make that belief a reality for many.

That is why I rise today. We all owe a debt of gratitude to our local heroes who, time and time again, give back to their communities.

Whether they once provided families with a warm meal or coached your child's hockey team, offered free counselling services, served on your local community neighbourhood watch or provided shelter and support when your community was impacted by a natural disaster, every single one of us has been touched by the generosity of volunteers.

I call on all my honourable colleagues not only to thank the tireless efforts of Canada's volunteers but also to encourage many more to get involved in some way and help a worthy cause, wherever you may be, from coast to coast to coast.

Today is their day, and let's celebrate them. But let us also support them year-round as they do important work that makes our communities — indeed, our entire country — a better place for all.

Thank you.

FIRST LIGHT

CONGRATULATIONS ON FORTIETH ANNIVERSARY

Hon. Judy A. White: Honourable senators, I rise today to celebrate First Light's fortieth anniversary.

First Light was established in 1983 with the aim of providing a culturally informed community space to support urban Indigenous people living in St. John's, Newfoundland and Labrador. Since then, the organization has successfully grown to six locations across the city with over 80 employees.

First Light provides community members with integral services in four core areas: community planning, social supports and housing, social enterprise and operations, and research and advocacy. Through many social enterprises, it also provides services specific to medical transportation and accommodation, cultural diversity training, affordable housing, artist resources, and child care. Programs and services are free for community members to access, with transportation, child care and other considerations taken into account to encourage high levels of participation and access.

As First Light continues to expand as an organization, let me highlight some of their ongoing endeavours.

To amplify urban Indigenous voices, First Light has grown its research and advocacy capacity in recent years and is increasingly providing policy advice to all levels of government to support the implementation of the Calls to Action of the Truth and Reconciliation Commission, or TRC; the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls, or MMIWG; and the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP.

In 2019, First Light launched the urban Indigenous coalition known as First Voice, in collaboration with 11 other organizations. Coinciding with First Light's fortieth anniversary, First Voice put forward a community action plan to advance truth and reconciliation in St. John's while supporting similar efforts across our province of Newfoundland and Labrador.

Last week, Senator Francis and I had the pleasure of meeting with representatives from the National Association of Friendship Centres, including First Light. It was truly inspiring to discuss the essential services they provide, their resilience as an organization and the many reasons why it is so critical that we continue to support their work.

I want to take this opportunity to thank First Light for their incredible work and invaluable contributions over the last 40 years.

Thank you. *Wela'lioq*.

• (1410)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Captain Wendy Morse, First Vice President of Air Line Pilots Association, International, or ALPA; and Captain Tim Perry, President of ALPA Canada. They are accompanied by their national chairs. They are the guests of the Honourable Senator Wells.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dwight Ball, former premier of Newfoundland and Labrador. He is the guest of the Honourable Senator Petten.

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

Hon. Senators: Hear, hear!

DWIGHT BALL

Hon. Iris G. Petten: Honourable senators, I am pleased to rise today to reflect on the leadership style and political approach that the thirteenth premier of Newfoundland and Labrador, the Honourable Dwight Ball, took during his time in office.

Dwight Ball served as premier with distinction from 2015 to 2020 — a time of significant financial turmoil and then historic social change during the global pandemic. In fact, then-Minister of Health and Community Services John Haggie said that Premier Ball's leadership had been key in putting Newfoundland and Labrador at the forefront of the jurisdictions that had been successful in managing the first wave of the virus.

Dwight and I began working together in 2016, when he asked me to stay on as the chair of our provincial university, Memorial University, even though I had been appointed by the government he had just defeated.

We went on to work together on important legacy projects at the university, including the completion of the world-class $325-million Core Science Facility on our St. John's campus. The new building draws inspiration from the North Atlantic's icebergs and the local marine environment, including their rugged shapes and colours. The design exemplifies Memorial University's commitment to sustainability, with chilled beams and a heat recovery wheel — reducing the building's energy use by 40% compared to a conventional design. It also features an 82-foot-long blue whale skeleton suspended in the atrium, symbolizing the university's ocean-related expertise, and serving as a source of inspiration for future scientists and researchers.

In Dwight's leadership style, he reflected our shared background in closely knit rural communities with strong faith traditions. Dwight preferred collaboration rather than confrontation, and he was always respectful of the views of others even when he strongly disagreed with them.

As I reflected on his presence today, with the country facing a combination of divisive economic, environmental, political and geopolitical issues, I was thankful for the reminder that good public policy does not dictate placing partisan concerns ahead of independent and collaborative decision making.

Thank you, Dwight, for your public service, and best wishes for the future. I hope to see you at the twenty-fifth anniversary of the Port de Grave annual boat lighting this holiday season.

Thank you, colleagues.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Chelsea Caldwell, a diplomat from Global Affairs Canada. She is accompanied by members of her family. They are the guests of the Honourable Senator McPhedran.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

ROMAN CATHOLIC EPISCOPAL CORPORATION OF OTTAWA
ROMAN CATHOLIC EPISCOPAL CORPORATION FOR THE DIOCESE OF ALEXANDRIA-CORNWALL

PRIVATE BILL TO REPLACE AN ACT OF INCORPORATION—TENTH REPORT OF BANKING, COMMERCE AND THE ECONOMY COMMITTEE PRESENTED

Hon. Pamela Wallin, Chair of the Standing Senate Committee on Banking, Commerce and the Economy, presented the following report:

Tuesday, December 5, 2023

The Standing Senate Committee on Banking, Commerce and the Economy has the honour to present its

TENTH REPORT

Your committee, to which was referred Bill S-1001, An Act to amalgamate The Roman Catholic Episcopal Corporation of Ottawa and The Roman Catholic Episcopal Corporation for the Diocese of Alexandria-Cornwall, in Ontario, Canada, has, in obedience to the order of reference of November 2, 2023, examined the said bill and now reports the same with the following amendments:

1. *Clause 1, page 1*: Replace line 25 of the English version with the following:

   "*pal Corporation of Ottawa-Cornwall*".

2. *Clause 2, page 2*: Replace line 15 of the English version with the following:

   "poration of Ottawa-Cornwall as amalga-".

3. *Clause 3, page 2*: Replace line 25 with the following:

   "of Ottawa-Cornwall" in English and "La".

Respectfully submitted,

PAMELA WALLIN

Chair

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

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

STUDY ON MATTERS RELATING TO BANKING, TRADE AND COMMERCE GENERALLY

ELEVENTH REPORT OF BANKING, COMMERCE AND THE ECONOMY COMMITTEE TABLED

Hon. Pamela Wallin: Honourable senators, I have the honour to table, in both official languages, the eleventh report (interim) of the Standing Senate Committee on Banking, Commerce and the Economy entitled *Study on Housing Affordability — Interim Findings*.

BILL TO AMEND CERTAIN ACTS AND TO MAKE CERTAIN CONSEQUENTIAL AMENDMENTS (FIREARMS)

EIGHTH REPORT OF NATIONAL SECURITY, DEFENCE AND VETERANS AFFAIRS COMMITTEE PRESENTED

Hon. Tony Dean, Chair of the Standing Senate Committee on National Security, Defence and Veterans Affairs, presented the following report:

Tuesday, December 5, 2023

The Standing Senate Committee on National Security, Defence and Veterans Affairs has the honour to present its

EIGHTH REPORT

Your committee, to which was referred Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms), has, in obedience to the order of reference of Wednesday, June 21, 2023, examined the said bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

TONY DEAN

Chair

(*For text of observations, see today's* Journals of the Senate*, p. 2275.*)

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

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

JUSTICE

STATUTES REPEAL ACT—NOTICE OF MOTION TO RESOLVE THAT THE ACT AND THE PROVISIONS OF OTHER ACTS NOT BE REPEALED

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

That, pursuant to section 3 of the *Statutes Repeal Act*, S.C. 2008, c. 20, the Senate resolve that the Act and the provisions of the other Acts listed below, which have not come into force in the period since their adoption, not be repealed:

1. *Parliamentary Employment and Staff Relations Act*, R.S., c. 33 (2nd Supp.):

   -Part II;

2. *Contraventions Act*, S.C. 1992, c. 47:

   -paragraph 8(1)(d), sections 9, 10 and 12 to 16, subsections 17(1) to (3), sections 18 and 19, subsection 21(1) and sections 22, 23, 25, 26, 28 to 38, 40, 41, 44 to 47, 50 to 53, 56, 57, 60 to 62, 84 (in respect of the following sections of the schedule: 2.1, 2.2, 3, 4, 5, 7, 7.1, 9, 10, 11, 12, 14 and 16) and 85;

3. *Comprehensive Nuclear Test-Ban Treaty Implementation Act*, S.C. 1998, c. 32;

4. *Public Sector Pension Investment Board Act*, S.C. 1999, c. 34:

   -sections 155, 157, 158 and 160, subsections 161(1) and (4) and section 168;

5. *Modernization of Benefits and Obligations Act*, S.C. 2000, c. 12:

   -subsections 107(1) and (3) and section 109;

6. *Yukon Act*, S.C. 2002, c. 7:

   -sections 70 to 75 and 77, subsection 117(2) and sections 167, 168, 210, 211, 221, 227, 233 and 283;

7. *An Act to amend the Canadian Forces Superannuation Act and to make consequential amendments to other Acts*, S.C. 2003, c. 26:

   -sections 4 and 5, subsection 13(3), section 21, subsections 26(1) to (3) and sections 30, 32, 34, 36 (with respect to section 81 of the *Canadian Forces Superannuation Act*), 42 and 43;

8. *Budget Implementation Act, 2005*, S.C. 2005, c. 30:

   -Part 18 other than section 125;

9. *An Act to amend certain Acts in relation to financial institutions*, S.C. 2005, c. 54:

   -subsection 27(2), section 102, subsections 239(2), 322(2) and 392(2);

10. *Budget Implementation Act, 2009*, S.C. 2009, c. 2:

    -sections 394, 399 and 401 to 404;

11. *Payment Card Networks Act*, S.C. 2010, c. 12, s. 1834:

    -sections 6 and 7;

12. *An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act*, S.C. 2010, c. 23:

    -sections 47 to 51, 55 and 68, subsection 89(2) and section 90;

13. *Financial System Review Act*, S.C. 2012, c. 5:

    -sections 54 and 56 to 59;

14. *An Act to amend the Railway Safety Act and to make consequential amendments to the Canada Transportation Act*, S.C. 2012, c. 7:

    -subsections 7(2) and 14(2) to (5);

15. *Protecting Canada's Immigration System Act*, S.C. 2012, c. 17:

    -sections 70 to 77;

16. *Jobs, Growth and Long-term Prosperity Act*, S.C. 2012, c. 19:

    -sections 459, 460, 462 and 463;

17. *Jobs and Growth Act, 2012*, S.C. 2012, c. 31:

    -sections 361 to 364;

18. *Strengthening Military Justice in the Defence of Canada Act*, S.C. 2013, c. 24:

    -sections 12, 13 and 46;

19. *Yale First Nation Final Agreement Act*, S.C. 2013, c. 25:

    -sections 1 to 17, 19, 20, 21, 22, 23 and 24;

20. *Economic Action Plan 2013 Act, No. 1*, S.C. 2013, c. 33:

-subsection 228(2); and

21. *Economic Action Plan 2013 Act, No. 2*, S.C. 2013, c. 40:

-sections 263, 266 and 267.

• (1420)

INDIGENOUS PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PROVISIONS AND OPERATION OF THE INDIGENOUS LANGUAGES ACT

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

That the Standing Senate Committee on Indigenous Peoples be authorized to examine and report on the provisions and operation of the *Indigenous Languages Act* (S.C. 2019, c. 23) pursuant to Section 49.1 of said Act;

That the committee submit its final report to the Senate no later than December 31, 2025;

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

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

[*Translation*]

THE SENATE

NOTICE OF MOTION TO CALL UPON GOVERNMENT TO CREATE A WORKING GROUP TO STUDY ISSUES OF EFFICIENCY AND EQUITY RELATED TO FEDERAL, PROVINCIAL AND TERRITORIAL STRATEGIES TO REDUCE GREENHOUSE GAS EMISSIONS IN THE AGRICULTURAL SECTOR

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

That the Senate call upon the federal government to create, under the auspices of the Minister of Agriculture and Agri-Food, a working group to examine and report on issues of efficiency and equity related to federal, provincial and territorial strategies to reduce greenhouse gas (GHG) emissions in the agricultural sector, including but not limited to:

(a) the federal carbon tax exemption for fuels such as diesel and gasoline for farm machinery;

(b) the broadening of this exemption to propane and natural gas for farm machinery used to heat or cool a structure for raising or housing animals or growing crops, as well as for grain drying and storage;

(c) the identification of complementary solutions for the reduction of GHG emissions emanating from the use of fossil fuels in the agricultural sector; and

(d) a proposal for the creation of a permanent round table with economic stakeholders and provincial and territorial representatives from the agricultural sector, whose mandate is to advise the federal minister to ensure the adoption of federal policies that complement those of the provinces and territories, are fair and effective, and aim for carbon neutrality;

That the Senate recommend that the working group be composed of five representatives from the provinces and territories, one representative from the federal government, three academic or other experts in the agricultural sector and GHG emissions, and one representative from the Senate and one representative from the House of Commons who will co-chair its proceedings; and

That the Minister cause the working group's report to be tabled in the two Houses of Parliament no later than June 1, 2024

[*English*]

QUESTION PERIOD

INDUSTRY

SUSTAINABLE DEVELOPMENT TECHNOLOGY CANADA

Hon. Donald Neil Plett (Leader of the Opposition): Government leader, my question once again concerns the green slush fund, known as Sustainable Development Technology Canada. Last week, a former board member appeared before a committee in the other place, and she admitted that four companies — in which she had an interest — received millions of dollars from this slush fund while she was on the board.

• (1430)

Leader, last week, you told us that the Trudeau government takes these matters seriously. Can you tell us, leader, on what date your government learned that a former board member was approving sending taxpayers' dollars to four companies in which she had an ownership stake? And if you don't have the answer today, Senator Gold, would you take this question on notice and bring us an answer?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The government does indeed take these matters seriously, as it does all questions that

are raised in this chamber with regard to the responsibility of the government to conduct its affairs and oversee those affairs conducted by others within its jurisdiction honourably.

With regard to the specifics of your question, I do not have the answers, but I certainly will make inquiries.

Senator Plett: Leader, last December, this individual was appointed to another board of directors within the Trudeau government. Would it surprise anyone to learn that she was appointed to the board of the failed Canada Infrastructure Bank?

Leader, did anyone in the Trudeau government know that she had approved money for four of her companies when your government appointed her to the infrastructure bank?

Senator Gold: Again, senator, I cannot help but respectfully disagree with your characterization of the federal infrastructure bank as failed. It was an instrument put into place in order to assist other levels of government and the private sector to provide financing and funding in support for much needed infrastructure in this country.

FINANCE

FOOD SECURITY

Hon. Leo Housakos: Senator Gold, Food Banks Canada statistics show a staggering 79% increase in visits in March of this year compared to 2019. A recent Feed Ontario report showed that more than 800,000 Ontarians made 5.9 million visits to food banks between April 2022 and April 2023. That is an increase of 38%, the largest single-year increase ever recorded in that province for food banks. In Toronto, more than 2.5 million food bank visits were recorded in that same one-year period.

Senator Gold, that doesn't represent a need within the community; that represents almost an entire community dependent upon the support of food banks for its most basic needs. A further disheartening reality, Senator Gold, is that more than one in six visitors report being employed, underscoring that having a job no longer guarantees food on the table in Canada.

How can the Trudeau government look into the eyes of Canadians and tell them that they are doing a good job and are proud of their accomplishments when these Canadians do not even know where they will get their next meal from?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator. Canadians are indeed facing real challenges with rising food prices, even as inflation comes down. It does not make it any easier for too many families, too many individuals to afford the nutrition and the food that they and their families deserve as Canadians.

It is the case that the federal government, along with provincial and municipal governments and the private sector, are working hand in hand to help Canadians get through these difficult times.

This is not a time, either, for patting oneself on the back when so many Canadians are suffering, nor is it the time, frankly, to mislead Canadians as to the causes of this complex global phenomenon that is facing all of us, including Canadians.

Senator Housakos: This complex problem is reaching historic levels, and your government clearly has no idea how to handle it. There is no denying that your government's carbon tax makes everything more expensive, Senator Gold. The fact that you carved out an exemption to that tax for a very slim margin of Canadians in order to give them some relief proves that. It torpedoes your own message, Senator Gold.

Why not do the right thing — which we think is a simple thing — and axe the tax for all Canadians who are buckling under the weight of Justin Trudeau's fiscal mismanagement? Axe the tax once and for all.

Senator Gold: I am not surprised that you return to the same rather tired talking points once again to fundamentally misrepresent, as any economist or businessperson would know, what the marginal increase in the cost of food is for the tax on pollution. Again, it does not do a service or an honour to the Canadians who are struggling with these issues to mislead them. I am using that term factually, although I am sure that is not your intention. Nonetheless, it is the case that it fundamentally misrepresents the complexity and diminishes the importance of this issue.

ENVIRONMENT AND CLIMATE CHANGE

WILDFIRE EMISSIONS

Hon. Mary Coyle: Senator Gold, Canada is the third-most forested country in the world, with 362 million hectares covered with forest. This past summer, 18.5 million hectares burned across our country, emitting roughly 2,400 megatonnes of CO_2 equivalent — more than triple Canada's reported total emissions for 2021. Transparency in how wildfire emissions are reported is critical. Our Commissioner of the Environment and Sustainable Development's April report on forest and climate change called for a full picture of how Canadian forests affect carbon levels in our atmosphere.

Senator Gold, could you tell us how the Government of Canada is working toward better accounting for carbon emissions from wildfires?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. It is an important one. Senator, I understand that emissions due to natural causes largely outside of human control are not counted toward Canada's national inventory report but are presented as memo items annually. Canada reports its emissions in line with international guidelines and best practices, where emissions from forest fires are currently tracked under the separate natural disturbance component of the greenhouse gas inventory.

That said, I have been assured that the government will continue to improve our tracking of emissions every year as we push toward our 2030 emissions reduction target.

Senator Coyle: Senator Gold, further on forests, the commissioner's April report also found that Environment and Climate Change Canada's reporting on how changes in forest management affected emissions was incomplete. Activities such as clear-cutting, partial harvesting, slash burning, creating reserves for biodiversity and managing areas for non-timber use were not clearly or separately reported. Senator Gold, will Canada revisit its approach to estimating and reporting emissions from the forestry sector?

Senator Gold: Thank you. The government is committed to continually improving how it reports on progress. I have been assured that Minister Wilkinson has heard from Nature Canada and other partners on this issue. My understanding is that Canada's emissions tracking reported publicly, the methodologies are based upon the best available science and data and that the reporting is peer-reviewed by international experts and in line with other countries who are a party to the Paris Agreement.

[*Translation*]

IMMIGRATION, REFUGEES AND CITIZENSHIP

IMMIGRATION TO QUEBEC

Hon. Marie-Françoise Mégie: My question is for the Government Representative in the Senate.

Senator Gold, I was happy to see the November 17 update to the Immigration, Refugees and Citizenship Canada website, which included information about its new sponsorship program. The update looks like a response to the question I asked here on October 31.

However, according to a December 2 article on the CBC website, people of Haitian, Colombian or Venezuelan origin will have to reside outside Quebec to be eligible to apply under the new family reunification program.

Given that 87% of the people in Canada's Haitian diaspora live in Quebec and speak French, what steps will the federal government take to get Quebec to open its doors to the urgent needs of these people?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. As a Montrealer, I'm very aware of the size and presence of the Haitian diaspora in Quebec and the contributions the community has made and continues to make.

I will do some digging to better understand the issue you raised in your question.

Senator Mégie: I'd like to follow that answer up with a supplementary question.

If Quebec refuses to change its policy, can the federal government change its family reunification program into a refugee program?

Senator Gold: Thank you for that supplementary question. Again, I'll have to talk to the minister responsible, and I promise to do that.

NATIONAL DEFENCE

MILITARY EQUIPMENT

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

A number of observers have complained about the Liberal government's incompetence when it comes to procuring equipment for our Armed Forces. In addition to awarding a sole-sourced contract to Boeing without even examining the more modern, cheaper and Canadian-made options, our Armed Forces get submarines in constant need of repair, frigates that cost $90 billion instead of $25 billion, and F-35 aircraft expected to cost $70 billion instead of $35 billion. Quite a track record.

• (1440)

Why do your Prime Minister and the Liberals invest so little thought or vision into equipping our Armed Forces?

Hon. Marc Gold (Government Representative in the Senate): Esteemed colleague, as usual, I am forced to reject the premises of your question.

It is true that our Armed Forces need equipment, resources and funding to perform the important work they do for us across the country.

That said, the government has made substantial investments in equipping our Armed Forces. Although some grumbling always follows the decisions made, as it is happening now in Quebec over the contract awarded to Boeing, the government is doing what it must to better equip our Armed Forces so they can protect our interests here, in Canada, and around the world.

Senator Dagenais: We have seen a lot of talk and paperwork for eight years, but no new equipment. Can you at least acknowledge that over the past two years, your Prime Minister has shown more interest in the Ukrainian Army than in the Canadian Army?

Senator Gold: The answer is no.

A responsible government like Canada's — and, I would hope, all governments past or future — must be able to defend its interests and those of its allies, like Ukraine. Ukraine is fighting not only for its freedom and democracy, but also for ours in the face of an unjust invasion by an authoritarian government.

[*English*]

HEALTH

NATIONAL PHARMACARE

Hon. Andrew Cardozo: My question is for the Government Representative in the Senate. I want to ask for an update on pharmacare. Pharmacare is, perhaps, the last piece that we have been waiting for since the beginning of the health care policy that goes back to the Diefenbaker-Pearson era 60 years ago. There is, indeed, an agreement between the Liberals and the NDP to introduce and, in fact, pass a bill on pharmacare by the end of this year. That clearly is not going to happen.

Could the Government Representative in the Senate update us on where those negotiations are, and whether there will be an announcement or, at least, a bill introduced before the winter break?

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

Colleagues, my understanding is that the negotiations between the government and the New Democratic Party on this issue are ongoing, and they are progressing constructively. I have been informed that Minister Holland and Mr. Davies — his counterpart on this matter — have a very good working relationship. The minister looks forward to continuing his conversations with all parliamentarians and, indeed, with all stakeholders to work toward universal pharmacare. The government goal remains to table legislation this year.

Senator Cardozo: I look forward to that occurring in the next two weeks, as I would imagine.

My supplementary question is with regard to the single-payer approach. The Parliamentary Budget Officer has said that a single-payer approach would, indeed, be the most economical because of the enormous buying power that it would give the government. Do you see that approach — or any other — being used?

If a bill is introduced by the end of this calendar year, do you have a sense of when the government would plan to have it passed? Would it be by the summer break?

Senator Gold: My constitutional law professor Laurence Tribe once said, "If you live by the crystal ball, you'd better be prepared to eat glass." I have a strong stomach, but I am not going there.

I am not in a position to comment — nor would it be appropriate for me to — on any bill not yet tabled, or on negotiations that are taking place. I can assure you that these conversations continue to be ongoing. By all accounts, they are constructive. We look forward to further announcements on this matter.

[*Translation*]

NATIONAL DEFENCE

AIRCRAFT PROCUREMENT

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. On November 21, I asked you about the government's plan to award a major $10-billion contract to Boeing to replace the CP-140 Aurora maritime patrol aircraft. You replied at that time, and I quote, "I have been informed that a final decision is yet to be made." However, on November 30, nine days later, the government announced with great fanfare that it had signed a $10-billion contract with Boeing, thereby ruling out the Canadian company Bombardier.

The President and CEO of Bombardier, Mr. Martel, said on the Cogeco network this morning that his company could have submitted a more cost-effective, less polluting, state-of-the-art proposal if it had at least been allowed to compete.

Once again, leader, how do you justify the fact that your government refused to give a Canadian company the opportunity to even bid on the contract?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. As I said recently, I fully understand Bombardier's disappointment. It is an important company in my home region, Quebec. I understand the frustration, and I was anticipating your question, which is entirely valid.

Based on the information I have, Boeing's Poseidon is the only aircraft currently available that meets all operational requirements. This is a fundamentally important criterion for equipping our Armed Forces. If time permits, I would like to emphasize the economic benefits of this contract for Canadians, notwithstanding the fact that it was awarded to Boeing rather than Bombardier.

Senator Carignan: We shall see if you anticipated the next question.

Can you confirm whether the government has changed the delivery date from 2031-32 to 2026-27?

Senator Gold: I am unable to confirm the exact date, and I did not anticipate that question.

I always stress how important it is for the Armed Forces to have equipment that is proven and adequate, according to the requirements provided to the government by the Armed Forces. The Poseidon meets all these criteria.

[*English*]

FINANCE

2023 FALL ECONOMIC STATEMENT

Hon. Yonah Martin (Deputy Leader of the Opposition): My question is for the government leader. The Canadian Federation of Independent Business, or CFIB, noted that in the Fall Economic Statement, the Trudeau government did not bring forward any measures to lower the tax pressure on small businesses. In fact, Dan Kelly from the CFIB said:

> With the upcoming hikes in Employment Insurance and CPP on January 1 and the federal carbon tax and liquor tax on April 1, the government is increasing the affordability challenge for Canadians and small businesses.

Leader, why is the Trudeau government going forward with four tax hikes at such a difficult time for small businesses across Canada?

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

The Government of Canada recognizes that many sectors of our economy, and many individuals within those sectors, are facing challenging times. We came out of the pandemic in pretty good shape compared to most other countries, but that doesn't mean it didn't take its toll. Businesses are still living with that, whether it is the shortage of materials, supply chain problems that still plague us or human resources issues.

That said, the Government of Canada — in its Fall Economic Statement and in all of its measures — is doing its best to find the right balance of prudent fiscal management in a time of economic contraction while still providing the support necessary. The Government of Canada continues to believe that its price on pollution is an appropriate policy measure.

• (1450)

It believes the rebates offered to Canadians, whether generally or in sectors, do in fact mitigate to some degree the effect of those.

Senator Martin: I am talking about four tax hikes expected in the first few months of 2024.

We have heard the Trudeau government saying many times that they are an evidence-based government.

Leader, before deciding to hike taxes on small businesses in just a few weeks from now, did the Trudeau government conduct an analysis of how it will impact them? If not, why not? If so, could you table the analysis in this chamber?

Senator Gold: Thank you for your question. It is my understanding that all matters of economic and financial policy, whether in this government, previous governments or, I imagine, in future governments, are done with an attention to data, to scenario planning, to assessments of what the consequence will be.

Again, the government took these decisions in an effort to strike the appropriate, responsible and prudent balance between expenditures and taxation measures and the like.

FISHERIES AND OCEANS

INTERNATIONAL PACIFIC HALIBUT COMMISSION

Hon. Pat Duncan: My question is for Senator Gold.

I recently participated in a Canada-United States Inter-Parliamentary Group delegation to Washington, D.C., and a separate but simultaneous delegation with the Yukon MP and Yukon First Nations representatives. During a meeting with Alaska Senator Lisa Murkowski, it came up that Canada is delinquent on our financial obligations to the International Pacific Halibut Commission. Would you please ask the appropriate member of cabinet why Canada's payment to this important commission is outstanding?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for bringing this to my attention. I certainly was not aware of this and will make the appropriate inquiries to the minister.

Senator Duncan: Thank you. The dwindling Yukon River salmon stocks are emerging as an international issue. Senator Gold, will you encourage the Minister of Fisheries, Oceans and the Canadian Coast Guard to meet with Yukoners to learn first-hand, particularly from First Nations people, about the devastation that these dwindling salmon stocks are causing in the Yukon, to raise the profile of Yukon River salmon and ask the Minister of Fisheries to raise this matter with her U.S. counterpart at the first opportunity?

Senator Gold: I certainly will add that to the inquiries that I will make, and I would encourage the Government of Yukon and the appropriate ministers within that government to raise this issue with their counterparts.

It is my understanding that the ongoing relationship between governments and ministers within the government are appropriate tables for that, but I will do my part as well.

EMPLOYMENT AND SOCIAL DEVELOPMENT

CANADA DISABILITY BENEFIT

Hon. Kim Pate: My question is also for Senator Gold.

When she appeared before the Senate Social Affairs Committee last year regarding the Canada Disability Benefit, Minister Qualtrough indicated, "What I have been saying consistently is the benefit will be delivered in 2024."

She suggested that the relevant regulations would be in place and benefits delivered 12 months after Royal Assent, which would be June 2024.

This morning, at the National Finance Committee, officials from Employment and Social Development Canada indicated they believed the benefit would be in place by June 2025 at the latest. This is one year later than the previous minister's commitment.

Persons with disabilities across Canada are waiting. Will the government be honouring the previous minister's commitment to deliver the benefit by 2024?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The bill and the program to which you are referring, as we all know, is a transformative national program.

The government knows that Canadians with disabilities want to see these benefits become a reality as soon as possible. It is very important in such a transformative national program — the first of its kind in this country on the issue of disability — that the government find that right balance between expediency, delivering the benefits as quickly as it can and as is clearly desired, and ensuring that it gets it right and that it engages fully with the diverse and multiple communities affected by the program.

I understand that the engagement process is under way, and the government will continue to work efficiently and effectively to get it right.

Senator Pate: Thank you, Senator Gold. Persons with disabilities were asked to trust that the government's proposed approach of framework legislation plus a regulatory process would deliver an adequate Canada Disability Benefit in a timely manner.

Could you please provide a concrete timeline for the work that remains before the benefit can be implemented and for when persons with disabilities can expect to begin receiving the benefit?

Senator Gold: Thank you for your question. I understand the intent behind it and the urgency and importance with which it is animated, which underlies the question, but I am not in a position to provide the timeline, precisely for the reasons that I said — that the government needs to engage, wants to engage and should be engaging with the disability community. That process has begun, but is not yet complete.

This is the kind of program where it is important that those in the disability community have ownership and responsibility for the timelines as they will be developed.

INFRASTRUCTURE

CONFEDERATION BRIDGE AND BRIDGE TOLLS

Hon. Percy E. Downe: Senator Gold, as you know, Prince Edward Islanders are delighted the Confederation Bridge was constructed to connect Prince Edward Island to Canada. I see you smiling. You may be anticipating my question.

However, we were disappointed that the long-standing user-pay infrastructure policy was changed when the Champlain Bridge in Montreal, which is also owned by the Government of Canada, had the tolls removed.

As you may be aware, we're now paying over $50 to cross the Confederation Bridge, while the Champlain Bridge, which cost five times more than the Confederation Bridge to construct, is free. Last year, recognizing the impact this was having on Prince Edward Islanders, rather than remove the fees, the Government of Canada froze the cost-of-living increase, which is coming up in December. Is it the intention of the government again to freeze that increase on the tolls?

Hon. Marc Gold (Government Representative in the Senate): Thank you. I smiled, Senator Downe, not to belittle the importance of the question but to acknowledge your honourably fierce advocacy for your province and on this issue, which I respect.

I do not know what the government's intentions are with regard to the matter that you raised. I do understand the disappointment of Islanders and those who, frankly, want to visit the island to have to pay fees. There are, I understand, relevant differences that informed the government's decision, but I will certainly do my best to make inquiries on this matter.

Senator Downe: Senator Gold, I appreciate that. As you know, the freezing of the tolls last year was the first recognition by the Government of Canada of the unfairness that Canadians are being treated differently depending on where they live in Canada. We all pay taxes. Prince Edward Islanders have to pay $50 to cross a federally owned bridge. Citizens of Montreal have a free Champlain Bridge, and now there is a new international bridge in Windsor, the Gordie Howe International Bridge, which will have a toll.

The question, Senator Gold, is this: Why has the government acknowledged that there is a problem with the tolls by freezing them last year, but won't take the next step, which is to remove the tolls, as you are doing in Montreal?

Senator Gold: Senator Downe, I understand your point of view, as does the government.

There are relevant distinctions between bridges that link Canada to the United States and the nature and volume of the traffic and reasons for which the traffic is necessary, which may or may not satisfy you or others but, I believe, likely inform the decisions on tolls.

Again, the government's decision last year was a recognition of the costs, and I will add those to my inquiry.

ENVIRONMENT

CARBON TAX

Hon. Donald Neil Plett (Leader of the Opposition): Leader, the Chiefs of Ontario represent 133 First Nations communities across the province. Last Thursday, they filed a judicial review in the Federal Court, arguing the Trudeau government is violating the rights of First Nations with the carbon tax on rural and remote people.

Grand Chief Abram Benedict said:

> First Nations see the reality of climate change every single day and expect Canada to address it. However, we do not accept a regime that creates new burdens on First Nations which already face deep infrastructure and economic challenges. Canada should be working with us to confront the climate crisis and close gaps on reserve instead of creating policy in an ivory tower that exacerbates the affordability issues our citizens face.

• (1500)

Leader, what is your response to the grand chief — not my words, his words?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The grand chiefs are totally within their right to seek judicial review, and the matter, I gather, will be considered by the appropriate court. We will find in due course whether they find merit in that.

The government's position remains that the price on pollution is the most effective way to fight climate change. The government is also of the view that the measures that it has put in place to try to mitigate the impact of that on Canadians are fair and appropriate. The government is doubling the pollution pricing rebates rural top-up, putting more money into the hands of 8 out of 10 Canadians. It is committed to returning 1% of proceeds to Indigenous governments and backstop provinces, and is working with its partners to do so.

Senator Plett: The Chiefs of Ontario tried to negotiate with the Trudeau government, but they were told there would be no changes to the carbon tax. Then, like everyone else, they saw the Prime Minister provide a carve out that benefited only certain Canadians. Everyone knows why he did that, leader. He was desperate to save Liberal seats. First Nations, premiers, farmers — who else will the Trudeau government fight before it acts with common sense and axes the tax?

Senator Gold: It's hard not to repeat talking points when they just seem to be dominating the air waves in the other place, here and in the journals that promote an agenda. The answer is simply that the government remains — I've said it so many times that I'm boring myself with the answer — committed that the price on pollution is the most effective market-driven approach to fight climate change, which is an existential threat to ourselves, our children, our country and our planet.

[*Translation*]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM COMMONS—SENATE AMENDMENTS CONCURRED IN

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill C-48, An Act to amend the Criminal Code (bail reform), and acquainting the Senate that they have agreed to the amendments made by the Senate to this bill without further amendment.

[*English*]

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to the order adopted December 7, 2021, I would like to inform the Senate that Question Period with the Honourable Pascale St-Onge, P.C., M.P., Minister of Canadian Heritage, will take place on Wednesday, December 6, 2023, at 2:30 p.m.

[*Translation*]

QUESTION OF PRIVILEGE

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I am prepared to rule on the question of privilege raised by Senator Saint-Germain on November 21, 2023. As outlined in her written notice, the issue concerned "attempts of intimidation of Senators that occurred within the Senate Chamber and within the Senate of Canada Building on Thursday, November 9, 2023." Exceptionally, further arguments on the issue were heard on November 23, 2023.

In dealing with this matter, I will explain one point relating to proceedings on November 9 and summarize the normal process for raising a question of privilege. I will then address some concerns raised in relation to the notices that were given in this case. Finally, the ruling will provide some observations about

specific aspects of this situation and review related issues before evaluating the question of privilege in terms of the four criteria that must be met under rule 13-2(1).

I wish to emphasize that it is, in the end, for the Senate to decide how to proceed on this matter. Honourable senators are, together, responsible for the values that shape the work of our house and for ensuring its proper functioning as a public institution that serves Canadians.

At the outset, a short clarification concerning one aspect of proceedings on November 9 is necessary. Senator Clement was recognized in debate on Bill C-234, since she was, in my opinion, the first person to rise. This respected rule 6-4(1). She moved the adjournment of debate, as is allowed by rule 5-7(c). A point of order was then raised concerning recognition in debate. Rule 6-4 governs disagreements on this point. Uniquely, it limits the Speaker's role to receiving and putting to the Senate a motion that a senator, who was not recognized but who rose at the same time as the recognized senator, "be now heard" or "do now speak." The Speaker does not rule on which senator should have the floor. That is a decision for the Senate itself.

The required motion to hear another senator was not, however, forthcoming. In its absence, the motion to adjourn debate had to be put. I indicated that I thought the motion to adjourn debate was defeated on a voice vote. Two senators then rose, and, after bells, the motion was adopted by the Senate.

The fact that several senators were yelling loudly, at the same time, without being recognized, made it impossible to provide clarity about proceedings. Even if some senators disagreed with the course of events, nothing could justify such a disproportionate reaction in a chamber that normally prides itself on its role of sober second thought. The exceptional chaos continued while the bells were ringing, and all these events have contributed to the current question of privilege.

Having explained these events from the perspective of the chair, I will now summarize the process most typically used for dealing with a question of privilege. For full details, I refer colleagues to Chapter 13 of the Rules and to Chapter 11 of *Senate Procedure in Practice*. The normal process involves multiple steps. First, the senator who intends to raise an issue must, under rule 13-3(1), provide written notice before the sitting, "indicating the substance of the alleged breach." The senator is then recognized during Senators' Statements to provide oral notice and, under rule 13-3(4), must:

> clearly identify the subject matter that shall be raised as a question of privilege and indicate a readiness to move a motion seeking Senate action … or referring it to the Standing Committee on Rules, Procedures and the Rights of Parliament.

After these notices, arguments are made later in the sitting to assist the Speaker when considering the matter. The Speaker then normally takes the matter under advisement, as I did, to return later with a ruling.

The Speaker's role is to determine whether there appears to be a prima facie question of privilege. To use the words of Speaker Kinsella on May 29, 2007, prima facie means that "a reasonable person could conclude that there may have been a violation of privilege." Maingot, in the second edition of *Parliamentary Privilege in Canada*, at page 221, notes that in parliamentary usage this determination "is one where the evidence on its face as outlined by the Member is sufficiently strong for the House to be asked to debate the matter." The final determination on the issue, and how to deal with it, thus remains for the Senate to make, in response to the motion moved if a prima facie question of privilege is established, which from that point can be referred to as a case of privilege.

During consideration of the current question of privilege there were some concerns as to whether the written and oral notices respected the requirements in the Rules. These requirements were added after a situation in which the notices for a question of privilege provided no detail at all as to the issue to be raised. These requirements have never been understood as necessitating complete details in the notices themselves. Instead, the notices should outline the key points.

In the current case, the written and oral notices indicated the basic issue of concern, when the original events happened, and the general location. Any colleague who was here on November 9, or who consulted colleagues and then watched the broadcast, or read the transcripts, would have understood the basic issues at play.

The content of the notices was in line with normal practice. In addition, any concerns about some details only coming up during arguments on the matter were more than adequately addressed by the fact that the Senate resumed consideration of the question of privilege at a subsequent sitting, allowing additional time for senators to prepare their remarks.

While this is not without precedent, I must caution honourable senators that it should not be taken as a given that arguments can be spread out over more than one sitting. In this case, however, I sought to give all colleagues the opportunity to speak, even if there was repetition on a few points. There was extensive consideration of the question of privilege on November 21, and the request for further input at a subsequent sitting was fair and equitable. This was a case where fulsome reflection was appropriate, since we were, at some level, considering the very nature of how we want this house to function.

I will not attempt to summarize here the arguments, which were eloquent, nuanced, emotional, heartfelt, and deeply personal. Senators have recognized the importance of the issue and have in some cases offered their sincere apologies, which are matters of public record. I thank honourable colleagues for their input on this difficult issue.

Before considering the four criteria that must be met under rule 13-2(1), I now wish to make some comments about particular aspects of this situation.

Senators told us about troubling effects flowing from the events of November 9. I am sure you were all disturbed to hear of these. We must be assiduous in avoiding contributing to a toxic online environment that risks being destructive to our safety, to our society, and to our democracy.

I am reminded of the advice, given on several occasions by Speaker Furey, about taking the time to reflect carefully before engaging on social media in a way that could be harmful.

As he said on May 16 and June 13, 2019:

> If it is something you think will be offensive and you are not really sure whether or not it is something that is appropriate, I suggest you do not send, because it reflects poorly, not just on the people who are doing it, but on the whole chamber.

I urge honourable senators to consider potential real-life consequences on the reputation of the Senate, and impacts on our families, our staff, and each other, before engaging on social media. The fact that inappropriate online content — not only in relation to the events of November 9 — has led some senators and staff to feel under attack points to the significant, even if unintended, consequences of what is posted. In particular, as many senators noted, we must be mindful that social media can be especially harmful towards women, racialized Canadians, and other equity-seeking groups, who are often disproportionately targeted.

The Senate is a chamber that prides itself on its work to protect minority rights. Our membership first opened to women following the Persons Case in 1929. We now better reflect the full ethnic and cultural diversity of our country. As such, we must do our utmost to avoid any action that could be seen as condoning or encouraging personal attacks against any individual, whether we are in the Senate workplace, online or in our personal lives.

This said, we must, of course, be most cautious about the risk of unduly limiting freedom of speech, which is a key principle in our society. For this reason, we would not normally deal with social media matters through the route of privilege. Unfortunate comments posted on social media should not rush us into changing this principled approach. But, as we exercise free speech, let us keep in mind that, while we often tend to focus on what is said, we cannot lose track of how words and acts are understood by the recipient, and how they are perceived by other third parties — whether physically present or on social media platforms.

Colleagues have noted that some aspects of what occurred on November 9 may raise issues involving the *Senate Harassment and Violence Prevention Policy*. The fact that actions happened within the Senate Chamber, in some cases while the bells were ringing for a vote, does not mean they are necessarily exempt from that policy. Others noted possible links to the *Ethics and Conflict of Interest Code for Senators*, which imposes obligations on all senators to act with the highest standards of dignity inherent in the position of senator. There may therefore be parallel issues relating to ethics and harassment that could be dealt with under other, separate, mechanisms.

The Senate is evolving, and it is not the same institution it was only a few years ago. The composition and culture of the Senate have changed, and several colleagues spoke eloquently about the interweaving of issues of gender, ethnicity, and physical ability in the events of November 9.

I know that changes in organizational culture are challenging and take time. We must adapt to the fact that behaviour that may once have been tolerated is no longer acceptable. The “good old days” were not so good for many people. The Senate is working to reflect this evolving reality.

I remain confident that we can continue to work together to ensure that the Senate remains a place that recognizes the collective rights of senators to participate in passionate but respectful debate on issues that matter to Canadians.

As we now turn to the four criteria of rule 13-2(1), all of which must be met at this stage, the first criterion — that the question of privilege must “be raised at the earliest opportunity” — was clearly fulfilled. Senator Saint-Germain raised the matter at the next sitting after November 9.

The second criterion is that a matter must “directly concern[] the privileges of the Senate, any of its committees or any Senator.” The events of November 9 involved a disproportionate reaction to a motion to adjourn debate. Senators shouted at colleagues who were operating within the framework of the Rules. We heard from senators about the aggressive and menacing tone used toward them. There were threats to penalize them by blocking work in committee or in the chamber if they did not give way and concede to a particular outcome. Insulting and unacceptable remarks were hurled across the Senate Chamber. All these events can be understood as attempts to intimidate colleagues and to unduly constrain, or even to extract retribution against them in the performance of their duties as parliamentarians.

At pages 107-108 of the third edition of *House of Commons Procedure and Practice* we can read the following:

> In order to fulfill their parliamentary duties, Members should be able to go about their parliamentary business undisturbed. Assaulting, threatening, or insulting a Member during a proceeding of Parliament, or while the Member is circulating within the Parliamentary Precinct, is a violation of the rights of Parliament. Any form of intimidation of a Member with respect to the Member’s actions during a proceeding in Parliament could amount to contempt.

As the definition of privilege in the Rules notes, “freedom of speech in the Senate and its committees … and, in general, freedom from obstruction and intimidation” are core rights necessary for us to perform our duties as members of this house.

Some argued that the fact that the senators who were the targets of the actions at issue nevertheless voted is proof that they were not intimidated. However, privilege should not be seen as something that only comes into play if there is an actual undesirable outcome. The harm does not actually have to be caused for privilege to be involved.

Senators should not have to fear for their safety or about any retribution for the simple act of moving a motion or voting. It is very possible that, if such behaviour is not stopped, a senator could soon say to themselves “Perhaps I will sit out this vote, or this debate, or this meeting; I can’t keep on being yelled at and threatened.” When people are treated in a demeaning way, it can have lasting effects in ways that may not always be anticipated

by others. In brief, intimidation is intimidation when it is attempted; the intimidation does not have to be successful to be unacceptable.

Senators, in the Senate Chamber, felt threatened and insulted and intimidated. That is a violation of the rights of Parliament, of the Senate, and of individual senators. The second criterion has been met.

The third criterion requires that a question of privilege must "be raised to correct a grave and serious breach." The points already discussed in relation to the second criterion are grave. They are serious. Senators have explained how they felt threatened and intimidated in the performance of their duties, here where we should model the best behaviour for our fellow citizens. We should be able to express deeply held divergent views in a respectful way. Even if senators did not intend to intimidate or threaten in their words or actions that day, that is how these actions were received and how they were understood by others. This situation must be corrected so that we can carry out our responsibilities in Parliament. The third criterion has been met.

According to the final criterion, a question of privilege must "be raised to seek a genuine remedy that the Senate has the power to provide and for which no other parliamentary process is reasonably available." The events of November 9, and those that flowed from them, involve several overlapping issues. There were failures to consider the full possible effects of actions outside the Senate, including on social media. There were issues of order and decorum during the sitting. There were issues of not maintaining the highest standards of dignity. There were attempts to intimidate.

Among these multiple issues, the key point in this situation, as a question of privilege, is the actions touching on the intimidation of senators relating to the performance of their parliamentary duties. There was an extremely tight nexus of cause and effect that clearly relates to privilege. Senators, acting within the framework of the Rules, were made to feel intimidated.

This is the point that is fundamentally an issue of privilege. The right to vote and decide issues, free of intimidation and threat, is perhaps the most essential privilege afforded to senators, allowing us to collectively reach considered decisions.

While there may be other tools available on some related matters, they cannot deal with the fundamental issues of privilege involved. Only the Senate, in whose interest privilege exists, can properly address this issue, to ensure that it can continue to benefit from the unimpeded service of its members. Only senators can — individually and collectively — ensure the respect and courtesy that are essential in a parliamentary body. The final criterion has been met.

Since all four criteria have been met at this initial stage, a case of privilege has been established. I repeat that this initial review has been to determine whether, at first appearance, a reasonable person could conclude that there may have been a violation of privilege. There is then the opportunity to propose a motion to seek a remedy or to refer the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament. The matter remains, in the end, in the hands of the Senate to decide.

I will therefore soon recognize Senator Saint-Germain to move her motion relating to this case of privilege. Although the motion will be moved now, debate will only start at 8 p.m., or the end of the Orders of the Day, whichever comes first.

During the debate, the provisions of rule 13-6 govern proceedings. All senators, including the leaders and facilitators, can speak for a maximum of 15 minutes, and there is no right of final reply. The maximum duration of the debate is three hours, after which the Speaker must interrupt proceedings to put all questions necessary to dispose of the motion. On the first day of debate, the Senate will not deal with items on the Notice Paper, and in some situations there may be extensions to the time for considering the Orders of the Day. Debate can generally be adjourned, but if it is still underway at the ordinary time of adjournment on the first day, it must continue without adjournment of the motion or the Senate.

More important than these procedural technicalities, however, I urge colleagues to act with respect and dignity in the upcoming debate, and in all our work. Senators all want the best for our country. The same is true of witnesses, staff, and everyone we deal with. We may disagree strongly, but we must do so with restraint and respect. The work we do matters, but how we do it is also important. Let us consider how the Senate is evolving and where we want it to go, so that, together, we can continue to perform our essential work as a respectful house of sober second thought, which strengthens our Parliament and acts in the interest of all Canadians.

• (1520)

[*English*]

MOTION TO REFER TO ETHICS AND CONFLICT OF INTEREST FOR SENATORS COMMITTEE

Hon. Raymonde Saint-Germain moved:

> That the case of privilege concerning events relating to the sitting of November 9, 2023, be referred to the Standing Committee on Ethics and Conflict of Interest for Senators for examination and report;
>
> That, without limiting the committee's study, it consider, in light of this case of privilege:
>
> 1. appropriate updates to the *Ethics and Conflict of Interest Code for Senators*; and
>
> 2. the obligations of senators in the performance of their duties; and
>
> That, notwithstanding any provision of the Rules, when the committee is dealing with the case of privilege:
>
> 1. it be authorized to meet in public if it so decides; and

2. a senator who is not a member of the committee not attend unless doing so as a witness and at the invitation of the committee.

• (1530)

The Hon. the Speaker: I will now read the motion to put before the Senate. We will not debate the motion at this time. Instead, debate will start at the earlier of 8 p.m. or the end of the Orders of the Day.

[*Translation*]

It was moved by the Honourable Senator Saint-Germain, seconded by the Honourable Senator Clement:

That the case of privilege concerning events relating to the sitting of November 9, 2023, be referred to the Standing Committee on Ethics and Conflict of Interest for Senators for examination and report;

That, without limiting the committee's study, it consider, in light of this case of privilege:

1. appropriate updates to the *Ethics and Conflict of Interest Code for Senators*; and

2. the obligations of senators in the performance of their duties; and

That, notwithstanding any provision of the Rules, when the committee is dealing with the case of privilege:

1. it be authorized to meet in public if it so decides; and

2. a senator who is not a member of the committee not attend unless doing so as a witness and at the invitation of the committee.

[*English*]

BILL TO AMEND THE INTERPRETATION ACT AND TO MAKE RELATED AMENDMENTS TO OTHER ACTS

THIRD READING—DEBATE ADJOURNED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) moved third reading of Bill S-13, An Act to amend the Interpretation Act and to make related amendments to other Acts.

She said: Honourable senators, I am pleased to begin third reading of Bill S-13, which represents a significant step forward in the process of reconciliation.

This bill would add a provision to the Interpretation Act affirming that all federal laws must be read as upholding, and not as abrogating or derogating from, the rights of Indigenous peoples under section 35 of the Constitution. With a few exceptions, the new provision would replace all similar clauses in existing laws so that there will be a consistency in legislative interpretation and so that Indigenous people won't have to push for non-derogation clauses in legislation on an ad hoc basis.

This is something that many Indigenous organizations and rights holders have wanted for a very long time. It is a product of many years of advocacy and hard work, and it is exciting to finally be so close to making it a reality.

I will start by thanking the members of the Standing Senate Committee on Legal and Constitutional Affairs, as well as the witnesses who contributed testimony and written briefs, for a thorough and truly interesting study.

As I said at clause-by-clause consideration, I wish some of the Indigenous leaders who have passed could have been there to witness the level and nature of the discussion. Frankly, I wish some of our predecessors in this institution could have seen it too.

In living memory, there were debates in the Senate explicitly about how best to use the laws of Canada to sideline or eliminate Indigenous nations and cultures. A few weeks ago at clause by clause, the focus of our discussion was how far and how fast we could go to ensure Canadian laws protect Indigenous rights.

The committee grappled thoughtfully with questions such as what genuine consultation means and how we, as senators, can drive progress while remaining respectful of the role of Indigenous peoples in setting the agenda and the pace of change. These are not simple questions to answer, but they are good questions to be asking.

Ultimately, the committee decided to adopt the bill unamended, in keeping with the recommendations of most but not all witnesses. In general, there was widespread agreement that Bill S-13 is significant and overdue.

Natan Obed, President of Inuit Tapiriit Kanatami, or ITK, called this ". . . a long-standing priority for Inuit" and gave this bill his unqualified support. President Cassidy Caron of the Métis National Council, or MNC, said that Bill S-13 is:

. . . part of Canada's commitment to building renewed nation-to-nation and government-to-government relationships with the Métis Nation based on an affirmation of rights.

Speaking on behalf of the Manitoba Métis Federation, or MMF, William Goodon said:

. . . we unequivocally support the quick passage of Bill S-13. We commend the Government of Canada for finally proceeding with this long overdue and Indigenous-led initiative. . . .

Eva Clayton, President of the Nisga'a Lisims Government in B.C., said:

We are very excited at the prospect of Bill S-13 finally becoming law. The bill has the unequivocal support of the Nisga'a Nation, and we congratulate the government for finally agreeing to proceed with what has been, since the beginning, an Indigenous-led initiative. . . .

That is just a sampling, colleagues. There was also support for the bill from the Tłı̨chǫ Government and Gwich'in Tribal Council in the Northwest Territories; Nunavut Tunngavik Incorporated, or NTI; the Grand Council of the Crees (Eeyou Istchee) and Cree Nation Government; and the Champagne and Aishihik First Nations in the Yukon.

Many briefs and witness statements mentioned the report issued by the Legal and Constitutional Affairs Committee back in 2007 which called for legislation like Bill S-13. Witnesses generally expressed disappointment that it has taken 16 years for that report to turn into a bill, but there was also considerable enthusiasm for the prospect of finally turning it into law.

Colleagues, this legislation has been a long time coming, and it enjoys broad support among Indigenous peoples. I am looking forward to sending it to the other place as soon as possible, and I hope the study that happens there will be as thoughtful and expeditious as ours has been.

Before I wrap up, there are two main concerns about this bill that were raised at committee. Neither should stop us from passing it, but they are both valid and deserve to be addressed.

First, we heard differing accounts about the quality of the government's consultations. For example, the Manitoba Métis Federation said:

> We have been consulted and engaged with in respect to the current wording, and we advised the government of our agreement . . . .

Eva Clayton of the Nisga'a Lisims Government said the Department of Justice has conducted ". . . a very lengthy process of consultation and engagement . . . ."

The Grand Council of the Crees (Eeyou Istchee) shared with us the written exchange they had with former Minister Lametti back in 2021 in which they expressed their support for the legislative measures contained in Bill S-13. This aligns with the government's *What We Heard* report issued this past June, which describes a multi-year consultation process about the specifics of the bill, such as exactly what wording to use and how to deal with existing non-derogation clauses in other acts.

However, colleagues, the Assembly of First Nations, or AFN, as well as ITK and MNC all expressed dissatisfaction with the extent and quality of consultations. MNC President Cassidy Caron described a process that relied too heavily on the solicitation of written input at the expense of conversation with ministers and officials.

According to ITK President Natan Obed, "The legislation was neither co-developed with Inuit nor was it subjected to any consultation and cooperation with Inuit . . . ."

Cheryl Casimer of the AFN said that the First Nations had not given their "free, prior and informed consent," which is the standard set by the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP.

It was a pretty striking illustration of differences in understanding about what consultation means, what level of consultation is required and what the distinctions are between soliciting input, consulting and co-developing a bill.

Honestly, I got the sense that government officials were genuinely surprised by the criticism of a consultation process they seemed to think had been quite strong, and I came away feeling that the government and Indigenous organizations could really benefit from a more in-depth discussion about what consultation should consist of. Hopefully, that is something that will happen as a part of the ongoing action plan to implement UNDRIP, and it is probably an area where the Senate could make useful contributions.

To be clear, though, most of the witnesses who criticized the consultation process still supported Bill S-13 and wanted it adopted as soon as possible.

One substantive critique we heard was that the bill doesn't go far enough. While Bill S-13 adds provisions to the Interpretation Act to protect the rights of Indigenous peoples under section 35 of the Constitution, some witnesses wanted an additional provision to clarify that all laws of Canada should be construed as being consistent with UNDRIP. This was notably the position of the Indigenous Bar Association, the Native Women's Association of Canada and the AFN.

• (1540)

Much of the discussion at committee focused on this point. And there was a proposal from Senator Prosper to make this addition to the bill.

By the way, when I said earlier that we grappled with serious questions at committee, a lot of that grappling happened during the debate on Senator Prosper's amendment, so I really do thank him for making a proposal that sparked such a valuable conversation.

As I said during that conversation, I am, of course, a big proponent of the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP. I sponsored the United Nations Declaration on the Rights of Indigenous Peoples Act — former Bill C-15 — and I definitely want Canadian laws and policies to comply with it. The difficulty in this instance is that most of the Indigenous organizations who testified were not prepared to support the addition of UNDRIP to this bill at this point.

We heard repeatedly from Inuit Tapiriit Kanatami, the Métis National Council, the Manitoba Métis Federation, Nunavut Tunngavik Incorporated, the Nisga'a Lisims Government and the Tłı̨cho Government that they want time to analyze this idea. They want to study the different possible ways of drafting a provision, settle on precise language and be sure to understand its broader implications. Several of them said that they would also need to do internal consultations to obtain a mandate to support an UNDRIP addition.

All of this is doable, and these are good ideas. I understand the frustration of some witnesses and senators who want to seize the moment and make this addition now. Ultimately, though, the determining factor for me was that if we value consultation — and if we want Indigenous people to be on board with major legislative changes that affect them — I think we, as senators, should do our best to listen when so many Indigenous leaders ask us to wait until they and the people whom they represent are ready.

In the meantime, the message from most witnesses came through loud and clear: Bill S-13 will be a significant step forward and should be adopted without delay. As we heard from Marie Belleau, Managing Legal Counsel for Nunavut Tunngavik Incorporated, it is ". . . the product of years of wordsmithing. . . ." And it's the product of advocacy that goes back decades. It also builds on the work of the Senate, including the 2007 committee study and an earlier version of this bill sponsored by former senator Charlie Watt. It is exciting to be finally turning all those years of hard work into law.

I hope we adopt this bill as soon as possible, and I hope our colleagues in the other place do the same.

Thank you. *Hiy hiy*.

Hon. Paul J. Prosper: Honourable senators, I rise to speak in the chamber for the first time —

Senator D. Patterson: Bravo.

Hon. Senators: Hear, hear.

Senator Prosper: I rise to speak on Bill S-13, An Act to amend the Interpretation Act and to make related amendments to other Acts.

As this is my maiden speech, I will also share three stories related to the purpose of the bill, both in existing form and, more importantly, on how it can be improved.

My first story begins with a quote from the letter of a Mi'kmaw elder. It provides:

> I cannot cross the Great Lake to talk to you, for my Canoe is too small, and I am old and weak. I cannot look upon you, for my eyes do not see so far. You cannot hear my voice across the Great Waters. I therefore send this Waumpum and Paper talk to tell the Queen I am in trouble. My people are in trouble.
>
> I have seen upwards of a thousand Moons. When I was young I had plenty, now I am old, poor and sickly too. My people are poor. No Hunting Grounds, No Beaver, No Otter, No Nothing. Indians poor, poor forever, No Store, No Chest, No Clothes. All these woods once ours. Our Fathers possessed them all. Now we cannot cut a Tree to warm our Wigwam in winter unless the White Man please.
>
> . . . we look to you the Queen. The White Waumpum tell that we hope in you. Pity your poor Indians in Nova Scotia!

Those words of Grand Chief Pemmeenauweet — also known as Louis-Benjamin Peminuit Paul, who was a Nova Scotia Mi'kmaw — in a petition to Queen Victoria in 1841, set out in dramatic and poetic fashion the background to the defence put forward in this case.

Honourable senators, these are the first two opening paragraphs of the *Marshall* logging decision. I was co-counsel in that case. I still remember the faces of those present when the judge read his decision on March 8, 2001. The existence and fate of a people — of a nation — was deliberated through a decision consisting of 36 pages and 144 paragraphs. At that time, I felt that the history and future of the Mi'kmaq rested in my hands, and I let them down.

I still carry this memory with me — not as a weight, but as an impetus to do more, because our people deserve more.

Bill S-13 unamended will help improve the interpretation of law as it relates to existing Aboriginal and treaty rights recognized and affirmed through section 35 of the Constitution Act, 1982. It does so by adding a non-derogation clause, or NDC, in the Interpretation Act. This NDC provides that all federal enactments are to be interpreted to uphold and not diminish the section 35 rights of Indigenous peoples.

It would render unnecessary NDCs in federal laws going forward, and it will remove NDCs, with limited exceptions, in existing federal legislation.

I want to recognize Senator Jaffer's advocacy in the history of this bill.

In committee, testimony from many witnesses centred on the inclusion of the United Nations Declaration on the Rights of Indigenous Peoples Act in Bill S-13. Section 4 of the United Nations Declaration on the Rights of Indigenous Peoples Act affirms the declaration, as an international human rights instrument, has application in Canadian law, and that the United Nations Declaration on the Rights of Indigenous Peoples Act acts as an implementation framework for the federal government.

Section 5 of the United Nations Declaration on the Rights of Indigenous Peoples Act provides:

> The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.

Section 2 of the United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan titled "Shared priorities" proposes to:

> Identify and prioritize existing federal statutes for review and possible amendment, including:
>
> A non-derogation clause in the *Interpretation Act* . . . .

— and the inclusion of an interpretive provision to use the declaration to interpret federal enactments.

What does this all mean in practice if the United Nations Declaration on the Rights of Indigenous Peoples Act is included in Bill S-13?

In answer, Professor Naiomi Metallic provides the following:

> If you have two potential interpretations of a law that are either inconsistent or one is more consistent with section 35 and one is not, or one is more consistent with the UN declaration and one is not, then you choose the interpretation that is most consistent with those instruments.

It is important to note that the inclusion of the United Nations Declaration on the Rights of Indigenous Peoples Act in Bill S-13 is about the interpretation of law, and not about the creation of law.

Witness testimony was split on the support for this amendment. Generally, reasons against the amendment cited the lack of consultation and the fear that further consultation on the United Nations Declaration on the Rights of Indigenous Peoples Act may unnecessarily delay and prevent Bill S-13 from being passed.

These were largely matters of process and did not offer substantive comment toward the text of the amendment.

• (1550)

Reasons for the amendment cite the need for greater clarity when developing and applying laws to Indigenous peoples; that previous consultations on Bill C-15 and the Action Plan with Indigenous peoples were substantial and must be taken into account; that the United Nations Declaration on the Rights of Indigenous Peoples Act, or UNDA, and its Action Plan speak to an alignment of federal law with the declaration, including it as an interpretive provision to all other federal enactments as an NDC, in the Interpretation Act; and that consultation should not get in the way of what is obvious, legally just and reasonable.

I recall Senator Arnot's speech in this chamber that focused on the honour of the Crown. I draw many parallels on governments' reliance on the need for further consultation in this regard.

My second story relates to two court cases that involve my community, Paqtnkek Mi'kmaw Nation. In March 1990, Tom Sylliboy, a Paqtnkek community member, was acquitted, along with two other Mi'kmaq in *R. v. Denny et al.*, a Nova Scotia Court of Appeal decision. Two months later, Denny was substantially relied upon in *R. v. Sparrow*, a decision of the Supreme Court of Canada.

In August 1993, Donald Marshall Jr. was charged for fishing and selling eels in Pomquet Harbour, Nova Scotia. He was charged on Paqtnkek reserve lands at a place we call "Walneg," which means "the cove" in Mi'kmaq. Donald Marshall was later acquitted by the Supreme Court of Canada on September 17, 1999.

Following both the *Sparrow* and *Marshall* decisions, the government entered into negotiated fishing agreements with many Mi'kmaq and Indigenous communities. In both instances, Paqtnkek refused to sign *Sparrow* and *Marshall* agreements, given the lack of a government mandate.

Since 1990, federal negotiators adhered to strict cabinet mandates and instructions that they undertake negotiations without recognition. This approach is quite simple. They come to the negotiating table with a template agreement. They say they don't have any mandate or authority to talk about section 35 rights, but, "Here is some money and fishery access that we want to discuss and provide to your community."

As previously stated by the then minister of justice David Lametti, UNDA will help breathe life into section 35 rights.

Cheryl Casimer of the Assembly of First Nations provided that:

> . . . the proposed language in Bill S-13 does not meet the standards of the UNDRIP. For this reason, we view Bill S-13 as being deficient. . . .

Sara Niman of the Native Women's Association of Canada stated that:

> . . . Lack of consultation is not an accurate explanation as to why UNDRIP is not included in the proposed NDC.

Naiomi Metallic mentioned that:

> . . . Section 35 takes life from the UN declaration, and it's really important, for us to move forward on reconciliation, to see them as operating together.

She adds that:

> By stating clearly in the Interpretation Act that federal laws and regulations must be interpreted in conformity with both section 35 and the UN declaration, Canada can truly achieve what it has already promised. . . .

Laurie Sargent, Assistant Deputy Minister at the Department of Justice Canada, provided that parallel discussions took place between the NDC and the UNDA Action Plan throughout 2021-23 and that her department was aware of the request to include UNDA in the Interpretation Act, however, they did not present any specific wording to First Nations representatives. Ms. Sargent's testimony seemed to largely place the onus on Indigenous groups to raise it in their discussions rather than bringing it forward as a topic for discussion.

Ms. Metallic provides:

> The UN declaration should be sufficient on its own to achieve this, just as section 35 of the Constitution Act should be sufficient to ensure respect of Aboriginal and treaty rights. However, the pervasiveness of systemic denial of Indigenous peoples' rights requires more. Please do more.

Colleagues, I would like to share my third story to honour you. We are all part of this great mystery called "life." When our people begin to pray, we start by saying:

> *Niskum*, *Gisult*, Great Spirit, thank you for this day, this life, this breath. Thank you for the many things you have given us.

When we end our prayer, we say "*Umsit-nogomah*," which means "all my relations." It recognizes our relationship to the energy we share with all living things. Your relationship to the energy around you is what we call "spirit."

Colleagues, I would like to conclude by offering you a blessing to mark the spirit of the season. This blessing comes from a vision I received over several years. Colleagues, I ask you to relax, to close your eyes and imagine you are seated around a great council fire. Across from you is an elder. She has dark eyes. She looks at you and says, "You are a spark that comes from a great source, and you carry that light within you. You carry it within your heart. You carry it with your thoughts, your words and your actions."

She then pauses and says to you, "Shine your light."

Wela'lioq. Thank you very much.

Hon. Senators: Hear, hear.

(On motion of Senator Martin, debate adjourned.)

CANADA EARLY LEARNING AND CHILD CARE BILL

THIRD READING—DEBATE

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. Judith G. Seidman: Honourable senators, I rise today to speak at third reading of Bill C-35, An Act respecting early learning and child care in Canada.

As senators will know, the federal government negotiated early learning and child care agreements with all provinces and territories for a period ending March 31, 2026. The objective of Bill C-35 is to set out the parameters of future early learning and child care agreements between the federal government and the various provincial and territorial governments by enshrining into law the funding and guiding principles for early learning and child care in Canada.

The Standing Senate Committee on Social Affairs, Science and Technology, of which I am a member, was tasked with studying this bill. We heard 12 hours of testimony from a variety of witnesses, including federal and provincial government officials, researchers and stakeholders, including the disability community, official language representatives and Indigenous leaders.

My remarks will focus on three questions that were raised during our study: One, the lack of a definition of "early learning and child care" in the legislation; two, the inconsistency regarding minority official languages in the legislation; and, three, the need for more data requirements in the legislation.

• (1600)

On the lack of a definition of "early learning and child care" in the bill, the committee questioned the Minister of Families, Children and Social Development of Canada, Jenna Sudds, on this submission. As it currently stands, Bill C-35 offers no indication of how the government defines "early learning and child care." The government's rationale was that this offered flexibility in their agreements specific to each province and that they preferred the option of not being prescriptive in their legislation.

However, many witnesses expressed concern that Bill C-35 does not have a clear definition of "early learning and child care." There was no consensus on a definition, but most witnesses agreed on the elements needed. First, the definition should be reflective of UNESCO's International Standard Classification of Education. Second, the definition should include "licensed and regulated," which is already in the current agreements. And third, the definition should be inclusive to capture as much of the early learning and child care, or ELCC, landscape from coast to coast to coast.

Taya Whitehead from the Canadian Child Care Federation stated:

> A carefully defined definition could play an important role in supporting and protecting the early learning and child-care programs going forward.

Colleagues, I cannot suppose what definition of "early learning and child care" would be best in Bill C-35. However, given the testimony heard at the committee, I must agree with the experts: A definition of "early learning and child care" in the legislation would eliminate any ambiguity but could also offer the flexibility needed for all.

On the inconsistency in the legislation regarding minority official languages, during our clause-by-clause deliberations, our committee considered a series of amendments regarding official language minority communities. The Human Resources Committee in the other place agreed to amend clause 7 by adding a funding commitment for official languages. That amendment was just a statement that funding agreements must be guided by the commitments set out in the Official Languages Act.

François Larocque, a professor, researcher and lawyer working in the field of language rights, made the Social Affairs Committee aware of the need to also amend clause 8 of the bill.

His proposed amendment would protect long-term funding for ELCC programs and services for official language minority communities across the country.

Colleagues, as a member of the English-speaking minority in Quebec, I understand first-hand the importance of the amendment to clause 8 in order to guarantee long-term funding. Since the inception of the Official Languages Act in Canada, official language minority communities have been stuck in a perpetual cycle of turning to the courts to affirm their rights. Official language minority communities need our help as legislators, both to ensure that the federal government will follow up on its commitments and obligations and to have an explicit reference in the legislation when making their case in court.

Professor Larocque told the Social Affairs Committee that:

> . . . if clause 8 does not explicitly mention programs for official language minority communities, it is more than likely that a court would conclude that the government is not obliged to guarantee them long-term funding.

Despite this, the government did not include such a reference in clause 8, and we did not have an amendment at the Social Affairs Committee to insert one.

The Social Affairs Committee was also made aware of another inconsistency in the legislation. Clause 7(1)(c) of the bill explicitly refers to ". . . English and French linguistic minority communities . . . ." while clause 11(1) refers to ". . . official language minority communities . . . ." This inconsistency might have been corrected had the government been more welcoming of amendments.

On the need for more data requirements, witnesses who appeared before the Social Affairs Committee were clear — to implement a national social policy like early learning and child care in Canada, robust data is crucial. The committee heard how important data collection is to understanding the impact and effectiveness of these investments.

During our committee meeting of October 16, the minister confirmed that Statistics Canada recently launched a new survey that would provide insights in a few different areas. The minister also mentioned that reporting requirements already exist in the current agreements.

However, we also heard from witnesses concerned that the provinces were not reporting as expected. Professor Gordon Cleveland, Chair of the Data Indicators and Research Working Group of the National Advisory Council on Early Learning and Child Care, told us, ". . . the trouble is that the provinces and territories, in many cases — either haven't been able to . . ." collect robust data:

> . . . or it's not high enough of a priority. They are not reporting in the way the agreements foresaw. They're not providing information in as timely a way as we thought they would, and even when they do, there will be major problems of lack of comparability.

Martha Friendly, the founder and executive director of the Childcare Resource and Research Unit, or CRRU, told the committee:

> CRRU has been collecting and making certain forms of data as comparable as possible among the provinces. . . . But that isn't a data strategy.

She also told the committee, "We need a data strategy that ensures that we will be officially collecting certain kinds of data. . . ."

We also heard that a lack of data would make it harder for advocates for children from equity-deserving groups. Krista Carr from Inclusion Canada told the committee:

> We have a really difficult time in the disability community to get accurate, up-to-date data particularly on the inclusion of children with disabilities, whether that's in school or in early learning and child care.
>
> It is critically important because otherwise when we try to make our policy arguments or our legislative arguments, whether that's provincially, territorially or federally, everybody wants the data. . . .

The testimony heard from experts regarding the lack of data collection mechanisms in the bill confirms my concerns. How can we properly invest in a long-term early learning and child care system in Canada if we don't have the data to guide future investments? It is inconceivable to undertake such an important endeavour without base data to guide subsequent agreements.

As a proud Québécoise, I understand the benefits of having affordable and accessible daycare for mothers and families. We have had a universal, government-funded program in Quebec for more than 25 years. The participation rate of mothers of children aged 3 to 5 rose from 67% in 1998 — at the launch of the program — to 82% in 2014. Furthermore, a 2018 Statistics Canada study confirmed the benefits for women in the labour force in Quebec:

> Most of the recent increase in the female labour force participation rate in Quebec, relative to Ontario, occurred among women for whom pre-school child care or before- and after-school care is most relevant—i.e., those with young children. The labour force participation of Quebec women whose youngest child was under 13 also increased among those with less than a university degree, suggesting that the province's family policies make it economically beneficial for those who would presumably earn lower wages to join and remain in the workforce.

Economist Pierre Fortin of l'Université du Québec à Montréal found that in 2008, universal access to low-fee child care allowed nearly 70,000 more mothers to hold jobs than if no such program had existed; that Quebec's GDP was higher, by about $5 billion, as a result; and that the tax-transfer return that the federal and Quebec governments get from the program significantly exceeds its cost.

Colleagues, we can agree on the importance of having affordable and accessible quality daycare for all Canadians, but we need more clarity on the definition of "early learning and child care," as well as better leadership for a national data collection strategy. Canadians need support to access affordable, quality daycare. We have a lack of space, with wait lists across the country, and a need for more qualified ELCC educators. Federal investments will hopefully help Canadian families. But without proper data, it will be difficult to evaluate the impact of the investment and to adapt future agreements to the challenges faced by Canadians.

• (1610)

Thank you.

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

Hon. Rosemary Moodie: Senator Seidman, I just wanted to ask a question about the definition point you raised. I know that in committee, one of the key groups that raised this question was the Canadian Child Care Federation. Recently, in the last three or four days, we all received a letter from 20 key stakeholders in this area, one of which was the Canadian Child Care Federation. In that letter, they retracted any request for a change in definition.

What would you say now about your concern that these stakeholders were forceful then, but are now retracting?

Senator Seidman: As I said in the latter part of my speech, as a proud Québécoise, I understand the benefits of having affordable and accessible daycare. I truly do. I have seen it in my own province. So, yes, I understand the urgency that stakeholders across the country feel.

Hon. Ratna Omidvar: Will Senator Seidman take another question?

Senator Seidman: Of course.

Senator Omidvar: Senator Seidman, your advocacy for evidence is consistent in every piece of legislation we study, and I think it's really important and I commend you for it.

This legislation has a data strategy, but has no means — no levers — of actually realizing it because it's in the hands of the provincial governments. Are we then left to conclude that we will swim in a sea that is uncharted or do we have any instruments that we can use to get the data from the provinces in a consistent, standardized manner? Or am I asking the eternal Canadian question here?

Senator Seidman: That's the eternal Canadian question. Jurisdictional issues: We saw it in health care, and we see it all the time in the Standing Senate Committee on Social Affairs, Science and Technology, especially. We do a lot of health care-related pieces of legislation, social policy pieces of legislation, and, indubitably, we end up in a jurisdictional quagmire.

There have been numerous times I've stood up in this chamber and asked for data during COVID, and we had real serious problems getting coherent, consistent data from the provinces because they don't collect the same type of data, and, in fact, they see it as a principle not to reveal all the data they collect.

It's very challenging, I agree. I think I'm out of time.

[*Translation*]

Hon. René Cormier: Honourable senators, I rise today at third reading stage of Bill C-35, An Act respecting early learning and child care in Canada.

I want to acknowledge that the land on which I am speaking to you today is part of the traditional unceded territory of the Anishinaabe Algonquin nation.

I thank the bill's sponsor, Senator Moodie, and my colleagues on the Standing Senate Committee on Social Affairs, Science and Technology for their very careful study of this bill.

In short, Bill C-35 seeks to enshrine in a legislative framework the government's financial commitment to early learning and child care systems in Canada.

It is important to mention, honourable senators, that the initial version of the bill at first reading in the other place did not provide any assurances that official language minority communities would be taken into account. As a result, during clause-by-clause consideration, some additions were made to the guiding principles set out in clause 7 and to the national advisory council on early learning and child care set out in clause 11.

I also want to point out that, when the bill was studied in the other place, clause 8 was not carefully examined in order to make sure that it was consistent with the additions regarding official language minority communities, or OLMCs. Let's not forget that clause 8 is at the heart of this bill and that it codifies the federal government's long-term funding commitment.

In light of the foregoing, the Social Affairs Committee's study of the bill in its present form revealed some serious problems with the terminology used and the lack of consistency and accuracy with respect to official language minority communities.

[*English*]

Colleagues, as mentioned by Senator Seidman, there is an inconsistency in the bill's terminology. Paragraph 7(1)(c) refers to ". . . English and French linguistic minority communities . . ." whereas subclause 11(1) refers to ". . . official language minority communities . . . ."

Second, organizations and experts from official language minority communities expressed serious concerns during the committee study about the federal government's lack of long-term financial commitment to official language minority communities in clause 8.

Moreover, witnesses before the committee demonstrated a clear causal link between the implementation of the financial commitment in clause 8 and the vitality of daycare centres in minority language communities. Allow me to reiterate the situation of the French fact in Canada and describe the reality of daycare centres in a minority language context.

As you may know, colleagues, it was acknowledged many times during the study of Bill C-13, which modernized the Official Languages Act, that French is in decline in Canada. This is an undisputable fact — an inescapable reality that we must consider in all our work as legislators.

You will not be surprised to hear that learning the minority language — French outside Quebec and English inside Quebec — from an early age is crucial to maintaining our two official languages and ensuring the vitality of official language minority communities.

It is clear that a young person born into a family where French is the first language spoken and who subsequently attends a French-language daycare centre is much more likely to pursue his or her primary, secondary and post-secondary education in French. However, colleagues, this young person still needs to have access to French-speaking daycare facilities.

[*Translation*]

Need I add that it's been proven that learning and developing high-quality French in the preschool years has a direct impact on the future academic abilities of young people who pursue their studies in francophone schools?

[*English*]

Although imperfect, current federal legislation provides tools to protect the continuity and quality of educational services offered to linguistic minorities to ensure their development and vitality, known as "the continuum."

As Senator Moncion reminded us in her second reading speech, section 23 of the Canadian Charter of Rights and Freedoms provides for the right to minority language education, and access to minority language daycares is essential in implementing this Charter right.

Moreover, as per the Official Languages Act:

> The Government of Canada is committed to advancing formal, non-formal and informal opportunities for members of English and French linguistic minority communities to pursue quality learning in their own language throughout their lives, including from early childhood to post-secondary education.

Given the reality experienced by official language minority communities, the danger of compromising access to minority language daycares and the existing legislative framework that recognizes this reality by establishing rights to minority language education and government commitments, we could have hoped for a clear and robust bill to reflect all of this. However, with all due respect, this is not the case with Bill C-35.

[*Translation*]

In Bill C-35, clause 7 lays out the guiding principles for federal investment in the establishment and maintenance of a Canada-wide early learning and child care system.

Clause 8 sets out a binding funding commitment and, as such, it is the very heart of Bill C-35. In other words, it's the key to creating the education continuum for official language minority communities. That's why I urge everyone to recognize the importance of this at third reading.

The first sentence of clause 8 currently reads as follows:

> The Government of Canada commits to maintaining long-term funding for early learning and child care programs and services, including early learning and child care programs and services for Indigenous peoples.

The second sentence of this clause states the following:

> The funding must be provided primarily through agreements with the provincial governments, Indigenous governing bodies and other Indigenous entities . . . .

The wording of the clause appears to set out two specific objectives. It points to the federal government's long-term funding commitment and the mechanism by which the funding is to be provided.

Considering how important it is to provide good support for the education continuum, it goes without saying that implementing clause 8 will have a significant impact on the vitality of OLMCs. Former Supreme Court of Canada Justice Michel Bastarache, a leading expert on language rights, stated in a message sent to the Social Affairs Committee, and I quote:

> In clause 8, it seems to me that the intention is to guarantee ongoing funding for groups facing assimilation, Indigenous peoples and francophones outside Quebec.

• (1620)

However, colleagues, there is absolutely nothing in clause 8 on the federal government's commitment to official language minority communities.

[*English*]

In committee, we heard that clause 8, in its current form, could give the impression to a judge hearing a case that its silence with respect to official language minority communities is a deliberate and intentional choice by the legislator. In other words, the legislator implicitly wanted to exclude official language minority communities from the scope of clause 8 since they were explicitly included elsewhere in the bill; namely, in clause 7.

This principle of implicit exclusion is supported by work conducted by the distinguished Professor Ruth Sullivan. In short, we have heard that the principles of statutory interpretation, as well as the Supreme Court of Canada's jurisprudence on language rights — notably in *Caron v. Alberta* — suggest that the current legislation must be clear and explicit if official language minority communities' rights are to be duly respected.

Colleagues, in the past, ambiguities in legislation have created a great deal of harm for official language minority communities, which too often have had the burden of defending their rights in court. A clause 8 that explicitly states the federal government's commitment to official language minority communities would essentially prevent official language minority community organizations from being burdened by potential litigation to have their rights recognized.

I would like to thank Senator Moodie for stating, on the record, that clause 8 implicitly includes a funding guarantee for official language minority daycare centres, but that statement is not legally binding.

[*Translation*]

During clause-by-clause consideration of the bill in committee, I introduced an amendment to add the term "official language minority community" to the first sentence of clause 8, after the words "for Indigenous peoples." The purpose of the amendment was to correct the absence of any explicit mention OLMCs, thereby clarifying the legislator's intent to require the federal government to commit to maintaining long-term funding for these linguistic communities. Unfortunately, that amendment was defeated in committee.

I want to reiterate that such an addition would not have created a new negotiating mechanism requiring the federal government to negotiate directly with official language minority communities. This interpretation is based on expert testimony heard by the committee.

According to Professor François Larocque, legal counsel with Power Law, and I quote:

> Section 8 specifies that funding is passed on through agreements between the federal government, the provinces and the territories, and not directly to the communities, and that's not what's being asked for and reflected in the suggested amendments.

In order to clearly specify that intention to not create a new funding mechanism with OLMCs, my amendment divided clause 8 into two separate paragraphs.

[*English*]

Colleagues, as we heard in committee, there is consensus among both the English-speaking communities in Quebec and the French-speaking communities outside Quebec on the essential nature of the rejected amendment to clause 8. They all agree that there is a lack of clarity in clause 8 and that the federal government's commitment to official language minority communities must be specified.

[*Translation*]

The Commissioner of Official Languages of Canada, an independent officer of Parliament, says that if OLMCs do not receive adequate funding as part of the early learning and child care plan, the capacity of the early childhood sector in official language minority communities will continue to be compromised. He is also of the opinion that clause 8 needs to be amended to explicitly include OLMCs.

Clearly, the government does not share our concerns over the potential impact of omitting an explicit reference to OLMCs in clause 8, even though it claims to be the champion of official languages, especially in the context of modernizing the Official Languages Act.

During clause-by-clause consideration of the bill in committee, we heard government representatives make bold statements about the merits of my amendment sought in section 8. I will clarify.

Those government officials said that explicitly including provinces and Indigenous peoples in clause 8 is a deliberate choice because they are responsible for designing and delivering child care programs and services. In other words, according to them, clause 8 would cover only the financial mechanism by which the federal government gives funding to the partners who are responsible for the design and delivery of child care programs and services.

However, again according to the government officials who spoke in committee, including OLMCs in clause 8 would create an expectation of increased funding, exclude federal support for other groups that are systematically marginalized and raise questions about support for Indigenous languages. Colleagues, with all due respect, this reasoning seems very inconsistent.

In its comments, the government implicitly concedes that the scope of clause 8 is much broader than the simple codification of a negotiation mechanism with some key partners. In fact, the government concedes that this clause will have financial repercussions on many minority and Indigenous groups in Canada.

[*English*]

Allow me to clarify this: Nothing in the wording of the amendment rejected in committee would have created an expectation of increased funding for official language minority communities or recognized that these linguistic communities have the same status as the provinces and Indigenous peoples in the design and delivery of child care programs and services.

Therefore, for the foregoing reasons and considering the role of the Senate of Canada as a legislative body complementary to the House of Commons, which must exercise a sober second thought so that no minority community is left behind, I will hereby table an amendment that adds the words "official language minority communities" to the first sentence of clause 8 after "for Indigenous peoples" and splits clause 8 into two subclauses. The first subclause sets out the government's financial commitment. The second subclause lays out the mechanisms via which the federal government will provide the funding.

[*Translation*]

MOTION IN AMENDMENT

Hon. René Cormier: Therefore, honourable senators, in amendment, I move:

> That Bill C-35 be not now read a third time, but that it be amended in clause 8, on page 6, by replacing lines 13 to 20 with the following:
>
> "**8 (1)** The Government of Canada commits to maintaining long-term funding for early learning and child care programs and services, including early learning and child care programs and services for Indigenous peoples and for official language minority communities.
>
> **(2)** The funding must be provided primarily through agreements with the provincial governments and Indigenous governing bodies and other Indigenous entities that represent the interests of an Indigenous group and its members.".

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Cormier, seconded by the Honourable Senator Miville-Dechêne, that Bill C-35 be not now read a third time, but that it be amended in clause 8 —

Hon. Senators: Dispense.

Hon. Pierrette Ringuette: I would like to ask Senator Cormier a question.

The Hon. the Speaker: There is very little time left. Senator Cormier, will you take a question?

Senator Cormier: Of course.

Senator Ringuette: If I understand correctly, the amendment proposes a specific request for investment from the federal government. However, does the bill provide a mechanism to ensure that francophones in New Brunswick or anglophones in Quebec will receive this money that is specifically earmarked for official language minority communities?

Senator Cormier: Thank you for your question. In fact, the main purpose of my amendment to section 8 is to ensure that if a case goes to court — since, historically, this is how minority language rights have advanced — the amendment protects the issue of interpretation if a case were to go before the court, since there is consistency of interpretation between sections 7 and 8. Of course, it also commits the federal government to long-term funding. Thank you.

• (1630)

The Hon. the Speaker: The time allotted for debate has expired.

[*English*]

Hon. Rosemary Moodie: Honourable senators, I strongly believe that every Canadian should have access to child care for their children in their language of choice, and that it must be an ambition of all governments and every jurisdiction to ensure that, one day, meaningful access for official language minority communities is a reality. I am sure that no one in this chamber disagrees with this ambition.

I want to thank you Senator Cormier for your leadership on these issues and for how passionately you champion this amendment. Although I will be spending the next minutes forcefully disagreeing with you, I do respect and admire you.

As I stated in my recent remarks, I do not agree with the concerns posed by you, Senator Cormier, but I acknowledge them. It is my view that the intent of this legislation is to include official language minority communities for the long-term.

Colleagues, I also want to remind you that Bill C-35 was adopted with support from all parties in the other place. Furthermore, Bill C-35 contains multiple provisions which highlight that funding for child care must include investments for official language minority communities. Paragraph 7(1)(c) states that funding must support:

> . . . the provision . . . of early learning and child care . . . from English and French linguistic minority communities, that respect and value the diversity of all children and families and that respond to their varying needs;

Subclause 7(3) states that federal investments into child care must be guided by the Official Languages Act. Subclause 11(1) states that the minister should have regard for the importance of having members of the council who are from the official language minority communities.

You will recall that I spoke about clause 7 at length during my speech a few weeks ago. This clause provides the rules of engagement; that is, the terms and the conditions. This is what I think matters most.

In this respect, I disagree that the amendment to clause 8 would be helpful — not only because of the legislative language that already exists in clause 7, but, along with the language within the agreements and the political pressure that all Canadians can place, these factors culminate in a meaningful protection of official language minority communities and a guarantee of long-term funding for those communities.

An amendment to clause 8 does not improve this reality, colleagues. In fact, the assertion here is that for those not included in clause 8, they are not guaranteed funding despite clause 7. If this is the case, does that mean that funding for children with disabilities is not guaranteed if they are not named in clause 8? What about families from rural communities? Is this paragraph in clause 7 insufficient for them as well? If you carry out that rationale all the way, then the provisions of clause 7 are altogether useless and meaningless.

I believe that it is more reasonable to assume that the guiding principles for funding are sufficient and that the purpose of clause 7 is to commit ongoing funding to partners based on the guidance that exists in this clause.

Let me use a parallel example. Consider the Canada Health Act. We are all familiar with this act which sets out, in sections 7 through 12, the criteria for a cash transfer from the federal government to the provinces. I recall that section 5 reads:

> Subject to this Act, as part of the Canada Health Transfer, a full cash contribution is payable by Canada to each province for each fiscal year.

All this section tells us is that money will be paid. How it is presented is contained in other parts of the bill. Note that no one thinks that certain types of funding or funding for certain populations are not guaranteed because they do not sit in section 5 of the Canada Health Act because we understand that this is dealt with in other sections, namely, sections 7 through 12.

This is what clause 8 of Bill C-35 is intended to do. It makes a statement of money that will be transferred. The conditions, the rules of engagement and to whom is set out in clause 7.

Colleagues, two other notes. I mentioned the agreements. You will recall that in all of the agreements — except for Quebec, who has an asymmetric agreement — there is a stated objective of ensuring the official language minority communities have proportional spaces available equal to or above their share of population.

Additionally, I want to point out the investment of more than $60 million over five years included for early learning and child care in francophone and minority communities, including supports to develop the workforce through the Action Plan for Official Languages 2023-2028.

I will not repeat all the remarks I made a few weeks ago, but I want to emphasize for all of us that, as it stands, the bill does what those seeking this amendment wanted it to do. The amendment is redundant and does not bring any further clarity, in my opinion.

I want to be clear on this: Today, a mere two years from the beginning of this Canada-wide early learning and child care system, families are still facing many issues in accessing care. We all know that for a project of this scale, it will take the better part of a decade before access to spaces is no longer a significant issue.

Colleagues, I am confident that Bill C-35 in its current form will result in generations of official language minority communities getting access to child care, to put it simply. We may not see it yet. But if we do feel an urgency, as I believe we all do, then amending this bill to do something that it is already doing and delaying its assent is the wrong decision.

Colleagues, it is also important to note that this question has been dealt with before. In the House of Commons, advocates presented these amendments. While changes were made to clauses 7 and 11, this amendment was never tabled. When it was tabled in the Standing Senate Committee on Social Affairs, Science and Technology, it was rejected by a meaningful margin of 7, no; 4, yes; 1 abstention.

Your committee heard hours of testimony from witnesses from throughout the country — experts, academics, child care operators, Indigenous leaders and others. Your committee, having heard this information and considering it for many weeks, voted against this amendment. As you decide how you will vote on this amendment, please consider this decision that your committee made.

When thinking about urgency, colleagues, I explained a few weeks ago my process as to whether or not I would vote for amendments. In light of the political situation in the other place, the question is whether or not adopting this amendment would warrant the subsequent delays in the adoption of the bill. The consequences of these delays may be significant.

The delay inserts uncertainty. Provinces, Indigenous governments, communities, municipalities, not-for-profits, child care workers, parents and others are looking at us today. Jurisdictions are evaluating the trustworthiness of their federal partner. Cities and not-for-profits are planning the future development of spaces and the development of their workforce. Workers are wondering if they are going to have ongoing support and whether this is a sector worth staying in. Parents are wondering whether they need to give up on their dreams or if the possibility of affordable child care is coming soon. If this bill is delayed, it will significantly harm the development of Canada-wide early learning and child care, or ELCC, and I propose that this delay is not necessary.

• (1640)

I will end by reading the letter I referred to earlier in my question — which many of you have seen — that was sent to all of us this past week, signed by over 20 child care advocates who are experts, researchers, operators and workers in the early learning and child care sector from all over the country:

> Canada's child care movement, made up of a broad range of diverse organizations, urges members of the Senate to adopt Bill C-35 at third reading without further amendment. It was over 50 years ago that the Royal Commission on the Status of Women recommended that the federal government immediately take steps to adopt a "National Day-Care Act" to make federal funds available for the building and running of child care programs. Surely, we have waited long enough for such legislation to be adopted.
>
> We recognize that several organizations, including from our child care community, proposed amendments to the Standing Senate Committee for Social Affairs, Science and Technology. Most reflect important concerns with respect to early learning and child care. We believe these should be addressed not by amending Bill C-35 but through a Standing Committee study. We believe that at this stage, Bill C-35 is sufficiently robust to ensure equitable access to child care for generations to come.

Colleagues, I ask you to please not delay the passage of Bill C-35. Do not let another year begin without federal child care legislation in place.

Thank you.

Hon. Ratna Omidvar: Senator Moodie, thank you for your advocacy on this bill. This piece of legislation has been a national aspiration for decades. It is now tantalizingly within our reach, and I commend you and other colleagues for bringing it here. However, we also have to get it right. I think we all agree with that.

You talked about how the guiding principles in clause 7 give you sufficient comfort. Senator Cormier wants to ensure that there is no legal ambiguity in clauses 7 and 8. These are two different clauses, and there is some confusion surrounding them. I noticed that you invoked the Canada Health Act, which is likely the mother of all confusing acts, and the bickering around the Canada Health Act does not give me a great deal of comfort.

I think about Bill C-48 last week or the week before. We approved an amendment and it was sent over to the House of Commons. I understand it has now come back. They did that quite quickly. Let's say this amendment passes. My question to you is this: Why should we worry that if we make this improvement, it will somehow sink the entire armada?

Senator Moodie: I do not think it will sink the armada, and I have never said that. It is my belief that a delay makes for uncertainty. But I think it is the business of the Senate to make any improvement we can. Senator Cormier has made his arguments at committee and here.

This is where I will end: It will be for the wisdom of the Senate as a whole to judge.

POINT OF ORDER

Hon. Percy E. Downe: I have a point of order, Your Honour. We seem to have a problem at this end of the chamber. I do not know if there is a hearing or sight problem from that end of the chamber, but for the last week to 10 days, our members have had trouble getting recognized on questions. Senator Patterson was up earlier today. Senator Wallin and Senator Dennis Patterson both had to yell for dispense because nobody at that end of the chamber could hear. I'm not sure if it is a technical or communication problem, but it is a problem, and we would like it addressed as soon as possible.

The Hon. the Speaker: Thank you for that comment. I want to mention that when Senator Dennis Patterson did stand, I had said in French that the time allowed for the debate had expired. Therefore, I did not recognize him.

Hon. Dennis Glen Patterson: I have a point of order, Your Honour. With the greatest of respect, I understood what you just said about the time running out when the debate was concluded — or when Senator Seidman's speech was concluded — and that there was no time for any further questions. However, I do respectfully want to point out to you, Your Honour, that I rose on my feet on debate. I was on my feet before Senator Moodie, and you called her, and then I rose for the third time when you recognized Senator Boyer. That is why my honourable colleague pointed out that we seem to be invisible back here in this corner. I would respectfully draw that to your attention.

The Hon. the Speaker: Thank you. I will try to keep an eye on this area. I am sorry if I did not recognize you — again, because time had expired, and I had seen Senator Boyer. I recognized Senator Boyer first.

[*Translation*]

Hon. Jean-Guy Dagenais: I am also rising on a point of order. Last Thursday, I had the same problem. I rose to ask a question. Obviously, we needed five more minutes, so leave was sought for that, but someone refused. The fact that they didn't see me — It was as though I was ignored.

I don't know if it's the area where we are seated in this chamber, but we have been ignored for some time now. You were not in the chair. That was the Hon. the Speaker pro tempore, Senator Ringuette. I am not blaming her, but if the place where we are seated in the chamber is adversely affecting us, then we should change places.

On Thursday, I rose to speak, I was not seen and I was not allowed to ask my question. The same thing is now happening to Senator Patterson. I think that's too bad. I mentioned it on Thursday, and now it's happening again today.

The Hon. the Speaker: If you agree, I will seek leave of the Senate to give you an opportunity to ask questions, even if Senator Moodie's time is up. Is leave granted?

Hon. Senators: Agreed.

[*English*]

THIRD READING—MOTION IN AMENDMENT—DEBATE

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.
>
> And on the motion in amendment of the Honourable Senator Cormier, seconded by the Honourable Senator Miville-Dechêne:
>
> That Bill C-35 be not now read a third time, but that it be amended in clause 8, on page 6, by replacing lines 13 to 20 with the following:
>
> "**8 (1)** The Government of Canada commits to maintaining long-term funding for early learning and child care programs and services, including early learning and child care programs and services for Indigenous peoples and for official language minority communities.

> **(2)** The funding must be provided primarily through agreements with the provincial governments and Indigenous governing bodies and other Indigenous entities that represent the interests of an Indigenous group and its members.”.

Hon. Yvonne Boyer: Senator Moodie, you mentioned that Indigenous leaders were consulted on the bill and that they were in agreement with it. Were Indigenous leaders also consulted on the amendment in committee when it was proposed? If so, what did they say about it?

Hon. Rosemary Moodie: We did have discussion in committee. At the time, the Indigenous leader who had the question addressed to him, President Natan Obed, did make a comment. I will quote it because I have it in front of me.

• (1650)

The question asked was, “Do you think such an amendment would have any impact for Indigenous peoples? If so, what would it be?”

Mr. Obed replied:

> I was not aware of the amendment that you reference, but very often official language status for French and English is a sledgehammer that allows for those two languages to dominate in our communities. The very history of Inuit participation in Canada through health care delivery, education and government is the dispossession of Inuktitut in the face of federal, provincial and territorial legislation that empowers English and French even in our Inuktitut-dominated communities.

Senator Boyer: I would like to note that if one of the Indigenous witnesses had said that, do you not think that, on this whole section that is geared towards Indigenous people, they should be consulted on such a strong amendment that would possibly affect their rights?

Senator Moodie: It would be wise, yes.

[*Translation*]

Hon. Rose-May Poirier: Honourable senators, I rise today to support Senator Cormier’s amendment to Bill C-35, An Act respecting early learning and child care in Canada.

As the senator explained so well, the amendment to clause 8 of Bill C-35 would confirm the federal government’s commitment to maintain long-term funding for early learning and child care programs for official language minority communities.

Honourable colleagues, as a senator from an official language minority community — the community of Saint-Louis-de-Kent — and proud Acadian, I must join the debate and support my colleague, Senator Cormier.

Ever since the federal government signed bilateral agreements with the provinces, official language minority communities have been worried about the fact that the funding will accelerate the assimilation of future generations.

Parents have expressed their concern for the survival of their language, whether in the testimonies heard at the Standing Senate Committee on Official Languages or in the communications received by my office.

[*English*]

For some of you, this may be the first time or the rare occasion when you hear about the difficulties for francophones outside of Quebec in having access to an education in their first language. It has been and remains an important concern for many parents. During my speech on Bill C-13 at second reading, I shared the challenge for official language minority communities to effectively have access to education in the official language of their choice for their children from ages 5 to 17. It is where we are losing roughly 35% of the eligible children outside of Quebec who are not receiving their education in French despite their rights.

There is a similar issue for children aged 0 to 4. Currently, there are not enough spaces for francophone kids outside of Quebec. During the study by the Standing Senate Committee on Social Affairs, Science and Technology, Jean-Luc Racine, Executive Director for La Commission nationale des parents francophones, confirmed the difficulty:

> The situation is alarming. According to the latest census, in 2021, 141,635 children aged 0 to 4 are entitled to French-language education outside Quebec. However, the number of authorized spaces only allows us to serve 20% of these children. In 80% of cases, parents must turn to English-speaking daycare centres.

As all francophones know, it has been and continues to be a constant battle. Colleagues, this is how assimilation happens, and how it is accelerated. Too many francophone parents across the country face the anxiety of their child’s education: Will it begin in their culture, in their language, or will it begin as assimilation at the age of 2? Too often, we hear the story of parents having to put their name on a wait-list before the birth of their child. Imagine the anxiety, colleagues, of not knowing if your child will even have a chance to begin their daycare in their language and culture.

There was a concrete example given at the Social Affairs Committee during its study of Bill C-35 by the President of the Acadian Society of New Brunswick, Nicole Arseneau Sluyter:

> Let me tell you about a personal experience I’ve had since I’ve been in Saint John that shows just how important the educational continuum is. If we fail in this continuum, we contribute directly to assimilation to English. There aren’t enough daycare centres in French, and some parents have no choice but to enrol their children in English-language schools. As a result, their children end up losing their mother tongue.
>
> A friend of mine from Saint John’s, a French-speaking Acadian, had no choice but to enrol her children in an English-language school. She told me: ”Nicole, I’m ashamed, my child doesn’t speak French anymore.”

The situation is similar in Ontario and in each province. The survival of official language minority communities across the country depends on long-term funding commitments from the federal government. We cannot take a chance that the federal government will fuel the assimilation process by not ensuring long-term funding commitments in bilateral agreements on daycares. It is irresponsible on the government's part to refuse such a reasonable amendment.

Like the Commissioner of Official Languages, Raymond Théberge, said in his brief submitted to the committee:

> . . . investing in early childcare centres for linguistic minority communities ensures greater success of the language transmission process, which in turn contributes to the vitality of the community. As Commissioner Fraser stated in his 2016 report, "Early childhood development is an area for positive, preventive and proactive intervention to revitalize the French language and Francophone communities."

[*Translation*]

If this situation does not change, colleagues, the French fact in Canada will slowly but surely disappear. The federal government must be responsible when granting large sums of money, as it does for the child care program. There must be clear commitments to official language minority communities.

With Bill C-13, the government committed to restoring the demographic weight of francophones in Canada to 6.1%, as it was in 1971. This commitment requires a collective effort on the part of the federal government, and Bill C-35 is part of that. Thanks to the amendment proposed by Senator Cormier, official language minority communities are being given a helping hand to maintain their demographic weight. Not only are they being given a tool to ensure that the government honours its commitment in future negotiations, but they are also being given a tool to help them if ever they need to go to court. All too often, Canada's francophones have to turn to the courts to ensure their rights are upheld.

Linguistic minorities in Canada are a reality. Too often, we have to ask the courts to affirm our rights.

[*English*]

Colleagues, I've mentioned this a few times before, but I am an example of this assimilation. Due to there being no French schools in the Miramichi region at the time, I had to attend English schools while living in a French household. The linguistic environment outside the house was English, and slowly but surely, English became more predominant than French. My writing and reading skills in French suffered, and to this day, when speaking with my siblings, I often still do so in English. Colleagues, in today's environment, with the internet, social media, et cetera, francophone kids are even more prone to lose their French compared to our time growing up with radio and limited television.

Honourable senators, the amendment presented by Senator Cormier is for future agreements on daycare with the provinces. We are voting on helping future generations to maintain the vitality of their language, their culture and their identity. By amending Bill C-35 in clause 8, we are helping the government's own commitment to official language communities like it said it would in the Bill C-13 debates.

• (1700)

I want to repeat three words from the 2016 report on early childhood development from Commissioner Graham Fraser: positive, preventive, proactive. That is the essence of Senator Cormier's amendment: positive, preventive and proactive. Colleagues, we complain so often about the federal government's reactive approach to issues. And in this case, they are reactive. Therefore, let's be preventive and proactive with a positive amendment to Bill C-35 and ensuring long-term funding to official language minority communities.

I want to personally thank my colleague Senator Cormier for his tireless advocacy on behalf of Acadians and francophones across the country. Honourable senators, let's send a strong message to all official language minority communities in this country by supporting this amendment.

Thank you, colleagues.

Hon. Lucie Moncion: We heard this afternoon, on three occasions, the mention of interpretation of laws. I would like to add to this versus "legally binding wording." There is an important nuance that has to be brought into this context. So I start out of my text, but going into my speech.

[*Translation*]

I rise to speak to the amendment moved by Senator Cormier at third reading of Bill C-35, An Act respecting early learning and child care in Canada.

The amendment seeks to explicitly include a guarantee of long-term funding for official language minority communities, or OLMCs, in clause 8 of Bill C-35. I thank Senator Cormier and his team for all their work on this matter. His office and mine have worked together on this. During my speech at second reading, I expressed concerns about the fact that a department could draft such a critical piece of legislation for the vitality and survival of OLMCs without even mentioning them.

My concerns grew during clause-by-clause study of the bill at the Standing Senate Committee on Social Affairs, Science and Technology. I observed that Employment and Social Development Canada officials showed a very poor understanding of the constitutional rights and guarantees of OLMCs, as well as a certain absence of curiosity and sensitivity towards these communities in terms of the realities they experience and the potential impact of this legislation on their vitality and growth.

In this speech, I will outline the risks associated with the fact that clause 8 lacks any such guarantee, as well as the impacts of the proposed amendment, while also taking into account the relevant jurisprudence. As part of my analysis, I will attempt to refute the government's interpretation of the so-called potential problems that the amendment in question could create.

In my opinion, the interpretations put forward are erroneous and even worrisome. They could be of particular concern if the courts were to draw on the comments that certain officials made to the committee when analyzing the legislator's intent regarding the interconnectedness between the rights of Indigenous peoples and those of official language minorities.

First, I will talk about the proven dangers of omitting official language minority communities. Why is this amendment so important? As I argued at second reading, access to child care services in the language of the minority is key to the implementation of section 23 of the Canadian Charter of Rights and Freedoms, which guarantees the right to minority language education.

The bill seeks to create a national early learning and child care system in order to make services accessible to all. Under current bilateral agreements, funds are spent specifically to guarantee services for the children of rights-holders and Indigenous peoples. The government and its officials have tried to reassure us by pointing out the terms of these agreements, but you will understand that the purpose of the study is Bill C-35, not the agreements.

In addition, as a francophone in a minority situation, I fully understand the legal hierarchy between a bilateral agreement and federal legislation. Accordingly, including OLMCs in these agreements does not reassure me in the long term. I'm also mindful of the fact that governments change while statutes endure, hence the importance of considering an amendment to clause 8, as suggested by Senator Cormier.

Moreover, when it comes to services funded as part of the exercise of the federal spending powers, we must expect services of equivalent quality to be offered to both francophones and anglophones in this country. It is also imperative that Indigenous peoples receive adequate funding, in keeping with the exercise of their rights under section 35 of the Constitution Act, 1982.

With regard to OLMCs in particular, the facts, as documented over many years of jurisprudence and by the stakeholders who were heard at the committee, highlight the systemic and structural barriers these communities face when it comes to having their constitutional rights to access education in their language recognized and exercising those rights.

This jurisprudence also points to a history of tensions between OLMCs and provincial governments when it comes to upholding the rights of these minorities. These tensions are fuelled by omissions similar to those currently found in clause 8, which have allowed provinces and territories to justify infringing on the rights of OLMCs across the country for years. It is time to change this dynamic and grant these communities the means to assert their rights before the courts.

The bill, in its initial form, provided no specific guarantees for OLMCs. Although three mentions were added at the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities in the other place, François Larocque, a professor, lawyer and language rights expert, and the Honourable Michel Bastarache, former Justice of the Supreme Court of Canada, both highlighted, in their testimony to the Social Affairs Committee, the persistent inconsistencies and risks associated with omitting official language minority communities from clause 8 of the bill.

Clarification enshrined directly in the act is critically important. It plays a decisive role in the courts' analysis of the legislator's intent, taking into account the intrinsic evidence.

Indeed, Canadian jurisprudence on language rights is clear in this regard. François Larocque, in his brief to the committee, refers to the decision in *Caron v. Alberta*, in which the Supreme Court of Canada refused to acknowledge the existence of language rights because of the absence of explicit guarantees in the relevant legislative and constitutional documents.

Colleagues, the legal risks inherent in this omission are real and substantiated by the facts and by the relevant jurisprudence on language rights. The absence of any explicit reference in clause 8 is therefore deeply concerning to official language minority communities. In my opinion, the committee should have taken the opportunity to clarify the legislator's intent directly in the wording of the bill in order to minimize, as much as possible, any risk of causing harm to official language minority communities.

[*English*]

However, the government was unequivocally against any amendment and misled the committee in several aspects of its arguments.

New funding mechanism: Initially, the government claimed that the suggested amendment would establish a new funding mechanism for the official language minority communities. Respectfully, this interpretation of the proposed amendment is inaccurate.

Michelle Lattimore, Director General, Federal Secretariat on Early Learning and Child Care, Employment and Social Development Canada, stated:

> . . . legally speaking, English and French linguistic minority communities do not have the same status or role in delivering ELCC programs and services and in building and maintaining this Canada-wide system as the provincial, territorial and Indigenous partners do. Adding a reference to that group, then, in clause 8 would create the expectation for dedicated and increased funding. . . .

While the official was correct in distinguishing roles in program delivery, the interpretation of the amendment is misleading. Nowhere in the amendment was there a suggestion to treat official language minority communities as a governing body entitled to direct funding from the federal government.

In response to a specific question posed by the bill's sponsor at the Social Affairs Committee, Professor Larocque provided the following statement to assist the committee in their deliberations:

> Clause 8, on the other hand, specifies that funding is passed on through agreements between the federal government, the provinces and the territories, and not directly to the communities, and that's not what's being asked for and reflected in the suggested amendments.
>
> So it's not a new mechanism that's being proposed here, but quite simply, as my colleague suggests, taking into account the linguistic rights of official language minority communities in a firm long-term commitment.

• (1710)

Clause 8 currently reads:

> The Government of Canada commits to maintaining long-term funding for early learning and child care programs and services, including early learning and child care programs and services for Indigenous peoples. . . .

We can observe that the scope of the commitment in clause 8 extends to the Canada-wide early learning and child care system, while specifying a commitment for the long-term funding of programs and services for Indigenous peoples because of the word "including." However, the inclusion or exclusion of official language minority communities from this commitment is unclear, and that is the problem. Following this, the clause states:

> The funding must be provided primarily through agreements with the provincial governments, Indigenous governing bodies and other Indigenous entities that represent the interests of an Indigenous group and its members.

This enumeration establishes that funding must be granted through the appropriate mechanism. For official language minority communities, if they were to be included in clause 8, it would be done through the provinces. Official language minority communities do not have a nation-to-nation relationship with the federal government, unlike Indigenous governing bodies. Adding a reference to official language minority communities will not substantially change the law of the land, and it would be absurd to pretend that it will.

Adding an explicit reference to official language minority communities regarding guaranteed long-term funding by the federal government does not, in any way, diminish the protection and guarantees afforded to Indigenous peoples under this bill and under our Constitution, nor does it grant official language minority communities any rights that they don't already possess. It provides them with a legal tool if the services in their languages are fewer and of lower quality than those provided to the majority of a given province.

The second argument brought forward by the government was regarding competing rights. Officials stated that the amendment could be detrimental to Indigenous languages. Cheri Reddin, Director General, Indigenous Early Learning and Child Care Secretariat, Employment and Social Development Canada, said the following:

> I'll highlight that we officials were following the testimony of Indigenous representatives here last week. As Senator Moodie highlighted, President Obed was quite vocal about the absence of Indigenous Languages Act references and suggested the exclusive references to official languages came at the detriment of Indigenous languages.

First and foremost, this statement would be inconsistent with clause 3 of the bill which explicitly guarantees the rights of Indigenous peoples. It states:

> This Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982*, and not as abrogating or derogating from them.

The statement of Natan Obed, the President of Inuit Tapiriit Kanatami, was distorted both in committee and at third reading of the bill. In committee, when I asked Mr. Obed for his thoughts on this potential amendment to clause 8, he answered the following:

> I was not aware of the amendment that you reference, but very often official language status for French and English is a sledgehammer that allows for those two languages to dominate in our communities. The very history of Inuit participation in Canada through health care delivery, education and government is the dispossession of Inuktitut in the face of federal, provincial and territorial legislation that empowers English and French even in our Inuktitut-dominated communities.

In this context, Mr. Obed addressed official languages while committee members were led to believe that his statement related to the amendment, which specifically concerns official language minority communities rather than official languages. The use of "official languages" and "official language minority communities" interchangeably by government officials and the bill's sponsor created confusion when informing senators about the amendment's impact on Indigenous peoples. Let me elaborate on the distinction between these two concepts.

[*Translation*]

BUSINESS OF THE SENATE

The Hon. the Speaker pro tempore: Honourable senators, it being 5:15 p.m., I must interrupt the proceeding. Pursuant to rule 9-3, the bells will ring to call in the senators for the taking of a deferred vote at 5:30 p.m., on the motion in amendment of the Honourable Senator Dalphond, seconded by the Honourable Senator Cordy.

Call in the senators.

• (1730)

[*English*]

GREENHOUSE GAS POLLUTION PRICING ACT

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT ADOPTED

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 Dalphond, seconded by the Honourable Senator Cordy:

That Bill C-234 be not now read a third time, but that it be amended,

(a) in clause 1,

(i) on page 1, by replacing lines 4 to 15 with the following:

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

(ii) on page 2, by deleting lines 1 to 10;

(b) in clause 2, on page 2, by replacing line 22 with the following:

"**2 (1) Subsections 1(2.1) and (5) come**".

The Hon. the Speaker: Honourable senators, the question is as follows: It was moved by the Honourable Senator Dalphond, seconded by the Honourable Senator Cordy:

That Bill C-234 be not now read a third time, but that it be amended, —

Shall I dispense, honourable senators?

Hon. Senators: Agreed.

Motion in amendment of the Honourable Senator Dalphond agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Aucoin
Audette
Bellemare
Boehm
Cardozo
Clement
Cordy
Cormier
Coyle
Cuzner
Dalphond
Dasko
Dean
Dupuis
Forest
Gerba
Gold
Harder
Hartling
Kingston
Kutcher
LaBoucane-Benson
Lankin
Loffreda
MacAdam
Massicotte
McNair
Mégie
Miville-Dechêne
Moncion
Moodie
Omidvar
Pate
Petitclerc
Petten
Ringuette
Saint-Germain
Simons
White
Yussuff—40

NAYS
THE HONOURABLE SENATORS

Arnot
Ataullahjan
Batters
Boyer
Busson
Carignan
Cotter
Dagenais
Deacon (*Nova Scotia*)
Deacon (*Ontario*)
Downe
Duncan
Francis
Gignac
Greene
Housakos
Klyne
Marshall
Martin
McCallum
McPhedran
Mockler
Oh
Osler
Patterson (*Nunavut*)
Patterson (*Ontario*)
Plett
Poirier
Prosper
Quinn
Richards
Ross
Seidman
Smith
Sorensen
Tannas
Verner
Wallin
Wells—39

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

[*Translation*]

ROYAL ASSENT

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

RIDEAU HALL

December 5, 2023

Madam Speaker,

I have the honour to inform you that the Right Honourable Mary May Simon, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 5th day of December, 2023, at 5:11 p.m.

Yours sincerely,

Ken MacKillop

Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bill Assented to Tuesday, December 5, 2023:

An Act to amend the Criminal Code (bail reform) (*Bill C-48, Chapter 30, 2023*)

• (1740)

[*English*]

CANADA EARLY LEARNING AND CHILD CARE BILL

THIRD READING—MOTION IN AMENDMENT—DEBATE

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.

And on the motion in amendment of the Honourable Senator Cormier, seconded by the Honourable Senator Miville-Dechêne:

That Bill C-35 be not now read a third time, but that it be amended in clause 8, on page 6, by replacing lines 13 to 20 with the following:

"**8 (1)** The Government of Canada commits to maintaining long-term funding for early learning and child care programs and services, including early learning and child care programs and services for Indigenous peoples and for official language minority communities.

(2) The funding must be provided primarily through agreements with the provincial governments and Indigenous governing bodies and other Indigenous entities that represent the interests of an Indigenous group and its members.".

Hon. Lucie Moncion: Official language minority communities refer to groups who have historically faced discrimination, and continue to face discrimination through policies, legislation and funding of their institutions by provincial and territorial governments. These communities are afforded special constitutional guarantees to address historical and ongoing challenges.

Official languages, on the other hand, undeniably served as a tool of colonization, contributing to the eradication and weakening of numerous Indigenous languages — a regrettable legacy that we now seek to reverse. My hope is that Bill C-35, along with other legislation that this government brought forward, such as the Indigenous Languages Act, can facilitate the revitalization and reappropriation of these languages by Indigenous peoples.

We need to collaborate and stand united in an effort toward reconciliation. Polarizing politics should have no place in this chamber, and both the government and this chamber have a duty to protect minorities.

Both official language minority communities and Indigenous peoples benefit from specific constitutionally guaranteed rights. It is essential to give due consideration to these rights in our deliberation on Bill C-35. As is often the case in government bills, numerous constitutional rights and guarantees coexist within the same legal framework. It does not mean that they are the same, or that they need to be compared. Explicit references to the holders of some guaranteed rights do not, in any way, diminish those of other groups.

[*Translation*]

The Hon. the Speaker: Senator Moncion, your time has expired.

[*English*]

Senator Moncion: Can I have five more minutes, colleagues?

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

Hon. Donald Neil Plett (Leader of the Opposition): No.

Senator Moncion: Thank you, Senator Plett.

Hon. Dennis Glen Patterson: Honourable senators, when Senator Cormier introduced this amendment in committee, Inuit Tapiriit Kanatami, or ITK, President Natan Obed's testimony before committee was repeatedly invoked as a reason against it.

During clause-by-clause consideration, Senator Moodie said:

> 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. . . .

With respect to Senator Moodie, that was a misinterpretation. I will explain.

I am not a member of the Standing Senate Committee on Social Affairs, Science and Technology anymore, so I was not at committee when President Obed gave his testimony, but I was very interested in hearing more about ITK's position. So I, and my office, engaged with the president and his office to seek some clarity. What we learned is that there's no reason — from ITK's perspective — why these two provisions can't coexist. The concern, colleagues, is linked to something that we missed the boat on during consideration of Bill C-91, the Indigenous Languages Act — allow me to explain.

I was the critic of that bill. Based on feedback from Inuit, I advanced several amendments — all aimed at ensuring there is adequate resourcing for Indigenous languages based on the size of the population in a given area — as well as tried to have the government commit to delivering essential services in areas where numbers warrant.

Those amendments all either failed in committee or were ripped out by the majority Liberal government once the bill was returned to the other place. If those provisions sound a bit familiar to you, even if you are not familiar with Bill C-91, it is because they are provisions already available to official language minority communities, or OLMCs. That, colleagues, is the crux of my argument.

We need to be talking about Indigenous languages and protections for OLMCs on an equal level. If we're serious about everything that we have said in the preamble of the Indigenous Languages Act, including the following —

> Whereas Indigenous languages are fundamental to the identities, cultures, spirituality, relationships to the land, world views and self-determination of Indigenous peoples . . . .
>
> Whereas Indigenous peoples have played a significant role in the development of Canada and Indigenous languages contribute to the diversity and richness of the linguistic and cultural heritage of Canada . . . .

— then we need to become serious about treating Indigenous languages as if they are on par with English and French.

We cannot pit Indigenous languages against OLMCs. Having support for one should not be a threat to or detract, in any way, from the other.

I'm passionate about this, because there will come a day — likely in the very near future — when we will have this debate again, but in reverse. Some other senator may be arguing that we need to pass an amendment to ensure equal protections for Indigenous languages in some other bill.

I am in support of this amendment because the only way that we will reach the place where we are treating Indigenous languages as we treat English and French in this country is by making it a habit. We need to get to the point where every bill that has a language component to it has Indigenous languages and official language minority communities on equal footing. That is what this amendment does, plain and simple.

My hope is that, once that happens, we'll finally be able to restore the dignity of Indigenous peoples by enabling them to access critical services in their own language, while Indigenous children can receive instruction in their own language, and Indigenous peoples can have renewed pride and connection through language. This is what happens when we treat Indigenous languages and OLMCs equally.

Senator Cormier has made a very strong and clear case for clarity and specificity in introducing his amendment. Why? Well, we have a weak provision about the federal obligation to fund a Canada-wide early learning and child care system in clause 7(1), which refers to mere guiding principles by which programs should — not "must" — be accessible, affordable, inclusive and of high quality. I will say it again: The bill says the federal government must be guided by the principles by which early learning and child care programs and services should be accessible and affordable. Contrast this with Senator Cormier's proposed amendment: The funding must be provided — not must be guided by principles.

Let me say that on behalf of the Inuit residents of Nunavut — and I'm sure those represented by President Obed across Inuit Nunangat — we are happy to see that in clause 8, as written, the Government of Canada will commit to maintaining long-term funding for early learning and child care programs and services, including early learning and child care programs and services for Indigenous peoples.

It is a great provision. But, as Senator Cormier has outlined, the same commitment is not clearly made to official language minority communities. This amendment is simply adding parallel language for OLMCs. As Mr. Obed said in committee, as quoted by Senator Moodie, Indigenous language rights have been suppressed by the focus on Canada's two official languages.

Now the same threat exists, unless this bill is clarified, to raise serious questions about whether official language minority communities will be given the same commitment to maintaining long-term funding.

Just as it is wrong to pit official languages — French and English — against Indigenous languages, it is wrong to do the same to official language minority communities. This bill does not take away anything from Indigenous peoples' languages and child care. Let's get it right, and let's give official language minority communities the same recognition and the same language about funding in this bill. I urge you to support this amendment. Thank you. *Qujannamiik*.

Hon. Chantal Petitclerc: Honourable senators, I will speak in support of this amendment for several reasons — the first of which has to do with our responsibility to minorities.

[*Translation*]

In becoming a senator, one realizes that one of the essential aspects of our role, the protection of minorities, enables several under-represented groups to be heard and to be able to rely on the Senate when their rights are threatened or not soundly protected.

Allow me to begin by quoting our former colleague Senator Joyal, who said the following:

> . . . as these new categories of rights [were] added to the Constitution, the role of the Senate as the chamber for the expression of minority rights and human rights within Parliament has been confirmed, broadened and strengthened.

• (1750)

In its 2014 *Reference re Senate Reform*, the Supreme Court noted that the Senate repeatedly served as a forum for advancing the rights of under-represented groups, such as minority language communities.

My support for this amendment is based on what I have read and heard since the Standing Senate Committee on Social Affairs, Science and Technology began studying this bill.

Francophone communities outside Quebec and anglophone communities in Quebec know better than anyone just how complex the issues they have to deal with every day to help preserve our linguistic duality are. We need to listen to them when they ask us to help them slow the erosion of their rights.

Senator Cormier talked about that in his speech. During their testimony at the Social Affairs Committee, Nicole Arseneau Sluyter, President of the Acadian Society of New Brunswick, and Jean-Luc Racine, Executive Director of the Commission nationale des parents francophones, shared how distressed francophone parents feel when they're forced to register their children in anglophone schools. Ultimately, as we've heard a few times this evening, those kids end up losing their mother tongue.

Senator Poirier mentioned this, but I want to repeat it because it is important. During her testimony before the Social Affairs Committee, Nicole Arseneau Sluyter, President of the Acadian Society of New Brunswick, told us that there were not enough French daycares in Saint John. Because of this lack of choice, some parents are being forced to enrol their children in anglophone schools and, as a result, those children end up losing their mother tongue.

As Senator Poirier said, and again I want to repeat it because it is important, one of her friends who is in that situation said, and I quote, "Nicole, I'm ashamed, my child doesn't speak French anymore."

Clause 7 of Bill C-35 provides that the government must include official language minority communities in its future investments in early childhood education. However, this is a guiding principle, not a commitment. The composition of the national advisory council on early learning and child care set out in clause 11 must take these communities into account. Obviously, these provisions of the bill are insufficient to ensure that future generations will be properly protected.

In his brief, the Commissioner of Official Languages also invited us to amend clause 8 in the same way as proposed by Senator Cormier.

Furthermore, I agree with Commissioner Théberge that ongoing investment in child care centres for these communities is helping to strengthen language transmission and enhance the communities' vitality.

Professor Michel Bastarache, former Supreme Court Justice, wrote to our committee to say, ". . . we need to avoid ambiguity and distinguish between political intentions and legal commitments."

In his opinion, and I quote:

> . . . this refers to intergovernmental agreements in an area of provincial jurisdiction. We would therefore have to add the obligation to include in the agreement a requirement to provide funding for French-language training . . .

He is referring here to francophones.

Professor Larocque, who appeared as a witness, shared the same opinion. In his view, without an explicit reference to official language minority communities in clause 8, these communities risk being deprived of the federal funding they need to maintain their programs and services over the long term. Professor Larocque, as a legal practitioner, based his opinion on the Supreme Court of Canada jurisprudence and the general principles of statutory interpretation to say that, without Senator Cormier's amendment:

> . . . a court could reasonably conclude that clause 8, as currently drafted, only commits the federal government to guaranteeing long-term funding for programs and services "intended for Indigenous peoples."

The modification proposed by this amendment is not substantial. The amendment does not call for a new right, nor does the text of the amendment call for the creation of a new negotiating framework. The federal government is not being asked to enter into negotiations directly with official language minority communities. The framework set out in Bill C-35 calls for this funding to flow through agreements between the federal

government, the provinces and the territories. The amendment doesn't change that. Communities would not replace provincial and territorial governments in assuming responsibility for program design and delivery. Furthermore, this amendment does not take away anyone's funding. It does not put Indigenous languages in competition with official languages.

It is often said, and rightly so, that laws last longer than governments.

Honourable senators, in closing, I would like to remind you that official language minority communities all across the country are facing the reality of insecurity. Asserting their rights often requires legal battles that take time, energy and financial resources, despite the existence of support mechanisms like the Court Challenges Program.

These communities are often dependent on the government of the day and the importance it places on their priorities. Thanks to this amendment, which I see as a protection, we have the opportunity of not leaving these communities to fend for themselves and condemning them to being potentially forced, once again, to go before the courts to make the case that they are included in the funding commitment under clause 8 of this bill.

This amendment, therefore, represents an opportunity to support them and that is why I support it. Thank you.

Hon. Senators: Hear, hear!

[*English*]

Hon. Bernadette Clement: Honourable senators, I want to thank Senator Moodie for so ably sponsoring this important bill and answering questions.

I want to stand briefly to support my esteemed colleague Senator Cormier's amendment. I am going to stand every time there is an opportunity to ensure that Canada's official languages and Indigenous languages are respected, given their due and properly protected.

I've spoken at length in the context of the modernization of the Official Languages Act about how important it is that space be made for Indigenous languages. I am so heartened and pleased to see Bill C-35 specifically allocate long-term funding for early learning and child care programs and services for Indigenous peoples. I hope that this is an opportunity for the transmission of Indigenous languages at a crucial age for young people.

As a woman living with intersectionality, I speak often about the impacts of colonialism and how oppressed peoples are starved of the basics and told, over and over again, that there is not enough for everyone.

I do not believe that to be true. Everyone can and should get a healthy piece of the pie because there is more than enough for us all.

[*Translation*]

There is more than enough for us all.

[*English*]

Let language and culture not be another battleground where we fight amongst each other for recognition. Let us direct our efforts towards the federal, provincial and territorial governments. Let us send a strong message that we stand together in solidarity, in commitment, towards the health of our languages — all of our languages.

Senator Cormier's amendment ensures long-term funding for official language minority communities, and I do hope that you will stand with us in supporting it.

• (1800)

The Hon. the Speaker: Honourable senators, it is now six o'clock. 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.

Some Hon. Senators: No.

The Hon. the Speaker: I hear a "no." So ordered.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

MOTION TO AUTHORIZE COMMITTEE TO STUDY CASE OF PRIVILEGE RELATING TO THE INTIMIDATION OF SENATORS—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Saint-Germain, seconded by the Honourable Senator Clement:
>
> That the case of privilege concerning events relating to the sitting of November 9, 2023, be referred to the Standing Committee on Ethics and Conflict of Interest for Senators for examination and report;
>
> That, without limiting the committee's study, it consider, in light of this case of privilege:
>
> 1. appropriate updates to the *Ethics and Conflict of Interest Code for Senators*; and
>
> 2. the obligations of senators in the performance of their duties; and
>
> That, notwithstanding any provision of the Rules, when the committee is dealing with the case of privilege:
>
> 1. it be authorized to meet in public if it so decides; and

2. a senator who is not a member of the committee not attend unless doing so as a witness and at the invitation of the committee.

The Hon. the Speaker: It is now 8 p.m. Pursuant to rule 13-6(2), debate on the motion of Senator Saint-Germain, seconded by Senator Clement, concerning the case of privilege will now begin.

Before calling on Senator Saint-Germain, I wish to remind you that pursuant to rule 13-6(3), the speaking time for all senators is 15 minutes, and there is not a right for final reply. Debate is, pursuant to rules 13-6(4) and (5), limited to a maximum of three hours, which may normally be spread over several sittings. If, however, the debate is still under way at midnight today, it cannot, pursuant to rule 13-6(6), be adjourned, and the sitting continues.

[*Translation*]

If the debate extends beyond midnight, any standing vote requested once the debate ends shall automatically be deferred, pursuant to rule 13-6(8).

Pursuant to the order of September 21, 2022, it will take place on Wednesday at 4:15 p.m.

Once debate has ended, the sitting will continue, pursuant to rule 13-6(10) of the *Rules* until the earliest of the following:

(a) the end of Orders of the Day;

(b) the adoption of a motion to adjourn;

(c) the hour beyond midnight which is equivalent to the duration of the debate on the motion.

[*English*]

Hon. Raymonde Saint-Germain: Your Honour, I want to begin my intervention by saluting you for this solid and rigorously supported decision, a decision that will guide our doctrine for decades to come and, I am confident, will have a positive influence on our behaviour in respecting the principle of restraint.

Honourable colleagues, as the senator who initiated this question of privilege, and in accordance with rule 13-6(1), I have moved a motion seeking a remedy to this question of privilege. I propose in this motion that the remedy should be for this case to be referred to the Standing Senate Committee on Ethics and Conflict of Interest for Senators.

Now that this motion is being debated by this chamber, allow me to explain why I have proposed this remedy, which I believe to be the most efficient and the most appropriate way to deal with the situation we have before us.

In her decision, the Speaker was clear in establishing a breach of privilege. Hence, neither privilege nor any of our rules in this case need to be studied, interpreted or amended. This is not the root of the issue, and it is not the remedy this chamber needs. Rather, we are faced with a question of ethics and behaviour.

As we all know, colleagues, the Ethics Committee has the mandate, the expertise and the experience to deal with these kinds of issues. They have done so many times in the past when the conduct of a senator had not been up to the standards of this institution. Members of the Ethics Committee are appointed to this committee by their group precisely because they are trusted to deal with matters that are sensitive in nature.

In my opinion, the best way to address the decision we have received today is to let the trusted members of the Ethics Committee establish the appropriate redress. The aim of this corrective action is to adapt the instruments that govern our conduct to today's higher expectations and demands. We need to ensure a working environment conducive to debate, which, however rigorous and passionate, must never impede our freedom of expression.

I also believe that the Ethics Committee must study and, if necessary, suggest changes to the *Ethics and Conflict of Interest Code for Senators* in light of this decision. It is very plausible that the study of this case generates improvements to our code regarding aspects governing our conduct in the chamber and in committees. We need to clearly address what conduct is acceptable and what conduct is unacceptable.

As I stated in my closing remarks to this question of privilege on November 23, I believe that part of the answer resides with the example of the House of Lords and the changes that have been made to their own code.

The committee should study the following articles of the code that are in direct relation to the established breach of privilege: articles 7.1(1) and 7.1(2) on general conduct, article 7.2 on conduct during parliamentary duties and functions, as well as article 7.3 on harassment and violence. Should inappropriate conduct happen again, this is the best way to ensure that we are equipped to deal with it efficiently and in a sustainable manner.

According to its mandate, the Ethics Committee is responsible for:

> . . . all matters relating to the *Ethics and Conflict of Interest Code for Senators* . . . including all forms involving senators that are used in its administration, subject to the general jurisdiction of the Senate.

It is, in fact, only logical for them to be given this important mandate. It is, in fact, the only authority that could be trusted with this mandate.

Colleagues, when we are sworn in as members of this chamber, we are given, for the remainder of our lives, the title of "honourable." This means that we are held to the highest standards of conduct and decorum. This is vital for our own benefit in order to correctly conduct our duties, but, more importantly, it is vital for the confidence of the Canadian public in the upper chamber of their Parliament. The Senate needs to be an example Canadians can look up to with pride.

If I may now speak for my other colleagues impacted by the events that unfolded on November 9 and in the following days — Senator Bernadette Clement and Senator Chantal Petitclerc — I would simply express how important it is for us to have a healthy

working environment. As such, we extend a hand to our colleagues involved in this situation. We hope that despite some differences of opinion, we can work together constructively and that this unfortunate event can be a wake-up call that contributes to us working together with respect for one another.

This event was regrettable and difficult for everyone. I acknowledge Senator Plett's apology, which Senator Clement accepted, even publicly, and I welcome it as an olive branch. I want to make it clear that I'm not seeking personal sanctions by this motion. Rather, I want to work for the future.

In the Senate, the work we do is demanding. It means we must leave our regions and our families, suffer long travel delays, often sit for long hours, sometimes well into the night, scrutinizing important and complex legislation. We have no control over that, but if there is one thing that we can control, it is the way we treat each other and the climate in which we all work together as esteemed colleagues.

In conclusion, I would also say that the worst behaviour that could be added to the one of November 9 is to play the Rules in order to avoid this debate, to drag out this decision in the hope that it will die on the Order Paper. The honourable thing to do is not to evade the issue but to work toward a solution.

Colleagues, let's ensure that this question is addressed by the right authority and give the mandate to the Standing Senate Committee on Ethics and Conflict of Interest for Senators to provide us with a remedy so that we can move forward together from these events and ensure that, as honourable senators, we hold ourselves to the highest possible standards of conduct.

Thanks again, Your Honour. Thank you. *Meegwetch*.

• (2010)

[*Translation*]

Hon. Renée Dupuis: Colleagues, in the words of the Speaker's ruling that was delivered today, and I will quote from a passage on page 3:

> . . . nothing could justify such a disproportionate reaction in a chamber that normally prides itself on its role of sober second thought .

The decision states the following at page 11:

> The events of November 9 involved a disproportionate reaction to a motion to adjourn debate .

On page 3, once again, it states the following:

> The exceptional chaos continued while the bells were ringing . . .

On page 7 we read as follows:

> Senators have recognized the importance of the issue . . .

On page 7, it states the following:

> Senators told us about troubling effects flowing from the events of November 9. I am sure you were all disturbed to hear of these.

On page 8, we can read the following:

> . . . as many senators noted, we must be mindful that social media can be especially harmful towards women, racialized Canadians, and other equity-seeking groups, who are often disproportionately targeted.

On page 9, it states the following:

> . . . we cannot lose track of how words and acts are understood by the recipient, and how they are perceived by other third parties . . .

On page 10, it states the following:

> The composition and culture of the Senate have changed, and several colleagues spoke eloquently about the interweaving of issues of gender, ethnicity and physical ability in the events of November 9.

On page 11, we read as follows:

> We must adapt to the fact that behaviour that may once have been tolerated is no longer acceptable.

On page 12, it states the following:

> All these events can be understood as attempts to intimidate colleagues and to unduly constrain, or even to extract retribution against them in the performance of their duties as parliamentarians.

On page 12, it also states, and I quote:

> Assaulting, threatening, or insulting a [parliamentarian] during a proceeding of Parliament, or while the [parliamentarian] is circulating within the Parliamentary Precinct, is a violation of the rights of Parliament.

On page 13, it states the following:

> As the definition of privilege in the Rules notes, "freedom of speech in the Senate and its committees … and, in general, freedom from obstruction and intimidation" are core rights necessary for us to perform our duties as members of this house.

Again on page 13, it continues as follows:

> Senators should not have to fear for their safety or about any retribution for the simple act of moving a motion or voting.

On page 14, we read the following:

> When people are treated in a demeaning way, it can have lasting effects in ways that may not always be anticipated by others. In brief, intimidation is intimidation when it is attempted; the intimidation does not have to be successful to be unacceptable.

Again on page 14, it continues as follows:

> Senators, in the Senate Chamber, felt threatened and insulted and intimidated.

On pages 14 and 15, we read the following:

> Even if senators did not intend to intimidate or threaten in their words or actions that day, that is how these actions were received and how they were understood by others. This situation must be corrected so that we can carry out our responsibilities in Parliament.

On page 15:

> . . . actions touching on the intimidation of senators relating to the performance of their parliamentary duties. There was an extremely tight nexus of cause and effect that clearly relates to privilege. Senators, acting within the framework of the Rules, were made to feel intimidated.

On page 16:

> The right to vote and decide issues, free of intimidation and threat, is perhaps the most essential privilege afforded to senators, allowing us to collectively reach considered decisions.

That is why, colleagues, I support the motion to refer the matter to the Standing Committee on Ethics and Conflict of Interest for Senators for examination and report, with a view to obtaining its recommendations on the following elements.

For the Senate as a parliamentary institution: an amendment to section 7.3 of the *Ethics and Conflict of Interest Code for Senators* providing that harassment and intimidation constitute serious breaches of sections 7.1 and 7.2 of the code; an amendment defining any conduct contrary to sections 7.1 and 7.2 of the *Ethics and Conflict of Interest Code for Senators* as covered, regardless of the means of expression or communication used to propagate it, including social media; an amendment to the *Ethics and Conflict of Interest Code for Senators* providing that gestures of intimidation in front of the Speaker's chair and in front of the person occupying the chair constitute breaches of section 7.11 of the code.

For the women senators who were directly targeted, intimidated and harassed: appropriate redress in the circumstances, consistent with the gravity of the breach of their privilege; measures providing for at least one legal consultation concerning their rights and remedies in the circumstances where the merits of the question of privilege are recognized; measures that take into account the fact that they are exercising duties of authority on behalf of a recognized parliamentary group, which increases the gravity of the breach of privilege.

For all other senators and for the entire Senate community, and even outside the Senate: measures to address the systemic aspect raised by the question of privilege that has now been recognized.

Thank you.

Hon. Diane Bellemare: I am rising on the spur of the moment. I did not intend to speak tonight. However, as Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, I need to add my two cents, given that, historically, questions of privilege have been sent to that committee.

I rise in support of this motion mostly to explain that the Standing Committee on Rules, Procedures and the Rights of Parliament is not the proper place to deal with the discussion that members of different groups will need to have, since the committee has 15 members with proportional representation, whereas the Standing Committee on Ethics and Conflict of Interest for Senators has six members. The latter would be better suited to having a thoughtful discussion on issues of procedure and code of conduct.

It is 2023 and we have a gender-equal Senate that is also made up of different groups. Decorum and procedure have changed. We need to be mindful of that.

I fully support the motion.

It is also proposed that the committee be authorized to hold public meetings. That is interesting. At the Standing Committee on Rules, Procedures and the Rights of Parliament, we have started following that practice. All our meetings are public. It forces everyone to think about what they are about to say, to exercise some restraint, as our dearly departed colleague always argued for. Public meetings are a good thing.

That is all I wanted to highlight regarding this motion. Thank you very much.

(On motion of Senator Wells, debate adjourned.)

CANADA EARLY LEARNING AND CHILD CARE BILL

THIRD READING—MOTION IN AMENDMENT—VOTE DEFERRED

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.

And on the motion in amendment of the Honourable Senator Cormier, seconded by the Honourable Senator Miville-Dechêne:

That Bill C-35 be not now read a third time, but that it be amended in clause 8, on page 6, by replacing lines 13 to 20 with the following:

"**8 (1)** The Government of Canada commits to maintaining long-term funding for early learning and child care programs and services, including early learning and child care programs and services for Indigenous peoples and for official language minority communities.

(2) The funding must be provided primarily through agreements with the provincial governments and Indigenous governing bodies and other Indigenous entities that represent the interests of an Indigenous group and its members.".

Hon. Réjean Aucoin: It's getting late. I thought I could count on my colleague Senator Cuzner to put a hand on my arm in case I fell asleep, but he's not here.

Thank you to everyone who spoke before me in favour of the motion. I agree with your comments. Thank you to Senator Patterson, who made it clear that Indigenous communities and official language communities should work together, and that this bill and amendment do not go against either of them.

Colleagues, thank you for giving me this platform tonight, and thank you for the kind words when I was sworn in. It was very touching. I hope I can live up to all the praise.

• (2020)

I am speaking to you not long after my appointment because I cannot stay silent concerning the motion to amend Bill C-35. Who am I? The answer will give you some idea of the reason I am rising.

I come from Chéticamp, a small French-speaking Acadian enclave in Cape Breton, Nova Scotia. Today, about 2,500 people there still speak French.

In 1991, francophones and Acadians from Nova Scotia were spread out across a dozen or so villages and accounted for about 3.9% of the population, or 35,000 people. Today, 26,775 Nova Scotians still speak French as their first language, or 2.8% of a population of more than a million.

I grew up in Chéticamp, but I went to school in Moncton and Paris. Before I became a lawyer at age 37, I worked as a journalist and radio producer for Radio-Canada, and I also worked in the community development sector at the Fédération acadienne de la Nouvelle-Écosse. I am very familiar with Canada's Acadian and francophone communities, because I have travelled all around my province and from one end of the country to the other.

At school, I did all of my classes in English in my village, except for French class and, as of grade 9, history class. At the time, the school board was made up of about nine unilingual anglophone members who decided the curriculum for dozens of English schools, as well as for the school in Chéticamp, which may have also been an English school. Needless to say, French education for Acadians was not that school board's priority. The Indigenous senators will no doubt understand what I am talking about.

As for education in Nova Scotia and section 23, in 1982, with the adoption of the Charter, I thought that our community would finally get its French school, but I could not have been more wrong. In 1985, we had to organize a "yes" campaign, a petition to respond to a plebiscite by the municipality, which had no recourse and no jurisdiction over the matter. We also had to show the government that we did indeed want a French-language school. We had to deal with being labelled as separatists and racists by the anglophone media and the general public.

The people who were against French schools argued that graduates of a French-only school in Chéticamp wouldn't speak English at all. I can tell you that, by the age of five, my daughter already spoke English. I wasn't the one encouraging her to do so.

At a public meeting attended by roughly 500 people, the warden of Inverness County at the time said, and I quote, "Over my dead body that there will be a unilingual French school in Chéticamp!" Well, that reeve has since passed away, and God bless him, because we got our school. However, it was not without repercussions. People were threatened, a car was set on fire by the folks who were against it, and to this day, some people are still identified based on whether they were in the "yes" camp or the "no" camp. I'll let you decide which side I was on.

At the time, I had no idea that, seven years later, I would be a lawyer, let alone that I would be standing before you today to share all of this.

Nova Scotia, notwithstanding the party in power, did much the same thing in every Acadian community in the province, asking the communities if they wanted a French-only school. This led to conflict in every community and delayed the provincial government's obligations to establish some French-language schools, despite section 23 and the Charter, which was enacted in 1982.

On a personal note, my daughters were born in 1988 and 1990 and graduated in 2000 and 2002, both from our old school that had been around for over 40 years. During that time, a brand-new English-language school was built, as would be the case in Chéticamp, Margaree and Belle Côte, and many of our Acadian students attended it. Needless to say, many of them were assimilated.

[*English*]

Honourable colleagues, you may be asking yourselves why I am telling you all this. Bear with me — I intend to make a parallel between Bill C-35 and the amendment proposed by Senator Cormier. I will talk about the history of minority language education in Nova Scotia. In order to do that, I have to talk about *Doucet-Boudreau v. Nova Scotia (Minister of Education)*.

This case, which went up to the Supreme Court of Canada, dealt with the right to French-language schools for the Acadians and francophones in Nova Scotia. In 1998, 16 years after the enactment of the Charter and section 23 guaranteeing the right to official minority language education, the province had yet to award the funds necessary to construct, renovate or provide the programs needed.

In his decision, Justice Leblanc declared that although the province did not deny that the Acadian and francophone minorities there were guaranteed an education in their language, it had failed to deliver on its promises. Here is what the judge said in paragraphs 4, 5 and 6.

Paragraph 4 notes that:

> Although the government eventually announced the construction of the new French-language school facilities, construction of the promised schools never began. . . .

Paragraph 5 notes that:

> . . . the real issue was not the existence and content of the applicants' s. 23 rights, but the date on which the programs and facilities would finally be made available.

Paragraph 6 notes that:

> . . . the respondents had not given sufficient attention to the serious rate of assimilation among Acadians and Francophones in Nova Scotia. The Province treated s. 23 rights as if they were but one more demand for educational programs and facilities, and failed to accord them due priority as constitutional rights. . . .

This situation from Nova Scotia is not unique. Cases like *Doucet-Boudreau* can be found in most provinces and territories, as parents of the francophone minorities had to go to court over a number of years to obtain the right to have their children educated in their language.

[*Translation*]

That brings me to the proposed amendment. Official language minority communities are mentioned three times in Bill C-35, but not in the preamble and not in clause 8 on funding.

The amendment takes nothing away from the bill. It simply adds to clause 8 to provide that the funding is also for official language minority communities. The courts would need to take that into account in the event of legal action.

It is a statement that removes any ambiguity as to whether the funding applies to minority language communities. You may have heard this quote before, but here is what Professor Larocque, who holds the Research Chair on Language Rights at the University of Ottawa, told the committee:

> Without the proposed amendment to clause 8, official language minority communities risk being deprived of the federal funding they need to maintain their early learning and child care programs and services over the long term.

He went even further and said that we would be wrong to think that the current version of the bill, without the amendment, guarantees funding for minority language communities. On Friday, I spoke with Suzanne Saulnier, the executive director of the Centre d'appui à la petite enfance de la Nouvelle-Écosse, or CAPENÉ, which was established about 30 years ago. This association includes about 16 francophone child care centres in Nova Scotia, in other words, all francophone child care centres in Nova Scotia.

• (2030)

Here's what she told me:

> Despite a federal-provincial agreement signed on July 13, 2021, very few new spaces have been created specifically in French-language child care centres for the Acadian community. Despite the 18 new spaces announced for the Wedgeport region, these spaces are still not available because of school construction delays. We submitted a request for funds in February 2022 and again in October 2022, but we are still waiting to receive the additional funds promised under this agreement. There are not even any spaces for little ones from 18 months to 3 years of age.
>
> We represent 16 Acadian and francophone child care centres in the province, but we have no idea how much money will be coming our way under this new agreement, how much has been set aside for Acadians, or when we will get it.
>
> Furthermore, our association has no seat at the consultation table created following the agreement, despite our 30 years of involvement.

I note the comments by Senator Cordy about the funds that Nova Scotia is going to allocate to child care. However, what guarantee do we have that the province's Acadians and francophones will receive their share?

Nicole Arseneau Sluyter, president of the Acadian Society of New Brunswick, with whom I spoke on Friday, said she was in favour of adding official language minority communities to clause 8, because that would do more to guarantee funding, if ever the matter went to court.

She said, and I quote:

> There aren't enough daycare centres in French, and some parents have no choice but to enrol their children in English-language schools. As a result, their children end up losing their mother tongue.

Perhaps francophone parents in each province and territory will not be obligated to take their respective governments or administrations to court in order to get francophone daycares, but, as senators, are you willing to take that risk? I'm not, given the recourse in Nova Scotia and what Suzanne Saulnier told us. I'm still not seeing any results following the signing of the new agreement in 2002.

As for the Indigenous people of this country, even though this bill makes multiple references to them, nothing is guaranteed.

Our communities are not in competition with each other. They need to work together to claim their share so that they have early childhood education centres for generations to come.

I am here to tell you that, even if we adopt this small amendment, which is not even in the preamble of the bill, there are no guarantees that my province will provide francophone child care spaces, and even if it does, there are no guarantees as to when that will happen. The situation is similar in the other provinces.

I would urge you, honourable senators, to vote in favour of the motion. Thank you very much.

Hon. Senators: Hear, hear.

[*English*]

Hon. Joan Kingston: Honourable senators, I am honoured to have my first opportunity to speak in this chamber. I didn't think that I would speak here so soon after taking my seat, and I do not have any stories prepared to share, but I am certain that I could never equal the storytelling of Senator Prosper. I am just going to leave it at that.

I am, however, hopeful that, over the next months and years, I will show my spark, as he has asked us to do.

I am speaking in favour of this amendment to Bill C-35 because it fits with my goals to give voice to equity-seeking groups and to address the issues that impact the social determinants of health and social justice.

Colleagues, Bill C-35 is an important piece of legislation to support the federal government in working with the provinces, territories and Indigenous people to build an affordable, inclusive and high-quality early learning and child care system for families across Canada, and to support equitable access to early learning and child care.

I have to say that early learning is my priority because of the implications around early childhood development and how it impacts that.

Bill C-35 is another significant step toward ensuring the system remains in place long into the future so that generations of young Canadians can get the best possible start in life.

[*Translation*]

Both of New Brunswick's official languages are spoken in my family. My husband is a proud Acadian.

[*English*]

Our family and our children were fortunate to live near the capital city of New Brunswick, where we had access — in the late 1980s and early 1990s — to quality early learning and child care in French, thanks to the existence of the Centre communautaire Sainte-Anne, and later they went to École Sainte-Anne as well.

I would just like to say that, historically, this was made possible by Louis Robichaud, followed by Richard Hatfield. They were two New Brunswick premiers, who, although they were on different sides, and one after the other, were both committed to equal opportunity: *Chances égales pour tous*.

This is how my children received the opportunities that they did.

I wish for and want all children to have those experiences, especially the English and French linguistic communities across this country. Early learning is vital to early childhood development as a social determinant of health.

Early learning should be recognized as an important part of the education of our children, and we should put in place whatever we can to ensure the protection and promotion of that education for our linguistic communities. In fact, in New Brunswick, education is protected under section 16 and section 16.1 of the Constitution. However, early learning has never quite made it as a real part of education, and it needs to be.

I will be voting in support of this amendment. I would urge you all to do so.

Thank you. *Meegwetch*.

[*Translation*]

Hon. Jim Quinn: Thank you to my colleagues from Nova Scotia and New Brunswick, and thank you, Senator Aucoin, for sharing your story. It really underscored for me the importance of the amendment moved by our colleague, Senator René Cormier.

[*English*]

Thank you, Senator Kingston, for your remarks about the importance of what our previous leaders in New Brunswick did for our population.

Tonight, I would like to make a couple of final observations. I think that Senator Cormier did an excellent job of underscoring why clause 8 is so deserving of the amendment that he has proposed.

I would like to underline a couple of other things: The other place sent us this bill with amendments from their committee. It gave us the opportunity to look at a good bill, and the opportunity to have sober second thought about how we improve it. I believe that is what our job is. And I understand the pressures — at this time of year — of bringing legislation through the process. However, I also believe that the House, the other side, made amendments in clause 7. But as our colleagues have so frequently pointed out, it didn't really ensure the long-term security of the programming aspect by ensuring that the finances were properly addressed in clause 8 of the legislation. I believe that is something that is so essential.

• (2040)

I had the pleasure of sitting in on the Social Affairs, Science and Technology Committee for one of my colleagues who could not be there. Therefore, I was a voting member, if you will, and it was so impressive to hear the dialogue taking place in that committee. That particular evening, officials from the Province of New Brunswick, my own province, were there, and so I had the opportunity to speak with them before and after the session. I thought their presentation was a strong and good presentation. I thought they responded to questions in a fair, equitable and open manner.

One of the questions they were asked was whether the bill is adequate as is and whether it helps their province. The answer was yes. Debate was stopped because we ran out of time. The chair of the committee was so eloquent in recognizing that there were other questions. The question I had, which would have been my follow-up question and which I had the opportunity to put to them afterwards, was this: Yes, it helps strengthen our position, but would it be stronger for the province to ensure that clause 8 had the amendment that we were talking about tonight? They agreed that, yes, it would. I did not have the opportunity to ask that question in committee, so I am outlining that for tonight.

I am speaking as a senator not just from New Brunswick but from Canada, where we have linguistic minority rights across this country — as Senator Aucoin so eloquently described with the story he grew up with in the province next door to mine. Senators, there are other areas of Nova Scotia that had that same experience. The southwest part of Nova Scotia, as you all know, is also similarly challenged. I think it is our responsibility to do our sober second thought and strengthen this bill without doing it unjust harm, noting that the other side agreed unanimously with what they did. However, I think they made a small oversight by not doing exactly what Senator Cormier is trying to achieve in his amendment. We are duty bound to at least put that amendment back.

My colleague Senator Ravalia noted today that we just did something like this with another bill that went back with an amendment. It was accepted, and it is back over to the Senate — as I understand. Surely, the other house intended to bring a stronger document. I think the sober second thought has made it that much stronger again to ensure that it will be a little more difficult for future governments to change funding arrangements for linguistic minority groups in any part of our country.

Therefore, I am rising tonight to thank Senator Cormier for his foresight because it is forward-looking to ensure that our country really wraps its arms around official bilingualism. We must also keep in mind Indigenous rights in our country. This is something we are duty bound, quite frankly, to pass and send back to the other place so they can then agree or disagree. That is their privilege.

I think it is our duty to strengthen this bill in the manner that has so eloquently been outlined tonight.

Thank you.

Hon. Marc Gold (Government Representative in the Senate): Thank you, Senator Cormier, for the amendment. Thank you all who have contributed.

I have a prepared text that I am going to read.

Let me begin by saying that what I will try to do is present the government's position. The government does not support this amendment, as Senator Cormier knows — I was in committee for the clause-by-clause consideration. I will try to do so in as clear a way as I can as a member of a minority language community whose government is not particularly friendly to my community despite the privileges that we have enjoyed for centuries. We have had a far easier time than those of you in the French communities outside of Quebec.

I do understand the importance of this to you. I certainly understand the passion with which you and others in this chamber have embraced the amendment. I respect that. Our identities are important to us. They are precious to us. They are who we are. Our language is the vehicle through which we see the world, much less express ourselves in the world.

I hope you hear my remarks in the spirit in which I am offering them. I am not going to put on my constitutional lawyer hat, although it probably comes out that way when I give you the legal analysis that the government, at least, believes is correct. As well, I am not going to pretend that this amendment, if it passes, is going to kill the bill or — what was the expression — cause the cathedrals to fall or something. It was "sink the armada" — no, none of that.

I have argued against amendments before in this place with less and less success, it seems, as the appetite for amendments in this place seems to grow more than to my taste. However, the will of the Senate is what — we are all here to serve Canadians, and I signed up for this gig seven years ago believing, as I still do, in the independence of the Senate and our duty to do the best we can to improve legislation.

I also believe that it is never possible as humans to be rational as opposed to emotional. Our intelligence and our judgment as we now understand them through neuroscience and, indeed, through the wisdom of our traditions, frankly — we did not need neuroscience to teach us that — as human beings, we bring everything to the table.

You can read it, and what you will hear me say, I am saying to you through my own eyes and wearing the hat that I wear. You can take it. You can discount it. I do appreciate your attention to the preamble. Now I will get to my speech.

I will speak briefly to this amendment, but the government cannot support it. It is not because the objective is not worthy. It is because, in the government's view, this amendment is actually not consistent with the fundamental intent and purpose of this bill. The purpose of the bill is set out in clause 5.

The purpose is to:

> (a) set out the Government of Canada's vision for a Canada-wide, community-based early learning and child care system and its commitment to ongoing collaboration with the provinces and Indigenous peoples to support them in their efforts to establish and maintain such a system . . . .

Responsibility for early childhood care is exclusively provincial or territorial or is in the hands of the Indigenous communities that have the constitutional right to self-government and have the responsibility. It is their responsibility to set up, manage and determine it.

Further, the purpose is to:

> (b) set out the government's —

— the Government of Canada's —

> — commitment to maintaining long-term funding for the provinces and Indigenous peoples for the establishment and maintenance of that system;
>
> (c) set out the principles that guide the ongoing federal investments in that system . . . .

[*Translation*]

Colleagues, Bill C-35 only applies to the federal government, which is enshrining in legislation a long-term commitment to building and maintaining a Canada-wide early learning and child care system. The bill respects provincial and territorial jurisdictions and does not impose any conditions on the provincial and territorial governments or on Indigenous peoples. The provinces and territories will maintain their jurisdiction and responsibilities regarding early learning and child care.

Colleagues, let me remind you that all of the Canada-wide early learning and child care agreements signed with the provinces and territories, apart from Quebec, contain clauses about supporting and respecting the rights of official language minority communities according to every jurisdiction's context and priorities.

• (2050)

[*English*]

As an example, the existing bilateral child care agreement between the federal government and the Government of New Brunswick includes the following:

> New Brunswick commits to develop and fund a plan to ensure that new space creation ensures diverse and/or vulnerable children and families — including children with disabilities and children needing enhanced or individual supports, Indigenous children, Black and other racialized children, children of newcomers, and official language minorities — have spaces equivalent to or greater than their share of the population in the province or territory.

Senator Cormier's proposed amendment, as we know, intends to include reference to official language minority communities in clause 8 of the bill. The intentions are laudable, but it would be inconsistent, colleagues, to recognize English and French linguistic minority communities alongside the provinces, territories and Indigenous peoples responsible for the design and delivery of the early learning and child care programs and services outlined in clause 8 of the legislation. Legally speaking, English and French linguistic minority communities do not have the same status or the same role in delivering early learning and child care programs and services, nor in building and maintaining this Canada-wide system, as do the provincial, territorial and Indigenous partners.

It has already been mentioned that the bill contains multiple provisions highlighting that the funding for child care must include investments for official language minority communities. Clause 7 specifically articulates the federal principles guiding how federal investments are directed for early learning and child care across Canada. These include the efforts in the development of agreements with provinces, territories and Indigenous peoples — the specific bilateral agreements upon which this framework sits and guarantees the ongoing federal funding to those funding partners.

The Government of Canada is absolutely committed to supporting official language minority communities in early learning and child care. For example, the government's Action Plan for Official Languages 2023-2028 contains an existing investment of more than $60 million over five years into early learning and child care in francophone minority communities.

In relation to Bill C-35, clause 7 highlights the funding commitments for the official language minority communities. Let me put on record these specifics:

[*Translation*]

Paragraph 7(1)(c) states that the investment must support the provision of early childhood care:

> . . . from English and French linguistic minority communities, that respect and value the diversity of all children and families and that respond to their varying needs . . . .

Subclause 7(3) states that federal investments in respect of early learning and child care programs and services must be "guided by the commitments set out in the *Official Languages Act*."

Subclause 11(1) states that the minister must take into account the importance of forming a council that includes official language minority communities, referring here to the National Advisory Council on Early Learning and Child Care.

[*English*]

Colleagues, I would like to point out that in both paragraph 7(1)(c) and subclause 7(3), the definitive use of the word "must," rather than the subjective use of the word "may," is used. This is a commitment of the federal government in its responsibility to fund those partners acting within their jurisdiction.

Clause 8 of this bill speaks to the funding and delivery mechanisms of early learning and child care. These are the provinces, territories and Indigenous partners who are constitutionally responsible, not official language minority communities.

The bill was drafted to ensure that the government respects the constitutional jurisdiction of the provinces and territories, as well as respects and upholds the rights of Indigenous people, including the right to self-determination.

Colleagues, this was not incoherent. This is not ambiguous. This is not an oversight. This was very deliberate. This was a deliberate distinction drawn between the principles to guide the funding and the beneficiaries, including language communities in minority situations as well as others to whom access to fair, affordable child care is a priority, and those bodies — provinces, territories and Indigenous governments — who have the constitutional responsibility to create and deliver these systems and to receive the funding for these systems.

Respectfully, despite the arguments that you have heard, there is, in fact, a potential problem for including the linguistic communities in situations of minority in clause 8. A government official stated it at committee. I will quote again for those of you who were not at committee. This is a repetition of the point that I just made to some degree, but I'm quoting from the government official at committee, who said:

> . . . legally speaking, English and French linguistic minority communities do not have the same status or role in delivering ELCC programs and services and in building and maintaining this Canada-wide system as the provincial, territorial and Indigenous partners do. Adding a reference to that group, then, in clause 8 would create the expectation for dedicated and increased funding. . . .
>
> . . . support for specific groups, such as English and French linguistic minority communities, are very importantly and appropriately captured in that guiding principles clause, which was already amended at HUMA in clause 7 in subclauses (1) and (3).

The official went on to say:

> Adding another mention of official languages in Bill C-35 could, per our understanding, legally be seen as specifically excluding federal support for other systematically marginalized groups, such as children with disabilities, who aren't listed.
>
> Beyond jurisdictional roles and responsibilities, I think this amendment also raises questions around support for Indigenous languages, which are not mentioned in the legislation . . . .

Colleagues, sometimes best efforts may result in unintended consequences. I have no doubt that neither Senator Cormier nor anyone else in this chamber who has spoken for or who will vote in favour of this amendment has the intention of potentially excluding support for other marginalized communities not listed. However, the balance between constitutional jurisdiction and the federal commitment to fund relies on specific wording — or lack of wording in this case.

We have heard reference to statutory interpretation, but it cuts both ways. If there is a risk that the exclusion of language might cause a potential consequence down the road for those communities seeking vindication from their province because that is where the responsibility lies, so, too, would the inclusion of some words potentially cause problems, applying the same principles of statutory interpretation to those who would not be otherwise included in the amendment to clause 8. The government lawyers reviewed this carefully. They considered it in the other place. It is their view that the amendment is not appropriate for these reasons.

• (2100)

Senator Moodie outlined the following in her second reading speech:

> . . . clause 8 of the bill commits Canada to maintaining long-term funding, primarily through agreements with the provinces, Indigenous governments and Indigenous entities.

Amending clause 8 with an additional entity could conceivably, as a matter of potential statutory interpretation, add another funding commitment, and it is concern for that that underscores the government's opposition to this amendment because provinces and Indigenous peoples have legal and jurisdictional roles to play in the creation and delivery of these whereas minority language communities — like my own in Quebec or those of yours in other provinces — simply do not.

Notwithstanding that our rights are constitutionally protected in many ways in education and the like, our status is, nonetheless, different from the provinces, territories and Indigenous governments.

[*Translation*]

Bill C-35 also aims to respect and enforce the rights of Indigenous peoples, including the right to self-determination. As officials have pointed out, Senator Cormier's amendment could raise questions about support for Indigenous languages. This is

certainly not what Senator Cormier and those who support his amendment intend to do, but it could lead to section 8 being amended or split.

Senator Cormier is right to say that the wording he proposes in his amendment is found in other bills. This point was not necessarily raised in today's debate, but it was, and rightly so, during the committee study of Bills C-11 and C-18.

In these bills, however, the wording is used in a specific context. The suggested wording for section 8 of Bill C-35 does not appear in these bills. As I said earlier, this is not necessarily consistent with the fundamental objective of this bill, which is to guarantee federal funding to the provinces, territories and Indigenous governments who are responsible for providing daycare spaces for Canadian families.

[*English*]

Please don't misunderstand me. The Government of Canada sees the value of official language minorities in early learning and child care. That is why it is referenced in every single provincial and territorial bilateral agreement, again, outside of Quebec, which has an asymmetrical arrangement. The existing funding agreements actually lay out the official language minority communities' intentions, and clause 7 of the framework legislation in Bill C-35 captures that as a matter of principle.

However, it is the position of the government that amending clause 8 would be improper. Here I'm clearly testing your patience by repeating the same thing over and over again, but clause 8 is exclusively focused on who and what actually delivers what these bilateral agreements promise, and that is the provinces, the territories and Indigenous partners.

[*Translation*]

What's more, as you may have seen this week, early childhood education advocates from across the country, including New Brunswick, publicly called for us to pass this bill without any other amendments. Groups such as the YWCA, Child Care Now and the Canadian Labour Congress wrote to remind us that, 50 years ago, the Royal Commission on the Status of Women recommended that the federal government take immediate measures to adopt a "national Day-Care Act" under which federal funds would be made available for the building and running of child care centres.

[*English*]

They wrote that, at this stage, colleagues, Bill C-35 is sufficiently robust to ensure equitable access to child care for generations to come.

For all of these reasons — and I appreciate that you have indulged me longer than I had intended to speak — the Government of Canada, and I as its representative, simply cannot support Senator Cormier's well-intentioned amendment, and I would invite you to consider my remarks and vote against the amendment.

Thank you so much for your patience.

Hon. Jim Quinn: Would the senator take a question?

Thank you for your remarks, senator. My question is pretty simple, and that is that I think all of us, when we were appointed — certainly since 2016 — had a tremendous interaction with the Prime Minister who reminded us that he would like us to give serious consideration to his policies but to add value where we thought value was necessary and strengthen that process.

Clause 8, I think, is greater certainty, and if this chamber, in its wisdom, decides that, "Yes, we are going to accept the amendment," would you agree that it's not the government that we send it back to? We send it back to the elected chamber, which includes government members, of course, but it also includes the entire chamber. Shouldn't that be our job, if we agree, to let the elected chamber vote and decide whether they agree or not?

Senator Gold: Well, the answer, of course, is yes.

I was appointed as an independent senator. Some of you weren't here during that time, but, with all due respect, that's true. However, it begs the question. We are here to apply ourselves to improve legislation, consider the arguments that we hear and apply our best judgment to them.

I have tried to offer you an analysis of the bill and a reading of the bill as to why clause 7 is structured as it is and why clause 8 is structured differently because I do believe — and I offer for your consideration — that, in fact, it was a very carefully thought-out distinction, which recognizes the commitment of this government and the commitment of each government that has entered into the bilateral agreements that preceded this legislation to respect the rights of linguistic minorities to have access to daycare services in their language. Indeed, in many cases, provinces may very well contract with the communities and support them in the creation and/or expansion of those services, and yet at the same time respect the constitutional obligations of the provinces, territories and Indigenous governments, who are the ones under our Constitution who have exclusive jurisdiction to decide — rightly or wrongly, for better or for worse — how many spaces and how those will be organized for the benefit of their citizens.

Of course, if the Senate passes this amendment, it will go back to the House. We're in a minority Parliament, but it's a government bill so the government will then be seized with it, as will the rest of the House, and they will decide how to respond to our amendments.

Despite what you sometimes hear in this chamber, the House has been very respectful of the Senate amendments. But that doesn't mean they'll accept anything just because we think that it's better and that it improves it. In this case, the government does not believe that this improves the bill. They actually believe that this would be a mistake.

No, the armada will not fall — sorry, I'm grasping at that image, Senator Omidvar. The temple will not fall. The skies will not collapse. But that's not the measure of whether we should support an amendment or not.

We're serious legislators here — we all are — and this amendment has been advanced in a serious, responsible way — 100%. But it doesn't mean it's necessarily correct. There are different points of view. The government has a different point of view than this amendment, and I have tried my best to put it on the table.

That's a long-winded answer to an easy question.

Senator Quinn: I'll be brief as well, senator, if you'll accept another question.

• (2110)

Senator Poirier and Senator Aucoin shared their experiences with respect to coming through their communities and how it affected them and their families. Do you think that the amendment would help reduce the risk of assimilation?

Senator Gold: I'm going to be brief only because I've been invited to speculate on things which I'm not confident about and which, quite frankly, I don't think the Government of Canada should presume to be confident about either.

The fact is that we have before us an amendment to a piece of legislation dealing with the central funding clause in a project of law, which is also surrounded by principles that are guiding it. It is the position of the government that this amendment is inappropriate and does not belong in the funding clause for the reasons I've belaboured with your indulgence. I can't comment on that question. That's not what I hoped for — not for the French-speaking communities outside Quebec or, quite frankly, my own community in Quebec.

Hon. Frances Lankin: Senator Gold, thank you for your speech. You raised a number of important considerations that we all need to take into account. I appreciate all the other contributors to the conversation tonight.

I am, on the one hand, very attracted by the amendment — and by the essence, goal and spirit behind our approach in this chamber of supporting equality measures; however, I'm very troubled by the points that you bring forward with respect to federal-provincial jurisdictional issues.

Having been in a provincial government and knowing when we railed against the feds for stepping into our territory, and knowing this is the exclusive jurisdiction of the provinces, I think that we may be in danger of doing what we believe from a policy perspective would improve the bill. But is that our job here from a policy perspective? If it could endanger the bill or its effectiveness, I want to know more.

Can you be more explicit about why this could be detrimental to the goal that we're all expressing support for here in terms of Senator Cormier's amendment? Are there other related examples, like health care — where the provinces deliver most of it, but it is a bit of a shared jurisdiction compared to others — or immigration or climate control agreements with the provinces, or is there something different about how this has been constructed? If this is different, tell us. If it is not different, then I may start to question supporting the amendment because maybe it's just not our jurisdiction.

Senator Gold: Thank you for the question. That's a really good question and not an easy one to answer. This is more like the health care example than it is the one about climate, and the reason is that climate is truly a shared jurisdiction constitutionally, as the Supreme Court has pointed out. Health care isn't. Health care and education are exclusively provincial.

Those of us — I don't want to say those of you — I've lived in Central Canada, Quebec and the West. There are those in this chamber who bemoan the fact that way back when, the Judicial Committee of the Privy Council interpreted federal power in a very narrow way and expanded provincial power to such a great degree that all the essential levers of the modern state are provincial — health care, education, labour relations — but that has been our reality for 100 years, and we've had to make do.

The way in which the federal government has played a role in health care is through funding, through its spending power, which in my province is not a universally accepted practice, by the way. We take it for granted. I lived and taught law in Ontario for many years and studied law in B.C. I support this spending power because, frankly, it's allowed us to do things.

This is like health care. You can attach conditions to the funding for the provinces and territories to some degree; we do that with health care. We say that we can claw back money that we give to the provinces if it's not accessible to all, or we will attach conditions with regard to reporting data, to go back to an earlier discussion on another bill. But with health care, we don't tell the provinces, "You have to spend it." We can't legislate based on the spending power.

Here too, the Government of Canada has entered into agreements with Ontario, B.C. and Alberta. In those agreements, to make it clear, the money has to support minority language communities, those who are disabled, racialized communities, Indigenous communities and those who live in remote areas. That's okay because those are contracts, but the money flows without the conditions. The conditions are bilateral and negotiated. I'm sorry, the rusty professor came out.

It's more like that. This is not that the Government of Canada has the ability to necessarily stick in its funding commitment an ongoing commitment, either for itself or more importantly for the provinces, to continue to fund, in this case, minority language groups. The feds don't have the jurisdiction to impose that on the provinces.

That's why, at least in the judgment of the Government of Canada, the lawyers and policy folks who drafted this bill, section 8 should remain clean and focused only on those who are responsible for delivering the funds and to whom they would flow. I don't know if that answers the question.

Senator Lankin: It helps. Thank you.

Hon. Ratna Omidvar: Thank you, Senator Gold, for your comments, and in particular the preamble to your comments about identity. I appreciate them; they were authentic and sincere.

I'm going to invoke the law professor in you — rusty or not — by reading from the witness testimony of Professor Larocque, who had a great deal to say about clause 8. He said this:

> . . . when Parliament is silent in one part of the law but explicit in other parts of the law, courts are entitled to infer from that that it was an intentional silence.

He continued, saying:

> By not mentioning official language minority communities in clause 8, we essentially allow a court to eventually conclude that this was the legislator's intention, since specific mentions are included elsewhere in the bill, but it is silent . . .

— in the founding clause.

I wonder how the law professor in you would rebut that.

Senator Gold: Thank you. I have enormous respect for law professors. I'm looking at our colleague Brent Cotter and others. But those of you who have been in the business know we don't always agree. In fact, we make our reputations by disagreeing with each other. There is politics in academic life too, as many of you know.

I'm going to demur to the professor's point. When courts look at this, in my opinion, they will understand very clearly that the exclusion from section 8 of reference to minority language groups was deliberate and intentional. It was to make it very clear that there is no funding obligation that the Government of Canada is assuming on itself in this law. There's a lot of funding that flows from the federal government to minority language communities, thank goodness. One can certainly argue that there should be more.

But there are no funding commitments attached to the federal government with regard to this bill in section 8, and it does not indirectly impose on the provinces and territories vis-à-vis the language communities within their jurisdiction.

With respect to the professor, I think the conclusion they will draw will be that this is a coherent, unambiguous attempt to distinguish clearly between the principles governing how this program should be rolled out in the provinces, territories and within the jurisdiction of Aboriginal governments and what the federal commitment is for the ongoing funding to those constitutionally mandated partners who have to deliver it.

• (2120)

[*Translation*]

Hon. Renée Dupuis: Would Senator Gold agree to take a question?

Senator Gold: Of course.

Senator Dupuis: I'm pleased that you answered "of course."

Senator Gold, I'd like you to explain to us the government's reasoning in this case. You drew a parallel with health, which is also a provincial jurisdiction. Here, we're talking about early learning and child care programs. We're also talking about fundamental rights.

You emphasized the deliberate nature of the government's choice in Bill C-35. Does this deliberate nature mean that there's no will on the government's part to include a clear condition to ensure services for minorities in the provinces or territories? Does it mean that this is more a question of political will to not include it, rather than any other obligation?

That's why I want to make a connection with fundamental rights. We talk about people's right to express themselves in their own language. The federal government says it wants to protect and encourage respect for both official languages and Indigenous languages, but it seems that your justification shows that there's no will to go that far.

Senator Gold: Thank you for the question, senator. This gives me the opportunity to hopefully clarify the rationale behind my position.

The starting point is the bilateral agreements negotiated in the past with the provinces and territories, respecting the jurisdiction of the Parliament of Canada and the exclusive jurisdiction of the provinces and territories in this area.

In the context of these negotiations, as I pointed out — except for Quebec — in each agreement there is a bilateral commitment to protect and respect not only the right to services for children from linguistic minority communities, but also for other groups in the province or territory, because each jurisdiction has its own unique characteristics.

That is the starting point. This ensures respect for the jurisdiction of the provincial and territorial governments and the Indigenous governments that negotiated these agreements, but all agreements contain these guarantees.

If we want to move forward, we need to rely on the provinces and territories to put money and resources on the table to train those who will take care of our children. It's not just a cheque from the federal government that will miraculously create thousands or hundreds of thousands of spaces. I don't know the exact number of spaces needed, but it's huge.

We are counting on the provinces and territories' ongoing commitment to providing Canadian men and women — whether they are single parents or, as is more and more common, both parents need to work — with affordable daycare spaces for their children. Let's not forget the intergovernmental dynamics of this program, which is based on federal-provincial collaboration.

I apologize for giving such a long-winded answer, but it is important to really grasp where this is coming from. The starting point is the provincial-federal agreements that establish guarantees and uphold the constitutional rights of our official language minority communities.

I don't know if that is a satisfying answer to your question, but it's the best I can do.

Hon. Rose-May Poirier: Senator Gold, would you take another question?

Senator Gold: Absolutely.

Senator Poirier: Thank you. In your speech, you mentioned, and I heard the same thing several times, the respect that the government has for official language minority communities.

In New Brunswick nowadays, the French-speaking population accounts for between 30% and 33% of the total population. However, funding for daycare for young children isn't at 30% or 33%, it's at 16%.

[*English*]

How can we say that we are respected in our situation, as a linguistic minority, when we don't even receive the funding that is needed, and which is there? We're not asking — and the amendment does not ask — for more funding. It does not change any of that. All we're saying is that we should work together as we go forward so that — by the time of the next negotiations, and in the bilateral things that we will be working on, going into 2025 — we can make sure that the percentage becomes a little bit higher in order for francophones to get what they need to be able to live using the language of their choice, as well as live the culture that they have had from a very young age. That's what this is all about: It's about fewer people having to go through the tribunals to get everything done.

If you're saying that is the respect that we have, then nothing in the amendment is changing any funding. Nothing in the amendment is taking anything away from Indigenous peoples or their language rights. We're trying to find a way to get closer to what is the reality. There is, absolutely, big respect for the people who are in the situation of linguistic minorities.

Senator Gold: I really hear you; I really understand. I tried, and I hope that I succeeded. I certainly tried because it's important to me to not imply, much less play into, the notion that we're somehow trying to pit ourselves against each other. That's not what the government's objective is in this bill, and it's not at the heart of it — it's opposition to this amendment.

It's not fair that the funding for child care spaces in your province, or in any province, doesn't match the needs. I'm accepting — as a rough measure of that — that the funding is far less than the percentage of the population; I take that as granted. But that is essentially inadequate funding from your province, is it not?

The additional funding that the federal government is making available to the provinces once they sign an accord — which your province has done and includes the commitments to fund — is the vehicle through which the Government of Canada hopes that more spaces will be filled to meet the full needs of all New Brunswickers, whether they are English-speaking, French-speaking, rural or urban.

What the legislation stops short of doing — or doesn't want to even suggest that it is doing — is imposing specific funding obligations on the provinces with respect to the groups who are the legitimate beneficiaries of the spaces to be created. Those groups, which are addressed as linguistic communities and others in the other parts of the bill, are there because they're important. The federal government's responsibility, as it sees it, is to provide the funding to the provinces. They need to negotiate the bilateral agreements which include and respect the constitutional principles and rights of Canadians, including those of linguistic communities.

• (2130)

I regret if it feels like it is not respectful. The Government of Canada does believe it is respecting its constitutional jurisdiction. It is respecting the rights of linguistic minorities in each and every bilateral agreement that it signed. It is not enough. I understand that. I have heard the speeches. I really feel the speeches.

That is, nonetheless, how the government reads its responsibilities and reads the legislation that it brought forward.

[*Translation*]

The Hon. the Speaker: Does the senator have a supplementary question?

Senator Poirier: Yes.

The Hon. the Speaker: Would you take a supplementary question, Senator Gold?

[*English*]

Senator Poirier: In respecting all that you have just said, I do not see the danger or harm in accepting this amendment. This amendment is trying to continue this negotiation and bilateral agreements up to 2025, that at least they will consider talking in those negotiations with the provinces so maybe we can get closer to this.

Don't you agree that there is nothing harmful in this amendment? Actually, it may be opening up another window of people thinking of the possibility of what is included that may not be respectful to our minority languages.

Senator Gold: Again, I understand the argument. I won't apologize for giving you a legalistic answer, but the advice of the government lawyers who analyzed this is that unfortunately — however well-intentioned — there is, in fact, a risk of including it in clause 8. It is not necessary, in the government's opinion, because the bill itself already commits the federal government in whatever it does to respect the Official Languages Act.

Everything the federal government does has to respect the Constitution of Canada. The Constitution of Canada includes education and rights to linguistic minorities for their institutions, whether it's in section 16 or other sections in other areas. The Constitution creates obligations on both levels of government. There is no way — short of a "notwithstanding" clause, which this government is not in the habit of using — to avoid those constitutional obligations.

The legal advice that the government had in drafting this was such that it was not appropriate, that it could have unintended consequences, as I tried to say before, and that it was not necessary in light of the principles and the obligations that are already there, whether in the bilateral agreements or in the Constitution itself.

[*Translation*]

Hon. René Cormier: Senator Gold, I'd like to hear your thoughts on the federal government's responsibility under the Official Languages Act, Part VII in particular, and on taking positive measures. Under the new Official Languages Act, the government committed to working on taking positive measures in its relationships with its partners to ensure the development and vitality of official language minority communities.

How can the government justify its commitment to taking positive measures under Part VII of the act when it comes to the problems that you identified? How can the government justify not agreeing to include something that, as we already said, doesn't infringe on Indigenous people's rights, or any rights?

My underlying question is this. Can you tell me how you determine the difference between a guiding principle and what is referred to in clause 8 as a funding commitment?

Senator Gold: Thank you for the question. The obligations set out in the Official Languages Act are important. It is a quasi-constitutional instrument. I think the government takes all its responsibilities very seriously.

Nevertheless, this bill is not an official languages bill. It's a bill that would create a framework to continue funding child care spaces negotiated and delivered by the provinces and territories. As I said, I don't want to repeat myself, but it's — I may have missed something, but these are two separate situations — it's not necessary, and it doesn't negate the Government of Canada's obligation to Canada's linguistic communities in the context of the Official Languages Act to say that, in another context — That brings me to your second question.

When there are the principles that guide the agreements and delivery of this program, I think it's completely consistent for the Government of Canada to say, on the one hand, that a distinction is made between those who receive the money and those who are responsible for creating the spaces and, on the other hand, that the government determines the principles that must guide the delivery of spaces in the provinces and territories, and in negotiations between the federal government and its provincial and territorial counterparts. That's why the principles in clause 7 and the other clauses already mentioned are so important. This will guide the federal government when it renews agreements with the provinces. A reference to the Official Languages Act is also included in the bill.

Again, I think I'm probably repeating myself too much, but that's the way the government sees it.

Hon. Diane Bellemare: I have a very brief question for the Government Representative. Do you have an alternative to propose with regard to the protection of linguistic minorities?

Senator Gold: For once, I will be very brief with my answer.

No, I have no alternatives to propose. The government is of the view that this amendment is unnecessary and inappropriate. Ultimately, we will soon put it to the vote and see. At least I hope that's the case. Ultimately, it is up to us to decide. I've done my best to explain the government's point of view. Ultimately, we will proceed with the vote. If the amendment passes, the House of Commons will consider it with the respect it typically gives our amendments, and we will see whether a message comes back or not. That's all I can say. No, I have no alternative to propose.

[*English*]

Hon. Brent Cotter: Will Senator Gold take a question or two on this bill and the amendment?

Senator Gold: The answer is yes. Yes, I will, senator.

Senator Cotter: Thank you. Senator Gold, are we agreed that clause 8 of this bill is an exercise of the federal government's spending power in areas of provincial jurisdiction, as you articulated earlier, in terms of early learning for children and the like?

Senator Gold: That is a good question. You are a very good law professor and a good lawyer, and it's a bit of a tricky question. I do not mean that as a criticism.

Senator Cotter: I do not want this to be a trap, but I'm heading that way. Sorry.

Senator Gold: No. I was drawing an analogy between health and this. I do not want for a moment to suggest that the federal responsibility — whether to Indigenous peoples, peoples with disabilities or people in linguistic communities — is exclusively a matter of, "We will wash our hands of it but here are a few bucks." I'm not suggesting that. The closest analogy, in response to Senator Lankin, was that this is much more like health than it is about climate where there are trade and power and then there's the general power. You know? That's all I was saying.

• (2140)

Senator Cotter: I accept the analogy, and I think it's a good one. Senator Cormier's amendment then adds one more category of people to the Government of Canada's spending power commitment. That authorizes the Government of Canada to make expenditures in federal or provincial jurisdictions, a point that you, yourself, just made. So I don't understand why you wouldn't either sign-off on this on behalf of the government or say, "We don't want to make the financial commitment to one more group of communities looking for funding."

Senator Gold: Respectfully, Senator Cotter, that is not quite the reason why the government opposes this. Again, we are looking at legislation and asking ourselves, as Senator Cormier

did and as the witnesses did, "Well, it's really good now, but what happens in the future?" Without this language, then maybe a court might conclude that the absence of clause 8 means that we can wash our hands of the requirement. It is a speculation on the future based upon a particular, totally credible principle of statutory interpretation.

The Government of Canada's concern about this amendment — the reason it opposes it — is not dissimilar. It is saying, "Look, if we put it in there, there could be unintended consequences in the hands of a court or in the hands of a review, and it was not intended." This bill was not intended to create those kinds of funding obligations.

This bill represents a commitment to the people of Canada, regardless of language, region, disability, lack of disability or circumstance, to ensure they have access to the child care spaces that they need. It has been a long time coming.

The Government of Canada, because it was able to secure the collaboration and cooperation of all provinces and territories, was able to actually build, for the first time, a national system. It is relying upon the provinces and the territories to deliver the goods. It is relying upon the dynamics of federal — I use federal-provincial as a shorthand — collaboration, negotiation and orchestration in order to deliver this for the benefit of Canadians.

It is not about not wanting to add one more group. It is worrying about the potential consequences down the road that would be inconsistent with the purpose of this bill, as I said at the start of my more or less prepared remarks.

I know this does not satisfy those of you who are passionately supporting this, and I respect that. It is, nonetheless, the government's position, and I offer it to you humbly and with respect.

Hon. Andrew Cardozo: Honourable senators, this is one of the most exciting and interesting debates that I've seen in this place for a long time. I say "exciting" from an intellectual perspective. I listened to the speeches made by Senators Moodie, Cormier, Aucoin and many others. I wish to pick up from the question that my colleague Senator Bellemare put forward.

In sober second thought, we often give our best advice to the elected chamber. If we were to pass this amendment and say, "This is our best advice, and these are the reasons why" — and my colleagues have outlined them much better than I can — it gives the elected government and the House of Commons the opportunity to consider what we are saying to them. They can either accept it or put something else forward. As Senator Bellemare said, "What other suggestions are there?"

That's what's happened in many cases where we've made amendments, they have accepted some, changed some and then come back. We would be saying to them, "This is what we think needs to happen. You've perhaps got some concerns about, perhaps, the constitutionality. Can you come back with something that takes care of those concerns and meets these concerns?"

I am asking: Isn't this a good opportunity to have that kind of dialogue between the Senate and the House of Commons?

Senator Gold: Thank you, senator, for that question.

At one level, of course, when we pass an amendment, it does give an opportunity for the other place to reflect upon it. Our job is to use our best judgment and, where we think appropriate, to suggest, propose and pass amendments to improve legislation. But, of course, you are not saying or asking me — that's true in theory.

But, surely, our role as legislators is not simply to throw things on the table and see what the other side wants. That would be irresponsible. We are not summoned here to just be a generator of ideas. An algorithm could do that, quite frankly.

We are here for sober second thought, and "sober" is an important part of this, right? It means that we actually have to consider it. "Second thought" also implies that we have a different role than the elected officials, that the policy choices that they make, the decisions to go with this instrument versus that instrument, are worthy of our consideration.

We may think we have a better idea. We may think that we are smarter than them. Maybe sometimes we are and, maybe, sometimes our ideas are better, but we need to respect the fact that we are here to adequately assess whether what they did fits within the constitutional parameters, respects minorities and all of those criteria we use to decide when an amendment is or is not appropriate.

Finally, "thought" is what we are doing. We have heard excellent speeches by Senator Cormier and many others arguing passionately why this is an important measure and why it doesn't do any harm. I have not tried to suggest that it does harm. I really have tried not to do that because I am telling you what I believe. I am not sounding alarm bells here. I don't think that this is an appropriate exercise for us.

In my view and in the government's view, if we read the bill carefully — many have, but, of course, not all of us have. To be frank, we can't. If we're not on the committee and if we haven't decided to make this a priority, then we haven't read the bill in the same way as Senator Cormier and many others in this chamber have, that I have or that the government has when they drafted it.

If you read the bill, look at the architecture of the bill and put it in the context of the constitutional divisions of power — I'm not saying that this is an unconstitutional amendment. You didn't hear me say that. I'm not saying that. But if you look at the constitutional division of powers and who is responsible for what, then the bill makes sense. You can disagree with it; many of you will vote for this amendment because you may believe everything that I say but still disagree. The Senate will decide. When you no longer are asking me any questions, then we can get to the vote.

Senator Plett: Hear, hear.

Senator Gold: "Hear, hear," says my friend Don Plett.

With respect — and I appreciate your question — it would be irresponsible for us on this and on any other bill to just say, "Well, it doesn't matter; they will decide." That's an abdication of our role. We have a responsibility. People will disagree about the boundaries. And, again, I am not using an argument — I've used it before and I promise I will use it again — that we are stepping outside our role here. Right? I am not saying that.

I'm not saying that we owe deference, therefore we should not amend. I'm saying that this amendment on policy grounds, on drafting grounds, on statutory interpretation grounds and on intergovernmental grounds is not an appropriate amendment. It is well-intentioned and animated by a fierce, necessary and loyal commitment to the survival of our linguistic communities in situations of peril, in many cases.

• (2150)

In a heartfelt plea, please do not ask me any more questions unless you really have not heard the answer, because I'm repeating myself ad nauseam. Let's get to the vote, and *que sera, sera*.

[*Translation*]

The Hon. the Speaker: Senator Forest, you had a question?

Hon. Éric Forest: Senator Gold, we see that being a professor is in your DNA. I sense that the government's big concern has to do with respect and meeting its obligations under our Constitution. The proposed amendment in this case may help create an opening.

A comparison has often been made between education and health, both of which fall under provincial and territorial jurisdiction. As you said, the role of the federal government is to provide the funding, through agreements, to help the provinces and territories assume that responsibility.

The second part of the amendment says exactly the same thing. I do not understand why the left hand does not do the same thing that the right hand is doing when it comes to health care. The second part of the amendment says the following:

> (2) The funding must be provided primarily through agreements with the provincial governments . . . .

If there are indeed agreements, then we can assume that both parties have agreed on a situation that is mutually satisfactory and meets the constitutional obligations of each party. I do not understand. The amendment clarifies and confirms certain things. In the context of these agreements, respect is a guarantee by which the constitutional obligations will be met.

Senator Gold: It will be hard for me to give a brief answer, but I'll do my best. The clause as written in the bill is a subclause. According to the government's legal counsel, as I've explained many times, there is a risk of unintended consequences if we include a reference to the language committee.

Senator Cormier split this provision in two by proposing and insisting — no, maybe that's not the right word — by saying that it would fix the problem because it's in two parts now. The officials were asked that question at committee: "Do you think that splitting this section in two will make a difference when it comes to the possible interpretation of this section?" Their answer was clear: It would not change anything. They don't think it will make a difference. In fact, regardless of how the clause is worded, whether it's formatted as one subclause or two or as paragraphs (a) and (b), in this context, according to the government's officials, it doesn't fix the issue.

Hon. Pierrette Ringuette: Senator Gold, I need to ask you a question. Responsibility for minorities in this country lies in the federal government's spending power and responsibility. What I am reading here in this amendment is not something we have seen before. In any case, I didn't see it, and I asked different people if they had seen a copy of the agreement signed between the federal government and the Government of New Brunswick, for example, which, according to you, contains certain obligations.

As Senator Poirier pointed out, the province of New Brunswick provides only 16% of seats when it should be providing 33% of seats for New Brunswick's francophone community. It is therefore up to the federal government, using this provision, to make up for what it is unable to accomplish through the agreement with the province. That's where I see the federal government's responsibility. Apart from New Brunswick, no other province in Canada has a constitutional responsibility to its minority communities. Some provinces have legislation, but in practice, if an agreement exists with a province that does not respect minorities or the commitments made to them, that becomes a federal responsibility.

Senator Gold: I am going to give a two-part answer. First, the responsibility for protecting the rights of linguistic minorities does not lie solely with the federal government. No, that falls to all governments, according to the Canadian Constitution. Section 16 binds all governments. What is more, section 15, which gives the right to equality, also has indirect implications that link all levels of government. That is the first thing.

As for the federal government's responsibility, in the context of the Official Languages Act, it is clear that all levels of government share the responsibility for government-funded programs that help minority communities, or the responsibility to finance the program designed to ensure that anyone who so wishes can be funded or supported when they want to take legal action against the government if their rights are not respected.

With respect to New Brunswick, as I said in my speech, the existing agreement includes a commitment according to which the federal government requires certain things from the New Brunswick government. I have the text in English.

[*English*]

I'll read it again:

> New Brunswick commits to develop and fund a plan to ensure that new space creation ensures diverse and/or vulnerable children and families — including children with disabilities and children needing enhanced or individual supports, Indigenous children, Black and other racialized

children, children of newcomers, and official language minorities — have spaces equivalent to or greater than their share of the population . . . .

[*Translation*]

Evidently, and sadly, it is true that that's not the case now, but under this agreement, the situation should improve. If it doesn't improve, thanks to these agreements, the Government of Canada will be able to stop supporting the provincial government. There's no denying that it's ultimately the responsibility of the provinces to create child care spaces and honour their obligations and the agreements they make with the Government of Canada when it gives them the money to administer these programs.

[*English*]

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

Some Hon. Senators: Question.

An Hon. Senator: No.

The Hon. the Speaker: You are not ready for the question? Sorry, I heard a "no."

All those in favour of the motion, please say "yea."

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Is there an agreement on the length of the bell?

[*Translation*]

Pursuant to rule 9-10(1) and the order adopted on September 21, 2022, the vote is deferred until tomorrow at 4:15 p.m., with the bells to ring at 4 p.m.

• (2200)

[*English*]

ONE HUNDRED AND TWENTY-FIFTH ANNIVERSARY OF THE YUKON ACT

INQUIRY—DEBATE CONTINUED

Leave having been given to proceed to Inquiries, Order No. 14:

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Duncan, calling the attention of the Senate to the one hundred and twenty-fifth anniversary of the *Yukon Act*, an Act of Parliament adopted on June 13, 1898.

Senator Duncan: Thank you, honourable senators. I appreciate your time in light of the hour tonight.

I rise to initiate my inquiry and to call your attention to the one hundred and twenty-fifth anniversary of the Yukon Act, an act of Parliament adopted on June 13, 1898.

There are so many stories about the Yukon to share. One day, perhaps, during my time in the Red Chamber, I too could share a chapter a day during Senators' Statements. Although the stories are no less worthy, my eloquence needs a little more practice and perhaps a Newfoundland and Labradorian accent. No matter the accent, there is none more eloquent when speaking of the Yukon than our bard, Robert Service, who wrote:

> . . . There's the land. (Have you seen it?)
> It's the cussedest land that I know,
> From the big, dizzy mountains that screen it
> To the deep, deathlike valleys below.

Today, my wish is not to dwell on the poem *The Spell of the Yukon*, from which that is taken; rather, it is to speak of politics and the Yukon Act. As a side note, I would be remiss if I did not pay homage and offer thanks to celebrated Yukon politicians who have left their mark in Ottawa in the other place, where the Yukon Act originated. Our MPs have included: Larry Bagnell; Audrey McLaughlin, former leader of the NDP; Erik Nielsen, Deputy Prime Minister during the first Mulroney government; and Martha Louise Black. You may not be aware that Martha Louise Black was elected at 70 years of age to represent the Yukon in the other place — the second woman to be elected to the Canadian House of Commons.

Honourable senators, I wish to draw your attention to some of their work and ours on the Yukon Act as a legislative measure.

[*Translation*]

Colleagues, every day we provide sober second thought on legislation. You may wonder, why the Yukon Act, and why now?

[*English*]

This year, we celebrate its one hundred and twenty-fifth anniversary, a historic milestone in Yukon and Canadian history. I will seek forgiveness rather than permission from my learned constitutional lawyer colleagues in this chamber and elaborate on the Yukon Act as our "constitution."

Honourable senators know that the Canadian Constitution recognizes the provinces individually. Unlike the provinces, the Yukon is recognized as a unique territory through an act of Parliament, the Yukon Act, which was given Royal Assent on June 13, 1898.

I found it useful in reflecting to review the Senate debate regarding An Act to provide for the government of the Yukon District. The debate in this place at that time noted that the act was made as brief as possible to provide for the present government, for the appointment of a commissioner to administer the government, for the appointment of a council to advise and assist — and forgive the language of the day — him in preparation of ordinances for the government and to provide for the administration of justice.

To set the context for you, the Yukon was launched onto the world stage with the discovery of gold in 1896, two years prior to this debate in the Senate. Few are aware that the discovery of gold is mostly credited to a party of three, which included Shaaw Tláa — or Kate Carmack, as she was known — a Tagish First Nation woman; her brother; and her common-law husband. Another side note, dear colleagues — the two men involved in the party of three were inducted into the Canadian Mining Hall of Fame in 1999. Kate Carmack was included in 2019.

Honourable senators, this discovery and the mass influx of those seeking their fortune led to Dawson City, Yukon, becoming the largest city north of San Francisco and west of Chicago by 1897. Many of them crossed the Canada-United States border by climbing the Chilkoot Pass, as seen in that iconic black-and-white photo of a long line of adventurers climbing a steep, snow-clad mountain.

Canada's response to this influx of people was to assert Canadian sovereignty by posting the North-West Mounted Police on the Chilkoot Pass. The officers did not check passports or rely upon an ArriveCAN app; rather, they ensured that every individual had enough provisions to survive the trip to the goldfields as well as the winter — specifically, 2,000 pounds of provisions.

The influx of this international population to the Yukon was noted, perhaps less than charitably, in the discussion of the Yukon Act in the Senate. The Honourable Mr. Mills stated:

> The condition of things is very different in the Yukon country. As I have said, at least 9 out of every 10 of the population are foreigners, to whom the duty of legislating and administering could not be entrusted.
>
> Then, with regard to the few who are British subjects, they are not permanent residents; they have not gone there for the purpose of being domiciled. They have gone there for the purpose of becoming wealthy . . .

That assertion of Canadian sovereignty and the desire to regulate liquor consumption in the territory were the motivations behind the Yukon Act. This principle of asserting Canadian sovereignty though population of the North and support for the North has been the underpinning of Canada's policy in the North for some time.

Honourable senators, the Yukon Act has been amended rather frequently since those initial debates. As it is the Yukon's "constitution" and we are celebrating an important milestone, the background to the Yukon Act and the current context in which amendments are considered today — in fact, the Yukon Act was mentioned in the amendments we dealt with in our legislature today — are the reasons for my address to you tonight.

In 1998, on the one hundredth anniversary of the Yukon Act, the Yukon Legislative Assembly, of which I was a part, held a special sitting in the old Territorial Council chambers and passed the Yukon Day Act.

We also celebrate dogs in the Yukon. Even our territorial crest features a husky on its top. An original photo of the first Territorial Council on the steps of the council chamber somehow included a dog. For the celebration of the one hundredth anniversary, we also included a dog.

A treasured memento in my office is the display that includes photos of both the Territorial Council in 1898 and the Yukon Legislative Assembly in 1996, as well as the Yukon Day Act.

An appreciation of this background is key to understanding our current status within Canada and the Yukon framework for moving forward as we work with First Nations to ensure infrastructure for our citizens, develop our natural resources — including strategic critical minerals — engage in the fight against climate change and continue to protect the vast wilderness that has been home to First Nations for millennia.

The one hundred and twenty-fifth anniversary of the Yukon Act affords an opportunity for Yukoners to share their perspective on the changes to the act and our place within today's Canada, as well as context for the amendments that come before this chamber.

Honourable senators, the first of three key historical matters to reflect upon is the discussion between the Commissioner of the Yukon, the duly elected Territorial Council and the Government of Canada in 1979. The Commissioner's role since 1898 has been that of Ottawa's administrator of the territory.

The individual in this role in 1979 was Ione Christensen, who served as Yukon's senator from 1999 to 2006. In 1966, the Territorial Council — which met in Whitehorse from 1953, when it became the capital — adopted a motion calling for a larger council, provincial status within 12 years and an executive committee with full cabinet powers.

The motion was disallowed. It did, however, lead to negotiations, and eventually, in the 1978 elections, three political parties were elected to a 16-member Legislative Assembly. The Yukon is the only territory that elects its council by political parties.

The changes to Yukon's governance structure came in the form of a letter from then-Minister of Indian Affairs and Northern Development, the Honourable Jake Epp, to Commissioner Christensen.

He wrote:

> . . . I hereby instruct you to accept the advice of the Council in all matters in the said [Yukon] Act which are delegated to the Commissioner in Council, provided that those matters meet the requirements of Section 17 of the said Act and excepting Section 46 of the said Act . . . .

In other words, with that letter, the duly elected members of the Yukon Legislative Assembly started to somewhat become the masters of our own house — albeit without financial means or control over land and resources.

These financial arrangements changed in 1985, when Canada provided the Yukon and the Northwest Territories with Territorial Formula Financing arrangements, which are similar to equalization payments for the provinces.

• (2210)

Honourable senators, the control over land and resources has two key elements: the signing by the Council of Yukon First Nations, the Government of Yukon and the Government of Canada of the Umbrella Final Agreement, the UFA, between the parties in 1993; and the Devolution Transfer Agreement signed in 2001.

Honourable senators are aware the Yukon First Nations are currently in Ottawa celebrating not only the fiftieth anniversary of the presentation of the document entitled *Together Today for our Children Tomorrow*, but they are also celebrating and working with the enabling self-governing agreements and government-to-government relationships, evidenced today with the Intergovernmental Forum.

It's unique in this country, and it has given life and meaning to the phrase coined by First Nations — particularly by Kluane Adamek of the Assembly of First Nations — of describing our shared territory as a "Yukon that Leads."

Yesterday, a trilateral letter of intent was signed ". . . to confirm their commitment to collectively work toward the construction and operation of a Yukon First Nations-led Healing Centre." That is an agreement between Canada, First Nations and the Government of Yukon.

The Yukon was also the first territory to negotiate, with the approval of First Nations, a devolution transfer agreement that gave the Yukon authority over lands and resources, which I signed in 2001. During Senate deliberations about the devolution transfer agreement, the bill that gave force to the devolution agreement in the Yukon Act in 2002, Senator Ione Christensen said:

> . . . the Yukon bill recognizes the political realities of the North and the dramatic changes that have taken place since the days of 1979 when responsible government in Yukon was first recognized. Bill C-39 will bring the legislative framework into line with what has been common practice for the last two decades: recognizing the existence of responsible government in Yukon and providing its legislature with the capabilities to operate in much the same fashion as provincial legislative assemblies.

Senators Cordy and Jaffer were present for those changes. The Yukon Act and consequential amendments to other acts come up regularly in this chamber. I thank senators for their support for the Yukon Act.

I would like to speak briefly about the briefings that were undertaken in Ottawa during the devolution transfer agreement. It was my responsibility as a member of the opposition at the time to brief the Bloc Québécois. I reassured them that the amendments to the Yukon Act did not impact the constitutional recognition of Quebec. Yukoners genuinely appreciated the vibrant contribution of the francophone population, particularly because, at that time, Yukon had the fastest-growing francophone population per capita outside of Quebec. That vibrant francophone population has been present since the gold rush days of Madame Tremblay's Store, which is a national historic site within the UNESCO World Heritage Site that is Tr'ondëk-Klondike, including Dawson City.

This background is very key to understanding how and why critical infrastructure like bridge reconstruction, the building of fibre internet connections and resource developments such as mining of strategic minerals can occur in the Yukon.

I also noted that the Umbrella Final Agreement included provisions for the development assessment process to be overseen by a board composed of Canada, the Yukon First Nations and the Yukon government. The Yukon Environmental and Socio-economic Assessment Act is the federal legislation for this process.

Earlier in my speech I made reference to Yukon Act as a constitution, with reference to my learned colleagues.

I believe my time is rapidly coming to an end. I'll be quite brief with this last comment. I would just like to conclude with the remarks of an eminent Yukoner on this subject regarding the Yukon's place in Canada's constitution. Pamela Muir, a Yukoner from the University of Edinburgh, in an article based on her 2018 distinction-awarded Master of Law dissertation, wrote the following in her abstract:

> . . . This article considers three pillars supporting the normative constitutional status of Yukon. The first is a review of functionality . . . . The second pillar is permanence. . . . The final pillar is sovereignty. . . .

I invite colleagues to read through that abstract in the *Northern Review*. I would be happy to provide it to you. It is a more detailed examination of the comments I provided today.

Knowledge of this background is key to understanding the relationships between the government of the Yukon, Yukon First Nations and the roles of the Senate, the senator and the Member of Parliament for the Yukon. It's knowledge necessary for all parliamentarians in relation to the Yukon Act that comes before

us daily, it would seem sometimes. It's an evolving, fascinating history, the story of the Yukon. It is a part of Canadian history that I'm honoured to be a part of and to share with you.

I thank you very much for your patience at this late hour and the opportunity to explore the Yukon Act and the background to my region's constitution.

I would conclude with a final note from the "bard of the Yukon," Robert Service, who wrote, as could be said of all of Canada —

The Hon. the Speaker pro tempore: Senator Duncan, I'm sorry. Your time is truly over.

Senator Duncan: Thank you, *gùnáłchîsh*, *mahsi'cho*.

(On motion of Senator Clement, debate adjourned.)

[*Translation*]

GREENHOUSE GAS POLLUTION PRICING ACT

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

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, as amended.

Hon. Julie Miville-Dechêne: Honourable senators, I rise at this late hour to speak to Bill C-234 at third reading.

Over the past few weeks, Bill C-234 has taken on a new level of importance in our debates. It has given rise to unusual votes, such as the rejection of a committee report. It has elicited very emotional reactions and even intimidation here and elsewhere. It has divided some Senate groups. It has been the subject of influence campaigns by various groups that are either in favour of or opposed to its passage.

This bill has also become a political symbol. Bill C-234 ultimately brought into focus the political and partisan posturing on the issue of the carbon tax, the fight against climate change, inter-regional tensions, election strategies and even inflation. It is also symbolic because Bill C-234 affects our farmers, who, as we know, work very hard and put in long hours while facing a lot of uncertainty.

Like many others in this chamber, when I was young, I baled hay and milked cows many times during my summers in Beauce, so I know how hard that type of work can be.

[*English*]

I was initially reluctant to speak in this debate because Bill C-234 would not apply to Quebec's 30,000 farms since Quebec has its own carbon pricing system. However, as I researched the issue, I realized that Bill C-234 would further increase the inequity that already exists between grain farmers in Quebec and those in the rest of Canada.

Let me explain. Under the Quebec system, there is no carbon tax exemption for gasoline and diesel used on farms. However, in the eight provinces subject to the federal government carbon tax, these agricultural fuels are exempt from private enterprise tax. Quebec farmers, therefore, pay a carbon tax on those fuels while their counterparts in eight provinces do not.

In the case of natural gas and propane, which are used to dry grain, grain producers in Quebec in the province and under the federal system all pay a carbon price. In the Quebec system, which is very complex and far from perfect, this carbon tax is included in the purchase price of propane and can vary from one supplier to another depending on the credits they purchase. For the rest of Canada, with the exception of British Columbia, the carbon tax is uniform and the same for everyone.

• (2220)

According to the latest auction in Quebec, the price of CO_2 was about $53 per tonne in Quebec, while it is currently $65 per tonne in Canada. The difference — and it is a significant one — is that Canadian producers are entitled to the refundable tax credit that has been discussed extensively in our debates. In Quebec, this tax credit does not exist. Quebec farmers receive zero compensation for the carbon tax they pay on propane and natural gas.

The current situation, therefore, is that Quebec farmers are at a double disadvantage compared to the rest of Canada. First, they pay a carbon price on gasoline and diesel used on their farm, while producers in the rest of Canada are exempt. Second, they are not eligible for a tax credit for the carbon tax of natural gas and propane used to heat buildings and dry grain, while producers in the rest of Canada benefit from that tax credit.

Relative to their counterparts in the rest of Canada, Quebec producers are subject to more carbon pricing. If Bill C-234 is passed, this imbalance will widen even farther.

Charles Séguin, an economics professor who specializes in carbon pricing, argues that this raises an issue of fairness and that it's not ideal for one part of the country to be at an economic disadvantage not because it is less productive, but because of a carbon exemption in another part. Mr. Séguin believes that targeted efficiency programs for farmers are much more effective in fighting climate change than carbon tax exemptions, which are, in fact, counterproductive.

Another well-known Quebec economist agrees. Professor Pierre-Olivier Pineau says it's true that Quebec farmers are in an unfair situation. But he says that the solution is to help them modernize their operations, not abolish the carbon tax.

More generally, Professor Pineau notes that Canadians have one of the worst energy productivities in the world — all industries combined — because our system fails to sufficiently incentivize efficiency and innovation. Bill C-234 would certainly not be a step in this direction.

[*Translation*]

Quebec grain producers are aware of this inequity, but they also point out that there is a problem with the United States, where no carbon pricing is in effect.

This absence of a tax has two consequences.

The first is that it theoretically allows American farmers to sell their products at a cheaper price, or to make more profit.

The second consequence is less obvious, but relevant to Bill C-234. It is important to note that the propane- and natural gas-powered grain-drying equipment used by Quebec farmers is manufactured and sold by companies in the American Midwest.

However, since those companies and most of their U.S. customers are not subject to a carbon tax, they have no economic incentive to modify their equipment to eliminate fossil fuels. Furthermore, since the Quebec market is too small for us to develop our own drying equipment, Quebec farmers are paying a price on carbon, even though they don't have the ability to independently change their processes.

In practice, therefore, Quebec farmers pay a carbon price for drying their grain, which is supposed to encourage them to decarbonize their processes, but in reality, the change has to come from the Americans, and they are not affected by carbon pricing.

This is why I supported Senator Dalphond's amendment. If Bill C-234 is to be passed, let's at least make sure it only targets processes that our farmers can't change in the short or medium terms, those that relate to grain drying.

To overcome these challenges, Bill C-234 proposes a simple solution: remove the carbon tax from all agricultural fuels.

Sadly, that would be a "race to the bottom."

If we take our responsibilities to future generations and the long-term public good seriously, a race to the bottom can't be a solution.

In light of the competition from American producers who don't pay a carbon tax, Canada could impose border carbon adjustments. These tariffs would level the playing field between Canadian producers and their American counterparts who do not pay for their carbon emissions.

Regarding these adjustments, the Department of Finance itself wrote, and I quote, that it "is looking to engage with Canadians and with international partners to advance a global dialogue on this important issue."

This is certainly an opportunity to advance the dialogue.

As for Canada's greenhouse gas emissions, the costs incurred by our farmers through the carbon tax can be mitigated without sacrificing the economic incentive at the core of our system. For one thing, we can use an offsetting tax credit centred on an average, which would reward people who emit proportionately less GHGs than average and penalize those who emit proportionately more.

That is exactly the type of system introduced by the federal government in the eight provinces where its tax applies: a price on carbon, offset by a tax credit.

Bill C-234 would eliminate the carbon tax and its associated tax credit, taking us back to square one, in other words, with no incentive to reduce our GHG emissions. I cannot accept a setback like that.

[*English*]

Bill C-234 would also have another impact. By exempting one sector from the carbon tax system, Bill C-234 would poke a new hole in what should be a fundamental principle in the fight against climate change: We are all in this together.

We are all responsible — individuals, businesses, governments, workers, consumers, young and old — to reduce our emissions and to work toward the necessary energy transition. No one should get a free pass, no matter how much we like them or their votes. That is why I was so disappointed by the federal government's decision to give a three-year carbon tax holiday for heating oil, which seems to favour the Atlantic provinces. This sends a terrible, terrible signal.

Of course, no system is perfect. But as soon as we create exceptions and exemptions, we send the signal that we are not really all in this together. Other industries, regions or economic sectors will ask for exemptions in the name of equity or competitiveness. And they will surely get them. This is not a "floodgates" argument; it is political realism, unfortunately based on experience.

Finally, Bill C-234 would exacerbate the two-tier system that currently prevails in Canada. There are better ways to compensate our farmers for a lack of alternatives and to help them innovate and face international competition. Seriously fighting climate change for the sake of future generations means sending a strong signal that all sectors of society must be on board. To open a breach in this collective measure is to accept the weakening of a system that we should, on the contrary, seek to defend, extend and strengthen for the future of our children.

Thank you.

Hon. Percy E. Downe: Would the honourable senator take a question? I think I heard you correctly that you're opposed to the announcement the government made for the carve-out. Personally, I think it was the right decision, given the limited options in Atlantic Canada. In my home province of Prince Edward Island, for example, we only have oil and propane that are imported to the province. As a result, we have many citizens who are very committed to climate change but need a bridge to get there. It's going to take longer than anticipated, and many people were having to make decisions between the high cost of oil or propane to heat their properties last year and other commodities, like food.

• (2230)

Why do you think the carve-out — and you heard others speak about it, including the person now sitting in the Speaker's chair — that is not unique to Atlantic Canada, but even if it were, why would you not want to mitigate the harm that is caused to our citizens?

[*Translation*]

Senator Miville-Dechêne: That is an excellent question, and one I have given much thought. It is true that the situation is difficult, but you know as well as I do that the signal sent by that decision was disastrous for the rest of Canada.

Could we have left carbon pricing as is and given more funding to alternative methods? I am thinking of the famous bridge that was mentioned. We perhaps could have made other choices.

I spoke with economists who told me that instead of dangling two carrots, we could have left carbon pricing as is and tell people that they had other ways of heating. I know it's not the best answer to give someone who is struggling to pay their heating bills, but there's a feeling of urgency and if we start to introduce loopholes in carbon pricing, it will spiral out of control.

That is the system we chose here in Canada to fight against climate change, the crisis that is unfolding before our very eyes. What will we do when our planet becomes unlivable? Everything is interconnected, even if some may disagree and argue that this is such a minor exception. I believe that we need to find other solutions.

The offset tax credit was one of them, and maybe we could have found another one for the Maritimes.

The Hon. the Speaker pro tempore: Senator Miville-Dechêne, your time has expired. Are you asking for five more minutes?

Senator Miville-Dechêne: Are there any more questions?

The Hon. the Speaker pro tempore: Senator Downe has another question, as does Senator Lankin.

[*English*]

Senator Downe, we need to ask leave for more time. Is leave granted?

An Hon. Senator: No.

The Hon. the Speaker pro tempore: Leave is not granted, so we move on to debate.

[*Translation*]

Hon. Diane Bellemare: Honourable senators, I rise today to share my thoughts about Bill C-234.

I have given a lot of thought to the role of the Senate with respect to bills that come to us from the outside, to determine what lens we should use. I have always thought that it was important to respect what the other place passed and respect the problematic situation of the provinces in relation to that of the federal government.

In the context of one specific bill, we had a choice between promoting and respecting the concerns of the provinces, and defending the interests of the federal government. The Senate was actually created to defend the interests of the provinces against a federal government that could have been, or could be, centralizing.

In the context of Bill C-234, given all the political concerns that have been raised, I thought that the Senate should pass this bill.

As far as passing a bill from the other place is concerned, should we pass it just because it comes from the House of Commons and responds to provincial concerns, without really questioning the merits of all its clauses?

My answer to that question is no, because in fact, when we receive a government bill, generally speaking, it has been studied diligently by the Department of Justice or by the departments concerned, which is not always the case with a public bill.

In the case of Bill C-234, the proposed amendments are justified and may allow for debate in the other place once the amended bill has been sent back. That is why I think it is important to pass the bill once it's amended.

However, my assessment of this bill changed when I read the November 28 press release from Quebec's grain growers association, the Producteurs de grains du Québec. In that press release, the association voiced its concerns to the Quebec government, saying that economic considerations in Quebec's agricultural sector would change if there were an additional exemption for propane and natural gas. It stated that Quebec farmers are currently being penalized due to the fact that gasoline and diesel are exempt in the rest of Canada.

The more we provide exemptions to the agricultural sector elsewhere, the more pressure we put on Quebec to weaken its GHG emissions pricing system. This got me thinking and I came to the conclusion that, in a Canadian context where the provinces and the federal government have a shared constitutional responsibility, dialogue is essential in the establishment of an effective — and, most of all, equitable — strategic framework for the fight against climate change and GHG emissions reductions. This led me to move the motion that you will find in your inbox and that we will have the opportunity to discuss.

When I compared Canada's current situation to that of other OECD countries, I was surprised to find that Canada ranks fifth out of 71 countries where a percentage of GHG emissions are covered by a carbon pricing scheme. Canada covers roughly 84% of its GHG emissions through carbon pricing. It ranks fifth, behind Iceland, Korea, Luxembourg and Germany.

By contrast, the other OECD countries that also have a pricing scheme cover, on average, about 40% of their GHG emissions through carbon pricing. When you compare 84% to the 40% average in the other OECD countries, Canada's strategy certainly seems quite broad.

However, that raises a number of questions. In Canada, the high percentage of GHG pricing largely comes from the carbon tax. Quebec uses a different system, known as cap and trade. Europe's emissions trading system is very different and is widely used to set a price on carbon. The carbon tax is much simpler and allows the government to withdraw the proceeds of the tax and redistribute them as benefits.

In Quebec, we have a system that involves the sale of emissions permits. This system has been used since 2013, and every year, the Government of Quebec issues permits free of charge, but it also sells them.

• (2240)

Some allowances are free, and some are sold at auction. These auctions take place four times a year. The government has to sell the emission rights, and each year, the number or percentage of emission rights decreases. This means there will be fewer and fewer, and prices will go up.

By selling emission rights, the Quebec government has raised around $8 billion to date. This money is deposited in an electrification fund and will be used to subsidize solutions that promote net zero.

We therefore have two completely different systems.

We have a market, for example the agricultural sector, where prices are set internationally. This means that the impact of the system on competition is significant and is a major consideration for the future, especially since the carbon price will increase and the economic impact on our agricultural sector will increase too. The effect on Quebec will be completely different than the effect on the rest of Canada, hence the importance of having a dialogue between the provinces and the federal government to come up with a fair and effective carbon pricing strategy.

I'd also like to add, after reading up on the OECD, that although carbon pricing is widely used, it's not the only measure. Even though carbon pricing is a necessary strategy, it in itself isn't enough to reduce GHG emissions. It isn't enough because it's a price-based incentive, but the models do point to the efficacy of carbon pricing. However, it's only effective when everything else is equal, and in life, things aren't always equal, so price-based incentives can sometimes have the opposite effect to what we were hoping for.

I'd add that the economic situation we've had over the past few years — inflation, in particular — has caused many OECD countries to reduce their carbon taxes, because prices were on the rise, groceries were more expensive and people were complaining.

My point is that carbon pricing is a solid measure. Will it be a useful system going forward? Probably, but it's a strategy that will need to be combined with other mechanisms, such as standards and, most of all, investment subsidies. We can't expect that a pricing mechanism will magically transition our entire economy as quickly as we'd like.

In closing, Bill C-234 shows that people are dissatisfied with this system because it differs from province to province, or is different from the one in Quebec at least. The fact that the agricultural sector also differs from province to province creates issues that we will need to address, one way or another.

I agree that we should vote in favour of this bill, as amended, in hopes that it will start a conversation in the other place so that some compromises can be reached. Thank you.

(On motion of Senator Cordy, debate adjourned.)

[*English*]

BILL TO AMEND THE CANADA ELECTIONS ACT AND THE REGULATION ADAPTING THE CANADA ELECTIONS ACT FOR THE PURPOSES OF A REFERENDUM (VOTING AGE)

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McPhedran, seconded by the Honourable Senator White, for the second reading of Bill S-201, An Act to amend the Canada Elections Act and the Regulation Adapting the Canada Elections Act for the Purposes of a Referendum (voting age).

Hon. Yonah Martin (Deputy Leader of the Opposition): Your Honour, I note that this is at day 15. With leave of the Senate, I would like to take adjournment in my name.

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

Hon. Senators: Agreed.

(Debate adjourned.)

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Patterson (*Nunavut*), seconded by the Honourable Senator Tannas, for the second reading of Bill S-228, An Act to amend the Constitution Act, 1867 (property qualifications of Senators).

Hon. Yonah Martin (Deputy Leader of the Opposition): With leave of the Senate, I move the adjournment of the debate in the name of Senator Housakos.

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

Hon. Senators: Agreed.

(Debate adjourned.)

BALANCING THE BANK OF CANADA'S INDEPENDENCE AND ACCOUNTABILITY BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Klyne, for the second reading of Bill S-275, An Act to amend the Bank of Canada Act (mandate, monetary policy governance and accountability).

(On motion of Senator Martin, debate adjourned.)

STUDY ON THE FEDERAL FRAMEWORK FOR SUICIDE PREVENTION

FIFTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE CONTINUED

On the Order:

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

That the fifteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled *Doing What Works: Rethinking the Federal Framework for Suicide Prevention*, deposited with the Clerk of the Senate on Thursday, June 8, 2023, be adopted and that, pursuant to rule 12-23(1), the Senate request a complete and detailed response from the government, with the Minister of Mental Health and Addictions being identified as minister responsible for responding to the report, in consultation with the Minister of Health.

(On motion of Senator Martin, debate adjourned.)

• (2250)

STUDY ON VETERANS AFFAIRS

SEVENTH REPORT OF NATIONAL SECURITY, DEFENCE AND VETERANS AFFAIRS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report (interim) of the Standing Senate Committee on National Security, Defence and Veterans Affairs, entitled *The Time is Now: Granting equitable access to psychedelic-assisted therapies*, deposited with the Clerk of the Senate on November 8, 2023.

Hon. David Richards moved:

That the seventh report of the Standing Senate Committee on National Security, Defence and Veterans Affairs, entitled *The Time is Now: Granting equitable access to psychedelic-assisted therapies*, deposited with the Clerk of the Senate on November 8, 2023, be adopted and that, pursuant to rule 12-23(1), the Senate request a complete and detailed response from the government, with the Minister of Veterans Affairs being identified as minister responsible for responding to the report, in consultation with the Minister of Health.

(On motion of Senator Martin, debate adjourned.)

LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET—TWENTIETH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the twentieth report of the Standing Senate Committee on Legal and Constitutional Affairs (*Budget—special expenses budget*), presented in the Senate on November 30, 2023.

Hon. Brent Cotter moved the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE CUMULATIVE IMPACTS OF RESOURCE EXTRACTION AND DEVELOPMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator LaBoucane-Benson:
>
> That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on the cumulative positive and negative impacts of resource extraction and development, and their effects on environmental, economic and social considerations, when and if the committee is formed; and
>
> That the committee submit its final report no later than December 31, 2022.

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

Hon. Senators: Agreed.

(Debate adjourned.)

CHALLENGES AND OPPORTUNITIES OF CANADIAN MUNICIPALITIES

INQUIRY—DEBATE CONCLUDED

On the Order:

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

Hon. Kim Pate: Honourable senators, I want to thank Senator Simons for introducing her Inquiry No. 2, calling attention to the challenges and opportunities that Canadian municipalities face and to the importance of understanding and redefining the relationships between Canada's municipalities and the federal government.

Together we are navigating a reality of increased uncertainty on all fronts: economic, health, social and environmental.

At the municipal level, the challenges mount: unaffordable and inaccessible food and rent, homelessness, tent cities, displacement as a result of floods and fires, strains on the emergency health care shelter and food security systems. The effects of this stress on the health and well-being of people, their families and communities — well, it no doubt goes without saying that they are more than acute.

So many people are falling through the cracks of existing social, economic and health systems. There could and should be opportunities available to these people, but, at the moment, they are largely left with impossible choices.

Examining different approaches that can meaningfully provide stability, support and hope when and where people need it most should be our priority. Canadians rightly expect their governments both to help them survive financial instability and to treat public money with care. A growing number of municipalities have identified guaranteed livable basic income, or GLBI, as a viable initiative to respond to this dual goal.

A briefing note on the Ontario Basic Income Network's website entitled *The Case for Basic Income and Municipalities* was developed by municipal policy and political experts to examine what guaranteed livable basic income can offer from this perspective.

The briefing note starts with acknowledging the challenge that "municipalities are struggling to keep up with the downloaded responsibility of providing essential public and social support services."

It traces a history of the responsibility for and cost of maintaining essential public and social services being increasingly picked up by municipalities as they go unaddressed by other levels of government, creating a situation where poverty stretches municipal resources to the limit.

Unlike federal, provincial and territorial governments, municipalities are unable to run deficits and have limited sources of revenue, such as municipal taxation, service fees and government grants, leaving them with few options for relief in the face of increased need.

Municipal political experts talk about the reality that municipalities are:

> . . . seeking the means to provide residents with the flexibility to be able to afford necessary services — including electricity, heat, and water — regardless of their economic status, and without compromising their wellbeing.

They point to guaranteed livable basic income programs as a way to provide this flexibility.

Guaranteed livable basic income is a program of cash transfers provided to people in need. Unlike existing social assistance programs, amounts that individuals receive would not be contingent on following complex and often invasively policed rules and requirements, would be sufficient to afford necessities and, thereby, would allow people the stability and certainty to rebound and plan pathways out of poverty.

According to "The Case for Basic Income and Municipalities," GLBI offers two key benefits to municipal governments. First:

> When people have a sufficient income, municipalities are better equipped to ensure that everyone has access to the public and social services they need, from affordable utilities to subsidies for programs and services. . . .

These services and supports provided by municipalities are particularly crucial, as the report notes, because from water to transport to housing, they have significant impact on the social determinants of health for community members.

Second, GLBI helps to build communities. As the briefing note states, "Improved financial stability makes it easier for residents to participate, contribute, and invest in their local economies and communities" through measures such as shopping locally and participating in community activities.

GLBI could also help give individuals more space to engage with and contribute to their communities in other ways, including through volunteer work.

What is more, just as GLBI gives individuals opportunities and means to get out of situations of crisis and instability, so too would it help free up municipal budgets and decision making from some of the burdens of having to constantly respond to crises of poverty, homelessness and emergency needs. GLBI could allow municipalities more space to explore new policies to enrich community well-being and to chart a course toward a brighter future.

With these potential benefits, it is no wonder that municipalities and mayors have become leaders and champions of GLBI.

Many people know that three municipalities partnered with the Province of Ontario in 2017 to be sites for a provincial basic income pilot. Less well known is the fact that these three cities were chosen from approximately 100 municipalities. That is nearly one in four Ontario municipalities that made pitches to the province for inclusion in the program.

Interest in GLBI continues to grow. As of November 2023, our office is aware of endorsements across Canada from the Union of BC Municipalities to the Atlantic Mayors' Congress and from at least 51 individual municipalities from Victoria to St. John's, spanning cities and towns in at least six provinces: British Columbia, Ontario, New Brunswick, Nova Scotia, P.E.I. and Newfoundland and Labrador.

The federal government has a duty to respond to these resolutions pouring in from city councils and calling on the federal government to work with them to make GLBI a reality.

Bill S-233, currently being studied by the Standing Senate Committee on National Finance, provides an avenue for us to support municipalities facing crises that have identified GLBI as a solution they want and need.

This legislation would call on the Minister of Finance to develop a national framework for implementation of a GLBI, creating a mandate and a home in the federal government to examine implementation as a potential solution to the problem of increasing income insecurity in Canada.

Crucially, the bill would require consultation with all levels of government, including municipalities as well as Indigenous and provincial and territorial governments and civil society experts, bringing together the key actors needed to begin detailed consideration of what a Canadian GLBI could look like.

• (2300)

Municipalities are witnessing first-hand the suffering caused by income insecurity, and stretching their limited resources to provide stopgap emergency measures. This is not a fair, sustainable or effective response to what is a national crisis. It is time for collaboration among governments to coordinate resources and responses in order to more proactively address the root causes of this insecurity in ways that will save money and lives in the long term.

Municipalities are leading the way in urging Canada to imagine communities where we are no longer spending $80 billion per year on programs that still subjugate people to poverty and homelessness. We need to invest in Canadians and stop condemning the most marginalized to emergency rooms, compromised health, shelters, tent cities, the streets and prisons.

We can — and must — answer the call for safer, healthier, more just and inclusive communities. We must insist on governmental collaboration to address the inequities that create current social, health and economic poverty and income insecurity.

Thank you, Senator Simons, for encouraging us to examine the vital roles of our municipalities. *Meegwetch*. Thank you.

The Hon. the Speaker: I wish to inform the Senate that if the Honourable Senator Simons speaks now, her speech will have the effect of closing the debate on this inquiry.

Hon. Paula Simons: Honourable senators, two years ago this very week, I launched an inquiry into the challenges and opportunities facing Canadian municipalities. My goal is to encourage us all to think about the importance of understanding and redefining the relationships between Canada's municipalities and the federal government.

Over the past two years, more than a dozen senators have risen to address this inquiry, and, over the past two years, the issues facing Canada's municipalities — from the housing crisis to the climate change crisis to the opioid crisis — have grown all the more acute. In the wake of COVID, we see downtowns with

empty office towers hollowed out while, at the same time, rural communities are fighting to find the internet services that they need to recruit and retain remote workers as new residents.

Meanwhile, the bickering between federal, provincial and municipal governments has become even more heated — a heat that sheds very little light on the root causes of this tension.

Today, I want to thank every senator who took part in this inquiry, but I also want to conclude these discussions so that we can address the next pressing question: What comes next for Canada's cities and towns?

Last month, the premiers got together to lambaste the federal government over its housing policy. Their complaint was that Ottawa was giving housing incentive dollars directly to municipalities. To a lay person, this outrage may seem misplaced. Canada is, after all, in the grip of a housing crisis. We're simply not building enough houses, townhomes and apartment buildings to allow working Canadians to buy or rent homes for their families. The Canada Mortgage and Housing Corporation, or CMHC, estimates that this country needs to build 3.5 million more housing units by 2030 to meet the demand, yet, according to new CMHC data, housing supply in Canada's biggest cities grew by only 1% in the first half of 2023 compared to the same period in 2022.

Even that number is a bit misleading. Toronto and Vancouver led in housing starts, making up two thirds of new units breaking ground — most of those being apartments. But in Canada's other large cities, housing starts are actually down. Montreal, Canada's third-largest city, saw its most significant decline in residential construction in 26 years. Total housing starts in the Edmonton census metropolitan area, or CMA — where I live — declined by about 30% in the first half of 2023 compared to the same period in 2022.

And, here in Ottawa, construction of single-detached, semi-detached and row houses was down by half. What's going on? Well, you could put some of the blame on stricter borrowing rules, on higher construction and labour costs and, of course, on higher interest rates. Some have also blamed everything from nimbyism to municipal zoning rules about everything from parking to secondary suites that discourage infill construction.

That is the impetus behind the federal government's Housing Accelerator Fund which gives money to municipalities to reduce regulations that discourage urban density. Federal Housing Minister Sean Fraser has been inking deals with Halifax, London, Hamilton and Calgary to get such housing built, and that is why the premiers were so angry: Ottawa bypassed provincial governments to make deals with municipalities, doing an end run around the Constitution, which makes the cities and towns the creatures of their provincial governments.

There, in a microcosm, we see the problem baked into the nature of our Confederation. We have major issues confronting our country — issues around housing, infrastructure, climate adaptation, social integration and reconciliation. It is the cities and towns that are on the front lines of dealing with those problems.

Our municipalities, which do the real heavy lifting, have the fewest resources to do so. Rather than giving them the money, respect and autonomy to carry out their responsibilities, we get bogged down in the constitutional squabbles that make it all the more difficult to do the work that needs to be done.

Don't misunderstand me; I have nothing but the greatest respect for the constitutional division of powers. You don't have to tell me, as an Albertan, that provinces get touchy when the federal government trespasses into areas of provincial jurisdiction.

But this latest housing squabble lays bare the absurdity in trying to use the constitutional framework built into the British North America Act of 1867 to run a country where the population of Toronto outstrips that of Prince Edward Island, New Brunswick and Nova Scotia put together; where the population of Ottawa is greater than the population of Newfoundland and Labrador; and where 3.2 million Albertans live in either metro Edmonton or metro Calgary, leaving only 1.5 million Albertans living outside of the two big metropolitan centres.

Municipalities aren't just the order of government with the most direct responsibilities for looking after the day-to-day needs of ordinary Canadians. They are also the order of government that can move the most nimbly in a time of crisis. They have the tools and the knowledge to address the needs of their communities, but we don't give them the runway they need to get those jobs done.

My friends, just glance down to our Order Paper and think about all the issues that we've been debating and discussing here of late, and how often they relate to municipalities, whether we're talking about protecting the Chignecto Isthmus, creating a national urban park in Windsor, guaranteeing fair internet service, debating the role and the future of the RCMP or conducting an inquiry on land use planning.

We're also talking about fundamental issues that deal with the roles of municipalities when we're talking about creating safe cities where people released on bail don't reoffend, or when we're talking about the need to get rural communities hooked up to the power grid so that people don't have to rely on propane or oil to heat their homes and yards.

The truth is that the interests and jurisdictions of the federal, provincial and municipal governments often overlap and intersect, and maybe it's time for us to start talking about practical intersectional governance, where different orders of government stop guarding their turf, stop bickering over who's responsible for what and just get on with the business of solving problems for Canadians where they live and work.

I want to thank and commend every senator who rose to take part in this inquiry. Your speeches were insightful and inspirational, and each one was a reflection of your regions and your passions.

From Ontario, Senator Omidvar spoke about the role of municipalities in helping to settle and integrate new Canadians, and also their critical role in fighting climate change.

Senator Marty Deacon spoke to the importance of urban planning, preserving green space and creating conditions for healthy and active communities.

Senator Black spoke about the importance of small and rural municipalities like his beloved Fergus, where his family has lived since 1834, and the need to ensure policies that help municipalities to not forget the role of small towns and villages.

Senator Dasko spoke passionately about the role of cities as economic engines, and about what can happen when provincial governments overstep their role and undermine the autonomy and authority of municipal leaders.

Senator Clement gave us a lyrical speech about her experiences as the Mayor of Cornwall working toward reconciliation with neighbouring First Nations, and the need for municipalities to partner with nearby Indigenous communities to build communities for all.

Senator Pate spoke to us just now about the role that municipalities play in fighting homelessness and championing poverty reduction, and the possible impact of a guaranteed basic income for people in Canada's cities.

Of course, it wasn't just Ontario senators who spoke. My fellow Albertan, Senator Karen Sorensen, drew on her experiences as the Mayor of Banff to talk about the importance of working across jurisdictional lines, as well as the leadership roles that smaller municipalities can play in championing green infrastructure.

• (2310)

From Saskatchewan, Senator Cotter, a former deputy minister of municipal affairs and a former deputy minister of intergovernmental affairs, reflected on the disconnect between the Canada of 1867 and the Canada of today, as well as on the importance of recognizing First Nations in any discussion about municipalities and municipal powers. His colleague Senator Arnot spoke to the essential role municipalities play in tackling issues from mental health, addiction and homelessness to the management of water resources in times of drought.

My dear colleague Éric Forest, former mayor of Rimouski, spoke about the need for tax reform to give municipalities new taxing powers and tax resources to do their essential work.

Senator Cormier began his speech by quoting the great Athenian politician and orator Pericles, "Because of the greatness of our city the fruits of the whole earth flow in upon us." He went on to talk in passionate detail about the role of municipalities in protecting official language rights in Canada and especially in his home province of New Brunswick.

Senator Ravalia, a proud resident of Twillingate, spoke about the unique challenges of Newfoundland and Labrador in finding ways to keep rural municipalities vibrant.

I realize, as I count up, that means this inquiry was made up of speeches from me plus — dare I even say it — 12 disciples. This close to Christmas, perhaps that's not quite the right way to express it, but I'm profoundly grateful to every senator who spoke and who, in so doing, brought this inquiry to life.

What happens next? I'm happy to say that my office has received permission to republish all the speeches that were part of this inquiry in English and in French so that we can share them widely with Canadians. In the new year, my office will organize a series of online, town hall-style panel discussions with municipal leaders, academics, authors and advocates to talk about the issues raised by this inquiry. We'll share those panels as widely as possible, too. What happens after that is in no small part up to us sitting right here.

There is no Senate committee responsible for municipal issues, though the work of many of our committees touch on the issues of municipal responsibility. So, do we need to strike a special short-term committee to deal more in depth with this matter? I confess that I would like to see that happen, but with the continuing issue of Senate vacancies, we may be hard-pressed to populate a new ad hoc committee. Do we need to ask an existing committee to broaden its scope far enough to undertake a study? Again, we have issues of capacity that may pose a challenge.

What we can all do collectively, however, is use our bully pulpit here to underline the fact that our current constitutional model is no longer fit for purpose. Since a constitutional amendment is an arduous and daunting prospect, I think we will need to be more creative and flexible.

Senator Cormier concluded his speech to this inquiry with these ringing words for Pericles:

> To be happy means to be free, and to be free means to be brave.

And we too need to find the courage to admit that we need a new paradigm for a 21st century Canada — one that empowers and enables our cities and towns, one that recognizes the responsibilities of the federal government to work with municipalities and to work with provinces to get the job done.

Thank you all. This was a collective creation. Thank you. *Hiy hiy*.

(Debate concluded.)

DELIVERING FOR CANADIANS NOW, A SUPPLY AND CONFIDENCE AGREEMENT

IMPACT OF THE AGREEMENT BETWEEN THE NEW DEMOCRATIC PARTY AND THE LIBERAL PARTY ON PUBLIC FINANCES—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Plett, calling the attention of the Senate to the impact on Canada's public finances of the NDP-Liberal agreement entitled *Delivering for Canadians Now, A Supply and Confidence Agreement.*

Hon. Yonah Martin (Deputy Leader of the Opposition): With the leave of the Senate, I would like to adjourn in the name of Senator Plett.

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

Hon. Senators: Agreed.

(Debate adjourned.)

(*At 11:15 p.m., pursuant to Rule 13-6(10), the Senate adjourned until 2 p.m., tomorrow*.)

THE SPEAKER

The Honourable Raymonde Gagné

THE GOVERNMENT REPRESENTATIVE IN THE SENATE

The Honourable Marc Gold

THE LEADER OF THE OPPOSITION

The Honourable Donald Neil Plett

FACILITATOR OF THE INDEPENDENT SENATORS GROUP

The Honourable Raymonde Saint-Germain

THE LEADER OF THE CANADIAN SENATORS GROUP

The Honourable Scott Tannas

THE LEADER OF THE PROGRESSIVE SENATE GROUP

The Honourable Jane Cordy

OFFICERS OF THE SENATE

INTERIM CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS

Gérald Lafrenière

LAW CLERK AND PARLIAMENTARY COUNSEL

Philippe Hallée

USHER OF THE BLACK ROD

J. Greg Peters

THE MINISTRY

(In order of precedence)

_____

(December 1, 2023)

_____

The Right Hon. Justin Trudeau	Prime Minister
The Hon. Chrystia Freeland	Minister of Finance Deputy Prime Minister
The Hon. Lawrence MacAulay	Minister of Agriculture and Agri-Food
The Hon. Dominic LeBlanc	Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs
The Hon. Jean-Yves Duclos	Minister of Public Services and Procurement
The Hon. Marie-Claude Bibeau	Minister of National Revenue
The Hon. Mélanie Joly	Minister of Foreign Affairs
The Hon. Diane Lebouthillier	Minister of Fisheries, Oceans and the Canadian Coast Guard
The Hon. Harjit S. Sajjan	President of the King's Privy Council for Canada Minister of Emergency Preparedness Minister responsible for the Pacific Economic Development Agency of Canada
The Hon. Carla Qualtrough	Minister of Sport and Physical Activity
The Hon. Patty Hajdu	Minister of Indigenous Services Minister responsible for the Federal Economic Development Agency for Northern Ontario
The Hon. François-Philippe Champagne	Minister of Innovation, Science and Industry
The Hon. Karina Gould	Leader of the Government in the House of Commons
The Hon. Ahmed Hussen	Minister of International Development
The Hon. Seamus O'Regan	Minister of Labour and Seniors
The Hon. Ginette Petitpas Taylor	Minister of Veterans Affairs Associate Minister of National Defence
The Hon. Pablo Rodriguez	Minister of Transport
The Hon. Bill Blair	Minister of National Defence
The Hon. Mary Ng	Minister of Export Promotion, International Trade and Economic Development
The Hon. Filomena Tassi	Minister responsible for the Federal Economic Development Agency for Southern Ontario
The Hon. Jonathan Wilkinson	Minister of Energy and National Resources
The Hon. Anita Anand	President of the Treasury Board
The Hon. Steven Guilbeault	Minister of Environment and Climate Change
The Hon. Marc Miller	Minister of Immigration, Refugees and Citizenship
The Hon. Dan Vandal	Minister responsible for Prairies Economic Development Canada Minister responsible for the Canadian Northern Economic Development Agency Minister of Northern Affairs
The Hon. Randy Boissonnault	Minister of Employment, Workforce Development and Official Languages
The Hon. Sean Fraser	Minister of Housing, Infrastructure and Communities
The Hon. Mark Holland	Minister of Health
The Hon. Gudie Hutchings	Minister responsible for the Atlantic Canada Opportunities Agency Minister of Rural Economic Development
The Hon. Marci Ien	Minister for Women and Gender Equality and Youth
The Hon. Kamal Khera	Minister of Diversity, Inclusion and Persons with Disabilities
The Hon. Pascale St-Onge	Minister of Canadian Heritage
The Hon. Gary Anandasangaree	Minister of Crown-Indigenous Relations
The Hon. Terry Beech	Minister of Citizens' Services
The Hon. Soraya Martinez Ferrada	Minister of Tourism Minister responsible for the Economic Development Agency of Canada for the Region of Quebec
The Hon. Ya'ara Saks	Minister of Mental Health and Addictions Associate Minister of Health
The Hon. Jenna Sudds	Minister of Families, Children and Social Development
The Hon. Rechie Valdez	Minister of Small Business
The Hon. Arif Virani	Minister of Justice Attorney General of Canada

SENATORS OF CANADA

ACCORDING TO SENIORITY

(December 1, 2023)

Senator	Designation	Post Office Address
The Honourable		
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Stephen Greene	Halifax - The Citadel	Halifax, N.S.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Percy Mockler	New Brunswick	St. Leonard, N.B.
Pamela Wallin	Saskatchewan	Wadena, Sask.
Yonah Martin	British Columbia	Vancouver, B.C.
Patrick Brazeau	Repentigny	Maniwaki, Que.
Leo Housakos	Wellington	Laval, Que.
Donald Neil Plett	Landmark	Landmark, Man.
Claude Carignan, P.C.	Mille Isles	Saint-Eustache, Que.
Dennis Glen Patterson	Nunavut	Iqaluit, Nunavut
Elizabeth Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Pierre-Hugues Boisvenu	La Salle	Sherbrooke, Que.
Judith G. Seidman	De la Durantaye	Saint-Raphaël, Que.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
Salma Ataullahjan	Ontario (Toronto)	Toronto, Ont.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Larry W. Smith	Saurel	Hudson, Que.
Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.
Jean-Guy Dagenais	Victoria	Blainville, Que.
Diane Bellemare	Alma	Outremont, Que.
David M. Wells	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Victor Oh	Mississauga	Mississauga, Ont.
Denise Batters	Saskatchewan	Regina, Sask.
Scott Tannas	Alberta	High River, Alta.
Peter Harder, P.C.	Ottawa	Manotick, Ont.
Raymonde Gagné, *Speaker*	Manitoba	Winnipeg, Man.
Frances Lankin, P.C.	Ontario	Restoule, Ont.
Ratna Omidvar	Ontario	Toronto, Ont.
Chantal Petitclerc	Grandville	Montreal, Que.
Yuen Pau Woo	British Columbia	North Vancouver, B.C.
René Cormier	New Brunswick	Caraquet, N.B.
Nancy J. Hartling	New Brunswick	Riverview, N.B.
Kim Pate	Ontario	Ottawa, Ont.
Tony Dean	Ontario	Toronto, Ont.
Wanda Thomas Bernard	Nova Scotia (East Preston)	East Preston, N.S.
Lucie Moncion	Ontario	North Bay, Ont.
Renée Dupuis	The Laurentides	Sainte-Pétronille, Que.
Marilou McPhedran	Manitoba	Winnipeg, Man.
Gwen Boniface	Ontario	Orillia, Ont.
Éric Forest	Gulf	Rimouski, Que.
Marc Gold	Stadacona	Westmount, Que.
Marie-Françoise Mégie	Rougemont	Montreal, Que.
Raymonde Saint-Germain	De la Vallière	Quebec City, Que

Senator	Designation	Post Office Address
Rosa Galvez	Bedford	Lévis, Que.
David Richards	New Brunswick	Fredericton, N.B.
Mary Coyle	Nova Scotia	Antigonish, N.S.
Mary Jane McCallum	Manitoba	Winnipeg, Man.
Robert Black	Ontario	Centre Wellington, Ont.
Marty Deacon	Waterloo Region	Waterloo, Ont.
Yvonne Boyer	Ontario	Merrickville-Wolford, Ont.
Mohamed-Iqbal Ravalia	Newfoundland and Labrador	Twillingate, Nfld. & Lab.
Pierre J. Dalphond	De Lorimier	Montreal, Que.
Donna Dasko	Ontario	Toronto, Ont.
Colin Deacon	Nova Scotia	Halifax, N.S.
Julie Miville-Dechêne	Inkerman	Mont-Royal, Que.
Bev Busson	British Columbia	North Okanagan Region, B.C.
Marty Klyne	Saskatchewan	White City, Sask.
Patti LaBoucane-Benson	Alberta	Spruce Grove, Alta.
Paula Simons	Alberta	Edmonton, Alta.
Peter M. Boehm	Ontario	Ottawa, Ont.
Brian Francis	Prince Edward Island	Rocky Point, P.E.I.
Dawn Anderson	Northwest Territories	Yellowknife, N.W.T.
Pat Duncan	Yukon	Whitehorse, Yukon
Rosemary Moodie	Ontario	Toronto, Ont.
Stan Kutcher	Nova Scotia	Halifax, N.S.
Tony Loffreda	Shawinegan	Montreal, Que.
Brent Cotter	Saskatchewan	Saskatoon, Sask.
Hassan Yussuff	Ontario	Toronto, Ont.
Bernadette Clement	Ontario	Cornwall, Ont.
Jim Quinn	New Brunswick	Saint John, N.B.
Karen Sorensen	Alberta	Banff, Alta.
Amina Gerba	Rigaud	Blainville, Que.
Clément Gignac	Kennebec	Lac Saint-Joseph, Que.
Michèle Audette	De Salaberry	Quebec City, Que.
David M. Arnot	Saskatchewan	Saskatoon, Sask.
Flordeliz (Gigi) Osler	Manitoba	Winnipeg, Man.
Margo Greenwood	British Columbia	Vernon, B.C.
Sharon Burey	Ontario	Windsor, Ont.
Andrew Cardozo	Ontario	Ottawa, Ont.
Rebecca Patterson	Ontario	Ottawa, Ont.
Iris G. Petten	Newfoundland and Labrador	St. John’s, Nfld. & Lab.
Jane MacAdam	Prince Edward Island	West St. Peters, P.E.I.
Judy A. White	Newfoundland and Labrador	St. George’s, Nfld. & Lab.
Paul J. Prosper	Nova Scotia	Hants County, N.S.
Joan Kingston	New Brunswick	New Maryland, N.B.
John M. McNair	New Brunswick	Grand-Bouctouche, N.B.
Réjean Aucoin	Nova Scotia	Cape Breton, N.S.
Krista Ross	New Brunswick	Fredericton, N.B.
Rodger Cuzner	Nova Scotia	Cape Breton, N.S.

SENATORS OF CANADA

ALPHABETICAL LIST

(December 1, 2023)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Anderson, Dawn	Northwest Territories	Yellowknife, N.W.T.	Progressive Senate Group
Arnot, David M.	Saskatchewan	Saskatoon, Sask.	Independent Senators Group
Ataullahjan, Salma	Ontario (Toronto)	Toronto, Ont.	Conservative Party of Canada
Aucoin, Réjean	Nova Scotia	Cape Breton, N.S.	Non-affiliated
Audette, Michèle	De Salaberry	Quebec City, Que.	Non-affiliated
Batters, Denise	Saskatchewan	Regina, Sask.	Conservative Party of Canada
Bellemare, Diane	Alma	Outremont, Que.	Independent Senators Group
Bernard, Wanda Thomas	Nova Scotia (East Preston)	East Preston, N.S.	Progressive Senate Group
Black, Robert	Ontario	Centre Wellington, Ont.	Canadian Senators Group
Boehm, Peter M.	Ontario	Ottawa, Ont.	Independent Senators Group
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Conservative Party of Canada
Boniface, Gwen	Ontario	Orillia, Ont.	Independent Senators Group
Boyer, Yvonne	Ontario	Merrickville-Wolford, Ont.	Independent Senators Group
Brazeau, Patrick	Repentigny	Maniwaki, Que.	Non-affiliated
Burey, Sharon	Ontario	Windsor, Ont.	Canadian Senators Group
Busson, Bev	British Columbia	North Okanagan Region, B.C.	Independent Senators Group
Cardozo, Andrew	Ontario	Ottawa, Ont.	Progressive Senate Group
Carignan, Claude, P.C.	Mille Isles	Saint-Eustache, Que.	Conservative Party of Canada
Clement, Bernadette	Ontario	Cornwall, Ont.	Independent Senators Group
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Progressive Senate Group
Cormier, René	New Brunswick	Caraquet, N.B.	Independent Senators Group
Cotter, Brent	Saskatchewan	Saskatoon, Sask.	Independent Senators Group
Coyle, Mary	Nova Scotia	Antigonish, N.S.	Independent Senators Group
Cuzner, Rodger	Nova Scotia	Cape Breton, N.S.	Non-affiliated
Dagenais, Jean-Guy	Victoria	Blainville, Que.	Canadian Senators Group
Dalphond, Pierre J.	De Lorimier	Montreal, Que.	Progressive Senate Group
Dasko, Donna	Ontario	Toronto, Ont.	Independent Senators Group
Deacon, Colin	Nova Scotia	Halifax, N.S.	Canadian Senators Group
Deacon, Marty	Waterloo Region	Waterloo, Ont.	Independent Senators Group
Dean, Tony	Ontario	Toronto, Ont.	Independent Senators Group
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Canadian Senators Group
Duncan, Pat	Yukon	Whitehorse, Yukon	Independent Senators Group
Dupuis, Renée	The Laurentides	Sainte-Pétronille, Que.	Independent Senators Group
Forest, Éric	Gulf	Rimouski, Que.	Independent Senators Group
Francis, Brian	Prince Edward Island	Rocky Point, P.E.I.	Progressive Senate Group
Gagné, Raymonde, *Speaker*	Manitoba	Winnipeg, Man.	Non-affiliated
Galvez, Rosa	Bedford	Lévis, Que.	Independent Senators Group
Gerba, Amina	Rigaud	Blainville, Que.	Progressive Senate Group
Gignac, Clément	Kennebec	Lac Saint-Joseph, Que.	Progressive Senate Group
Gold, Marc	Stadacona	Westmount, Que.	Non-affiliated
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Canadian Senators Group
Greenwood, Margo	British Columbia	Vernon, B.C.	Independent Senators Group
Harder, Peter, P.C.	Ottawa	Manotick, Ont.	Progressive Senate Group
Hartling, Nancy J.	New Brunswick	Riverview, N.B.	Independent Senators Group
Housakos, Leo	Wellington	Laval, Que.	Conservative Party of Canada
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Independent Senators Group
Kingston, Joan	New Brunswick	New Maryland, N.B.	Non-affiliated
Klyne, Marty	Saskatchewan	White City, Sask.	Progressive Senate Group
Kutcher, Stan	Nova Scotia	Halifax, N.S.	Independent Senators Group
LaBoucane-Benson, Patti	Alberta	Spruce Grove, Alta.	Non-affiliated
Lankin, Frances, P.C.	Ontario	Restoule, Ont.	Independent Senators Group
Loffreda, Tony	Shawinegan	Montreal, Que.	Independent Senators Group

Senator	Designation	Post Office Address	Political Affiliation
MacAdam, Jane	Prince Edward Island	West St. Peters, P.E.I.	Independent Senators Group
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative Party of Canada
Manning, Fabian	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.	Conservative Party of Canada
Marshall, Elizabeth	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative Party of Canada
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative Party of Canada
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Independent Senators Group
McCallum, Mary Jane	Manitoba	Winnipeg, Man.	Non-affiliated
McNair, John M.	New Brunswick	Grand-Bouctouche, N.B.	Non-affiliated
McPhedran, Marilou	Manitoba	Winnipeg, Man.	Non-affiliated
Mégie, Marie-Françoise	Rougemont	Montreal, Que.	Independent Senators Group
Miville-Dechêne, Julie	Inkerman	Mont-Royal, Que.	Independent Senators Group
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative Party of Canada
Moncion, Lucie	Ontario	North Bay, Ont.	Independent Senators Group
Moodie, Rosemary	Ontario	Toronto, Ont.	Independent Senators Group
Oh, Victor	Mississauga	Mississauga, Ont.	Conservative Party of Canada
Omidvar, Ratna	Ontario	Toronto, Ont.	Independent Senators Group
Osler, Flordeliz (Gigi)	Manitoba	Winnipeg, Man.	Canadian Senators Group
Pate, Kim	Ontario	Ottawa, Ont.	Independent Senators Group
Patterson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Canadian Senators Group
Patterson, Rebecca	Ontario	Ottawa, Ont.	Canadian Senators Group
Petitclerc, Chantal	Grandville	Montreal, Que.	Independent Senators Group
Petten, Iris G.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Independent Senators Group
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative Party of Canada
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative Party of Canada
Prosper, Paul J.	Nova Scotia	Hants County, N.S.	Canadian Senators Group
Quinn, Jim	New Brunswick	Saint John, N.B.	Canadian Senators Group
Ravalia, Mohamed-Iqbal	Newfoundland and Labrador	Twillingate, Nfld. & Lab.	Independent Senators Group
Richards, David	New Brunswick	Fredericton, N.B.	Canadian Senators Group
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Independent Senators Group
Ross, Krista	New Brunswick	Fredericton, N.B.	Non-affiliated
Saint-Germain, Raymonde	De la Vallière	Quebec City, Que.	Independent Senators Group
Seidman, Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative Party of Canada
Simons, Paula	Alberta	Edmonton, Alta.	Independent Senators Group
Smith, Larry W.	Saurel	Hudson, Que.	Canadian Senators Group
Sorensen, Karen	Alberta	Banff, Alta.	Independent Senators Group
Tannas, Scott	Alberta	High River, Alta.	Canadian Senators Group
Verner, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Canadian Senators Group
Wallin, Pamela	Saskatchewan	Wadena, Sask.	Canadian Senators Group
Wells, David M.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative Party of Canada
White, Judy A.	Newfoundland and Labrador	St. George's, Nfld. & Lab.	Progressive Senate Group
Woo, Yuen Pau	British Columbia	North Vancouver, B.C.	Independent Senators Group
Yussuff, Hassan	Ontario	Toronto, Ont.	Independent Senators Group

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(December 1, 2023)

ONTARIO—24

	Senator	Designation	Post Office Address
	The Honourable		
1	Salma Ataullahjan	Ontario (Toronto)	Toronto
2	Victor Oh	Mississauga	Mississauga
3	Peter Harder, P.C.	Ottawa	Manotick
4	Frances Lankin, P.C.	Ontario	Restoule
5	Ratna Omidvar	Ontario	Toronto
6	Kim Pate	Ontario	Ottawa
7	Tony Dean	Ontario	Toronto
8	Lucie Moncion	Ontario	North Bay
9	Gwen Boniface	Ontario	Orillia
10	Robert Black	Ontario	Centre Wellington
11	Marty Deacon	Waterloo Region	Waterloo
12	Yvonne Boyer	Ontario	Merrickville-Wolford
13	Donna Dasko	Ontario	Toronto
14	Peter M. Boehm	Ontario	Ottawa
15	Rosemary Moodie	Ontario	Toronto
16	Hassan Yussuff	Ontario	Toronto
17	Bernadette Clement	Ontario	Cornwall
18	Sharon Burey	Ontario	Windsor
19	Andrew Cardozo	Ontario	Ottawa
20	Rebecca Patterson	Ontario	Ottawa
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22			
23			
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QUEBEC—24

	Senator	Designation	Post Office Address
	The Honourable		
1	Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
2	Patrick Brazeau	Repentigny	Maniwaki
3	Leo Housakos	Wellington	Laval
4	Claude Carignan, P.C.	Mille Isles	Saint-Eustache
5	Judith G. Seidman	De la Durantaye	Saint-Raphaël
6	Pierre-Hugues Boisvenu	La Salle	Sherbrooke
7	Larry W. Smith	Saurel	Hudson
8	Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures
9	Jean-Guy Dagenais	Victoria	Blainville
10	Diane Bellemare	Alma	Outremont
11	Chantal Petitclerc	Grandville	Montreal
12	Renée Dupuis	The Laurentides	Saint-Pétronille
13	Éric Forest	Gulf	Rimouski
14	Marc Gold	Stadacona	Westmount
15	Marie-Françoise Mégie	Rougemont	Montreal
16	Raymonde Saint-Germain	De la Vallière	Quebec City
17	Rosa Galvez	Bedford	Lévis
18	Pierre J. Dalphond	De Lorimier	Montreal
19	Julie Miville-Dechêne	Inkerman	Mont-Royal
20	Tony Loffreda	Shawinegan	Montreal
21	Amina Gerba	Rigaud	Blainville
22	Clément Gignac	Kennebec	Lac Saint-Joseph
23	Michèle Audette	De Salaberry	Quebec City
24			

NOVA SCOTIA—10

	Senator	Designation	Post Office Address
	The Honourable		
1	Jane Cordy	Nova Scotia	Dartmouth
2	Stephen Greene	Halifax - The Citadel	Halifax
3	Michael L. MacDonald	Cape Breton	Dartmouth
4	Wanda Thomas Bernard	Nova Scotia (East Preston)	East Preston
5	Mary Coyle	Nova Scotia	Antigonish
6	Colin Deacon	Nova Scotia	Halifax
7	Stan Kutcher	Nova Scotia	Halifax
8	Paul J. Prosper	Nova Scotia	Hants County
9	Réjean Aucoin	Nova Scotia	Cape Breton
10	Rodger Cuzner	Nova Scotia	Cape Breton

NEW BRUNSWICK—10

	Senator	Designation	Post Office Address
	The Honourable		
1	Pierrette Ringuette	New Brunswick	Edmundston
2	Percy Mockler	New Brunswick	St. Leonard
3	Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent
4	René Cormier	New Brunswick	Caraquet
5	Nancy J. Hartling	New Brunswick	Riverview
6	David Richards	New Brunswick	Fredericton
7	Jim Quinn	New Brunswick	Saint John
8	Joan Kingston	New Brunswick	New Maryland
9	John M. McNair	New Brunswick	Grand-Bouctouche
10	Krista Ross	New Brunswick	Fredericton

PRINCE EDWARD ISLAND—4

	Senator	Designation	Post Office Address
	The Honourable		
1	Percy E. Downe	Charlottetown	Charlottetown
2	Brian Francis	Prince Edward Island	Rocky Point
3	Jane MacAdam	Prince Edward Island	West St. Peters
4			

MANITOBA—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Donald Neil Plett	Landmark	Landmark
2	Raymonde Gagné, *Speaker*	Manitoba	Winnipeg
3	Marilou McPhedran	Manitoba	Winnipeg
4	Mary Jane McCallum	Manitoba	Winnipeg
5	Flordeliz (Gigi) Osler	Manitoba	Winnipeg
6			

BRITISH COLUMBIA—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Mobina S. B. Jaffer	British Columbia	North Vancouver
2	Yonah Martin	British Columbia	Vancouver
3	Yuen Pau Woo	British Columbia	North Vancouver
4	Bev Busson	British Columbia	North Okanagan Region
5	Margo Greenwood	British Columbia	Vernon
6			

SASKATCHEWAN—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Pamela Wallin	Saskatchewan	Wadena
2	Denise Batters	Saskatchewan	Regina
3	Marty Klyne	Saskatchewan	White City
4	Brent Cotter	Saskatchewan	Saskatoon
5	David M. Arnot	Saskatchewan	Saskatoon
6			

ALBERTA—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Scott Tannas	Alberta	High River
2	Patti LaBoucane-Benson	Alberta	Spruce Grove
3	Paula Simons	Alberta	Edmonton
4	Karen Sorensen	Alberta	Banff
5			
6			

NEWFOUNDLAND AND LABRADOR—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Elizabeth Marshall	Newfoundland and Labrador	Paradise
2	Fabian Manning	Newfoundland and Labrador	St. Bride's
3	David M. Wells	Newfoundland and Labrador	St. John's
4	Mohamed-Iqbal Ravalia	Newfoundland and Labrador	Twillingate
5	Iris G. Petten	Newfoundland and Labrador	St. John's
6	Judy A. White	Newfoundland and Labrador	St. George's

NORTHWEST TERRITORIES—1

	Senator	Designation	Post Office Address
	The Honourable		
1	Dawn Anderson	Northwest Territories	Yellowknife

NUNAVUT—1

	Senator	Designation	Post Office Address
	The Honourable		
1	Dennis Glen Patterson	Nunavut	Iqaluit

YUKON—1

	Senator	Designation	Post Office Address
	The Honourable		
1	Pat Duncan	Yukon	Whitehorse

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