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OFFICIAL REPORT
(HANSARD)

Thursday, December 14, 2023

The Honourable RAYMONDE GAGNÉ,
Speaker

CONTENTS

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

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THE SENATE

Thursday, December 14, 2023

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

Prayers.

SENATORS' STATEMENTS

JIMMY LAI

Hon. Pierre J. Dalphond: Honourable senators, on behalf of Senator Housakos, Senator Omidvar, Senator Miville-Dechêne and Senator Patterson from Ontario — and no doubt many others — I rise to call for the release from prison of Jimmy Lai, a hero for democracy in Hong Kong.

Mr. Lai founded the hugely popular and independent newspaper *Apple Daily* in response to the Tiananmen Square events. Unfortunately, it was forcibly closed in 2021 by the Hong Kong authorities.

He was arrested in 2020, following his participation in legal pro-democracy protests in Hong Kong, and has since faced legal warfare. Mr. Lai just spent his seventy-sixth birthday in prison on December 8, held for the last three years on bogus charges brought under the infamous national security law and imposed on Hong Kong by the Beijing government.

Mr. Lai's next trial is for sedition. It's scheduled to begin on December 18. It will be tried without a jury by a special group of judges. He faces a life sentence. His ideas are so dangerous for the Hong Kong government that he's currently being held in solitary confinement in a maximum-security prison.

This is an influential, peaceful man who dared to publish the truth. The free world must stand with Mr. Lai and other champions of media freedom, democracy and human rights.

Last week, I had the pleasure to meet with his son, Sebastien, and his legal team, who came to Ottawa to meet with a few MPs and senators. I met them with Irwin Cotler and Brandon Silver of Montreal's Raoul Wallenberg Centre for Human Rights.

Let me add that as we prepare to celebrate Christmas, Jimmy Lai is a Catholic who will not be able to, once more, observe Christmas with his family. Despite that, he said:

> There is always a price to pay when you put truth, justice and goodness ahead of your own comfort . . . . Luckily God has made this price a grace in disguise. I am so grateful.

Colleagues, for these reasons, on behalf of Senator Housakos, Senator Omidvar, Senator Miville-Dechêne and Senator Patterson from Ontario, today I will introduce a motion identical to the one unanimously adopted in the House of Commons this past Tuesday, calling for Mr. Lai's release. I hope that we will quickly adopt this motion tomorrow, and send a message to the Chinese government that our entire Parliament stands with Mr. Lai.

Thank you. *Meegwetch*.

EXPRESSION OF GOOD WISHES FOR THE SEASON

Hon. Yuen Pau Woo: Honourable senators: ‘

‘Twas some weeks before Christmas, when all through this house
A commotion broke out and tempers did rouse.
Senators had lined up with speeches to share
On a bill about carbon pricing and whether it's fair.
Members were nestled all snug at their desks:
"Was this a caper or some weird jest?"
The Speaker in her chair, with Clerk Till at her side,
Was bracing herself for a rather rough ride.
When out on the floor there arose such a clatter,
I sprang to my laptop to see what was the matter.
Away to the screen, I made a quick dash.
I clicked on my mouse and blinked at the flash.
The moon on the breast of the new fallen snow
Gave a lustre of midday to objects below,
When what to my wondering eyes should appear . . .
But an adjournment motion that rang out most clear.
In moments so fraught, so lively and quick,
We can do with a visit from good old St. Nick.
More rapid than eagles, his coursers we welcome —
I mean, Dasher, and Dancer, and Prancer, and then some.
To the top of the scrolls! To the top of our call!
Order and decorum for one and for all.
As leaves that before the wild hurricane fly,
When they meet with an obstacle, mount to the sky.
So up to the Hill, new senators they flew
With sleighs full of experience and savvy too.
They came from the provinces of Atlantic Canada,
But what about the Prairies, Ontario and British Columbia?
To the Red Chamber new colleagues did join,
An oath to the Crown — you know, the guy on the coin.
"Laying aside all difficulties and excuses" our duties must not a senator refuses.
Which is what our colleague did model, Senator Renée Dupuis — the Honourable.
We wish her Godspeed and offer farewells,
May she have health and happiness, and a life without bells.
To everything there's a season,
even if we don't know the reason.
Must we deal with such "weighty and arduous matters?"
So much of our world is now in tatters.
And so in this time of great sorrow,
We cling to the hope of a better tomorrow.
May your St. Nick bring gifts this holiday period,
In ways and forms that are rich and myriad.
And as we spring to our sleighs and give the whistle,
As we fly home like the down of a thistle.

May we exclaim ere we go out of sight,
"Be kind to all, be good and do what is right."
Happy holidays to one and all.

Hon. Senators: Hear, hear!

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Omar Burey, brother of the Honourable Senator Burey.

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

Hon. Senators: Hear, hear!

[*Translation*]

THE LATE APRIL BUREY

Hon. Sharon Burey: Colleagues, I rise today to pay tribute to my dear late sister, April Burey, and to express my appreciation for her.

[*English*]

Her life was far too short, but she left an indelible and unique mark on Canada, her family, her students, her professors and her friends — some of whom are present here today. We continue her legacy as a fierce defender of human rights, disability rights and gender and racial equality.

In 1997, April appeared before the Supreme Court of Canada as intervener counsel for several Black groups. For the first time, after centuries of racial inequities within the courts, the Supreme Court finally considered a complaint of judicial racial bias. Professor Constance Backhouse, author of the recently published *Reckoning with Racism: Police, Judges, and the RDS Case*, has called it our ". . . country's most momentous race case."

April was a prolific thinker, writer and teacher. In an article published in the *Dalhousie Law Journal*, April took time to reflect on this landmark case in Canadian history. Her purpose, she writes:

> . . . is to call us all to a sober, thoughtful and compassionate return to the essential value underlying Section 15, the *Charter* as a whole, and indeed the laws of any society based on the equality of all. This essential value is the equality of those most vulnerable and disadvantaged among us. . . .

• (1410)

She goes on to say:

> I have faith that *R.D.S.*, by its outer creation of no dichotomies, will lead us all to the inner discovery that equality is indivisible.

This marks the week when I was sworn into this hallowed chamber as a Canadian senator — and the week that my sister April Burey passed from this life to the next, on December 12, 1999, some 24 years ago, at the tender age of 39 years due to multiple sclerosis.

April was born on March 30, 1960, to Eric and Mary Burey, a civil servant and a teacher. April was rarely seen without a book in her hand. April was conferred a Bachelor of Arts in French and Spanish and a law degree from Dalhousie University, where she was valedictorian. Her Master of Laws degree was from Harvard University, where she specialized in public international law.

Former Supreme Court Justice Ian Binnie and lawyer Lois Lehmann, both friends of April, memorialized April's work and life in a "Lives Lived" article in *The Globe and Mail*.

> April Burey, a fierce human rights advocate, was one of Jamaica's most exuberant exports to Canada — lawyer, Black activist, poet and scholar.

I close with the words of another of April's friends, former law professor Leon Trakman:

> April, my dearest friend, and I say — my dearest sister, you are of the spirit. You always were. That was your charm. Your faith was your being. The body was only incidental. Your faith was also your humanity. Through it, you shone. The stars will not be disappointed.

[*Translation*]

I love you, my dear sister.

Hon. Senators: Hear, hear!

[*English*]

KALAVRYTA MASSACRE

Hon. Leo Housakos: Honourable senators, on December 13, 1943, a genocidal massacre was carried out in the mountainous Greek town of Kalavryta. In a brutal reprisal to the killing of several German soldiers by Greek partisans, the Nazis rounded up all the residents at the Kalavryta elementary school. Men and boys over the age of 14 were separated from the women and other children, taken to a nearby hill and executed in cold blood. Approximately 700 men and boys were brutally murdered in this horrendous act of violence.

The women and remaining children were locked inside the school, which was then set on fire as the Germans burned the entire village. Miraculously, the brave women of Kalavryta broke the school doors, only to discover that their husbands, brothers and sons were lying lifeless, and their beautiful village, once full of life, was in ashes.

The atrocity devastated the town of Kalavryta leaving a lasting scar on the community and serving as a grim reminder of the brutality of war.

Today, we pay homage to their memory, preserving their stories in our collective consciousness, lest their suffering be forgotten, but also recounting this harrowing tale to ensure that such atrocities are never repeated.

Yet, among these tragedies, we find stories of resilience, bravery and unwavering human spirit. The survivors' courage in rebuilding their lives and communities after such devastation teaches us the value of hope and perseverance in the face of adversity.

I had the honour and privilege to know one of the survivors of that dark day. Georgia Vagia was two days old on December 13, 1943. Her father was one of the men so brutally murdered. Her mother, Efthymia Vagia, not only survived but rebuilt her life, raised their children and lived long enough to see grandchildren and great-grandchildren. Efthymia Vagia was known as the last widow of Kalavryta. Her daughter Georgia came to Canada and became a Canadian citizen. She worked hard and raised her son so that he could have a better future and more opportunity than did she.

As we reflect on this painful history, let us reaffirm our commitment to peace, tolerance and understanding among all people. May the memory of the Kalavryta massacre remind us of the consequences of hatred and the imperative of fostering a world where such acts of violence have no place.

Let us stand together in remembrance, vowing to honour their sacrifices and determination. The echoes of history should always guide us toward a world where we stand tall for our values of freedom and democracy. Thank you, colleagues.

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of John and Bonnie den Haan, accompanied by their two grandchildren. They are the guests of the Honourable Senator Black.

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

Hon. Senators: Hear, hear!

BUD BIRD, O.C., O.N.B.

CONGRATULATIONS ON ORDER OF NEW BRUNSWICK

Hon. Joan M. Kingston: Honourable senators, I rise today to congratulate a fellow New Brunswicker, Bud Bird, who received the distinguished Order of New Brunswick the same week that I took my seat in this place.

The Order of New Brunswick is the highest honour granted by our province. Bud received this award for his lifetime of business, political and charitable activities, which have contributed meaningfully to both New Brunswick and Canada.

Bud is a well-known citizen of the greater Fredericton area. He has had a successful career as an entrepreneur, served as an elected political representative at all three levels of government and has been a leading volunteer in many community projects.

In 1958, he founded J. W. Bird and Company Limited — Bird Stairs — a business in which he remains actively involved. He has been a director of several New Brunswick and Canadian companies since that time. He was the lead director of Enbridge Gas New Brunswick when that distribution franchise was awarded in 1999. He was inducted into the New Brunswick Business Hall of Fame in 2011.

As Mayor of Fredericton from 1969-74, Bud helped to bring about amalgamation with several surrounding municipalities. He also worked to increase awareness and appreciation of the values of bilingualism and cultural diversity with the goal for Fredericton to be seen clearly as the capital city for all New Brunswickers.

I first met Bud Bird when he was a member of the Legislative Assembly of New Brunswick. During his term as Minister of Natural Resources, from 1978-82, he was able to successfully steer, with unanimous support, the innovative Crown Lands and Forest Act through the legislature, one that has become recognized as a model for Crown forest management.

As minister, he also introduced the concept of harvest tagging for the conservation of wild Atlantic salmon, as well as the hook-and-release practices that continue today.

In 1984, following his five-year term as a member of Parliament, Bud accepted a volunteer role to help create the Greater Fredericton Economic Development Corporation for the promotion of economic activity among all municipalities in the capital city area. It resulted in several successful initiatives, including the creation of Knowledge Park in partnership with the University of New Brunswick.

For many subsequent years, he has served as president and chairman of the Miramichi Salmon Association and as director of the Atlantic Salmon Federation. Arising from his conservation activities and in partnership with the late chief Noah Augustine of Metepenagiag, Bud was co-founder of the First Nations and Business Liaison Group, a forum that was active for several years in the pursuit of reconciliation and goodwill.

In 2004, he was presented with the Lieutenant Governor's Award for wild Atlantic salmon conservation. With his late wife, Peggy, the Bird family have contributed generously to many charitable causes and were the second recipients of the Philanthropy in Action Award from the Fredericton Community Foundation.

Previously recognized as a Distinguished Citizen by the Fredericton Chamber of Commerce, Bud also received an honorary degree from the University of New Brunswick in 1987 and was appointed as an Officer of the Order of Canada in 2001. I join citizens of the greater Fredericton area and all New Brunswickers in our admiration for Bud Bird and in

congratulating him on this honour, which I know is very special to him because it's been bestowed by the province that he calls home. Thank you.

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. André Levesque, Chancellor for the Priory of Canada of the Most Venerable Order of the Hospital of St. John of Jerusalem. He is accompanied by Martin Gangnier, Chief Executive Officer of St. John Ambulance Canada. They are the guests of the Honourable Senator Martin.

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

Hon. Senators: Hear, hear!

ST. JOHN AMBULANCE

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, St. John Ambulance is a global charity that is located in more than 40 countries. Established in Canada in 1882, it has about 10,000 volunteers, who provide over 1 million hours of community service each year. There are more than 100 branches serving over 300 communities across the country, training 550,000 Canadians in emergency first aid each year. St. John Ambulance has a community emergency response program, which provides assistance to professional first responders. The organization is also well known for their street-level opioid programs, mental health programs and therapy dogs that attend schools, hospitals, airports and homes for the elderly.

• (1420)

St. John Ambulance has also trained our members of the Canadian Armed Forces for the past 140 years. In the past three months, right here in this building, all Senate pages have been trained by St. John Ambulance in emergency first aid and CPR for the protection and safety of all senators. At the conclusion of their training, they all attended a special ceremony where pages were presented with the St. John Ambulance pin to wear on their Senate uniform, presented to each page by St. John Chancellor André Levesque and its national Chief Executive Officer Martin Gangnier, who are both here with us today.

The Senate Chamber is also where the national investiture ceremony is held annually in June for the Order of St. John Priory of Canada. For the first time in history this past June, this event was identified as an official parliamentary event and was filmed and broadcast across Canada and around the world to share and congratulate Canada's community volunteers.

Deserving recipients from across Canada were admitted or promoted within the Order of Saint John for their meritorious service and dedication to duty. The Order of St. John is a Royal Order of Chivalry created by Queen Victoria in 1888 and is now part of the Canadian honours system.

As it is the month of December, we also take pause to remember the Canadian Armed Forces and allied service members who defended Hong Kong, alongside members of St. John Ambulance who saved lives during the battle of Hong Kong 82 years ago.

Honourable senators, please join me in honouring and thanking the volunteers of the world's largest humanitarian organization, St. John Ambulance, but especially those who serve others right here in Canada. They are a true testimony to their motto, "*Pro Fide, Pro Utilitate Hominum*," which means, "For the Faith, In the Service of Humanity."

Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

COUNCIL OF STATE GOVERNMENTS' MIDWESTERN LEGISLATIVE CONFERENCE, JULY 10-13, 2022—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-United States Inter-Parliamentary Group concerning the Council of State Governments' Midwestern Legislative Conference, held in Wichita, Kansas, from July 10 to 13, 2022.

COUNCIL OF STATE GOVERNMENTS EAST'S ANNUAL MEETING, AUGUST 14-17, 2022—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-United States Inter-Parliamentary Group concerning the Council of State Governments East's Annual Meeting, held in Manchester, New Hampshire, United States of America, from August 14 to 17, 2022.

COUNCIL OF STATE GOVERNMENTS' MIDWESTERN LEGISLATIVE CONFERENCE, JULY 9-12, 2023—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-United States Inter-Parliamentary Group concerning the Council of State Governments' Midwestern Legislative Conference, held in Detroit, Michigan, United States of America, from July 9 to 12, 2023.

BILATERAL VISIT WITH MEMBERS OF UNITED STATES SENATE, MAY 15-16, 2023—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-United States Inter-Parliamentary Group concerning the

Bilateral Visit with Members of the United States Senate, held in Washington, D.C., United States of America, from May 15 to 16, 2023.

WESTERN GOVERNORS' ASSOCIATION ANNUAL MEETING, JUNE 26-28, 2023—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-United States Inter-Parliamentary Group concerning the Western Governors' Association Annual Meeting, held in Boulder, Colorado, United States of America, from June 26 to 28, 2023.

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE PRACTICE OF INCLUDING NON-FINANCIAL MATTERS IN BUDGET IMPLEMENTATION ACTS

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

That the Standing Senate Committee on National Finance be authorized to examine and report on the practice of including non-financial matters in bills implementing provisions of budgets and economic statements, including, but not limited to:

(a) examining how the Senate generally reviews and considers non-financial provisions in budget implementation acts;

(b) examining how other legislatures review financial legislation; and

(c) providing recommendations and guidelines to the Senate and its committees on methods to provide proper scrutiny of non-financial provisions found within budget implementation acts while permitting financial provisions to proceed in a timely manner; and

That the committee report to the Senate no later than April 30, 2024.

[*Translation*]

THE SENATE

NOTICE OF MOTION TO CALL UPON THE HONG KONG AUTHORITIES TO RELEASE JIMMY LAI

Hon. Pierre J. Dalphond: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, given that:

(a) Jimmy Lai stands for so many of the values championed by Canadians, most importantly media freedom, respect for the rule of law, and standing up for what is right;

(b) Mr. Lai is a peaceful pro-democracy campaigner and publisher whose hugely popular newspaper Apple Daily was shut down for political reasons in 2021;

(c) Mr. Lai has just spent his 76th birthday in prison where he has been for the last three years on charges brought under the National Security Law, whose provisions are inconsistent with international human rights law; and

(d) Mr. Lai is about to face trial on yet further charges arising from his pro-democracy writing and campaigning that could see him spend the rest of his life behind bars;

the Senate call upon the Hong Kong authorities to release Jimmy Lai and cease prosecuting him and others charged under the National Security Law and the Senate reaffirms journalists and media workers everywhere have the right to operate in an environment free from intimidation and harassment by state authorities.

[*English*]

QUESTION PERIOD

FINANCE

2023 FALL ECONOMIC STATEMENT

Hon. Donald Neil Plett (Leader of the Opposition): Leader, the Parliamentary Budget Officer, or PBO, recently released his analysis of the Trudeau government's *2023 Fall Economic Statement*. In March, Budget 2023 announced a plan to identify

$15.4 billion in savings starting this fiscal year through 2027-28. So far, the government has provided some information on $500 million in savings. That's it, leader. The PBO said:

> . . . there is no information on the remaining $14.9 billion in planned savings, as well as details on the potential impact on programs and services.

Leader, these are not my words. They're the words of the PBO, who reports to Parliament. Leader, are you going to dismiss what he says as disinformation or misinformation, or are you going to dismiss this as opposition rhetoric? Where is the $14.9 billion in planned savings?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I'm going to do neither of those. I think we can all recognize misinformation when we see it. There's too much of it in this chamber, and there is a fair bit of partisan rhetoric as well. But your question was neither of those, so I'd be happy to try to answer.

Finding this amount of savings in government, as those of you who have been in government know, involves an important interchange between and amongst ministries and the central decision makers around that. That's an iterative process, and that takes time.

• (1430)

As we mentioned in this chamber on many occasions, it is not going to be easy to continue to serve Canadians, whether it is to support our Armed Forces or provide assistance to Canadians and find these economies. The government is doing it, working on it and when those plans are fully crystallized, I'm sure the announcements will be forthcoming.

Senator Plett: It's something they pulled out of the air. What you are now telling me is that they haven't even discussed how they are going to do it.

I'm speaking.

I'm not one bit surprised that the Trudeau government has provided no information on billions of dollars in savings.

Question No. 91 on the Senate's Order Paper has been there for over two-and-a-half years seeking information on savings promised in Budget 2019. You obviously have not answered my questions because there are no savings and no plan to achieve those savings. Why haven't I gotten an answer? Is that it?

Senator Gold: Your first question, of which this is a supplementary, refers to the commitment to find $15 billion in savings. My answer remains the same. It is a serious exercise.

When the government gives itself a target, those of us in business know that sometimes you have to set a target. Then you work towards that target in a responsible way. That is exactly what this government is doing. It is governing in a responsible way.

DEBT MANAGEMENT REPORT

Hon. Elizabeth Marshall: Honourable senators, my question is for Senator Gold on fiscal transparency and accountability.

The Financial Administration Act requires the government to table an annual report on the management of the public debt. According to my calculations, today is the statutory deadline for the tabling of that report.

Given the increasing size of the public debt and our very significant debt-servicing costs, which continue to increase, we need this information in order to complete our review of the Fall Economic Statement.

We're going to break in a few days for the winter break and we won't be coming back until February. It would be very helpful, Senator Gold, if we could have that report before we leave for our winter break. Could you please inquire to find out where it is and urge the government to please release it?

Hon. Marc Gold (Government Representative in the Senate): I certainly will inquire, Senator Marshall. I agree with the importance of the information for the Senate to do its work.

Not knowing where it is, I cannot undertake or commit that we will promise that we will get it before we rise. I certainly will pass on the importance of this for the work that the Senate is mandated and required to do.

CANADA MORTGAGE AND HOUSING CORPORATION

WOMEN AND CHILDREN SHELTER AND TRANSITIONAL HOUSING INITIATIVE

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

Senator Gold, as part of our Standing Senate Committee on National Finance review on supplementary estimates, I recently noted a $5 million request for emergency shelter for women and girls.

Are these funds being distributed through the Women and Children Shelter and Transitional Housing Initiative, which falls under the National Housing Co-Investment Funding? Can you provide us an update with this initiative? How much money has been invested since it was announced in 2021? How many shelter beds and transitional homes have been built or repaired for women and children fleeing domestic violence?

With the holidays just around the corner, I'm sure we all agree that everyone deserves a safe place to call home where children and women can live with dignity and without fear.

Hon. Marc Gold (Government Representative in the Senate): Thank you for the important question. Providing women and their families fleeing domestic violence is a priority for this government, as it should be for all Canadians.

I understand that through the work done under the National Housing Strategy, which includes initiatives such as Women and Children Shelter and Transitional Housing Initiative, the government has supported the creation or repair of over 13,100 shelter spaces since 2016.

In addition, the government is investing over $724 million to expand culturally relevant supports for Indigenous women, for girls, for 2SLGBTQQIA+ peoples who are escaping gender-based violence to the Indigenous Shelter and Transitional Housing Initiative. Since the launch of this initiative, 25 projects have been selected across the country for advancement.

Senator Loffreda: Thank you for that answer. I commend the federal government for this very important initiative. Women and children who are fleeing domestic violence are in dire need for more safe and affordable places to turn to, a place to heal and a place to gain greater independence.

Can you expand on the program's decision-making process or set of criteria in determining which city will be receiving the funds for beds and shelters? Does the government work with agencies to find out where there are the most pressing and urgent needs?

Senator Gold: Thank you for the question. Specific to the Women's and Children's Shelter and Transitional Housing Initiative, my understanding is that CMHC prioritizes partnerships between organizations and governments supporting women and their children fleeing violence, as well as other partners. The fund also prioritizes affordable housing that is energy efficient, accessible and socially inclusive.

[*Translation*]

GLOBAL AFFAIRS

INTERNATIONAL AID—INCLUSION OF PEOPLE WITH DISABILITIES

Hon. Chantal Petitclerc: My question is for the Government Representative in the Senate.

Senator Gold, my question is about the promises that the Government of Canada has made, but not yet kept, to advance the inclusion of people with disabilities in our international aid programs.

As you know, our country made a commitment in that regard at the 2018 Global Disability Summit and again at the 2022 summit. The Minister of International Development's 2019 and 2021 mandate letters talk about providing greater assistance to people with disabilities in developing countries. Despite all this goodwill, the information that I'm getting is not very reassuring.

Senator Gold, many Canadian organizations are doing extraordinary work on the ground. When does the government intend to keep its promises and ensure that our public aid is truly inclusive of people with disabilities?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, colleague, and for your ongoing commitment to this important issue.

The Government of Canada is committed to supporting the rights of persons with disabilities in its interactions with other countries. It is also taking action and advocating in multilateral forums and through international development assistance programs, such as the United Nations General Assembly, the Human Rights Council and the World Health Organization.

I have also been told that Canada is working to strengthen the capacity of civil society organizations to defend the rights of the poorest and most vulnerable, including persons with disabilities.

Senator Petitclerc: Senator Gold, I'd be grateful if you could get more information about this and give us more details.

Canada has announced a $195-million investment over five years and $43.3 million annually thereafter to support women's rights organizations around the world. It has been brought to my attention that none of this new funding has been prioritized or adapted for women with disabilities. Can you reassure me on this point?

Senator Gold: Thank you for the question and for bringing it to my attention. I'll look into the matter—

[*English*]

ENVIRONMENT AND CLIMATE CHANGE

PROCUREMENT PROCESS

Hon. Colin Deacon: My question is for the Government Representative in the Senate. Senator Gold, the Council of Canadian Academies has identified procurement as the most effective strategy for helping Canada to achieve its 2030 climate objectives.

Despite the Treasury Board's Policy on Green Procurement, in October the department responsible for leading Canada's national sustainability strategies, Environment and Climate Change Canada, ignored sustainability criteria and only assessed the lowest cost in an $8 million purchase of laptops.

Sustainability criteria appear to be absent from procurement across all departments with another example including pharmaceutical refrigerators at National Defence.

The carbon tax is intended to alter consumer behaviour, yet the government does not seem to be doing its part in employing procurement as a tool to reduce carbon emissions throughout its supply chain. Why is the lead department responsible in our national sustainability goals failing to set an example by not including sustainability criteria in the procurement process?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The government believes that it is important and that the government plays a critical role not only in setting an ambitious emissions-reduction target, but by taking the steps to live up to those goals. Those steps include all of the measures with which we are familiar, including the most recent announcements with regard to capping emissions.

• (1440)

I am not able to speak to the specific case that you raised, but I can say to you and to this chamber — and I have been advised as follows — that all departments are directed to:

> Buy environmentally preferable goods and services where value for money is demonstrated (i.e. appropriate balance of many factors, such as cost, performance, availability, quality, and environmental performance) and meet green procurement targets . . . .

Senator C. Deacon: I am a proponent of the carbon tax, but, in the recent Bill C-234 debate, this government argued that the consistent application of the carbon tax is crucial to Canada achieving its climate goals. Does not prioritizing procurement bring forth a "do as I say, not as I do" risk in undermining our use of the carbon tax and other measures?

Senator Gold: Thank you for your question. Again, the government is doing things within their procurement process. The government has committed to modernizing its fleets with zero-emission hybrid vehicles and those that use alternative fuels. The government is committed to building zero-carbon buildings and maximizing energy efficiencies in existing ones, and committed to using nature-based solutions to protect assets through funding and through green procurement, to which I already referred.

CANADIAN HERITAGE

RCMP HERITAGE CENTRE

Hon. Marty Klyne: Senator Gold, the RCMP Heritage Centre welcomes approximately 35,000 visitors annually from around the world. It is a destination centre committed to sharing the story of the Royal Canadian Mounted Police, or RCMP, by inspiring, educating and igniting interest in the RCMP's history, and by paying tribute to its heritage and its present and future roles in policing — regionally, nationally and internationally.

This 65,000-square-foot majestic facility opened on May 23, 2007, on RCMP property adjacent to the elite RCMP training academy Depot Division in Regina, Saskatchewan, where every Mountie has been trained since 1885. The story of the RCMP is appropriately shared where every cadet is trained and their story begins.

Budget 2019 and a corresponding mandate letter envisioned that the RCMP Heritage Centre would be designated as a national museum. Such a designation could also help ensure a space for learning about Canada's complicated truth, healing past wrongs and honouring those who served and have served.

Can you tell us which minister is responsible for this mandate, and whether the government remains committed to designating the RCMP Heritage Centre as a national museum — and, if so, when?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator. My understanding is that this falls within the mandate of the Minister of Canadian Heritage. I also understand that the government invested $4.5 million in 2021 to assist with this transition.

With regard to the progress, I have been informed that the work is ongoing. It was significantly delayed, regrettably, due to the pandemic, but Canadian Heritage officials are continuing their consultations with the RCMP Heritage Centre — on an ongoing basis — on this file.

Senator Klyne: That was adequately answered. Thank you.

FINANCE

COST OF LIVING

Hon. Leo Housakos: Senator Gold, I have a simple question. I hope that you do not resort to calling me "partisan" and saying how complicated it is.

Right now, we have a historic cost of living in this country. I'm of this view: When the Trudeau government quadruples the carbon tax, sets a record of systemic deficits over the last eight and a half years or doubles the debt of this country more than any other governments combined, I believe these are fundamental elements that have created a high cost of living in this country. You keep saying that it is too simplistic and complicated. Which part of those elements — which I believe are fuelling inflation — do you think is actually helpful? These are the policies of the government: carbon tax, debt, deficit and tax-and-spend.

Hon. Marc Gold (Government Representative in the Senate): Let me speak about the tax on pollution. It is a series of arm's-length studies: — Whether it's the Office of the Parliamentary Budget Officer or experts in our research institutions, they have pointed out on many occasions that, despite the rhetoric that surrounds the issue, the impact on food prices by the price on pollution is really negligible — so much so that to claim otherwise is either trading in ignorance or in the wilful spreading of misinformation.

It is also the case that, more generally, removing the price on pollution will benefit those in the highest income brackets who do not — and would not — receive rebates, and will take money out of the pockets of 8 out of 10 Canadians who are receiving the rebates. These are facts established independently of the government.

Senator Housakos: Senator Gold, as you claim, the tax on pollution is not hitting any of your targets. It has not hit any of your environmental targets in eight and a half years. But the carbon tax, as we see, is fuelling inflation.

I invite you, over the holidays or in the new year, to come with me: I sat down last week with stakeholders from the English Montreal School Board, or EMSB, which you know very well, and they told me that — for the first time in history — 20% of middle-class children are showing up to school without food in their stomachs. If you don't start taking some of these measures, like getting rid of the tax and creating a fiscal anchor, this inflation will continue to grow and Canadian children will continue to go to school on empty stomachs.

Senator Gold: It is terrible that children have to go to food banks, but it is simply not the case that the cost of food is materially affected by the tax on pollution. These are two separate things. You can meld them together for your purposes, which I shall not label, but it does not make them true.

[*Translation*]

CANADA MORTGAGE AND HOUSING CORPORATION

AFFORDABLE HOUSING

Hon. Claude Carignan: My question is for the Government Representative in the Senate.

Minister Champagne and Minister Freeland testified before us yesterday. They offered a few solutions, including some that I would call Band-Aid solutions, to the glaring problem of housing creation.

The information I've gotten from real estate developers indicates that the housing problem has much deeper causes. They say the problem stems more specifically from the banks, which are extremely nervous and conservative — in the negative sense of the word. As a result, highly stringent stress tests are being required and money for real estate projects has either dried up or is being loaned under extremely onerous conditions.

What is the government doing to bring the banks into line?

Hon. Marc Gold (Government Representative in the Senate): Canadian banks are unquestionably independent. They operate within a legal framework, but it's not the government's job to dictate how banks assess risk.

That said, the measures put in place — and I'm referring, colleagues, to the article by Maxime Bergeron in *La Presse*, which you undoubtedly read this morning. Mr. Bergeron pointed to the potential benefits of programs that publish and distribute house models or plans that developers can use to create or build affordable housing.

The government has some practical steps to take, but it will not necessarily dictate how private banks should assess risk.

Senator Carignan: You mentioned Maxime Bergeron, and I just wrote to him to tell him I think he's wrong.

That said, you're not afraid of meeting with grocery bosses to bring down the price of turkey, but you don't want to meet with bankers or put any pressure on them. You don't mess with bankers, but you make a whole big production out of talking to grocers and inviting them to the minister's office.

Senator Gold: I'm not aware of any meetings or discussions with bankers. That's not what I said. Maybe I misunderstood your question. What I'm saying is that banks are responsible for proper risk assessment. Of course regular conversations take place between the government and Canada's business community, including banks.

• (1450)

[*English*]

ENVIRONMENT AND CLIMATE CHANGE

CARBON TAX

Hon. Mary Coyle: Senator Gold, last week, *The Globe and Mail* ran the article "The carbon tax helps more than it hurts." In today's article, *The Globe and Mail* quotes the Bank of Canada, which says that carbon pricing contributes only a small amount to the inflation that Canadians are experiencing. However, that article is entitled "Canadians aren't crazy to think that carbon pricing is hurting their pocketbooks."

We all know that taxes aren't popular. The "axe the tax" slogan is catchy for a reason. Senator Gold, what is the government doing to communicate transparently and plainly about the carbon tax?

Hon. Marc Gold (Government Representative in the Senate): That is a good question. I don't think that anyone who has followed this debate can say that the communication of how the price on pollution has worked has been explained and expressed to Canadians as well as it could have been. It is regrettable, because it has allowed a fair measure of disinformation, misinformation to take hold. That has, once again, misled Canadians, in good faith, who are struggling with the cost of living and struggling with these issues to believe wrongly in some of the causes and some of the proffered solutions.

This government has a responsibility to Canadians to continue to explain and to explain better exactly how it works and why, in fact, it does not contribute, as some have claimed, to the cost of groceries or, indeed, to the other matters.

Thank you for your question.

Senator Coyle: COP 28 in Dubai has concluded with a deal agreed to by nearly 200 nations. It includes a plan to transition away from fossil fuels. A statement saying that global emissions should peak by 2025 was dropped, however, and limited progress was made on climate finance and climate adaptation.

Senator Gold, what are the gaps between the final COP 28 agreement and Canada's ambitions for it?

Senator Gold: As you correctly pointed out, there are things that were not achieved at COP 28, but the Government of Canada continues to work with industry, provinces and territories in order to address these issues as best it can.

For example, the cap on emissions that was announced recently is an important step forward because it recognizes that we are an oil-producing country. We have tailored our approach as best we can, and we'll continue to move forward, inspired by but not limited by COP 28 agreements.

HEALTH

HEALTH CARE PROVIDERS

Hon. Yonah Martin (Deputy Leader of the Opposition): My question for the government leader is a follow-up to a question that Senator Osler asked on Tuesday regarding the poor state of primary health care in Canada.

Leader, you responded to Senator Osler that your government exercises a leadership role or that of a convenor. Yet, you failed to mention a specific promise the Liberal government made in the 2021 federal election campaign. The Prime Minister promised $3.2 billion to the provinces and territories for hiring 7,500 new family doctors, nurses and nurse practitioners. It should have started in the last fiscal year.

Leader, how can you say the Trudeau government exercises a leadership role when there has been no movement on this specific promise to Canadians?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. It does underline the multiple needs that our health care sector experiences, one of which you have referred to. But it is not the only one, nor is it the only one that the provinces have put on the table subsequent to that campaign promise, and nor is it the only one that is the subject of negotiations between the provinces and the federal government both in health care and beyond that.

There is an ongoing conversation between the Minister of Health and his counterparts across the country as the priorities of the provinces change, as the federal priorities also evolve and, frankly, as our fiscal capacity becomes clearer.

I do stand by my statement that the Government of Canada does play a lead role in assisting provinces and territories to meet their priorities as they see fit.

Senator Martin: But, leader, it is looking to be a failed lead role, as Canadians who don't have access to family doctors will ultimately seek care at a crowded hospital emergency room. On Tuesday, the wait time to see a doctor at the emergency room in Montfort hospital here in Ottawa was more than 20 hours.

When will the Trudeau government fulfill its election promise for 7,500 new doctors, nurses and nurse practitioners?

Senator Gold: Doctors and nurses are trained and licensed in provinces and territories. We all know, in studying this very difficult and complex file, that although the money is important, getting the system working properly is even more important. No matter how much money you throw at the system, if there are not spots in the universities or the educational programs — and provincial policies have a huge impact — it is not going to work.

GLOBAL AFFAIRS

ISLAMIC REVOLUTIONARY GUARD CORPS

Hon. Donald Neil Plett (Leader of the Opposition): Leader, next month, deportation proceedings will begin in two cases involving members of the Iranian regime who have been living in Toronto. We know, however, that these two cases are just the tip of the iceberg.

A few weeks ago, I raised a Global News report into the Islamic Revolutionary Guard Corps', or IRGC's, interference in Canada. A lawyer in British Columbia, leader, has compiled a database of about 700 individuals living in our country who are affiliated with the Iranian regime and threatening people right here on our soil.

Leader, since that report aired, has anyone from the Trudeau government reached out to this lawyer? Has anyone contacted him about rooting out these 700 individuals and kicking them out of our country?

Hon. Marc Gold (Government Representative in the Senate): I don't have any information about this particular lawyer or communications that either the lawyer made to the government or vice versa. I can say, as I have said on many occasions, that Canada has a government-wide approach and effort, using all the tools that it can and all the tools that it deems appropriate, to sanction those members who are causing harm to Canada and, indeed, will continue to consider all possible sanctions and measures to protect our national sovereignty and integrity.

CANADA-IRAN RELATIONS

Hon. Donald Neil Plett (Leader of the Opposition): In May 2022, I asked you about a soccer game between Canada and Iran which was cancelled following an outcry. You agreed to find out if the Trudeau government processed visas and work permits for this game. You also agreed to find out if any taxpayers' money was paid to Iran in a cancellation fee or to bail out Canada Soccer for what they spent organizing or promoting this game. Over a year and a half later, I haven't received a response. Why, leader?

Hon. Marc Gold (Government Representative in the Senate): Again, I don't know the answer, Senator Plett. I wish that you hadn't waited a year and a half to ask me. You can, of course, always ask me in —

Senator Plett: Oh, so you forgot.

Senator Gold: No, sir. I did not forget, but we haven't received an —

Senator Plett: What's the answer?

Senator Gold: We did not receive an answer. I do encourage you to not wait a year and a half for Question Period. We see each other every day, and I can certainly look into things, as I undertake to do.

ORDERS OF THE DAY

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

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator LaBoucane-Benson, seconded by the Honourable Senator Gold, P.C., for the third reading of Bill S-13, An Act to amend the Interpretation Act and to make related amendments to other Acts.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I rise today to speak to third reading of Bill S-13.

As you know, Bill S-13 will amend the Interpretation Act to include a non-derogation clause on upholding the Aboriginal and treaty rights found in section 35 of the Constitution Act, 1982.

That clause will read as follows:

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

Abrogation refers to the formal repeal or abolition of a law, agreement or order. It signifies the act of formally and officially revoking or nullifying an existing law, treaty, legal right or another formal enactment.

Derogation is the partial suppression or relaxation of a law, rule or agreement. It often refers to the act of deviating from a standard or norm, typically in a legal context where certain aspects of a law or regulation are suspended or modified without completely eliminating the law itself. You can easily see why either of these are very detrimental in the context of the rights of Indigenous peoples.

• (1500)

What is perhaps less clear is why such a non-derogation clause is even necessary. Allow me to give you a bit of background on how we got to where we are today. To do so, I'd like to quote a few paragraphs from a 2013 article entitled "The Campaign to Erode Aboriginal and Treaty Rights," which was signed by 52 professors, constitutional experts and Indigenous leaders, including Willie Littlechild and Constance Backhouse:

> Up until 1995, new federal laws that might have the potential to conflict with Aboriginal and Treaty rights routinely included a 'non-derogation' provision; a provision confirming that Parliament did not intend the new law to be interpreted in a way that would conflict with Aboriginal and Treaty rights. . . .
>
> Starting in 1995, the federal Department of Justice has worked, first, to chip away at, and, then more recently, to undermine directly this constitutional balancing act. It has done so without bringing the matter clearly to the attention of Parliament, or Aboriginal peoples, or the Canadian public.

The article goes on to say:

> In laws drafted since 1995, the Department of Justice has experimented with replacing the clear non-derogation language with many weaker variations. All those variations have trended towards a blurring, weakening, and, eventually, overturning, of Parliament's previously clear presumptive intention not to diminish Aboriginal and Treaty rights in new legislative projects.
>
> For quite some time, this campaign went undetected. When spotted by Aboriginal representatives, and brought to the attention of Parliamentarians, the Senate Standing Committee on Legislative and Constitutional Affairs carried out a careful and thorough investigation of the matter. The investigation resulted in a thoughtful report in December 2007, supported across party lines, entitled *Taking Section 35 Rights Seriously: Non-derogation Clauses relating to Aboriginal and Treaty rights.*
>
> Among the sensible recommendations of that report, the Senate Committee urged that the federal *Interpretation Act* be amended to include a general presumptive rule that new laws be interpreted to uphold rather than erode Aboriginal and Treaty rights. . . .

Colleagues, this is the unvarnished backstory to the legislation that lies before us today.

Bill S-13 is not a bill to be celebrated but rather a silent testimony to the repeated and systematic, systemic failure of Canadian governments to honour Aboriginal and treaty rights. This is sobering, colleagues. First we had the treaties; then the treaties were followed by court decisions that insisted those treaty rights must be honoured; then came section 35 of the Constitution Act, 1982, which affirmed that treaty rights are actual rights and must be respected. Following that, Parliament adopted the United Nations Declaration on the Rights of Indigenous Peoples Act, which requires that:

> States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Yet despite all of this, colleagues, we are now passing Bill S-13, which will once again affirm the rights of Indigenous peoples, even while the government simultaneously ignores Indigenous concerns about the bill.

These concerns were repeated over and over by Indigenous witnesses at the committee hearings on Bill S-13.

Natan Obed of Inuit Tapiriit Kanatami, or ITK — by the time we're done here colleagues, I will have learned how to pronounce that, I think; I've done it a number of times — said:

> . . . ITK has serious concerns about how the process for developing this legislation is being portrayed. The legislation was neither co-developed with Inuit nor was it subjected to any consultation and cooperation with Inuit . . . .

The Native Women's Association of Canada, or NWAC, said this:

> Specific to this bill and to an NDC in the Interpretation Act, NWAC submitted at least four written submissions between 2021 and 2023, very clearly emphasizing that NWAC expects UNDRIP to be included in the non-derogation clause.
>
> . . . we have been consulted, but they haven't responded to what we have been asking — repeatedly.

Cheryl Casimer, who is an elected Political Executive of the First Nations Summit Task Group in British Columbia as well as a member of the B.C. First Nations Leadership Council, said:

> From the perspective of the AFN, no, we don't believe that the principles of free, prior and informed consent were followed in the creation of this bill. The AFN advocated that more consultation take place with all First Nations. Further to that, the bill was also tabled without proper information sharing to the AFN or to First Nations.

Judy Wilson, former chief of the Union of British Columbia Indian Chiefs, said, "There hasn't been enough consultation through this process."

Sarah Niman, Director of Legal Services at the Native Women's Association of Canada, told our Legal and Constitutional Affairs Committee:

> Bill S-13 signals that Parliament is not as serious about doing the work behind reconciliation, but only to say the word for political gain.

Colleagues, this government talks a big talk but repeatedly fails when it comes to the walk. Their actions do not line up with their words.

This is not an arbitrary accusation. I saw it in living colour at the Defence Committee hearings on Bill C-21. Even while Bill S-13 was passing through the legislative process, the government, claiming that Aboriginal and treaty rights must be honoured, was simultaneously trampling all over those rights in Bill C-21.

Paul Irngaut, Vice President of Nunavut Tunngavik Incorporated, told the committee, "There has not been sufficient consultation on the bill." He further added, "We feel we have not been adequately consulted . . . ."

When Jessica Lazare of the Mohawk Council of Kahnawà:ke testified, I told her that the minister had stated that the bill is respectful of Indigenous rights and that his deputy minister assured the committee, "There were extensive consultations with Indigenous communities across the country when it was introduced the first time." These were the words of the deputy minister.

I then asked Chief Lazare, "Just to be sure, did the government consult with you before this bill was introduced?"

She gave me a one-word answer: "No."

So I asked, "Are you aware of any extensive consultations held with Indigenous communities across the country before this specific Bill C-21 was introduced?"

Chief Lazare gave the same answer: "No."

Colleagues, when Minister LeBlanc appeared at the Defence Committee on Bill C-21, he assured us that Indigenous groups had been consulted, yet the record is clear that they were not. There was no consultation, no cooperation and no free, prior and informed consent.

You would think that the Standing Senate Committee on National Security, Defence and Veterans Affairs would be the perfect place to address this clear violation of Indigenous rights. After all, the Senate is to be the chamber of sober second thought and protect the rights of minorities. Yet when amendments to Bill C-21 were proposed at committee to address this failure to consult and cooperate with Indigenous people, all of them were rejected. It didn't matter if the amendments were introduced by Conservative members — and, of course, you could say they were partisan — but Senator Anderson introduced amendments and they also failed.

• (1510)

We watched as the same hypocrisy demonstrated by this government was repeated at committee, with some senators saying all the right things and pretending to value Indigenous rights, while simultaneously doing the opposite, ignoring Indigenous voices and trampling on their concerns. We saw it right here across the aisle where Indigenous members voted for legislation that tramples all over their rights.

I occasionally use cartoons and so on as illustrations. I will use one again today. Some days, I feel like I'm watching the old "Peanuts" cartoons, where Lucy sets the football down for Charlie Brown to kick. He runs towards the ball, and just as he winds up to kick it, Lucy pulls it away and Charlie Brown falls flat on his back. But being an eternal optimist, Charlie Brown repeats this over and over, thinking each time that Lucy will keep her word, but of course, it never happens, and we find ourselves chuckling at Charlie Brown's naivety.

Colleagues, we do not live in a cartoon world, even though sometimes this government makes me feel like we do, yet we have the same naivety on display right here in this chamber. Just the other day, Senator Deacon reversed her position on an amendment to Bill C-21 regarding sports shooters because she received a promise from the government that:

> It is not their intention to take away shooting sports in this country for young people, beginners or older people.

Senator Deacon was assured that the government is:

> . . . concerned with finding a balance between allowing legitimate shooting sports and competition while also not opening up the back door to handgun ownership.

Senator Deacon said, ". . . I think I at least need to let them keep true to their word." Charlie Brown.

Colleagues, this is a road that will only lead to disappointment, discouragement and dashed hopes, because this is the very same government that not only said they would honour Indigenous rights, but then put it into law through the enactment of the United Nations Declaration on the Rights of Indigenous Peoples. Do you think a minister's word will be enough when neither the minister's words on Indigenous rights nor the treaties themselves in section 35 of the Constitution, UNDRIP and the legislation before us today is enough for the government to keep its word? Senator Deacon does. How about the rest of you?

They still trampled all over those rights by failing to consult on Bill C-21, yet I have no doubt that we are about to witness the spectacle of senators again standing in support of this bill to support Indigenous rights just after having voted down amendments designed to protect those rights. It must be spectacularly discouraging for all Indigenous peoples, at least those who are not supporting this government.

However, if there is one bright light in this fog, it is that in spite of all their concerns, in spite of the lack of consultation and in spite of not being heard, even on the bill that says they must be heard, Indigenous peoples still want this bill passed. Hope springs eternal. In hope against hope, they continue to fight for their rights and incrementally inch forward in that effort. Their patient determination is slowly but surely bearing fruit, with no thanks to this government.

However, I urge you, colleagues, not to see this bill as some kind of panacea because I can assure you that our Indigenous peoples do not see it that way. The Mohawk Council of Kahnawà:ke has noted that Section 35 of the Constitution Act, 1982:

> . . . applies of its own force and effect. As such, this non-derogation clause is — at best — a reminder of well-established constitutional limits; it does not provide any substantive legal benefit to Indigenous communities.

Chief Jessica Lazare added that, ". . . At best, such clauses are like Post-it notes pointing to the Constitution."

Make no mistake, colleagues, this is what Bill S-13 will do. It will place a Post-it note on every piece of legislation, reminding this government what it already knows full well — Aboriginal and treaty rights have not been granted; they are inherent. They are not to be abrogated or derogated from. They are not subject to negotiation or subjugation. Rather, as stated on the website of the Department of Justice, "The rights of Indigenous peoples, wherever they live, shall be upheld."

Colleagues, I encourage you to support this bill today. I will, and I think all of my colleagues here in my caucus will support this bill, not because it will change the way this government behaves — it won't — but because it salutes our Indigenous peoples for their perseverance, their undying optimism and their unflagging efforts to secure what already belongs to them. Thank you, colleagues.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

PROTECTING CANADA'S NATURAL WONDERS BILL

BILL TO AMEND—THIRD READING

Hon. Karen Sorensen moved third reading of Bill S-14, An Act to amend the Canada National Parks Act, the Canada National Marine Conservation Areas Act, the Rouge National Urban Park Act and the National Parks of Canada Fishing Regulations, as amended.

She said: Honourable colleagues, I rise to speak to third reading of Bill S-14, the Protecting Canada's Natural Wonders Act. As I do so, I wish to acknowledge that we are gathered on the unceded, traditional territory of the Algonquin Anishinaabe peoples.

To begin, I wish to thank my honourable colleagues on the Standing Senate Committee on Energy, the Environment and Natural Resources for their thoughtful consideration of the bill and the work they did together to bring improvements to it. As we heard through consideration of this bill, the proposed amendments will complete the process of establishing a new national park reserve in Labrador and a new national marine conservation area in Nunavut, as well as expand the boundaries of seven existing national parks and one national park reserve.

These are expansions that span the entirety of Canada and will happen through changes to the Canada National Parks Act and the Canada National Marine Conservation Areas Act. The bill also seeks to strengthen some of the provisions associated with these acts. These acts, and their associated regulations, are key to protecting many of our most precious places in Canada, places that all Canadians consider their own. They ensure that Parks Canada is in a position to watch over all of the places under its stewardship, while at the same time welcoming people from across Canada and around the world.

Colleagues, we are considering these expansions, as well as some improvements, to clarify and strengthen the regulatory tools with which Parks Canada protects and conserves the areas under its authority at an important time. We are seeing ecosystems across Canada being disturbed and species loss is happening, all while the climate change crisis is exasperating these changes and the impacts they are bringing on our environments.

However, when we remove lands from direct human impact, protecting them under Parks Canada legislation and regulations, those lands and the species found upon them can bounce back, and this is an important step in breaking the cycle of environmental damage and degradation.

In speaking to you today, I'd like to touch on how we have come to consider these changes to Parks Canada legislation. In particular, I would like to draw your attention to how Parks Canada undertakes its work of establishing new protected areas.

• (1520)

This is important, as in the past the process taken to establish Parks Canada places was not reflective of the importance of these places to the people of the area, who had lived there for generations, or even centuries, in the case of Indigenous people in Canada. The establishment of many protected areas across Canada has caused pain to the people of the areas where they were created. We heard some examples through debate and study of the bill.

We have much to make up for in this regard. Parks Canada now demonstrates a strong commitment to ensuring Indigenous connections are honoured and Indigenous rights are respected. Parks Canada now establishes new parks in an open and welcoming way in true partnership with all of the people that live in the places where it is establishing and, in particular, with First Nations, Inuit and Métis communities across Canada.

Today, the creation and management of national parks are an important instrument for advancing reconciliation and partnership.

In its most basic expression, establishing or expanding a national park, park reserve or marine conservation area is a simple five-step process. Step one is selecting a site. Among others, this is based on consideration such as cultural significance, biodiversity and protecting ecological connectivity. Step two is completing a feasibility assessment. This involves extensive consultations to assess the support of Indigenous governments and communities, provincial or territorial governments and local communities, including regional stakeholders. It leads to the development of a proposed boundary and overall concept for the park. The third step is negotiation, during which all affected parties come to an agreement on a vision for the protected area. Step four is establishment when formal agreements are signed, and the fifth step is protection in which the protected areas are written into legislation.

With the introduction of Bill S-14, the parks, park reserves and marine area named in the bill have reached the fifth and final step of the process. This is the easiest part of the process, requiring only some sober second thought and a few votes to achieve the bill's important aims. Otherwise, honourable colleagues, the heavy lifting has been done for us.

As one might imagine, while the five steps are the same for every proposed project, so does every project have its own unique set of circumstances to be considered and different partners and stakeholders to be consulted. We've seen this, for example in the agreements reached with the Qikiqtani Inuit Association for the creation of Tallurutiup Imanga National Marine Conservation Area.

We saw it as well with the expansion of Tuktut Nogait National Park and the role the community of Paulatuk played in proposing the park to protect the cabin grounds of the Bluenose West caribou herd, and the important contribution of the Sahtú Secretariat Inc. and their formal request for the expansion of the Sahtú portion of the park.

Our partners in these important protection initiatives include many Indigenous groups and communities. Indeed, each of the seven parks and the park reserve, whose boundaries will be formally extended as a result of this bill, represents the outcome of important dialogues between Parks Canada and the communities affected, Indigenous and non-Indigenous.

Negotiating agreements on how to protect and conserve natural space leads to partnerships that can be applied elsewhere to our social, cultural and economic endeavours. It is through measures like these that we take steps towards reconciliation.

Colleagues, the potential benefits are many, but the need for protecting these areas is greater than ever. Today, we can play our part in ensuring that a total of 12,085,851 hectares can benefit from the full protections of the Canada National Parks Act, the Canada National Marine Conservation Act, and their associated regulations. This includes nearly 220,000 hectares in total for the expansion of boundaries in existing national parks and national park reserves, over a million hectares in Mealy Mountains National Park Reserve and 10.8 million hectares for Tallurutiup Imanga National Marine Conservation Area.

Canada has a responsibility of stewardship to help protect the vast areas of land and water under our domain, both for our own times and for future generations, and both for Canada's citizens and the benefit of our global population.

With the increasing effects of climate change and biodiversity loss, Indigenous people, environmental groups, local communities, provincial and territorial governments and the Canadian public expect to see progress in the protection of our natural spaces. We have before us an opportunity to show we are listening, and I trust all honourable senators will join me in supporting Bill S-14. Thank you. *Hiy hiy*.

Hon. Michael L. MacDonald: Honourable senators, I address you today to proceed with the third reading of Bill S-14, An Act to amend the Canada National Parks Act, the Canada National Marine Conservation Areas Act, the Rouge National Urban Park Act and the National Parks of Canada Fishing Regulations. I do so as a supportive critic.

This legislation proposes significant changes in the management and preservation of our Canadian natural heritage. Bill S-14 brings important changes to the Canada National Parks Act, notably by establishing a new national park reserve and proposing initiatives which include specific regulations for its management and administration.

Moreover, the bill envisages extending the boundaries of seven existing national parks and one national park reserve, plus the renaming of one park. It also aims to intensify legislative measures against the discharge or deposit of harmful substances in these protected areas.

The bill also makes adjustments to the Canada National Marine Conservation Areas Act, focusing on the importance of protecting areas of significant marine biodiversity.

Finally, the bill proposes a modification to the Rouge National Urban Park Act by strengthening the penalties related to the discharge and deposit of substances in this park, thus ensuring its preservation for future generations.

Before I expound further on this bill and the observations I wish to make, I want to reflect a bit on the history and development of our national parks, since they exist from coast to coast to coast, can be found in every province and territory and are instinctively highly valued by all Canadians.

There are presently 38 national parks, 10 national park reserves, and one national urban park. All are protected areas under the Canada National Parks Act and are administered by Parks Canada.

The first national park was created by Sir John A's Conservative government in 1885 and was initially called Rocky Mountains Park, now known as Banff National Park, the oldest and still the most visited national park in Canada.

My home province of Nova Scotia has two national parks and one national park reserve, and all three couldn't be more diverse. Sable Island National Park Reserve, established by the Harper government in 2013 — a place which I've had the opportunity to visit twice — is a unique experience, home to its iconic horses and one of the nesting grounds of the endangered piping plover. Kejimkujik National Park, located in the interior of southwestern Nova Scotia, is a lovely watershed area that still has the presence of old-growth Acadian forest and much flora unique to the southwestern area of the province. Last, but certainly not least, is Cape Breton Highlands National Park, in my own backyard, the oldest and most visited park in Atlantic Canada. Canada is a huge and diverse country geographically, and these three distinctive parks in one small province illustrate this reality.

Canadians are supportive of the national parks system, and so am I. However, as we create new national parks, national park reserves, national marine conservation areas and expand existing park boundaries, we must be vigilant to ensure that mistakes of the past are never again repeated when dealing with the people who live near the parks and, in particular, those who live on the land where the parks are being expanded or created.

I witnessed — and the people of my hometown of Louisbourg experienced first-hand — the arrogance of the state and the insensitivity of faceless bureaucrats when the decision was made in the early 1960s to partially rebuild the Fortress of Louisbourg. I have already spoken to this matter on second reading, so I won't repeat all of the details, but the fact remains that my hometown was profoundly impacted by a massive expropriation that turned a thriving seaport into a marginalized village. This is not just a matter of land loss or insufficient financial compensation, although these aspects are crucial. It's also about the complete disregard shown toward relatively poor and powerless people and the lack of respect for their social and historical inheritance.

My own family, like many others, was directly affected by these actions. My grandmother, at the age of 85, was expropriated and compensated meagrely for historic family land with title going back to the late 18th century. She received $4,000 for 62 acres of land that ran from the harbourfront all the way back to Wolfe's camp, an area where over 14,000 soldiers were bivouacked in 1758 during the second siege of Louisbourg — the largest military land force ever assembled in what is today Canada.

• (1530)

She was an independent woman who had a challenging life with little money. When she first moved out, she refused to move in with us, instead renting the apartment just down the street. Her house was probably the oldest house extant in the entire community — a two-storey, 18th-century dwelling, with a west-facing kitchen wall completely constructed from beachstone.

When she moved out, she initially decided to leave most of her belongings and family heirlooms in the house. Soon afterwards, we awoke one morning to discover that Parks Canada had gone in and bulldozed the house to the ground without consulting or telling anyone. I'll always remember how sad my grandmother was that day when we drove her up to the old homestead and she saw it completely flattened — everything in it smashed and unsalvageable. That hurt her more than the expropriation. The message that she and her family received was clear: "You have no value, your history has no value, your community has no value."

I've always appreciated the history of the fortress. I was always proud of the history of my hometown. How many Canadians realize that in 1757 — the year before the second and final siege — Louisbourg was the third-busiest seaport by volume in North America, trailing only Boston and Philadelphia. New York had to be content with being the fourth-busiest port. The community strongly supported the reconstruction. It was an exciting time for the town.

The fortress took 25 years to build and lasted less than 15 years — a total lifetime of 40 years. But the community that my family was a part of was over 200 years old. However, there was no respect for our history, and no appreciation for our community or the people who built it.

The further decision not to maintain the road between Louisbourg and Gabarus — also taken without consultation or consideration for the residents — further symbolized this

disconnected approach. Although the road was a provincial road, Parks Canada inherited responsibility for its upkeep and maintenance since it was almost entirely on park land. Parks Canada then deliberately stopped the upkeep on the road, letting it deteriorate to the point where they could announce to the province, after a few years, that the road was too dangerous and had to be closed. They erected barriers on both ends in 1969, and the barriers remain to this day.

The entire episode demonstrates a lack of consideration for the human impact of administrative decisions. Parks Canada, in its zeal to protect and preserve, seems to have forgotten the people living in and around these natural spaces. Today, I wish to express my lingering concerns regarding the approach adopted by Parks Canada in the context of Bill S-14, particularly in terms of managing access to national parks and the repercussions on neighbouring communities. Despite the assurances of officials from Parks Canada, I remain skeptical about the current method of managing access, which seems little different from that used 50 years ago.

Each national park and each neighbouring community has their own issues and characteristics. The one-size-fits-all approach proposed cannot adequately address these varied challenges.

Furthermore, I am concerned about the lack of recognition and preservation of the heritage of communities affected by park modifications. The history of West Louisbourg, Kennington Cove and Deep Cove, for example, seems to have been erased without a trace or recognition of their past existence. The current efforts of Parks Canada to engage expropriated communities, such as in Forillon, are commendable but insufficient to address the scope and depth of historical and cultural impacts.

Honourable senators, I would also like to address an issue that emerged during the committee study of Bill S-14 — a matter that directly concerned the Innu Nation, and highlights the challenges of government management of the rights of Indigenous peoples.

We witnessed testimonies and legal arguments revealing flaws in the process of drafting the bill, particularly regarding the consultation with the Innu Nation. It was evident to the committee that the government failed to consult them adequately before introducing the bill, leading to avoidable frustrations and conflicts.

The central dispute concerned the integration of the NunatuKavut community, as they are recognized as a "traditional land user" in the text of the bill. The Innu Nation — having played a crucial role in the establishment of the Mealy Mountains National Park Reserve by Bill S-14 — found themselves in an unexpected and problematic situation when they learned of the sudden inclusion of another group not recognized under section 35 of the Canadian Constitution. This treatment raises questions about the government's commitment to consulting Indigenous peoples, as well as its understanding of the complex dynamics among different Indigenous groups.

I would like to share a passage from the testimony of the Honourable Peter Penashue, a negotiator on behalf of the Innu Nation, at our committee:

> We weren't even consulted. The agreement says that if there are any changes, we have to be consulted. We found out through people who were doing some research.

I specify that an amendment was brought to the committee to remove the mention of the NunatuKavut community in Bill S-14. Although the NunatuKavut claim is, at least for the present, apparently rejected, their inclusion in the initial drafting of the bill was pure politics, and the result of lobbying by Liberal Party partisans with insider connections. This is no way to draft a bill, and no way to treat people, and it certainly doesn't reflect an approach that is either respectful, consultative or transparent.

The promise of consultations and involvement of Indigenous peoples, reiterated by the government, proved to be superficial in this case, highlighting a significant gap between rhetoric and reality.

I would also like to draw your attention to the parallel between the management of Bill C-21 and that of Bill S-14 concerning the government's approach toward consultations with Indigenous communities.

Last week, during the debates on Bill C-21, a proposed amendment by my colleague Senator Boisvenu — to ensure thorough consultations with Indigenous peoples — received a negative response from the Government Representative in the Senate. This decision highlights a worrying trend of the government neglecting the voices of people in the development of policies that directly affect them.

Minister LeBlanc, during his appearance before the Standing Senate Committee on National Security, Defence and Veterans Affairs regarding Bill C-21, claimed to have conducted extensive consultations with various groups, including Indigenous groups, as well as other communities affected by firearms legislation. However, the testimonies collected tell a different story. Firearms controllers, Indigenous representatives and other key actors clearly indicated that they had not been adequately consulted, if at all, on the drafting of Bill C-21.

Faced with this troubling divergence, the amendment proposed by Senator Boisvenu aimed to correct this shortfall by requiring mandatory and meaningful consultations on any regulation affecting the rights of Indigenous groups, communities and peoples. The amendment was not just a response to the lack of adequate consultation, but also a measure aimed at aligning legislative practice with the commitments ostensibly made by the government.

The rejection of this amendment by the government raises profound questions about its actual commitment to the principles of consultation and respect for the rights of Indigenous peoples — indeed the rights of every and all Canadians.

Honourable senators, in reflecting on Bill S-14, I would like to emphasize the importance of deepening our consultations, particularly by reinviting the House of Commons to consider a more exhaustive approach. My feeling is that the bill, as it stands, would benefit from more diverse perspectives and a more thorough examination.

It is also essential that the industrial and mining sector — whose economic impact is significant in many regions affected by Bill S-14 — be consulted more extensively. The value of their perspectives and their specific knowledge of the challenges and opportunities related to this bill is indispensable for fully assessing its economic impact and the practical repercussions.

Similarly, particular attention should be paid to the voices of mayors and local officials of small towns. As representatives of the communities directly affected by Bill S-14, their understanding of local needs and issues is critical for assessing the real impact of this bill on the daily lives of citizens.

The historical example of Louisbourg, where massive expropriation led to dramatic consequences for the community, should serve as a lesson. It is essential that we learn from the past to avoid repeating the same mistakes in the application of Bill S-14. This part of our history underscores the need for careful planning and thorough consultation to avoid adverse effects on communities, land management, heritage and people.

In conclusion, I appeal to my colleagues to recognize the importance of expanding and deepening consultations around Bill S-14. It is our duty, as legislators, to ensure that all relevant perspectives are taken into account in order to ensure balanced, well-considered and beneficial legislation for all Canadians. I thank you for your attention on this important issue.

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

Hon. Senators: Agreed.

(Motion agreed to and bill, as amended, read third time and passed.)

• (1540)

AFFORDABLE HOUSING AND GROCERIES BILL

BILL TO AMEND—THIRD READING

Hon. Éric Forest moved third reading of Bill C-56, An Act to amend the Excise Tax Act and the Competition Act.

Hon. Colin Deacon: Colleagues, "Capitalism without competition isn't capitalism; it's exploitation."

This statement describes a central pillar of President Joe Biden's economic policy. He goes on to say, ". . . Without healthy competition, big players can change and charge whatever they want and treat you however they want."

Those of us who fly each week live the effects of that reality.

Conversely, competitive markets force companies to innovate so that they can deliver greater value and attract more customers. Robustly contested markets cause increases in business investment, efficiency, innovation and productivity. Competition creates better products and lower prices for customers. As a consequence, competitive markets drive companies to become stronger global competitors.

Business investment and productivity in Canada have been declining steadily over 20 years. The emerging consensus is that our outdated competition laws and policies shoulder much of the blame.

Colleagues, this is why I'm thrilled to rise to speak today at third reading in support of Bill C-56, the affordable housing and groceries act. I'm pleased to see the government follow through on Budget 2022's "down payment" on competition policy reform. Bill C-56 introduces the most meaningful reforms to Canada's competition laws since the 1980s. It will implement measures intended to increase the affordability of housing and increase competition across our economy, including in the grocery sector.

But, first, let me step back and give you some insight as to why I'm so passionate about competition law and policy reform in Canada.

When first introduced in 1985, the purpose of the Competition Act was to:

> . . . maintain and encourage competition in Canada in order to promote the efficiency and adaptability of the Canadian economy, in order to expand opportunities for Canadian participation in world markets while at the same time recognizing the role of foreign competition in Canada, in order to ensure that small and medium-sized enterprises have an equitable opportunity to participate in the Canadian economy and in order to provide consumers with competitive prices and product choices.

That purpose remains relevant today. The challenge, however, is that market realities have fundamentally changed in the ensuing 38 years, rendering many parts of the bill no longer fit for purpose. Our Competition Act dates from an era when it was assumed that fostering big, homegrown companies was a national economic priority.

This belief has been completely discredited by evidence, yet it lives on in our Competition Act.

For example, as a result of how we manage competition in the telecom sector, the 85% of Canadians who have smartphones pay some of the highest telecom bills in the world. Let me walk you through a few of the resulting inequities.

I use my Senate smartphone a lot. I am probably not alone. It only costs $30 a month thanks to the deal that the federal organizations have with Bell Canada.

Conversely, the cost of my personal phone is about $90 a month, about three times the cost of my Senate phone. I'm absolutely certain of one thing: Bell would never offer this $30-a-month deal unless it was profitable to do so.

So those who can pay the most pay the least, and those who can pay the least pay the most. Bell has the luxury of engaging in price discrimination amongst its customers because our competition laws and policies protect oligopolies from robust competition, even made-in-Canada competition. If you think it is bad here in Canada's South, I suggest you speak to one of our three senators from the territories.

I now want to cite a recent industry and merger example to further make my point. Over the last 18 months, we've seen large-scale corporate consolidation in real time with Rogers acquiring Shaw for $26 billion.

When Rogers' proposed $26-billion acquisition of Shaw threatened to further consolidate the market, Canada's Commissioner of Competition, Matthew Boswell, dared to challenge the merger and defend the interests of Canadian consumers. Suddenly, in the midst of tribunal preparation at the bureau, Rogers and Shaw, Rogers committed to sell the wireless division of Shaw called Freedom Mobile. Rogers gambled that it could unilaterally predetermine its own remedy to the merger's anti-competitive effects. It ended up working.

Rogers had received two credible bids for Freedom Mobile and, remarkably, the Rogers board accepted the offer that was a billion dollars less than an unsolicited offer from a more robust and completely independent competitor. The Rogers board would never have accepted a billion dollars less in that asset sale unless they were confident that the discounted sale price would ultimately deliver much higher returns well into the future because the asset was being sold to a weaker competitor.

Whatever their rationale, Canada's weak competition laws were exploited by Rogers, allowing it to boldly and publicly choose its own competitor as a remedy to what many felt was an anti-competitive merger.

Ultimately, in January of this year, the tribunal ruled in favour of letting the merger proceed. Then, in August, the tribunal went so far as to determine that Canadian taxpayers pay Rogers and Shaw about $13 million because, under our competition law, as it currently stands, Canada's Commissioner of Competition, in their opinion, had been too aggressive in his challenge of the merger.

Colleagues, our oligopolies have consistently benefited from legacy legislation policies across the whole of government. This problem is not limited to groceries or telecom — far from it.

Many of our oligopolies have become so dominant that they can just focus on serving the interests of their shareholders, without having to first concern themselves with the interests of customers. Indeed, the general state of competition in Canada is such that it has resulted in our country having accumulated one of the greatest regulatory burdens in the OECD. Ironically, the cost of adhering to Canada's federal, provincial and municipal regulatory burdens are so great that regulations initially intended to protect citizens now do a much better job of protecting the interests of incumbent oligopolies. Our complex and cumbersome regulatory burdens can't be afforded by innovative new entrants.

In our Banking Committee, I like to ask economists at our big banks about the importance of competition. They reliably and ironically describe robust competition as being central to improving innovation, productivity and prosperity in Canada. And Bank of Canada Governor Tiff Macklem consistently describes robust competition as being a crucial ally in the long-term fight against inflation.

Colleagues, you have likely heard me say before that you can never regulate a company into becoming customer-centric. Only competition makes that happen. We desperately need to change course if we want to protect our future prosperity.

Now I would like to climb off my soapbox and speak directly to the competition-related elements in Bill C-56.

In November 2022, ISED initiated a consultation on the future of Canada's competition policy. The public consultation garnered considerable interest with over 130 submissions from identified stakeholders and over 400 members of the general public. Collectively, these submissions proposed over 100 possible policy reforms. There were also round tables and one-on-one meetings held with stakeholders.

In September, the results of this consultation were published in a *What We Heard* report, and the amendments to the Competition Act in Bill C-56 all flow from that consultation. The amendments incorporate additional measures through an agreement with the NDP, but all of these align with the consultation report.

The amendments are as follows: First, the Competition Bureau will now have the power to initiate market studies that examine inefficiencies that may be due to weak competition. Importantly, the bureau has also been provided the authority to compel the production of information from the related businesses. Prior to this amendment, when conducting a market study, the bureau could only politely ask the related businesses to hand over non-public evidence.

We wonder how that might work in police investigations, for example.

This lack of authority was illogical and completely out of line with practices in our peer nations.

Indeed, in their submission to the Canadian consultation, Assistant Attorney General Jonathan Kanter, responsible for enforcement of antitrust law in the United States, and Federal Trade Commissioner Lina Khan wrote:

> The Competition Bureau, like the FTC, has the authority to conduct market studies. Unlike the Competition Bureau, however, the FTC has the authority to use compulsory process in the aid of such studies.

• (1550)

They continued, writing:

> These studies allow the FTC to gather information and documents outside the enforcement context and can play a key role in identifying and analyzing emerging competition trends and issues. . . .

An amendment in the House's Finance Committee broadened the power of the Commissioner of Competition to initiate market studies without a directive from the minister — this was an important change — although the terms of reference will have to be coordinated and approved by the minister.

Second, the efficiencies defence will be eliminated. Canada has been an outlier with this clause. It prevents an anti-competitive merger from being legally challenged if the merging parties can hypothetically demonstrate that the merger could produce economic efficiencies, yet they are under no obligation to deliver on these efficiencies. No other peer jurisdiction has allowed this.

Third, the amendments expand the competitor collaboration provisions to include collaborations among parties that are not direct competitors. An example of this relates directly to groceries.

Under current rules, a grocer who owns a mall can prevent a competitor from opening a rival store nearby. Even worse, the contractual obligations can outlive the closing down of that grocery, creating a food desert. These amendments would allow the Competition Bureau to prosecute this practice.

Fourth, the Competition Bureau will be enabled to go after big corporate players who abuse their dominance to engage in anti-competitive acts, such as squeezing out small players. The amendment adds ". . . directly or indirectly imposing excessive and unfair selling prices" to a list of acts:

> . . . intended to have a predatory, exclusionary or disciplinary negative effect on a competitor, or to have an adverse effect on competition . . . .

Some have interpreted this amendment as putting the Competition Bureau in an uncomfortable position of enforcing price controls, but the preamble prevents that risk.

Lastly, the administrative monetary penalties, or AMPs, for anti-competitive acts are increased from $10 million to $25 million — and from $15 million to $35 million for subsequent orders. It has generally been understood that the current penalties amount to a business expense for large players. The most troubling recent example relates to Facebook's penalty for its commercial deception in the Cambridge Analytica affair. In Canada, the maximum penalty could only be $10 million, while in the United States, the same infraction garnered a $5-billion penalty from the U.S. government.

Some have expressed concern that these amendments are occurring on a piecemeal basis. That's fair. Regardless, I'm fully supportive of these meaningful changes, but I look forward to examining much more closely those included in Bill C-59.

Colleagues, competition is about much more than just low prices. It is about a free, fair and democratic society. As monopolies emerge, governments are forced to create regulations to combat the harms from those monopolies. These regulations get embedded, making it more difficult for new entrants to disrupt a market, and entrenching that monopoly.

Remember one truth if you remember nothing else: You can never regulate a company into becoming customer-centric. Only robust competition can do that.

If we want Canada to emerge from the pervasive slump of low productivity and command-and-control regulations, we must reform our competition laws. Bill C-56 is an important first step. These amendments are crucial and widely supported by thought leaders and the Competition Bureau alike. This truly is the beginning of a generational change.

Thank you, colleagues.

Hon. Rosa Galvez: Would Senator Deacon answer a question?

Senator C. Deacon: Absolutely. Thank you.

Senator Galvez: Yesterday, I asked the Commissioner of Competition this question: Will Bill C-56 and the amendments to the Competition Act result in a reduction in grocery prices in the next few months or the next year? He said no, but that in the long term, the changes to the competition law will bring some good things.

The other side of the question is that they have known that grocery stores have been amalgamating for the last decade, and so competition was being reduced — they put out different reports. They did not do anything.

I wonder about the relationship with the Lobbying Act. Can you comment on the impact of the Lobbying Act and the fact that oligopolies keep growing in Canada? Thank you.

The Hon. the Speaker pro tempore: Senator Deacon, you are out of time to answer the question. Are you requesting leave to answer this question?

Senator C. Deacon: Five more minutes, if the chamber is so agreeable. I do not think that I will need it all.

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

Hon. Senators: Agreed.

Senator C. Deacon: My goodness. Thank you, Senator Plett, for your graciousness.

Senator Galvez, that is an important question. It is a question of who has the ability to gain access, and the costs of getting lobbyists, putting forward good arguments, using high-priced lawyers to help you make your case and so on are quite significant. Emerging businesses that are disruptive do not have the time, resources or experience to fight that battle.

The loudest, most connected and most powerful voice can often be the one that is heard; others are not heard as clearly.

What is really important is that there are some changes in Bill C-56 to the Competition Act that start to make it harder for the rules to work automatically for oligopolies. My hope is that we are going to see continued change and that oligopolies will have to compete for customers; they will not get to build a protective moat around their business, which is this big regulatory burden. Big companies like regulations because they protect them from innovative entrants. They can spread the cost of those regulations across a much larger revenue base.

From my standpoint, this is a great beginning. It is far from the end to ensure that Canada has more robust competition.

With respect to what the commissioner said around the effect on prices specifically, the Governor of the Bank of Canada, Tiff Macklem, has been very clear: This is a really important ally in the long-term fight to keep prices down and against inflation. It is not an overnight issue by any means, but it will certainly help us all in the long run. I hope that helps. Thank you.

[*Translation*]

Hon. Clément Gignac: Colleagues, today, I would like to speak to Bill C-56, An Act to amend the Excise Tax Act and the Competition Act.

I want to begin by making it clear that I do not intend to make any amendments to this bill and by saying that I will keep my remarks brief, because I am in favour the initiatives set out in the bill. You are therefore no doubt wondering why I am rising. The reason is that I want to speak out in this chamber, loud and clear, against the very little time that was allocated to studying this bill.

It's nothing personal against the Government Representative in the Senate or the chair of the National Finance Committee, the Honourable Senator Mockler. On the contrary, as a member of the steering committee, Senator Mockler informed me on Monday at noon that we would have a hard time analyzing and passing this bill before we rise for the holidays, unless we were to take exceptional measures, such as holding a meeting in Committee of the Whole. According to my research, this was the first time in 10 years that the Senate has resolved into Committee of the Whole to debate an economic bill.

Honourable senators, I must admit that I was not familiar with that exceptional procedure. Like my two colleagues from the Canadian Senators Group, I was left wanting more, since each of us were allotted only three and a half minutes to ask questions of the two ministers with responsibilities in the economic sector.

Allow me to publicly thank the leader of the Canadian Senators Group for insisting earlier this week that the Standing Senate Committee on National Finance hold a special session immediately after the Committee of the Whole to hear a few witnesses on this bill.

Hats off to our clerk, Mireille Aubé, and her two analysts, who, with less than 24 hours' notice, managed to secure the attendance of four witnesses at our committee yesterday afternoon.

• (1600)

Honourable senators, this bill passed first reading in the other place on September 21 and was received here in the Senate on Monday evening of this week. Allow me to point out that the finance committee of the other place was able to devote over eight hours of its time to this bill and heard from nine witnesses. At first glance, you will probably find that reassuring.

However, you should know that the Canadian Bar Association wasn't able to testify, but it did submit a brief, which I have here. It is 30 pages long and contains 19 recommendations.

Moreover, during the clause-by-clause consideration in the other place's committee, four amendments were presented and adopted. To me, that's clear proof that this bill, the first reform of the Competition Act in 35 years, undoubtedly deserved a much more sober second look here.

Honourable Senators, you can no doubt sense a little anger, or at least a little intellectual frustration, in this speech I'm giving as a senator and member of this upper chamber, which is known as the place of sober second thought.

This week, I didn't feel as though we were part of a bicameral system of Parliament with two chambers. Instead, I felt like I was sitting in the basement of the lower chamber, being treated like a second-class parliamentarian. It's as if someone had forgotten that we are senators, no doubt of different political persuasions, but all with one common denominator: the desire to do the right thing in a transparent way for the good of Canadians.

I would like to thank my colleagues on the steering committee of National Finance, who agreed to raise the tone a little in the commentary presented last night. Usually, at National Finance, we use gentle, polite and courteous words. This time, we raised our voices a little, pointing out that we found it contemptuous that the committee had so little time to analyze the bill.

Honourable senators, I will close with that. Unfortunately, I think I've caught Senator Carignan's nasty sore throat, so I will end here and probably won't be able to answer your questions. Thank you.

Hon. Marc Gold (Government Representative in the Senate): I do have a question. Can I ask you, colleague, to reconsider?

Senator Gignac: That's the only question I'll answer, and only out of respect for Senator Gold.

Senator Gold: Thank you, senator. It's very important that we here in the Senate have enough time to give bills the attention they deserve. That is the best way to proceed, and it's always my hope, even though bills sometimes show up on our legislative agenda very late.

Senator, my question is this: Did you know that my office recommended that the National Finance Committee do a pre-study of this bill, which would have included the participation of — Excuse me, I'll restart.

The bill was in the other place, and we didn't know exactly when the Senate would get it, but since it's a priority for the government and Canadians, did you know that my office suggested doing a pre-study that both ministers would have been a part of? The Finance Committee was ready to receive them Tuesday morning, but certain leaders refused. Not all of them, but enough of them that we didn't get the consensus we needed to do the pre-study, given the calendar. Are you aware that it's—

[*English*]

The Hon. the Speaker pro tempore: Senator Gold, please ask your question.

[*Translation*]

Senator Gold: Are you aware that the Government Representative Office suggested that the committee conduct a pre-study, which would have allowed for more time to study and debate this bill if the proposal had been agreed to? Unfortunately, it was not.

Senator Gignac: Honourable senators, I was not aware of all of these dealings or negotiations between the leaders. With all due respect, thank you for sharing that information with us. We often see this in connection with budget implementation bills: the National Finance Committee frequently conducts pre-studies because it can sit almost whenever it wants.

I was therefore very surprised that the approach normally followed for budget implementation bills was not being used. Naturally, I was frustrated, at an intellectual level. We are talking about the Competition Act, which is no laughing matter. It is a very serious issue. Senator Deacon, our expert, who unfortunately does not sit on the National Finance Committee or on the Banking Committee . . . We were unable to split the bill in two to send the competition provisions to the Banking and Economy Committee, which would have studied them carefully, and the excise tax provisions to the National Finance Committee. We sometimes divide things up when we examine budget implementation bills. This time, we did not even have the opportunity to do that.

This is the first time that I've encountered a situation like this. I don't think I was the only one feeling frustrated. At the same time, Canadians understandably need relief. I just wanted to mention it, all partisanship aside, because I think that we are all here to improve the lives of Canadians, regardless of our convictions.

You know, I have only one commitment outside the Senate, and it's a voluntary one. I chair the board of directors of the Collège des administrateurs de sociétés. Good corporate governance is very important to me. What we've seen this week is not good practice, it is bad practice.

I wasn't aware of that, but I appeal to all four leaders. Please, next time, during your negotiations — I understand, I was in politics for three and a half years and I know what that can entail — when it comes to bills like this, work together to authorize a pre-study. It's necessary.

Let me make a prediction. When I look at the Canadian Bar Association's brief, which is about 30 pages long and contains 19 recommendations, it's quite clear that there will be amendments to this bill over the next few months. Things are going to happen. This legislation has not been examined properly. We really weren't treated like parliamentarians in the upper chamber. We were mistreated.

As I said in my preamble, Senator Gold, this is nothing personal against you or the chair of the National Finance Committee. It was damage control, and we had to deal with the decisions that were made.

Hon. Jean-Guy Dagenais: Honourable senators, never in my 12 years as a senator have I felt so belittled, insulted and victimized by such a total lack of respect for my office and the job we all do here.

Yesterday, we held a committee meeting for a few hours and heard from six witnesses who provided very little information — and that is all the time we got to study a bill that I would describe as half-baked.

Some will say that this bill is important for Canadians, and I agree.

• (1610)

Why then did this government drag its feet for so long? Why did we only get this bill on December 13, just hours before we rise for the holidays? Just because the government is saying that this is urgent does not mean that we should shirk our responsibilities as senators, including the responsibility to rigorously examine legislation, amend it if necessary and, most importantly, properly represent the interests of Canadians in our respective regions.

I want to draw a comparison with Bill C-21. For a month, the committee met three times a week and heard from two, three, or even four groups of witnesses per meeting. Then, it just so happened that all of the amendments that we proposed to better protect our fellow citizens, even the most useful ones, were defeated in committee and in this chamber.

I'm going to take this a step further. This government does not have a very good track record when it comes to the quality of its legislation. I'm not the one saying that. That's something the Supreme Court pointed out with the bill on medical assistance in dying. The Senate amendments to that legislation would have saved Canadians time and money.

The Senate is called the upper chamber. I fear that this haste to obey the government's political commands lowers us to a dangerous degree when that same government prevents us from being diligent about the work we were appointed to do. I've often heard us called a chamber of reflection. Not a lot of reflection happened with Bill C-56, which we spent less than 90 minutes on.

People call the Senate the chamber of sober second thought. I can tell you we didn't think about this one for very long. People also say that the Senate is an independent chamber. Let me just say that this use of the word forces me to reconsider its meaning. I sincerely believe that a number of my colleagues should do likewise.

The past three weeks in Parliament haven't been easy. For all these reasons, I won't vote in favour of Bill C-56, but I won't vote against it either. I will abstain. I will do better than that, actually. I'm going to take a coffee break so that I don't have to witness what I don't want to endorse.

Thank you.

[*English*]

Hon. Scott Tannas: Honourable senators, for the edification of everyone here, there was mention of a pre-study and a rejection of that notion. Just so that everybody is clear, the bill arrived here on Monday; the suggestion of a pre-study was raised on Tuesday; it's now Thursday. In that time frame, we had the ministers here and the agreement of everybody. We asked the National Finance Committee to hold a hearing and bring as many witnesses as they could, to listen to concerns and to provide us with a report, of which they have done yeoman's work.

The answer to this problem was not to do a pre-study on Tuesday and Wednesday. The answer to this problem, in my humble opinion, is for us, through the government leader, to provide guidance to the House of Commons on when it is they need to get bills here if they expect them to pass within a certain amount of time.

It was done before quite smoothly. We have heard in various conversations about Senator Carstairs, who stood up to her masters in the House of Commons and said, "If you don't have a bill here by X date, don't lean on us to rush through it." That is the kind of thing that will solve this problem, not a pre-study notion on a Tuesday and some different result than what we have here on a Thursday. Thank you.

Hon. Elizabeth Marshall: Honourable senators, against that backdrop, I'm going to start my speech on Bill C-56, but I will go back to Part 1 of the bill and talk about the substance of the bill.

This bill has two parts: Part 1 and 2. I'm going to talk about both parts separately. They are distinct but not unrelated because both parts are intended to address affordability issues that are being experienced by Canadians. I'm going to address each part separately.

The first part amends the Excise Tax Act in order to implement a temporary enhancement to the GST. It's called the "GST New Residential Rental Property Rebate in respect of new purpose-built rental housing." Effectively, Part 1 of Bill C-56 enhances the GST rental rebate by increasing the rebate from 36% to 100% and removing the existing GST rental rebate phase-out thresholds for new rental housing projects, such as apartment buildings, student housing and senior residences.

Government officials have said that because the bill is very short with very scanty information, the details will be provided in regulations at a later date. However, they did provide the following information, and although it's not in the legislation or regulations, it was provided.

First of all, the rental rebate is directed at buildings with at least four private apartment units or residences with at least 10 private rooms. Of the residential units in the buildings, 90% have to be designated for long-term rental. The GST rental rebate will not apply to luxury condominiums or rental units to be converted afterwards into short-term vacation rentals, and the GST rental rebate also applies to substantial renovations that would transform an existing building into new rental units.

While these conditions have been relayed by government officials, regulations have yet to be authorized and gazetted. We just had the discussion about how little time was spent at the National Finance Committee on this. This is information we had to find by researching; it didn't come from officials directly.

Bill C-56 indicates that the rental rebate program will run to 2035; that's 12 years. Specifically, the GST rental rebate will apply to projects that begin on or after September 14 of this year, which is when the measure was first announced, until December 31, 2030, but the projects must be completed by the end of 2035.

The fall fiscal update indicates that the estimated cost of this program will be $4.5 billion over the next six years, beginning with $5 million this year and increasing to about $1.5 billion in 2028-29, which is the sixth year of the program. But there have been no further estimates provided for the following seven years of the program, which would run from 2029-30 through to 2036.

Bill C-56 indicates that the program will continue to December 31, 2035, so the estimated cost for those seven years is not disclosed. In fact, it's not even mentioned anywhere.

At a recent meeting of the Standing Senate Committee on National Finance, Ms. Lisa Williams, Senior Vice-President of Housing Programs at the Canada Mortgage and Housing Corporation, or CMHC, told us that Canada will need to build 5.8 million homes by 2030 to reach affordability. She emphasized that this would be an additional 3.5 million homes on top of what the country is already expected to produce. However, Mr. Bob Dugan, Chief Economist at the CMHC, told us that the corporation had not had time to estimate the specific impact that

the GST rental rebate program will have on the building of new rental units. In other words, the government has no estimate on the number of housing units to be built with the $4.5 billion.

Minister Freeland told us yesterday at the Committee of the Whole that one of Canada's top housing experts has estimated that 200,000 to 300,000 homes will be built with the $4.5 billion. However, it is notable that the minister is quoting an estimate provided by an individual outside the government. It is not the government's estimate, because the government has not yet estimated or assessed the impact of this housing program.

At the November 23 meeting of the Standing Senate Committee on Banking, Minister of Housing Sean Fraser said that there was not a specific housing strategy outlined in the Fall Economic Statement, which is amazing, because this program is $4.5 billion, and there are already billions of dollars going into housing by the CMHC and other government departments, yet there's no housing strategy.

• (1620)

He further said:

> We're working on developing a comprehensive plan that will have a suite of federal measures designed to address the national housing crisis. . . .

Honourable senators, the rental property rebate program is estimated to cost $4.5 billion over the next six years, and, as I've already indicated, there's been no assessment as to the impact this will have on the housing supply, including the number of homes to be constructed.

In addition, the program is to continue for 7 additional years after the initial 6 years — for 13 years in total — with no cost estimates provided by the government for the second round of 7 years.

In addition, the regulations governing the details of the rental property rebate program have yet to be released. How can private sector partners be expected to step up and participate in a program for which the program details are not yet available?

Before I speak to Part 2 of the bill, I just want to summarize the issues with the GST rental rebate program, from my perspective, which I feel has not been addressed.

First of all, there's been no impact assessment of the GST rental rebate program, which would indicate how the program will impact housing, nor is there an estimate of the number of units to be constructed. Only a partial cost of the program has been estimated. It's the first 6 years of the 13-year program, and it's $4.5 billion. There's no estimate on the costs of the program in the following seven years.

The government has no housing plan, despite spending billions of dollars on housing initiatives. Regulations required to define the details of this program have yet to be released.

Finally, the government has yet to indicate whether housing initiatives — which commenced prior to the announcement of the program, but otherwise meet program requirements — would qualify for the GST rental rebate.

I'm going to move on now to Part 2 of the bill, and Senator Deacon went through that part of the bill fairly thoroughly, so I may not repeat some of the items that he covered. Part 2 is going to amend the Competition Act. I feel very comfortable reviewing the first part of the bill, because finance is my background. When delving into the Competition Act, I've had some experience, being on the Banking Committee, but the Competition Act is not what I call my cup of tea; I find it very complex.

Part 2 — the second part of Bill C-56 — is going to amend the Competition Act, and it proposes a number of amendments. There were already some amendments included last year in the budget. I know there's going to be more coming. Amendments to the Competition Act have been under consideration by the government for some time.

Last November, the Minister of Innovation, Science and Industry launched a consultation on the future of Canada's competition policy, which was seen as a major step in the government's efforts to modernize the Competition Act. The public consultation period concluded on March 31 of this year, and there was significant interest in the consultation.

The government indicated they had received over 130 submissions from identified stakeholders, as well as more than 400 responses from members of the general public. Submissions raised, as Senator Deacon said, over 100 potential reform proposals, and stakeholders included academic experts, law practitioners, labour unions, consumer groups, businesses and their associations and so on.

Included on the government's website is a 48-page summary of what the government heard during the consultation period, so it's evident that there is significant interest in the government's competition policy.

The amendments to the Competition Act included in Bill C-56 appear to be another group of amendments that were anticipated. We received some in the budget bill, and some here now, and I think there are some more in Bill C-59, so we're receiving it in stages. Hopefully, we'll be able to see an overall picture.

Honourable senators, we're all familiar with the challenges faced by business investment in Canada. Numerous studies have been carried out, including a study last year by the Senate Banking Committee. A group of senators, under the leadership of Senator Harder, issued the prosperity report, and we looked at that issue when we were preparing the prosperity report.

The Competition Policy Council of the C.D. Howe Institute released a report last month on Canada's Competition Act. In that report, the majority of members on the council supported the 2018 view of the Competition Bureau that competition enforcement:

> . . . must strike the right balance between taking steps to prevent behaviour that truly harms competition and over-enforcement that chills innovation and dynamic competition. . . .

In other words, there's pressure on the government to get it right.

Last month, the Finance Committee in the other place held several meetings to discuss Bill C-56. I knew that we were going to receive the bill, so I was listening to what they were saying. That committee had the opportunity to hear from numerous witnesses, including the Minister of Finance and the Minister of Innovation, Science and Industry. Their meeting actually lasted two hours. They heard from numerous government officials, as well as witnesses from outside the government.

That committee over in the other place had the opportunity to study the bill at length, discuss it, debate it and suggest amendments, and there was a lot of debate. There were pages and pages of debates that I read. In fact, there were several amendments to the bill made in the other place. They had amendments in the other place.

Meanwhile, in the Senate, we received the benefit of a one-hour Committee of the Whole and one panel of witnesses at a National Finance Committee meeting, which was quickly arranged at the last minute. We did not have the time or the opportunity to study the bill in detail, nor to discuss it as the members did in the other place. I felt like we had become a rubber stamp.

Members of our Standing Senate Committee on National Finance discussed this matter in detail yesterday while in camera, and we have provided an observation to our report on this bill. Specifically, the Standing Senate Committee on National Finance, in its report on Bill C-56, states the following:

> Your committee supports the measures included in Bill C-56 regarding the enhancement to the goods and services tax rebate for new residential rental property and modifications to the *Competition Act*. However, it is contemptuous that your committee was afforded a very limited time to conduct its study of the bill. As a result, it was prevented from thoroughly studying the bill and properly performing its duties.

I'm going to move briefly into some of the amendments. Senator Deacon went through a number of them, but I want to mention a couple of the proposed amendments that are in Bill C-56.

According to the government's website, the Competition Bureau is an independent law enforcement agency which protects and promotes competition for the benefit of Canadian consumers and businesses. Headed by the Commissioner of Competition, the Competition Bureau administers and enforces the Competition Act.

Clause 3 of the bill, prior to its amendment in the other place, proposed to amend section 10 of the Competition Act by adding a new section. This clause would have allowed the Minister of Innovation, Science and Industry to direct the Commissioner of Competition to conduct an inquiry into the state of competition in a market or industry if it's in the public interest.

That original clause in Bill C-56 was amended in the other place, and another subclause was added to also allow the Commissioner of Competition to conduct an inquiry into the state of competition in a market or industry. However, there was concern expressed by some members of our National Finance Committee — including myself, but not solely myself — that the clause permitting the minister to direct the Commissioner of Competition to conduct an inquiry into the state of competition in a market or industry would impair the independence of the Commissioner of Competition.

Clause 3 also requires the minister and the commissioner to consult with each other on the feasibility and the cost of the inquiry, as well as the process for the preparation and publication of, and the public commentary on, the terms of reference, but there is a risk that the independence of the Competition Bureau and the Commissioner of Competition may be impaired.

There are also clauses 4, 5, 6, 7 and 11 of the bill that will amend several sections of the existing Competition Act to include proposed section 10.1. It's important to recognize that these amendments extend the commissioner's investigative and enforcement powers, along with the increase in the minister's participation in the Competition Bureau. I even wonder if maybe the Competition Bureau should just become a division of the department, since it seems like it's being drawn closer to the department.

• (1630)

Many stakeholders who were consulted on the future of Canada's competition policy felt that an act allowing anti-competitive transactions undermines the central purpose of the competition policy. Section 92 of the Competition Act is against anti-competitive mergers if they have generated or are likely to generate efficiencies great enough to offset the effects of harm to competition and if such an order would impede the likelihood of those efficiencies. That section of the Competition Act was repealed.

One of the recurring complaints that we hear at the Senate standing committees when studying government bills is the inadequacy of consultations with stakeholders, and Bill C-56 is no exception. Between November 17 of last year and March 31 of this year, the government undertook public consultations with stakeholders and citizens on the future of Canada's competition policy. On September 20, the government released a summary of the consultations on its website. Unfortunately, Bill C-56 received first reading the following day, on September 21. There were no consultations or discussions with stakeholders on the proposed amendments that would affect them. This is not consultation.

This issue was raised by several senators who attended the briefing by government officials on Bill C-56 on Tuesday. It was also raised by Matthew Holmes, Senior Vice President of Policy and Government Relations with the Canadian Chamber of Commerce, at our Finance Committee meeting yesterday.

Mr. Holmes said that the Canadian Chamber of Commerce was supportive of the need to enhance competition in Canada. However, he said that the chamber is:

> . . . very concerned by the manner in which changes have been repeatedly introduced as parts of omnibus implementation bills, ways and means motions, or peppered throughout other legislation, such as Bill C-56, without . . . real consultation with the Canadian business community or academic experts in a very particular area of the law.

He said it is almost absurd to be speaking about a handful of changes in Bill C-56 when other changes are being proposed in Bill C-59, which is currently before the House of Commons. Intentionally or not, he said, this approach lacks transparency and obscures the actual plan for the future of competition law in Canada. He said that approach ultimately makes it more difficult, more expensive and riskier for business.

Regarding the market study powers now in the bill, Mr. Holmes said that the Chamber of Commerce would like to see due process and guidelines furthered and developed for the industry so that there is a clear sense of due process in how these market studies would be conducted.

The representative for the Canadian Chamber of Commerce further said that many members of the chamber in many sectors are silent on this because they feel that it is being politicized:

> They feel that there is a whole group of sectors that are routinely brought before parliamentarians and admonished. . . . It's an environment that can become quite toxic towards businesses, and our concern is that we don't know how this information may be used, shared or provided in a public way in the future.

As there are new powers for market studies, the compelling information and release of that information, we do not know how that information will be monitored, by whom and under what parameters. What are the rules? What are the standards for the access to proprietary information that may be misused by other competitors in the future?

In summary, with respect to the amendments of the Competition Act, including Part 2 of the bill, the consultation process was not adequate.

In addition, the Senate, and specifically the Standing Senate Committee on National Finance, to which Bill C-56 was referred, was not given sufficient time to properly study the bill and assess the implications of the proposed amendments. With respect to Part 1 of the bill, the government is implementing the GST rental rebate program estimated to cost $4.5 billion without an adequate plan. Yesterday, the Minister of Finance held up a copy of the Fall Economic Statement and said it was the government's housing plan. Honourable senators, the Fall Economic Statement is not a housing plan.

At a recent meeting of the Senate Banking Committee, the minister responsible for housing, in a response to a question from the chair of the committee on the housing crisis, clearly said, ". . . there was not a specific strategy outlined in the Fall Economic Statement . . . ."

He further said:

> We're working on developing a comprehensive plan that will have a suite of federal measures designed to address the national housing crisis. . . .

For a program that costs $4.5 billion, there is no plan.

In conclusion, although I have many concerns about this bill, I cannot vote against a bill intended to help Canadians during a deepening affordability crisis, and so I will support it.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

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

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Klyne, seconded by the Honourable Senator Harder, P.C., for the second reading of Bill S-15, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act.

Hon. Rosa Galvez: Honourable senators, I rise today to speak about Bill S-15, a bill that aims to protect elephants and great apes from captivity that is not in the best interests of their welfare or is not for the purpose of a scientific research or conservation program.

I would like to begin by acknowledging the work of the government in putting this bill forward. This bill is a step toward fulfilling one of their campaign promises to protect animals in captivity, which also appears in the mandate letter of the Minister

of Environment. I would also like to thank former Senator Sinclair and Senator Klyne for their leadership in bringing this same issue forward through the Jane Goodall act.

My speech will touch on principles of Bill S-15 that aim to protect elephants and great apes from the harms of captivity and seek to end the import and export of living elephants and great apes into and out of Canada, except by permit issued by the minister.

This legislation would, for example, prevent the future occurrence of a situation similar to the heartbreaking unnatural life lived by Lucy, a 47-year-old Asian elephant that has been held in captivity at the Edmonton Valley Zoo from the age of 2. Lucy, who has lived most of her life in captivity, is ailing and has been deemed medically unfit for travel and therefore cannot be relocated to an elephant sanctuary in the United States. Lucy will remain in Edmonton, where she is forced to endure harsh winter weather and sub-zero temperatures.

More and more Canadians are of the view that wild animals should have the right to a wild life and should not be held in captivity unless there is a direct benefit to them or to the conservation of their species. Bill S-15 will contribute to ensuring elephants and great apes are free to live a wild life.

However, we should also provide protection to other animals, including big cats, bears, wolves, seals and reptiles. In fact, we should consider increased protection for the 800 wild species for which there is abundant scientific evidence that they suffer greatly in captivity because their natural movements and behaviour are severely restricted. Keeping these animals in captivity is cruel and inhuman and is often exploitative and dangerous. There should be only exceptional circumstances for keeping any wild animal in captivity — when it serves the animal's best interests or for research that has conservation benefits. We have a duty and an opportunity to raise the bar to protect the dignity of wild animals and to set an example for our peers in other countries.

Wildlife protection policy should recognize that global wildlife trade contributes to biodiversity loss and mass extinction and poses a risk to our health, as it contributes to the risk of zoonotic diseases. It should also address Canadian biodiversity crisis through transformative changes given that, for example, the exotic pet trade regrettably remains a significant and growing incentive for animal imports in Canada and that the nature of this practice requires close human contact with wild animals, posing a potential risk from a disease perspective. I hope during committee study these and other issues will be brought up by expert witnesses.

• (1640)

Last year, the United Nations Biodiversity Conference held in Montreal, COP15, culminated with a historic agreement intended to ". . . guide global action on nature through to 2030 . . . ." and call on us to ensure that ". . . 30 per cent of the planet and 30 per cent of degraded ecosystems . . . ." were placed under protection by 2030. The Kunming-Montreal Global Biodiversity Framework, GBF, provides tangible actions to stop and reverse nature loss in order to ". . . address biodiversity loss, restore ecosystems and protect Indigenous rights."

The four overarching global goals of the framework include:

> . . . halting human-induced extinction of threatened species and reducing the rate of extinction of all species tenfold by 2050; sustainable use and management of biodiversity to ensure that nature's contributions to people are valued, maintained and enhanced; fair sharing of the benefits from the utilization of genetic resources, and digital sequence information on genetic resources; and that adequate means of implementing the GBF be accessible to all Parties, particularly Least Developed Countries and Small Island Developing States.

Human activity is responsible for a dangerous decline in nature and there are one million plant and animal species threatened with extinction, many within the next decades.

Perspectives of our relations with nature and wildlife are changing for good. Since time immemorial, Indigenous peoples have known this, but now science is giving them reason. We must recognize that all living creatures are interconnected — each organism, species and ecosystem is an integral part of a network whose strength is only as strong as the weakest link. Humans depend on nature, not the other way around. A new approach based on ecocentrism is taking force. This approach ". . . places intrinsic value on all living organisms and their natural environment, regardless of their perceived usefulness or importance to human beings."

Last week in Dubai at COP28, there was a long-overdue recognition of the important role Indigenous peoples have in the development of effective, nature-based solutions and in implementing climate solutions. Indigenous peoples and their traditional knowledge are invaluable in preserving biodiversity and ecosystem health. Like Indigenous peoples, we must take a holistic approach instead of considering species in isolation.

[*Translation*]

In addition, at the end of COP28, the parties adopted a decision that echoed the content of item 13 in the preamble to the Paris Agreement, which emphasizes the importance of ensuring the integrity of all ecosystems, including oceans, and of safeguarding biodiversity, known by some cultures as Mother Earth. The preamble also notes the importance sometimes placed on the concept of climate justice in climate change actions. According to the International Observatory on Nature's Rights, this is a step forward: For the first time, provisions on the non-market approaches promoted by the Paris Agreement mention Mother Earth.

This progress is the result of the leadership shown by the Bolivian delegation and of a proposed statement recognizing the importance of strengthening Mother Earth rights and Mother Earth approaches when developing and implementing non-market approaches.

[*English*]

During the 2021 federal election campaign, the government made a commitment to Canadians to "Work with partners to curb illegal wildlife trade and end elephant and rhinoceros tusk trade in Canada." I applaud the Minister of Environment and Climate Change's recent announcement of:

> . . . a stricter approach to trade for Canada that will further limit the ability to transport all elephant ivory and rhinoceros horn across Canadian borders.

This includes a prohibition on the import and export of raw elephant ivory and raw rhinoceros horns, with few exceptions, and a prohibition on the importation of elephant ivory and rhinoceros horn hunting trophies. However, curbing the illegal wildlife trade of other species, including big cats, is equally important.

Another important issue that should be studied in committee is how to raise the standards of zoos and evaluate if society still finds them acceptable in their current forms of operation. Among other things, the establishment of transparent legal and science-based standards for zoos that would ensure animals, such as tigers, lions and many species of monkeys that remain in captivity, are no longer housed in undersized, flimsy cages and would ensure that big cats and other exotic wild animals are not held without a permit by people who lack the expertise, training and facilities necessary to provide a safe and healthy life to the wild animals under their care.

Maybe you heard the news that on November 30, a kangaroo escaped from its handlers east of Toronto during transportation to Quebec. The kangaroo, who was found and caught by police, roamed freely for more than three days. Fortunately, the kangaroo was seemingly unharmed, and there were no reported injuries to people.

Colleagues, there are gaps in captive wildlife law and regulation, and it is therefore no surprise that wild animals escape roadside zoos. This is why advocacy groups, such as World Animal Protection Canada, are calling for stricter regulations to protect both captive wildlife — by ensuring zoos meet the highest standard of animal welfare — and public health and safety.

The committee could consider the need to take animal welfare and public health and safety even further. As an under-regulated and unsustainable sector, there continues to be a need for more rules to fight against the trade of wild animals. Undoubtedly, the legal trade of wildlife only fuels illegal trade, and we need efficient regulations to improve the data collection and monitoring system that exists in Canada, which prioritizes zoonotic detection and monitoring in wild animals used for food. We must do more to reduce animal suffering and to reduce the risks of illness and the loss of biodiversity.

Colleagues, the new Senate is fulfilling its duty of sober second thought and proposing integrated, holistic, rigorous and coherent legislation with vision. Our legislative bills aim to solve important problems in Canadian society. In this new Senate, we pride ourselves on well-thought-out, comprehensive, high-quality bills. In some cases, some ideas put forward in Senate public bills are picked up by the government in part. However, the ideas need to be picked up in full.

The Jane Goodall Act, which also aims to protect animals, appears superior to Bill S-15 because it is more comprehensive. Let's send Bill S-15 to the Standing Senate Committee on Energy, the Environment and Natural Resources for a rigorous study so it can become an impactful bill that protects more wild animals and moves us much closer to the 30x30 goal by protecting biodiversity while also protecting human health. Thank you. *Meegwetch*.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

INVESTMENT CANADA ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Gignac, seconded by the Honourable Senator Klyne, for the second reading of Bill C-34, An Act to amend the Investment Canada Act.

Hon. Claude Carignan: Colleagues, I rise today to speak to Bill C-34, An Act to amend the Investment Canada Act, at second reading. The bill's short title, the National Security Review of Investments Modernization Act, is longer than its actual title.

This bill, which passed unanimously in the other place, contains both substantive and procedural changes to the current law. It also includes a number of highly technical amendments that, in my opinion, would be inappropriate to deal with at second reading. It will be up to the committee studying this bill to give all of its provisions the full attention they deserve.

Let me begin by giving you a brief history of the origins of this bill.

• (1650)

It was under the Conservative government led by the Honourable Prime Minister Brian Mulroney that the Investment Canada Act was first passed. At the dawn of international negotiations aimed at establishing rules for international trade, the government of the day was eager to stimulate the Canadian economy and encourage infusions of new foreign capital. Naturally, it wanted to create a framework for foreign investment

and establish predictable, transparent mechanisms for authorizing such investments and protecting national security. Adopted on June 20, 1985, the main purpose of the bill read as follows:

> Recognizing that increased capital and technology benefits Canada, and recognizing the importance of protecting national security, the purposes of this Act are to provide for the review of significant investments in Canada by non-Canadians in a manner that encourages investment, economic growth and employment opportunities in Canada and to provide for the review of investments in Canada by non-Canadians that could be injurious to national security.

Then came the international trade negotiations from 1986 to 1994, which led to the adoption of the World Trade Organization Agreement, signed in Marrakesh in April 1994. In December of that year, the federal government passed the World Trade Organization Agreement Implementation Act.

Then, in 2009, still under a Conservative government, but this time led by the Right Honourable Prime Minister Stephen Harper, the Investment Canada Act was modernized through Bill C-10, An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures. This was the first time the Investment Canada Act had received a serious facelift since it was originally passed in 1985. Given the dramatic changes to the global context over 25 years and the exceptional pace of technological advances, the Investment Canada Act had to keep pace and adapt to the reality of the 21st century.

It has been 14 years since the Investment Canada Act was last updated. Because of the extremely rapid pace of change in international trade, numerous sensitive geopolitical issues, and technological advances that are occurring at breakneck speed, a new version of the Investment Canada Act was unavoidable. This is why we have before us today Bill C-34, which is sponsored in this chamber by my colleague, the Honourable Clément Gignac.

Speaking of sensitive geopolitical issues, the matter of foreign interference into Canadian affairs by certain countries calls on us to be extra vigilant. Some transactions, particularly those involving state-owned or state-influenced investors, may be motivated by non-commercial imperatives that could harm Canada's national security. Russia and China are getting more aggressive in this area. They come in openly, through the front door, but also through the back door, and we need to be very vigilant about that.

Let's come back to the heart of Bill C-34. I will go over some aspects of the bill without belabouring every provision. Senator Gignac gave a very informative presentation on Bill C-34 during his speech at second reading on November 23.

Bill C-34 amends the Investment Canada Act to reinforce the Government of Canada's jurisdiction to detect, review and limit proposed foreign investments that could be harmful to Canada's national security.

Essentially, it strengthens the security review of foreign investments by doing the following: establishing a new pre-implementation filing requirement for certain investments; making the national security review process more efficient by extending and clarifying the spheres of activity covered by the Act; increasing penalties for non-compliance with Investment Canada Act provisions; making it possible to impose interim conditions on an investment; making it possible to impose binding commitments on investors; allowing Canada to share case-specific information with other countries to protect common security interests; and, finally, introducing new provisions for protecting information in the context of judicial review of decisions.

Honourable senators, I mentioned at the beginning of my speech that Bill C-34 was passed unanimously in the other place. I must nevertheless point out that the Standing Committee on Industry, Science and Technology studied this bill in great detail. Several amendments were debated and adopted.

Conservative Party MPs participated in the process earnestly.

First, the government was prepared to pass a bill that would have given state-owned enterprises, or SOEs, carte blanche to invest, regardless of their relationship with Canada. When the government introduced this bill, it contained no provision automatically subjecting SOE investments to a national security review. Our amendment reduces the $512-million review threshold to zero, thus requiring all SOE investments in Canada to undergo a national security review.

Second, the Conservatives introduced an amendment whereby the acquisition of any asset by an SOE would be subject to review as part of the national security review process. This amendment ensures that not only new business establishments, acquisitions and share purchases, but also all assets, are considered as part of this review, which is another very good amendment to the bill.

Third, when the government introduced the bill, it did not take into account concerns about companies previously convicted of corruption. The Conservative amendment requires an automatic national security review whenever a company with a past conviction is involved.

Lastly, the government would have been pleased to pass a bill that gave the minister more authority and discretion, despite the many blunders committed over the past eight years, when very real threats posed by certain foreign investments were not taken seriously. The original bill would have left it up to the minister to launch a national security review after a certain threshold was met. The Conservative amendment closed this loophole and made the review mandatory, rather than optional, once a $1.9-billion threshold was reached.

These amendments were brought forward and accepted by the House.

Naturally, a number of other amendments didn't make it to the committee stage and were defeated. One of these is of special concern to me.

Subsection 25.3(1) of the Investment Canada Act reads as follows:

> An investment is reviewable under this Part if the Minister, after consultation with the Minister of Public Safety and Emergency Preparedness, considers that the investment could be injurious to national security and the Governor in Council, on the recommendation of the Minister, makes an order within the prescribed period for the review of the investment.

However, the relevant provision in Bill C-34 does away with the Governor in Council step stipulated in the Canada Investment Act, which gave responsibility to ". . . such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of this Act."

In other words, we're talking about the minister here. However, Bill C-34 states the following:

> . . . authorize the Minister of Industry, after consultation with the Minister of Public Safety and Emergency Preparedness, to impose interim conditions in respect of investments in order to prevent injury to national security that could arise during the review;

The enactment could also ". . . require, in certain cases, the Minister of Industry to make an order for the further review of investments . . . ."

It seems to me that to bypass the cabinet stage in this way is to shirk government responsibility. It's entrusting a single person with important decisions that are potentially damaging to the interests of Canada and its people. I would therefore respectfully invite the committee studying Bill C-34 and the bill's sponsor to pay particular attention to this issue of government responsibility.

• (1700)

That is even more important since, recently, we saw a sad example of how national security can be compromised when certain safeguards are not put in place.

In 2017, a company called Norsat set up shop in British Columbia, and it is still there today. It also owns Sinclair in Toronto. The company was acquired by Hytera, which is partially owned by the Government of China and works in the critical telecommunications sector. Even though the then Minister of Industry was urged many times in the House to conduct a national security review of that acquisition, he refused to do so, and therefore there was no national security review.

In January 2022, Hytera was charged with 21 counts of espionage in the United States, and President Biden subsequently banned the company from doing business in the U.S.

However, eight months later, the RCMP purchased radio frequency equipment to integrate into the communications system, giving the Chinese state-owned subsidiaries access to all the locations of the RCMP communications services.

No public security review has been conducted to date. Shockingly, Public Services and Procurement Canada has confirmed that security concerns were not taken into account during the tendering process for this equipment. This is alarming. The Liberals also failed to consult their own government's Communications Security Establishment about the contract.

Instead, the contract was simply awarded to the lowest bidder. Another angle worth examining more closely is the mining claims issue. With the exception of oil and gas, in Canada, the right to develop a deposit that is part of the Crown domain is acquired by claim, whether on federal or provincial territory. Bill C-34 establishes thresholds below which comprehensive and security reviews will not be mandatory.

How will Bill C-34 work with respect to claims of negligible value, negligible, that is, until a deposit of some sought-after critical resource is discovered? How will Bill C-34 align with Canada's Critical Minerals Strategy? Frankly colleagues, I asked public officials these kinds of questions at a technical briefing but I never got a satisfying answer. I think that the committee tasked with studying Bill C-34 should explore this important aspect, which has potential economic and geostrategic consequences for Canada. The question is quite simple: Are we willing to let our natural resources slip away to foreign companies or powers?

Colleagues, these are the few comments I wanted to share with you about Bill C-34. Obviously, now that the bill is at second reading stage and was unanimously passed by our colleagues in the other place, I'm going to recommend that it be passed at second reading and sent to a Senate committee for study. Thank you.

Hon. Senators: Hear, hear!

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Gignac, bill referred to the Standing Senate Committee on Banking, Commerce and the Economy.)

AUDIT AND OVERSIGHT

MOTION TO AFFECT COMMITTEE MEMBERSHIP ADOPTED

Hon. Raymonde Saint-Germain, pursuant to notice of December 13, 2023, moved:

> That, notwithstanding any provision of the Rules or previous order, the Honourable Senator Yussuff take the place of the Honourable Senator Dupuis as one of the members of the Standing Committee on Audit and Oversight as of January 17, 2024.

She said: Honourable senators, with leave of the Senate, I would like us to consider the motion for which I gave notice yesterday about a replacement on the Audit and Oversight Committee.

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

Hon. Senators: Agreed.

(Motion agreed to.)

GOVERNOR GENERAL'S ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

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

Hon. Claude Carignan: Honourable senators, I need more time to prepare my notes.

The Hon. the Speaker pro tempore: Are you asking for leave, Senator Carignan?

Senator Carignan: Yes, that's right, for the rest of my time. Thank you.

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

Hon. Senators: Agreed.

(Debate adjourned.)

• (1710)

[*English*]

ROYAL CANADIAN MOUNTED POLICE ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator White, for the second reading of Bill S-271, An Act to amend the Royal Canadian Mounted Police Act.

Hon. Marilou McPhedran: Honourable senators, I see that Bill S-271 is very close to its 15 days. I'm not quite ready to speak on it, and I would ask if I could please adjourn for the balance of my time.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator McPhedran, seconded by the Honourable Senator Aucoin, that further debate be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator McPhedran, debate adjourned.)

DIRECTOR OF PUBLIC PROSECUTIONS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator White, for the second reading of Bill S-272, An Act to amend the Director of Public Prosecutions Act.

Hon. Marilou McPhedran: Honourable senators, I note this item is at day 15, and I would like to move adjournment in my name for the balance of my time, please.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator McPhedran, seconded by the Honourable Senator Ross, that further debate be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator McPhedran, debate adjourned.)

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 9-6, the bells will ring to call in the senators for the taking of a deferred vote at 5:30 p.m., on third reading of Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms).

Call in the senators.

• (1730)

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

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Yussuff, seconded by the Honourable Senator Duncan, for the third reading of Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms).

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

> That Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms), be read the third time.

Motion agreed to and bill read third time and passed on the following division:

YEAS
THE HONOURABLE SENATORS

Aucoin	Jaffer
Bernard	Kingston
Boehm	Klyne
Boniface	Kutcher
Boyer	LaBoucane-Benson
Burey	Loffreda
Busson	McCallum
Cardozo	McNair
Clement	McPhedran
Cordy	Mégie
Cormier	Miville-Dechêne
Cotter	Moncion
Coyle	Moodie
Cuzner	Omidvar
Dagenais	Osler
Dalphond	Pate
Dasko	Patterson (*Ontario*)
Deacon (*Nova Scotia*)	Petitclerc
Deacon (*Ontario*)	Petten
Dean	Prosper
Dupuis	Quinn
Forest	Ravalia
Francis	Ringuette
Galvez	Ross
Gerba	Saint-Germain
Gignac	Simons
Gold	Smith
Greene	Sorensen
Harder	Woo
Hartling	Yussuff—60

NAYS
THE HONOURABLE SENATORS

Anderson	Martin
Arnot	Massicotte
Ataullahjan	Oh
Batters	Patterson (*Nunavut*)
Black	Plett

Boisvenu	Poirier
Carignan	Richards
Duncan	Seidman
Greenwood	Tannas
Housakos	Verner
MacDonald	Wallin
Marshall	Wells—24

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1740)

STUDY ON THE FEDERAL FRAMEWORK FOR SUICIDE PREVENTION

FIFTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

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.

Hon. Denise Batters: Honourable senators, I rise today to speak to the Senate Social Affairs Committee's report on rethinking the Federal Framework for Suicide Prevention. To be honest, I rise with a bit of a heavy heart to speak today because the issue of suicide prevention is so important to me, but I do not believe the approach the committee has taken on it in this report is the right one. There are several reasons for that and I will get to those.

Although I see many problems with this committee report, I wanted to take a moment to recognize and highlight the important contributions of our colleague Senator Patrick Brazeau in the area of suicide prevention. Senator Brazeau has worked tirelessly to advocate for mental health and suicide prevention, particularly for men and Indigenous peoples. He shared his own compelling story as a survivor of suicide with the Social Affairs Committee as a witness during this study and brought an immeasurably valuable perspective to the committee's work in this regard.

Honourable senators, the Federal Framework for Suicide Prevention is just that — a framework. It was developed under the former Conservative government of prime minister Stephen Harper. Starting before I even came to the Senate, I fought personally to see the framework come to fruition. It was implemented in 2016, the first year of the Trudeau government. The framework presents an opportunity to foster collaboration and knowledge sharing across the country, in addition to educating Canadians on issues related to suicide and suicide prevention. The effectiveness of the framework is commensurate with the effort a federal government puts into it.

Unfortunately, as we all know, this Trudeau government is big on promises but deficient on delivery. Their efforts on suicide prevention have been practically non-existent in the last eight years. Rather than holding the Trudeau government accountable for its inaction on mental illness and suicide prevention, the Social Affairs Committee has instead produced this report labelling the framework itself a failure. Canada's suicide prevention framework isn't a failure; it's the Trudeau government's utter lack of action on suicide prevention and mental health that's a failure.

In fact, this entire committee report on suicide prevention does not mention even once the Trudeau government's major broken promise on the $4.5 billion Canada Mental Health Transfer. When Trudeau's first Minister of Mental Health and Addictions, Carolyn Bennett, appeared before the Senate Social Affairs Committee, not even one senator asked the minister questions about that spending commitment.

As of now, the Liberal government is already $1.5 billion behind on that 2021 election promise, and since there is no mention of the Canada mental health transfer in the 2023 budget or their very recent Fall Economic Statement, I'm not holding my breath that the Trudeau government will deliver on that mental health funding anytime soon, if even at all.

After eight years, the Trudeau government has failed Canadians on suicide prevention. Any major actions this government has taken impacting mental health have been detrimental: like legalizing marijuana, which is bad for mental health, especially for young people, or expanding assisted suicide to include those with mental illness, which has been a devastating development for mental health and suicide prevention.

The federal government doesn't even have an updated mandate letter for the new Minister of Mental Health and Addictions, who has already been in her position for the last six months. If we look to the 2021 mandate letter of the previous minister for guidance, the first item listed is delivering on the Canada mental health transfer. Well, we know how that turned out. I seriously question the Trudeau government's commitment to mental health and suicide prevention. It is definitely not high on Prime Minister Trudeau's priority list.

The Trudeau government itself can't even identify any significant actions it has taken on mental health. It is supposed to publish progress reports on its fulfillment of the Federal

Framework for Suicide Prevention every two years. The most recent publication was dated 2022. Its "key suicide prevention policy advancements" table is just a reprint of the 2020 version with its last advancement listed in 2019. Two of the four advancements listed since the Liberals assumed office were actually opposition-led initiatives. The last of these was the parliamentary call for a mental health action plan, initiated by the NDP, where Prime Minister Justin Trudeau couldn't even be bothered to show up for a vote.

The one recent accomplishment the Trudeau government tries to take credit for is the implementation of the national 9-8-8 suicide prevention hotline, which finally happened only two weeks ago; but this was a Conservative initiative from 2020, and the Liberal government had to basically be dragged kicking and screaming to at last support it and make it happen.

Although we were all ecstatic to see this day finally arrive, the implementation of the new 9-8-8 number took far too long under this ineffective Trudeau government.

The committee report before us today is a far cry from this same Senate committee's groundbreaking 2006 study on mental health chaired by Senator Michael Kirby. This Social Affairs Committee report is particularly slanted. It presents certain facts as surprising, even though they have been standard in the mental health and suicide prevention field for a decade, and it omits or gives only passing mention to other relevant factors without which it is impossible to get a full understanding of suicide prevention. Discussion of the strengths of the current Federal Framework for Suicide Prevention consists of only two paragraphs out of the almost 60-page report. It makes me wonder how fair an evaluation of the framework this really is.

Further, the committee seems to rely on testimony from primarily a handful of witnesses throughout the report. The committee heard from witnesses at only five meetings, and even at that they didn't even hear from major players in the field of suicide prevention, such as the Canadian Mental Health Association or the Canadian Association for Suicide Prevention. These are glaring oversights, and frankly, I think it diminishes that work of the committee.

As I mentioned, throughout this report, the committee highlights certain conclusions that are actually now rather obvious in the mental health field. The report states as one of its findings that suicide is highest among boys and men. This isn't a new revelation. It is something I have been saying for 14 years as a mental health advocate, and even though the committee has designated boys and men as a "priority population," the section of the report discussing boys and men is scant. The committee itself admits as much when it says:

> The committee received less testimony regarding boys and men, and recognizes that this population should be considered in further depth in future studies on suicide prevention in Canada.

The committee held only five meetings of witness testimony. If testimony on this aspect of the issue was so lacking, why didn't the committee invite more witnesses to further explore the issue? The portion of the report on the topic of boys and men is only two pages long, but between the copious footnotes and several large quote boxes, the actual content really only fills one single page — one page for 75% of all suicides. What kind of study is this? It sounds a lot like it's a study with a predetermined outcome rather than a comprehensive study of the issue.

Certain committee recommendations were called for in the original framework. Perhaps instead of scrapping the framework and starting from scratch, the committee could have asked the Trudeau government simply to fulfill its obligations. I'm speaking here particularly of the committee's recommendation to collaborate with the provinces and territories and grassroots organizations to improve suicide prevention.

Some of the committee's recommendations are things for which I have advocated for years, including the need to improve the content and transparency of the biannual progress reports, similarly with the recommendation recognizing the impact of substance use and addiction on suicide prevention and another recommending an update to the framework to acknowledge the high stigma around suicide.

While some obvious conclusions are recorded in the report, certain others are largely ignored. Take, for example, the link between mental illness and suicide — 90% of people who die by suicide have mental illness, yet they are listed in the committee report as a "priority population," along with boys and men, First Nations, Inuit, Métis and racialized Canadians. But if 90% of people who die by suicide have mental illness, it's almost the entire number of suicide deaths in Canada. It is not a targeted demographic or subset, and frankly, I was shocked that the committee thought that it was.

The report further states:

> The committee heard that only one public health intervention thus far has been identified as having an evidence-based impact on suicide: means restriction.

It is curious that the committee finds only one solution to the issue and that it proposes gun control as the answer, especially at a time when a Liberal gun control bill is before Parliament. In Canada, the most common means of suicide is hanging or suffocation, but the committee report does not present any discussion of means restriction for this. Furthermore, it's kind of ironic the committee recognizes the need to restrict the access to means for suicide while most members supported this government simultaneously expanding access to assisted suicide — first to those who aren't anywhere near natural death and soon, even more disastrously, to Canadians with mental illness. In broadening access to assisted suicide, the government is delivering the 100% guaranteed lethal means to suicide to people struggling with mental illness.

• (1750)

Although important, limiting the means to suicide is not the only answer. What about improving access to and investment in mental health care so that Canadians are not stuck on months-long and, in some cases, years-long waiting lists when they need to see a mental health professional? This, too, would save lives.

This committee report lists an entire page about jurisdictional responsibilities, but nowhere within it is the federal government's failure to deliver on its much-vaunted and long-promised Canada mental health transfer. Delivering the mental health care funding that the Trudeau government promised for years should be a significant jurisdictional responsibility for the federal government.

I have serious reservations about some of the testimony given by witnesses before this committee.

One witness, Dr. Rob Whitley, agreed that an effective suicide prevention strategy must focus on men who make up 75% of suicides. We agree on this point. But he then listed the three major social determinants of men's mental health and suicide: occupational, employment and educational issues; family and divorce issues; and adverse childhood issues. What about mental illness? Again, the link between mental illness and suicide is ignored.

Whitley also said, "Many men's mental health and male suicide prevention campaigns . . . . often take an accusatory tone . . . ." I take exception to that. There have been several campaigns in recent years targeting the specific concerns of men's mental health, and bringing the issue out into the open — and that should be encouraged, not criticized.

Another witness quoted multiple times in the committee report is E. David Klonsky. He said:

> There is a history in suicidology of well-meaning people with credentials having ideas, creating group treatments, and doing things at a community level that turn out not to be helpful or even sometimes to be harmful in terms of increasing people's suicide risk.

Is he seriously suggesting that group therapy is not helpful and potentially harmful to people at risk for suicide?

The biggest concern that I had about the comments made by Klonsky in the report was his assertion that ". . . the Government of Canada will likely need to prioritize specific research streams, and perhaps, even specific researchers." Given my experience at the Senate Legal Committee during the assisted suicide debates, I have little trust about which specific researchers the government would prioritize — likely only those in line with government thinking.

The conclusion that the committee comes to is that the Federal Framework for Suicide Prevention is ". . . centred around ideas of what feels good instead of seeking out what works." Where does this judgment come from? There is little evidence presented to back up such a claim. The report doesn't give much indication about which programs are effective and which are not. Who decides that?

It seems that the report is written to justify the pre-existing opinions of some committee members about these issues.

In the Senate Social Affairs Committee report, the suicide prevention framework provides a convenient scapegoat for a federal government always looking for excuses.

The framework was never meant to be a magic solution on its own. It was always dependent upon meaningful, concrete action from the federal government on suicide prevention and mental illness solution implementation. After eight years of this Trudeau government, this is what is lacking.

This Trudeau government has broken their major promise to Canadians to fund the Canada mental health transfer, and they are about to break another promise. They said that they would release an updated suicide prevention framework this fall. The minister promised this when she appeared at committee, and the committee highlighted that in their news release. Well, honourable senators, there is only one more week left of fall before the end of December, and we're still waiting.

Unfortunately, with this Trudeau government, we're constantly waiting for them to act on suicide prevention. We waited for them to announce the framework. We waited for two years for them to open the taps on funding for the $4.5-billion Canada mental health transfer. They haven't yet. We waited three years for them to finally implement 9-8-8, and now the Senate Social Affairs Committee report is letting the Trudeau government off the hook, suggesting we ditch the suicide prevention framework altogether and start over — so that we can wait some more.

Colleagues, vulnerable Canadians pay with their lives while this Trudeau government plays politics with this serious issue.

The Senate Social Affairs Committee only needed to make one single recommendation: The Trudeau government should live up to its recommendations and act to implement the suicide prevention framework that already exists. Canadians cannot afford to wait.

Thank you.

Hon. F. Gigi Osler: Thank you, Senator Batters, for your speech and commitment to mental health.

As a physician who has worked in the system, and who understands the federal-provincial-territorial jurisdictional boundaries that come with the health care system, I would appreciate hearing your thoughts on how we could, as a country, overcome some of those constitutional jurisdictional boundaries to better improve health and, specifically, mental health.

Senator Batters: This was actually a big part of why the framework was put into place to begin with. When we started dealing with it in 2012, there was a lot of talk about so many good things going on in different parts of the country — in different provinces, communities and organizations — and there needed to be recognition. Obviously, health care is primarily the jurisdiction of the provincial governments.

However, the federal government has taken a fairly big role in that they have recently considered that they want to be involved in this sphere.

As a result of that, yes, there are jurisdictional issues, but a big part of the framework was supposed to be about having all of those groups work together. When the framework was initially put together, that is what happened. Yet, there has been such little follow-up, as I described, for different things. The federal

government has had, as I've stated in an earlier speech, minimal ideas about what they have actually accomplished over those last eight years. They need to be providing better reports. I said this a number of times in previous speeches — perhaps it was before you joined the Senate. But I am happy that you are here now, and I know that you will play an important role in helping us try to figure out some of these issues.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division, and report adopted.)

POINT OF ORDER

Hon. Donald Neil Plett (Leader of the Opposition): I rise on a point of order, if I may, Your Honour.

The Hon. the Speaker: Yes, Senator Plett.

Senator Plett: Thank you, Your Honour, and I know that we will have about two minutes before you will interrupt. That is the luck of the draw.

Honourable senators, I rise on a point of order regarding the actions of one of our senators — Senator Cardozo — that transpired at a recent meeting of the House of Commons Standing Committee on Procedure and House Affairs.

This committee was tasked — by a unanimous vote of the House of Commons — to study the House Speaker's public participation at an Ontario Liberal Party convention. Let me read part of the order of reference:

> That the Speaker's public participation at an Ontario Liberal Party convention, as Speaker of the House of Commons, constitute a breach of the tradition and expectation of impartiality required for that high office, constituting a serious error of judgment which undermines the trust required to discharge his duties and responsibilities and, therefore, the House refer the matter to the Standing Committee on Procedure and House Affairs with instruction that it recommend an appropriate remedy . . . .

On Monday, December 11, the committee met, and one of the witnesses was the Speaker of the House of Commons, Mr. Greg Fergus. The Member of Parliament for Longueuil—Charles-LeMoyne, Quebec, Ms. Sherry Romanado, told Mr. Fergus the following:

> Mr. Speaker, you're probably not aware, but late last night, many members of PROC received letters supporting you in your role as speaker. . . .

And then she said:

> I wanted to personally convey to you that you have people supporting you that have written to all of us to say that you are new. . . .

Then, she finished by saying:

> I want to thank you and let you know that there is support out there for the role model you are playing for young Black Canadians, and I wanted to thank you for that.

One of the letters in question was sent under the name of Carl Nicholson. There was no signature on that letter. It was simply a name. There was no specific address, but simply the mention of "Ottawa."

At Monday's meeting of the committee, it was noted that this letter was actually written by Senator Andrew Cardozo. The properties of the Microsoft Word document clearly indicate this.

The fact that the letter was written by Senator Cardozo was raised around 10:30 a.m. on Monday. The Senate met later that day for two hours and then met on Tuesday, from 2 p.m. until 11:41 p.m., and yesterday, from 2 p.m. to 11:31 p.m. At no time did Senator Cardozo stand on the Senate floor to explain his role regarding this letter, and, to my knowledge, he has made no public statement on this matter. This affair raises three issues where senators could use your guidance, Your Honour. The first pertains to meddling in the internal affairs of the House of Commons.

• (1800)

The Hon. the Speaker: Sorry to interrupt, Senator Plett. Honourable Senators, it is now six o'clock, and pursuant to rule 3-3(1), I'm 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?

Hon. Senators: Agreed.

Senator Plett: This affair raises three issues, where senators — again, as I said — could use your guidance, Your Honour.

The first pertains to meddling in the internal affairs of the House of Commons. Of course, senators are free to express their opinions — it's actually their job to do so. There's nothing preventing a senator from writing to members of the House of Commons to raise issues of public affairs or to raise the concerns of a citizen or group of citizens. However, I find it strange that a senator would want to get involved in a purely internal matter of the House of Commons.

The future of Greg Fergus as Speaker of the House of Commons is a matter that will be settled by the elected members of Parliament, and no one else. I think Senator Cardozo's attempts to meddle in the affairs of the other place were misguided, to say the least. It shows a lack of understanding of how each house of Parliament manages its affairs totally independently of the other house. I'm pretty sure Senator Cardozo would be the first to jump up if Pierre Poilievre sent a letter to members of the Senate Ethics Committee asking them to go easy on a Conservative senator. I know Senator Cardozo says he is not a Liberal senator; however, I don't think he is fooling anyone.

But a Liberal or not —

An Hon. Senator: Point of order.

The Hon. the Speaker: We don't have a point of order on a point of order.

Senator Dalphond: He's out of order.

Senator Plett: I'm sorry. I lost my place here, so I will start over at the beginning.

I think Senator Cardozo's attempts to meddle in the affairs of the other place were misguided, to say the least. It shows a lack of understanding of how each house of Parliament manages its affairs. I am pretty sure Senator Cardozo would be the first to jump in if Pierre Poilievre were to send a message to the Senate Ethics Committee asking them to go easy on a Conservative senator. I know Senator Cardozo says he's not a Liberal; however, I don't think he's fooling anyone. However, Liberal or not, he's a senator. So, we have here a senator trying to influence MPs in an investigation of a member of Parliament for a breach of this member's duties. We have a senator who has inserted himself into a matter that is the purview of MPs and that will be decided by MPs — and only MPs.

Your Honour, I think senators would benefit from your views on where to draw the line between expressing an opinion on a public matter and getting involved in the internal affairs of the other place. I suggest that Senator Cardozo did indeed cross that line, and I think you will confirm this. If, on the other hand, you think that Senator Cardozo did not cross such a line, we would all benefit to know where such a line is, if it exists.

Second, as I mentioned earlier, Senator Cardozo did not sign the letter he wrote. The letter was sent under the name of a certain Carl Nicholson. This means the MPs could not know that the letter was coming from Senator Cardozo. I don't know why the senator chose to use the name of a third party. Maybe he knew that a senator meddling in the affairs of the House of Commons is against the rules, as I already argued. But regardless of why the senator decided not to sign the letter himself, I submit that this is not the conduct that is expected from an honourable senator. For a senator to send letters anonymously or under an alias is a grave breach of their duties and is unbecoming of a senator. Did Mr. Nicholson dictate the letter to Senator Cardozo while he was typing? We would have to accept that Senator Cardozo is then moonlighting on the weekends as an administrative assistant. Did Senator Cardozo use Mr. Nicholson in his campaign to save the career of his Liberal friend Greg Fergus? We do not know.

This issue was made public on Monday, and Senator Cardozo has still not come clear on this. Maybe he has an explanation for why he did not sign his own name. Maybe my raising of this issue will encourage him to come clean. But right now, Your Honour, all we know is that Senator Cardozo did not sign the letter that he wrote. His motives for not being transparent with the MPs to whom he was writing are nebulous, and we don't know if Senate resources were used in preparing and sending this letter.

I think we need you, Your Honour, to tell us if it's okay for senators to send anonymous letters and other messages, and whether it's okay to use a third party to sign those documents. More specifically, we need to know whether the fact that Senate resources were used to draft and send those letters serve as a preponderant factor in determining if a senator had a breach in the performance of their duties. I know that members of Parliament that received this letter last Sunday are not impressed by the fact that a senator would send anonymous letter. This reflects badly on the Senate.

Third, as I said, the letter prepared by Senator Cardozo was sent to members of the Procedure and House Affairs Committee on the eve of Mr. Fergus's appearance in front of the committee investigating his public participation at an Ontario Liberal Party convention as Speaker of the House of Commons. As I said, the letter was sent under the name of Mr. Carl Nicholson. This letter also makes the following claim: "Carl Nicholson is an active member of the Black Canadian community."

The letter points out that the election of Mr. Fergus was great news for the Black community, which, of course, I will not dispute. It then defends the actions of Mr. Fergus, asking the members of the committee to forgive him, because to call for his resignation could send the wrong message. I will not dispute those arguments at this time. That is not my intent today. But where I do take issue is the fact that the letter was sent by a senator who is not Black.

Again, Your Honour, in the absence of an explanation from Senator Cardozo, three days after this was revealed at committee, I must ask you to rule on the question of the use of false pretenses by a senator when writing to third parties — specifically to MPs.

It's interesting to note that the letter, after the name of Mr. Nicholson as the author, includes the biography of Mr. Nicholson written in the third person. Common practice would be to say somewhere in the letter, "I am so-and-so and I do this and hold this position." Who writes their biography in the third person in a letter? The only logical explanation is that it is not Mr. Nicholson who is actually speaking in the letter.

In conclusion, Your Honour, the questions raised today could have easily been answered by Senator Cardozo. As I said, more than three days have passed since the issue of the anonymous letter was raised at the Procedure and House Affairs Committee. He could certainly tell us why he thought it was a good idea to get involved in the investigation by a House of Commons committee of the actions of a member. He could tell us why he thought it was a good idea to not act with openness and transparency and sign his own name. He could tell us why he was impersonating another person. If he does not, Your Honour, I would invite you to intervene.

The Hon. the Speaker: Senator Cardozo, would you like to respond?

Hon. Andrew Cardozo: I would like some time to consider the points that the senator has raised. As I recall it, a couple of weeks ago, when there were some serious allegations of bullying and intimidation which had advance notice, you gave Senator Plett two more days to consider that. So I would request at least two business days before I respond to that.

• (1810)

I would only say that there was no anonymity on my part. Mr. Nicholson chose to send a letter, and I'll go into the details of that in due course, but I think that this is sort of a surprise that this is being put out today, and I would be pleased to respond to it in detail if you could very kindly provide me with two days, which is the normal practice for something like that.

[*Translation*]

Hon. Pierre J. Dalphond: Honourable senators, I don't really understand what is happening. Senator Plett rose on a point of order about an anonymous message that was tabled concerning the House of Commons. I don't know how far you can go with a point of order under the *Rules of the Senate*, but I always thought that points of order had to pertain to Senate business and matters being examined by the Senate.

Both Senator Plett and I think that it is unfortunate that the House of Commons occasionally tries to interfere in our business and tell us what to do, but, obviously, I am just as resistant to the idea of telling the House of Commons committee that is examining the conduct of the Speaker of the other place what to do.

I have in front of me a tweet from MP Eric Duncan.

[*English*]

> Liberals wanted everyone watching to know that members of our committee received "anonymous letters" supporting Greg Fergus as Speaker.

[*Translation*]

I'd sure like to know how Senator Plett can attribute anonymous letters to members of the Senate. I don't know to what extent you'd have to go digging through Senator Plett's emails in his office to see if he wrote letters to Mr. Poilievre to tell him what to do about the House of Commons or the Senate. There must be a limit to decency. Anonymous letters do not deserve our consideration. Ours is too important an institution to start investigating anonymous letters.

In my opinion, honourable senators, this point of order is not valid. None of this has anything to do with the Senate. If the senator wants to file a complaint with the Ethics Officer about a senator's behaviour, that's one thing, but he wants to raise a point of order even though this issue has nothing to do with the Senate.

Thank you.

[*English*]

Hon. Leo Housakos: Honourable senators, if this chamber feels that it's their duty to rise on a question of privilege on a tweet that a senator "liked" in regard to public discourse, certainly the allegations about a senator's comportment about sending an email to a parliamentary committee that is doing an evaluation and a study on the ethical behaviour or lack thereof or the independence of a Speaker of that chamber, of course, merit some degree of scrutiny, particularly the allegation about a comportment of a senator who sent a letter in the course of that investigation and did not have the liberty of taking and assuming responsibility for that particular letter.

I think we will agree that it's a grave error on the part of any senator to misappropriate who they are in front of any parliamentary committee, and to try to do it in a secretive fashion and try to influence that committee, and to not assume responsibility for that. And in answer to Senator Dalphond, we think it's our purview to judge the comportment of senators when they're walking on Wellington Street, but we don't think it's within our purview to judge and evaluate if a senator has used Senate resources in their position as a senator to send — to try to influence an independent House committee on the other side in an evaluation of ethical behaviour or lack thereof of their Speaker?

Like I said, I will reserve judgment, because Senator Cardozo, like all honourable colleagues, deserves a chance to respond to these serious allegations, but I also believe that since this chamber has been so preoccupied with the ethical behaviour of each and every one of us because we feel it reflects on the institution, I think we merit to have at least an explanation from Senator Cardozo.

Senator Dalphond: Are you rising on a point of order or a question of privilege? I understood Senator Plett to say that he was making a point of order.

Senator Housakos: I responded on the point of order, and I responded on your intervention on the point of order, pointing out that if certain frivolous things require study in this place in terms of a question of privilege, certainly serious allegations require, at bare minimum, a point of order in this particular case. So that's the point I was trying to make, Senator Dalphond.

The Hon. the Speaker: Are there any other senators who would like to enter debate on the point of order?

I will give Senator Cardozo until tomorrow after Government Business to respond to the point of order, and then we can deal with that tomorrow. Thank you.

Senator Plett: Honourable senators, with leave of the Senate, I move:

> That the Senate do now adjourn.

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

Hon. Senators: Agreed.

(*At 6:16 p.m., the Senate was continued until tomorrow at 9 a.m.*)

CONTENTS

Thursday, December 14, 2023

CONTENTS

Thursday, December 14, 2023