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The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Thursday, February 8, 2024

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

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE PIERRE-HUGUES BOISVENU

Hon. Donald Neil Plett (Leader of the Opposition):

Honourable senators, today, we are saying goodbye to a man who has demonstrated great courage and great determination in making Canada a better place.

Colleagues, I don't say this lightly. Senator Boisvenu is a man who has suffered tremendous loss with the deaths of both his daughters. Yet, he is a man who has found the strength to turn his suffering into a lifelong drive and determination to help others who have faced similar horrors.

While most of us become emotionally paralyzed in the face of criminal human tragedy, our colleague Senator Boisvenu somehow becomes an unfathomable pillar of strength for those who are suffering. While we freeze up, he instinctively has the ability and the compassion to reach out and support families who are grieving due to monstrous crime. I can't think of any better thing to say but that his actions are truly honourable.

Senator Boisvenu has demonstrated great humanity and vulnerability in this chamber. We will always remember his poignant statements, but what is remarkable is that his words were followed by action. He took on the responsibility to make a difference by introducing, writing and sponsoring legislation — legislation that we as Conservatives proudly stand and support, legislation based on common sense, legislation that has and will be beneficial for generations to come.

Senator Boisvenu was appointed as a Conservative senator and, contrary to some others in this chamber, he remained and served our country as a devoted Conservative until his retirement.

Colleagues, regrettably, I won't have sufficient time today to enumerate the impressive list of legislative work accomplished by Senator Boisvenu. I will simply summarize it as follows.

Under the Harper government, Senator Boisvenu took part in writing and sponsoring more than 20 tough-on-crime bills that aimed to better protect Canadians while keeping criminals behind bars. This list includes the Victims Bill of Rights, Bill C-32, which is an incredible accomplishment and which has a very personal meaning. He has also introduced eight substantial Senate public bills, one of them being Bill S-206, An Act to amend the Criminal Code (disclosure of information by jurors), which received Royal Assent on October 18, 2022.

Prior to being appointed to the Senate, Senator Boisvenu founded the Murdered or Missing Persons' Families Association, which is the force behind the legislation on compensation for victims of crime, Bill 25, in Quebec.

Colleagues, although Senator Boisvenu is about to retire from this chamber, he is leaving an incredible legacy, one that will be valued and treasured, one that has great meaning, especially for Canadians who have found in him an ally, a champion, a mentor and a strong, powerful voice.

Senator Boisvenu, on behalf of the Conservative team — and, furthermore, on behalf of all Canadians — thank you for all that you have done. While we will miss you in the Senate, I have no doubt that you will continue working to make our country a better place to live.

[Translation]

Happy retirement, my friend.

Hon. Senators: Hear, hear!

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I rise today on behalf of the Senate Government Representative Office to bid farewell to our distinguished colleague, Senator Pierre-Hugues Boisvenu.

Senator Boisvenu was appointed by Prime Minister Stephen Harper 14 years ago. Since his arrival in the Senate, he has mainly focused on defending victims' rights. The tragedies that he and his loved ones have experienced, as mentioned by our colleague, have influenced all of his work for over 20 years.

I have known Senator Boisvenu for a long time, even before I was appointed to the Senate. We may not agree on everything, and some may be surprised that I am admitting that, but we do care about each other when the discussion isn't about politics.

Regardless of our differences on the issues of concern here, it is impossible not to respect his passion and determination when he fights for the causes that he cares so much about. His focus on victims' rights and the creation of the Murdered or Missing Persons Families' Association and Le Nid, a shelter for abused women, are the result of Senator Boisvenu's painful, personal experiences.

His tenacity was rewarded when, in 2015, the Canadian Victims Bill of Rights became law.

During his 14 years in the Senate, Senator Boisvenu sat on several committees, including the Legal and Constitutional Affairs Committee, the Transport and Communications Committee, and the National Security and Defence Committee. He has sponsored government bills and introduced several of his own, as mentioned by our colleague, Senator Plett.

It goes without saying that his contributions are numerous and varied and that his retirement is well deserved. I have no doubt, however, that Senator Boisvenu will continue to champion the causes he holds dear.

We will miss you. Happy retirement!

Hon. Senators: Hear, hear!

Hon. Raymonde Saint-Germain: Honourable senators, and most importantly, dear Pierre-Hugues, life sometimes forces us down paths that we wish we had never had to tread. You know them well, these painful paths that we are sometimes forced to walk. And walk them you did, not once but twice, when the cruellest of fates first took one of your two daughters away from you and then took the other.

• (1410)

If sympathy and compassion were the first emotions that stirred in each and every person who understood and shared your pain and sorrow, today, after your almost 14-year tenure in the Senate, admiration is what we feel — admiration for the courage and steadfastness of a grief-stricken father who found a way to reclaim his life and make sure that these tragedies are never forgotten and that we all learn from them so that they don't happen again.

This admiration that we have for you is accompanied by a duty to acknowledge the impact of your work as a senator, a hard-working senator who made advocating for victims' rights and improving the criminal justice system his mission in this chamber. You have had resounding successes, including the enactment of the Canadian Victims Bill of Rights, which will have a long-lasting impact.

Senator Boisvenu — Pierre-Hughes — many of our fellow Canadians across the country and beyond have experienced to some degree the human hardships that you had to endure. To them and to all of us, you are a shining example of courage and resilience.

In 2008, you published a book that has now become a reference for victims of crime, their loved ones and all those interested in this subject: *Survivre à l'innommable et reprendre le pouvoir sur sa vie* or surviving the unspeakable and reclaiming control of your life. Not only have you conveyed through this book the hope that, alone, leads to survival, but you also have been and continue to be a role model and an inspiration for this hope.

“Continuation” is the word that comes to mind when I think of the next chapter of your life after the Senate. Pierre-Hugues, I have known you to be so serious and so dedicated, that I cannot even imagine you taking your retirement. You have devoted your entire career to the public service. I have no doubt that you will continue to be present in the public arena.

Honourable Senator Boisvenu, on behalf of the Independent Senators Group, I wish to express all the esteem and appreciation we have for you. It is our hope that you will finally take more time for yourself. Goodbye and thank you.

Hon. Jean-Guy Dagenais: I would like to take a few minutes to honour, in my own way, the retirement of my friend, the Honourable Pierre-Hugues Boisvenu.

I knew Pierre-Hugues long before the Honourable Stephen Harper appointed him to the Senate in 2010. He was already a Quebec media personality known for fighting for victims of crime. That battle is not over yet.

I remember when you came to the offices of the Association des policières et policiers provinciaux du Québec, book in hand, to seek funding for the Murdered or Missing Persons' Families Association, which you co-founded with other relatives of missing and murdered victims.

I also remember those times when you came to Saint-Hyacinthe in 2011 to support my federal election campaign.

I also remember our reunion when I was appointed to the Senate in 2012 and joined you as a member of the Committee on Legal and Constitutional Affairs. There's no doubt about it, time flies.

In a way, I was there at the beginning of your long and arduous battle for the rights of victims of crime.

At the time, resources for victims and victims' families were virtually nonexistent. Their rights were not recognized, and the legal system typically excluded them from the process on the grounds that it should be free of emotion. You thought that was unacceptable, as did the many victims' relatives who supported you.

You met Stephen Harper through your activities and ongoing media presence. He was not yet prime minister, but he showed some openness to your demands.

By appointing you to the Senate after he took office, Mr. Harper gave you the opportunity to work at a political level on many bills that would ultimately advance a cause that meant the world to you.

Overly lenient sentences for criminals, nonsensical releases on parole, paltry financial compensation for the families of victims, a lack of empathy for victims: All of these legislative matters kept you busy from the time you first arrived in this chamber.

Of course, your crowning achievement was securing the passage, in 2015, of Bill S-265, the Canadian Victims Bill of Rights.

In a country like Canada, which affords criminals so many rights, privileges and attention, this piece of Senate legislation was an absolute necessity.

My dear Pierre-Hugues, although you may be retiring from the Senate, I am certain that your fight is not over. The Canadian Victims Bill of Rights is not a cure-all, as you know. Murders are on the rise, femicides are on the rise and domestic violence is on the rise. In the meantime, our laws and our justice system no longer deter anyone.

Truth be told, I don't want to wish you a happy retirement, because this is not the end. I know full well that we will see you again and that you will keep fighting for the rights of victims.

Oh, I almost forgot: Senator Michèle Audette asked me to thank you in her stead. On behalf of the Canadian Senators Group, happy retirement, my friend. I'm sure we will see each other again.

[English]

Hon. Jane Cordy: Honourable senators, I rise to add my voice to the tributes to our departing colleague Senator Boisvenu. Senator Plett, I guess I should say, "Conservative Senator Boisvenu."

This place demands much of our energy, as we strive to do our utmost in service to Canadians. Honourable senators, we can consider ourselves lucky when we reach our retirement and still be lit and fuelled with the same passion as when we first set foot on the Senate floor. Pierre, you have never lost your passion for your work.

Often, there is a personal experience or connection that inspires the work we do as senators. Senator Boisvenu, you have certainly felt deeply the calling and the fire that turns overwhelming pain into real action and — more important still — real change.

I would argue, Pierre, that your passion for victims' rights, and the rights of their families, is stronger today than it was when you joined the Senate 14 years ago. You should be very proud of your accomplishments. In that time, you have sponsored 24 pieces of legislation that have received Royal Assent and have, without doubt, strengthened the rights of victims and their families in Canada. You championed the Canadian Victims Bill of Rights — Bill C-32 — through to its adoption in 2015, ensuring victims had access to information about their cases, protection, participation and financial compensation.

It has been my pleasure working with you and travelling with you, particularly with the Canadian NATO Parliamentary Association. You worked very hard in the association, but you always had fun as well. For anyone who has travelled with Pierre, you know that he finds the very best restaurants wherever you happen to be in the world, and he loves to walk around the cities to get to know each city better. You will walk for miles every evening after the meetings. I've been in Lithuania where you actually rented a bicycle in the rain to explore the city.

Pierre, I know your advocacy goes far beyond these walls. I know you will continue your work with Le Nid in Val-d'Or, and with the Association des familles de personnes assassinées ou disparues. We will miss your voice in this chamber, but we know that you will not be far away. You will still be stoking the fires. On behalf of the Progressive Senate Group, we wish you all the very best in your retirement. It has truly been a pleasure working with you.

Thank you.

[Senator Dagenais]

• (1420)

[Translation]

Hon. Leo Housakos: Colleagues, sorry for repeating some of what we have already heard, but I sincerely believe that Pierre-Hugues Boisvenu's tireless work for victims and families fully deserves to be highlighted again.

Senator Boisvenu's dedication and engagement were born of unimaginable pain and sorrow. He found a way to transform his personal loss into a relentless determination to help others. He spared no effort to make sure that no parent or family would have to suffer the indignity of re-victimization that his own family suffered because of a justice system that only takes into account the rights of offenders. He was the driving force behind the 2006 provincial legislation that recognized the rights of victims of crime, and he sponsored several Parliament bills to strengthen our justice system through the recognition of victims' rights. Notably, he was the architect of the Canadian Victims Bill of Rights.

His fight for victims of crime goes beyond legislation. He is a published author and has sat on the boards of numerous non-profit organizations. He also co-founded a shelter for women fleeing violence and created the Isabelle Boisvenu Fund, which provides scholarships to students in the field of victimology.

Senator Boisvenu was always completely consistent. I have always had and will always have the utmost respect for him as a man and parliamentarian of principle.

[English]

Senator Boisvenu has been a strong voice for our province of Quebec and Canadians from coast to coast to coast, particularly for victims, women victims who face crime. He has been a man of principle. Unlike some Conservatives who have come through and been Conservatives of convenience, he has been a steadfast Conservative of conviction. That's who Pierre Boisvenu is. He has left an enduring mark on the Senate of Canada.

My dear friend, you leave behind huge shoes to fill.

I'll say this: I know Pierre-Hugues Boisvenu, and I believe that the chapters of his work are still not finished. I look forward to the continued work that he plans to do and will be doing in the years ahead for those same people he has been advocating for.

On behalf of Quebecers, Canadians, Conservatives and victims —

[Translation]

— to my friend Pierre-Hugues, thank you very much for your work.

Hon. Pierre J. Dalfond: Colleagues, before I joined the Senate, like many Quebecers, I knew that Pierre-Hugues Boisvenu had been a champion for victims of crime ever since the terrible murder of his daughter in 2002 by a dangerous offender and that he, along with three other bereaved fathers, had founded the Murdered or Missing Persons' Families Association.

I also knew that he could occasionally be the target of criticism. Some have described his ideas as right-wing, which is not a crime. As a senator, he supported all of the Harper government's law-and-order policies. He even became an important spokesperson for these policies in Quebec.

He's known to enjoy answering questions from journalists and has never hesitated to use shock phrases that make his message stick. This has sometimes caused him some embarrassment.

In his 2008 book, entitled *Survivre à l'innommable et reprendre le pouvoir sur sa vie*, or surviving the unspeakable and reclaiming control of your life, he said that his two daughters, so tragically lost, guide him every day and sometimes even tell him when he's gone too far.

For me, personally, the man I came to know in the Senate, whether at the Legal and Constitutional Affairs Committee or on parliamentary trips, is sincere, polite and, yes, partisan.

I can honestly say that we have enjoyed warm relations, even when we don't share the same point of view.

Today, I want to applaud his outstanding contribution to getting the Canadian Victims Bill of Rights passed in 2015, as well as his active support for initiatives to protect female victims of violence.

It may be time for him to leave the Senate, but I do not believe it is time for him to retire. Last Sunday, he told a Radio-Canada reporter that he would miss the media, but there seemed to be a twinkle in his eye. When asked about the next chapter of his life, he said he wanted to continue advocating for victims' rights, either as a volunteer with the association he co-founded, which now includes over 700 families, or as a Conservative MP in the House of Commons. Anyone who thinks that Pierre-Hugues's departure from the upper chamber means the end of his parliamentary career would be mistaken. On the contrary, his time here could very well vault him into the other place where, just like in the United States, men over 75 have a bright future.

All the best, my friend!

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to pay tribute to a remarkable Canadian, a great defender of victims' rights, a dear colleague and friend, the Honourable Pierre-Hugues Boisvenu.

[English]

Dear colleague, it is with honour and sadness that I rise today to pay tribute to you as you prepare for your official retirement from the Senate of Canada on February 12, 2024.

He is truly an inspiration to all of us. His strength of character and determination are unparalleled. He has dedicated a lifetime fighting for victims' rights, protecting our most vulnerable and supporting victims of violence.

As a senator, our colleague worked tirelessly to strengthen victim legislation and victims' rights in Canada's judicial system. He has been an integral member of the Standing Senate Committee on Legal and Constitutional Affairs, serving as deputy chair, and has served on many other committees.

He was a sponsor or critic of numerous government and private members' bills and succeeded in passing not only the Canadian Victims Bill of Rights but a record number of Senate public bills during his time as a senator.

Through his many impassioned speeches, statements, Question Period questions and interventions, Pierre-Hugues Boisvenu gave a resounding voice to victims across Canada and ensured that they were respected and not forgotten.

Dear colleague, you have experienced such unimaginable loss as a parent. I cannot fully comprehend. I am truly honoured to have served and stood with you in this chamber with our Conservative caucus, to honour the memories of your late daughters. Your commitment and action to protect and help so many women and families are truly remarkable.

You are leaving an incredible legacy, one that I know you will continue to uphold and build, as your work and fight will not end with your retirement. I know your passion for helping others will continue, and your retirement is merely a transition.

[Translation]

Dear colleague, you will be sorely missed. I thank you for being one of my most trusted colleagues and a valued member of the Conservative caucus.

[English]

We wish you all the best as you embark on this next chapter with your loved ones. Rest assured that your work and legacy as a senator will long be remembered.

Bravo and best wishes.

Hon. Senators: Hear, hear.

[Translation]

Hon. Claude Carignan: I want to join my colleagues in paying tribute to Senator Boisvenu.

Pierre-Hugues has an outstanding quality for a parliamentarian, and that is his sensitivity. He is one of the most sensitive men I know. I think that sensitivity is an essential quality in politics, because it gives you empathy and helps you stay attuned to people's needs, which will then help you take action. A politician who lacks sensitivity is unable to pick up on the little things that make a big difference.

Pierre-Hugues, this week, we had a small gathering, and you were accompanied by members of victims' groups. They all paid tribute to you and talked about what you meant to them. One of them said, "Pierre-Hugues is my angel." Another one said, "Pierre-Hugues is my superhero." I found that particularly touching because it alluded to your sensitivity towards people

and their needs, as well as the strength with which you have waged your battles during your time in the Senate — and even before that. That's a powerful tribute, Pierre-Hugues. Having someone call me their superhero would be a dream come true. Perhaps my grandchildren will call me that someday, but when words like these come from people for whom you have fought, it's a real tribute, and I wanted to repeat them here today.

• (1430)

I also want to thank you for sharing that great sensitivity with us, and sometimes with people you didn't know. I have lost loved ones, like many people, and who would show up at the funeral home? Who would show up at the funeral service? Pierre-Hugues. You knew what it was like to lose a loved one, you knew that your presence could bring warmth and comfort, and you never missed an opportunity to comfort those who needed it.

Pierre-Hugues, we will miss you. Another group who will definitely miss you is the Barreau du Québec. There are debates during election campaigns, on occasion. I was asked if I wanted to take part in a debate at the Barreau — since I'm a lawyer, obviously — but I said, "No, no way, I'm not going there. Send Pierre-Hugues instead." Because he can and because the law must serve the cause, Pierre-Hugues is the ultimate champion, and he will run circles around those lawyers.

Congratulations, Pierre-Hugues, and thank you. I am glad to hear that you want to keep going in the other place!

Some Hon. Senators: Hear, hear!

Hon. Lucie Moncion: Honourable colleagues, I rise today to pay tribute to my colleague, Senator Boisvenu. I want to honour our colleague and his extraordinary journey. I feel fortunate to have forged a special connection with him.

In recent years, we've been united by a common goal, one that has brought to the fore the importance of building relationships with senators from diverse backgrounds. Our work together to support jurors and win recognition for this civic duty bore fruit. I can't thank you enough. I couldn't have done it without your support, sensitivity and compassion for the current and former jurors who advanced this cause.

You have devoted your career in the Senate to amplifying the voices of victims of crime, including women who are victims of domestic violence and femicide, and murdered and missing persons. Your dedication, your passion and your compassion helped move our society forward.

Your condemnation of violence against women, a subject too often ignored, hidden or even trivialized, helped us understand that these things happen far too often and see that certain individuals in our society are capable of depraved and cowardly acts.

Your support for families coping with the tragedy of losing their children in unimaginable circumstances allows us to recognize the lack of support offered to the victims' loved ones. You understand their confusion, their pain and their suffering. You give them a voice and lend an attentive ear.

I have enormous admiration and respect for you, and I find it moving. That is why I am having trouble today. Senator Boisvenu, I have great admiration for what you have done, what you have been through and the way you have survived the unspeakable and turned your personal tragedies into a life mission.

Your book, entitled *Survivre à l'innommable et reprendre le pouvoir sur sa vie*, or surviving the unspeakable and reclaiming control of your life, is emblematic of your resilience. Allow me to quote one of the passages from the book that touched me enormously and that appears on the first page:

When we lose a parent, we mourn our memories. When we lose a child, we mourn our dreams.

That says so much. I am so moved. I want to share a secret with you. I began reading your book yesterday. I didn't know that you had written a book, but I should have read it many years ago. I also want to recognize the fact that the book contains a preface by Martin Gray, and I also think that it is incredible to read your book because you met Martin Gray. I know that I am going over time, Madam Speaker. I hope that — It will not be much longer, honourable colleagues.

Before I came to the Senate, I knew you only through your tragedies. I now know you as a devoted father, a resilient and caring man, and a remarkable politician. The work you've steered on important issues has left a significant and inspiring mark on the Canadian legal landscape.

Your departure from the Senate does not signal the end of your work, since you will continue to work to bring about reforms that will make the criminal justice system fairer and more attentive to the needs of victims and their families.

Senator Boisvenu, I wish you every success in your future endeavours, and I sincerely thank you for your vision, your passion and your dedication to the common good of our country. I am honoured to have had the privilege of getting to know you and to have worked with you.

I want to respectfully and sincerely say that I look forward to seeing you again, Senator Boisvenu.

Hon. Julie Miville-Dechêne: I too want to acknowledge Senator Pierre-Hugues Boisvenu's political contribution.

Beyond his many bills, our colleague is a caring, complex man, whose anger sometimes takes him to extremes, but who is also capable of crying, of making me cry, of making us cry.

Pierre-Hugues Boisvenu welcomed me with open arms to the Senate, because we had a common cause, that of denouncing violence against women, which I did very publicly at the head of the Conseil du statut de la femme du Québec.

I have long said that we will not achieve gender equality if men do not participate in deconstructing stereotypes, in talking to boys. Men's public discourse is essential for ending this violence. In that way, Senator Boisvenu is another exception. He made

women's rights his life's mission, his fight for 14 years in the Senate; in fact, since the murder of his daughter, Julie, on June 23, 2002.

The honourable senator has often spoken to us about his daughter Julie. I watched the profile that journalist Isabelle Richer did of her. Ms. Richer followed the entire trial of Julie's killer. Julie Boisvenu was only 27 years old. She was beautiful, outgoing, and had lots of friends. She was independent and a little quirky too, according to the journalist, a free-spirited young woman who lost her life simply for walking through a Sherbrooke parking lot in the middle of the night to get to her car and go home.

That should have never happened. Women should be able to walk in safety, day or night.

No one gets over the loss of a child. It's every parent's worst nightmare. I've often noticed the hint of sadness in my colleague's eyes.

The honourable senator is absolutely right in saying that we need to show more concern for victims. He has done that brilliantly. He has named them, told their stories, invited them to the Senate, and held them close in his arms. He consulted them and listened to them before he presented his many initiatives, including the well-known Canadian Victims Bill of Rights.

Pierre-Hugues Boisvenu devoted his years in the Senate to seeking justice and trying to protect other victims. His determination never wavered, even when faced with obstacles and opposition. He never gave up. I appreciated his commitment and perseverance, even when I disagreed with him. Longer, harsher punishments for offenders are not the magic solution, and neither is filling up our prisons, but the system's failings and the crimes committed by repeat offenders on release often give us cause for doubt.

• (1440)

Like Senator Boisvenu, I harbour a lot of anger towards offenders, but I also have plenty of doubts, lots of doubts about the way forward. Senator Boisvenu has never wavered. I know you may go elsewhere. I am not going to repeat what everyone else has said, but who knows? An MP?

Whatever you choose, I wish you well, dear Pierre-Hugues.

VISITORS IN THE GALLERY

The Hon. the Speaker Honourable senators, I wish to draw your attention to the presence in the gallery of Isabelle Chittaro, Senator Boisvenu's spouse; Christian Boisvenu, his son; Jakob and Roxanne, his grandchildren; as well as their mother, Julie Butterfield. They are accompanied by Daphnée Duprée, his daughter-in-law; Juliana Da Silva, his Executive Assistant; Jordan Amorim, his former Director of Parliamentary Affairs; and James Carpenter, a friend from Alberta.

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

Hon. Senators: Hear, hear!

THE HONOURABLE PIERRE-HUGUES BOISVENU

EXPRESSION OF THANKS

Hon. Pierre-Hugues Boisvenu: Honourable senators, I want to thank all my colleagues for this heartfelt and genuine tribute. It actually wasn't a bicycle; it was a scooter. It was my first time riding an electric scooter, and I think I did all right.

You will no doubt understand that it is with a great deal of emotion that I rise in the Senate for the very last time. Over the past 14 years, I have been in the position you are in right now, watching colleagues take their leave and telling myself that my turn would come one day. As I told one of my colleagues earlier, "You have three days to amend the Canadian Constitution if you want to keep me here."

I want to start by thanking someone who helped me tremendously to advance my mission in the Senate for the past 14 years. That someone who contributed so much to my achievements and who was so passionate about the rights of victims of crime is the Right Honourable Stephen Harper.

I want to thank this inspiring prime minister. Without him, the 20-some bills that I have sponsored as a senator, including the Canadian Victims Bill of Rights, would never have passed.

I would like to thank him for trusting me and for allowing me to be the voice of victims in his government and in the Senate of Canada. I will always remember the morning of January 4, 2010, when the phone rang at home and the Prime Minister asked me if I wanted to be the voice of victims of crime in the Senate of Canada and in his government.

The memory of our first meeting, which took place five years earlier in 2005, was still fresh in my mind. Mr. Harper was visiting Sherbrooke when I was serving as the volunteer president of the Murdered or Missing Persons' Families' Association, which, as many of my colleagues pointed out, I founded in 2004 with three other fathers whose daughters had been murdered. Four fathers and four daughters.

At that private meeting with Mr. Harper, I made 12 requests on behalf of victims' families, and his 2010 phone call to ask me to be a senator confirmed his real commitment to victims of crime.

In passing, I would like to remind senators that, in 2005, of all the federal political leaders that I contacted to raise awareness of the important needs of victims, only Mr. Harper stepped up. He took the time to meet with me and to learn more about the path to take to advance the rights of victims of crime in Canada.

This is not a trivial detail. His commitment to victims of crime was exceptionally deep and sincere and unwavering. To illustrate the scope of the work at the time, it was like climbing Everest. That is not done in a day. I knew that it would be hard to accomplish and that it would take time, political courage and real commitment to succeed. Mr. Harper's political courage towards the victims, when there was so much to be done for them, was remarkable.

I will always remember the day I was appointed, on January 18, 2010, one week after the terrible earthquake that struck Haiti, which left 280,000 dead and 300,000 injured. Haiti was the first country I visited as a senator in 2011 during a 12-day mission with the ParlAmericas parliamentary group. Haiti is a country that has a special place in my heart because of the unspeakable suffering of its people, who are still desperately suffering 14 years after this earthquake.

Honourable senators, I've always said that I became a senator "by accident," as I would have preferred that life bring me somewhere other than here in the upper chamber. Like many of you, as a parent, I wish life had given me the chance to grow old with my daughters, Julie and Isabelle, to discover and share in their career achievements, to see them thrive as wives and mothers, and possibly enjoy the grandchildren they might have given me.

Life decided otherwise, and so I have devoted the last 22 years of my life to advancing the rights of victims and their families, with the presence and ongoing support of my daughters. I also have to thank the courage of the thousands of victims who have contacted me over the years and to whom I have given a voice, a voice they needed so much and still need today.

Colleagues, since many of you were not here when I was appointed, allow me to say a few words about what I have achieved.

I was talking earlier about the 12 requests I had addressed to Mr. Harper in 2005 on behalf of victims' families. You should know that when Mr. Harper lost the election in September 2015, all, and I mean all, of the requests made by victims and their families had been addressed and carried out by the government.

In the span of five years, from 2010 to 2015, I collaborated on the introduction of more than 42 bills, more than three quarters of which were passed. Of course, the vast majority were passed under a Conservative government — at the request of victims' groups and families — earning it the title of "government of victims."

Allow me to mention a few.

A bill to provide financial support to families of murdered children — the first measure in 100 years adopted by any government; a bill amending the Canada Labour Code to allow parental leave for parents whose child has been murdered; a bill that doubled the federal surcharge to compensate victims; a bill that reformed the Corrections and Conditional Release Act; a bill regarding the sexual exploitation of minors and, lastly, a bill that resulted in the implementation of the Canadian Victims Bill of Rights.

In 2015, we ended up with a majority Liberal government, and I had to work hard to advance victims' issues. Despite the compassion that most of you showed me during studies of bills, my many outrageous statements and my speeches in the Senate, the results did not reflect that compassion. As you can imagine, that upset me very much at times. However, please know that during those deeply emotional times, I appreciated the fact that many of you rose above the game of politics and personally

shared honest, kind and caring words with me. As I often say, some colleagues refused to play politics on the backs of victims, and that is to their credit.

• (1450)

Starting tomorrow, once I am no longer among you, I hope with all my heart that you will remember the victims and make their voices heard when you study bills or on any other occasion when victims should be recognized, heard and understood. I ask you this not as Senator Boisvenu, but as Pierre-Hugues, the father of Julie and Isabelle.

What strikes me about my commitment to fighting violence against women is the kind of support I received in this chamber. I was surprised that the most outspoken support came from certain male colleagues, whereas the support of certain women senators was often more low-key. The reasons for such reserve will always be a question mark in my mind. As I have said countless times, violence against women is primarily a men's issue. However, without unconditional support from all women of every political stripe, without this often-neglected female solidarity, how can we collectively ensure women are protected in Canada? This led me to seriously question the Senate's independence — I will come back to that later.

Between 2015 and today, even from the opposition's benches, I still introduced a dozen bills in the Senate, a few of which were ultimately passed. That's an accomplishment in and of itself. I'm thinking in particular of Bill S-206, An Act to amend the Criminal Code (disclosure of information by jurors), and Bill S-205, An Act to amend the Criminal Code and to make consequential amendments to another Act (interim release and domestic violence recognizance orders), which may be passed next week by the House of Commons.

As I leave this place, I still feel concerned about the advancement of the rights of victims of crime in Canada and the safety of women who are victims of domestic violence. We need to tell the truth and take responsibility. The current government hasn't ensured that the rights of victims of crime as enshrined in the Canadian Victims Bill of Rights would be upheld. Not only have these rights not been upheld, they have been outright ignored in some cases. I take no pleasure in mentioning this in my farewell speech, but that's the unfortunate reality. It has to be rectified without delay.

Honourable senators, I am leaving some bills in your hands that I would ask you to study. I would be very happy to come back to haunt you as a witness in committee. The bills in question are Bill S-238, the Véronique Barbe Act or An Act to amend the Criminal Code and the Canadian Victims Bill of Rights (information about the victim); Bill S-255, An Act to amend the Criminal Code (murder of an intimate partner, one's own child or an intimate partner's child); Bill S-265, Federal Ombudsperson for Victims of Crime Act; Bill S-266, An Act to amend the Criminal Code and the Sex Offender Information Registration Act, or Noah's Law; and Bill S-281, An Act to amend the Corrections and Conditional Act (parole review).

I don't know if one day the number of bills introduced or passed by a senator will be entered in a record book, but I can assure you that when people say that senators are idle in the Senate of Canada, I will humbly but very proudly affirm that I have proven the contrary.

When I was appointed in 2010, I remember not knowing what to expect in terms of my ability to accomplish things in the Senate. All I cared about was doing the right thing, addressing the critical needs of victims and their families to ensure that those struck by murderous tragedies and who would have to deal with the justice system wouldn't have to go through the same painful experience that my family did.

Unfortunately, for many people, they need to have lived through tragedy to understand it. I sincerely hope, colleagues, that you never have to experience a tragedy that will change your life and that of your family forever. Everything I wish for, and all I ask of you, is not for me personally. Instead, I ask you to remember the victims, to remember the many stories I've shared with you, the courage and resilience shown by the victims and their families. I ask you to remember that you have a responsibility as senators to be the voice of the most vulnerable in our country.

Of course, cultural communities, visible minorities and Indigenous peoples fall into the category of vulnerable people, as do victims of crime, regardless of political stripe. Since they don't form a community per se and come from all walks of life, all social classes, all nationalities and all cultural communities, you have to recognize them in their own right, not one victim at a time. Imagine trying to defend the rights of vulnerable people in this country on a case-by-case basis when it's hard enough to do it for a group. Your solidarity with victims is essential.

I'm sure you can understand the magnitude of the task and the mission that I have doggedly sought to fulfill every day in this place and will continue to champion for the rest of my life.

In addition to my work drafting legislation, which I carried out during my term with great passion, a great desire to learn, determination and, above all, with love, I never stopped listening to stories from victims and their families. I heard not hundreds but thousands of stories. People would come to my office, send me an e-mail, call me, speak to me in person or reach out via social media. All too often, they had been left to their own devices and abandoned by the justice system. I have never stopped reaching out to these victims and their families, whether in their kitchens, in funeral homes, in churches or at public meetings. I stopped counting them a long time ago.

When I arrived in the Senate in 2010, there was palpable hope among women, among victims of crime and among families of victims under a Conservative government that was listening to them. Sadly, since 2015, these same people have started telling me that they are losing faith in the justice system and in a federal government that has turned its back on them. However, they must keep speaking out. They must not return to their prison of silence. They must let the government, elected officials and appointees like us in this chamber know about their distrust and their discontent for the disrespect shown for their rights. They must keep fighting to assert their rights, enshrined in the Canadian Victims Bill of Rights, which federal institutions too

often ignore. I dream of a day when this bill of rights will be respected and defended to the same extent as the Canadian Charter of Rights and Freedoms.

You can understand my serious unease when I see the current Prime Minister show up at École polytechnique de Montréal every year, when he addresses the victims' loved ones with a trembling voice, hand on his heart and tears in his eyes, saying how much he is saddened and deeply touched by female victims of violence. The discomfort I feel when I see Liberal MPs at the other place willingly reduce the scope of bills on domestic violence, violence against women or victims' rights, that is a father's heart that rages and cries when real tragedies are being used for political theatre.

That was also the case when I recently testified before the Status of Women Committee, which had invited two victims of domestic violence whose partners had tried to kill them. These victims courageously told their stories during the study of Bill S-205. The Liberal and NDP members hugged them, telling them that their hearts went out to them and that this bill should have been passed 20 years ago. Well, they have butchered my bill and these women — I am going to use a harsh word here — have been betrayed, as have all the victims of domestic violence who are asking to be protected and kept alive. I am deeply saddened for them and for future victims of domestic violence.

Colleagues, my last speech would not be complete unless I spoke to the Liberal reform of the Senate. Please forgive me if I speak too bluntly. I share some of the views voiced by my recently retired colleague, Senator Patterson. He raised concerns about the changes currently occurring in the Senate, which is perceived to be grappling with certain organizational difficulties and lack of coherence in its political vision. He also mentioned the process undertaken by Mr. Trudeau prior to his election in 2015, which consisted of reorganizing the Liberal representation in the Senate under the guise of strengthening the Senate's independence from political influence. However, the initiative's actual effectiveness and the independence of senatorial appointments and decisions from the political control of the Liberal Party are being called into question. These points deserve careful consideration to assess the impact of these changes on the Senate's integrity and independence, especially when it is obvious to us and to the public at large that the vast majority of senators appointed by the government in power had close political ties to the same power.

The same can be said of judicial appointments, which were supposed to be free of any political allegiance — according to the purported liberalism that was criticized in the media and elsewhere. The reality is quite different, and no one here, in all honesty, can claim otherwise.

• (1500)

To my colleagues who are part of the new groups of senators, I want to say that independence doesn't really exist in this chamber, and if it does, it is only theoretical, because in practice, no government bill has been rejected since 2015.

This is no coincidence. I have been here long enough to have seen the before and after of so-called independent appointments, long enough, colleagues, to tell you in all honesty that the studies

and debates on bills between the two historic groups of senators who are openly and honestly transparent about their political allegiance have had a profound effect on me over the years.

In those days, the work was sometimes difficult, of course, but it wasn't contaminated by a so-called thinly veiled independence. The premise of our work was clear. Before 2015, we were all aware that we belonged to one of the two main groups in this chamber, and we devoted ourselves to our legislative mission without allowing ourselves to be distracted by debates about so-called independence. Those debates, while laudable in theory, sometimes seem to unnecessarily complicate our working dynamics and the serenity of our environment. This less transparent approach can be counterproductive for an institution that is already facing a number of challenges.

In my opinion, the fact that, in 2015, the government began insisting that new senators be independent has not always served the interests of this chamber or those of the public. Sometimes, it can even breed cynicism towards our institution. I believe that it is essential to remain true to one's convictions and that that should be the foundation of any true independence. To me, being independent means acting with integrity and honesty in your legislative duties, even if that sometimes means taking positions that are not entirely in line with government guidelines.

However, for those of my colleagues who were not around before then, you have no choice but to do your work as professionally as possible. You cannot compare and see that it was much more pleasant to serve here without having to pretend. It is therefore wrong to claim that the way the old Senate worked was not the best for the future of the institution.

For me, that sad reality took on a whole new meaning when you gave short shrift to two bills in particular. Senator Carignan's Bill C-231 was rendered meaningless once amended by the Legal and Constitutional Affairs Committee, even though it was what every single police force in Canada wanted. The bill would have enabled them to do a better job of solving cold murder cases, and, most importantly, it would have met the demands of families who have been waiting years, even decades, for answers.

Then there was Bill C-21. It went to the National Security, Defence and Veterans Affairs Committee, which rejected all of the opposition's amendments, even though some of them came from Indigenous communities, professional athletes and law-abiding citizens.

Honestly, at the end of the day, who did that help? How can anyone take pride in putting so much energy and hard work into producing an even more partisan outcome? After all, every independent senator's top priority should be to improve bills and speak on behalf of the most vulnerable, not do everything in their power to advance the government's agenda while masquerading as independents.

It's easy to see that some of my colleagues find it harder to play the game than others. Let me tell you, colleagues, that having the freedom to do one's job honestly and assertively will lead you to achievements that will make you proud for the rest of your lives, because they truly belong to you. I know all about that, and that is what I sincerely wish for you.

Fortunately, there may soon be hope for victims, and that's what they want most of all. It's not a question of playing politics at their expense, but of having a government that will listen to them and put them at the centre of the Canadian justice system. They want a government that will fundamentally improve the Canadian Victims Bill of Rights, a government that will reform the Parole Board and the Correctional Service to make public safety its priority, and a government that will make the safety of Canadian women not the subject of empty rhetoric but a fundamental right that it will uphold.

Victims deserve better than to be exploited when a political show is needed to win votes or improve the image of the current Prime Minister.

When that time comes, there will be a major clash in this chamber, because in my opinion, the Senate now focuses almost exclusively on the rights of minorities to the detriment of the rest of our citizens. If a Conservative government is elected, it will not ignore the rights of minorities, but it will be concerned about Canada as a whole, because today, most Canadians no longer see themselves in the Liberal version of the Senate, and that is not normal or acceptable.

Whether parliamentarians are elected or appointed, all taxpayers must have the right to see themselves in both chambers. This unhealthy imbalance is causing significant harm to the rest of the population. I foresee a major divide in the vision that a future majority Conservative government and an independent Senate have for Canada.

I understand the difference between our work and that of the other chamber, and I also understand the importance of our working together. I know that, as senators, we are privileged to be able to devote ourselves to a mission without having to worry that we might lose our seat in an election, which would put an abrupt end to that commitment. That is why it is incumbent on me to wish for the return of an organized Senate, one that is more concerned with the work before it than with battles for political gain between groups of so-called independent senators.

In my 14 years in the Senate, I have worked with many senators on both sides of this chamber; many have since left us. Apart from the fact that some sat opposite me with their Liberal allegiance on display, I enjoyed and learned a lot from my frank discussions with colleagues like Senators Joyal, Cowan, Dawson, Rivest, Mercer, Baker, Bank and Dallaire, as well as Senators Fraser, Tardif and Charette-Poulin.

From my earliest days in this place, I also learned from my Conservative colleagues, who consistently supported my work and my mission. They include former Senators Nolin, Runciman, Comeau, Doyle, Finley, Enverga, Rivard, Maltais, LeBreton, Frum and Eaton, along with my current colleagues who are here today.

I confess that I have also had some good discussions with senators from the overly numerous groups of independent senators.

Finally, in addition to defending the rights of victims, the Senate has given me richly rewarding international experiences through my involvement in the Canadian NATO Parliamentary Association.

Over the past eight years, I have witnessed the major changes that took place within NATO to adequately address security issues in Europe and around the world. We're seeing the fallout of those issues now in the conflicts that have cost hundreds of thousands of women, men and children their lives. Rubbing shoulders with parliamentarians from NATO member countries has given me an appreciation of the relative peace we enjoy in Canada while leaving me concerned about the critical state of our own security should Canada be drawn into a conflict. I will greatly miss the work associated with this parliamentary responsibility, which has given me a deep and lasting awareness for which I am very grateful.

I sincerely wish for peace for Ukraine and Israel. The peaceful existence of democratic countries is a fundamental principle that the Senate must continue to defend. We must condemn anti-democratic terrorist organizations at all times and without hesitation.

Honourable senators, I will conclude my speech by thanking some other people who are important to me and who have made my time and my work in the Senate easier for the past 14 years.

First, I want to thank my partner, Isabelle, who stands alongside me every day in my quest to get justice for victims, especially female victims of domestic abuse. She is my adviser, my collaborator, and my critic too, especially for my public statements. She constantly reminds me how important and essential it is for my words to be understood and for political or legal terminology to be carefully explained. When people do not understand, they judge, lose interest and become unfairly critical. A mission is for life. Thank you, Isabelle, for sharing every day with me.

To my son, Christian, my grandchildren Jakob and Roxane, and their mother Julie, I want to say that my work at the Senate over the past few years did not allow me to spend as much time with you as I would have liked.

Jak and Rox, I know that you're very proud of your aunts Julie and Isabelle. They are at the heart of the mission that they asked me to carry out, and they are guardian angels who watch over you, over us. Grandpa loves you very much.

• (1510)

To Juliana and my former administrative assistant, Jordan, you supported me by imbuing your communications with victims with humanity, warmth, empathy and comfort. Thank you so much.

To my first office manager, François Delisle, thank you for the support and wise counsel that guided my learning, my first steps and my early achievements as an active member of the Senate.

To my current manager, Jordan, whom I just mentioned, thank you for five years of dedication and skill. I wish you continued success in Senator Plett's office. I am sure you will one day make your dream of becoming a Conservative MP come true.

To the members of the Conservative caucus in Ottawa and Quebec City, and to my Conservative colleagues in the Senate, it has been a real pleasure to work with you all these years. You have been a great family to me, a second family. You've always wholeheartedly supported the difficult issues I championed, along with the positions I've taken. You've done so with sincerity, and you've even made them your own. Thank you to each and every one of you for your support.

[*English*]

To my leader, Senator Plett, I want to express my deepest gratitude for having fulfilled your role as the leader of the official opposition in this house with efficiency, insight and energy. Despite the ever-decreasing number of Conservative senators for now — I said, “for now” — you have managed to maintain a good balance with the other groups in the Senate in order to fully play our essential role of the opposition to the Liberal government of Justin Trudeau. Senator, you have always respected and valued my work for victims, endorsed my mission. Behind your strength, I know that you are a very caring and sensitive person whom I can call my friend. Thank you, my leader.

[*Translation*]

Thank you to all the Senate staff, the Speaker and her predecessors, the pages, the Usher of the Black Rod, the interpreters and the cafeteria staff. Forgive me if I have overlooked anyone. You make a senator's work more enjoyable, even though our workdays sometimes get long.

I would also like to underscore the excellent support provided by administrative services staff, who have always been available and dedicated.

Thank you to the security staff, our guardian angels, who are always cheerful, friendly and concerned for our well-being. I have always enjoyed chatting with you on arriving or on leaving Parliament Hill late at night. Many of you have become friends. I'll miss you. Thank you so much.

Thank you to our private drivers, who drive their shuttles around from morning till night to provide us with transportation and get us where we need to be. I have had many chats with each of you to get to know you better. We have talked about travel, fishing, football and even politics. You have made my shuttle rides a pleasure. I can't tell you how much I appreciated your services. I will miss you as well, and I will come back often for a little chat and a ride on the “Boisvenu express.” Thank you very much.

To the media in Quebec and Canada, I'd like to say how important you have been in ensuring that my voice reaches the families, victims and their loved ones over the years. Whether through regular columns, numerous interviews or social networks, you have always offered me your microphones and

cameras so I could inform the public and denounce the way victims are too often revictimized in our justice system. I hope that our work together in this area will continue even after I leave the Senate, wherever I may end up.

Finally, I would like to thank my leader, the Honourable Pierre Poilievre. I am deeply grateful that, from the moment he took up his duties as leader of the Conservative Party, he showed great sensitivity and natural empathy towards victims of crime and their families. In the meetings he has had with these families and victims, he has made them only one promise: to listen to them in order to better understand them and stand up for their interests. That's all that victims of crime want, that is, to be listened to in order to be understood.

These families have high hopes for you, Mr. Poilievre, as do the majority of Canadians. You represent hope for them and for Canada as a whole, and I want you to know that I'll be at your side whatever happens next and for your next election.

Honourable senators, as you can see, I am leaving this august chamber feeling a mix of optimism and pessimism. I would have liked to remain here for a few more years, because the future government is going to put victims' rights and the rights of their families back on the agenda, and that is at the heart of the lifelong mission that my daughters left as a legacy to me.

Because of their courage, victims of crime and their families deserve to once again be put back at the heart of the Canadian justice system.

I want to express my sincere thanks to all of you for the sensitivity you have often shown for my commitment. Above all, I wish you good health and continued success in this place.

I do not know where life will take me now. I will be able to spend more time with my son Christian, my grandchildren Jakob and Roxane, and my family and friends, but I know that my commitment to the cause of victims' rights is and will forever be a fundamental part of my life.

I continue to rely on my daughters, Julie and Isabelle, for that, as they have always been by my side to chart my path forward. No doubt they already have an idea in mind, and I'm sure they'll help me to figure out what that is soon enough.

Girls, we have been busy, but there is still a lot to do. We have come a long way and will continue to team up for a long time to come, I hope.

Girls, thank you for everything. I love you.

Colleagues, for one last time in this chamber, thank you from the bottom of my heart. My legacy in the Senate, to be a voice for the victims, has been fulfilled, and my legacy to you is yet to come. Do not forget them.

Also, never forget how privileged and indebted you are to the Canadian people to sit in this chamber. I will miss this place so much.

[Senator Boisvenu]

Personally, I will never forget you. Colleagues, thank you.

[English]

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 Pauline Ryan, a recent recipient of the Amethyst Award. She is the guest of the Honourable Senator Dean.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Zeba Ahmad, Chief Executive Officer of the Saskatoon Public Schools Foundation, and Mr. Wayne Brownlee, Co-Chair of the foundation's Early Learning Equal Start Campaign. They are the guests of the Honourable Senator Arnot.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

JUSTICE

CHARTER STATEMENT IN RELATION TO BILL C-62— DOCUMENT TABLED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, a Charter Statement prepared by the Minister of Justice in relation to Bill C-62, An Act to amend An Act to amend the Criminal Code (medical assistance in dying), No. 2, pursuant to the *Department of Justice Act*, R.S.C. 1985, c. J-2, sbs. 4.2(1).

HAIDA NATION RECOGNITION BILL

FIRST READING

Hon. Marc Gold (Government Representative in the Senate) introduced Bill S-16, An Act respecting the recognition of the Haida Nation and the Council of the Haida Nation.

(Bill read first time.)

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

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

• (1520)

QUESTION PERIOD

PRIVY COUNCIL OFFICE

ANSWERS TO QUESTIONS

Hon. Donald Neil Plett (Leader of the Opposition): Leader, on May 25, 2021, I submitted a written question for the Senate's Order Paper asking how much the CBC spent on the failed lawsuit it launched against the Conservative Party during the 2019 federal election campaign.

In almost three years since, leader, I have repeatedly asked you for an answer, yet it never came. It is still on the Order Paper. My office recently submitted an access to information request to the CBC seeking any document the CBC produced in relation to my Order Paper questions.

Yesterday, leader, an answer was provided. One document shows the CBC produced an answer on June 21, 2021, and it shows the CBC's legal fees were \$359,971.34. Leader, why was the answer to my question kept from me and from taxpayers for almost three years?

Hon. Marc Gold (Government Representative in the Senate): Well, thank you for your question, and I don't have the answer. But I regret, as I have said on many occasions, that senators' questions that I duly transmit to the relevant departments are not answered as quickly as we all would want and indeed expect. That is why — I'll repeat it again — I very much encourage the Senate through its committees to consider adopting a rule analogous to the one that is in the House which imposes upon an obligation for answers in a timely fashion.

Colleagues, I do my very best, but once I transmit it and follow up — as I do in my office diligently — it is out of my control. The Senate may have the means, if it chooses to avail itself, to make our job — mine or my successor's — easier.

Senator Plett: Your title is the government leader. As the government leader, you should be able to go to the government and get us answers. This shows the utter contempt that Prime Minister Trudeau and his ministers have for the rights of parliamentarians or the Senate and for transparency and accountability. It shouldn't take filing an access to information request asking how my written question was dealt with to get an answer. The answer should have been tabled in this chamber, but it was not.

Leader, who made the decision to keep the answer to my question from being tabled in the Senate going on three years?

Senator Gold: I do not have the answer to your question.

GLOBAL AFFAIRS

CANADA-CHINA RELATIONS

Hon. Leo Housakos: Senator Gold, yesterday I had the opportunity to meet with the defence team of British citizen Mr. Jimmy Lai, who is languishing in prison in Hong Kong and will likely spend the rest of his life there as a result of trumped-up charges under the national security law. Mr. Lai's defence team did recognize our Parliament's efforts in drawing attention to the plight of Mr. Lai. However, there must be more than just statements and motions from Parliament. Our government must also be willing to put Mr. Lai's case front and centre, and also draw attention to this draconian law and what it means for foreign nationals doing business in Hong Kong.

My question is two-fold. Can we get assurances that your government begins every interaction with Beijing by addressing the case of Mr. Lai? And can you tell us what steps your government has taken to warn Canadians about the dangers of doing business in Hong Kong today?

Hon. Marc Gold (Government Representative in the Senate): I'm not aware of measures that the government has taken to warn Canadians of doing business in Hong Kong. But with regard to the situation with Mr. Lai, the government believes very strongly in the rights of journalists and media everywhere to operate free of intimidation. The government has raised this issue in its interactions with relevant ministers. The government will continue to deal with all issues relevant to our national security and the rights of others and their interactions with the government.

Senator Housakos: Those are great talking points, government leader, but I'll tell you what your government has done so far: absolutely nothing. Mr. Lai's team pointed out — unlike the clear and unequivocal business advisory issued by our closest ally, the United States — there are no such warnings issued by Global Affairs Canada. Guidance from Global Affairs Canada talks only about the positives of doing business in Hong Kong with absolutely no mention whatsoever of the national security law or dangers faced by Canadians.

Senator Gold, will your government commit to changing that directive from Global Affairs Canada?

Senator Gold: I'll certainly bring this to the attention of the relevant minister. Again, I repeat, all matters, all trials, all issues related to the national security law and the anti-sedition law, including Mr. Lai's, are taken seriously and are being monitored carefully by the government.

FINANCE

BANKING SECTOR

Hon. Iris G. Petten: My question is to the Government Representative in the Senate. Senator Gold, in December 2023, the sale of HSBC to RBC was approved by Finance Minister Chrystia Freeland. However, there is a concern this will result in decreased competition in what is already a heavily concentrated banking sector. Mortgage strategist Robert McLister said HSBC had a different model than the major banks and that the larger banks were regularly 20 to 80-plus basis points higher on fixed and variable rates. He said that for Canadians who count one of the big banks as their preferred lender, the key benefit of HSBC was the gift it gave borrowers in leverage.

At a time when Canadians are concerned about their ability to purchase a home and given the high mortgage rates, was this the time for the finance minister to approve the sale?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for your question. The decision of the Minister of Finance to approve the acquisition followed the advice and comprehensive analysis of relevant federal departments and agencies, including the Competition Bureau and the Office of the Superintendent of Financial Institutions. I understand that as part of the approval, the Minister of Finance imposed strict conditions on RBC including continuing to provide banking services to the minimum of 33 HSBC branches as well as all ATMs in these branches for four years; to protect HSBC's current Canadian workforce; to create new jobs, including 440 new jobs in B.C. and 200 new jobs in Manitoba; and, finally, to provide \$7 billion in financing for affordable housing construction across Canada to support the construction of an estimated 25,000 new homes.

Senator Petten: Senator Gold, even the House of Commons Finance Committee has called on the government to reject this deal. The report from the committee stated:

... removing competition in the financial sector could raise banking fees for Canadians who already pay more for financial services due to an already uncompetitive financial sector

How is the government planning to ensure that competition remains strong in the banking sector?

Senator Gold: Thank you for your question. I understand that in order to continue to protect Canadian consumers and uphold competition and stability in the financial sector, the government has launched new consultations on strengthening competition in that sector.

I have also been informed that, in this process, views will be sought on how the current acquisition or merger process could be enhanced to support greater competition and consider potential additional measures to address market concentration as well as barriers to entry or expansion.

GLOBAL AFFAIRS

BUDGET FOR DEVELOPMENT ASSISTANCE

Hon. Ratna Omidvar: My question is for Senator Gold. Senator Gold, international organizations and non-governmental organizations have been on the Hill. We have met with them. You have met with them, I know.

• (1530)

They have told me about the resounding success of Canada's feminist foreign policy, particularly in regard to Canada's investment in women-led grassroots organizations.

Women affected by war and gender-based violence are now actively involved in processes enhancing their laws and structures, and, therefore, they are more secure and safe. That is proof positive that our feminist foreign policy is working. Yet, last year, the government reduced its overseas development assistance by a full 15%. That is a huge cut.

Given the effectiveness of women peacebuilders in laying a foundation for lasting peace, can you tell us if the government will reconsider this decision and prioritize women's organizations?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator. I did, indeed, as many did, meet. I cannot comment on any potential future budgetary acquisitions, but I can say that the government has advanced its targets and priorities that are set out in Canada's Feminist International Assistance Policy, and will continue that important work.

It's worth mentioning — but it's no comfort to the organizations — the decrease also reflects an increase during the pandemic, and so it is important to recognize that funding, overall, has remained more stable. There's always more that is needed to do the important work, and the government is committed to improving how its international assistance is delivered using a feminist, human rights-based and inclusive approach.

Senator Omidvar: Thank you, Senator Gold. That is good information, yet the stakeholders tell me that there are factors that complicate their work: Climate change is one of them, and women are increasingly at risk because of the cultural expectations, norms and structures of the societies they live in.

I would like to ask you to please convey to the government that increasing climate finance commitments to the Global South would be a wise move in order to fulfill its feminist foreign policy objectives.

Senator Gold: Thank you for that; it's important.

Again, just to be more precise about my earlier answer, the government has actually doubled its international climate finance from \$2.65 billion — from 2015 to 2021, which is pre-pandemic — to \$5.3 billion from 2021 through to 2026. I understand the government will continue to support women's leadership, decision making and climate change action, and

ensure that at least 80% of climate projects integrate gender equality in line with Canada's Feminist International Assistance Policy.

[Translation]

PUBLIC SAFETY

NATIONAL SUMMIT ON COMBATTING AUTO THEFT

Hon. Jean-Guy Dagenais: I, too, want to talk about auto theft, but from an ex-police officer's perspective.

First of all, the police know a good deal about auto theft rings. Officers know how to deal with minors who steal cars. They know how vehicles are being dismantled here or exported, primarily through the port of Montreal.

Holding a national summit on the subject today is basically an attempt to hide incompetence and delays in taking meaningful action. What's the point of police officers arresting car thieves in Canada? If auto theft is important enough to warrant holding a national summit, can anyone explain why our Canadian laws allow judges to wait until the third conviction to impose a minimum sentence of six months in prison? Why has nobody ever been sentenced to the 10-year maximum for auto theft, which came into force in 2010?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question and for highlighting the importance of today's summit. The government, in consultation with all the stakeholders, is considering additional measures. Significant penalties are set out in the Criminal Code. Enforcement of this provision, as you know, is often, if not usually, a provincial responsibility.

That said, as has been announced, the Department of Justice is currently considering amendments to the Criminal Code to ensure that changes can be made to give it more teeth when it comes to convictions for auto theft.

CANADA BORDER SERVICES AGENCY

Hon. Jean-Guy Dagenais: Respectfully, leader, where the Liberals go wrong when they come into power is thinking that writing a cheque is the answer to every problem. Despite the \$28 million over three years announced by the Minister of Public Safety, a union representative from the Canada Border Services Agency estimates that there are not enough staff to inspect more than 1% of containers at the Port of Montreal.

Are Canadians right to think that the current government is incapable of coming up with an effective repression and deterrence strategy to deal with a problem that is costing insurance companies \$1 billion a year, a cost that is passed on to car owners?

Hon. Marc Gold (Government Representative in the Senate): The answer, dear colleague, is no. On the contrary, the reason that the government is taking steps to ensure that everyone is involved at the provincial, federal and municipal levels is to come up with solutions and do more to try to fight this problem, and it will continue to do so.

[English]

HEALTH

NATIONAL PHARMACARE

Hon. Andrew Cardozo: My question is for the Government Representative in the Senate.

Senator Gold, I wonder if you could update the chamber on the negotiations between the government and the New Democratic Party regarding a pharmacare program. The matter is in the news again in terms of the politics. I'm less concerned about the politics, and more interested in whether this thing is going to happen.

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. My understanding is that discussions continue to be under way between the parties in the other place, and, as soon as there is an announcement, it will be made. Until then, I'm afraid I'm not in a position to share any information about the progress of those discussions.

Senator Cardozo: While I understand that negotiations take place in some level of secrecy, I would suggest that once there is an agreement, I think it's very important to involve Canadians in the discussions — and certainly the stakeholders, the medical community, nurses, doctors, personal support workers and others. As with any public policy, if you go ahead without consulting and involving the population, sometimes it doesn't work out very well. I would encourage you to encourage the government to engage Canadians on this topic as soon as possible.

Senator Gold: Thank you. In that regard, this chamber should be aware, as I think I've mentioned before, that the government is continuing their ongoing work with provincial and territorial partners through various initiatives, such as bulk purchasing, and through the pan-Canadian Pharmaceutical Alliance. It has already saved \$3.4 billion on prescription drugs. The government is advancing the National Strategy for Drugs for Rare Diseases, which will improve access.

Work is ongoing independent of or in parallel with discussions about national pharmacare.

VETERANS AFFAIRS

NATIONAL MONUMENT TO CANADA'S MISSION IN AFGHANISTAN

Hon. Salma Ataullahjan: My question is for the government leader in the Senate.

In 2014, former Prime Minister Harper promised to have a monument erected to pay tribute to the commitment and sacrifice of Canadians in helping to rebuild Afghanistan. Following a juried competition, Team Daoust's design was selected.

The jury's decision was later overruled by the federal government. The decision was justified by responses from veterans and the general public to an anonymous online survey. However, the jury consulted these survey results, and remained firm that Team Daoust's submission was the best option.

This sets a dangerous precedent, as surveys are far from being the most reliable instruments. For example, 35% of respondents were from Ontario, while only 2% were from Saskatchewan.

Senator Gold, how does the government justify breaking its own procurement rules?

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

The national monument will be a very solemn tribute to the more than 40,000 Canadians — whether military, police or civilians — who served there. Indeed, as I've mentioned in this chamber before, Veterans Affairs Canada heard from over 10,000 Canadians.

- (1540)

The Team Stimson design best reflects — and this is important — the input of veterans, their families and others who served on the mission. The government has always supported and appreciated the work of the jury members who evaluated the finalists' designs, but the design that was chosen was the one that the veterans on the mission and their families felt best represented the bravery, the sacrifices and, tragically, the losses of those who served there.

Senator Ataullahjan: Senator Gold, Afghan women and girls have been stripped of their basic human rights. They live in the shadows and are essentially confined to their homes. Yesterday, I spent the evening with many Afghan refugees, as well as eight former women parliamentarians. Team Daoust's proposed remembrance wall with the lace-like stone meant to refer to a view of the world through the motif of a burka. The jury stated that this design best reflected the sacrifices made by Canadians in Afghanistan, particularly in regard to the education of women and girls there.

Senator Gold, women and girls have already been erased from Afghan society. Why are they now being erased from Canadian commemoration?

Senator Gold: The treatment of women and girls by the Taliban in Afghanistan is reprehensible and condemned by all fair-thinking people and, indeed, by this government. But the fact remains that the decision to go with the design that was chosen was the one that was supported and preferred by the veterans and their families.

[Translation]

CANADIAN HERITAGE

TRANSLATION OF DOCUMENTS

Hon. Claude Carignan: Leader, as you know, the work of the Special Joint Committee on the Declaration of Emergency is currently on hold because a large quantity of documents that were submitted to the Rouleau Commission have not been translated.

This week, on February 6, 2024, Minister Boissonnault said, about the absence of translation of thousands of documents produced at the Rouleau Commission, that the government had learned its lesson and that it would “do better.”

By “do better,” does the government mean it will commit to having all the documents produced at the Hogue Commission made available in both official languages?

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

It is important to be able to access all documents in both official languages. That being said, I don't have the numbers on hand, so I'm rifling through my files a bit. As for the documents that you mentioned, there are about 200,000 that were submitted, and it was really impossible to have them all translated.

We will continue to work hard to do better, as you mentioned. The report itself was long and it was translated properly in both official languages, but one has to recognize the practical challenge that is posed when we cannot control the volume of documents that are submitted to a committee or as part of an investigation.

Senator Carignan: Leader, I heard you use the word “important,” but I would take that a step further and say that it is not just important; it is constitutional. It is a constitutional obligation. Are you trying to tell us that the government is unable to respect our constitutional rights, particularly those of all the francophones in this country?

Senator Gold: That's not what I said. I was being honest in recognizing the challenge we're facing. It is not over and the government commits to doing better.

You know me, senator. You know that I care about our two official languages and the importance they hold for our national identity, but facts are facts, and I don't want to hide behind that.

This didn't happen because we don't respect the Constitution. The work isn't finished yet, and the government commits to doing better.

[English]

GLOBAL AFFAIRS

CONFLICT IN GAZA STRIP

Hon. Yuen Pau Woo: Good afternoon, Senator Gold. There's growing unease about the credibility of claims concerning the complicity of the United Nations Relief and Works Agency, or UNRWA, in the abhorrent October 7 terrorist attack in Israel. Respected media reports in the U.K. and France from those who have seen the dossier from Israel have concluded that the claims do not stand up to scrutiny.

What is the Government of Canada doing on an urgent basis to get the evidence from Israel so that we can come to our own conclusion about these claims?

Hon. Marc Gold (Government Representative in the Senate): The Government of Canada is in regular contact with its counterparts in the State of Israel, with whom we have a long-standing relationship. The government's decision to pause funding to UNRWA as explained here was a prudent one in light of the evidence that has been shared and disclosed.

At the same time, the government is committed to not diminishing the assistance to the citizens of Gaza. It simply wants to make sure that assistance does not fall into the hands of the terrorist group Hamas.

Discussions between Canada and Israel are ongoing. These matters, as you will understand in this chamber, typically remain between governments and are not necessarily fully shared with the public.

Senator Woo: Senator Gold, the growing unease about the credibility of these claims might suggest that the prudent course would have been to continue with the funding until such time that clear evidence was provided regarding the very serious charges made against UNRWA. Now, you had responded to our colleague yesterday that the government continues to provide funding to Palestinians through other means, but I will remind you that we have heard testimony from Global Affairs Canada, or GAC, officials at the Foreign Affairs Committee indicating that the best and most effective organization providing aid in Palestine is, in fact, UNRWA.

I would ask that you please convey this senator's concern, for mercy's sake, that we restore funding to UNRWA until such time that we have better evidence.

Senator Gold: I will certainly communicate your concerns. I have confidence in the Government of Canada's assessment of the claims that have been made about the individuals in UNRWA or, indeed, UNRWA as an organization as it has done its work over the years. I also have confidence that the government will make sure that it will continue to support the humanitarian aid to Gaza and the Palestinians who deserve and require it.

[Translation]

JUSTICE

AGE-VERIFICATION LEGISLATION

Hon. Julie Miville-Dechéne: Senator Gold, today I released two poll questions demonstrating that 77% of Canadians agree with using age verification to prevent children from being exposed to pornography that is increasingly violent and hardcore. In fact, 77% of Canadians agree with my bill.

In these circumstances, how do you explain the government's apparent change of heart or about-face? In short, why did it decide in December that it wouldn't support this bill or otherwise promise to act on this issue, which, frankly, is a public health problem so pressing that several countries have taken steps to address it?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question and for the work you have done and continue to do to advance this important issue.

As senators are aware, the government is developing a bill to combat online harm. It is seriously considering all aspects of this issue to ensure that the bill is developed and creates a fair balance between all interests, including and especially the protection of young people, but also privacy protections.

We look forward to the introduction of this bill and the discussions we will have here in the Senate as soon as that happens.

Senator Miville-Dechéne: I'm still surprised, Senator Gold, because nine months ago, in the middle of the debate on Bill C-11, the government said that it understood and that it was going to address the issue of pornography.

• (1550)

However, in December, when the government ruled that my bill was, from its point of view, null and void, it made no promise that it would address this problem, which affects millions of children who see disturbing images.

Senator Gold: Thank you for your question and your comments. Once again, this matter is currently being examined, and as soon as a bill is finalized, Canadians will be informed.

[English]

IMMIGRATION, REFUGEES AND CITIZENSHIP

INTERNATIONAL STUDENTS

Hon. Percy E. Downe: Senator Gold, joining the Indigenous people in Canada, we are all descendants of immigrants or immigrants ourselves. Over the years, international students have been a great source of new immigrants for our country. However, there are growing concerns that a lack of security checks on international students is putting Canadians at risk.

The Canada Border Services Agency has reported that criminal gangs are using student visas to import hundreds of gang members, people who never intended to go to school in our country. In P.E.I. there have been cases where international students have sexually assaulted residents.

Given the recent changes on international students announced by the Minister of Immigration, why didn't the government announce security checks for all international students?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The measures announced by the minister were designed to and focus largely, as you know, on addressing a problem of abuse to which these students are exposed, and also to the problem of those who come to institutions that are really nothing more than fronts for the granting of visas.

You have raised a different question, obviously no less important, certainly when anyone in this country, however they arrive, commits a crime on our soil.

I will certainly take your concerns to the relevant minister, and I thank you for raising them.

Senator Downe: Senator Gold, Prince Edward Islanders are also concerned about security checks for immigrants who will come from Gaza. Islanders have welcomed waves of immigrants over the decades. Indeed, Prince Edward Island was the first province in Canada to elect a premier of non-European descent when Joseph Atallah Ghiz became premier, but Islanders are concerned about terrorists coming to our country, given the terrible, savage crimes committed by Hamas against the citizens of Israel.

Given the lack of security checks on international students, what checks will be conducted on individuals coming from Gaza?

Senator Gold: Again, thank you for raising an issue that has many dimensions, and that includes some of the red tape that immigrants from Gaza are experiencing, or difficulties in passing through Rafah or other border crossings.

Again, I don't know the specifics. I do know that there are complicated layers, some of which are impeding the quick arrival, and I will certainly add that to my conversation with the minister.

The Hon. the Speaker: Time for Question Period has expired.

[Senator Downe]

ORDERS OF THE DAY

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. Pierre J. Dalphond: Honourable senators, Mahatma Gandhi said, "The greatness of a nation and its moral progress can be judged by the way its animals are treated."

In this spirit, I rise in steadfast support of government Bill S-15, which proposes legal protections for elephants and great apes in captivity in Canada.

Science tells us that these amazing creatures are self-aware, highly social and emotional. In other words, they are sentient animals. Elephants and great apes also share these characteristics and needs with whales and dolphins, which Parliament passed laws to protect from the harms of captivity in 2019.

The time has come to extend that protection to elephants and great apes in captivity. In Ontario, a licence is not even required to possess an elephant or a great ape, meaning a chimpanzee, bonobo, gorilla or orangutan. This is no longer acceptable considering both animal welfare and public safety.

Thank you and congratulations to Minister Guilbeault and Minister Virani for bringing forward this legislation before the Senate. This bill follows the Liberal Party's 2021 election commitment to legislate the protections of wild animals in captivity.

Thank you also to my colleague Senator Klyne for sponsoring this bill and leading this house towards more humane treatment of captive wildlife.

As said by previous speakers, Bill S-15 will pursue some of the goals of the Jane Goodall act authored by the Honourable Murray Sinclair in 2020. In sponsoring Bill S-15, Senator Klyne is upholding the vision and determination of Senator Sinclair in his tenacity to protect our fellow creatures, whom Indigenous wisdom teaches us to respect as all our relations.

Today, I will comment on four topics: first, the justification for protecting captive elephants and great apes; second, the significant differences between Bill S-15 and Bill S-241, the Jane Goodall act; third, the constitutionality of Bill S-15; and fourth, the road ahead for this bill.

On the first point, as Senator Klyne told us, the situation with elephants is especially concerning. Elephants suffer serious behavioural and health problems in captivity in North America, with two dying for every birth, as well as a record of their use for rides and performances for entertainment at African Lion Safari near Hamilton, Ontario. I was shocked that in 2021 this organization tried to sell elephants to a zoo in Texas, even though that would have broken up two mother-daughter pairs, who normally stay together for life.

Senators, that is not showing respect for sentient animals. I share the view of Dr. Jane Goodall, the Honourable Murray Sinclair, Senator Klyne and independent elephant experts that the time has come to phase out elephant captivity across Canada.

In the case of great apes, senators have heard that a lack of outdoor access was previously a concern for orangutans in Toronto prior to the opening of a new habitat last year. I applaud the Toronto, Calgary and Granby zoos' embrace of the principle of legal protections for great apes. These zoos' leadership sends a powerful message to the world about humanity's shared need to protect our closest living relatives from both unsuitable conditions in captivity and the risk of extinction. The loss of part of our biodiversity is, in the end, a threat to our own survival.

For these reasons, Bill S-15 will prohibit the new captivity — including breeding and importation — of elephants and great apes unless licensed for their best interests, conservation or scientific research. Any such licences may also include conditions to promote their well-being. With Bill S-15, the granting of any licences will depend on the evidence and the judgment of the Minister of Environment or, in the case of breeding, also on the judgment of the relevant provincial government for the same restricted purposes.

In addition, Bill S-15 will prohibit the use of these species in performances for entertainment, ending the elephant shows that have taken place at African Lion Safari.

• (1600)

In addition to preventing animal cruelty, Bill S-15 will also protect public safety. Captive elephants and great apes are very powerful and potentially dangerous, with a record of attacks in North America. In Canada, this has included an elephant attack at African Lion Safari in 2019 that resulted in serious injuries to a trainer, and a fatal attack at the same location in 1989. This public safety aspect is legally significant, which I will return to with my third point.

Bill S-15 will achieve the measures I have described through amendments to the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, or WAPPRIITA, which is administered by Environment and Climate Change Canada. In my opinion, this is a straightforward way to achieve the bill's justified changes, a model closely based on Canada's whale and

dolphin captivity laws in the Criminal Code and the Fisheries Act. This follows the same logic we used with respect to whales and dolphins.

I turn to my second point: the significant differences between Bill S-15 and Bill S-241, the Jane Goodall Act. As Senator Klyne told us, these bills are related but quite distinct. Even the measures that are similar are drafted differently and contain substantial policy differences, such as Bill S-15's lack of prohibitions on the possession and transport of reproductive materials, its lack of prohibition of elephant rides, its lack of potential provincial licensing of performances for entertainment and the availability of enforcement mechanisms for conditions of licence.

In addition, Bill S-241 is far broader than Bill S-15, covering over 800 wild species, including big cats, bears, wolves, sea lions, certain monkeys and dangerous reptiles, as well as a mechanism to add and remove wild species from the bill's application. As well, Bill S-241 contains sentencing measures providing for the relocation of wild animals involved in captivity offences, with costs, in a manner analogous to the seizure and disposition of property.

Importantly, Bill S-241 also contains a complex framework for "animal care organizations," allowing zoos meeting the highest standards and other criteria to breed and import the many wild species contained in Bill S-241 but not Bill S-15.

To illustrate in plainer terms, Bill S-15 is 9 pages long and Bill S-241 is 29 pages long. We would know they are very different just by weighing them.

It is important to consider some of these differences as our debate and committee process proceeds in order to hopefully pass the best possible bill.

I turn now to my third point on Bill S-15: the bill's constitutionality. Senators, in my view, this bill is a straightforward application of the federal criminal power regarding the prevention of animal cruelty and the protection of public safety, and to a lesser extent, the federal trade and commerce power over international trade.

On this point, I refer senators to a letter commenting on Bill S-241 and Bill S-15 received by the Legal and Constitutional Affairs Committee from six law professors across the country, organized by Professor Angela Fernandez and Krystal-Anne Roussel, Research Associate in Animal Law at the Faculty of Law, University of Toronto. That letter states:

The Supreme Court has repeatedly emphasized that the criminal law power is the most expansive and flexible of Parliament's legislative powers. In this case, no expansive definition of criminal law is required to support the validity of this law. The Act's matter — prohibiting and penalizing unethical and dangerous conduct — falls squarely within the traditional scope of the federal criminal law power.

Senators, I am sure that the Legal and Constitutional Affairs Committee will welcome any submissions on this matter. I believe our committee is an appropriate forum, though not the only valid committee, to study a bill to prevent animal cruelty using Canada's criminal law.

[*Translation*]

Colleagues, I've come to my last point: the road leading to this bill being adopted. As Senator Klyne said in his speech on Bill S-15, the parliamentary process of passing government legislation on wild animals in captivity was slow and difficult, especially when it came to private member's bills from the Senate or the other place.

The Senate has been studying bills on the captivity of elephants and great apes since the end of 2020. Bill S-241 was the bill that was most debated in the Senate at second reading stage in the previous Parliament with 17 speeches and more than five hours of debate over a period of 14 months. Before that, the passage of the bill on the captivity of whales was the longest legislative process in the history of Parliament; it took three and a half years.

However, despite what appears to be broad support for enhanced protection of wildlife in captivity, senators have not yet had the opportunity to hear testimony from scientists, accredited zoos or non-governmental animal protection organizations about the legislation. I'm talking about Bill S-241. If there are arguments against this bill, let them be studied in committee. As with all bills, the facts must prevail and be taken into account as we proceed with amendments and the final vote.

Colleagues, I would invite you to wrap up second reading of Bill S-15 as soon as possible and refer it to our Legal and Constitutional Affairs Committee for in-depth study as a criminal law measure so this doesn't drag on for months to come.

Section 36 of the Constitution Act, 1867, requires a majority vote in the Senate. I believe that a majority of senators have heard the calls from Dr. Jane Goodall, the Honourable Murray Sinclair, Senator Klyne and many others and are prepared to send this bill to committee. Thank you.

(On motion of Senator Martin, debate adjourned.)

[*English*]

POINT OF ORDER—SPEAKER'S RULING RESERVED

Hon. Donald Neil Plett (Leader of the Opposition): I am rising on a point of order with respect to a situation we find ourselves in with the bill that Senator Dalphond was just talking about, Bill S-241, known as the Jane Goodall Act, and Bill S-15,

[Senator Dalphond]

An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act.

As you may recall, Your Honour, in a second reading speech on Bill S-15, the sponsor of the bill, Senator Klyne, said, "... Bill S-15 is essentially a piece of Bill S-241 ..." This was not news to anybody in this chamber, but the fact that he acknowledged it was appreciated. He went on to say that Bill S-241 "... contains the policies in Bill S-15 ..." and:

I understand the government is open to some changes —

— to Bill S-15 —

— with the benefit of evidence presented on this bill and Bill S-241. . . .

And then, later in his speech, Senator Klyne said that, "... the government is open to potential amendments with the benefit of evidence presented on Bill S-241."

Your Honour, that places this chamber in an unusual position, where the same senator has introduced two bills of which the second is a piece of the first, and yet he has not withdrawn the original bill. His reasoning is because this will permit committee testimony on Bill S-241 to inform amendments to Bill S-15.

• (1610)

According to rule 10-9, it is not permissible to introduce a new bill in the Senate with the same object as a bill that has already been passed or rejected during the same session. Bill S-15 and Bill S-241 have the same object as noted by the sponsor when he said in his second reading speech that Bill S-15 is essentially a piece of Bill S-241.

Similarly, rule 5-12 deals with texts of motions that are identical and reads:

Except as otherwise provided, a motion shall not be moved if it is the same in substance as any question that has already been adopted or defeated during the same session, unless the decision has been previously rescinded by motion following a notice of five days.

Bill S-241 has been adopted at second reading, while Bill S-15 is still at that stage. I understand it is not clear if rule 10-9 and rule 5-12 refer to the decision at third reading when they mention the term "decision of the Senate." However, I mention these rules because I firmly believe the underlying principles of both of them demonstrate that the situation we have before us should not be permitted.

Rules 5-12 and 10-9 are designed to prevent redundancy in Senate business, uphold the integrity of the legislative process and ensure the orderly conduct of our deliberations.

Rule 5-12 focuses on motions within the Senate and prevents the Senate from revisiting the same issues repeatedly in a single session, ensuring that the Senate's time and resources are used efficiently and that its proceedings move forward constructively.

Rule 10-9 prevents a new bill with the same objective as one that has been either passed or defeated from being introduced in the Senate again for the same reason. This would be an inefficient use of the Senate's time and resources.

Even if you would rule that the duplication we find before this chamber today in Bill S-15 and Bill S-241 does not fall within the specific application of rule 5-12 or rule 10-9, I believe they should be governed by the same principles of preventing redundancy, upholding the integrity of the legislative process and ensuring the orderly conduct of our deliberations.

Allow me to briefly explain. Firstly, the strategy of maintaining a focus on Bill S-241 for the sole purpose of informing amendments to Bill S-15 raises significant concerns regarding procedural efficiency and redundancy. The core of the legislative process in any parliamentary system is to deliberate and advance laws that address the immediate needs and interests of society.

When a bill such as Bill S-241 is kept active without any intent of direct advancement, it not only diverts the attention of senators from more pressing matters, but it also misallocates valuable resources. This inefficiency becomes more pronounced when considering that the Senate's time and capacity of its committees are finite with each bill requiring a considerable investment of time for discussion, testimony and analysis. Consequently, insisting on using Bill S-241's committee hearings as a mechanism to indirectly amend Bill S-15 will impact the progress of other bills.

While the purpose behind parliamentary scrutiny of every other bill is to determine whether it should become law, that purpose does not exist with Bill S-241. The sponsor has openly admitted that the bill has been superseded by Bill S-15. This, Your Honour, is like an old car which is only good for used parts. The sponsor wants the committee hearings to see if there is anything we can unbolt from Bill S-241 and attach to Bill S-15. This is not acceptable parliamentary practice.

Committee hearings are crucial for scrutinizing the details of legislation, calling upon experts and hearing stakeholder testimonies to ensure the proposed laws serve the public interest effectively. Since both Bill S-241 and Bill S-15 cover similar ground, holding separate hearings for each will unquestionably result in redundancy. Witnesses will be called to testify twice on the same issues, committee work will be duplicated with members needing to review similar evidence twice and staff will spend additional time preparing for hearings and treading familiar territory.

With respect, this is an absurd way for this chamber to conduct its operations. It not only strains the resources of the Senate but also those of the individuals and organizations involved, potentially detracting from the thorough examination of other legislative matters that require our attention.

My office has already had to field a number of inquiries from stakeholders who are confused about what is going on. They do not know if they should be speaking to Bill S-15 or Bill S-241 or both. They don't understand why they are going to have to make their case twice and what happens if they only testify to one bill and not the other. They don't understand, and, Your Honour, I don't understand. It simply makes no sense.

Secondly, the strategy of keeping Bill S-241 active, even though it has been superseded by Bill S-15, poses significant challenges to the integrity of our legislative proceedings. Clarity and transparency are foundational pillars of democratic governance, ensuring that the legislative agenda is understandable and accessible to both members of the legislative body and the public they serve.

When a bill is publicly acknowledged by its sponsor as having been replaced by another bill but is still studied in committee hearings, it introduces ambiguity into the legislative process. This ambiguity creates confusion about the legislative priorities and the status of various proposals, potentially undermining the confidence in the legislative body's ability to manage its agenda effectively and transparently. Maintaining an active focus on Bill S-241 for the indirect benefit of Bill S-15 complicates the legislative landscape by blurring the lines between the objectives of distinct bills.

This obscures the direct roots of legislative action, making it more difficult to follow the progress of specific legislative initiatives and understand their potential impacts. It leads to a more convoluted legislative process where the direct line of sight between the legislative intent and the legislative action becomes obscured.

Finally, Your Honour, the decision to use Bill S-241's committee hearings as a platform for influencing amendments to Bill S-15 sets a potentially problematic precedent for future legislative processes. This approach introduces a mythology where the primary function of a bill can extend beyond its direct legislative intentions to serve as a tool for affecting other legislation. In fact, for Bill S-241, this is the only purpose. There is no parliamentary precedent for this, and I find this troubling, Your Honour.

While this strategy might seem tactically advantageous to Senator Klyne right now, it could lead to long-term implications for the Senate's operational norms. Future senators might see this as a validated tactic and lead to an increase in bills introduced not solely on their own merits but as strategic instruments for other legislative goals. This will inflate the number of bills in committee, further congesting the legislative agenda and complicating the prioritization of genuinely urgent legislation. The cumulative effect would be a legislative environment where the clarity of legislative intent and the directness of legislative action are diminished, as bills could increasingly serve dual purposes and extend beyond their explicit objectives.

• (1620)

Your Honour, it is well known that I am the critic of both Bill S-15 and Bill S-241. However, I trust that you will understand that my point of order is not motivated by my opposition to these bills — although I readily admit that I oppose these bills. It is motivated by my opposition to bad parliamentary practice and precedent, which has become more and more common.

To be clear, Your Honour, I am also not questioning the sponsor's right to introduce Bill S-15. In fact, after the Parliamentary Budget Officer confirmed that Bill S-241 was going to require the Department of Environment and Climate Change Canada to undertake activities outside of its existing mandate, which would impose additional costs on the public purse, it was clear — and, I'm sure, to Senator Klyne — that Bill S-241 would, in fact, require a Royal Recommendation. The sponsor needed to do something. So he chose to go the route of convincing the government to introduce a government bill — and good on him. I take no quarrel with this decision.

However, permitting Bill S-241 to simultaneously continue as a lame duck piece of legislation — which has no purpose other than to try to influence another bill before the Senate — is a harmful and dangerous precedent. It should not be permitted, Your Honour. It hinders the orderly conduct of Senate business. It introduces redundancy into our deliberations, and erodes the integrity of the legislative process. This is further compounded by the fact that Bill S-241 was referred to three different committees.

While the Senate has not, to my knowledge, faced a similar situation, the House of Commons had to deal with this issue a few times. I refer you to the Speaker's decision on May 11, 2022, when he said:

Therefore, the question for the Chair is, should Bill C-250 be allowed to proceed further in the legislative process at this time? In the Chair's opinion, it should not be allowed. The House should not face a situation where the same question can be cited twice within the same session, unless the House's intention is to rescind or revoke the decision.

Government and private members' bills belong to different categories of items and are governed by different sets of rules and precedents. Standing Order 94(1) provides the Speaker with the authority to "make all arrangements necessary to ensure the orderly conduct of Private Members' Business".

Applying this authority, I am ordering that the status of Bill C-250 remain pending and that it not be called for its second hour of debate. This leaves open the possibility that Bill C-250 could be reinstated in the next session, pursuant to Standing Order 86.1, should by any chance Bill C-19 fail to be enacted in this session.

In a following decision on September 20, 2022, after Bill C-19 was adopted, the Speaker ordered the similar Bill C-250 to be discharged. I believe that Chapter Two of the *Rules of the Senate*

gives you, Your Honour, the same power and authority to make all arrangements necessary to ensure the orderly conduct of Senate proceedings.

Your Honour, I am, therefore, asking — in order to address this unprecedented situation, and ensure that the Senate can perform its work in a straightforward, efficient and productive manner — that you order that either Bill S-241 be discharged from consideration by the committees and withdrawn, or Bill S-15 be withdrawn. Alternatively, if you rule that you do not have the power and authority to order the withdrawal of a bill, I would ask that you suspend all committee work on Bill S-241 until a final decision — at third reading — is taken by the Senate on Bill S-15, and that, should Bill S-15 be adopted, Bill S-241 be discharged and dropped from the Order Paper.

Thank you, Your Honour.

Hon. Marc Gold (Government Representative in the Senate): Thank you, Senator Plett, for raising the point of order. In my respectful view, Your Honour, the two bills are different and, therefore, do not engage either the rules or the principles to which my honourable colleague referred. As has been mentioned on several occasions, Bill S-15 takes a very different legislative approach than Bill S-241 does.

Colleagues, there have been over 80 bills introduced in this chamber that are sponsored by senators since the start of the Forty-fourth Parliament. And there are many good ideas contained in these bills. It would be against our practices to prevent a government bill — that seeks to advance an idea that has been proposed by one of our colleagues — from being properly debated, studied and ultimately voted on in this chamber.

As we know, many senators have introduced bills here with the purpose of encouraging the government to bring forward its own legislation that addresses the important public policy issues that are contained in Senate public bills. For example, Bill C-48, An Act to amend the Criminal Code (bail reform), which received Royal Assent on December 5, 2023, included provisions from Bill S-205, An Act to amend the Criminal Code and to make consequential amendments to another Act (interim release and domestic violence recognizance orders), sponsored by Senator Boisvenu. That has passed the Senate and is now before the House of Commons Standing Committee on the Status of Women.

During the Forty-second Parliament, Bill S-238, sponsored by Senator MacDonald, on the importation and exportation of shark fins, was at the report stage in the other place. The government determined that this merited support, and it was incorporated as part of Bill C-68, which deals with amendments to the Fisheries Act. This amendment essentially copied the exact language from Senator MacDonald's Bill S-238.

To turn now to the specific procedural question, which is part of what is generally considered the similar question principle, I respectfully submit that Bill S-15 takes a substantially different approach to creating a framework for protecting animals in captivity. Indeed, the government has been working diligently on

this for some time now. The Minister of Environment and Climate Change's mandate letter included a specific commitment to introduce legislation to protect animals in captivity.

As we know, our colleague Senator Plett — in an article published in *The Hill Times* on October 4, 2023 — expressed his reservations about Bill S-241, and called upon the government to bring forward its own legislation after “. . . proper consultations with zoos, provincial animal welfare authorities, and stakeholders.” I appreciate his comments that he does not take issue with the fact that the government did this.

The Government of Canada closely followed this chamber's deliberations on Bill S-241. The government has heard some of the concerns that are related to that bill, including from the stakeholder community. As a result, the government responded with a different approach in Bill S-15. Specifically, Bill S-15 addresses the concerns of some senators around the constitutionality of Bill S-241 with respect to the federal government legislating in provincial jurisdiction. Bill S-15 creates a permitting scheme that is delegated to provincial and municipal officials in a manner that reflects the division of powers in our Constitution.

Second, Bill S-15 takes a narrower application of the number of species that are governed under the scheme in order to address the concerns that were addressed by several stakeholders.

• (1630)

This alone, I submit, adequately demonstrates the substantive differences between Bill S-15 as compared to Bill S-241 in terms of the legislative approach that is being taken.

Now, procedurally, the principles to which Senator Plett referred relate to two substantially similar questions being before the chamber at the same time.

A Speaker's ruling from June 18, 1985, explained that the text of motions must be identical for the same question rule to apply. Referring to rule 5-12, the Speaker ruled that, “Our parliamentary jurisprudence requires that we have in hand identical texts for rule 47 to apply.”

Another Speaker's ruling from November 19, 1998, further clarified this point when it was decided that the same question rule would be applied because the motion was, “. . . virtually word-for-word identical . . .”

The precedents clearly shows that a substantially similar question has been defined as accomplishing the same objective in the same manner.

I submit that Bill S-241 and Bill S-15 are not substantially similar, and Bill S-15 should not be found to invoke the rule of anticipation, nor should Bill S-241 be deemed similar — notwithstanding the arguments of Senator Plett — and, indeed, this is a practice that is rarely invoked, as experienced colleagues will know, in the Senate or indeed in the other place. Bill S-15 should clearly be allowed to proceed. A finding otherwise would put a chill on the ability to legislate in this chamber on any

matter that is addressed in any of the 80 bills sponsored by senators that are currently before this chamber or in the other place.

As you remind me regularly in Question Period, colleagues, the government does not have a monopoly on all good answers or good ideas. It stands to reason, therefore, that the government should be able to bring forward legislation to address matters sponsored by senators providing that they take a different approach to address the subject matter of a Senate public bill. Any other approach would run counter to our long-standing practice of allowing fulsome debate in this chamber. Therefore, Your Honour, I would submit that Bill S-15 should be allowed to proceed on the Senate Order Paper and that Bill S-241 remain as well. Thank you very much.

Hon. Marty Klyne: Honourable senators, I rise to respond to this point of order which proposes to prevent debate, committee study and decision on government Bill S-15. The point of order is highly technical, arguing what is known as the “same question rule,” which prevents proceedings on Bill S-15 due to the prior occurrence of proceedings on Bill S-241, the Jane Goodall Act. As senators know, compared to Bill S-15, Bill S-241 is related but is a very different bill. Absurdly referred to three committees by the critic of June of last year — not of my doing — and after extensive second reading debate, the question of time — it was expensive as well, Senator Wells — and resource allocation, particularly with the heavy debate on everything.

The point of order must not succeed for two reasons. First, Bill S-15 is sufficiently different from Bill S-241, from the standpoint of substantial legalities, to avoid application of the same question rule. Second, even if the Speaker concludes that this is an arguable case, the Senate's procedural presumption must apply that a matter is in order, allowing debate, study and decisions to take place, which has been a defining feature of our procedure and practice in our deliberative chamber.

Senators, what is the same question rule? The rule is discussed on pages 96 and 97 of *Senate Procedure in Practice*, and is expressed in two rules of the Senate. As Senator Plett mentioned, rule 5 and rule 10-9. Rule 5-12 states:

Except as otherwise provided, a motion shall not be moved if it is the same in substance as any question that has already been adopted or defeated during the same session, unless the decision has been previously rescinded by motion following a notice of five days.

Rule 10-9 states:

When a bill originating in the Senate has been passed or defeated, no new bill with the same object shall originate in the Senate during the same session.

Senate Procedure in Practice states the following about both these rules:

Various Speaker's rulings have addressed the meaning of these provisions. Although Senate precedents are not conclusive, the same question rule has sometimes been interpreted in a narrow sense. On November 19, 1998, for example, a ruling noted that “[o]ur parliamentary

jurisprudence requires that we have identical texts for rule [5-12] to apply.” Another ruling has also noted that even the passage of time may, in some cases, be sufficient to lead to the conclusion that a motion is not “the same in substance.”

A certain level of flexibility therefore exists in the application of the same question rule. This is supported by reference to international practice. In the modern U.K. Parliament, “[w]hether the second motion is substantially the same as the first is finally a matter for the judgment of the Chair.” Even in the early 19th century, John Hatsell, while advocating strict adherence to the same question rule, had recognized “that this rule is not to be so strictly and verbally observed, as to stop the proceedings of the House: It is rather to be kept in substance than in words; and the good sense of the House must decide, upon every question, how far it comes within the meaning of the rule.”

The Australian Senate also has a narrow interpretation of the same question rule:

[It] is seldom applied, because it seldom occurs that a motion is exactly the same as a motion moved previously. A motion moved in a different context, for example, as part of a different “package” of proposals, is not the same motion even if identical in terms to one already moved. Even if the terms of a motion are the same as one previously determined, because of elapse of time it almost invariably has a different effect because of changed circumstances and therefore is not the same motion. There may also be different grounds for moving the same motion again.

Senators, the takeaway from *Senate Procedure in Practice* — our primary authority — is that the same question rule generally has a very narrow application in the Senate of Canada, requiring that a second question be extremely similar, and even identical to an earlier question, for the rule to apply. This makes sense because our chamber has a fundamental presumption in favour of allowing debate, which I return to in my second reason as to why this is not a valid point of order.

Before exploring rules 5-12 and 10-9 in greater depth, since we require a case-by-case analysis, let’s consider the substantial differences between Bill S-15 and Bill S-241.

Senators, these bills are related but distinct. Moreover, even the measures that are similar regarding elephants and great apes are drafted very differently and contain substantial policy differences with different practical effects. These include:

Bill S-15’s lack of prohibitions on possession, import and export of reproductive materials of elephants and great apes, with practical consequences for the potential use of such materials in the artificial insemination of Asian elephants;

Bill S-15’s lack of prohibition of elephant rides, which are banned by Bill S-241, with practical consequences for the potential continuation of this practice at African Lion Safari in Hamilton, Ontario;

Bill S-15’s lack of potential provincial licensing for performances for entertainment, which differs from Bill S-241 in this regard;

Bill S-15’s offence for breaches of a condition of a permit, which is not contained in Bill S-241;

Bill S-15’s lack of an allowance for assisting applicable species in a situation of distress without a permit, unlike Bill S-241;

The absence in Bill S-15 of any licensing proposals with respect to great apes unlike in Bill S-241, which would grant conservation and science licences to three accredited zoos; and

Even for the measure that does have some overlap on elephants and great apes, very different wording and drafting beyond the substantial legal differences and practical effects I have noted, including in the case of Bill S-241 that these measures integrate many additional wild species by way of a complex scheme for the designation and removal of wild species for protection, which is absent from Bill S-15.

• (1640)

Senators, these are all substantial legal differences with respect to Bill S-15 and Bill S-241 regarding elephants and great apes, which are essentially the sole subject of Bill S-15.

In the bigger picture, there are more and even bigger differences. These include that Bill S-241 is far broader than Bill S-15, covering over 800 additional wild species not found in Bill S-15, including big cats, bears, wolves, sea lions, certain monkeys and dangerous reptiles, as well as a discretionary mechanism to add and remove wild animals or wild species from the bill’s application according to specific factors.

Bill S-241 contains sentencing measures absent from Bill S-15, providing for the relocation of wild animals involved in captivity offences, with costs, in a manner analogous to seizure and disposition of property.

Bill S-241 contains a complex framework for animal care organizations absent from Bill S-15, allowing zoos meeting the high standards and other criteria to breed and import the many wild species contained in Bill S-241, a focus of the debate on that bill. Bill S-241 does not contain a coordinated amendment with Bill S-6, unlike Bill S-15.

At a higher level, Bill S-15 is nine pages long, as we heard from Senator Dalphond, whereas Bill S-241 is 29 pages long. We would know they are very different by weighing them.

All of this is to say, senators, that from a legal and substantial point of view, Bill S-15 and Bill S-241 are very different. I invite the Speaker to reach such a conclusion and decline this point of order, particularly considering we are talking about a rarely invoked rule with a narrow application, even to the point of requiring identical texts, as well as our presumption that a matter is in order. I will return to this point.

First, I wish to highlight additional authorities in support of the conclusion that the same question rule does not apply in this case. The Speaker's ruling of November 23, 2005, stated:

... it should be noted that practice has changed over the years to accommodate the reality of extended sessions that can continue through several years. This has had the consequence of requiring a greater degree of similarity between two items before a bill or other business will be ruled out of order on the basis of the "same question rule".

... In a ruling by Speaker Fraser made in 1989 ... the Speaker explained that for two or more items to be substantially the same "they must have the same purpose and they have to achieve their same purpose by the same means."

In that case, the Speaker found that two bills were sufficiently different based on differential speed of application of an excise tax on clocks.

Certainly, senators, the changes I have outlined above are much greater in their differences than in this case, where the same question rule did not apply. With respect to rule 10-9, the *Companion to the Rules of the Senate* states:

When pertaining to bills, it is not always clear when the "same question rule" applies, especially when identical clauses are in question.

As I have noted above, we are not dealing with any identical clauses, so this should not be a close case.

Erskine May states:

Objection to a bill related to, but not identical with, another bill being considered by the House of Lords has been overruled.

As we have seen from the above analysis, this is clearly the case with Bill S-15 and Bill S-241 — that they are related, but very far from identical.

A Speaker's ruling of March 23, 2004, notes that there is tension in the authorities regarding the degree of similarity required between bills for the same question rule to apply. That authority states:

How can we sort out these conflicting provisions and statements? I am not really sure that we can. It may not be possible to square the circle. The role of the Speaker is to ensure that best practices are followed while at the same time protecting the interests of the Senate. This is what the Speaker strives to do through rulings. If, at any time, the Senate disagrees with that judgment, with a decision, any Senator can challenge the ruling and the Senate itself will decide what the outcome will be by either accepting or overturning that ruling. In any case, it might be prudent to follow the advice of Hatsell also cited in the *Companion* at page 190, which explains that it is "the good sense of the House that must decide, upon every question, how far it comes within the meaning of the [same question] rule."

The ruling goes on to say:

In the end, the boundaries of the same question rule can only be drawn when the Senate is confronted with a concrete event. ...

Senators, this passage is an acknowledgement that it is truly up to us as a chamber to determine whether we will prevent debate, evidence and decisions according to sharp interpretations of technical rules.

A Speaker's ruling of October 29, 2003, confirms that it is not sufficient for even part of a bill to be identical for the same question rule to apply:

Essentially, I am being asked to rule Bill C-41, or a part of it, out of order because it contains a provision, clause 30, that is identical to a third reading amendment to Bill C-25 that was moved and defeated. ...

... There is little doubt that the defeated amendment to Bill C-25 is identical to clause 30. This fact alone does not fully meet the requirements of the same question rule. It is not sufficient in itself to oblige me to rule all or part of Bill C-41 out of order. ...

... The same question rule cannot be used this way. It would be too restrictive and would prevent the Senate from properly carrying out its work. ...

Senators, we see a theme here that the ability of the Senate to debate, study and decide upon legislation is the pre-eminent concern. This brings me to my final point. Even if the Speaker finds this case to be an arguable one, notwithstanding all the substantial differences between the bills that I have identified, the Senate would still need to follow its presumption that a matter is in order unless this is clearly not the case.

On this point, *Senate Procedure in Practice* states:

The Senate is often flexible in the application of the various rules and practices governing debates. As stated by Speaker Molgat in a ruling on April 2, 1998:

It is my view that matters are presumed to be in order, except where the contrary is clearly established to be the case. This presumption suggests to me that the best policy for a Speaker is to interpret the rules in favour of debate by Senators, except where the matter to be debated is clearly out of order.

This authority goes on to quote from Speaker's ruling of February 24, 2009:

... several Senate Speakers have expressed a preference for presuming a matter to be in order, unless and until the contrary position is established. This bias in favour of allowing debate, except where a matter is clearly out of order, is fundamental to maintaining the Senate's role as a chamber of discussion and reflection.

Senators, I could not agree more that the Senate's ability to debate, study and decide upon bills is fundamental to our procedure, our practices, our constitutional role and our collegial

culture. It is our ideal. In considering the point of order, our Speaker and we as a chamber have the opportunity to uphold this ideal and preserve our honoured practices.

This point of order must fail because of the substantial legal differences between Bill S-15 and Bill S-241, which I have outlined in detail. Moreover, this point of order must fail because even if the Speaker concludes that this case is an arguable one, we have a presumption in favour of debate in the Senate of Canada.

In short, this point of order is not valid, and to find it as such would not uphold the practices, procedures and ideals of our august chamber of sober second thought. Thank you. *Hiy kitatamihin.*

[Translation]

Hon. Pierre J. Dalphond: In your deliberations on this important issue of what makes a bill identical to another bill, I invite you to read the speech given by the critic of Bill S-241 in June 2023. You'll see how he describes Bill S-241, how he talks about the accreditation of zoos across the country and how these accreditations will be based on American standards.

• (1650)

None of this can be found in the bill before us. Three quarters of what I just said in this speech would be irrelevant. If the bill is identical, and you allow Bill S-15 to proceed, I'm sure Senator Plett won't give the same speech, which proves that it's not the same bill.

I encourage you to read it. It's getting late, so I won't quote you long excerpts about zoo accreditation, but none of that applies here. Thank you.

[English]

The Hon. the Speaker pro tempore: The point of order will be taken under advisement and a ruling will be forthcoming. Thank you.

FALL ECONOMIC STATEMENT IMPLEMENTATION BILL, 2023

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY
SUBJECT MATTER

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 7, 2024, moved:

That, in accordance with rule 10-11(1), the Standing Senate Committee on National Finance be authorized to examine the subject matter of Bill C-59, An Act to

implement certain provisions of the fall economic statement tabled in Parliament on November 21, 2023 and certain provisions of the budget tabled in Parliament on March 28, 2023, introduced in the House of Commons on November 30, 2023, in advance of the said bill coming before the Senate.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator LaBoucane-Benson, seconded by the Honourable Senator Gold, that in accordance with rule 10-11(1) that the Standing Senate Committee on National Finance —

Shall I dispense?

An Hon. Senator: No.

The Hon. the Speaker pro tempore: To examine the subject matter of Bill C-59, An Act to implement certain provisions of the fall economic statement tabled in Parliament on November 21, 2023 and certain provisions of the budget tabled in Parliament on March 28, 2023 introduced in the House of Commons on November 30, 2023 in advance of the said bill coming before the Senate.

On debate?

Are senators ready for the question?

Hon. Senators: Agreed.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division.)

ADJOURNMENT

MOTION—DEBATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 7, 2024, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, February 13, 2024, at 2 p.m.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator LaBoucane-Benson, seconded by the Honourable Senator Gold, that when the Senate next adjourn after the adoption of this motion it do stand adjourned until Tuesday, February 13, 2024, at 2 p.m.

On debate? Senator Gold.

MOTION IN AMENDMENT ADOPTED

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, in amendment, I move:

That the motion be not now adopted, but that it be amended by replacing the words “Tuesday, February 13, 2024, at 2 p.m.” with the following:

“Monday, February 12, 2024, at 6 p.m.; and

That rule 3-3(1) be suspended on that day”.

Thank you, Your Honour.

The Hon. the Speaker pro tempore: Debate on the amendment?

An Hon. Senator: Question.

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 in amendment?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion in amendment of the Honourable Senator Gold agreed to, on division.)

MOTION, AS AMENDED, ADOPTED

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

That, when the Senate next adjourn after the adoption of this motion, it do stand adjourned until Tuesday, February 13, 2024, at 2 p.m.

The Hon. the Speaker pro tempore: Are senators ready for the motion as amended?

Hon. Senators: Agreed.

An Hon. Senator: Question.

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

Hon. Senators: Agreed.

(Motion agreed to, as amended.)

SPECIAL ECONOMIC MEASURES ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Petitcherc, for the second reading of Bill S-278, An Act to amend the Special Economic Measures Act (disposal of foreign state assets).

Hon. Yonah Martin (Deputy Leader of the Opposition): I move the adjournment in my name for the balance of my time.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator Martin, seconded by the Honourable Senator Seidman, 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 Martin, debate adjourned.)

INCOME TAX ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Dasko, for the second reading of Bill S-279, An Act to amend the Income Tax Act (data on registered charities).

Hon. Ratna Omidvar: Honourable senators, I rise today to speak on Bill S-279, An Act to amend the Income Tax Act (data on registered charities).

This bill is based on the eighth recommendation outlined in the report of the Special Senate Committee on the Charitable Sector, entitled *Catalyst for Change: A Roadmap to a Stronger Charitable Sector*.

As you will all remember, the special committee was called into life by our former colleague Senator Terry Mercer. I was privileged to serve as its deputy chair, along with Senator Yonah Martin.

This bill is pretty straightforward. It's pragmatic. It's entirely achievable within the context of our ongoing discussions on anti-racism, diversity and inclusion. It concentrates on a single sector, albeit a profoundly significant one, which plays a crucial role in aiding Canadians in both ordinary and extraordinary circumstances. I'm referring to the charitable sector, which extends its services across every corner of our nation and touches every aspect of our lives, encompassing religion, health, culture, poverty and the environment, to name a few.

• (1700)

The sector employs close to 2.5 million individuals and contributes 8.2% to our GDP, almost similar to the agricultural sector, yet it grapples with a dearth of data collection and, therefore, a lack of evidence.

As one of our witnesses in the Special Senate Committee on the Charitable Sector pointed out quite humorously, we know exactly how many eggs are laid by Canadian chickens on Canadian farms every day. I see Senator Black is listening to me, and he can argue that point, but we never know about who works and governs a sector of a similar size. This deficiency poses a significant challenge, because robust evidence is imperative for shaping policies and making informed decisions.

The bill before you represents a modest but vital step toward addressing this evidence gap. The bill centres on the leadership of the sector. Every charitable organization in Canada is overseen by appointed or elected directors. They establish the mission, determine priorities and endorse hiring and procurement policies. They decide how and where charitable dollars will be spent and make determinations about the scope and nature of service provisions. They shoulder the responsibility for strategic guidance and provide fiduciary accountability. They are ultimately responsible for ensuring that their organization — their charity — stays within the boundaries of the law. I think we all know that charities are heavily regulated by the law. Their background and expertise contribute to fostering trust among stakeholders and, ultimately, enhance the charity's ability to fulfill its mission and make a positive impact upon the community.

In short, the buck stops with them.

If we estimate that each of these charitable organizations, of which there are roughly 85,000 in Canada, has a board of roughly 12 directors — and I'm actually underestimating because many charities have many more directors — we are dealing with a governance community of roughly 1 million individuals who wield the power to make life-altering decisions impacting Canadians.

Who are these individuals? They are likely people like us, because I'm pretty sure that each of you has at some time been on a charitable board. Therefore, I know that directors are dedicated, well-intentioned volunteers who devote countless hours to serving on charitable boards.

But who are they exactly? The truth is that we don't have a comprehensive answer.

In June 2019, when the Special Senate Committee on the Charitable Sector published its report, we acknowledged and affirmed the sheer scope, size and influence of the sector, which touches every aspect of our lives and wields considerable economic and employment influence. I think we are all well aware how much we have relied upon the charitable sector, both in ordinary and extraordinary times. I refer, in particular, to our recent experience with the pandemic when we relied upon the sector, not only for our health and mental health needs, but for our food security and personal security.

However, due to the fact that charities do not systematically collect governance data on a sector-wide scale and the government likewise does not engage in such data collection, we are left somewhat in the dark regarding the governance profile within the sector. As one witness said, we need diversity and representation data so that we are able to measure our progress in terms of inclusion.

That is why the committee's report called for the annual collection of data based upon existing employment equity definitions. You might recall that we had a similar discussion when we considered Bill C-25, a government bill that amended the Canada Business Corporations Act. Consequently, all federally incorporated distributing corporations are now mandated to provide shareholders with information about the demographic profile of their directors within the employment equity guidelines. These legislative provisions have been in effect for three years now.

Despite some flaws, the corporate sector now has a reporting requirement and regime that compels it to annually report on the demographic diversity of its boards. Consequently, we have an annual spotlight on whether diversity in corporate boardrooms is on the rise or decline, providing us with a foundational body of evidence.

I believe that the majority of us here recognize the pivotal role, function and significance of charities. Nevertheless, the scarcity of available data regarding the sector leads me to a conclusion: The sector might espouse diversity in its rhetoric, but it has yet to fully implement it in practice. In short, as I have said, its spirit is willing, but its flesh is weak. Its aspirations in this regard are commendable and its willingness is apparent, but it appears to struggle in translating its intentions into concrete actions, as highlighted in the go-to journal for philanthropy in Canada, *The Philanthropist Journal*, which stated:

Boards within the charitable and philanthropic sector have often been criticized for a phenomenon dubbed “**snow-capping**” — having racialized workers on the front lines while mostly white executives sit in decision-making positions at the top of the organizational hierarchy.

In June 2020, I issued an open letter urging the charitable sector to collect diversity data pertaining to their own boards. I said to them, “Sector, heal thyself.” Fortunately, thanks to the power of social media, the Chief Statistician of Canada, Anil Arora, reached out to me, and Statistics Canada became engaged. They agreed to conduct a voluntary survey of the sector via crowdsourcing. The survey was collaboratively designed by StatCan with substantial input from leaders in the sector. It was launched in December 2020 and remained accessible until January 2021. A total of 8,835 individuals participated in the survey, with 6,170 identifying themselves as directors.

This marks Statistics Canada's first focused attempt to gauge diversity within the governing boards of the charitable and not-for-profit sector.

The survey requested board members to provide social demographic information encompassing aspects such as race, gender, sexual orientation, age, immigration status and disability. The findings of the survey revealed that while women were fairly

well represented on these boards, individuals from racialized backgrounds, Indigenous communities, immigrants and those with disabilities were not. Among survey respondents, 14% identified as immigrants, 11% as visible minorities and only 3% identified as First Nation, Métis or Inuit.

I commend StatCan for taking the initiative to conduct the survey and providing us with a snapshot. However, this was just a one-time process. It lacks statistical significance, as I'm sure my colleague Senator Dasko would point out, due to its crowdsourced nature. Further, it is likely that the organizations and individuals who volunteered their information were already sensitized to the issue.

The solution is pretty straightforward: The minister responsible for the Canada Revenue Agency should incorporate one question on this matter into the annual T3010 forms that the charity organizations are required to file annually to maintain their status. However, legislative authority to do so is lacking. That is why my bill provides that authority, within the Income Tax Act, to collect the data.

• (1710)

Each charity would complete this form every year, thereby enabling the collection of annualized data that can be aggregated and, if needed, disaggregated to provide a comprehensive view of governance diversity.

The data would be based on employment equity definitions to ensure precise, legally compliant and comparable measurements. This would enable strategic planning, intersectional analysis, public accountability and effective initiatives for fostering diverse and inclusive workplaces. If the employment equity definitions expand, so will the data collection to incorporate new categories. Recently, the government has announced that it plans to expand these definitions to further distinguish gender identity and race beyond the standard "visible minority" definition. I believe this would be a welcome change.

Because I'm talking about employment equity, let me reflect a bit on Canada's experience with employment equity. Federally regulated businesses must collect data on their workforce every year. Employment equity is not about targets or quotas; it is only about gathering evidence. But the mere gathering of this evidence has led over the past 30 years to a transformation of Canada's workforce because of greater awareness arising from the collection of evidence.

Taking a lesson from employment equity, I believe it is time for governance equity. We already have the fundamentals in place for federally regulated businesses. It is time to set these fundamentals in place for federally regulated charities.

Armed with this tangible evidence, Canada and the charitable sector can evaluate whether progress has been made, and if so, how and where. Regional and sector comparisons would become possible.

For instance, the data could tell us a story about the cultural charitable sector, and its sub-sectors could determine whether cultural charities in Nova Scotia or Prince Edward Island are more or less on the same path to governance equity. The leaders and laggards would be identified but in an aggregate manner.

I want to be clear that no individual charity and no individual director will be reported out. Instead, the data will be a snapshot of the entire sector. It will not be possible to identify whether governance equity in a particular organization is a strength or still an opportunity.

If we are sincerely committed to ensuring that the upcoming decade embodies reconciliation, inclusion, optimism and a profound respect for Canada's diversity, then it is imperative that we listen to the voices of Indigenous peoples, marginalized communities and racialized groups — not only within the confines of academic institutions, courtrooms and the Senate, but also within the decision-making chambers of our numerous well-intentioned and necessary charitable organizations.

This bill offers a straightforward yet comprehensive approach to addressing the governance opportunities within the sector and it is supported by the sector. I am hopeful that I can rely on your support for this uncomplicated, practical and pragmatic bill and move it forward. Thank you.

Hon. Donna Dasko: Would the senator take a question?

Senator Omidvar: Of course.

Senator Dasko: Senator Omidvar, this is a wonderful initiative. I'm absolutely thrilled to hear that you have put this forward.

What sort of detail do you think the data will be able to provide? Data will be collected by the Canada Revenue Agency with respect to the four designated groups, so we'll have that. Will the analysis be able to provide information back to the public on the individual sectors, whether they be culture, health or whatever? What about the analysis of intersectionality? Can the data be examined in a little more depth such that we might understand intersectionality a bit better with this data set? Thank you.

Senator Omidvar: Thank you, Senator Dasko. You are the expert on these matters; I am not, so I think you could answer that question much better than I. However, my intention — and I have spoken to Statistics Canada and others about this — is that if the data were available based on the standardized employment equity definitions, it would be possible to aggregate and disaggregate it. That disaggregation could be a request submitted by Statistics Canada or by other stakeholders.

As an example, the cultural sector could ask the question: Tell us about cultural organizations across Canada. How many women are on the boards?

You could disaggregate that data further by race and gender identity. All of that would be possible, but it would likely have to come at the request of stakeholders. I understand that is what happens. Both the Canada Revenue Agency and Statistics Canada

will have the data. Submissions will have to be made to further mine the data for the kind of information you're looking for, but it will be available.

(On motion of Senator Martin, debate adjourned.)

FINANCIAL PROTECTION FOR FRESH FRUIT AND VEGETABLE FARMERS BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator MacDonald, seconded by the Honourable Senator Boisvenu, for the second reading of Bill C-280, An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act (deemed trust — perishable fruits and vegetables).

Hon. Robert Black: Honourable senators, I stand before you today to support the long-term viability of the Canadian produce industry and an issue that directly affects the heart of our nation — our farmers and producers.

I'm proud to rise and speak to Bill C-280, An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act (deemed trust — perishable fruits and vegetables).

This critical piece of legislation holds one of the keys to supporting Canada's agricultural sector as it works tirelessly to feed not only our nation but also the world.

As an "advocate," I'm happy to see such a bill come to us — one that addresses discrepancies that have long left important members of Canada's agricultural sector financially disproportionate.

At the outset, I would like to state that this is a finance bill. It is about bankruptcy protection. I want to assure my colleagues that I am not an expert on the Bankruptcy and Insolvency Act. However, I rise to speak to the need for this protection for the agriculture industry and this sector.

At the core of this bill lies the protection of perishable fruits and vegetables, which includes fresh and time-sensitive produce that can spoil quickly.

The bill proposes the creation of a deemed trust that ensures farmers and producers are given priority over the proceeds from the perishable goods they supply to buyers or creditors in the supply chain when buyers become insolvent or bankrupt. This essential safeguard proposes to protect our farmers' interests during times of financial instability.

As we all know, supply chains are the intricate web that connects farmers and producers to consumers. In a vast country like ours, these supply chains play a vital role in sustaining our economy and ensuring the seamless flow of goods from farms to markets and, eventually, to our tables.

Agriculture, being a cornerstone of this network, not only caters to our domestic needs but also upholds our international obligations in the global food market.

The importance of a robust agricultural sector to our nation's food security cannot be overstated. In the context of an increasingly interconnected world, disruptions in the supply chain can have far-reaching consequences.

• (1720)

The collapse of a single link in this chain, caused by a buyer's or a creditor's financial troubles, can have severe repercussions. It can lead to financial distress for our farmers, destabilize the market, cause our farmers to bear the burden of others' bankruptcies without protection and compromise food security, not just within our borders but also for those who rely on our agricultural exports around the world.

Bill C-280 serves as a lifeline for farmers facing financial constraints, which are only amplified by the unpredictable nature of their profession. Our dedicated farmers contend with unpredictable weather patterns, rising production costs and stiff international competition. Amidst these challenges, the COVID-19 pandemic brought forth additional hurdles, like reduced demand, supply chain disruptions and labour shortages.

Supporting this bill is a recognition of their resilience and an affirmation of our commitment to easing their burden during difficult times.

As my honourable colleague sponsoring the bill in the other place noted, the worsening recession, inflationary pressures, increased prices, tax amendments and the lingering impacts of the COVID-19 pandemic have only increased the vulnerability of the produce sector.

This is underlined by the lack of critical financial protections available to Canadian produce growers for the losses they suffer as a result of an insolvent buyer.

While the existing mechanisms within the Bankruptcy and Insolvency Act may be suitable for the wider agriculture industry and other sectors, they do not provide a workable mechanism for when a fresh produce buyer becomes insolvent.

I was delighted to see, after years of requesting this protection, the bipartisan support this bill has garnered in the other place. In a political landscape often marked by division, it is a testament to the understanding that the welfare of our farmers and the security of our food supply transcend politics.

This underscores our collective responsibility as lawmakers to address critical issues that impact the livelihoods of those who put food on our tables three times a day, each and every day.

It is important to emphasize that the passage of Bill C-280 comes at no cost to the Canadian people. Supporting our farmers through this bill is an investment in the sustainability and resilience of our agricultural sector.

Ensuring that perishable goods are protected by a deemed trust is not an impediment to creditors or buyers; instead, it is an assurance that our farmers' hard work and dedication will not go to waste — pun intended.

Might I add, colleagues, that the sponsor in the other place also noted that:

The financial protection established by Bill C-280 would reduce losses in the sector and lead to increased economic activity in Canada of \$200 million to \$235 million per year, increased value added in the Canadian economy of \$104 million to \$122 million per year, increased employment by more than 1,200 full-time jobs, and increased wages for Canadian workers by \$59 million to \$69 million per year.

What I take from this economic analysis, colleagues, is that Canadians have nothing to lose from this bill and much to gain.

In fact, the sponsor further noted that this bill would in fact save Canadian families and consumers anywhere between 5% and 15%, which could possibly save Canadian families between \$300 million and \$900 million on their annual fresh fruit and vegetable purchases.

This is good news during this time of rising food costs for all Canadians.

Agriculture is not just an industry; it is a way of life deeply ingrained in the fabric of our nation. The legacy of our farming families spans generations, with the passing down of knowledge and expertise from one era to the next.

By supporting this bill, we are protecting and nurturing this heritage, ensuring that future generations are inspired to carry forward the torch of farming excellence and not the possibility of losses due to others' insolvency issues.

In conclusion, let us take this moment to demonstrate our unwavering support for Canada's farmers and producers. The quick passing of Bill C-280 represents an opportunity to show the world that we stand united in our commitment to those who feed our nation and contribute to global food security.

Protecting perishable fruits and vegetables through a deemed trust not only is a practical measure to secure our supply chains and food security but also shows appreciation and support for our farmers' invaluable contributions.

Supporting Bill C-280 will send a resounding message that here, in this chamber of sober second thought, and in Canada, we again recognize the critical importance of supporting our farmers, our producers and our processors. Their hard work, dedication and sacrifices deserve nothing less. By doing so, we strengthen the foundation of our agricultural sector and sow the seeds of prosperity for Canada's future.

Thank you, colleagues, for your attention. I urge you to join me in supporting Bill C-280 for the greater good of our farmers, our food security and for Canada!

Thank you. *Meegwetch.*

(On motion of Senator Clement, debate adjourned.)

DEPARTMENT OF FOREIGN AFFAIRS, TRADE AND DEVELOPMENT ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gerba, seconded by the Honourable Senator Klyne, for the second reading of Bill C-282, An Act to amend the Department of Foreign Affairs, Trade and Development Act (supply management).

Hon. Robert Black: Honourable senators, I rise today to speak to Bill C-282, An Act to amend the Department of Foreign Affairs, Trade and Development Act (supply management).

As you well know, when I rise in this chamber, I often speak about agriculture and rural communities. It is crucial to Canada that we highlight the issues, concerns and successes of this very important industry and that we talk about how legislation will affect agriculture and rural communities across this country.

Just as I do with any bill or issue that I speak to in this chamber or in committee, I work to engage with all stakeholders within the industry, as well as with community leaders throughout the country and with my neighbours down the road, to get their thoughts and opinions so that I know better how they may be affected or impacted.

I always say that I cannot speak on behalf of agriculture and rural communities if I don't speak with those who might be directly impacted by government policies or federal legislation.

In preparation for this speech, as always, I actively sought out to speak with farmers and producers within the entire industry — those who are supply-managed and those who are not.

What I've learned and what I've come to realize is that this bill not only divides the industry; it divides me as well.

I heard loud and clear from all sides, colleagues, that while this bill may appear to be about agriculture and the supply-managed sector within agriculture, this bill is actually about international trade and future trade negotiations. This is even stated directly in the bill's title: "An Act to amend the Department of Foreign Affairs, Trade and Development Act."

This bill will not only direct Canada's trade negotiators to continue to protect our supply-managed sector but, in fact, enshrine into law the protection of this particular part of the agriculture sector.

Colleagues, the protection of supply-managed goods has always been an issue in the industry, for years. The SM-5 group, which includes eggs, chicken, turkey, hatching eggs and dairy, is seen as separate from the rest of agriculture, which benefits little from a supply management system.

Supply management is a way for farmers and policy-makers to control, through a managed system, the supply or quantity of a commodity. In order to market their products, those producers under supply management must hold a permit, commonly known as “quota,” without which they would not be able to sell their products to a processing plant.

It is understandable then, colleagues, why supply management might cause tension between the SM-5 and other agricultural producers. It really pits agriculture against agriculture, and it has become a wedge issue.

This is the very reason that I wanted to speak with people who come from all different parts of the agriculture and food industry, specifically those marketing under a supply-managed system and those who are outside of the SM-5, to hear their thoughts and opinions on this bill.

But let me turn back to my previous comments, colleagues. This bill is not about agriculture. It is about international trade policy and what it will mean for future trade negotiations — beyond discussions about supply-managed products.

Obviously, SM-5 producers support this bill because it will enshrine into law the protection of their products. Yet, many of those in the industry who do not fall under our supply-managed systems do not support this bill — not only because many believe it is not appropriate to protect only one part of an industry but also because enshrining and protecting certain products into law for future trade negotiations ties negotiators’ hands, and other industries may cry foul and want the same protections.

In fact, I hear industries like steel, the auto sector or even the softwood lumber industries could request the same protections.

Honourable colleagues, I am not going to get involved in debate about whether supply management is good or bad. I am not going to advocate for one side over the other. I do not want to pick between one side or the other, and that is really what this bill does: It pits agriculture against agriculture. This is a fact agreed upon by the entire industry regardless of what side you stand on. The agriculture industry cannot — and should not — be divided in such a controversial way.

• (1730)

All farmers, producers and processors are on the same side — the side of us, as Canadians — working hard to put food not only on our plates, but also on the plates of people all over the world. I am going to briefly talk about the implications that this bill could have on international trade and other industries beyond the SM-5, like steel, softwood lumber or any other product that we produce here in Canada, as I alluded to earlier.

[Senator Black]

Colleagues, I have heard from both sides of the issue, and this is clearly protectionism. Some support this, as they benefit from it, while those who do not benefit from it are worried about the spiralling effects this could cause.

Honourable senators, the world continues to grow and face new, unprecedented economic challenges. The fluctuation and volatility of global markets require us to be flexible as well, and that means being open to negotiation, especially in the coming decades, as resource management, supply chains and food security become more crucial.

Canada has an obligation — not just to itself, but also to the world — to continue to provide quality products from all sectors, not only the agricultural sector. That comes from the economic willingness to approach the table and negotiate the best deal for Canadians and for people across the world at the time of the negotiations. That is what free trade means.

I would like to quote from the Canadian Agri-Food Trade Alliance’s February-March 2023 “Trade Insights” document:

... this legislation would have far reaching implications for Canadian interests, would encourage our trading partners to protect their own sensitive areas and would erode Canada’s credibility as a country standing tall for free and open trade on the world stage. . . .

The article continues:

Members also pointed out that Canada’s largest and most beneficial trade agreements such as the Canada-US-Mexico Agreement (CUSMA) and the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP) have come through the compromise and flexibility needed when negotiating complex and ambitious trade agreements.

Colleagues, the Canadian Agri-Food Trade Alliance President Greg Northey appeared before committee in the other place and said:

If we’re taking things off the table, and it doesn’t matter what sector it is or what protection of the sector we’re doing, it means we will never be able to have commercially viable deals with any country. . . .

It is clear that this bill is about protectionism. We need to consider if this is the future of Canadian trade and commerce.

Do we want to be perceived as protectionist?

Other countries are watching Canada, and watching our actions. It is only a matter of time before other countries start pulling their products off the bargaining table. Let’s just hope they are not products that Canada relies upon, or there will be other issues to deal with in the future.

Our trade negotiators must remain open to the discussions and concerns of all stakeholders in participating in international economies. We must all be concerned about acting in bad faith to our reliable trading partners who continue to engage with Canada's vast resource capacities.

With the volatility of global markets, and the new and complex challenges to international political economies, Canada's ability to produce and supply for the world is only growing in demand. I think of not only agriculture, but also steel, critical minerals for green innovation, lumber, pharmaceuticals and many other products that hang in the balance if we begin tying the hands of our dedicated negotiators.

Another issue I've encountered regarding trade is an increase in non-tariff barriers. We've become so hyper-focused on free trade versus being supply managed that the government has missed the essential parts of our current agreements in maintaining supply chains.

The Canola Council of Canada notes that:

Once an FTA goes into effect, a strategy is required and dedicated resources are needed to ensure full implementation and compliance with the negotiated agreements and concessions, particularly in the areas of sanitary and phytosanitary measures and technical barriers to trade.

Despite continued global action to reduce tariffs and barriers, countries seem to be taking protectionist measures through non-tariff barriers. Why do we think this is, fellow senators? Is it because they look at countries like Canada continuing to prevent open negotiation? Is it because we don't continue to manage properly the free trade agreements we've already agreed to?

It is important that we — in the chamber of sober second thought — continue to scrutinize bills and address possible misalignments that they may have at the expense of partisanship and political ambition. This may be simply putting the cart before the horse, colleagues.

In the past, all parties in successive governments in the other place have shown support for our supply-managed sectors over many years. However, showcasing a narrow-minded approach to global commerce by developing wedge issue legislation only demonstrates an unwillingness and limit to our international cooperation.

Supply management is a long-championed aspect of Canadian agriculture. We have long benefited from this program in times of global economic volatility. However, a display of unwillingness to enter negotiations in good faith may equally sway our trading partners from engaging fairly in the free trade negotiations that support Canada's diverse and productive economy.

In an Agriculture and Agri-Food Canada press release from Friday, September 29, 2023, Minister Lawrence MacAulay stated:

The Government of Canada will continue to preserve, protect and defend Canada's supply management system and is committed to not making any additional market access concessions for supply-managed products in future trade agreements.

Colleagues, with that from the Minister of Agriculture and Agri-Food Canada, do we have anything to worry about?

I would like to conclude by leaving you with a few questions to consider: How can we achieve global food security without free and open trade? If we're going to isolate Canadian supply chains, what happens when a local disruption occurs and Canadian producers are unable to meet Canada's demand for poultry or dairy? As the world's fifth-largest food producer, and with a responsibility to feed the world, is closing access to markets not akin to closing access to food? Is this bill not a direct contradiction to Canada's commitments in recently signed declarations on food security at G7; G20; the World Trade Organization, or WTO; and the Asia-Pacific Economic Cooperation, or APEC? Should we not be worried about bills — like the one before us — leading to a loss of foreign investment, and the impact that this would have on Canada as a whole? If we pass this bill, how might this affect all of the SM-5 sector down the road?

I hope these questions and many others can be answered to my and your satisfaction at the committee stage. As you know, I generally support bills that positively impact agriculture. With this one, while I have concerns, as noted by the questions just posed, I will support this bill at second reading so it can be referred to committee. And it is the hope of the industry that this bill be sent to the Standing Senate Committee on Foreign Affairs and International Trade, as the title of this bill is "An Act to amend the Department of Foreign Affairs, Trade and Development Act." It is a trade bill; it is not an agriculture bill.

Since this bill went to the Standing Committee on International Trade in the other place, it is my hope, and that of the industry, that our chamber will refer Bill C-282 to the appropriate committee, where members will have the similar expertise to review the proposed changes for future trade negotiations.

I thank my honourable colleagues for the time I've been given to speak. I hope we can continue to approach this debate with level heads, and give careful thought and consideration to all aspects, perspectives and outcomes of this bold and contentious bill.

Thank you. *Meegwetch.*

Hon. Pierrette Ringuette: Would Senator Black take one or two questions?

Senator Black: Absolutely.

Senator Ringuette: Thank you, Senator Black.

I guess I'm somewhat puzzled because, within the same 20 minutes, you have made one speech in support of farmers and another one not so in support of farmers. But the main question to you right now is this one: You have mentioned that you're probably not going to be supporting this bill at third reading. A few months ago, on another private member's bill — Bill C-234 — you asked this chamber to support it, because it was passed in the other place. Yet, now we seem to have another version.

• (1740)

Could you please extrapolate where you stand in regard to bills that we get from the other place and if the Senate is right to amend when we find that amendments are needed?

Personally, I need to have a good reading in regard to where you stand on a private member's bill from the other place that has been supported by the vast majority of members.

Senator Black: Thank you, colleague. Let me be very clear. I did not say I would not support this bill. I said I would support this bill at second reading so it would go to committee and get further study. It will be up to all of us at third reading to decide how we support it. I did not say I would not support it at third reading.

With respect to bills coming from the other place that have been supported by the majority, or solely, over there, I think this place is a chamber of sober second thought. You referenced Bill C-234. It was discussed at length in committee and came back here, and we had further discussions. My hope for this bill is that it will be discussed here, debated at second reading and then referred to the Foreign Affairs and International Trade Committee for their valued consideration. They are the experts on trade bills.

I'll look forward to that discussion. I will hope to sit in on some of that discussion to hear it from an ag perspective, but it's more than agriculture. Thank you.

(On motion of Senator Martin, debate adjourned.)

THE LATE HONOURABLE ED BROADBENT, P.C., C.C.

INQUIRY—DEBATE ADJOURNED

Hon. Marc Gold (Government Representative in the Senate) rose pursuant to notice of Senator LaBoucane-Benson on February 6, 2024:

That she will call the attention of the Senate to the life and career of the late Honourable Ed Broadbent, P.C.

He said: Honourable senators, as the Government Representative in the Senate, I rise today to pay tribute to a champion of social justice, a tireless supporter of democracy and

an inspiration for a generation of those who followed. I'm speaking, of course, of the Honourable Ed Broadbent, who passed away on January 11 of this year.

When news of his death became public, accolades poured in from so many who worked alongside him and those who worked opposite him. It did not matter if Ed was your political foe. He was respected, admired and genuinely liked by all who knew him. He was a true politician in the best sense of the word. He promoted, argued and fought for the policies he believed in. But even if you didn't agree with them, he never made it personal. He was a gentle man — but tough — and was dedicated to this country and to the causes he held in his heart throughout his life.

Former Prime Minister Brian Mulroney, one of Ed Broadbent's chief political opponents in the 1980s, called him a "giant in the Canadian political scene." He stated:

I consider him a great parliamentarian and a major contributor to Canadian progress during the decade or the decade and a half we were together. . . . And he was an extremely pleasant, delightful guy to know.

The Broadbent Institute, founded by Ed in 2011, is guided by the Broadbent Principles for Canadian Social Democracy:

. . . we believe all people have equal worth and equal rights, and that we all benefit from living in an increasingly equal society.

We are committed to realizing the promise of Canada as a diverse, just, and inclusive society. These values matter to us today and they matter to our future. . . .

These principles encapsulate all that he fought for during his long tenure in public service. The institute that bears his name will continue to promote these principles and instill them in the leaders of tomorrow.

[*Translation*]

As politicians and legislators, we have lessons to learn from his example. Ed Broadbent defended Canada and Canadians, often those on the margins of society. We, in the Senate, represent more than our regions. We also lend our voices to those who are often voiceless.

[*English*]

I will end with a quote from Premier Wab Kinew, who spoke at the memorial service that I had the honour of attending:

Mr. Broadbent's smiling, joyful legacy is an example we ought to learn from today. That we can use good means to achieve good ends; that we don't have to appeal to our darkest impulses; that we can have faith in our fellow Canadians. . . . Ed was a relentless force for good.

On behalf of the Senate and the Government of Canada, I extend our sympathies to his partner Frances Abele, his children Paul and Christine; his four grandchildren, Nicole, Gareth, Caitlin and Brett; his two great-grandchildren, Alice and Freya; and many close relatives and dear friends.

May he rest in peace.

Hon. Senators: Hear, hear.

Hon. Andrew Cardozo: Honourable senators, it is an honour to speak in tribute to a great Canadian, the Honourable Ed Broadbent. I will add to what Senator Gold said today and what Senator Frances Lankin spoke of a couple of days ago.

Mr. Broadbent served Canada with distinction as a Member of Parliament for Oshawa and then for Ottawa—Centre and, of course, served as the highly respected leader of the New Democratic Party of Canada for more than 14 years.

• (1750)

What was most important about Ed Broadbent and what makes him a true statesman is that he was a leader with clear principles which he spoke to strongly, but — and this is the important part — he did so respectfully at all times. While some people approach politics as a facile game to whip up anger and even hate, Broadbent focused on being respectful, disagreeing without being disagreeable — sadly, an art we are losing in politics.

I want to focus my comments on his tremendous legacy in the Broadbent Institute.

Colleagues, you may know that I served as president of a think tank, the Pearson Centre, for a decade before coming to the Senate. While we were in some ways competitors — the Pearson Centre and the Broadbent Institute — in true NDP fashion, they were cooperators, and we became fellow travellers on the road of think tanks, always in search of good public policy that could improve the lives of Canadians and make the world a better place.

I want to quote a bit from the principles of the Broadbent Institute which, if you will allow me to put it this way, speaks to the future of Ed Broadbent's politics. I had a longer piece, but Senator Gold stole half my speech. I will quote what he left me. We obviously have the same taste in picking out the brilliance of Mr. Broadbent and his institute.

The institute said:

All people have equal worth and equal rights — and all benefit from living in an increasingly equal society. To achieve this in a country with a market-based economy requires an ongoing process of decommodification, a process that sees important social and economic benefits taken out of the market and transformed into universal rights, —

— that might sound a bit scary, but this is what they were talking about —

— such as in health services, education, social welfare and housing.

Indeed, how we do these very issues are being discussed and sometimes challenged right now these days.

It goes on to say, “This means an essential and robust role for governments at all levels in the provision of public goods.”

Having come from the field of think tanks, I have a strong belief that independent think tanks are good for better public policy in Canada. What Ed Broadbent did was to create a vibrant organization that focuses on new and innovative policy while it also trains activists to work to further the ideas of a just and equitable society.

Colleagues, as Prime Minister Justin Trudeau said recently, Canada is better off because of the life and contribution of Ed Broadbent. I could not agree more.

To his family and friends, I say we share in your grief, but we celebrate with deep gratitude the life of a great Canadian whom we have all benefited from.

Thank you.

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

(At 5:53 p.m., the Senate was continued until Monday, February 12, 2024, at 6 p.m.)

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