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OFFICIAL REPORT
(HANSARD)

Tuesday, October 22, 2024

The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Tuesday, October 22, 2024

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

Prayers.

EVENTS ON PARLIAMENT HILL

COMMEMORATION OF TRAGEDY—SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, today marks the tenth anniversary of the tragic attack on the Parliament Buildings in 2014. This was a distressing experience for all, but especially for those who were working here at the time. Let us all hold all those who endured the impact of the attacks in our thoughts, and I would invite you to rise for a minute of silence in memory of these events.

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

SENATORS' STATEMENTS

EVENTS ON PARLIAMENT HILL

TENTH ANNIVERSARY

Hon. Marty Klyne: Honourable senators, I rise to commemorate the tenth anniversary of Corporal Nathan Cirillo's murder at the National War Memorial and the terrorist attack on Parliament, a day that will forever be etched in our nation's memory.

On October 22, 2014, Corporal Cirillo stood on guard at the cenotaph symbolizing the strength and dignity of our country and our military. That morning, a senseless act of violence claimed his life when he was shot twice in the back.

Nathan, a member of the Argyll and Sutherland Highlanders of Canada (Princess Louise's), was just 24 years old when he died. Beside his fellow sentries, Corporal Cirillo rose to the occasion, protecting a place that symbolizes our history and values. He had been a proud and dedicated soldier with a deep love for his country who had joined the military at a young age.

Nathan was also a devoted father to his young son, Marcus. Friends remember him as a man with a big heart, always smiling, always ready to help those around him. His presence lit up every room, and his loss has left a void in the lives of those who knew and loved him.

Even those who never met Nathan were touched by his story. As he returned home along the Highway of Heroes, thousands of Canadians gathered to honour him, lining bridges and streets, showing the patriotism of a country that grieved one of its own.

The attack on that day didn't just target an individual; it was an assault on our democracy. But it failed, thanks to a courageous and effective response from law enforcement for which we are grateful.

In the bigger picture, any such attacks can only fail in Canada. Canadians will always defend our cherished values of democracy, freedom and the rule of law, and we know that our military and law enforcement stand on guard for all of us and for all those reasons.

As we mark this solemn anniversary, let us renew our commitment to our country and our shared values as Canadians. Let us reaffirm our gratitude to those who wear the uniform, and may we continue to build a Canada that honours Nathan's ultimate sacrifice and is a guiding light to the world.

Thank you, *hiy kitatamihin*.

Hon. Senators: Hear, hear.

DAN NOSATY

CONGRATULATIONS ON ELECTION AS PRESIDENT AND CHAIR OF THE BOARD AT CANADIAN ROOFING CONTRACTORS ASSOCIATION

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I rise today to congratulate a fellow Manitoban and tradesperson Mr. Dan Nosaty on his recent election as President and Chair of the Board at the Canadian Roofing Contractors Association, or CRCA.

The CRCA is known as the Canadian voice of the industrial, commercial and institutional roofing industry, and it provides technical and policy support to its 400-plus members from coast to coast. As the new President and Chair of the Board of the CRCA, Mr. Nosaty will be working to amplify the growth and success of the organization and its important contributions to the roofing industry in Canada.

Mr. Nosaty began his roofing career in Manitoba nearly three decades ago. Starting as a labourer, he earned his Red Seal endorsement, advanced to supervisor and eventually became an estimator and project manager. He is currently the General Manager at Oakwood Roofing & Sheet Metal, a company in Winnipeg.

Dan has been heavily involved in Apprenticeship Manitoba and contributed to developing the 2020 Red Seal Occupational Standard for roofers. Additionally, he helped in the development of the *Manitoba Trade Definitions* in 2019 and 2021. His goal is to raise awareness regarding the roofing industry and highlight the benefits and opportunities available to tradespeople through a Red Seal Roofer endorsement.

• (1410)

Colleagues, tradespeople across Canada play an essential role in Canada's economy. And with 700,000 of Canada's 4 million skilled tradespeople set to retire by 2028, the work of trade associations such as the CRCA has never been more important.

I invite all senators to join me in congratulating Mr. Nosaty as he tackles his new responsibilities and wish him well in his efforts to promote success and excellence in Canada's roofing industry.

Hon. Senators: Hear, hear.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Cheryl Bernard, OLY, President and Chief Executive Officer of Canada's Sports Hall of Fame, a two-time Olympian and an Olympic silver medallist in curling. She is the guest of the Honourable Senator McBean.

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

Hon. Senators: Hear, hear!

CANADA'S SPORTS HALL OF FAME

Hon. Marnie McBean: Honourable senators, museums are an essential part of our Canadian heritage. Museums of art, natural history, human rights and sport — they tell the story of who we all were and how we have come to be who we are. But museums are a difficult financial venture. Being geographically accessible and affordable to all Canadians all the time is next to impossible. For museums to survive, they need to evolve like the stories they are telling.

That's exactly what Canada's Sports Hall of Fame has done under the inspired leadership of curling legend, today's guest Cheryl Bernard. You may fondly remember Cheryl leading Team Canada to a hard-fought silver medal at the 2010 Winter Olympics. She defined her sports career with grit, determination and a pure love for the game, but her legacy goes well beyond the curling rink.

As President and CEO of Canada's Sports Hall of Fame, Cheryl still leads with grit and vision. She has been instrumental in transforming the hall into a dynamic modern institution that not only celebrates athletic achievement but brings to life a wide variety of powerful stories of Canadian sport. Through storytelling, the hall is more than a museum of sports; its mandate is to go "Beyond the Win" and share lessons that are a vibrant testament to our cultures. Sport shapes our national identity and reflects the diversity and spirit of our country.

With 68 years of history behind it, the hall has been reimagined three times. First established in Toronto, Canada's Sports Hall of Fame thrived at the Canadian National Exhibition until declining attendance led to its closure in 2006 — *The Globe and Mail* then referring to the aging displays and dubbing it the "Hall of Shame." In 2011, after almost re-establishing itself in this very building, it found a new home in a $30-million state-of-the-art facility in Calgary, where it wowed all who entered. But even with a sound business plan, maintenance costs could not be matched by gate revenues, and pandemic restrictions were a critical blow.

In response, in 2021, Cheryl Bernard and her team boldly shifted the hall to a primarily digital museum, significantly increasing its reach and engagement from 20,000 annual physical visitors to millions of engagements online.

The hall is now engaging with one in five Canadians — roughly 8 million people. This includes over 10,000 educators who work with 1.2 million youth from coast to coast to coast. Through sport, they teach values like resilience, teamwork and dedication. Sport is not just what we do; it reflects who we are and what we can dream to be.

As the only national museum of sport, the hall is recognized for acknowledging a diverse range of athletes, including Indigenous peoples, Special Olympics athletes, Paralympians, Olympians, 2SLGBTQIA+ and women in sport. It connects new Canadians with our sporting heritage, emphasizing the role of sport in building communities and promoting physical health and mental health.

Tomorrow, we'll witness the pinnacle of these achievements with the induction of new legends into the hall: Vicky Sunohara, Patrick Chan, Daniel Nestor, Angela Chalmers, Kirby Cote, Fred Thomas, Guylaine Demers, Alex Nelson and Debbie Brill will take their rightful place among our nation's greatest icons, such as our friend and Paralympic legend Senator Petitclerc.

Colleagues, let's salute these outstanding Canadians who have given their blood, sweat and likely more than a few tears in representing our nation. Thanks to their achievements and the dedication and evolution of storytelling at Canada's Sports Hall of Fame, the future of Canadians' understanding and embracing the power of sports is brighter than ever. Thank you.

Hon. Senators: Hear, hear.

REMEMBERING THE EVENTS OF OCTOBER 2014

Hon. Rebecca Patterson: Honourable senators, I rise today in recognition of the 10-year anniversary of the horrific attacks that took place in Quebec and right here in Ottawa, at the National War Memorial and on Parliament Hill.

[*Translation*]

On Monday, October 20, 2014, Warrant Officer Patrice Vincent, age 53, a military firefighter with 28 years of service, was killed during a terrorist attack in Saint-Jean-sur-Richelieu.

[*English*]

Two days later, on Wednesday, October 22, 2014, another terrorist shot and killed Hamilton reservist Corporal Nathan Cirillo of the Argyll and Sutherland Highlanders of Canada as he stood sentry at the Tomb of the Unknown Soldier at the National War Memorial here in Ottawa. That terrorist went on to storm Centre Block, but thanks to the heroic actions of people like the House of Commons Security Services Constable Samearn Son, the RCMP Constable Curtis Barrett, Sergeant-at-Arms Kevin Vickers and others that day, he was stopped dead in his tracks. However, the Hall of Honour will be forever scarred by the bullets fired during that attack.

I believe that both our Canadian Armed Forces and our Parliament were targeted because they are both recognized symbols of Canada's democracy and freedom. Because remember that in 2014, the death cult known as ISIS, or Daesh, had openly called for the beheading of Western leaders, Canada's Prime Minister included, and Canada was a member of the military coalition in Iraq and Syria to destroy ISIS.

Colleagues, to those of you — both senators and staff — who were there that day in Centre Block, attending national caucuses, working in your offices or maybe just walking up to the Parliamentary Precinct, I can only imagine the fear that you felt, the fear of this direct attack on democracy as you spent hours waiting through the lockdown until that "All's clear" was called.

To the members of the Canadian Armed Forces, both past and present, and to the family and friends of Warrant Officer Vincent and Corporal Cirillo, I want to recognize your sacrifice. Thank you for continuing to stand on guard for us, for proudly wearing the uniform and for being there when called upon, for continuing to step into the most difficult situations and always being there for Canadians when we need you.

The National War Memorial has always been a place to come together, to remember and reflect on those lives lost in defence of democracy, but usually far from our shores. Never did anyone think that death would come directly to that sacred site. Please think about that next time you cross the square or walk alongside it.

To the former members of the Senate Protective Service, the House of Commons Security Services and to the serving and retired members of the RCMP who were there that day: Thank you. Thank you for standing guard for democracy. Thank you for protecting parliamentarians from both chambers and showing Canadians that their leaders are safe and that democracy prevails.

To all Canadians, we cannot — we must not — forget that these homegrown terrorists were Canadians. Both were radicalized and inspired to violence by extremists who preyed upon their resentment and feelings of disaffection and of self-perceived exclusion from society. As a society, we cannot allow that to happen because we know the consequences can and will be deadly. So listen, engage, reach out to one another in your community. If someone seems alone, offer them a hand to shake or an ear to listen.

In closing, honourable senators, please take a moment today to remember Warrant Officer Patrice Vincent, Corporal Nathan Cirillo and the many other amazing first responders who kept us safe that day.

[*Translation*]

We will remember them.

Hon. Senators: Hear, hear.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Maria van Vonderen, Co-Executive Director of the Canadian Association for Community Living in Antigonish. She is accompanied by her brother Tony. They are the guests of the Honourable Senator Kingston.

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 Matt Lees and Krista Wallace, who are family members of the Honourable Senator Simons.

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

Hon. Senators: Hear, hear!

[*Translation*]

THE LATE ETHEL CÔTÉ, C.M., O.ONT.

Hon. Lucie Moncion: Honourable senators, I rise today to highlight Co-op Week, held from October 13 to 19 on the theme, "Innovating the Co-operative Way." Co-op Week is a chance to celebrate the cooperative business model, which endorses a mission and values based on collective wealth, solidarity and sustainable and responsible socio-economic development. It's also an opportunity to recognize some of the notable changemakers who have chosen to be inspired by this business model.

• (1420)

I'd like to take this opportunity to recognize a woman whose unique trajectory made her one of the greatest trailblazers in the realm of cooperatives, the social economy and Ontario's francophonie. That woman, Ethel Côté, passed away last week at the age of 66.

Ethel served as the founding chair of La Nouvelle Scène, former executive director of Impact ON, owner of mécènESS, and associate professor at the Université de l'Ontario français. Over the course of her long career, she developed remarkable expertise in organizational management, the cooperative system, women's entrepreneurship and the social economy.

Ethel was awarded the Ordre des caisses populaires de l'Ontario, the Order of Ontario, the Order of Canada and the 2017 Saphir woman of the year award. In 2015, she was selected as the UN champion of women's economic empowerment. Because of her passion for the social economy, she was invited to speak about social innovation on every continent.

She possessed visionary leadership, and she knew how to inspire people. She made it her mission to help women who demonstrated the values, principles and know-how needed to support community development.

I met Ethel in 1979, when we were embarking on our careers. At the time, she was working on organizing a forum called "Savoir, c'est pouvoir," or "knowledge is power," the first of its kind, which would lead to the creation of Ontario's francophone economy.

Our paths often crossed after that, whether we were working on cooperative development, innovation or social economy issues, on projects to fund community-based initiatives, on representations to various levels of government or at meetings of associations that we were both involved in. We shared a common vision of the social economy that includes values, principles and know-how that seek to put a human face on the economy and see collective work as a way of reducing poverty.

Nelson Mandela said that poverty is manmade and that it can be overcome. Ethel made that her mantra. Throughout her life, she helped to improve the living conditions of everyone she came into contact with who called on her knowledge, skills and expertise. Her passion and vision were a source of inspiration. Ethel was a true role model of commitment and leadership.

Rest in peace, dear Ethel, knowing that you left us all with the memory of an ordinary person who did extraordinary things.

I offer my deepest condolences to your family and to everyone who is mourning your loss. You will always be a champion to all of us.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Pam Hrick, Executive Director, Women's Legal Education & Action Fund (LEAF); Kat Owens, Project Director; and Jen Gammad, Communications and Advocacy Manager. They are the guests of the Honourable Senator McPhedran.

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

Hon. Senators: Hear, hear!

SUSAN HOLT

CONGRATULATIONS ON ELECTION VICTORY

Hon. Nancy J. Hartling: Honourable senators, I rise today with excitement and hope for the future, not only for New Brunswickers but for all Canadians. Last night was a historic night in New Brunswick. Susan Holt has shattered the glass ceiling and realized a milestone long overdue: She will become the first female premier of New Brunswick. Incredible.

I want to send out huge congratulations to Susan Holt and her team. Thanks to all the candidates in every party and their teams who stepped up and worked hard for New Brunswick.

After the election, a message went out as a warning to all the proud New Brunswick women to tell them to make sure to wear shoes today as there is glass everywhere. The glass ceiling came crashing down in New Brunswick.

In 1967, nearly 57 years ago, Brenda Robertson from Riverview was elected as the first female Member of the Legislative Assembly in New Brunswick. She was also a senator here in our chamber. Her grandson, Wil, stated:

> She cracked the ceiling and showed New Brunswick women that they belong in leadership positions. Many others followed in her footsteps and now we have the first female premier.

Personally, I see Susan's leadership style as one that will focus on the people of New Brunswick as she believes the people are our greatest asset. She is empathetic and a very inclusive leader. Her goals include improving health care, education and affordability for New Brunswickers. In addition, she will work hard to obtain pay equity for all women.

Susan is a proud lifelong New Brunswicker. Her husband, John, has actively supported her career, including parenting their three daughters.

Ninety-five years ago, a groundbreaking legal case was held and led by Emily Murphy, Alberta's first female magistrate, along with a group of Alberta women, including Irene Parlby, Louise McKinney, Nellie McClung and Henrietta Muir Edwards. They became known as the "Famous Five," and together they challenged the narrow interpretation of the British North America Act that had been used to prevent women from being appointed to the Senate of Canada or holding other important offices because we were not "persons." They won the so-called "Persons Case" on October 18, 1929, what we now call Persons Day. Finally, women were included in the Constitution as persons and

were thus able to become senators and hold leadership positions. Last week in Greater Moncton and across the country, we celebrated Persons Day.

Honourable colleagues, last night's historic moment affects not only women and girls but all of us as human beings. It is a reminder that women and girls are taking their rightful place.

[*Translation*]

Susan Holt said, "Our province is the best in Canada and the only bilingual province."

[*English*]

> I will listen and work for everyone no matter who you love or where you live or the colour of your skin.

[*Translation*]

I would like to congratulate Susan Holt once again. I'm very proud of New Brunswick's new premier. Good luck and thank you very much.

[*English*]

ROUTINE PROCEEDINGS

COMMISSIONER OF LOBBYING

CERTIFICATE OF NOMINATION AND BIOGRAPHICAL NOTES 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, the certificate of nomination and biographical notes for the proposed reappointment of Nancy Bélanger to the position of Commissioner of Lobbying.

INFORMATION COMMISSIONER

CERTIFICATE OF NOMINATION AND BIOGRAPHICAL NOTES 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, the certificate of nomination and biographical notes for the proposed reappointment of Caroline Maynard to the position of Information Commissioner.

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—TWENTY-NINTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Brent Cotter, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, October 22, 2024

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

TWENTY-NINTH REPORT

Your committee, to which was referred Bill S-230, An Act to amend the Corrections and Conditional Release Act, has, in obedience to the order of reference of Thursday, November 3, 2022, examined the said bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

BRENT COTTER

Chair

(*For text of observations, see today's* Journals of the Senate*, p. 3155*.)

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

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

COPYRIGHT ACT

BILL TO AMEND—FOURTEENTH REPORT OF BANKING, COMMERCE AND THE ECONOMY COMMITTEE PRESENTED

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

Tuesday, October 22, 2024

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

FOURTEENTH REPORT

Your committee, to which was referred Bill C-244, An Act to amend the Copyright Act (diagnosis, maintenance and repair), has, in obedience to the order of reference of

May 9, 2024, examined the said bill and now reports the same without amendment.

Respectfully submitted,

PAMELA WALLIN

Chair

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

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

• (1430)

COPYRIGHT ACT

BILL TO AMEND—FIFTEENTH REPORT OF BANKING, COMMERCE AND THE ECONOMY COMMITTEE PRESENTED

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

Tuesday, October 22, 2024

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

FIFTEENTH REPORT

Your committee, to which was referred Bill C-294, An Act to amend the Copyright Act (interoperability), has, in obedience to the order of reference of May 9, 2024, examined the said bill and now reports the same without amendment.

Respectfully submitted,

PAMELA WALLIN

Chair

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

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

[*Translation*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FOURTEENTH REPORT OF COMMITTEE TABLED

Hon. Lucie Moncion: Honourable senators, I have the honour to table, in both official languages, the fourteenth report of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Annual Report on Parliamentary Associations' Activities and Expenditures for 2023-24*.

FIFTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Lucie Moncion, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, October 22, 2024

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FIFTEENTH REPORT

Your committee, which is authorized by the *Rules of the Senate* to consider financial and administrative matters, now reports that it has reviewed the *Senate Administrative Rules* and recommends the following amendments:

1. *Chapter 2:06*: Replace section 16 with the following:

"**16 (1)** After consulting with the Law Clerk and Parliamentary Counsel, the Clerk of the Senate may make representations in respect of

(a) a third-party notice given under section 27 of the *Access to Information Act*; and

(b) any similar notice from the head of a government institution that provides the Senate with an opportunity to make representations about the head's intent to disclose records under the *Access to Information Act*.

(2) If the notice indicates that the head of a government institution intends to disclose an unpublished record or unpublished information about a Senator or an unpublished record or unpublished information in which the Senator is identifiable, the Clerk must advise the Senator before making representations.

(3) If the notice indicates that the head of a government institution intends to disclose an unpublished record or unpublished information about the responsibilities of a House Officer or a committee chair, the Clerk must advise the House Officer or committee chair, as the case may be, before making representations.

(4) If the notice indicates that the head of a government institution intends to disclose an unpublished record or unpublished information about a former Senator or an

unpublished record or unpublished information in which a former Senator is identifiable, the Clerk must make all reasonable efforts to advise the former Senator before making representations.

(5) In making representations under subsection (1) about records or information forming part of a committee's proceedings, the Clerk

(a) will not object to the disclosure of any records or information already published or authorized for release to the public;

(b) must object to the disclosure of any records or information that form part of an in camera proceeding or would otherwise reveal the content of such a proceeding, unless an appropriate body authorizes their disclosure;

(c) must, for records or information not described in paragraph (a) or (b), consult with

(i) the committee whose proceedings are subject to the notice,

(ii) the successor committee — if one exists — if the records form part of the proceedings of a committee from a previous session of Parliament, or

(iii) if neither subparagraph (i) nor (ii) applies, the Speaker of the Senate.".

Respectfully submitted,

LUCIE MONCION

Chair

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

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

[*English*]

PUBLIC COMPLAINTS AND REVIEW COMMISSION BILL

BILL TO AMEND—ELEVENTH REPORT OF NATIONAL SECURITY, DEFENCE AND VETERANS AFFAIRS COMMITTEE PRESENTED

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

Tuesday, October 22, 2024

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

ELEVENTH REPORT

Your committee, to which was referred Bill C-20, An Act establishing the Public Complaints and Review Commission and amending certain Acts and statutory instruments, has, in obedience to the order of reference of Thursday, June 20, 2024, examined the said bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

TONY DEAN

Chair

(*For text of observations, see today's* Journals of the Senate*, p. 3158.*)

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

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

[*Translation*]

ALARMING RISE IN SEXUALLY TRANSMITTED AND BLOOD-BORNE INFECTIONS

NOTICE OF INQUIRY

Hon. René Cormier: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the alarming rise in sexually transmitted and blood-borne infections in Canada, including HIV/AIDS.

• (1440)

[*English*]

QUESTION PERIOD

PUBLIC SAFETY

FIREARMS CONTROL

Hon. Donald Neil Plett (Leader of the Opposition): Leader, yesterday, our out-of-touch Prime Minister congratulated himself on the second anniversary of his choice to target licensed, trained and law-abiding gun owners instead of going after gangs and gun smugglers. In response, the Toronto Police Association said:

Criminals did not get your message. Our communities are experiencing a 45% increase in shootings and a 62% increase in gun-related homicides compared to this

> time last year. What difference does your handgun ban make when 85% of guns seized by our members can be sourced to the United States?

Leader, that's an excellent question. What is your response? Not just to me, a partisan Conservative, as you like to say, but to the Toronto police.

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I personally and this government have enormous responsibility for the police forces in Toronto and across the country who work tirelessly to keep Canadians safe and put themselves in harm's way. There is no question that the proliferation of gun violence on our streets is a threat to all of us, especially to those on the front lines who have taken on the sacred duty to protect us.

This government's legislation on firearms and its commitment to reducing the number of firearms on the streets to focus on those that have been used in mass shootings are things that this government stands on and will continue to. It has worked to reduce the inflow of guns from the United States and will continue to do what is necessary to keep Canadians safe.

Senator Plett: The Toronto Police Association also told them this:

> Your statement is out of touch and offensive to victims of crime and police officers everywhere —

— I would echo that in this chamber —

> — Whatever you think that you have done to improve community safety, has not worked.

Who should Canadians believe? The men and women on the ground who protect our communities daily or the Prime Minister whose policy makes their jobs even tougher?

Senator Gold: Canadians should have confidence in their police forces. It is normal in a democracy for different institutions to have different perspectives on matters pertaining to public safety, especially one so sensitive to the well-being of each and every Canadian and our communities. This government stands by its policy on gun violence as it stands on its policy in criminal law more generally.

FINANCE

CREDIT CARD FEES FOR SMALL BUSINESSES

Hon. Leo Housakos: Senator Gold, I quote:

> When you buy something from a coffee shop or local grocer, you want your money going right to the business owner.
>
> We made a deal with Visa and Mastercard — and now, small businesses will save up to 27% more on their credit card fees.

That's a social media post yesterday from your leader, Justin Trudeau, at the start of Small Business Week, quite the turnaround from the guy who called small business owners a bunch of cheats.

The problem with the post is that Mr. Trudeau knows full well that one of the largest payment processing companies, Stripe, has said that it will not be passing those savings along to those small businesses. Who sits on the board of Stripe? Oh, look, lo and behold, it's Justin Trudeau's de facto finance minister Mark Carney, colleagues.

Senator Gold, how can your leader post something like that with a straight face knowing damn well that those savings aren't being passed along but are actually going right into the pockets of Mark Carney?

Hon. Marc Gold (Government Representative in the Senate): "Wow" is correct, but for different reasons, dear colleague.

The progress that has been made with major credit card companies is something that should justly be celebrated. Indeed, Canadians need the assistance, as do those who do their business as small businesses through Visa. That others have not followed suit is regrettable, and I'm hoping that they will indeed follow suit.

Senator Housakos: Senator Gold, "Carbon Tax Carney" finally announced that he will be running for elected office. Interesting timing given the uncertainty surrounding the future of Justin Trudeau as Prime Minister and as leader. The truth is Mr. Carney has been lurking around this government for quite some time in one fashion or another.

My question is simple: Was Mr. Carney an adviser on the scheme regarding the credit card fees that his company is now pocketing? Was it maybe even his idea? Whose scheme was this?

Senator Gold: I have no information about that, but again, Mark Carney has served this country, and others, admirably. To your question, I am not in possession of any information regarding it.

FINANCIAL SYSTEM

Hon. Rosa Galvez: Senator Gold, on October 10, TD Bank pled guilty to criminal charges of money laundering in the U.S. after allowing hundreds of millions of dollars in illicit funds to flow through the bank. TD will pay over US$3 billion, the largest penalty ever imposed under the U.S. Bank Secrecy Act.

According to a 2020 Criminal Intelligence Service Canada report, an estimated $45 billion to $113 billion is laundered in Canada each year. The last CBC business article noted that TD's troubles shine a spotlight on the difference between the way the U.S. holds financial institutions accountable for illicit transactions and the gaps in Canada's own regulatory system that allows financial crime to flourish.

How is the Government of Canada responding to the bank's money laundering activities in the U.S.?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator. I can assure you that the Minister of Finance takes the stability and integrity of our financial system most seriously. She — along with other relevant agencies — is monitoring the situation very closely.

In particular, the Office of the Superintendent of Financial Institutions has stated that they are monitoring the situation with TD Bank closely and that the information disclosed by U.S. authorities is, indeed, very serious. The government will continue to support Superintendent of Financial Institutions in their work to protect the integrity of Canada's financial system.

Senator Galvez: Considering that banks are unable to comply with mandatory disclosure regimes with rigorous oversight such as the Bank Secrecy Act in the U.S. or that the Financial Transactions and Reports Analysis Centre of Canada has fined TD and other Canadian banks on similar issues, why does the Canadian government expect our banks to comply with voluntary disclosures such as the one of the Task Force on Climate-related Financial Disclosures, or TCFD?

Senator Gold: Thank you. The government expects all banking and financial institutions to comply with the rules that they have taken on and to serve with integrity the best interests of Canadians and our financial system.

As I said, the superintendent is monitoring this situation carefully, and the government is as well.

[*Translation*]

EMPLOYMENT AND SOCIAL DEVELOPMENT

NATIONAL SCHOOL FOOD PROGRAM

Hon. Éric Forest: According to Statistics Canada, nearly 1.8 million children are living in food-insecure households.

According to the Breakfast Club and its partners, 800,000 children in Canada still do not have access to high quality support programs. These children, who are often from vulnerable communities, rely on these initiatives for essential nutritional support to help with their well-being and success at school.

The National School Food Program is a great government initiative. However, community organizations are concerned that these funds may no longer be available in the long term, or that they may be compromised because of shifting government priorities.

What commitments has the government made to guarantee stable, sustainable, long-term funding for this program, thereby ensuring that it remains effective for future generations of children?

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

The government released the National School Food Policy, which describes the long-term vision for school food programs in Canada as well as the guiding principles and objectives that will help turn this vision into a reality. This government believes that we need to invest in people. That means giving children the best start possible in life and helping parents when they need it most. This National School Food Policy relies on a multi-billion-dollar investment that the government announced in Budget 2024 to launch the new National School Food Program, which will ensure that children have access to the food they need to succeed.

As for future generations, in a parliamentary democracy, it is hard for a government to tie anyone's hands, but I hope that the program will continue to exist. That is the government's objective.

• (1450)

Senator Forest: Thank you. To provide a bit of predictability to the Breakfast Club and other community groups, the government must speed up negotiations with the provinces and sign agreements.

So far, only one bilateral agreement has been signed, but children's food needs continue to grow, especially in the most vulnerable communities. Does the government realize that these delays have consequences on the health and educational success of children as well as on the well-being of Canadian families?

Senator Gold: The government is well aware of these challenges. That said, the government recognizes that the provinces and territories have jurisdiction over education and health, which generally include school food programs. It is continuing to work towards agreements with the provinces and territories. I'm confident that the government will reach agreements as quickly as possible.

PUBLIC SAFETY

DEMONSTRATIONS

Hon. Jean-Guy Dagenais: All the senators have received safety warnings about walking on Parliament Hill, as though it has become dangerous to walk through the streets of Ottawa.

To my astonishment, I saw images on social media of masked pro-Palestinian protesters preventing RCMP vehicles from travelling along Wellington Street. When I was a police officer, we called that obstruction and it was a crime.

Rather than stop them, the police turned around. These images went around the world. It's not very encouraging.

Then there are all the other acts of defiance and mischief in Vancouver and Montreal, where the police failed to act. With the implicit approval of your government, are we becoming a country where the safety of our citizens takes a back seat to the right these groups have to protest? They are promoting hatred against the Jewish people.

Hon. Marc Gold (Government Representative in the Senate): As I've mentioned a few times, I find some of these protests appalling, especially when their participants express hate for the Jewish community. However, dear colleague, and very respectfully, as a former member of the Sûreté du Québec, you're well aware that the federal government doesn't give orders to the police forces in Ottawa or Montreal.

What's happening is appalling, but it doesn't fall under the jurisdiction of the federal government. Even if it wanted to, the government can't choose between the protected right to protest and acts of an inappropriate and unauthorized, or even outright criminal, nature. The police, along with provincial and territorial prosecutors, are the ones who decide.

Senator Dagenais: We're talking about public safety and order here. Was the Criminal Code changed to address this kind of politically motivated obstruction or mischief? Were the police given direct or indirect political orders not to intervene? Are the police not taking it upon themselves to intervene because they're afraid your Prime Minister won't support them?

Senator Gold: There are a lot of insinuations in your question. The government doesn't run municipal or provincial police forces. The Criminal Code contains everything we need to protect ourselves and strike a balance between the right to speak and protest and protection from crime, including the expression of hatred.

[*English*]

PUBLIC SERVICES AND PROCUREMENT

PROCUREMENT PROCESS

Hon. Marty Klyne: Senator Gold, I have a question about procurement.

Yesterday, the federal Procurement Ombud Alexander Jeglic published his annual report for 2023-24. The report highlighted some ongoing problems, including barriers to entry that narrowed the government's pick of suppliers. Among the issues raised, the evaluation criteria were often unfairly biased to favour certain suppliers. There is a long-standing problem with the lack of the documentation necessary to demonstrate compliance with the rules and reasons for decisions. The report also notes a 23% increase in procurement complaints from last year, with almost 20% of complaints flagged by federal officials, suggesting that the issues have not just impacted external parties.

What steps will the government take to address this concern and ensure future procurement processes are truly competitive and accessible to all qualified vendors?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. It is an important question, and the issue is an important one to address. Indeed, the government is already taking steps to address the concerns that have been found in the procurement process to which you alluded. In particular, Public Services and Procurement Canada is acting to modernize government procurement practices so that they are simpler and less administratively burdensome. They will deploy modern comptrollership, encourage greater competition and include practices that support economic policy goals, including increasing the diversity of bidders, better vendor management and clear metrics.

This is in addition to the Supplier Diversity Action Plan which focuses on increasing the participation of business from under-represented groups in government procurement. The government will continue this important work of improving and modernizing the procurement process.

Senator Klyne: For consideration, the ombud recommends establishing a government-wide vendor performance management program that tracks the work done by suppliers after winning their bids. Low performers can then be avoided, and good ones can be considered again.

Does the government agree that this is sorely needed? If so, what measures does it intend to implement in the immediate future in order to establish this program and put it to good use?

Senator Gold: Thank you for your question.

As the first step in the process that I described earlier, the government has established the Office of Supplier Integrity and Compliance, or OSIC, to bring necessary enhancements to the existing program of suspension and debarment. This action reinforces the federal commitment to strengthen responsible corporate governance within the supplier community and, to your question, to strengthen the government's ability to better know with whom it does business.

INFRASTRUCTURE AND COMMUNITIES

AFFORDABLE HOUSING

Hon. Michael L. MacDonald: Senator Gold, information from the Canada Mortgage and Housing Corporation, or CMHC, clearly shows that your government is failing to build the homes that Canadians want and need. Last month, housing starts in Nova Scotia were down 40% year over year. In Halifax, where housing is badly needed, it fell even further — down 61% as compared to September 2023. By the way, Senator Gold, in your hometown of Montreal, housing starts were down 59% over the same time frame.

If your government's housing plan is working, how do you explain these truly abysmal figures?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question, senator. As I have said on many occasions here, the federal government has a role to play, and it does not shirk from that role in terms of housing. It is simply not the case that "The federal government is responsible for building houses in Canada." That would be in complete disregard of not only constitutional jurisdiction but also the way that the actual market works and has worked for the benefit of all Canadians.

I am not going to play games with you, senator. I won't try to be cute about the idea that somehow the Conservative Party of Canada is now looking to become even more statist than other

parties far to the left. I remind us, nonetheless, that the government has made significant investments and made policy changes to encourage municipalities, provinces, territories and the private sector to ramp up their efforts. The government hopes that this will meet the needs of Canadians over time because there is a housing challenge, and no one — this government certainly included — would deny that.

Senator MacDonald: Senator Gold, the CMHC is the federal government's authority. As I quote from their report, " . . . we remain well below what is required to restore affordability in Canada's urban centres." Again, if the government's initiatives and plans are supposed to work, how do you explain what your own government's housing authority is telling Canadians? You're saying it's not working.

Senator Housakos: It is not partisan. It is a fact.

Senator Gold: I think I have answered your question, but I will try to answer it again. The federal government, through the CMHC, has an important role to play, and they are exercising those responsibilities, but they are not the only partner. They are not the only decision maker. They are not the only factor that affects how expensive a house may be in the Lower Mainland or in Westmount, Quebec, or in any number of places, whether it's big, small or in between.

[*Translation*]

PUBLIC SAFETY

FOREIGN INTERFERENCE

Hon. Claude Carignan: Leader, when the Canadian Security Intelligence Service, CSIS, wants a surveillance warrant, it needs the approval of the Minister of Public Safety.

• (1500)

Normally, such a CSIS warrant is authorized quickly, within four to 10 days. However, we learned last week that, in 2021, it took former minister Bill Blair 54 days, or almost two months, to approve a warrant request from CSIS, even though the warrant was being sought to investigate Chinese interference in Canada.

Leader, how do you explain the fact that the former public safety minister dragged his feet like this on a file that was in Canada's best interests?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. Minister Blair and his staff have already clearly answered that question. They said that the request wasn't brought to the minister's attention as it should have. That is the explanation.

Normally, as you know, it doesn't take nearly that long and approvals are given within an appropriate amount of time. However, there was a bit of a hiccup in this case, which is quite unfortunate.

Senator Carignan: Leader, is it possible that it took so long to authorize this warrant for surveillance because the person targeted by the warrant was a former Liberal minister from the Ontario government, Michael Chan, who was suspected of using his position of influence in the Liberal Party of Ontario and his federal cousin in Ottawa to promote the interests of China?

Senator Gold: That type of speculation is not surprising given the way you're collectively performing your duties here in the Senate. In any case, I can't respond to such an insinuation. I don't want to and will not do so.

[*English*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

BUSINESS OF THE COMMITTEE

Hon. Mary Coyle: My question is for Senator Moncion, Chair of the Standing Committee on Internal Economy, Budgets and Administration.

On March 29, 2022, the Senate unanimously adopted an environmental and sustainability policy statement that committed the Senate to reducing its own carbon footprint to net zero by 2030. That group mandated the Senate Advisory Working Group on Environment and Sustainability to oversee a process to secure external expertise to catalogue, benchmark and develop a measurement approach for the total carbon footprint of Senate activities and to provide recommendations to achieve targets. The initial contract was let for $93,860 in March 2023. The phase 1 report was released on September 28, 2023, but we've heard nothing about the phase 3 report. Could you provide an update on the status of this report and whether it will be made public? If so, when?

Hon. Lucie Moncion: Thank you, Senator Coyle, for your interest in and support for this initiative. Your engagement has always been important in this matter. I would also like to thank Senator Deacon for his commitment to and leadership of this file.

I'm unable to discuss everything related to this file publicly, as some ongoing discussions regarding this matter were held in camera due to their sensitive nature. The Advisory Working Group on Environment and Sustainability oversaw the work with the external consultant from 2023 to 2024 to establish a baseline inventory of the Senate's greenhouse gas emissions and advise on ways to reduce the carbon footprint. As you said, that report was tabled in the Senate. The Internal Economy Committee's next step is with the administration, and it concerns continuing research into several areas.

Senator Coyle: Given the urgent action required for Canada to meet our net-zero emissions commitments and the opportunity to demonstrate our chamber's leadership, could you explain why the report has not yet been released and when the members of this chamber will consider this report's recommendation and choose appropriate action so that the Senate gets on track to achieve our net-zero goals by 2030?

Senator Moncion: I recognize the significance of the commitment and the responsibility to demonstrate progress. I cannot provide all of the information. I know that every one of us can start doing things like reducing paper and trying to find other ways to travel. As mentioned, the administration is working actively on potential initiatives and updates pertaining to the Senate. We're looking at bicycle use and finding other ways of working with staff.

FINANCE

FEDERAL DEFICIT

Hon. Yonah Martin (Deputy Leader of the Opposition): Leader, last week the Parliamentary Budget Officer, or PBO, released a report that details the incredibly poor economic and fiscal management that the NDP-Liberal government has given Canadians over nine long years. The PBO estimates that the deficit stood at $46.8 billion in 2023-24. For the current fiscal year, the PBO projects the deficit will come in at $46.4 billion. If that is true, it means that the NDP-Liberals broke their own promise to keep the deficit below $40 billion twice. Is the PBO's report accurate, leader? Is your government on track to post a $46.4-billion deficit this year?

Hon. Marc Gold (Government Representative in the Senate): The government has enormous respect for and appreciates the work of the Parliamentary Budget Officer. However, I'm not in a position to know exactly what the final number will be. That will become clear once all the accounts and work are done.

However, I can say this, honourable colleagues: The government does not agree with your characterization of how this government has managed the economy over the past eight and a half years. We're going to leave aside the investments made to protect Canadians and their businesses during the pandemic. We will put aside the dire statements that you've made over the years, which Hansard will reveal, about how inflation will stay where it is. Inflation is less than 2%. We're expecting further bank cuts. Relief is coming to Canadians — much overdue and needed relief. This country is in good hands.

Senator Martin: The numbers are very clear, leader. The PBO's report also shows the NDP-Liberal government will never get a handle on its debt. This fiscal year, they will pay banks and bond holders $52.8 billion just to cover the interest on their debt. Leader, your government will never fix the budget. Isn't that another good reason for a carbon-tax election?

An Hon. Senator: Hear, hear.

Senator Gold: Thank you for the question. This government has made the decision to invest in Canadians and in our future. To be sure, maintaining levels of public debt that are manageable is an important priority for any government. To make a fetish — dare I say — of deficit reduction when Canadians are clamouring for assistance will be at the expense of God knows how many social programs —

The Hon. the Speaker: Senator McPhedran.

PUBLIC SAFETY

HUMAN TRAFFICKING

Hon. Marilou McPhedran: There were 3,996 cases of human trafficking reported in Canada from 2012 to 2022. Despite anti-trafficking legislation, reported incidents actually increased annually during this period. The hidden nature of trafficking makes it difficult to determine the true extent of this heinous crime. We see high gender disparity and disproportionality in sex-trafficking victims. The previous National Action Plan to Combat Human Trafficking expired in 2016, and it took three years of advocacy before a new plan was introduced. The current National Strategy to Combat Human Trafficking expires in two months.

• (1510)

Major anti-trafficking groups warn that to date the government has conducted no —

The Hon. the Speaker: Senator Gold.

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question, for your advocacy and for highlighting what is indeed a heinous crime. I am not in a position to provide specifics to your question, but I'll certainly raise this with the minister at the earliest opportunity.

Senator McPhedran: Senator Gold, delays risk undermining progress that law enforcement and civil society have made in their anti-trafficking efforts, as demonstrated in the three-year implementation gap of the previous plans. Recognizing this, more than 30 anti-trafficking groups reached out to government over a year ago, requesting consultations to renew the plan. Advocate input can inform the government as to what strategies have been successful. Will the government commit to consultations?

Senator Gold: Again, thank you. Let me undertake to add this to the question I'll raise with the minister.

ANSWERS TO ORDER PAPER QUESTION TABLED

AGRICULTURE AND AGRI-FOOD— MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Agriculture and Agri-Food Canada.

ATLANTIC CANADA OPPORTUNITIES AGENCY—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Atlantic Canada Opportunities Agency.

CANADIAN NORTHERN ECONOMIC DEVELOPMENT AGENCY—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Canadian Northern Economic Development Agency.

NATIONAL REVENUE—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Canada Revenue Agency.

ECONOMIC DEVELOPMENT AGENCY OF CANADA FOR THE REGIONS OF QUEBEC—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Canada Economic Development for Quebec Regions.

FISHERIES, OCEANS AND THE CANADIAN COAST GUARD—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Department of Fisheries and Oceans Canada, including the Canadian Coast Guard.

INDIGENOUS SERVICES—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Indigenous Services Canada.

NATIONAL DEFENCE—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — National Defence.

ENVIRONMENT AND CLIMATE CHANGE—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Environment and Climate Change Canada, Impact Assessment Agency of Canada and Parks Canada.

EMPLOYMENT, WORKFORCE DEVELOPMENT AND OFFICIAL LANGUAGES—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Employment and Social Development Canada.

FEDERAL ECONOMIC DEVELOPMENT AGENCY FOR SOUTHERN ONTARIO—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Federal Economic Development Agency for Southern Ontario.

FEDERAL ECONOMIC DEVELOPMENT AGENCY FOR NORTHERN ONTARIO—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Federal Economic Development Agency for Northern Ontario.

FINANCE—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Department of Finance Canada.

EXPORT PROMOTION, INTERNATIONAL TRADE AND ECONOMIC DEVELOPMENT—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Global Affairs Canada.

HEALTH—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Health Canada, Public Health Agency of Canada, Canadian Food Inspection Agency, Canadian Institutes of Health Research and Patented Medicine Prices Review Board.

CROWN-INDIGENOUS RELATIONS—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Crown-Indigenous Relations and Northern Affairs Canada.

HOUSING, INFRASTRUCTURE AND COMMUNITIES—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Infrastructure Canada.

IMMIGRATION, REFUGEES AND CITIZENSHIP—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Immigration, Refugees and Citizenship Canada.

INNOVATION, SCIENCE AND INDUSTRY—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Innovation, Science and Economic Development Canada.

JUSTICE AND ATTORNEY GENERAL—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Department of Justice Canada.

ENERGY AND NATURAL RESOURCES—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Natural Resources Canada.

PACIFIC ECONOMIC DEVELOPMENT AGENCY—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Pacific Economic Development Agency of Canada.

CANADIAN HERITAGE—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Canadian Heritage.

PRIVY COUNCIL OFFICE—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Privy Council Office.

PRAIRIES ECONOMIC DEVELOPMENT—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Prairies Economic Development Canada.

PUBLIC SAFETY, DEMOCRATIC INSTITUTIONS AND INTERGOVERNMENTAL AFFAIRS—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Public Safety Canada, Correctional Service Canada and Royal Canadian Mounted Police.

PUBLIC SERVICES AND PROCUREMENT—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Public Services and Procurement Canada and Shared Services Canada.

WOMEN AND GENDER EQUALITY AND YOUTH—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Women and Gender Equality Canada.

TREASURY BOARD—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Treasury Board of Canada Secretariat.

TRANSPORT—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Transport Canada.

VETERANS AFFAIRS—MINISTERIAL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 11, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding ministerial appointments — Veterans Affairs Canada.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

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

Hon. Colin Deacon: Honourable senators, this item stands adjourned in the name of Senator Plett. I ask for leave from the Senate following the intervention that the balance of his time to speak to this item be reserved.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: So ordered.

Senator C. Deacon: Honourable senators, I rise today with a sense of urgency: The 2021 Speech from the Throne laid out an ambitious vision to build a more resilient economy and a secure, cleaner and healthier future for our children and grandchildren. The bolder climate action commitment spoke to the very survival of the planet and the prosperity of our country.

Colleagues, when that speech was given in November 2021, the world was grappling with the aftershocks of COVID-19, but the climate crisis was not waiting for the world to catch its breath.

Earlier that year, the town of Lytton, B.C., recorded an unprecedented temperature of 49.6 degrees Celsius, just prior to being literally incinerated. That fall, B.C.'s Lower Mainland was devastated by a now-common phenomenon called an atmospheric river, causing $1 billion in catastrophic flooding and severing access to Vancouver.

Extreme weather events are now commonplace, causing billions of dollars in damage and seemingly endless harm to families, communities and infrastructure.

As we approach the mid-point of this decade, we must ask ourselves: Are we taking bold steps to reduce greenhouse gas emissions while ensuring that our economy remains globally competitive and resilient?

According to Environment and Climate Change Canada, or ECCC, Canada's economic activity produced 698 megatonnes, or 0.7 gigatonnes, of greenhouse gas emissions in 2021. Despite the promise of bolder climate action, this number remains largely unchanged today.

Additionally, according to a recent article in the journal *Nature*, Canada's 2023 forest fire emissions more than doubled our annual emissions. Although not accounted for in the greenhouse gas inventory methodology, it's still worth noting that Canada's forest fire emissions alone equalled India's total emissions in 2023.

Suffice it to say, Canada is not on track to meet our 2030 target of reducing emissions to 45% below 2005 levels, nor is the world. At 0.7 gigatonnes, Canada only produces a tiny fraction of the 50-plus gigatonnes of global emission. That's often cited as a reason we should wait for others to act. But bold climate action is not just an obligation; it's an unequalled opportunity to improve Canada's economic resilience and prosperity. That's the purpose of my response to the Speech from the Throne today.

But first, let me offer an analogy: Imagine you're locked in a room that is rapidly filling with smoke. You quickly try and block the source of smoke. This instinct is reflected in our much-needed efforts to reduce our greenhouse gas emissions, but even if you do slow the rate of accumulation, you'll still be eventually overwhelmed if you don't clear the air. Similarly, humanity must find a way to rapidly clear the historical CO_2 emissions from our atmosphere. This is the role of carbon dioxide removal, or CDR. I'll be using the CDR acronym a lot today.

Many greenhouse gases, but particularly CO_2, linger in our atmosphere for centuries. A study from Norway suggests that CO_2's full impact on our climate may take 50 years to manifest. This means that the emissions from the 1970s, when we were all misbehaving in our youth, may be causing the extreme weather events we're experiencing today, so even if we could reach net-zero emissions today rather than in 2050, we may still face decades of increasingly severe climate events. Consequently, we can't afford to just reduce our CO_2 emissions, but we must work to remove CO_2 from the atmosphere.

The good news is that practical CDR methods are available to scale today, and Canada could quickly become a much-needed global leader in scaling these technologies. Carbon dioxide removal, or CDR, methods include harnessing nature to sequester more carbon in our forests and agricultural soils. For decades, Scandinavian countries have proven that agile forestry practices support a highly profitable forestry sector while reducing wildfires, enhancing biodiversity, providing rural and remote jobs and displacing the use of petroleum products. For example, Sweden's biomass-fuelled district heating systems provide 75% of that country's heat. Despite 94% of Canada's boreal forests being on Crown land, a lack of effective policy management has turned our forest into carbon sources rather than carbon sinks.

• (1520)

In their report *Critical Ground*, our own Agriculture and Forestry Committee has chronicled the extent to which regenerative agricultural practices can improve our farm productivity by, among other things, sequestering atmospheric carbon and nitrogen in soil. Most other developed nations have effective policies and programs to incentivize and reward these activities, but not Canada.

Other nature-based methods include using proven approaches to enhance the alkalinity of our rivers and oceans. These methods reverse the disastrous effects of acidification while capturing and permanently sequestering CO_2 as a dissolved salt in our oceans.

For 20 years, Nova Scotia's salmon fishers have been carefully introducing lime into the rivers to reverse the effects of acid rain and improve salmon habitat. It turned out that this process also sequestered atmospheric carbon. Nova Scotia-based CarbonRun is now scaling this ecology-restoring CDR method. Recently profiled in *The New York Times*, CarbonRun was just selected to receive a $25-million advance purchase of carbon removal credits from a group of global technology leaders.

Planetary Technologies, which has partnered with Dalhousie University, Nova Scotia Power and many others, is a top-20 finalist out of, I think, 1,600 companies globally for the $100-million Carbon Removal XPRIZE.

Honourable senators, both these Nova Scotia companies are world firsts in their fields, with a strong global export potential of carbon removal credits.

Direct air capture, or DAC, is another rapidly maturing technology. DAC removes CO_2 directly from the air and stores it permanently underground. Very small-scale facilities are already operational in Iceland, and Montreal's Deep Sky is gaining global attention for its focus on identifying and scaling the most promising DAC technologies, both in Quebec and in a new $100-million facility in Innisfail, Alberta. It's also worth noting that a B.C. company called Carbon Engineering pioneered the development of DAC technology to remove CO_2 from the atmosphere.

Direct air capture technologies offer some of the greatest certainty in terms of permanent carbon removal but are still very expensive. Like every technology, iterative improvements compound over time to transform cost-benefit ratios. Consider that photovoltaic solar cell costs have dropped by over 90% since 2009 and lithium-ion batteries are 97% cheaper than in 1991.

One last one point worth noting is this: CDR technologies differ from point-source carbon capture and storage, which is designed to reduce CO_2 emissions from ongoing industrial activity. To go back to our original analogy, carbon capture and storage slows the rate at which smoke is filling the room but does not clear the air. They are point-source, or smokestack, carbon capture methods that help to reduce the rate at which emissions enter the atmosphere, but to be clear, carbon capture and storage is not CDR.

Honourable senators, despite the enormous promise, CDR know-how and technologies are just starting to be integrated into our public policy frameworks. We need to move faster because Canada has the potential to build a globally leading CDR industry that creates opportunity, jobs and prosperity across our country and into our remote and rural communities.

The product of this emerging industry sector is carbon removal credits that can be sold to businesses and countries that cannot completely reduce their emissions, and these credits will play a crucial role in fighting climate change.

To capture the related economic opportunity, Canada must create the regulatory and market frameworks that will attract domestic and foreign carbon removal credit revenue and investment. Both are essential to accelerating the work of CDR innovators. This sort of strong public policy leadership will attract global attention and enable us to rapidly create a new industrial sector of CDR companies that deploy, iterate and improve their technologies here in Canada.

We already have so many elements working in our favour. Let me list a few: We have the necessary geology, forests, agricultural land, rivers and oceans, as well as an income tax credit system — thanks to Bill C-59 — that can help underwrite the cost of scaling globally leading technologies. The promise of being the first country to develop a direct air carbon capture protocol following on the heels of other leading protocols is also an asset, as are generations of experience as a trusted investment destination. We are host to the world's leading annual metals and mineral investment conference. Let's become the carbon market leader.

So how do we finally start to turn this achievable opportunity into a reality? First, our policy-makers and politicians must internalize the importance of both reducing emissions and increasing the rate at which we remove past emissions. Simply, we need an all-hands-on-deck attitude if we're going to find the lowest cost and most effective ways to reduce the concentration of CO_2 in our atmosphere.

Second, our regulators must create credible, buyer-centric market frameworks that attract carbon removal credit buyers. These regulators will have to prioritize listening to the needs of buyers of carbon removals and CDR innovators and investors. To succeed, we need regulations that catalyze investment in CDR.

Honourable senators, regardless of the level of Canada's emission reduction success, we will still have to remove past greenhouse gas emissions. Canada can capture this massive opportunity by sending a strong and consistent demand signal to countless groups that are already starting to invest billions elsewhere.

Success will require political will, leadership and commitment, and a demonstrated capacity to do what it takes to deliver on that commitment, but like anything else important in life, details will matter a lot, so here are some specifics as to where we need to focus if we want to make reliable progress.

First, let's assemble the talent, capacity, experience and networks so that Canada's regulators can deliver certainty and trust to global carbon removal buyers and CDR investors by creating and updating market-centric protocols. Second, let's reduce complexity. We need one identifiable group responsible for policy development, program delivery and regulatory coordination both domestically and globally. Third, let's use government procurement power to send a demand signal. Budget 2024's commitment to include carbon removal in the Low-carbon Fuel Procurement Program is a really good start, as is Minister Anand's recently announced commitment to purchase $10 million in carbon removal credits. Fourth, let's integrate carbon removal credits into the federal carbon pricing system, helping to create a reliable revenue stream that builds long-term demand for these technologies. Fifth, let's adopt a national approach to CDR certification and greenhouse gas accounting that recognizes, builds from and certifies the best voluntary standards, and integrates those standards into Canada's compliance carbon market. And, sixth, let's integrate Article 6 of the Paris Agreement into Canada's policy frameworks. Leading organizations such as the International Emissions Trading Association have been encouraging Canada to finalize this framework. This would provide market certainty for carbon removal credit buyers and CDR investors. Formalizing Article 6 will unleash the full potential of globally aligned market frameworks so that the funding flows to the most reliable and cost-efficient technologies.

Lastly, Canada is hosting the 2025 G7 meeting. Let's make CDR a central theme in an effort to signal the importance of global market alignment and coordination.

Colleagues, as elections unfold across the country, there's a unique opportunity for new governments to not only build on current efforts to reduce CO_2 emissions, but also to implement effective strategies to remove CO_2 from our atmosphere. Canada must ensure policy consistency through the next decades if we want to achieve the goal of prosperity and decarbonization. Consistent leadership will enable us to become a global magnet for the investment needed to attract and scale CDR know-how and technologies in Canada and for those companies that will remove carbon dioxide from the atmosphere.

Canada can help the world save itself. Thank you, colleagues.

(Debate adjourned.)

• (1530)

CANADIAN POSTAL SAFETY BILL

BILL TO AMEND—TWENTY-EIGHTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the twenty-eighth report of the Standing Senate Committee on Legal and Constitutional Affairs (*Bill S-256, An Act to amend the Canada Post Corporation Act (seizure) and to make related amendments to other Acts, with amendments*), presented in the Senate on October 8, 2024.

Hon. Brent Cotter moved the adoption of the report.

He said: Honourable senators, I rise today to speak to the Standing Senate Committee on Legal and Constitutional Affairs report on Bill S-256, in accordance with Senate rule 12-22(4). Bill S-256, introduced by Senator Dalphond, seeks to amend the Canada Post Corporation Act to address the lawful search, seizure, detention and retention of mail.

This bill focuses on empowering law enforcement to intercept contraband with the goal of addressing the movement of dangerous drugs such as fentanyl and other opioids that can be transported through Canada Post.

To give you a bit of context, there are constraints upon the ability to access, search, seize and detain mail through Canada Post that do not apply necessarily to other methods of transmission of parcels and mail across our country. As you might know, dangerous drugs such as fentanyl — which are able to be reduced to very small, even minute particles, at high risk to Canadians — can these days be more easily transported simply in letters, which are not as easily accessible to search and seize through Canada Post as other mechanisms.

I will leave the commentary on the substance and merits of the legislation to my colleagues; I think that Senator Simons will speak to this today. However, I would like to note that our committee studied this bill fruitfully and cooperatively, resulting in two unanimously adopted amendments. These were primarily advanced by the bill's sponsor, Senator Dalphond, and inspired by the evidence of witnesses before the committee, particularly the evidence of Professor Steve Coughlan of Dalhousie University's law school. As well, the amendments were refined by three subamendments from Senator Carignan, Senator Dalphond and Senator Oudar.

Our study began on September 25, 2024, and concluded with clause-by-clause consideration on Thursday, October 3, 2024. During the course of our study, we heard from 12 witnesses and received five written briefs. I would like to extend my gratitude to those who facilitated this expedited study: the members of the committee; law clerk Anne Burgess; analysts Michaela Keenan-Pelletier and Iryna Zazulya; our administrative assistant, Natassia Ephrem; and our clerk, Vincent Labrosse.

Let me say a few words about the key amendments that were introduced. I know in further discussion that Senator Dalphond — I just want to make sure —

Hon. Pierre J. Dalphond: I am over here now.

Senator Cotter: I thought for a moment that you had shaved your head, Senator Dalphond. I tested that line out on Senator Fridhandler earlier, and it seemed to be acceptable.

I will turn now, if I may, to the amendments. First, clause 2 was removed from the bill, specifically the definition of "enforcement statute." Clause 2 of the original bill added the definition of "enforcement statute," which is a federal law, provincial law, or law or bylaw made by an Indigenous council or government. The committee removed this clause and the definition of "enforcement statute" from the bill. This change led to related amendments in later clauses that referenced an enforcement statute, including the complete removal of two other clauses of the bill: clauses 4 and 5. It is fair to say that it has streamlined the bill thanks to the good work of Senator Dalphond.

Clause 3 was also amended, which is the search and seizure of mail. Section 40(3) of the current Canada Post Corporation Act imposes a blanket prohibition on the demand, seizure, detention or retention of mail subject to exceptions found in other provisions of the act, its regulations and some other acts.

The original version of the bill broadened this by allowing mail to be searched under any "enforcement statute." However, given the removal of the definition of "enforcement statute" in clause 2 — and these were working in combination with one another in Senator Dalphond's amendments — the committee amended clause 3 to maintain the status quo of the act, with one key addition: Mail may now be searched under the authority of a general warrant or its equivalent issued under any federal law. I also think that it is fair to say that the language around the ability to obtain a general warrant is more consistent, precise and well known in the law. The committee also amended clause 3 to remove a waiver of liability for any damages related to mail that is seized, detained or retained under an enforcement statute.

In addition, clause 3.1 was added, which is the screening of mail on request. This new clause 3.1 was added by the committee to authorize Canada Post to carry out screening of mail addressed to a location on a reserve or a territory under the control of an Indigenous community, council or government, where such screening is authorized by a law or bylaw passed by that community. The committee is grateful to Senator Oudar for the shape of this amendment.

Importantly, this screening is non-intrusive and does not involve the opening or reading of mail. This is where technology has assisted us greatly. The purpose is solely to identify controlled substances using methods such as scanners, canine detection or other non-intrusive technologies. If I may say, technology is coming to the aid of wise law enforcement to protect communities that can be extremely vulnerable to the movement of these dangerous drugs and commodities into their communities. This addition reflects concerns raised by witnesses regarding the flow of fentanyl and other controlled substances into rural and remote communities surreptitiously through Canada Post.

In conclusion, I'm proud of the work undertaken by my colleagues on the committee. Our study of Bill S-256 was both efficient and effective with collegial and informative discussions around the table, particularly in relation to the amendments and subamendments during our clause-by-clause process. I believe the study of Bill S-256 reflects a collaborative effort by all parties to improve a valuable piece of legislation.

I'm thankful for the opportunity to present the bill and to participate in this important review. Congratulations on bringing the bill this far, Senator Dalphond, and I am sure we will have wise and cooperative, but also enthusiastic, discussions on the bill around the table here. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Paula Simons: Honourable senators, I do not know if I can promise to be wise, but I shall definitely be enthusiastic about what I'm saying.

I rise today to speak to the report on Bill S-256, the Canadian postal safety act. It may seem odd to begin my response in 1840, but that is where we must start to understand how radical a shift this bill represents in almost 200 years of legal tradition.

In 1840, Great Britain established the Penny Post. Up until then, people had exchanged letters and messages through all sorts of private delivery and courier services, but the Royal Mail, keen to establish a functional monopoly and to democratize the delivery of letters at a time of rising literacy rates, slashed its prices. It created the Penny Post, and thanks to rapidly expanding railway networks, that meant it cost only a penny to send a letter, no matter how far it had to travel, be it from the tip of Cornwall to the northernmost reaches of the Scottish Highlands.

• (1540)

Customers were guaranteed safe, reliable delivery of their most important business correspondence and most intimate personal messages, and all went swimmingly until the great Post Office Espionage Scandal of 1844.

In 1844, London was home to the great Italian republican rebel Guiseppe Mazzini, who had been exiled there thanks to his campaign to unify Italy and free it from Austrian control.

Mazzini maintained an active political correspondence — something that greatly worried Austria's ambassador to Britain, Baron Philipp von Neumann. So Ambassador von Neumann prevailed upon the British Crown and the Secretary of State for the Home Department, Sir James Graham, to intercept Mazzini's mail.

Thus it was that on March 1, 1844, Sir James Graham issued an official warrant for the opening of letters sent to Mazzini. The letters were removed from the mailbags, copied and forwarded to the Austrian ambassador.

Meanwhile, the letters themselves were carefully resealed and sent on to Mazzini. But Mazzini himself began to grow suspicious that someone was tampering with his mail, so he asked his international correspondents to begin adding things like poppy seeds, grains of sand or even a few loose hairs to their envelopes. Sure enough, when the letters arrived, those seeds, grains and hairs were missing.

Mazzini, however, was not without his own powerful friends in the House of Commons. In June 1844, Mazzini's friend the radical MP Thomas Duncombe petitioned Parliament to stop opening Mazzini's incoming mail. Sir James Graham responded, insisting it was not in the public interest for Parliament to pry or inquire into his use of government power.

The outrage was immediate because almost everybody used the Royal Mail almost every day to conduct their personal, political and financial business. They all expected that their private mail would be safe from government surveillance. People were shocked to learn that this simply wasn't the case.

As *The Times* of London put it:

> No man's correspondence is safe. No man's confidence can be deemed secure; the secrets of no family, of no individual, can be guaranteed from reaching the ear of a Cabinet Minister, and, worse than that, of a Minister's officials.

The House of Commons and the House of Lords each struck a special committee to inquire into the allegations. The Lord Chief Justice, Lord Denman, demanded to know how Sir James Graham felt about ". . . opening a private letter, becoming the depositary of the secrets of a private family . . ." and ". . . knowing that he was in possession of secrets dearer to him than his life. . . ."

The novelist Charles Dickens and the philosopher Thomas Carlyle thundered. The satirical magazine *Punch* ran devastating cartoons. In a speech in the House of Lords, the Earl of Haddington argued that "there was nothing more sacred than private communication passing through the Post-office."

The Law Magazine, in an editorial published in 1845, wrote, "the post-office must not only be CHEAP AND RAPID, but SECURE AND INVIOLABLE."

There was so much public and political indignation that from that time forward, no more warrants were issued for the searching of letters sent via the Royal Mail. The government understood that in order for people to have confidence in the penny post, they had to have confidence that the Crown would not monkey with their mail.

In 1849, when the Canadian colonies established their own postal services, they kept that contract. That is why police in 2024 can get a warrant to search packages delivered by FedEx, UPS or Purolator but not a warrant to search a letter dropped in a red Canada Post box. When you send a letter via a private courier company, you simply do not have the same expectation of privacy that you do when Canada Post, a Crown corporation, handles your mail.

During our Legal Committee hearings on Bill S-256, we repeatedly heard this situation referred to as an anachronism, a practice that no longer makes sense today.

However, that is not what contemporary Canadian courts have found. In a case from the court of Newfoundland and Labrador, *R. v. Crane and Walsh*, the court found that:

> The search and seizure of private mail is in my opinion a most serious matter. The privacy of one's mail is a most important and highly-protected element of our society.

In the more recent 2023 case of *R. v. Gorman*, the Supreme Court of that same province held that because the mail has been used to transmit messages that reflect aspects of private life and individual identity:

> People using the post have a reasonable expectation that the government will not search the mail and see what they are sending or receiving.

It continued, stating, ". . . people expect that the government will refrain from opening their mail."

Here we have before us in Bill S-256 legislation that would upend some 180 years of legal tradition and precedent.

This bill, for the first time in Canadian history, would give the police the power to intercept, open and inspect packages and letters being carried by Canada Post. Police would indeed require a warrant to perform such a search. I am happy and grateful to say that thanks to a timely amendment of his own bill, Senator Dalphond's proposed legislation now requires that police have a general warrant or its equivalent to conduct a search. That means, as Senator Cotter explained, the grounds for such a search must be reasonable grounds to believe and not just reasonable grounds to suspect; there is now a higher threshold to meet.

These are significant improvements to the bill, and I commend Senator Dalphond for his wisdom in making them. And yet, even with these substantive amendments, there remain things about Bill S-256 — which has been strongly opposed by Canada Post itself — which make me uncomfortable.

Ostensibly, the bill was designed to counter the practice of slipping fentanyl, a powerful opioid, into standard letter-sized envelopes. Because the drug is so potent and concentrated, even a lightweight amount, tucked into an envelope, can be sold as many hundreds of doses.

The Standing Senate Committee on Legal and Constitutional Affairs heard testimony that drug dealers are routinely using letters to send fentanyl this way, especially to rural and remote Indigenous communities. We even heard dramatic testimony about fentanyl being dissolved in ink or soaked into paper, but we were shown no proof or evidence of any such thing ever happening in Canada.

Bill S-256 wouldn't just allow police to search for drugs, alcohol or other contraband. It would allow them to open and read letters in transit, looking for evidence of all kinds of crimes, for example, for proof of criminal conspiracy or political insurrection.

Perhaps that thought, that image, is quaint. After all, I suspect more criminals and terrorists do their plotting via WhatsApp or text than conventional snail mail these days. However, there is something about the idea of police being able to open our mail, even with a warrant, that bothers me on a visceral level.

Perhaps it stems from my childhood. Both my father and mother had family members in the Soviet Union, who had been trapped there after the war when the Iron Curtain slammed down. The only way my family could communicate with siblings and cousins in the U.S.S.R. was by letter. My grandparents and great-aunts in Edmonton wrote those letters knowing they could well be opened and read by Soviet censors. And family members writing from Russia assumed that every word they said to us in Canada would be scrutinized too.

There was a joke my father, of blessed memory, liked to tell about two Jewish brothers. One of them, a communist idealist, decided to travel back to the Soviet Union to see what it was really like and promised to write home with his news. Knowing that the censors would read their mail, the brothers agreed to a code. If the letter came in black ink, the brother in Canada would know it was true. If it came in red ink, then the brother would know it was false propaganda.

Weeks went by, and the brother left at home began to worry. Finally, a letter arrived from Moscow. In black ink, the brother who had travelled to Russia gushed about the wonders of the Soviet regime: cheap apartments, delicious food, fabulous ballet and outstanding hockey. The Canadian brother was thunderstruck until he read the postscript, "PS: The only thing they don't have in Moscow is red ink."

I grew up hearing that joke long before I truly understood the mordant twist in the punchline. Perhaps that is why I have such a gut reaction to the prospect of allowing agents of the Crown to open and read the mail. Today, we're acting with goodwill, responding to the urgent legitimate requests from Northern Indigenous communities to protect them from the scourge of opioids. But once you give the police this right, where could it lead? You don't need a wild imagination to picture some future government in some future time using this new power that fundamentally erodes the civil liberties of all Canadians, privacy rights we've enjoyed since the time of Queen Victoria.

I have a separate concern about Bill S-256, which is a bit more specific to the here and now. At committee, we approved, on division, a set of separate amendments specifically allowing Indigenous communities to ask Canada Post to screen all mail entering the reserve for drugs or alcohol. This power was specifically requested by the Cree Nations of the Mushkegowuk Council of northern Ontario and supported by the Assembly of Manitoba Chiefs. I understand why Indigenous leaders are desperate to stem the flow of opioids into their vulnerable communities. But I'm nonetheless concerned about including a clause that singles out reserves and other Indigenous settlements for special, stricter treatment in this way. What some advocates might see as respect for the legal autonomy of First Nations, others might perceive as paternalistic racism.

• (1550)

And I worry about adopting this very particular clause without input from the Assembly of First Nations, Inuit Tapiriit Kanatami or the Métis National Council and without hearing from the governments of Yukon, Northwest Territories and Nunavut. I just don't think we've done enough consultation to justify and buttress a bill that could potentially infringe on the Charter rights of Indigenous citizens and treat them differently than other Canadians in the name of respecting First Nations' sovereignty.

I am not blind to the ravages of the opioid crisis, and you do not have to visit a northern reserve to see the devastation that fentanyl has wrought on our communities. You only need to step out of the Senate building and look at the streets of Ottawa to see the human costs and consequences of opioid addiction.

But the problem isn't supply. It is demand. As long as we lack adequate mental health care and addiction treatment in this country, as long as we are still wrestling with the consequences of racism, economic injustice and intergenerational trauma, and as long as many Indigenous people in Canada, whether they live on-reserve or in our cities, feel hopeless, alienated and marginalized, the hunger for drugs that soothe that pain will only grow. Even if we could magically make all the fentanyl disappear, we wouldn't have solved the crisis of addiction; we'd just have shifted the addicts to a different intoxicant.

As we consider this legislation, let us ask ourselves: By doing what seems expedient and practical in the here and now, what historical rights are we sacrificing, and are the possible benefits worth the future unintended consequences? Thank you, *hiy hiy*.

Some Hon. Senators: Hear, hear.

(On motion of Senator Martin, debate adjourned.)

LANGUAGE SKILLS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Housakos, for the second reading of Bill S-220, An Act to amend the Languages Skills Act (Governor General).

Hon. Bernadette Clement: Honourable senators, I note that this item is at day 15 and Senator Ringuette wishes to speak to it. With leave of the Senate, notwithstanding rule 4-14(3), I move the adjournment of the debate in the name of Senator Ringuette.

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

Hon. Senators: Agreed.

(Debate adjourned.)

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 Petitclerc, for the second reading of Bill S-278, An Act to amend the Special Economic Measures Act (disposal of foreign state assets).

Hon. Rebecca Patterson: Honourable senators, I rise today to speak in support of Bill S-278, An Act to amend the Special Economic Measures Act (disposal of foreign state assets).

I'm not an economist and definitely not a lawyer, but as someone who has worn the uniform and has been fortunate enough to be appointed to this place, I certainly know the difference between right and wrong. And passing this bill at second reading is the right thing to do.

I will not repeat the facts and figures so eloquently presented by the bill's sponsor, Senator Omidvar, nor will I present to you the extremely important global picture of geopolitics, as Senator Housakos did. My goal today is to address a common critique of this bill and its remedy, namely, state immunity, and to perhaps remind all of us of the moral imperatives as I see them at work here.

The modern concept of sovereignty and immunity of the state can be traced back to the Treaty of Westphalia in 1648. As Senator Omidvar pointed out, foreign states are immune from court jurisdictions in Canada. Inversely, Canada as a sovereign state is similarly immune in foreign courts. That means that judicial proceedings or orders cannot be used against states to seize and redistribute their assets.

But that does not mean foreign states should escape accountability for their actions. Russia can be held accountable for its brutal, unprovoked, destructive and deadly criminal invasion of Ukraine. We know this is a serious violation of international law.

It should be noted that Russia continues to deny any wrongdoing or culpability.

Presently, those in Russia who are helping bankroll Putin's war via their commercial activities are subject to asset seizure and disposal, whereas Russian state-owned assets are merely frozen to be dealt with at the conclusion of hostilities. Frozen assets and asset seizures are not an exception to international law, but the very core and centralized institutions do have an ability to do this.

I say "merely frozen" because this bill would create a mechanism of confiscation for the Canadian government to seize and dispose of foreign state assets involved in these grave breaches of international peace and security. This, colleagues, is where the primary critique of this bill comes into play — the concept of state immunity.

Under the current law, foreign assets seized and slated for disposal are those of foreign national individuals, and that seizure order is subject to judicial review, which allows the individuals to defend themselves and their actions in a court of law. As I pointed out, foreign states are immune from jurisdictions in Canada.

There is a way to address this, and Bill S-278 does exactly that by granting the seizure power exclusively to the Crown, apart from our courts, allowing the Crown to seize and dispose of foreign-held assets located in Canada in those cases of grave breaches.

Foreign policy and foreign affairs exist as a prerogative of the Crown in Canada. It is in the name of the King that the Minister of Foreign Affairs is appointed, and it is by borrowing a portion of the Royal Prerogative that the King and the minister conduct themselves in relations with other states. So it makes eminent sense, even to someone like me, that the relationship as it relates to seizure of foreign state assets should be at a state-to-state level and, therefore, in line with international law.

Earlier this year, the United States Congress passed the Rebuilding Economic Prosperity and Opportunity for Ukrainians Act, authorizing:

> . . . various actions related to the confiscation and disposition of Russian sovereign assets, which include funds and other property of Russia's central bank, direct investment fund, or ministry of finance. . . .

I took this quote from an article I read by Senator Omidvar, so thank you for that.

Though the U.S. President has yet to use this new law, it will hold Russia accountable now by making them pay for their crimes, rather than waiting until hostilities are over.

I mentioned the Treaty of Westphalia earlier, and I want to circle back to that. It was that same treaty that formalized the notion that relations between states act as a guide for their agreement or violation of international accords and norms. The treaty also confirmed that states are sovereign and should feel free within their own territory.

Colleagues, Russia has chosen to ignore international agreements such as the United Nations Charter and has thumbed its nose at the postwar international rules-based order and norms. Russian President Vladimir Putin and his regime have been found guilty of war crimes and crimes against humanity by the International Criminal Court.

All the while, Ukraine has had its sovereignty violated, the security of its people threatened indiscriminately, along with constant destruction of its infrastructure, pollution of its environment and its freedom to exist as a state being called into question because of their actions.

Russia, therefore, must be held accountable, and Ukraine cannot wait for some future date for war reparations, as one senator put it. Simply put, Ukraine needs to continue the fight because if it cannot, it will cease to exist.

Some might say, "What can Canada do against a more powerful Russia in a state-to-state contest?" My answer is: Canada can be a leader in partnership with its allies.

We must move forward and adopt Bill S-278 to permit the Crown to seize and dispose of Russian state-held assets located in Canada and use the proceeds of those seizures for the reparations and rebuilding efforts in Ukraine and to support its fight for survival now.

• (1600)

However, I want to reinforce that there is nothing in Bill S-278 that forfeits the right to due process for individuals or non-state actors and entities. This bill will give the Crown in Canada the power to move decisively against foreign states involved in grave breaches of international peace and security, and Bill S-278 is aligned with international laws and norms.

With that, I fully support Bill S-278 and urge you all to do so at second reading.

Thank you, honourable senators.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

CANADA TRANSPORTATION ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Jean-Guy Dagenais moved second reading of Bill S-287, An Act to amend the Canada Transportation Act (interswitching).

He said: Honourable senators, I rise today to talk to you about Bill S-287, which I had the pleasure of tabling in this chamber several weeks ago. As usual, you can rest assured that I will be brief and to the point.

The title of Bill S-287 is An Act to amend the Canada Transportation Act, specifically with respect to rail interswitching. It's not long — it only contains a page and a half of text — but it's extremely important because it sets right a political and economic injustice committed against the Canadian railway industry.

Although it's couched in the complex language of regulatory interpretation, this injustice is quite easy to understand. The injustice that I'm going to tell you about simply allows unfair competition — I repeat, unfair competition — by U.S. railway companies against our Canadian railways, CN and CPKC.

Bill S-287 aims to correct, or eliminate, the extended interswitching rules that surreptitiously made their way into Budget 2023, without allowing for serious and careful examination and debate by members of both Houses of Parliament.

Those of you who have been here for a few years know what it's like to study a budget in the Senate. The text always arrives at the last minute and we are forced, despite the importance of its content, to study it in a hurry and pass it. I've often spoken out against this situation, which quite clearly shows a lack of respect on the part of the government for our chamber and the serious work we should all be doing together. In any case, let's return to the rationale of Bill S-287, which I sincerely hope will be given its due consideration by our Standing Committee on Transport and Communications.

Let me begin by pointing out that the problem of extended rail interswitching affects only three provinces: Manitoba, Saskatchewan and Alberta. These are three extremely important provinces when it comes to rail freight transport in Canada.

Allow me to provide a little background on extended rail interswitching. There have been two versions, or more precisely two episodes, of these regulations. A first set in 2014 was abolished, and a second one was introduced in 2023, which I'm trying to get rid of with my bill. Curiously, on both occasions, the regulations were presented as a pilot project. In my opinion, there's nothing more suspicious in politics than pilot projects. They are often a good way of making people forget the negative effects of a change, only to turn around and make the change permanent.

The first pilot project on interswitching came into effect in 2014. Three years later, in 2017, after consultations, Transport Canada determined that the measure was making our rail companies less competitive than those in the United States. The department's report was very detailed. Transport Canada justified its decision on the basis of a report by the Honourable David Emerson, a renowned Canadian economist and former minister in Paul Martin's government, who had examined the effects of interswitching.

The Honourable David Emerson concluded that American railways benefited from our regulations for the simple reason that there was no reciprocity. Put plainly, Canadian railways were at an economic disadvantage because they weren't allowed to seek contracts in the U.S., but the Americans were cutting prices to get CN and CPKC contracts.

It was 2017, and what we had before us was no less than yet another case of American protectionism that we ourselves had engineered. The Canadian government allowed the Americans to do in Canada what the Americans would not allow us to do in their country. Of course, this is nothing new in our all-too-often one-way economic relations with our American neighbours. The worst part is that Canada gave up this advantage even though the American railways didn't actually ask for it.

As a result, the government abolished that regulation in 2017. However, despite the fact that the first attempt didn't go well, Transport Canada and the current government had another go at extended rail interswitching in 2023. Despite all the great charts on allocated distances and fares, we're still seeing the same negative economic effects that we already knew about and that were identified in the Emerson report. Canadian railways have once again become subject to unfair competition from the U.S. The government did nothing but politically reinstate, without good reason, this well-known competitive disadvantage to the benefit of our American neighbours.

After the failure of the first regulations that I just briefly mentioned, I'm having a hard time understanding how and why the Canadian government came back with a second version of extended rail interswitching without consulting the industry. What's worse, this government hid the new version in a budget, when this type of regulation could have and should have been subject to a serious and comprehensive review.

How can anyone explain this refusal to listen without thinking that the government chose wilful blindness in 2023 rather than rereading the Emerson report I mentioned earlier? That report was a serious piece of work. It was the culmination of 480 meetings, 230 briefs and 36 studies. Why did the government ignore it? Why did they reinstate a policy that had already failed? For whom did they reinstate an interswitching policy that had already failed? I think my third question is better than the first two, but they're all good questions for us to ask ourselves.

What was the government's real motivation when it decided to reinstate a pilot project on extended interswitching that systematically undermines our railways and Canadian workers?

As we continue our work on Bill S-287 in committee, you will discover, as I did, that the government's intention was probably biased in favour of certain groups of grain shippers who were looking for lower prices for their freight, in other words, lower prices for the own benefit, to increase their profits. Indeed, you should understand that the current regulations don't give our farmers or growers a single dollar more. They don't give farmers a single advantage, in addition to harming the development of Canada's rail industry. I think you'll agree that the whole thing is highly questionable. It's easy to understand why this regulatory change was buried in Budget 2023. It was to avoid serious consideration of the real reason for reinstating extended interswitching, previously declared harmful and unfair to our Canadian companies. To give you some food for thought, here are a few interesting quotes about extended rail interswitching.

• (1610)

Barry E. Prentice, an authority on supply chain management, said this:

> The limited benefits to special interest groups are far outweighed by the widespread costs imposed . . . on the rest of the economy.

In plain English, this means that a few shippers are benefiting at the expense of our entire economy.

I'll now quote the Montreal Economic Institute, which described the regulation of expanded interswitching as a "sad spectacle of self-sabotage." That says it all.

I'd also like to draw your attention to what Mary-Jane Bennett — a former Canadian Transportation Agency member, Liberal candidate, expert in cross-border transportation and graduate of the University of Manitoba, one of the three provinces affected by these regulations — said. Before the regulation was adopted in 2023, she said, "[Interswitching] wouldn't correct problems with the supply chain, it would amplify them." She also said that interswitching is a "misguided" transportation policy.

Mary-Jane Bennett is a Canadian expert, yet the government didn't listen to her, just as it failed to remember that it had the Emerson report.

I would remind you that this government not listening is not unusual. Nevertheless, we have to deal with it and do our best to fix whatever we can. Bill S-287 makes that possible.

Now, let's look beyond the economic impact on the railways.

If the current government had been willing to listen to industry experts, like Ms. Bennett and other specialists who are well versed in this issue, it would have known that interswitching also impedes the flow of goods. It would have realized that its regulations are systematically resulting in extra transfers that extend transit and shipping times and increase costs for a lot of shippers down the line.

Extended interswitching economically weakens and harms Canada's railway industry. By extension, it harms our entire economy. Interswitching jeopardizes the jobs of Canadians who earn a living from shipping goods. Railway workers, longshoremen and various related shipping industries suffer.

I would also like to mention an opinion expressed by the unions about extended interswitching. They flatly oppose it for one very simple reason: Teamsters and Unifor consider that extended interswitching systematically hands over work to Americans that could be done here, in Canada, by unionized railway workers. They also believe that the Canadian shippers profiting from these regulations are often the world's big grain companies. In their opinion, our government is financially encouraging these companies to do business with U.S. railway companies, instead of using CN an CPKC.

Looking even further at the negative effects for Canadian workers, it's safe to say that the current interswitching rules could also have harmful economic consequences for our port industry and our longshoremen. If we allow shippers to choose Seattle over Vancouver as their loading or unloading port, we literally lose out as Canadians.

Let me ask you this: Do you believe for a moment that the United States, or any other country that values its economy, would disadvantage its local businesses in favour of Canada? I know the answer. That's why I introduced Bill S-287, which will allow us to seriously study the situation and then correct this legislative aberration.

The current regulations are costing Canadian railways money. They are threatening good direct and indirect Canadian jobs. They are reducing the efficiency of rail freight transportation. The current regulations are inefficient for our supply chains and have no positive financial impact on Canadian farmers and producers. Shall I continue? I'll stop there.

I think I've gone into enough detail to show you what an economic nuisance these extended interswitching regulations are for the country, and what an unacceptable advantage they give the Americans. This must stop now. Canada is, and must remain, a country with a healthy rail industry.

Unfortunately, I have to tell you something that does not make me happy. In a few months, I will reach the mandatory retirement age in this chamber, so I will not be able to see this bill through to the end. I hope that Bill S-287 will be seriously debated, that it will be taken in hand by one of you and that it will be passed for the greater good of the industry, the economy and our workers.

Thank you.

(On motion of Senator Martin, debate adjourned.)

PANDEMIC PREVENTION AND PREPAREDNESS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Marie-Françoise Mégie moved second reading of Bill C-293, An Act respecting pandemic prevention and preparedness.

She said: Honourable senators, I am honoured to sponsor Bill C-293, An Act respecting pandemic prevention and preparedness.

Please rest assured that I will not need the full 45 minutes allotted to me to demonstrate the merits of the principle of preventive health that underpins this bill.

Bill C-293 seeks to prevent the risk of and prepare for future pandemics. The principle of Bill C-293 can be summarized in two sayings that you are all familiar with. The first is "an ounce of prevention is worth a pound of cure," and the second is the Scout motto, "be prepared."

The human and economic impacts of a pandemic are quantifiable. In fact, the Office of the Auditor General of Canada publicly shared the audits related to the COVID-19 pandemic.

Before I go any further, I would like to define two terms: “epidemic” and “pandemic.” An epidemic is the rapid increase and spread of an infectious and contagious disease in a specific region.

A pandemic is an epidemic that crosses national borders and can spread over a continent, a hemisphere or the entire world. It can affect millions of people if they are not immunized or if there are no drugs to treat the disease. That is what happened with COVID-19.

Nowadays, climate change is raising the risk of epidemics and pandemics. For example, because of global warming, animal species that carry diseases like Lyme disease or Zika virus, which are transmitted by mosquitoes and ticks, are proliferating as they travel through northern latitudes into Canada.

Pandemics are unpredictable and can have serious health, societal, and economic consequences, so Canada must be prepared to respond to infectious diseases with pandemic potential at all times.

That’s why the Auditor General of Canada produced her eighth report, entitled *Pandemic Preparedness, Surveillance, and Border Control Measures*.

• (1620)

This report was tabled in the Senate on March 30, 2021. The Auditor General wrote the following:

> When a pandemic occurs, identifying, tracking, and forecasting the disease’s spread are important so that all levels of government can quickly respond and deploy resources as required to limit the spread of the disease.

A Radio-Canada article dated June 24, 2021, reads as follows:

> The Global Public Health Intelligence Network, the system responsible for tracking epidemics and the transmission of infectious diseases elsewhere in the world, did not issue an alert about the virus outbreak in Wuhan, China.

The Auditor General also rebuked the Public Health Agency for introducing changes that limited the ability of the Global Public Health Intelligence Network to issue pandemic alerts.

Government decision makers must have timely access to credible risk assessments in order to mount an effective response. It’s equally important to have an effective national monitoring system in place to gather, discuss, analyze and share public health information. Responses can include border control measures, such as travel restrictions, border closures and quarantine or lockdown orders.

The Auditor General’s conclusion was unequivocal: The agency was not adequately prepared to respond to a pandemic. The agency had not addressed some long-standing health surveillance information issues prior to the pandemic. Had it done so, it could have been better prepared. The Auditor General made numerous recommendations in that regard, all of which were accepted by the agency.

Honourable colleagues, on September 24, the federal government created a new agency to strengthen our industrial capabilities in the life sciences and biomanufacturing sector in order to support Canada’s health emergency readiness. We need only think of the frantic race that often takes place outside the country to secure the personal protective equipment, including gloves, masks and disinfectants, needed to deal with a pandemic.

The creation of Health Emergency Readiness Canada, the new federal agency within Innovation, Science and Economic Development Canada, will help protect Canadians against future pandemics.

For those who were not in the Senate at the time, on November 24, 2021, eight months after the audit was tabled, I introduced Bill S-209 to establish Pandemic Observance Day.

Since the bill received Royal Assent, March 11 of each year has become a day to commemorate the pandemic. Its three cardinal principles are to remember, to recover and to prepare.

At the time, there was still the work of caring for and supporting those with COVID. The aim is to break the cycle so that the most vulnerable members of our society do not become even more vulnerable with each pandemic.

For example, mobile care, which includes things like vaccination or screening trucks, is a concept that has been around for a long time, as noted by medical historian Laurence Monnais, a professor of the history of medicine and public health at the Institut des humanités en médecine in Lausanne, Switzerland. I want to quote her:

> Couldn’t the state go back to using this kind of initiative more often, both for real prevention and for ensuring that everyone has equal access to health services?

During Canada’s latest pandemic, many opposition politicians harshly criticized the government for its lack of pandemic preparedness.

I agree. Canada can and must do better.

Author Yuval Noah Harari wrote that every crisis is also an opportunity. The creation of the Department of Health in 1919 after the Spanish flu and the creation of the Public Health Agency of Canada in 2004 after SARS stemmed from the health crises our country went through.

Bill C-293 is a legislative response to the recommendations of the Auditor General. It is also a response to the criticisms about Canada’s inadequate pandemic preparedness.

I want to acknowledge the commitment of the member for Beaches—East York on this topic that is so important to me.

I don't want to be the bearer of bad news, but pandemics are cyclical. It's not a matter of if, but when the next one will happen.

I hope that this bill will receive your swift support so that it may be studied in detail in committee as soon as possible.

I hope that Canada will always be prepared to protect Canadians and serve as an example for the entire world.

Thank you.

Some Hon. Senators: Hear, hear.

[*English*]

Hon. Donald Neil Plett (Leader of the Opposition): I have a few questions if Senator Mégie will take them.

[*Translation*]

The Hon. the Speaker pro tempore: Senator Mégie, Senator Plett has some questions for you.

Senator Mégie: Yes.

[*English*]

Senator Plett: Thank you, senator, and thank you for your speech.

Senator Mégie, I am sure you are aware that the agricultural industry has some very serious concerns about this bill to the point of being alarmed at what it proposes.

Could you tell this chamber what is meant in subparagraph 3(2)(l)(ii) where the bill states:

> (2) The pandemic prevention and preparedness plan must
>
> (l) after consultation with the Minister of Agriculture and Agri-Food, the Minister of Industry and provincial governments, provide for measures to
>
> (ii) regulate commercial activities that can contribute to pandemic risk, including industrial animal agriculture,

The bill also contains the following statement:

> (l) after consultation with the Minister of Agriculture and Agri-Food, the Minister of Industry and provincial governments, provide for measures to
>
> (iii) promote commercial activities that can help reduce pandemic risk, including the production of alternative proteins . . . .

Why would this bill include that statement? Are you suggesting that animal proteins are the cause of pandemics that require phasing out?

[*Translation*]

Senator Mégie: Thank you for the question. It's not because of that at all. It's because we already know that there are often issues when it comes to biosecurity on farms. That is what we need to take action on. We don't need to get into detail on that now. We can wait until we study this bill in committee. Then we can invite farmers from various sectors of the agricultural industry to appear. They will be able to tell us what needs to be done, because they will make suggestions based on their fears and on what can be done to allay those fears. We can't impose that now.

[*English*]

Senator Plett: I have a list of questions, but I'll stick to one more question if I could.

[*Translation*]

The Hon. the Speaker pro tempore: Will you take another question, senator?

Senator Mégie: Yes, I can take another question.

[*English*]

Senator Plett: As you know, the bill also states the following:

> (2) The pandemic prevention and preparedness plan must

— and this is what concerns me a great deal —

> (m) include the following information, to be provided by the Minister of the Environment:
>
> (ii) a summary of the measures the Minister of the Environment intends to take to reduce the risk that the commercial wildlife trade in Canada and abroad will lead to a pandemic, including measures to regulate or phase out live animal markets . . . .

What "live animal markets" in Canadian agriculture does this bill want to regulate or phase out?

[*Translation*]

Senator Mégie: When it comes to this kind of market, the aim is always to be better equipped. It's important to meet the people who are involved in the market's comings and goings, internationally and otherwise.

• (1630)

Speaking of animals, we need to remember that there was a time when we were talking about bird flu. We need to manage this aspect and prevent the comings and goings so that we can try and figure out where the source is and where to close things

down in order to prevent it from spreading; that is how we will figure it out. As far as the bill is concerned, we can invite people to come and tell the committee how they and their agricultural industry might react, what they need, what measures they need to be able to protect their crops or animals. The solutions have to come from them, in collaboration with the departments, since, of course, they're the ones that are going to act.

[*English*]

Senator Plett: I have an observation that you can reply to. I find it strange. I appreciate your answers, and, of course, I understand that you will not know everything that has gone into this. For us to have to wait for the farmers to come and defend their livestock or the animal activists to try to phase out animals, I think the bill needs to be a little more explicit. It is a fairly scary statement when we say, ". . . including measures to regulate or phase out live animal markets . . . ." You are telling me now that the witnesses have to come and tell us that.

Would you not agree that the architect of the bill should tell us what their plan is?

[*Translation*]

Senator Mégie: I don't think there is a set plan. In fact, during studies in committee, when we need solutions we can count on the witnesses, who are the people designated for proposing solutions to the difficulties they experience or the difficulties they face when it comes time to enforce the bill. You or your colleagues might propose amendments, if you find that what was proposed does not make sense. It is our role of sober second thought: We can offer solutions and propose amendments. You will be entirely free to propose amendments.

[*English*]

Hon. Denise Batters: I have a couple of questions as well.

Senator Mégie, being from Saskatchewan I have heard from many farmers who are very concerned about this bill. Now we hear quite a short second reading speech that doesn't really address some of those major concerns they have about the promotion of alternative proteins and about the phase-out, as Senator Plett was saying, of some of their very livelihoods. How do you alleviate those concerns for them other than telling them that they can come to committee, perhaps — if the committee invites them — and have their say there so that they don't have to worry about their livelihoods being threatened?

[*Translation*]

Senator Mégie: You know how it works when we invite witnesses. We have to invite the right witnesses and those who will speak about their industry, what they are doing and their concerns. Then we can find solutions with them and we will do a thorough analysis of the issue. This was done intentionally and I can provide all these details later. If I shared these details now, I would have to propose solutions myself and I do not have those solutions. I purposely did not present them.

[*English*]

Senator Batters: At the end, the translation came through as "I don't have those solutions," but you are the bill's sponsor in the Senate. Usually what happens with a second reading speech — you have seen it go through the House of Commons, and there have been many concerns raised for quite some time since the bill has gone through the House of Commons, as we've just had the summer recess.

As you say, you do not have any solutions, but what is your response to those farmers who are very concerned that this bill does great harm to their livelihoods? Do you think that perhaps it does, or do you contend that it does not? What are the reasons for saying that?

It shouldn't all be left to the committee. There should be some response in the debate process before we send it to committee.

[*Translation*]

Senator Mégie: I will answer the first part of your question.

Typically, we don't have to present a solution at second reading if we don't yet have one, and that is because, in the end, once this has been studied in committee and we have the proposed amendments, the report may provide solutions.

Hon. Raymonde Saint-Germain: Senator Mégie, I understand that we are currently talking about the principle, about examining the principle of this bill, which is about preventing pandemics. It's a precautionary principle that is becoming a priority, first and foremost to preserve human health and life, but also to preserve animal husbandry and the interests of farmers and the other partners in Canada's economic chain. Is that indeed the primary principle of this bill, and will the more detailed questions regarding implementation — of either the law or possibly regulations — be examined in committee?

Senator Mégie: As I told you, second reading is precisely about examining the principle of the bill. We want to prevent another pandemic, a new pandemic. I could tell you that a particular pandemic is going to come along, and I could tell you how to prevent it, but do I have all the information? When COVID came along, people didn't know what it was. They didn't know if it was a virus or a bacterium. Once they knew it was a virus, they wondered how it would affect humans. They had to go through that whole process to find out what would happen. We have to be involved in those processes. Health professionals were able to say that if a particular thing happened, there would be a particular response. There has to be a whole thought process to get to that point.

It will be the same for farmers. If a particular event happens, such as a zoonotic outbreak on a farm, here's how you respond. We can't predict everything at second reading, though. Second reading is mostly for situating ourselves. We want to prevent the next pandemic, so we want to prevent contagion and transmission.

(On motion of Senator Martin, debate adjourned.)

[*English*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Miville-Dechêne, seconded by the Honourable Senator Boehm, for the second reading of Bill C-332, An Act to amend the Criminal Code (coercive control of intimate partner).

Hon. Donna Dasko: Honourable senators, I rise to speak in support of Bill C-332, An Act to amend the Criminal Code (coercive control of intimate partner). I want to thank Senator Miville-Dechêne for her work in sponsoring this bill, and I commend her for her continued efforts in speaking out against violence against women.

This bill comes to us at a rare moment. The 2022 Ontario inquest into the murders of Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam and the work of the Mass Casualty Commission have educated and challenged us to do more with respect to gender-based violence, intimate partner violence and coercive control. The House of Commons reached a compelling consensus on how we at the federal level can assist in addressing coercive control in particular.

Canadians as well understand the gravity of the larger problem. In a national survey I commissioned in 2021 examining public perceptions of issues facing Canadian women, 83% of Canadians — that includes 86% of women and 80% of men — think that domestic violence is a very important problem facing women in this country today. This ranks as the most important problem facing women in the eyes of the Canadian public.

• (1640)

This topic is difficult for the individuals, families and communities affected. At the outset, I wish to acknowledge them as we bear witness to their experiences. The sponsor of the bill, member of Parliament Laurel Collins, said in her second-reading speech, "Statistically speaking, we all know someone who has been in an abusive relationship."

She recounted a story of her sister being in such a situation and her being scared for her sister's life.

Senator Miville-Dechêne in her second-reading speech shared the story of Brigitte, who explained that there was little physical violence from her partner but who recounted blackmail, threats, manipulation and insults.

The Minister of Justice agreed that intimate partner violence, or IPV, is an epidemic in his August 2023 response to the recommendations of the Ontario inquest.

The Government of Ontario — my province, our government — is supporting a private member's bill, Bill 173, at Queen's Park in the Legislative Assembly of Ontario to the same end, framing it as a public health issue.

There are many factors at play in understanding and addressing coercive control, and we must make a start. This bill is a critical step in our ongoing efforts to protect vulnerable individuals from the insidious forms of intimate partner violence, which we also refer to as domestic or spousal abuse, that may not always leave visible scars but can be just as devastating. It can occur in public and private spaces and online. It is gender-based, and we must also keep in mind its intersectional aspects in all the work we do.

The intent of this legislation, which is to recognize and criminalize coercive control — also referred to in the United Kingdom's legislation as "controlling or coercive behaviour," or CCB — aligns with Canada's collective commitment to ensuring the safety and well-being of all Canadians, including those trapped in relationships characterized by manipulation, intimidation and control.

So what is coercive control? It is a pattern of conduct that consists of any combination or repeated instances of certain acts. The bill criminalizes a combination of acts intended to control or attempting to control someone. Examples can be controlling or trying to control someone's movement, finances, social media, whom they spend time with; going through their cellphone or private messages; controlling what they wear, their gender expression, expression of religious beliefs, diet, taking of medications or access to health care.

When you think about this, think about the behaviours that I have just mentioned. How would you go about trying to prove that someone is controlling these things? This is not easy. We have seen progress in our legal framework through existing legislation such as the Divorce Act and the Judges Act, which have begun to address aspects of coercive control.

The amendments to the Divorce Act which came into effect in 2021 include specific provisions that recognize family violence, including coercive or controlling behaviour, as a factor in determining the best interests of the child. The act also requires that courts consider the impact of family violence on parenting arrangements, acknowledging that the psychological and emotional harm caused by coercive control can be profound.

The Judges Act, too, has been amended to provide judges with training on family violence, including coercive control. This training is crucial, as it equips our judiciary with the knowledge and sensitivity required to recognize and appropriately respond to cases where coercive control is at play, even when the evidence may be difficult or not immediately apparent.

While these legislative advancements are significant, the implementation of coercive control legislation presents several challenges, as noted by speakers at second reading in the other place. Appropriate and effective education initiatives will be essential, including educating all levels of government and public officials, as well as educating the public and communities, since this problem cannot be solved without all of us working together.

Further, as is often the case, we cannot think that creating a criminal offence is the panacea. I take note of other public policy responses grounded in health and safety that are also essential. Kirsten Mercer, the lawyer who represented the organization End Violence Against Women Renfrew County at the Ontario inquest, has said, "The focus on downstream impacts of IPV cannot come at the expense of prevention." She said that Criminal Code changes should be coupled with ". . . meaningful investments in prevention and true safety planning for survivors."

The covert nature of coercive control makes it difficult to detect and prove in a court of law. Unlike physical violence, which often leaves tangible evidence, coercive control can be subtle, manipulative and protracted over time, making it challenging for victims to recognize and for authorities to intervene effectively.

There is also the issue of balancing the protection of victims with the rights of the accused. Given the particular nature of coercive control, there is a risk that allegations could be misused or misunderstood, leading to potential miscarriages of justice with respect to either victims or the accused. It is crucial to ensure that our legal processes are robust enough to differentiate between genuine cases of coercive control and other forms of conflict within relationships.

Colleagues, this legislation is contentious, but it has received all-party support in the other place. This goes beyond partisanship.

Now, other jurisdictions have also adopted statutory measures, and we can learn from them. Although data is limited, England and Scotland have approached criminalizing coercive or controlling behaviour slightly differently than we have. In England, the Serious Crime Act 2015 introduced the offence of controlling or coercive behaviour in an intimate or family relationship. This law is focused on patterns of behaviour rather than isolated incidents, providing a framework that captures the ongoing nature of coercive control. Their approach has been described as a cover-the-gaps approach.

A review of the coercive or controlling behaviour legislation was released by the Home Office in 2021, showing an increase in the number of offences recorded by police from approximately 4,000 in 2016-17 to just under 25,000 offences recorded in 2019-20. In 2019, the number of defendants prosecuted for CCB offences increased by 18% from the previous year.

These increases demonstrate that the CCB offence is being used across the criminal justice system, suggesting that the legislation has provided an improved legal framework to tackle CCB and that where evidence is strong enough to prosecute and convict, the courts are recognizing the severity of the abuse.

England's Home Office, in a review of their legislation, stated:

> Generally, all stakeholder groups . . . welcomed the legislation. They felt that its introduction had raised awareness of CCB, and that it has been beneficial in creating the legislative framework to prosecute perpetrators. . . .

However, education was also a key common issue. The review stated:

> There is a need for greater awareness of CCB among the public to empower victims to recognise their abuse and report it.

The English legislation lists assault as a potential part of CCB, whereas the bill before us does not.

Scotland, on the other hand, has gone further with its Domestic Abuse (Scotland) Act 2018, which criminalizes a broader range of behaviours, including psychological abuse and manipulation. The Scottish model is comprehensive; it covers physical and sexual violence as well as psychological control within the same offence.

The initial review of Scottish legislation in 2023 reported, as a main finding, a lack of communication, involvement and/or explanation of procedures and decision making for victims and witnesses, exacerbating victim stress when attending court and contributing to feeling of powerlessness and marginalization. However, overall, the research findings echo wider views that the act is a leading piece of legislation which better reflects how victims experience domestic abuse.

As we move forward with this bill, we inform our approach by these experiences. We must strive to create a legal framework that is both effective in protecting victims and fair in its application, with clear guidelines for law enforcement, the judiciary and social services.

• (1650)

In conclusion, colleagues, I support the principles behind this legislation. Coercive control is a form of abuse that must be recognized and addressed within our legal system, but the challenges of implementation must not be underestimated.

By learning from other jurisdictions and by building on the progress we have made through the Divorce Act and the Judges Act, we can shape this bill to be both just and effective and to move toward ensuring that all Canadians can live free from the fear and oppression of coercive control.

Let us, together, send this bill to committee. Thank you.

Hon. Joan Kingston: Honourable senators, I rise to speak in support of Bill C-332. I would like to thank Senator Miville-Dechêne for her work on this. I am also very impressed by what we just heard from Senator Dasko.

This bill is important because coercive control is most often either the precursor of or occurring as part of an abusive intimate relationship that includes the physical abuse that is recognized as a crime.

At the clinic that I worked with before being appointed to this place, they are participating in a study called *iHEAL in Context: Testing the Effectiveness of a Health Promotion Intervention for Women who have Experienced Intimate Partner Violence*. The implementation of iHEAL is being evaluated in diverse contexts with the goal of scaling up, and it is being funded by the Public Health Agency of Canada in three program sites: New Brunswick, Ontario and British Columbia.

The site for the iHEAL study in New Brunswick is the Fredericton Downtown Community Health Centre, or FDCHC, which is a unique Canadian partnership between the University of New Brunswick and a regional health authority, focusing on the needs of vulnerable populations using a trauma-informed and violence-informed approach.

Co-investigator Dr. Kelly Scott-Storey of the University of New Brunswick leads the rapid translation of knowledge to innovative evidence-based practice by providing training and resources to registered nurses at the FDCHC who are now offering the iHEAL program to women experiencing this.

Nurses are seen as safe by the public and enjoy a high level of trust. Seeking their care does not raise the same suspicion as other helping professions sometimes do for the perpetrators, so they tend to have good success in engaging with the victim population, and the clinic is seen as a safe space that people access for a wide variety of care for health concerns.

Last week, when speaking to one of the iHEAL nurses at the FDCHC, I asked, "Of the women that all of you see through iHEAL, how common is it for a woman to be 'controlled' in some way by their intimate partner?" She answered, "It would be 100% of the time; control is the name of the game." When I asked the nurse if she could give an example, she said that her current client is being used as an escort by her partner. He sells her to be a high-end escort in exchange for a home to live in. It is also a fantasy of his. It is a turn-on for him when he can set her up with other men.

One major strength of Bill C-332 is that it includes a non-exhaustive list of identified and repeated patterns of conduct. Besides coercing or attempting to coerce the intimate partner to engage in sexual activity — which you have just heard a current example of — other examples include using, attempting to use or threatening to use violence against the intimate partner, a child or an animal; controlling, attempting to control or monitoring the intimate partner's actions, movements, social interactions or the manner in which the intimate partner cares for a child; and controlling or attempting to control any matter related to the intimate partner's employment, education, property, finances, expression of gender, physical appearance, manner of dress and so on.

A number of expert witnesses called for this kind of list during the previous committee study to help the legal system understand the kinds of conduct that might constitute an offence. It is known that 95% of victims of physical violence also report the presence of coercive control.

Women and girls represent 79% of the victims of intimate partner violence reported to the police. I knew a woman, sleeping rough, who lived with an intimate partner in a tent for protection. She had a little dog too, and she feared for the dog's safety because of the same man whom she lived with in the tent. She also had direct deposit for her social assistance cheque. Every month, her intimate partner walked her to an ATM on the day that the money was deposited to collect his "rent." She disclosed her situation to the peer support worker at the clinic, and, in time, with the help of other members of the interdisciplinary team and the kind people in our community, she was helped — in secret — to buy a plane ticket and a pet carry-on for her little dog so that she could escape to Toronto to start fresh and reunite with loved ones.

Domestic violence and the forms of control that they involve do not end once the relationship is over. They can last for years. Post-separation violence is occasionally physical but mainly psychological and emotional, including harassment, control, threats of violence or death.

Another woman from the iHEAL program fled from Ontario to come to New Brunswick with her teenage daughter to escape coercive control by an ex. The woman is so fearful of being found that she is seeking help to obtain a legal name change for her and her child to help them feel safe.

Coercive control is an important homicidal predictor, and the creation of a new offence under the Criminal Code would provide an additional tool to help break the cycle of violence sooner.

According to a study of 358 domestic homicides by criminalist Jane Monckton Smith, coercive control was present in 92% of those cases. Another study in the United States found that homicide or attempted homicide was the first act of violence for nearly a third of victims.

From a societal point of view, criminalization of coercive control would send a powerful message that this socially unacceptable behaviour must be taken seriously and that our society does not tolerate domestic violence and controlling behaviours.

While physical violence and femicide are universally condemned, behaviours that involve non-physical violence between intimate partners are still often normalized, trivialized or even romanticized.

The Regroupement des maisons pour femmes victimes de violence conjugale has shared that police officers report to them that they are aware of or witness situations of concern involving victims who are isolated, terrorized and humiliated by their partners, but they cannot do anything because there is no offence covering those actions. Other examples of ongoing patterns of coercive behaviour by intimate partners shared with iHEAL nurses in New Brunswick included forcing a woman into a

threesome with another man and threatening her if she didn't, taking a rifle out and leaning it against the dresser every night at bedtime, and portioning her food for her. These examples are chilling.

Justice Canada has added 14 amendments to the bill that we have before us, informed by input from the provinces and territories, stakeholders and the recent law in Scotland on coercive control, which has been in force since 2019. Regarding Scotland, it is important to note that police officers, prosecutors and victim assistance groups in that country have said that they would never go back to a time when the new offence of coercive control did not exist.

I am asking that Bill C-332 receive serious examination at the Standing Senate Committee on Legal and Constitutional Affairs as soon as possible.

Thank you. *Woliwon*.

(On motion of Senator Martin, debate adjourned.)

• (1700)

THE SENATE

MOTION CONCERNING POSSIBLE EXIT OF ALBERTA FROM THE CANADA PENSION PLAN—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Simons, seconded by the Honourable Senator Greenwood:

That the Senate of Canada:

1. call on the Chief Actuary within the Office of the Superintendent of Financial Institutions to publish an actuarial study that reports on:

   (a) a possible exit of Alberta from the Canada Pension Plan (CPP), including an analysis of the viability of the CPP after such an exit by Alberta;

   (b) a reasonable estimate of an exit cost of Alberta's share of the Canada Pension Plan fund; and

   (c) any other information that the Chief Actuary deems to be relevant in the study of this issue; and

2. call on the Office of the Parliamentary Budget Officer to study a possible exit of Alberta from the CPP, including any fiscal and/or economic impacts of such an exit from the CPP on Canadians.

Hon. Scott Tannas: Honourable senators, I want to first thank Senator Simons for this motion. This is a conversation that must be had, and I'm glad we're having it. I have thought long and hard, and I'm still a little nervous about speaking on this particular subject. I hope I don't regret it, and I hope more that you don't regret it.

There's been a lot of controversy around the Canada Pension Plan, or CPP, and the potential withdrawal of Alberta workers and businesses. I think it's brought an uncomfortable reality to light, which is that while the Canada Pension Plan is indeed a pension plan of sorts, it has also become a wealth transfer program. We must acknowledge this. This is not an opinion; the numbers make it a fact. The largest overcontributors to the CPP are Alberta workers and their employers. How did we get here? Let's talk a little bit about the numbers.

I'm not going to read the Canada Pension Plan Act for you, but I will give you the Coles Notes of what it says about instances where provinces wish to remove themselves from the Canada Pension Plan Act. Let's not forget that, in 1965, the CPP was a jointly negotiated piece of legislation from the provinces and the federal government that created it. One province said, "No thanks. We're going to start off on our own." That was Quebec, and they're on their own today. But it was embedded in the act that there would be a mechanism that would allow, in the future, for provinces to withdraw themselves and go off on their own, just as Quebec did at the outset. It's in the act. It actually has some fairly simple principles and calculations around how to withdraw. Here is, essentially, what it says.

If a province wants to withdraw, they would take with them the assets, which would be calculated as follows: You would take all of the contributions over the history of the program by Alberta workers and businesses. You would add the pro rata investment income that was earned on the contributions that went in and was realized over time on a prorated basis. You would subtract the total amount of pension outflow to those particular workers that has been paid, and you would also subtract from the amount the pro rata operating expenses for the plan over the period of time before withdrawal. This creates a number that is fairly certain. There is a number that can be created. You need a lot of research, but all of the facts and figures are there, and they will and do create a number.

The other important aspect of a province withdrawing from the pension plan is its future liabilities and the future payments that will need to be made to all of the workers who have paid into the plan and who are now going to be that province's responsibility. It doesn't give us that math. It just says that all the future liabilities become yours, period, as of this date. So it falls to experts — actuaries — to determine what those liabilities are and produce an estimate. There are all kinds of standards for doing that, but you can produce a reasonable estimate. It's quite a dynamic number and will change with circumstances over time. You're always projecting way into the future and trying to bring back to today what that liability is, but that's a practice with a lot of established rules, so you can reasonably estimate the liabilities that go with that.

What we've heard about in all of this heat has been the liabilities, because there is a calculation for those. However, there has not been a lot of talk about what the liabilities are. We've heard about the assets, but we haven't heard — and I can't find anywhere — a hard round number for what the

liabilities would be. It doesn't appear that anybody has come up with that number — although I think they have; I just don't think it's being talked about.

I think the reason for this is that neither side wants to acknowledge what the number is. It's not politically palatable to do so. I don't think the federal government wants to talk about it because it highlights what I've just said: There is a massive surplus that has been paid by Alberta workers and businesses in isolation. I don't think the province wants to talk about it because there is a massive surplus there that it will get as a result of the formula in the Canada Pension Plan.

Nonetheless, that's sort of where we are. A pension plan needs roughly the same amount of assets as it has in liabilities in order to be healthy. Sometimes a little bit of a surplus or deficit is okay. A massive surplus means that the workers aren't getting what they were paying for. They're being overcharged, and what they're getting back in pensions isn't sufficient. A deficit means that somebody got paid too much and didn't put in the corresponding amount.

When you look at the numbers and see the calculation that has been made, which has generated this number that has been bandied about regarding what percentage of the CPP assets would accrue to Alberta if they decided to leave, it further highlights and proves the fact that a large surplus has been generated by Alberta workers and businesses in the CPP. It also means that the rest of Canada, minus Quebec, has had the opposite — there's a deficit — and that workers in other parts of the country have got more out of the system than they put in. And that's why it's not a pension plan, in that sense.

• (1710)

If one area, one province in isolation, that from the beginning — from the outset, every province had the opportunity to withdraw under a calculation. It's clear that the rest of Canada has not paid — that's the math. That's the reality.

It evokes two emotions. I think for people outside of Alberta, this is, again, a tiresome piece of Alberta complaining about having to share the wealth that their good luck from a bunch of dead dinosaurs passing away in Alberta and producing oil gave us. For Albertans, it's about sharing the wealth but not receiving respect. In fact, receiving scorn. And in certain times, in certain eras, not receiving respect, receiving scorn and also suffering overreach that gets in the way and obstructs industry, entrepreneurship and innovation that has created the wealth.

The work ethic in Alberta, the industry ethic in Alberta and the good luck that we had the tools and the resources to develop also being obstructed is part of what makes Albertans annoyed such that they talk about things like this. "Well, what if we just pulled out?" Turns out — that was not something that was talked about very much. It was part of the "firewall" letter written by some economist some years ago, but it wasn't seriously considered until when? This era of obstructionism, finger-wagging and, at every turn, in some Albertans' minds, efforts by the rest of Canada to suppress and obstruct industry, innovation, work and wealth.

You know, when you take those two emotions, those two perspectives — I respect both of them — it kind of sounds like a family squabble. It sounds like the stories and the perspectives that you see in a family, lots of times, and like in a family, it needs careful consideration, respect, listening and searching for solutions. I think we in the Senate have a role. We're perfectly placed to posit some potential solutions to this over time. I think we can take the heat out. Senator Simons' motion will help bring some facts forward that might be helpful in the conversation and allow us all to acknowledge the reality and the truths.

The Canada Pension Plan, or CPP, was created in 1965 through negotiation with the provinces. It has an exit feature. It was actually anticipated that provinces may want to exit. There was a formula that was developed specifically for the reasons, actually, that exist today.

Alberta workers and businesses, in isolation, have overcontributed relative to their past and future pension benefits, and the rest of Canada has undercontributed relative to their benefits.

Those are some of the truths that are worth discussing and acknowledging. And I believe, just like in a family argument, the acknowledgment of those truths will take the heat out, and it will allow us — as the federal family — to find the way forward, and I believe we are all reasonable. All Canadians, I think we can find a way forward.

Thank you, colleagues.

Some Hon. Senators: Hear, hear.

Hon. Paula Simons: Thank you very much, Senator Tannas, for your thoughtful speech. You are much more of a fiscal professional than I am. If, as your analysis suggests, Alberta has overpaid and the rest of the country has underpaid, what would be the consequences to the fund — to the CPP on which other Canadians rely — were Alberta to pull out?

Senator Tannas: I don't think there's any question it would be very serious. The fact is that the fund represents itself as being fully funded. It's fully funded only if Alberta doesn't pull out. If Alberta pulls out, then under the formula, they take the surplus — their overcontributions — with them, and that amount will have to be made up. It will have to be made up by all those other provinces, the federal government, the workers and the businesses in other parts in order to do it, and it may be to the point that it is such a big number as it creates other provinces to start looking at whether or not they're on the plus side or the minus side and deciding, "Well, wait a minute, maybe we should pull out." I think it is existential. I don't know it for sure, but it's certainly in the tens of billions of dollars, and it may be as high as $100 billion or more. That's why I think having all of the facts around what this mismatch is important.

I'll tell you what is not important. It's not important to throw around language here that we've had so far about misrepresentation, absurdity of the numbers, et cetera. That is not what we should be talking about. I think we should all acknowledge — and Albertans, I believe, acknowledge — that this would be a catastrophic event for the Canada Pension Plan.

(Debate adjourned.)

[*Translation*]

MOTION CONCERNING BILLS WITH A "NOTWITHSTANDING CLAUSE"—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare:
>
> That the Senate express the view that it should not adopt any bill that contains a declaration pursuant to section 33 of the *Canadian Charter of Rights and Freedoms*, commonly known as the "notwithstanding clause."

Hon. Pierrette Ringuette: Honourable senators, I rise today to speak to Motion No. 201 moved by Senator Harder, concerning the notwithstanding clause. I want to thank him for moving this motion.

This is an important issue that deserves thoughtful, careful debate. This issue is fundamental to our role in the Senate.

The Senate is the chamber of sober second thought and it is this chamber that is tasked with representing the interests of the regions and minority groups. That reality would generally put us completely at odds with the use of the notwithstanding clause, a measure that can explicitly deny Canadians their Charter rights.

[*English*]

The "notwithstanding" clause, or section 33 as it's also known, allows the federal or provincial governments to deviate from certain sections of the Charter — fundamental freedoms, legal rights and equality rights, but not democratic rights, mobility rights or language rights. Importantly, once invoked in legislation, the courts cannot strike down the law despite conflict with the Charter. This particular clause has a five-year tenure and has to be re-enacted to continue every five years.

• (1720)

It is also important to note that invoking the clause does not require the government to identify the rights being denied and does not require substantive justification. Federally, Canadians have the Senate as goaltenders. However, there is no Senate in the provinces and territories acting as goaltenders. It is not hard to see why the "notwithstanding" clause is controversial and has been the subject of debate since day one. The most obvious criticism is that it essentially makes our rights and our freedoms no longer rights and freedoms, as they can be taken away by use of the clause.

Section 33 — as lawyer and legal scholar Peter Hogg, whom we know well in the Senate, put it — ". . . seems to be a uniquely Canadian invention . . . ." There are similar functions in a few other countries, but devices to circumvent entrenched rights and freedoms are not a universal part of the world's democracies.

Section 33 makes a hierarchy of rights: those that are protected from the "notwithstanding" clause and those that are not. We rightfully say that democratic rights and language rights are so important that they cannot be infringed upon, but we do not extend the same importance to legal or equality rights. I think that is something to consider in the discussion.

Is the use of the "notwithstanding" clause always wrong? I won't go so far as to say that, but I find it very hard to justify its use. An increasing development is the idea of using the "notwithstanding" clause pre-emptively. This allows the legislature to bypass the important role the courts play in our democracy. It is critical that the courts get to review these laws and provide their perspective. Our courts are a pillar of a functional government and a law-abiding society.

Legal expert Robert Leckey put it this way:

> Under this new paradigm, governments will much more readily shield their rights-infringing laws from constitutional challenge. They may denigrate constitutional review by judges, characterizing it as illegitimate interference with the majority's will —

— in the House of Commons or Parliament.

> Under the new paradigm, the government doesn't bother to claim that evidence justifies its policy choice, or that its chosen path is proportionate in its harms and benefits.

On the other side, one can argue that the "notwithstanding" clause is needed to protect the supremacy of the legislature and the power of the province. But, colleagues, we do have a mechanism for changing that Charter, even though it is difficult by design, as it should be.

There is also broad public opposition to the "notwithstanding" clause. An Angus Reid poll from January 2023 — that's very recent — found that after recent uses of the clause in Ontario and Quebec, 58% of respondents were concerned or very concerned about the increased use of the clause, and 55% were supportive of abolishing the clause altogether.

Former senator Eugene Forsey said, "The notwithstanding clause is a dagger pointed at the heart of our fundamental freedoms, and it should be abolished."

Quebec politician Herbert Marx said that "the danger of having a 'notwithstanding clause' will become evident when we need protection most . . . ." He resigned over the use of the clause in 1988 by Premier Bourassa.

Clifford Lincoln also resigned at that time, stating, "Rights are rights and will always be rights. There are no partial rights. Rights are fundamental rights."

It is noteworthy that Senator Harder's motion calls on the Senate to express the view that the Senate should not pass legislation using the "notwithstanding" clause. I don't see this as

a firm declaration of intent to block bills but as an affirmation that we believe that using the "notwithstanding" clause, particularly pre-emptively, is not something that we will arbitrarily support, which bring us to the Salisbury convention that the Senate may offer reasoned amendments but not block the government's agenda.

Our role is one of sober second thought, one of defender of minority rights. What do we do when faced with legislation that challenges that role? What will we do? A bill that invokes section 33 is by its very nature declared to be in opposition to some fundamental rights, rights we are here to uphold.

So this is an important question and one that should not be waved away by convention — like the Salisbury convention — that we are to pass the government's agenda. Are we in a time where we no longer have an agreement on fundamental rights in this country? We can debate and disagree on policy, but we cannot and should not let the politics of the day or the flavour of the month diminish our rights.

I must admit that during Senator Harder's speech, one could perceive confusion in many senators' faces. In French, we would say:

[*Translation*]

Qu'est-ce que ça mange en hiver cette affaire-là? In other words, "what does that actually mean?"

[*English*]

Then I realized that many new senators have no legal or legislative experience, and we as an institution are not providing understanding of the basic tools to do our job, such as the understanding of the Constitution, its Charter, the divisions of power, the Senate, the structure and texts of legislation and the Senate's role as per the Supreme Court interpretation in 2014. We must understand all of these to do our job. There's a learning curve, a steep and continuous learning curve.

So I have made a request that at least this basic understanding be provided to senators in a podcast format to listen at any time by all senators in a shared tool box and that these podcasts, or whatever the technical tool that will be used, be available for you to listen and relisten to in French or English at any time if you need to further understand what we are talking about in this place.

In the meantime, I welcome this debate while sincerely hoping we will not face legislation containing a "notwithstanding" clause in our near future. Thank you colleagues.

Some Hon. Senators: Hear, hear.

Hon. Leo Housakos: Will Senator Ringuette take a question?

• (1730)

Senator, I listened with interest to your speech. My question is simple: When we patriated the Constitution in 1982 and entrenched the "notwithstanding" clause, which is when Prime Minister Trudeau and future prime minister Jean Chrétien — who was the Minister of Justice and Attorney General at the time — negotiated with the provincial representatives the "notwithstanding" clause, were they that discombobulated? Or there must have been a substantive reason why they entrenched the "notwithstanding" clause in the patriation.

Senator Ringuette: I believe, Senator Housakos, that it was a negotiation tool in order to patriate the Constitution because there was firm commitment from the Government of Canada in regard to the Charter of Rights being entrenched in the Constitution.

Some provinces — I do not know which ones — were not in agreement in regard to the Charter of Rights. In order to give their support for the patriation of the Constitution, they requested that this compromise be put in it.

Hon. Denise Batters: It was the Saskatchewan New Democratic Party government at the time with former premier Allan Blakeney, and the negotiator was future premier Roy Romanow. This was one of the provinces demanding that the "notwithstanding" clause be included in the Constitution. Do you recall that?

Senator Ringuette: No Canadian can forget Premier Romanow — not at that time — nor his very outspoken opinions in the last decade.

[*Translation*]

Hon. Pierre J. Dalphond: Did you say that if a bill presented to us contained a notwithstanding clause, we should refuse to pass it? If that is the case, are you inviting us to flout the Constitution, which provides for the government and Parliament to be able to pass legislation that contains the notwithstanding clause?

Senator Ringuette: Senator Dalphond, I appreciate your question, as a former judge with an excellent reputation.

Essentially, when the Constitution was patriated, there was no question of the federal government ever using section 33. It was a request of the provinces. The fundamental intention of section 33 did not pertain to the federal government. That being said, and I hope that you will reread the speech I just delivered, there are exceptions. There are rights that are absolutely guaranteed. The question I asked in my speech was this: How can we differentiate and give one right more value than another in our deliberations?

(On motion of Senator Martin, debate adjourned.)

[*English*]

LEGAL AND CONSTITUTIONAL AFFAIRS

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE INCLUSION OF INUKTUT ON FEDERAL ELECTION BALLOT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Cotter, seconded by the Honourable Senator Petitclerc:
>
> That pursuant to section 18.1 of the *Canada Elections Act*, the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on Elections Canada's plans for a pilot project to include Inuktut on federal election ballots in the electoral district of Nunavut; and
>
> That the committee have permission, notwithstanding usual practices, to deposit reports on this study with the Clerk of the Senate if the Senate is not then sitting, and that the reports be deemed to have been tabled in the Senate.

Hon. René Cormier: Honourable senators, American writer Rita Mae Brown said:

> Language is the road map of a culture. It tells you where its people come from and where they are going.

[*Translation*]

It is with that in mind that I rise today to speak briefly to Motion No. 219, which seeks to authorize the Standing Senate Committee on Legal and Constitutional Affairs to examine and report on Elections Canada's plans for a pilot project to include Inuktut on federal election ballots in the electoral district of Nunavut. This important project would make it possible for the Inuktut names of federal candidates and political parties to appear on regular ballots in Nunavut.

First, I want to acknowledge that we are on the unceded territory of the Algonquin Anishinaabe people, and I am sincerely grateful to them for welcoming us here.

I want to thank the Honourable Senator Cotter for moving this motion. Although my comments complement his, I want to remind senators of some of the background that is needed to understand this issue.

[*English*]

In 2022, the Standing Committee on Procedure and House Affairs of the other place released a report noting, among other things, the barriers to the electoral participation of Indigenous voters. Among its four key recommendations, the committee urged the implementation of a pilot project to include Inuktut languages on federal election ballots in Nunavut.

In order to implement this project in accordance with the Canada Elections Act, Elections Canada now requires the prior approval of two parliamentary committees that normally consider electoral matters, namely the Standing Committee on Procedure and House Affairs and the Standing Senate Committee on Legal and Constitutional Affairs. During his speech in the Senate, Senator Cotter referred to previous similar studies undertaken by the Senate Legal Committee, including a 2010 study of a pilot for electronic assistive voting devices.

[*Translation*]

The motion before us asks only that we refer the matter to the Standing Senate Committee on Legal and Constitutional Affairs, as it is in the best position to hear from the appropriate witnesses and determine the outcome.

As we debate this issue, the Standing Committee on Procedure and House Affairs in the other place has already completed its study of the pilot project. As far as I know, the analysts have been tasked with preparing a draft report on this subject that will be, or has already been, considered by the committee members.

However, since receiving the letter from Stéphane Perrault, Chief Electoral Officer, dated September 12, the Standing Senate Committee on Legal and Constitutional Affairs has still not been authorized to study this project. Considering the steps and time required to fully implement the pilot project, it is important that the Standing Senate Committee on Legal and Constitutional Affairs study this matter without delay.

[*English*]

Colleagues, I personally witnessed the unique cultural and linguistic reality of Nunavut when I visited this vast Canadian territory in May 2023. It is a geographical area where three official languages coexist, including Inuktut which is in the majority. Nunavut is a true reflection of the country's diversity.

During my stay in this magnificent territory, I met a number of Indigenous people working to protect and promote their language and heritage, including Nunavut's Languages Commissioner Karliin Aariak. In fact, the very first thing I heard from her was the issue of the non-inclusion of the Inuit language on federal election ballots.

She reiterated the importance of better protecting the Inuktut language in accordance with the Inuit Language Protection Act. The preamble of this act is unequivocal about the importance of protecting this language as ". . . a cultural inheritance and ongoing expression of Inuit identity . . . ."

[*Translation*]

In keeping with the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, which stipulates that Indigenous peoples have the right to fully participate in the political, economic, social and cultural life of the state, the study of the pilot project at the Standing Senate Committee on Legal and Constitutional Affairs would be part of the ongoing commitment to reconciliation with the First Peoples.

[*English*]

Rita Mae Brown also said, “Language exerts hidden power, like the moon on the tides.” I couldn’t agree more.

Colleagues, let’s support our fellow Inuit citizens. I, therefore, encourage the Senate to authorize the Legal Committee to study the pilot project as soon as possible.

Qujannamiik. Thank you. *Meegwetch*.

(On motion of Senator Martin, debate adjourned.)

• (1740)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF INTERESTS AND ENGAGEMENT IN AFRICA

Hon. Peter M. Boehm, pursuant to notice of October 3, 2024, moved:

> That, notwithstanding the order of the Senate adopted on Thursday, October 26, 2023, the date for the final report of the Standing Senate Committee on Foreign Affairs and International Trade in relation to its study on Canada’s interests and engagement in Africa, and other related matters be extended from December 31, 2024, to March 31, 2025.

He said: I move the motion standing in my name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

THE HONOURABLE DIANE BELLEMARE

INQUIRY—DEBATE ADJOURNED

Hon. Marty Klyne rose pursuant to notice of Senator White on October 8, 2024:

> That she will call the attention of the Senate to the career of the Honourable Diane Bellemare.

He said: Honourable senators, I rise to pay tribute to our friend Senator Diane Bellemare. We know Diane as a distinguished economist, proud voice for Quebec and Canada and a foundational leader for independent Senate reform. I was honoured to work with her on the Senate Prosperity Action Group to develop our 2021 report entitled *Rising to the Challenge of New Global Realities: Forging a New Path for Sustainable, Inclusive and Shared Prosperity in Canada*.

However, senators might not be aware that Diane is a huge fan of “Game of Thrones.” In what might be the first and last time such a connection is made, she referred to the show in a speech on the Senate rules.

Today, let’s pay tribute to Senator Bellemare with a comparison to her favourite character, Arya Stark. Like Diane, Arya is a spirited, authentic and independent woman who outwits, outfights and outlasts every opponent. The Honourable Senator Bellemare is like Arya in three more ways. First, underestimate her at your peril. As the first Government Representative Office Legislative Deputy in the independent Senate, the Honourable Senator Bellemare sponsored Bill C-4, the mandated repeal of two anti-union private members’ bills. In 2017, when opponents tried to insist not to pass the bill, Diane won the vote with 43 yeas, 41 nays and 1 abstention. This was a resounding victory for Senate reform and the Salisbury Doctrine regarding respecting election platforms.

Second, like Arya, Diane is brilliant. She is a wise voice for social dialogue and cooperative federalism. Her bill to create an Employment Insurance Council Commission passed the Senate in June and will make Canada more prosperous than the Lannisters — I guess you have to know the show.

Third, like Arya, Diane is principled. She makes political choices according to what she believes is right. In doing what is right for Canadians, she has never been wrong. Her principles are a “Stark” inspiration to remain true to ourselves. These days, with the polls, some progressives in this chamber worry about the future of climate action, reconciliation and shared prosperity. Some worry it might be said that “winter is coming,” but Senator Bellemare has shown us how to be true to our values, how to respect the role of the Senate and how to serve our great nation of nations, whatever the future might hold.

Diane, we will miss you, and we are missing you. We wish you all of the happiness as you explore the regions west of Westeros.

Thank you.

Hon. Senators: Hear, hear.

(On motion of Senator Cordy, for Senator White, debate adjourned.)

(*At 5:45 p.m., the Senate was continued until tomorrow at 2 p.m.*)

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