



DEBATES OF THE SENATE

1st SESSION



44th PARLIAMENT



VOLUME 153



NUMBER 238

OFFICIAL REPORT
(HANSARD)

Tuesday, November 19, 2024

The Honourable RAYMONDE GAGNÉ,
Speaker

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Publications Centre: Publications@sen.parl.gc.ca

Published by the Senate
Available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, November 19, 2024

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

Prayers.

SENATORS' STATEMENTS

NO. 2 CONSTRUCTION BATTALION

Hon. Wanda Thomas Bernard: Honourable senators, I am honoured to stand before you today to give a Remembrance Day statement on the No. 2 Construction Battalion, a story brought to light by the late Senator Calvin Ruck in his 1986 book *Canada's Black Battalion: No. 2 Construction, 1916-1920*. This shameful story in Canadian history reveals the racism that Black men endured while trying to serve their country during World War I. Further research by African-Nova Scotian historian Sean Foy in his 1999 thesis *The underside of glory: AfriCanadian enlistment in the Canadian Expeditionary Force, 1914-1917* highlighted their dual battle: the war of racism at home and their contributions to World War I. These men were denied weapons, yet they served on the front lines with shovels and pickaxes — their efforts essential to wartime lumber operations.

Despite the discrimination they faced, the men of the No. 2 Construction Battalion served with extraordinary resilience and courage. On July 9, 2022, after years of advocacy, the government issued an apology for the injustices they endured. It was an honour for me to speak at the apology ceremony in Truro, Nova Scotia. In my remarks, I shared the following:

Imagine what life must have been like for these men, who had to fight their country, to fight for their country.

Led by the National Apology Advisory Committee, which included government, community activists and descendants, the apology and the commemorative recommendations were presented to ensure that the legacy of the No. 2 Construction Battalion will never be forgotten. The sacrifices of these men, their families and communities are no longer Canada's best-kept secret.

The apology marked a significant step toward reparations for Black Canadians and serves as a model for others pursuing accountability and meaningful action. In the future, dear colleagues, as we pause to remember all who have served and now serve in the Canadian Armed Forces, I invite you to also remember the contributions and experiences of the No. 2 Construction Battalion.

Asante, thank you.

Hon. Senators: Hear, hear.

REMEMBRANCE DAY

Hon. Marty Deacon: Honourable senators, I rise today to remember Remembrance Day 2024. Last week colleagues gave great tributes and shared their family stories, but before we start running in so many other directions I invite you to think about that day and Indigenous Veterans Day one more time.

Many of us were in a rush to get home on Thursday night and Friday morning. Around us in Ottawa, you could see hundreds of metres of fencing being placed in high piles outside the Senate building and the National War Memorial. I hardly thought about it as I dashed to the airport. But, as I watched the ceremony on TV, I could not help but think of the many who work in the background to make that day such an important day to remember in our home communities, in the nation's capital — including at the National Military Cemetery — and here in the Senate at the annual morning Remembrance Day ceremony with veterans present, held the week prior. If you have never attended, the Speaker of the Senate hosts a beautiful tribute service.

Like so many of you, I have been grateful to lay and contribute a Senate wreath in my home community, done this year on my behalf. I was out of the country at a Veterans Day event, and when I finished I streamed the Ottawa event. In this instance, the Ottawa service impacted me deeply — more than I can remember. There were a few reasons for this: Our world has significant, multiple, continuous conflicts and our Canadian military has been called on to assist, but, like many countries, we have deep challenges in recruiting and retaining service members. Also, as I watched the vets in Ottawa, I recognized that our oldest vets who served in those century-defining conflicts so long ago are becoming too few.

While not losing focus and not forgetting about the lives of so many, I was also taken by the number of volunteers, departments, individuals and groups that make Remembrance Day work: from the music to the cannons to looking after the needs of each veteran, the technical work, the hanging of huge TVs, the protocol, the beauty and history of the National War Memorial and the Senate of Canada Building and, if you watched it, the huge trees in the background that maintained their beautiful fall colours for just one more day.

I think at the heart of my lingering was my experience as a senator and my luck to be involved with our veterans community as a result. I sit on the Subcommittee on Veterans Affairs with other senators. We have listened to very traumatized and stigmatized vets who have been candid about the incredible challenges they face. I've gotten to know some of these vets, and that has given me a vivid understanding of their continued battles long after their service has ended. Remembrance Day serves as a reminder of the continuing work we need to do and what we owe them for their sacrifices.

As we leave Remembrance Day for another year, the memory, the work and the support cannot stop. We must make it a priority every day.

Thank you, *meegwetch*.

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Isha Khan, Chief Executive Officer, the Canadian Museum for Human Rights in Winnipeg, Manitoba, accompanied by members of the museum leadership and board executive team. They are the guests of all honourable senators from Manitoba.

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

Hon. Senators: Hear, hear!

CANADIAN MUSEUM FOR HUMAN RIGHTS

TENTH ANNIVERSARY

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, tomorrow marks the 10-year anniversary of the opening of the Canadian Museum for Human Rights in Winnipeg. As a proud senator from Manitoba, I am pleased to join with the Canadian Museum for Human Rights CEO and management team in highlighting this establishment dedicated to human rights education and discussion.

This museum not only showcases human rights but also illustrates the determination and vision of Canadians. The museum is the realization of a dream by the late philanthropist Israel “Izzy” Asper who, in the year 2000, began to imagine a world-class human rights centre for Canada. Within a few years, with his daughter, Gail Asper, at the forefront, they assembled supporters and together made this dream happen. Both public and private sector partners came together to establish this historical project. The governments of Canada, Manitoba and Winnipeg joined with The Forks Renewal Corporation, the Friends of the Canadian Museum for Human Rights and individual donors as they began this \$351-million project.

• (1410)

On March 13, 2008, the Conservative federal government under Prime Minister Stephen Harper passed Bill C-42 into law, changing the Museums Act to include the first national museum to be built outside the National Capital Region.

But the uniqueness of this project doesn’t stop here, colleagues. The museum’s location was also meticulously chosen. It was built at a meaningful historical site where the Red and Assiniboine rivers meet, known as The Forks. The Forks was designated a national historic site of Canada in 1974 due to its status as a cultural landscape that had borne witness to 6,000 years of human activity. Numerous archaeological digs

have shown the significance of this site as one where Indigenous people followed its waterways for peacemaking dialogue and trade.

The architecture of the museum also reflects great intention. Visitors begin their journey with a descent into the earth through the “Roots” of the museum, culminating their way at the Israel Asper Tower of Hope, a beautiful 100-metre glass spire with views of downtown Winnipeg.

Colleagues, the Canadian Museum for Human Rights plays a pivotal role in portraying, promoting, celebrating and recognizing the history and evolution of human rights in Canada. My Manitoba colleagues — Senators Gagné, McPhedran, McCallum, Osler, Adler — and I are pleased to celebrate the 10-year anniversary and highlight this gem from our home province of Manitoba. Thank you.

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 Mandy Rennehan. She is the guest of the Honourable Senator Deacon (*Nova Scotia*).

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

Hon. Senators: Hear, hear!

MANDY RENNEHAN

Hon. Colin Deacon: Honourable senators, Yarmouth, Nova Scotia, is known for a lot of things, but Tiffany’s and Dolce & Gabbana are not two of them. So what’s the connection? It’s Mandy Rennehan, an entrepreneurial hero of mine and countless others.

Thirty years ago, Mandy left Yarmouth for the bright lights of Halifax, but she didn’t stop there. Often described as a “balls little bugger,” she is best known as the “Blue Collar CEO,” host of the HGTV show “Trading up with Mandy Rennehan” and founder and CEO of Freshco, a company she started with literally nothing but determination and which now creates, maintains and refreshes retail stores all across North America.

At some point, everyone in this chamber has been in a store that Mandy’s team built — maybe not Tiffany’s but certainly the Apple Store, Indigo, Staples or Home Depot. Mandy attracted and retained the very best clients because she built a team that delivers excellence on budget and on time every time. That is why this self-trained, self-funded hurricane of energy and determination has never needed to advertise.

How did she do it? Mandy’s superpower is her ability to unlock excellence in people. She’s actually a people builder, and Freshco is arguably Canada’s most inclusive employer. Her non-traditional team is 77% female, 41% LGBTQ2S+, 33% BIPOC and 17% people with physical disabilities or neurodiverse.

Building a business that puts people first creates something special. Consider that her passionate team of 80 works with 8,000 technicians and trades internationally and delivers excellence every time — no excuses. How? Because every employee knows that they alone are accountable for their individual success and, ultimately, the team's collective success. Together they've built a North American reputation among brands that define excellence, causing over 80 Fortune 500 brands to keep calling back again and again.

Mandy Rennehan never stops. She just keeps pushing, determined to keep creating opportunities for others to build the lives that they want. That's why Mandy is one of the creative geniuses, annual funders and inspirational voices behind Jill of All Trades. Now in its tenth year, this program brings together female mentors and faculty to provide a safe, engaging and hands-on learning experience that introduces young women in grades 9 to 12 to a possible career in the trades.

Mandy will break every single rule that does not empower others to deliver excellence. Simply, Canada could use a lot more of Mandy Rennehan.

These are just a few of the reasons why I'm honoured to have presented to Mandy King Charles III's Coronation Medal to thank her for constantly creating countless opportunities for others. Thank you.

Hon. Senators: Hear, hear.

UKRAINE—RUSSIA'S ACTIONS

Hon. Stan Kutcher: Honourable senators, before I begin, I would like to acknowledge and thank my colleague Senator Loffreda for letting me speak in his stead.

Colleagues, today marks the thousandth day since the beginning of Russia's unprovoked and genocidal war on Ukraine — a terrible flouting of the rule of international law by a member of the UN Security Council, nonetheless.

Russia has also contravened all the rules of war, using rape, torture, ecosystem destruction and attacks on civilian homes, schools and places of worship as part of its military strategy. Names such as Bucha and Irpin will live forever in infamy.

This was a war that Putin expected to win within a month. What a miscalculation that was. What resilience the Ukrainian people have shown. We all remember President Zelensky's comment when he was offered escape to Europe: "*Ya tut*" and "I need ammunition, not a ride."

This is also a war that the West has let drag on much longer than necessary, using containment and appeasement while thousands of innocents have died.

Colleagues, I hope you will support me as I mark this horrible anniversary by condemning Russia, its leader, its parliament and its military for this genocidal war that it is waging on innocents

just because Russia is afraid of democracy, just because Russia wants it old empire back, just because Russia has become used to being a bully on which the West has not yet set limits.

I also hope you will support me as I call for greater military and humanitarian aid to Ukraine. A comprehensive peace will not come if Ukraine is forced to negotiate from a position of weakness. A comprehensive peace can only come about when Ukraine wins the war and can negotiate from a position of strength.

Colleagues, I hope that you will also join me as I call for the return from Russia of all Ukrainian children who have been stolen, stripped of their cultural and linguistic identity, forced to live with unknown and often hostile families or forced into labour or trafficked.

Canada is leading an international consortium to bring back and to support them. Recently, the founder of Save Ukraine, an NGO dedicated to this work, visited Canada and met with many of you. We are stepping up, but there is so much to do.

Colleagues, as we sadly mark this 1,000 days, let us not forget that Ukraine is fighting for the same values that have made Canada the country we call home. We need to stand with Ukraine not only with our words but with our deeds as well.

Slava Ukraini. Thank you. *D'akuju.*

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Alisa Lombard and members of Elsipogtog First Nation. They are the guests of the Honourable Senator Boyer.

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

Hon. Senators: Hear, hear!

• (1420)

HONG KONG 47

Hon. Leo Housakos: Honourable senators, today marks a dark day in Hong Kong's history and a sobering reminder of the continual erosion of democracy and freedom under Beijing's authoritarian grip. The sentencing of 45 of the 47 Hong Kong democrats — people who dared to dream of a better, freer Hong Kong — is not merely an injustice; it is a calculated act of suppression against all who value the principles of democracy, human rights and the rule of law.

These brave men and women are from all walks of life — young, old, activists, trade unionists and former legislators — and their only crime was organizing and participating in peaceful unofficial primary elections for the legislative council in 2020. For this, after having already been held for three years, they have now been handed sentences ranging from an additional 3 to 10 years of imprisonment under a draconian national security law imposed by Beijing.

Beijing wants to keep this in the dark and turn the world's eyes away. The so-called trial lacked a jury and was offered only five public seats in the courtroom. Instead of giving them what they want, we must keep a spotlight on what is happening in Hong Kong.

Let me be clear: The Hong Kong 47 represents the voices of millions who believe in the promise of “one country, two systems” — that Hong Kongers would be able to participate, at least to some degree, in the democratic process. Their persecution sends a chilling message to anyone in Hong Kong and those who have left that territory that anyone who dares challenge Beijing's rule will not be tolerated.

Canada cannot turn a blind eye. The repression against those who speak out against Beijing is not limited to the territory that they control, but extends across borders. Even in Canada, Hong Kongers who have immigrated here face threats of transnational repression, from surveillance to harassment to intimidation. This is not just a distant issue. It is happening right here on Canadian soil, undermining the safety and freedoms of those who sought refuge in our great democracy.

Canada must take a firm stance. We have stood alongside the people of Hong Kong from day one, from the Battle of Hong Kong in 1941 to the human rights crackdown of this decade, and we must continue to do so unequivocally. As a nation committed to human rights and the rule of law, Canada has a responsibility to act by supporting Hong Kongers both here and abroad. We send a clear message: Repression and tyranny have no place in our world, and to those who want to stand for democracy, we will stand with them. Thank you, colleagues.

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 Faron Joe, from Miawpukek Marine Horizons. He is the guest of the Honourable Senators White and Audette.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

THE ESTIMATES, 2024-25

SUPPLEMENTARY ESTIMATES (B) 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 Supplementary Estimates (B), 2024-25.

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (B)

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

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2025;

That, for the purpose of this study, the committee have the power to meet, even though the Senate may then be sitting or adjourned, and that rules 12-18(1) and 12-18(2) be suspended in relation thereto; and

That the committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

THE SENATE

NOTICE OF MOTION TO SALUTE THE CONTRIBUTION OF THE HONOURABLE IRWIN COTLER TO THE DEFENCE OF HUMAN RIGHTS AND THE FIGHT AGAINST RACISM AND ANTI-SEMITISM

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate:

- (a) salute the contribution of the Honourable Irwin Cotler, P.C., to the defence of human rights and the fight against racism and anti-Semitism;
- (b) recall his political contribution as Attorney General and Minister of Justice from 2003 to 2006; and
- (c) condemn the death threats against him orchestrated by agents of a foreign regime.

QUESTION PERIOD

VETERANS AFFAIRS

REMEMBRANCE DAY

Hon. Donald Neil Plett (Leader of the Opposition): Leader, over the past year, I have repeatedly asked the NDP-Liberals about the new directive banning prayer at Remembrance Day ceremonies. A written response regarding the committee struck to review this directive was sent to me last Friday. The answer shows the committee met twice over Microsoft Teams. There were no terms of reference for their work. They didn't consult with anyone. And their report is for internal use only.

Leader, does this so-called review sound good enough for such an important change? Instead of uniting Canadians, why does your government always work to divide them, even with something as sacred as prayer on Remembrance Day?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, Senator Plett. Let's be clear about what is involved and what isn't involved. What is certainly not involved is the government attempting to be divisive or to in any way undermine, disparage or denigrate the solemnity and importance of Remembrance Day which we all so proudly celebrate.

The Chaplain General issued his directive independently, and it does not ban prayer. Let me read to you what it says:

Chaplains shall endeavour to ensure that all feel included and able to participate in the reflection . . . no matter their beliefs . . .

That is inclusive, not divisive. The directive simply seeks to help Canadian Armed Forces chaplains make their public addresses more inclusive to reflect our spiritual and religious diversity.

Senator Plett: Senator Gold, at many services across the country, prayers were said for the fallen, which goes against the new directive, whether you believe it or not.

It is awful that I even have to ask this question: Do you commit, Senator Gold, that not a single chaplain who said a prayer or mentioned God during Remembrance Day ceremonies will be disciplined or fired, or is your government too morally corrupt to make that promise?

Senator Gold: As I said, the Chaplain General issued the directive independently. It is not the business of this government — and I hope any government — to police the activities of our religious and spiritual leaders in events as solemn as Remembrance Day.

Hon. Yonah Martin (Deputy Leader of the Opposition): Leader, my question relates to this very topic. On November 8, Bishop Scott McCaig issued an open letter to his fellow military chaplains, where he confirmed the new directive banning public prayers by the chaplains who perform vital work for the men and women of the Canadian Armed Forces.

• (1430)

Bishop McCaig wrote that he is part of the committee that was struck last year to study “. . . the Spiritual Reflection Policy that prohibits the invocation of God by chaplains at mandatory military events.”

Leader, Minister Blair, who was in our chamber, claimed that no one in the NDP-Liberal government was behind the directive banning prayer. Even if that is true and there is an independent committee, why didn't your government overturn that decision?

Senator Gold: Senator, I'm not familiar with the document from which you quoted, but I can simply repeat that the information I have — and I read the actual directive to you — does not ban prayer.

Beyond that, I can only repeat that the position of the government is to respect the diversity of religious and spiritual viewpoints in our great country. In that regard, the directive that was issued independently by the Chaplain General simply attempted to do so.

Senator Martin: The new directive banning public prayers has a section on enforcement. As Senator Plett indicated, it says that disciplinary actions may be taken against a chaplain who does not comply with the directive.

Have any such actions been initiated since Remembrance Day, leader? Is this something you can find out? If so, how many, what disciplinary actions do they entail and in which provinces?

Senator Gold: Again, since there is such a clear difference between the information you're bringing forward and that with which I have been provided, I will certainly raise this with the minister.

[Translation]

FINANCE

CANADA REVENUE AGENCY

Hon. Éric Forest: Senator Gold, the government had the misguided idea to change the disbursement quota in order to encourage charities to invest in communities. Charities with more than \$1 million in assets are required to spend 5% annually on charitable activities. First and foremost, small community organizations need to focus on preserving their capital. This mandatory distribution quota of 5% could force them to dip into their capital base, which would threaten future distribution and the survival of the organization. This is a real problem that is affecting all regions of Canada.

The Community Foundations of Canada network is present in 200 communities. In Eastern Quebec, our community foundation alone manages 117 different funds that support music schools, and organizations that fight domestic violence, that help people with disabilities and that help kids stay in school.

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question and for pointing out the important work that charities do to improve the quality of life of all Canadians.

The policy that you mentioned was intended to ensure that the money raised by charities is used to accomplish the purposes for which it was donated. I will talk to the minister to better understand the challenges that you raised.

Senator Forest: Would the government leader agree that it would be wiser to review the disbursement quota policy, to prevent it from undermining the charitable organization ecosystem that we have built, while consulting the foundations involved?

Senator Gold: Concerning consultations, I have no information on the subject. I'll speak to the minister about it.

As for the fundamental question, colleague, the government has always been committed to continually do better and to improve programs and services. I'll raise the matter with the minister.

INFRASTRUCTURE AND COMMUNITIES

HOMELESSNESS STRATEGY

Hon. Julie Miville-Dechêne: Senator Gold, Radio-Canada recently reported on a jurisdictional dispute that's stopping \$50 million in federal aid from reaching its intended recipients — homeless persons in Quebec crammed into encampments due to a shortage of shelter space or affordable housing. Montreal mayor Valérie Plante believes the situation is urgent: winter is coming and a lot of people are living on the streets, some of them even dying there. How is it possible that the \$50 million promised by the federal government hasn't been transferred yet?

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

You emphasized the importance of that money and what it can do to help people experiencing homelessness. The government is eager to act on the historic billion-dollar housing agreement it signed with Quebec last year by reaching an agreement about a \$250-million fund to address the problem of homeless encampments. I believe the government wrote to Minister Carmant with a request for collaboration. Negotiations are under way. The government is eager to disburse the funds to Quebec communities to help prevent homelessness and reduce the number of people who are unsheltered.

Senator Miville-Dechêne: Senator Gold, shouldn't federalism be more efficient and flexible in the case of extremely vulnerable people who don't have a roof over their head? Might it be possible to expedite those talks, do away with bureaucratic delays and minimize conditions so that these funds can finally get out the door?

Senator Gold: I sincerely hope the talks will result in an agreement under which the funds can be distributed. Unfortunately, federalism isn't always the most efficient way to do things, but it is the way things are done in our country. The two levels of government must reach an agreement. The Government of Canada is doing its best to get to that point as soon as possible.

IMMIGRATION, REFUGEES AND CITIZENSHIP

ASYLUM SEEKERS

Hon. Jean-Guy Dagenais: Senator Gold, as I pointed out two weeks ago, Prime Minister Justin Trudeau has finally come back down to Earth and lowered immigration thresholds. However, the damage has already been done and is irreversible.

Meanwhile, south of the border, President-elect Donald Trump plans to deport 11 million immigrants as soon as he takes office in January.

Does the Prime Minister have a plan to deal with the potential arrival of a large contingent of uncontrolled and possibly criminal foreign nationals in Canada? Will we welcome them with open arms, at the expense of Canadian taxpayers?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. With respect, Senator Dagenais, the Government of Canada has acted responsibly to balance the number of immigrants. With regard to your question, it's too early to discuss the government's plans for dealing with possible or hypothetical changes. The government has long been aware of all the issues relating to our partner to the south, and will continue to act in Canada's interest.

Senator Dagenais: The Canada Border Services Agency has just announced that certain border crossings between Canada and the United States, including 10 in Quebec, will be closing in the evening and overnight. Can you explain how Canadians are supposed to take your government seriously when it says it's doing everything it can to control illegal entries at Canada's borders, while at the same time deciding to close border crossings?

Senator Gold: The Government of Canada has made a lot of investments to secure our borders and will continue to do so. The administrative changes that you mentioned have nothing to do with this government's unwavering commitment to defending our borders.

[English]

PUBLIC SAFETY

FOREIGN INTERFERENCE

Hon. Andrew Cardozo: My question is for the government leader. I had a different question that I was going to ask, but I was really a bit perturbed by the decision that we not vote on the motion you put forward.

I want to ask you about the assassination attempt on the Honourable Irwin Cotler. I regard him as a major force for human rights, and he has been fighting racism and anti-Semitism across this country over many years. He is a former Minister of Justice and Attorney General of Canada. The threat of an assassination attempt on him by a foreign government should shake us all to our core.

Can you tell us more about what the government is doing to protect Mr. Cotler at this time?

• (1440)

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for underlining the enormous contribution that Irwin Cotler has made before, during and after his tenure in Parliament and to this very day.

However, colleague, you'll understand that given the circumstances surrounding his well-being, it would be imprudent to comment on what measures are being taken with regard to any of the issues that surround his safety and well-being.

Senator Cardozo: As a supplementary, I want to ask you to assure us that the government is taking increased measures, perhaps to monitor the activities of the Islamic Revolutionary Guard Corps, or IRGC, and any other illegal or terrorist groups that aim to threaten Canadians and Canadian officials.

Senator Gold: I can assure you, this chamber and any Canadians who are watching that the threats to which you refer are known and understood by this government and all steps are being taken to protect all Canadians from such nefarious actions.

IMMIGRATION, REFUGEES AND CITIZENSHIP

VISA APPLICATIONS

Hon. Leo Housakos: Senator Gold, it's bad enough that every day brings a new story about law-abiding Canadians being victimized by criminals out on bail as a result of your government's "hug-a-thug" policies, but today we're learning about an admitted human smuggler who was not only released while awaiting trial but somehow, under your watch, managed to have his passport reissued after being ordered to turn over his travel documents to the RCMP as a condition of that release.

To borrow a phrase from your own Attorney General, make that make sense to me, Senator Gold. According to the Cornwall Regional Task Force, this individual oversaw an organization linked to the deaths of nine people on the St. Lawrence River in late March 2023 as they were being smuggled into Canada. He was ordered not to reapply for his passport, but I guess nobody thought to tell Service Canada. Are we just supposed to trust a confessed criminal to follow a court order, Senator Gold? Explain this to us.

Hon. Marc Gold (Government Representative in the Senate): That situation was a most regrettable and deplorable one, and every effort has been made to ensure the security of

Canadians and the integrity of the issuance of passports. I don't have the details around this case, but I will certainly raise it with the minister.

Senator Housakos: Senator Gold, this happened in 2021, around the same time that law-abiding citizens were lining up for blocks and blocks trying to get their passports. This thug got his reissued.

We don't need platitudes here and you looking into it. Senator Gold, we want to know who's responsible. Your government doesn't like taking responsibility. Who in your government is to a blame for this one, Senator Gold? It's always somebody else's fault. Who in the government is going to take responsibility this time?

Senator Gold: Senator Housakos, I told you that I don't have the details of this, and I will certainly make inquiries. The fact is that both the government and the agencies are responsible and do the very best they can. If mistakes happen, as they clearly do, those issues must be addressed and rectified.

[Translation]

REMOVAL ORDERS

Hon. Claude Carignan: Senator Gold, these days, we have been hearing a lot about President Trump's plan to deport 10 million illegal immigrants. What we have not been hearing as much about is the fact that the Trudeau government has a similar plan for temporary immigrants. Under the Trudeau government's plan to reduce the number of temporary immigrants, in 2025, 1,262,801 people will have to return to their country of origin when their permit expires. Leader, relatively speaking, this plan is on par with Trump's plan. I want to mention that I got these numbers from the *Toronto Star*, and I'm not just using Conservative Party talking points.

What is the government's plan to ensure that these people leave Canada in 2025? We're talking about 1.2 million people.

Hon. Marc Gold (Government Representative in the Senate): The Government of Canada has implemented a responsible plan to strike a better balance between our immigrants with different statuses and our ability to welcome them as a country in terms of public services, education, housing and so on.

The government has implemented responsible changes and will ensure that these programs are run in a way that respects human rights and is consistent with Canadian values.

Senator Carignan: Will you be giving the Canada Border Services Agency more resources to capture fugitives and forcibly deport them from Canada, or is this just another back-of-the-napkin plan devised in a Tofino restaurant between a couple of surf days?

Senator Gold: That's quite a hodgepodge of things to heap onto such a serious issue. Frankly, those statements aren't appropriate for such an important matter. The government has a

plan that it will implement responsibly, and it will continue to ensure that Canada strikes a balance between our needs and our ability to welcome and support immigrants.

[English]

HEALTH

SUPPORT FOR HEALTH LIFESTYLES

Hon. Marty Deacon: My question is for the Government Representative in the Senate.

Senator Gold, I recently had the opportunity to meet with representatives from the Canadian Parks and Recreation Association, or CPRA, to discuss how the recreation and parks sector can continue to help the federal government advance key collective health priorities.

In their pre-budget submission to the Finance Committee in the other place, the CPRA outlined timely, practical recommendations that align with our shared objective of creating a healthier, more active and resilient Canada. My question is this: Will the government commit to investing in parks and recreation infrastructure in the coming year?

Hon. Marc Gold (Government Representative in the Senate): Thank you, Senator Deacon, for your question, as well as for the role you have played and continue to play in encouraging us and Canadians to lead more healthy and active lives, which benefits us not only individually but also collectively.

[Translation]

Congratulations. That's commendable.

[English]

With regard to your question, I am simply not in a position to comment on, much less speculate on, what funding plans or priorities may be put into place in the future. I will bring the importance of this issue to the attention of the minister at the earliest possible moment.

Senator M. Deacon: Thank you. One recommendation specifically suggests the government develop and fund an active Canada action plan in consultation with national physical and mental health organizations. Does the government recognize the utility of such a plan and the health dividends paid by having a more active and healthy lifestyle?

Senator Gold: The answer is yes, certainly. In that regard, the government will continue to work with all levels of government and stakeholders to help Canadians understand the importance of and provide opportunities for a more active and healthy lifestyle.

GLOBAL AFFAIRS

SUPPORT FOR UKRAINE

Hon. Stan Kutcher: Senator Gold, Ukrainians are fighting vigorously for their survival, but they need greater capability to fight back. Canada has stated we support the use of Western weapons by Ukraine to strike inside Russia where missiles that kill innocents are launched from. Recently, President Biden has given Ukraine the go-ahead to use missiles provided by the U.S. to strike targets inside Russia.

My question is this: What is Canada doing to encourage the United Kingdom, France and others to follow the same path?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator, and for your continued advocacy on behalf of the people and indeed the land of Ukraine.

The Government of Canada has always been clear that Ukrainians know best how to defend their country. The government remains committed to supporting their capacity to do so. That's why, as you know, senator and colleagues, the federal government has not placed any geographic restrictions on the use of any military equipment donated from Canada to Ukraine.

• (1450)

I can ensure this chamber that Canada will continue to work with its allies, amongst whom you've mentioned several, to ensure Ukraine is supported fully as a whole, including not only financially and from a humanitarian perspective, but also militarily.

Senator Kutcher: Senator Gold, thank you for that. Many Canadians appreciate the commitments that Canada has made to Ukraine. That said, many of them would like to see a faster flow to get monetary and military commitments going.

Is the government aware of the model for monetary assistance set up by the Danish government? Are they considering participating in this model to support the development of a Ukraine-based defence industry?

Senator Gold: Thank you for your question, senator. Though I am not aware of the Danish model, I don't want to presume that the government is not. I will certainly raise it with the minister.

HEALTH

REGULATION OF VAPING FLUIDS

Hon. Judith G. Seidman: My question is for the Leader of the Government in the Senate.

Senator Gold, Coalition québécoise pour le contrôle du tabac; Action on Smoking & Health, known as ASH Canada; and Physicians for a Smoke-Free Canada have all conveyed their extreme disappointment that the federal government continues to delay the regulations banning flavoured vaping products.

Canada has one of the highest youth vaping rates in the world. Les Hagen, Executive Director of ASH Canada, recently stated:

This problem is out of control, and the main reason they're smoking vaping products is because of all the flavours.

In June 2021, draft regulations to remove sweeteners and most flavourings from vaping products were first published in the *Canada Gazette*, but they still have not been finalized. It has been three and a half years. How much longer must Canadians wait for the government to ban flavoured vapes across the country?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for your ongoing attention to this important issue. I simply don't know why the regulations have not yet been finalized, but I will certainly make inquiries as soon as I can.

Senator Seidman: Thank you.

Between April 2023 and March 2024, Health Canada inspected 288 specialty vaping establishments and found 38% had broken federal health laws. The promotion of prohibited vaping flavours was one of the most common types of non-compliance.

Senator Gold, do you agree that this is yet more evidence that action is needed?

Senator Gold: I think it is evidence that laws that are in place and not being enforced clearly give rise to important questions both about compliance and, indeed, perhaps enforcement or, as I think you're suggesting, a legislative initiative. I'll certainly add these facts to my inquiries with the minister.

PUBLIC SAFETY

CANADA COMMUNITY SECURITY PROGRAM

Hon. Donald Neil Plett (Leader of the Opposition): Leader, in recent years, dozens of Christian churches have been burned down across Canada in suspected acts of arson. Violence against synagogues has been a regular occurrence since the horrific Hamas attack on Israel last year. Earlier this month, we saw shocking acts of violence targeted against people of the Hindu faith in Brampton.

Leader, to strengthen the security of places of worship, your government announced \$10 million for an expanded Security Infrastructure Program. I've asked this question before, but no response has been provided. Given the violence taking place, an answer is necessary, Senator Gold. How much of the money announced a year ago has been spent today — not promised but spent?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and, again, for underlining the atrocious and unacceptable assaults on Canadians' freedom of worship and freedom to congregate where they worship. This is not limited to any one faith.

This government has now for many years provided important funds to communities and to their institutions to strengthen their security. I know that in my corner of the world, in Montreal, and more parochially, if you will, within the Jewish community, they have been the recipient on many occasions of important funds. The government will continue to work with faith communities and others to make sure that the money made available is invested properly, according to the best needs of those communities, who know best what their needs are.

Senator Plett: Earlier this year, Senator Gold, multiple synagogues in the Toronto area told the *National Post* they had applied for funding under this program but had been denied without any explanation provided.

Leader, how many places of worship have applied for this funding over the last year? How many have been rejected? What were the main reasons for denying the funding?

Senator Gold: I'm not in a position to comment on those funds. As large as the sums are, the funds are not unlimited. The needs, unfortunately, are enormous. As I said, this government has continued to provide funding. This is not the first time it has. So long as the needs of our religious and faith communities are such, the government will be there to support them.

HEALTH

NATIONAL FRAMEWORK ON CANCERS LINKED TO FIREFIGHTING

Hon. Marilou McPhedran: On October 7, Canada released a National Framework on Cancers linked to Firefighting. Over 126,000 men and women serve as firefighters across this country. Data reveals that as much as 85% of work-related facility claims among firefighters are cancer-related and that firefighters have a 14% higher risk of dying from cancer than the general population.

However, the list of presumptive cancers covered in provinces has serious gaps, covering testicular, prostate and penile cancers — all affecting men — but only eight covering cervical or ovarian cancer, and none covering uterine cancer.

Senator Gold, the mandate is to:

. . . develop a national framework to raise awareness of cancers linked to firefighting to improve access for all firefighters to cancer prevention and treatment. . . .

Does this government understand that “all firefighters” includes women?

Hon. Marc Gold (Government Representative in the Senate): The answer to that latter question is yes. Firefighters put themselves in harm’s way every day to serve us. Though no scientist, I assume that exposure to smoke and materials that burn, much of which will contain toxic chemicals, would be at least one of the reasons why the incidence of cancer among firefighters is higher.

It is the case that standards vary from province to province. I can certainly assure you that this government does not have a “gendered” eye on this issue, but I’ll certainly bring your concerns to the attention of the minister.

Senator McPhedran: Women represent 15% and growing of all firefighters, and they are dying from ovarian, uterine and cervical cancers. The framework makes no reference to these gendered differences in cancer, nor does it provide direction on how to harmonize provincial coverage plans. Fire in Manitoba is as toxic as in B.C. Ovarian cancer kills a firefighter just as surely in any place.

Can you assure this chamber that the millions in research funding promised will be allocated with gender-based criteria?

Senator Gold: I certainly will raise this with the government. I can only say that it would be inconsistent with this government’s approach to these matters of public policy in this area and others were it not to be aware of the disparate impact and the importance of making sure that its policies, including its funding, take account of the needs of all Canadians.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

HOUSING, INFRASTRUCTURE AND COMMUNITIES—
CANADA MORTGAGE AND HOUSING CORPORATION

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 279, dated November 2, 2023, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Canada Mortgage and Housing Corporation.

HOUSING, INFRASTRUCTURE AND COMMUNITIES—
CANADA INFRASTRUCTURE BANK

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 309, dated February 6, 2024, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Canada Infrastructure Bank.

• (1500)

ORDERS OF THE DAY

UKRAINIAN HERITAGE MONTH BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Kutcher, seconded by the Honourable Senator Boehm, for the third reading of Bill S-276, An Act respecting Ukrainian Heritage Month.

Hon. Denise Batters: Honourable senators, I rise today to speak to the third reading of Bill S-276, An Act respecting Ukrainian Heritage Month. I have the role of critic of this bill, but as a proud Canadian of 100% Ukrainian heritage, I am happy to give this initiative my full support.

All my ancestors were Ukrainian. Three of my grandparents arrived in Canada as part of the first wave of Ukrainian immigrants who came to settle in Western Canada in the late 1800s and early 1900s. The fourth, my grandfather, was born in 1900, only about a year after his parents’ arrival in North America.

As I detailed at length in my second reading speech, I grew up immersed in Regina’s thriving Ukrainian-Canadian community. Ukrainian heritage and traditions were front and centre in our family home. We celebrated Ukrainian holidays, ate Ukrainian food, danced in Ukrainian troupes for many years, were and continue to be members of a Ukrainian Catholic church, attended Ukrainian school classes and even acquired some Ukrainian language skills.

The sponsor of this bill, Senator Kutcher, said in his third reading speech:

. . . it seems that Ukrainians in Canada are starting to stand up and say, “Here we are,” or as we say in Ukrainian, “My tut.” Come and learn about us. Come and celebrate with us. Come and stand together with us.

But objectively, and certainly in my experience, Ukrainian Canadians have already been doing that for many decades in Canada. Canada has the second-largest Ukrainian diaspora in the world, boasting 1.4 million members. Ukrainian Canadians have

formed a significant part of Canada's social fabric for decades, and we have a rich heritage of cultural festivals, organizations and landmarks to prove it.

For example, many of you will know of the Ukrainian Canadian Congress, or UCC, the umbrella organization consisting of local, provincial and national Ukrainian groups across Canada. In fact, earlier this month, the Ukrainian Canadian Congress celebrated its eighty-fourth anniversary at its national convention. The congress brings together and represents the interests of Ukrainian Canadians. It encourages leadership within the community and fosters many philanthropic initiatives. The UCC also provides funding and support for many Ukrainian-Canadian cultural and heritage events and festivals, of which Canada has many.

My home province of Saskatchewan, a hub of Ukrainian Canadian settlement in this country, is home to well-established annual Ukrainian cultural celebrations. My hometown of Regina hosts an annual multicultural festival known as Mosaic, and the Kyiv Ukrainian Pavilion has been a key part of that festival's history and success. The Mosaic festival will celebrate its fifty-fifth birthday — like me — in June 2025. In 1977, this dynamic festival became a three-day celebration, much like the length of a traditional Ukrainian wedding celebration. I performed with my dance groups at the Kyiv Ukrainian Pavilion at Mosaic from the time I was a small child and continued throughout my teenage years, and I attended Mosaic with my family and friends for as long as I can remember.

Saskatoon's Folkfest celebrated its forty-fifth anniversary last summer with the theme of Decades of Dedication. The Ukrainian Karpaty Pavilion is the largest in the festival and has been a staple of Folkfest for years.

Saskatoon's Ukrainian Day in the Park, Saskatchewan's largest outdoor Ukrainian festival, began in 2001. An annual festival, the cultural event coincides with Ukrainian Independence Day in August.

Saskatoon is also home to the Ukrainian Museum of Canada, the first Ukrainian museum in North America. The museum was established in 1936 by the Ukrainian Women's Association of Canada to promote Ukrainian arts and culture. The museum hosts one of the largest ethnic textile collections in North America. It also contains Ukrainian art, including a collection of paintings by renowned Ukrainian-Canadian Prairie artist William Kurelek.

Of course, Manitoba was another main settlement area for Ukrainians in Canada, and it also has a legacy of sizable Ukrainian cultural festivals. Take, for example, Canada's National Ukrainian Festival in Dauphin, Manitoba. This massive festival will mark its sixtieth year of celebration next summer.

Another major festival, Winnipeg's Folklorama began in 1970 and it has boasted a large Ukraine Kyiv Pavilion since that first year. It is sponsored by the Ukrainian Canadian Congress Manitoba Provincial Council and promotes Ukrainian culture and education. The Hoosli Ukrainian Male Chorus — 160 voices strong and with 55 years of experience — performs often at the Ukraine Kyiv Pavilion. I'm sure many of you have also seen Hoosli sing both the Canadian and Ukrainian national anthems at Winnipeg Jets hockey games.

The Bloor West Village Toronto Ukrainian Festival is the largest Ukrainian street festival in North America. It started 30 years ago, in 1995, when Toronto and Kyiv became sister cities. Several other Ukrainian cultural festivals are held throughout Ontario, with celebrations in Oakville, Barrie, Sudbury and Kingston among them. Even Ottawa's quite new festival, Capital Ukrainian Festival, will celebrate its tenth anniversary in 2025.

As many of you will know, Alberta also holds significant Ukrainian celebrations, particularly in and around Edmonton. The large Ukrainian population in Edmonton is the reason why many of us affectionately refer to the city as "Edmonchuk." Edmonton's UFest, a free festival, showcases Ukrainian food, dance, arts, crafts, culture and music. This festival began in 2018, and a highlight of UFest is performances by incredible Ukrainian dance groups from Edmonton like Shumka and Cheremosh.

Folkloric dance is a treasured tradition in Ukrainian culture, and many Ukrainian-Canadian troupes have long histories in this country. Shumka, whom I just mentioned, is Canada's only professional Ukrainian dance company and was established in 1959. Cheremosh has existed for 55 years. The Rusalka Ukrainian dance ensemble from Winnipeg also has a 55-year history. The Regina group I danced with, the Tavria Ukrainian Folk Dance Ensemble, is itself almost 50 years old. These beloved, vibrant dance troupes feature prominently in Ukrainian-Canadian festivals and celebrations. Many of them travel throughout Canada and worldwide to showcase their remarkable talents and the stunning manifestation of Ukrainian heritage.

A premiere feature of Ukrainian heritage in Canada is located in Alberta at the Ukrainian Cultural Heritage Village, a unique attraction that bills itself as "History Brought to Life," and it really is. Established in 1974, this tourist site at Tofield near Edmonton recreates the everyday lives of Ukrainian settlers in Canada from 1892 to 1930. This attraction is a small village, incorporating more than 35 historic buildings and other structures in three thematic areas: a townsite, a rural community and several farmyards. Site staff dress in period costumes and re-enact the daily life of Ukrainian immigrants who lived on the farms and in the towns of rural Alberta in the early 20th century. The townsite includes a two-room school, three Eastern Byzantine rite churches, a blacksmith shop, a working grain elevator, stables and a sod house.

• (1510)

I have fond memories of visiting this site with my family as a teenager in the 1980s. I cherished the ability to experience what life for my grandparents may have been like in rural Saskatchewan in the early 1900s. It echoed the details of what my grandfather had so articulately written in his life story — a precious keepsake in our family.

Alberta is also the home of some famous giant Ukrainian roadside attractions. Many of you will know the giant pysanka — the Ukrainian Easter egg — at Vegreville. It was unveiled in 1973. Did you know there is also a giant perogy in Glendon, Alberta? Glendon has its claim to fame as the Perogy Capital of the World. In fact, you can find the World's Largest Perogy —

all 27 feet and 6,000 pounds of it — by following Perogy Drive to Perogy Park. We Ukrainians take *peroh*e, *varenyky* — perogies — very seriously.

Of course, not to be outdone, the world's largest Ukrainian sausage resides in Mundare, Alberta. The 42-foot giant garlic kubasa was crowned the world's largest by Guinness World Records in 2001. And while it might be the world's largest, I can't vouch for whether it is the world's tastiest. I know my vote for that prize belongs to the kubasa at the Ukrainian Co-op grocery store in Regina, an institution in Regina since 1937. Hands down, the smokehouse outside the Ukrainian Co-op produces the best-smelling, best-tasting sausage in the world. This establishment stands in an area of Regina where many Ukrainian immigrants came to live, including my baba.

All that to say, Ukrainian Canadians have promoted and celebrated their culture in Canada for a very long time. This is not a new-found pride of identity. But, to be sure, the naked aggression of the evil Russian dictator Vladimir Putin's 2022 invasion of Ukraine has focused many Ukrainian Canadians on strengthening their ties to Ukrainian culture, traditions and heritage. It has also galvanized support within the Ukrainian community and beyond for the freedom and independence of a Ukrainian homeland under siege.

A yearning for freedom has always stirred in the Ukrainian heart. It was this yearning for freedom that led many Ukrainian ancestors — mine among them — to bravely set forth and emigrate to lands unknown, including Canada. It was that desire for liberation from persecution and the desire to seek better opportunities for their children and grandchildren that spurred hundreds of thousands of Ukrainian immigrants to leave behind their homeland and, in many cases, their relatives to forge a brighter future in the New World. The freedom of religion offered in democracies like Canada was especially attractive to Ukrainians suffering under an autocratic government in Russia and, later, under the communist Soviet Union cracking down on the freedom to worship. In some cases, they punished and imprisoned Ukrainians who dared to practise their religion.

For this reason, I was surprised that Senator Kutcher did not mention the importance of freedom or religion in either his second reading speech or third reading speech in this chamber, nor in his address to the Social Affairs Committee during the study of this bill. In fact, the sponsor did not list “freedom” as a universal shared value in Bill S-276.

As we discuss the need to recognize, affirm and celebrate Ukrainian heritage in Canada through this bill, it is important that we not lose sight of the crucial role that the Church plays in maintaining the preservation of Ukrainian heritage. Religion plays an integral role in Ukrainian culture and traditions. Many Ukrainian cultural traditions stem from religious observances. As I outlined in my second reading speech on Bill S-276, Ukrainian culture is rich with religious references, even down to the symbolism of the colours used to decorate Ukrainian Easter eggs or the role of certain foods in celebrations.

Added to that, for new Ukrainian immigrants arriving to Canada, the church served as the heart of their community — a place of gathering, celebration and support. In fact, churches

were usually the first major infrastructure markers of Ukrainian heritage in Canada. Many of the churches built by Ukrainian settlers decades ago still stand today.

For example, St. Michael's Ukrainian Orthodox Church was erected in 1898 in Manitoba. The Nativity of the Blessed Virgin Mary Ukrainian Catholic Church was built in 1903 near Yorkton, Saskatchewan. Holy Transfiguration Orthodox Church was established in Edna-Star, Alberta, in 1913.

Especially in the early days, these churches were built with the often scarce resources of Ukrainian families in Canada. My family's home church, a Ukrainian Catholic church in Regina, was first established in 1925 and was supported by fundraising over decades. Our new church was built on that site 60 years ago. My family worked actively toward supporting this church, just like multitudes of other Ukrainian immigrants did, in looking to establish a foothold for their communities in the New World.

I raise the central role of the Ukrainian Orthodox and Catholic churches in celebrating Ukrainian heritage month because I find that aspect has been largely overlooked during the debate on Bill S-276. I suppose that's not surprising, given the speed with which this bill has recently moved. In fact, Bill S-276 passed so quickly at the Social Affairs Committee that I — the bill's very friendly critic — was not even informed that it was up for discussion at committee until it had already been passed there. I found out about it only through a tweet by Senator Kutcher, which stated that it had passed committee. In fact, until that morning, Bill S-276 was not even on the Notice of Meeting to be dealt with by the committee, nor was Senator Kutcher, the sponsor, in attendance to answer questions about it. The entire discussion and clause-by-clause consideration on the bill were dispensed within 40 minutes.

Within that time, there was scant mention about any actual aspect of Ukrainian heritage. Given that a primary and stated objective of the bill is to promote and raise awareness of the Ukrainian community and its heritage in Canada, wouldn't it have been better to engage more debate and have significant witnesses testify at committee to draw attention to this?

If, in this setting, Parliament does not highlight and study Ukrainian culture and heritage in Canada over the past 100 years, we diminish the significant contributions Ukrainian Canadians have made here. Unfortunately, I think this was a missed opportunity for this bill.

It is vital for us to honour Ukrainian heritage in Canada and show support for Ukraine, especially at this time when Ukraine is under such an existential threat. Tragically, today marks the one thousandth day since Russia's full-scale invasion of Ukraine was launched on February 24, 2022. I think about how when this invasion started, all experts were saying that Ukraine would be completely taken over within three days. But look at the incredible resilience of the Ukrainian people. We must continue to stand with Ukraine. And those of us with Ukrainian ancestry need to take every opportunity to highlight the legacy of the generations who came before us and who helped build Canada into the free, strong, diverse country it has become.

We will mark the solemn anniversary of the Holodomor next week. That was the devastating event when famine, imposed by the Soviet dictator Joseph Stalin, killed millions of Ukrainians. As we commemorate that tragic anniversary, honourable senators, I ask you to think about what the Ukrainian people have overcome for centuries — and what they continue to face today — in their fight for freedom, self-determination and independence.

We should celebrate the extraordinary grit and resilience of the Ukrainian people — that very same raw determination that spurred ancestors like mine to leave their homes for an unknown future in Canada. Look what they have built over the past 130 years in this country: a network of strong families and communities, an abundant legacy of faith and culture, and a tapestry of traditions and art and music and dance and food — oh, the food. Ukrainian heritage month would give us an annual opportunity to honour the contributions of Ukrainian Canadians to Canada and to celebrate a rich culture that continues to thrive against the odds. For this reason, I encourage you to support the passage of Bill S-276.

Thank you. *Dyakuyu. Slava Ukraini.*

Hon. Flordeliz (Gigi) Osler: Would Senator Batters take a question?

Thank you, Senator Batters, for your speech. In it, you mentioned Rusalka, a Manitoba-based Ukrainian dance ensemble. My question is the following: Did you know that in the Royal Winnipeg Ballet's version of *The Nutcracker*, they invite Rusalka on stage to perform a Ukrainian folk dance, replacing the original Russian dance in Act 2 of *The Nutcracker*?

• (1520)

Senator Batters: I did not know that, but that is a wonderful addition. Actually, in my teenage years when I was an organist, I used to play a version of *The Nutcracker Suite*, and it always jarred me that I had to play a part called “the Russian dance,” but that makes it much better. Thank you.

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

Hon. Senators: Agreed.

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

NATIONAL STRATEGY FOR THE PREVENTION OF INTIMATE PARTNER VIOLENCE BILL

TWENTY-NINTH REPORT OF SOCIAL AFFAIRS, SCIENCE
AND TECHNOLOGY COMMITTEE ADOPTED

The Senate proceeded to consideration of the twenty-ninth report of the Standing Senate Committee on Social Affairs, Science and Technology (*Bill S-249, An Act respecting the development of a national strategy for the prevention of intimate partner violence, with amendments*), presented in the Senate on November 7, 2024.

Hon. Rosemary Moodie moved the adoption of the report.

She said: Honourable senators, I rise to speak on the report from the Standing Senate Committee on Social Affairs, Science and Technology on Bill S-249, An Act respecting the development of a national strategy for the prevention of intimate partner violence.

Bill S-249 was introduced by the Honourable Senator Fabian Manning on June 8, 2022. It was referred to the Social Affairs, Science and Technology Committee on June 1, 2023.

The committee studied the bill over the course of four meetings, during which time it heard from the Honourable Senator Fabian Manning; Georgina McGrath, who describes herself as a survivor of intimate partner violence; officials from Women and Gender Equality Canada, Crown-Indigenous Relations and Northern Affairs Canada, Indigenous Services Canada and the Department of Justice; and national organizations, service providers and academics.

Based on the testimony received by the Committee on Social Affairs, Science and Technology, several amendments were made to the bill. Overall, the committee's amendments were intended to address various aspects, including the following: the launch of the National Action Plan to End Gender-Based Violence by the Government of Canada in November of 2022; concerns about reporting and other requirements for health professionals, which were listed as consultation points for the national strategy under the first reading version of the bill; and concerns about the French first reading of the bill, which did not use the term “*partenaire intime*” in connection with intimate partner violence or include a definition of it, despite these being present in the English version of the bill. All the amendments were moved by the bill's sponsor, the Honourable Senator Manning, and I thank the senator for his collegiality and flexibility as we continued and concluded this study.

Finally, the Committee on Social Affairs, Science and Technology did not make any observations regarding Bill S-249. The amendments made by the committee are captured in its twenty-ninth report, presented to the Senate on November 7, 2024, and are as follows:

The long title of the bill is replaced with “An Act respecting national action for the prevention of intimate partner violence.” The long title for the first reading version of the bill was “An Act respecting the development of a national strategy for the prevention of intimate partner violence.”

Clause 1 of the bill, which sets out the short title, is amended from “National Strategy for the Prevention of Intimate Partner Violence Act” to “Georgina's Law.” As indicated previously, Georgina McGrath testified before the committee about her lived experience with intimate partner violence.

Clause 2 of the bill is amended to remove the definitions from the terms “medical practitioner” and “nurse practitioner” in both languages, as these terms are no longer used in the bill following the amendments to clause 3, and to add a definition for the term “*partenaire intime*” in the French version of the bill. Note that

throughout the French version of the bill, amendments have been made to reflect the use of the term “*partenaire intime*” in connection with intimate partner violence.

Clause 3 of the bill is amended to align the bill with the ongoing implementation of Canada’s National Action Plan to End Gender-Based Violence, thereby avoiding the creation of a duplicative national strategy for the prevention of intimate partner violence.

Among other aspects, this has meant replacing the wording related to “national strategy for the prevention of intimate partner violence” with “the national action to prevent and address intimate partner violence” in this clause and in clause 4, as well as in the long title of the bill.

Notably, rather than conducting consultation toward the development of a national strategy as stipulated under clause 3 of the first reading version of the bill, the minister must now engage annually with a full range of partners in leading national action.

The list of aspects to be discussed between the minister and partners, which is provided under clause 3 of the bill, is also amended to remove points related to the requirements for health professionals to provide patients with information on access to legal assistance and to make a report to the police where they suspect a patient is a victim of intimate partner violence.

Clause 4 of the bill is amended to require the minister to prepare progress reports on action to prevent and address intimate partner violence rather than prepare a report setting out the national strategy, further reflecting the switch from a national strategy to a national action.

Clause 5 of the bill, which required the minister to review the implementation of the national strategy and subsequently prepare a report with conclusions and recommendations, has been deleted.

As I conclude, I want to thank all the witnesses for their participation as well as the committee staff and my colleagues on the committee. This was by no means an easy study, as you can imagine. Nevertheless, I commend the committee on its excellent and timely work. Thank you. *Meegwetch*.

Some Hon. Senators: Hear, hear.

Hon. Fabian Manning: Thank you, Senator Moodie. Honourable senators, I would like to congratulate Senator Moodie on her new role as Chair of the Committee on Social Affairs, Science and Technology.

I would also like to take this opportunity to thank former chair Senator Omidvar and the deputy chair, Senator Cordy, for all their support and work on the committee in dealing with Bill S-249.

I would like to thank all former and present members of the committee for their work with the bill itself as well as for their words of encouragement and the private discussions we have had in the hallways and the lounge, not only encouraging me but also raising issues of concern to me that gave me room to process and

move forward with the bill. I want to thank all the witnesses who appeared before our committee and thank everybody for their sensitivity to at times very personal and intimate issues.

Statistics Canada acknowledges that intimate partner violence is a widespread public health issue. The number one recommendation to the Province of Ontario, on June 28, 2022, following an inquest into the brutal murders of three women in Renfrew County on September 22, 2015, was to “formally declare intimate partner violence as an epidemic.”

• (1530)

While the stats are difficult to hear and unbelievable to understand, they are real. Approximately every six days, a woman in Canada is killed by her intimate partner. In 2021, police reported 114,132 victim reports of intimate partner violence. While Indigenous women account for 5% of all women in Canada, sadly, they account for 21% of all women killed by their intimate partner.

On any given night in Canada, 4,600 women and 3,600 children are forced to sleep in emergency shelters as a result of intimate partner violence and other types of violence as well. Sadly, over half — 56% — are turned away due to a lack of space.

One in eight women will experience a brain injury as a result of intimate partner violence.

Intimate partner violence is all about one person having control over another individual. It is built on fear and intimidation. We must come together to do our part to help the victims of this abuse.

Education is a major component of how we deal with intimate partner violence. It needs to start in kindergarten. Hopefully, that will come to pass in the not-too-distant future.

Since I first introduced this bill — not exactly in the wording that it’s in today — in this chamber in April 2018, in excess of 1,000 women have been killed by their intimate partner in Canada.

This has been a very educational journey for me. I have learned much. I have learned that there are many aspects of intimate partner violence that I was not aware of. I met with representatives of Minister Ien’s department. I met with 134 women across the country, mostly in Newfoundland and Labrador. I’ve held five round tables. I’ve visited shelters in Nova Scotia, Ontario, Newfoundland and Labrador, and there is no doubt, colleagues, in my mind that this is an epidemic in our country.

There are no political lines on this. There is no grey area. This is as black and white as you can see.

When you sit down, in most cases it is with women. There are some men who have been abused, but in most cases, they’re women. When you sit down and listen to women tell their stories, some very privately, it will stand the hair straight up on the back of your head what some people have to live with every single day. It worries me as a father of a daughter. It worries me as a grandfather of a little girl. It worries me as a brother of a sister

and on account of nieces and other family members to think that any individual could really set out, plan and destroy a person's life with intimate partner violence.

I've seen and heard stories that I wish we all could hear, but I am fully convinced that everyone in this chamber is aware of somebody who is presently dealing with intimate partner violence or has dealt with it in the past. It's an epidemic, folks.

Will my bill solve all the issues of intimate partner violence? Very unlikely, but it's important that the conversation continues. It's important that we reach out to victims. It's important that we do our part as legislators to try to at least address this issue in whatever way, shape or form that we can.

I sat down in January of 2017 with Georgina McGrath in the small fishing community of Branch in St. Mary's Bay, Newfoundland and Labrador, when she told me her story. From that, the ball started rolling, and it has been an uphill battle. Certainly, with the legislative process that we're going through here and things they put on the back burner — I understand the process; I've been around now going on 40 years in politics. But every now and again there is a piece of legislation that comes before us that I believe — not because this is my piece of legislation. It's not. It's our piece of legislation. It's on behalf of the women and girls and the victims of intimate partner violence across this country.

I'm very pleased with the committee's work. I'm very pleased with the ideas and suggestions that were brought to me as the sponsor and the discussions that we had to improve the bill. I'm very pleased that we finally have the report back to the chamber after all these years. I look forward to third reading in short order. Then it has to go over to the other place, and, hopefully, we can find the same support in the other place that I have found here.

I want to thank all my colleagues for their support over the years. I want to thank the committee. I want to thank all the women and girls who have sat with me, talked to me and educated me on this important issue. I want to thank Georgina McGrath for being the spearhead of this piece of legislation.

With that, I ask that you consider, in very short order, giving me third reading on this, and I'll have the opportunity to speak at third reading again. I want to thank each and every one of you for your support.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

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

[Senator Manning]

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

HEALTH OF ANIMALS ACT

BILL TO AMEND—FOURTEENTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Black, seconded by the Honourable Senator Downe, for the adoption of the fourteenth report of the Standing Senate Committee on Agriculture and Forestry (*Bill C-275, An Act to amend the Health of Animals Act (biosecurity on farms), with an amendment and observations*), presented in the Senate on October 29, 2024.

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I rise today to speak briefly to the fourteenth report of the Standing Senate Committee on Agriculture and Forestry dealing with Bill C-275, An Act to amend the Health of Animals Act (biosecurity on farms). The report recommends amending the bill in a way that, regrettably, the government cannot support. Therefore, respectfully, I will be urging my colleagues to oppose this report so that the bill can proceed to third reading in its original form.

[*Translation*]

Canadian farmers are facing many challenges. Some of those challenges are well known, such as supply chain issues and natural disasters that jeopardize their operations; however, there is also the risk of fatal diseases. The risk of fatal animal disease is particularly stressful for farmers. The threat of an illegal intrusion on their property only adds to the stress our farmers and their families are experiencing.

The intention of Bill C-275 is to better protect Canadian farmers and their animals by making it illegal to enter a place where animals are kept without authorization, since doing so could reasonably be expected to expose the animals to a disease or toxic substance.

[*English*]

Colleagues, we know how hard our Canadian farmers work, and Bill C-275 will provide a small but significant reassurance that they do not have to worry about potential biosecurity breaches from people entering their property illegally.

• (1540)

This will help them instead focus on their daily work of caring for and maintaining the health of their animals and providing world-class products to Canadians and people around the world.

The proposed amendment by Senator Dalphond, though well-intentioned, will put these hardworking farmers, their families, employees and others at a potential legal risk, which is not the intention of this bill.

The vast majority of farmers and those who work on or around farming facilities and properties have the utmost respect for their animals. This is not just because it represents their livelihood, it is because it is the right thing to do.

The proposed amendment could put farmers, their families, farm employees and veterinarians at legal risk. They take the appropriate steps to protect the health and well-being of their animals and public health. But, like any human being, they are prone to mistakes.

By removing the words “without lawful authority or excuse,” this amendment could inadvertently expose them to this risk by eliminating this important legal protection when the overarching objective of the bill is to deter bad actors.

In that regard, I share the view that Senator Oudar expressed in this chamber that by eliminating this wording, we are in effect eliminating an important legal defence that workers may need to rely upon depending on the circumstances at play.

Indeed, the wording “without lawful authority or excuse” is an important legal protection that applies in other forms of statutory law in the case of persons applying specific activities or actions, including elements of the Criminal Code, the Health of Animals Act and the Customs Act to name but a few.

[*Translation*]

As Francis Drouin, the Parliamentary Secretary to the Minister of Agriculture, pointed out when the same amendment was proposed during the House of Commons Standing Committee on Agriculture’s clause-by-clause consideration of the bill:

This amendment brings a new constituency into the bill. While I respect the fact that we must do everything we can to promote biosecurity, I don’t think that touching the employer-employee relationship is the way to go with this particular amendment . . .

At a time when poultry farms are heavily impacted by the bird flu and massive efforts are being made to keep African swine fever out of Canada, it is essential that we do everything in our power to protect these animals and to protect farmers and their employees, who are using their knowledge, expertise and skills to ensure that their health and well-being are taken into account.

[*English*]

In conclusion, I want to reiterate the government recognizes the importance of supporting farms. We want to enable Canadian farmers to maintain their world-class reputation and continue to provide Canadians with the first-rate products they have come to expect.

This bill in its original form is another tool to provide further support for farmers and ensure the safety of their animals. This is a commendable objective that deserves our backing. While I thank Senator Dalphond for putting this initiative forward, I would respectfully urge colleagues to reject this report.

Thank you.

The Hon. the Speaker: Senator Gold, will you accept a question?

Senator Gold: Of course.

Hon. Paula Simons: Senator Gold, I’m wondering if there has ever been a case of a biohazard being tracked onto a farm by somebody who was there to protest from an animal rights perspective?

Hon. Marc Gold (Government Representative in the Senate): I’m not aware of that, senator. That is a question that was raised in the debate.

If you will allow me to pursue an analogy, one with the chilling effect of laws that restrict free speech, it is not simply that at the end of the day a prosecution may not be brought or a prosecution may not be successful.

The possibility that one could be exposed to certain risks — and I’m not talking about protesters, I’m talking about the workers or perhaps temporary workers who come — even if there is no strong evidence in the past, it can be both a discouragement to their ability and willingness to do the work they’ve been hired to do and could have a negative effect on their well-being as workers.

As I said, this bill, which was studied in the other place — and where this amendment was, in fact, proposed, discussed then defeated — it’s the government’s position that this bill better serves the interests of farmers, their workers and the communities in its unamended form.

Senator Simons: If you’ll accept a second question, I’m intrigued you raised the issue of chilling of free speech because, in essence, that is what the critics of this bill have accused it of doing, the chilling effect of running the risk of a penalty of a \$250,000 fine and potential imprisonment for attempting to document cases of animal abuse.

Are you worried at all about the chilling effect this will have on people who are worried about animal welfare?

Senator Gold: I carry no grief for anyone whose legitimate Charter rights are either compromised or who feel they’re not able to exercise them.

However, it is important to remember this is federal legislation. It must remain within the jurisdictional boundaries of federal legislation. In that regard, again, it’s the government’s view that the amendment to the bill does not serve the purposes of the bill and the interests of farmers; the integrity and biosecurity on their farms would best be served were the bill to be restored to its original form.

[*Translation*]

The Hon. the Speaker: Would you take a question, Senator Gold?

Senator Gold: Yes.

Senator Miville-Dechêne: Senator Gold, I have to say that I'm quite surprised that you've made two back-to-back interventions on two private members' bills, first Bill C-282 and now this one. When I first joined the Senate, it was pretty clear that government representatives were preoccupied with government bills. That was always my understanding. There's no rule to that effect, but I've always understood that your priority was government bills.

You said the Senate wasn't moving fast enough on Bill C-282. Regarding this bill, you're saying that the committee, which adopted this report by a majority, got it wrong. That's a pretty serious statement. I'm trying to understand something. Why did you decide to intervene now on these private members' bills?

Senator Gold: Thank you for giving me an opportunity to elaborate on the answer I've given to leaders at the table over the years. Dear colleague, there's an important distinction to make when it comes to the role of the office of the government representative in procedures relating to government bills. Like Senator Harder before me, I've never played a role in advancing non-government bills.

However, my predecessor and I, and the government I represent, can indeed take a position on non-government bills. The government studies every non-government bill, and they're all discussed in cabinet. The government takes a position on all bills that would change legislation, be it the Criminal Code or other legislation. I think it's perfectly reasonable for me, as the government representative, to share the government's perspective on these bills with you, my colleagues.

We have before us a bill that the government supported in the other place. An amendment was proposed, and I absolutely respect the work of our committees and Senator Dalphond, who is backing the amendment. I think it's always important to argue the government's point of view on this matter.

• (1550)

Hon. Pierre J. Dalphond: Would Senator Gold take a question?

Senator Gold: Yes.

Senator Dalphond: Thank you for your speech. It confirms at least one thing: that Senator Plett was wrong to say that I was acting on the instructions of the Prime Minister and cabinet by moving the amendment. At least this point will be clarified for the record.

My question is this: Since the government has examined and studied this bill, could we get a copy of the relevant Charter statement, given the bill's impact on "activists," to use Senator Plett's term, involved in protecting animal rights? The Superior Court of Ontario has examined similar provisions and determined that they violated freedom of speech provisions. Can the government give us the Charter analysis that was done for this bill?

Senator Gold: Thank you for the question. I'm very happy that I was able to clarify something about the role you played. To be perfectly frank, I don't know whether a Charter impact

analysis has been done since the bill wasn't a government bill. However, I will ask the minister considering that I'm unable to answer your question myself.

(On motion of Senator White, debate adjourned.)

[English]

FINANCIAL PROTECTION FOR FRESH FRUIT AND VEGETABLE FARMERS BILL

BILL TO AMEND—SIXTEENTH REPORT OF BANKING, COMMERCE
AND THE ECONOMY COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the sixteenth report of the Standing Senate Committee on Banking, Commerce and the Economy (*Bill C-280, An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act (deemed trust — perishable fruits and vegetables), with amendments*), presented in the Senate on November 5, 2024.

Hon. Pamela Wallin moved the adoption of the report.

She said: Honourable senators, I have the honour to present the sixteenth report of the Standing Senate Committee on Banking, Commerce and the Economy, which deals with Bill C-280, An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act (deemed trust — perishable fruits and vegetables).

We heard from 18 witnesses over four meetings that also included clause-by-clause consideration. The committee received eight additional briefs over the duration of the study. Our committee heard from fruit and vegetable producers, agricultural organizations, bankruptcy and insolvency experts, research organizations and lawyers, including those practising commercial law who represent fruit and vegetable producers in the United States and who are familiar with the Perishable Agricultural Commodities Act, known as PACA, and the PACA Trust, the U.S. equivalent of Bill C-280.

We also heard from government officials from Agriculture and Agri-Food Canada and from Industry, Science and Economic Development Canada, from the deputy superintendent from the Office of the Superintendent of Bankruptcy as well as the Senate critic of the bill, Senator Cotter, and the House of Commons sponsor, Scot Davidson, Member of Parliament for York—Simcoe.

During clause-by-clause consideration, government representatives returned to answer questions from committee members. Throughout our meetings, there was some confusion about who would be covered by the legislation, about how supply chain in the sector is affected by bankruptcy and insolvency, about what protections farmers currently have and whether they are accessible and affordable and the history of the Canada-U.S. trade relationship on the issue of reciprocal protection for producers of perishable fruits and vegetables.

The committee heard some strong testimony from the many stakeholders on the importance of this legislation. Ron Lemaire, President of the Canadian Produce Marketing Association, said that the bankruptcy protection mechanism in this bill would create “. . . a critical fit-for-purpose tool for an industry that is unique and currently unprotected.”

The past president and CEO of the Fruit and Vegetable Dispute Resolution Corporation said this bill would open the door to reinstating financial protection for Canadian growers under the U.S. Perishable Agricultural Commodities Act. In 2014, the U.S. suspended Canadian fruit and vegetable growers’ access to the bankruptcy protection mechanisms under this act, leaving our Canadian growers powerless when dealing with insolvent payers in this key market.

Two amendments were proposed by Senator Varone. They were two pages in length, so I will not read them into the record here, but I encourage my colleagues to visit the minutes of the meeting and view the transcript of clause-by-clause consideration on Thursday, October 31, to really get the full picture.

Senator Varone’s reasons for the amendments, he said, were that they would make for a clearer, more unambiguous bill. However, other witnesses said just the opposite: that an amendment to this bill would both put its passage in jeopardy and could potentially diminish the reciprocity of mirroring legislation in the U.S.

Our colleagues in the House of Commons Standing Committee on Agriculture and Agri-Food wrote to us just this past week to appeal to us to pass this important bill unamended. However, both amendments were adopted with votes of seven yeas and four nays, and the report was adopted on division.

I hope that in the course of our debate here in the chamber we will seriously consider this as new information has come our way since we considered this bill at committee. As others speak to the bill, I will ask all senators to please pay close attention. Thank you very much.

The Hon. the Speaker: Senator Wallin, will you accept a question?

Senator Wallin: Yes, I will.

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for presenting an overview of the report and the amendment. I understand that the committee, as I think you mentioned, heard several different perspectives on whether amending the bill could compromise some of the objectives behind this legislation. In particular, Bill C-280 seeks to open the door to reinstating financial protections for Canadian growers under the United States’ Perishable Agricultural Commodities Act, or PACA. Those protections were suspended in 2014 due to a lack of reciprocal measures in Canada.

Can you elaborate further on the rationale from stakeholders who appeared before the committee as to why the legislation should move forward in its original form and if any specific risks were identified regarding this particular amendment with respect to our dealings with the United States?

Senator Wallin: Yes, and I encourage you to listen to others who have delved more deeply into this, but we heard very powerful arguments that when dealing with the U.S. in terms of negotiations over legislation on both sides and reciprocal legislation, it’s best to have as few impediments as possible.

This has been stated pretty clearly, I think. Certainly, people in the industry put it that way: that if we amended this bill, it would not only put its passage in jeopardy here in the chamber and in the other place, but it would actually impact and perhaps put in jeopardy the reciprocity of the legislation in the U.S. They have basically suggested that if we do this they will then reinstate what was in place earlier, before 2014 when they changed the rules, and that would offer protection to this very vulnerable group of perishable fruit and vegetable producers. It’s a very small group that really needs this particular help because of the perishable nature of their product. It’s not something you can freeze or put in the fridge, so they lose money. If there is no ability to protect them at all, it leaves them with no recourse at all and no financial benefit further down the road because the product is already gone.

Hon. Pierrette Ringuette: Senator Wallin, will you accept another question?

Senator Wallin: Yes.

• (1600)

Senator Ringuette: Senator Wallin, as chair of the committee, did I hear you correctly at the start of your committee report that witnesses have said this would be the exact system between Canada and the U.S. if this bill went through? What were the exact words that you used? Could you repeat them, please?

Senator Wallin: I’m sorry. I’m not clear on the question. What are you asking?

Senator Ringuette: At the start of your report, Senator Wallin, you seemed to have indicated, without any kind of jurisdiction or proof — I was there as a member of the committee — that this bill was the exact mirror image of the Perishable Agricultural Commodities Act, PACA. Could you read that section again for us, please?

Senator Wallin: I think there was a reference in the language that they used regarding mirroring legislation in the U.S.

Senator Ringuette: Could you say again what was in your speech, at the beginning, in regard to this issue?

Senator Wallin: Do you want me to read it again?

Senator Ringuette: I want you to read the beginning, Senator Wallin.

Senator Wallin: I said:

I have the honour to present the sixteenth report of the Standing Senate Committee —

— et cetera.

We heard from 18 witnesses over four meetings The committee received eight . . . briefs Our committee heard from fruit and vegetable producers —

— et cetera — a long list of people who testified, including people who are familiar with PACA.

We also heard from government officials . . . the Senate critic . . . the House of Commons sponsor

. . . representatives returned to answer questions Throughout our meetings, there was some confusion about who would be covered by the legislation . . . and the history of the Canada-U.S. trade relationship on the issue of reciprocal protection for producers of perishable fruit and vegetables.

The committee heard some strong testimony from Ron Lemaire, President of the Canadian Produce Marketing Association —

— I'm kind of reading it all again —

— said that the bankruptcy protection mechanism in this bill would create a “. . . critical fit-for-purpose tool for an industry that is unique and currently unprotected.” . . .

In 2014, the U.S. suspended Canadian fruit and vegetable growers' access to the bankruptcy protection mechanisms . . . leaving . . . growers powerless when dealing with insolvent payers in [the U.S.] market.

Two amendments were proposed by Senator Varone. . . .

. . . other witnesses said . . . the amendment to this bill would . . . put its passage in jeopardy and could potentially diminish the reciprocity of mirroring legislation in the U.S.

Our colleagues in the House of Commons Standing Committee on Agriculture and Agri-Food [appealed] to us just this past week —

— to pass the bill unamended.

And then I said that in the course of our debate here, I would ask people to seriously consider the other speeches that my colleagues on the committee will give.

Senator Ringuette: Unless my hearing is not right, what you have just stated is not a mirror of what you said earlier. You said that this bill is the equivalent process to PACA in the U.S.

Senator Wallin, I will go through the blues and come back tomorrow on this issue, if I understood correctly.

Senator Wallin: I'll reread the paragraph in its entirety:

The past president and CEO of the Fruit and Vegetable Dispute Resolution Corporation said this bill would open the door to reinstating financial protection for Canadian growers under the U.S. Perishable Agricultural Commodities Act —

— that they would reinstate that. We heard that testimony.

Back to what I read into the record:

In 2014, the U.S. suspended Canadian fruit and vegetable growers' access to bankruptcy protection mechanisms under this act, leaving . . . growers powerless when dealing with insolvent payers in [the U.S.] market.

That's word for word — verbatim — what I read into the record.

Thank you.

Hon. Michael L. MacDonald: Honourable senators, I rise today to speak against this report of the Standing Committee on Banking, Commerce and the Economy. For reasons I will outline, I believe the amendments advanced by some members of the committee effectually undercut the central purposes of the bill.

Bill C-280, the financial protection for fresh fruit and vegetable farmers act, which passed third reading in the House of Commons unamended, with near-unanimous support among members of Parliament by a 320-to-1 margin, was brought forward with two fundamental objectives in mind.

The first of those objectives is to address deficiencies within Canada's existing bankruptcy laws so as to ensure that Canadian produce sellers are given priority status during bankruptcy and insolvency proceedings. The Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act already include measures to give agricultural producers priority status during those proceedings in recognition of their importance in feeding Canadians.

However, the current super-priority and right-of-possession provisions for farmers within these acts that are intended to provide financial protection to agricultural growers are not adequate for fresh fruit and vegetable growers when their buyers become insolvent. Repossession is seldom possible, since fresh produce spoils quickly or is promptly sold to consumers or incorporated into or with other products. Additionally, the 15-day period set out in the Bankruptcy and Insolvency Act is too short for a sector that typically has payment terms of 30 days or longer, well after a product has been sold, processed or eaten by consumers.

Because of this, Canadian produce farmers are faced with significant and sometimes insurmountable losses when a purchaser declares bankruptcy. They must line up with every other creditor to seek payment, and, all too often, produce sellers must walk away from the outstanding debt owed to them.

These bankruptcies have a cascading impact within the industry, putting farmers and other produce sellers into difficult situations and limiting their ability to grow, innovate and expand as they, by necessity, have become risk-averse for fear of losing their businesses, too, when a seller unexpectedly becomes insolvent or goes bankrupt.

Bill C-280 would address this deficiency and ensure that Canada's produce sellers are on the same footing as other agricultural producers as creditors during bankruptcy proceedings by establishing a limited deemed trust for their industry. Some senators in the Banking Committee expressed concerns with the utilization of a deemed trust mechanism as the means to address the lack of financial protection for fresh fruit and vegetable growers.

The produce industry is unique in that it does not have additional assurances that are enjoyed by other agricultural industries. Most are covered by the existing provisions, but most others have additional protections, such as the supply-managed system for dairy and poultry, the securities held by the Canadian Grain Commission and other programs managed provincially.

Other financial projection models other than a limited deemed trust have been examined in the past by federal-provincial task forces, including insurance pools, clearing houses, factoring, mutual funds and other measures. None of these were deemed suitable for cost competitiveness, market impact, access for buyers and sellers or applicability to the realities of the Canada-U.S. cross-border trade.

This brings us to the second objective of Bill C-280: restoring Canadian growers' preferential access to the United States Department of Agriculture's Perishable Agricultural Commodities Act, known as PACA. This is a deemed trust and dispute-resolution mechanism used by our produce exporters; however, the U.S. rescinded Canadians' access to PACA in 2014. While we do have a dispute-resolution system in place here in Canada, we have lacked any form of financial protections, such as a deemed trust. Since that reciprocal access was rescinded, Canadian produce exporters must now post a bond worth 200% of the value of their exported goods in order to access the Perishable Agricultural Commodities Act, or PACA, which is out of reach for most growers in this country. As a result, when a U.S. seller goes bankrupt, Canadian growers who export lose everything, even while their American counterparts do not.

• (1610)

Honourable senators, this brings us to the amendments brought forward by the Standing Committee on Banking, Commerce and the Economy, which stand to undermine the primary objectives of the bill. These amendments restrict access to the financial protection mechanism within the bill to farmers or dealers, who are those who purchase fruits and vegetables directly from a farmer in order to resell them. By limiting access to financial protection to only the first level of sale, these amendments fail to recognize that the entire supply chain and market are impacted by bankruptcy — from growers to distributors — and that the way in which fresh fruits and vegetables go from the field to the dinner table involves many different entities.

Farmers and growers do not generally sell directly to retail stores; there are others who do that. Packers, wholesalers and brokers act as critical intermediaries between growers and the food service, hospitality and retail industries. It is essential that they all receive the financial protection set out originally in Bill C-280 to ensure that the payments flow down the chain and, ultimately, to farmers. This was the first objective of the bill.

These amendments will also mean that Bill C-280 would no longer fulfill the criteria established by the United States in order to restore Canada's preferential access to the protections offered by PACA.

The United States Department of Agriculture, or USDA, has been very clear about the conditions for restoring access to PACA for Canadian growers. In cross-partisan meetings in summer 2023 with senators and members of Parliament about Bill C-280, they affirmed that the remaining outstanding provision was:

. . . the creation of a deemed like trust system in Canada which would allow for comparable outcomes to the PACA Trust for all produce dealers.

Restricting these protections to only farmers and dealers means the bill would not be offering a comparable system like that which exists in the United States. In effect, these amendments would undoubtedly mean that PACA would not be reinstated for our Canadian exporters, continuing to expose our farmers to increased and needless risk.

In fact, in a letter to the Western Growers Association earlier this month, USDA Administrator Bruce Summers compared and contrasted the proposed amendments to Bill C-280 and that of the U.S. system, noting that the amendments are "significantly different" from the PACA statute.

I will add as well, honourable senators, that the committee was cautioned about the effect of these amendments on several occasions not only by industry representatives and trade experts, but by the government's own officials who warned that the probability of restoring PACA would be diminished by the proposed amendments. A fundamental objective of this bill is to restore this reciprocity with the American system to ensure that our farmers have this crucial protection. The committee report now all but guarantees to negate that prospect.

I also wish to address other commentary from some senators regarding this bill, such as suggestions that farmers would have less access to credit if given priority creditor status under a deemed trust. This is simply unfounded. The U.S. PACA deemed trust has been in place for 40 years, resulting in a net positive for both growers and packers in the fresh produce industry as well as the bankers financing these sectors. This is because a deemed trust merely changes the creditor's calculation of available collateral. Because of the deemed trust, the buyer has less available collateral, and the seller more. Creditors can make appropriate lending decisions in light of those calculations. By making payments more predictable throughout the value chain from farmer to dealer to retailer, a deemed trust makes it easier for lenders to predict the cash flows available to repay loans to every part of the value chain. Increased predictability makes lending easier, not harder.

With regard to the amendments, it is important to note that the prospect of narrowing the scope of applicability of the bill to the first level of sale, as these amendments propose, was considered in the other place. However, testimony and submissions noted that it was critical to protect all suppliers across the fresh produce supply chain in order to maintain the stability of the market, and that limiting the definition of “supplier” would hinder Canada’s ability to obtain the reinstatement of reciprocal protection for Canadian sellers. These committee amendments are not a novel consideration. They aren’t a revelation on the part of any senator. The scope of applicability was examined in the House and, for the reasons I’ve outlined, members ultimately declined to propose amendments. I’ll remind you the elected House sent us this bill by a margin of 320 to 1, with the Prime Minister and the entire cabinet voting for it.

Our fruit and vegetable farmers play an essential role in supplying our families and communities with nutritious produce, but they are currently doing so in a state of unique and increased risks due to the perishable nature of their product and the lack of reciprocity with the American system. Bill C-280 is simply giving our farmers and others down in the supply chain within fresh produce a fairer chance to be paid in the event of a buyer’s bankruptcy. There is no burden to the government and no burden to the taxpayer, but rather a transfer of costs from one stakeholder to another.

I believe that farmers should not bear this cost anymore, as this is impacting our country’s economy and our domestic food security. Lenders are far better placed to absorb the distributional impacts of a deemed trust than small farmers and growers and other produce sellers who are already being squeezed from all sides.

In closing, I urge honourable senators to reject this report. We have an obligation to ensure that Canada’s bankruptcy laws are fair and fit for purpose. Our country’s fresh fruit and vegetable farmers should have confidence that they will be paid for the food they grow just as the rest of the industry should be able to count on stability in their market without fear of insurmountable loss due to gaps in our bankruptcy laws.

That is the issue Bill C-280 proposes to address, and I submit that the amendments contained in the committee report — though perhaps well intended — in fact, counteract the primary objectives of the bill. The amended bill should be rejected, and the original bill should be adopted. Thank you.

An Hon. Senator: Hear, hear.

Hon. Tony Loffreda: Senator MacDonald, thank you for your speech. You mentioned that, for lenders, it should be easier to lend, not more difficult. Would you not agree that there is an increased risk because secured lenders may face higher risks as their claims will be subordinated? If their claims are subordinated, why would it be easier to lend?

Senator MacDonald: Senator Loffreda, I guess this is the way I look at it. Of course there is risk down the chain, but if you look at the history of banking in this country and of the farming community in this country, I wonder how many farmers have lost

their farms and gone bankrupt because of decisions made by the banks, and I wonder how many banks have gone out of business because of farmers. That’s the way I look at it.

The banks should be willing to participate in the risk of the supply chain, much more than the farmers can. That’s why I support this bill.

An Hon. Senator: Hear, hear.

Senator Loffreda: I agree. We’re all with our farmers. We have empathy and compassion for our farmers. They supply what is necessary for all of us. But when we look at banking, there is risk and return. The higher the risk, the higher the return. So if risk is increased — and many of our witnesses agreed that the risk to the banks will be increased because now they are subordinated — well, interest rates might be higher.

Are you not concerned that higher interest rates will result in more expensive fruits and vegetables for consumers? Will those costs be absorbed by the farmers or will they be passed on to the consumers? I’m just concerned about your statement that it will be easier to lend to the farmers. I’m not convinced, and I am certain it will not be easier to lend to the farmers. That I’m certain of.

The Hon. the Speaker: Senator MacDonald, I just wanted to mention that your time is almost up.

Did you want more time to answer the question?

• (1620)

Senator MacDonald: Yes.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator MacDonald: Senator, if there is a concern about interest rates and an increase in costs, I think the farmers would have made that concern evident.

An Hon. Senator: Hear, hear.

Senator MacDonald: They haven’t. The question for us is very simple: Do we stand with the farmers, or do we stand with the banks?

Hon. Robert Black: Honourable senators, I rise today to urge you to reject the amendments put forth by the Standing Senate Committee on Banking, Commerce and the Economy.

As we have already heard today, these amendments seriously undermine the fundamental objectives of this important piece of legislation, which was passed with nearly unanimous support in the House of Commons.

I would like to quote from a letter sent by the Canadian Produce Marketing Association, or CPMA. The CPMA has been working diligently on behalf of the fresh produce industry across Canada. I am sure many of you have received similar letters;

however, I would like to put these concerns on the record here in the chamber. I hope that my honourable colleagues will listen to these concerns and vote down the committee report.

Before I begin, I would like to mention that the letter was signed by the following organizations: the Canadian Federation of Agriculture, the Canadian Produce Marketing Association, Fruit and Vegetable Growers of Canada, Ontario Fruit & Vegetable Growers' Association, Association des producteurs maraîchers du Québec, Association québécoise de la distribution de fruits et légumes, BC Blueberry Council, BC Fruit Growers' Association, BC Greenhouse Growers' Association, Fresh Vegetable Growers of Ontario, Holland Marsh Growers' Association, Horticulture Nova Scotia, Keystone Agricultural Producers of Manitoba, Norfolk Fruit Growers' Association, Ontario Apple Growers, Ontario Asparagus, Ontario Berries, Ontario Potato Board, Ontario Greenhouse Vegetable Growers, PEI Horticultural Association Inc., Prince Edward Island Potato Board, Potato Growers of Alberta, Potatoes New Brunswick, Les Producteurs de pommes du Québec, Les Producteurs de pommes de terre du Québec, Saskatchewan Vegetable Growers' Association, and that is not the complete list of signatories.

Now, from the letter, I quote:

It is essential to underscore the pivotal role of Bill C-280, which seeks to establish financial protection for all produce sellers. Ensuring this protection would foster an environment of fairness and equity in the marketplace, promote stability within Canada's supply chains and bolster the resilience of our agricultural sector.

Indeed, safeguarding every link in the supply chain, from growers to distributors, not only supports our domestic industry, but also encourages international commerce, enhancing Canada's standing in the global market.

Under the original provisions of Bill C-280, all suppliers would benefit (or not) equally, and all suppliers would be given equal access to an insolvent company's "trust assets" on a pro-rated basis.

The proposed amendments to Bill C-280 (contained in the committee report) would effectively limit access to protection to the first level of sale, which goes against the legislation's aim to promote fair trade practices and enhance market stability across the fresh produce supply chain.

The letter continues:

Importantly, limiting the scope of protection under Bill C-280, as in the proposed amendments, would fail to create an equivalent protection to that provided to the industry in the United States under the *Perishable Agricultural Commodities Act*, known as PACA, and would therefore fall short of what is necessary to obtain the reinstatement of Canadian produce sellers' preferential access to the U.S. dispute resolution mechanism for fresh fruit and vegetables under PACA—a core objective of the original legislation.

Preferential access to PACA, which Canadian produce sellers enjoyed until 2014, is an important financial tool to enable Canadian growers and shippers to export produce to our largest trading partner with assurances of fair treatment that will not financially cripple them in the event of a dispute with U.S. buyers.

U.S. Department of Agriculture officials have confirmed that a Canadian financial protection mechanism equivalent to PACA, which covers all suppliers along the chain, is the only remaining requirement for Canada to secure reinstatement of preferential access to PACA.

The original, unamended Bill C-280 would meet this criteria.

The amendments put forward by the Senate Banking Committee simply do not reflect the interconnectedness of the chain that ensures the supply of fresh fruit and vegetables from farm to table.

Contrary to popular belief, growers do not generally sell directly to retail stores.

Packers, wholesalers, brokers and others act as critical intermediaries between growers, retail, and foodservice, and it is essential that they receive the necessary protection to ensure that payments flow down the chain and, ultimately, to growers.

Colleagues, our producers across the country are strong supporters of the original Bill C-280 and urge all senators to reject the proposed amendments by the Banking Committee, pass the bill at report stage and send it to third reading without amendment.

It is important that we pass this bill into law as soon as possible. Amending the bill, as we have seen with other legislation that this chamber has amended—like Bill C-234 or even Bill C-275—will inevitably stall the passage of the bill and likely result in it dying on the Order Paper.

Colleagues, our esteemed chamber is being seen in a negative light by the agriculture sector due to amendments being put forward for numerous pieces of legislation affecting the agricultural industry. This is very disheartening to those who work hard to represent the agricultural industry, and this should also concern all my honourable colleagues here in the Senate when we are being described—out there—as anti-agriculture.

I ask my colleagues as an agricultural senator and a lifelong "advocate": Please vote down this committee report. Please pass the bill unamended. Let's get committee report stage and third reading completed as quickly as possible so the bill can receive Royal Assent before the Christmas break.

We all know the political climate these days. The industry has been waiting almost 10 years for this bill to pass. Let's not make them wait any longer.

Thank you. *Meegwetch.*

Some Hon. Senators: Hear, hear.

Senator Ringuette: Would Senator Black take a few questions?

Senator Black: No.

Senator Ringuette: No? Thank you.

Hon. Toni Varone: Honourable senators, I rise today on the traditional, unceded territory of the Algonquin Anishinaabe people, who have lived on this land since time immemorial.

I stand before you today to express my gratitude for this opportunity to discuss Bill C-280, An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act (deemed trust — perishable fruits and vegetables).

I would like to extend my sincere thanks to my colleagues from the Independent Senators Group — Senators Loffreda, Yussuff, McNair, Ringuette and Massicotte — for their unwavering support throughout the study of this crucial legislation. Additionally, I appreciate the contributions of Senator Fridhandler from the Progressive Senate Group and Senator Robinson from the Canadian Senators Group, both of whom brought valuable insight and wisdom to our discussions.

My engagement in the realm of bankruptcy law has been extensive, particularly through my experience collaborating with receivers to revive defaulted construction projects. It is from this vantage point that I have observed the significant authority wielded by trustees in bankruptcy and receivers. Often, this power is exercised at the expense of all stakeholders throughout the whole of the supply chain, wherein these financial agents assume the role of super-priority creditors, ranking above all others in the hierarchy of bankruptcy claims.

For the record, I am a homebuilder. I have spent four decades in that industry, and I am proud of it. I was never late in payment and never bankrupted. I protected my trades and worshipped them, as they are the lifeblood of the industry — even the plumbers.

But, senators, that is only part of my personal story. I continue to own a hospitality business as well that is equally as large and employs some 250 people. Large-format catering is our specialty, and, yes, I have on-point experience purchasing fresh fruit and vegetables from farmers in Ontario and from the Ontario Food Terminal. My interaction with the farmers and their dealers has a 50-year history, and it has been direct and respectful.

Upon my analysis of the original text of Bill C-280, it became apparent that the provisions were inadequately articulated. In fact, Bill C-280, as originally presented, is nothing more than a hologram, reminding me of the famous quote from Shakespeare's *Macbeth*:

... full of sound and fury,

Signifying nothing.

• (1630)

Our farmers are in need of real protection, and this bill as originally worded will do nothing to protect them. In fact, even as amended, the bill requires Canadian industry to become more assertive in its makeup to begin to proactively protect itself from the bad actors.

The Americans got it right. They have a trust legislation, but it acts as a deterrent, not a weapon, and it is located judiciously within their bankruptcy hierarchy. The American industry is better equipped to deal with its bad actors all in an effort not to go to the courts in the first place.

My initial interpretations led many, including myself, to believe that the intention was to elevate farmers of fresh fruit and vegetables to the status of deemed trust creditor within the Canadian bankruptcy framework. It is crucial to clarify that the deemed trust status in Canada holds significant weight and has been historically reserved for Canadian employees and their deductions that fund the Canada Pension Plan, or CPP, and unemployment insurance. Any diminishment of this status would constitute a grave injustice to all workers of all sectors across our nation. It is vital that we approach any amendments involving the deemed trust category with the utmost caution.

Upon closer examination, I realized that the language of Bill C-280 failed to provide the elevation it sought. The exact language states that the assets are “deemed to be held in trust” and diverges considerably from the definitive declaration of establishing a deemed trust.

In contrasting our laws with those of our American counterparts, we find some similarities within the bankruptcy hierarchy. The United States possesses a super-priority classification reserved for trustees and receivers of bankruptcy. However, it lacks a designated deemed trust category as established in Canada. This category is uniquely attributed to Canadian bankruptcy law, and, as stated before, it serves to protect all employees in Canada. Americans do deploy trusts within its bankruptcy hierarchy, but they do so through a different classification as a secured creditor. It affords their farmers measured protections, placing them in an advantageous position vis-à-vis other creditors.

It has become clear to me that Bill C-280 necessitates two distinct amendments.

First, the definition of “supplier” must be refined to accurately encompass farmers and primary dealers whose interests are at stake in the event of a bankruptcy. Without this definition of “supplier,” all in the supply chain — including Loblaws, Sobeys and Costco — who do not need protection will be afforded undue protection at the cost of our workers.

Second, we must evaluate the positioning of farmers within the bankruptcy protection hierarchy, ensuring that they receive comparable treatment to their U.S. counterparts. That means protecting our farmers as secured creditors on par with the Americans but leaving the unique deemed trust category intact. It was with this logic in mind that I proposed two amendments to the bill, both of which have successfully passed with a vote of 7 to 4.

These amendments to Bill C-280 represent an encouraging step toward achieving true reciprocity with the United States. However, we must acknowledge that these improvements alone are insufficient to carry farmers across the finish line of reciprocity.

As originally written, Bill C-280 fails our farmers. As amended, we begin to repair what is required by legislation to protect our farmers. Successive governments have failed to provide a road map for our farmers not just through bankruptcy legislation but also through more effective legislation that will codify real protection for our farmers.

To explain, we need to further explore the foundational aspects of this issue. The United States operates under the Perishable Agricultural Commodities Act, or PACA, which is legislation that adeptly governs the marketing of fresh and frozen produce, enacted to promote fair trading practices and to protect the rights of shippers, sellers and buyers alike. Canada has no matching legislation. PACA's counterpart in Canada is the Canadian Produce Marketing Association, or CPMA. The differences in the scope and enforcement of these organizations could not be more pronounced.

PACA, which is administered by the U.S. Department of Agriculture, establishes a framework, introduces licensing for dealers and brokers and allows for the filing of claims for unpaid transactions. Furthermore, it includes provisions that ensure sellers are promptly compensated, thus providing robust financial protections — all of which is meant to keep farmers out of bankruptcy court in the first place. In stark contrast, the CPMA's operations are primarily focused on advocacy, lacking the same level of legal protection afforded by PACA.

Today, you have heard from senators advocating for the approval of an unamended Bill C-280 and claiming that it would put Canadian farmers on equal footing with the U.S. in the event of bankruptcy or insolvency within the supply chain.

Well, senators, it's not that easy. The differences between the Canadian and American protection are alarming. PACA members are required to be licensed. Membership in the CPMA is voluntary. PACA members pay a fee. Their fees help with restitution during bankruptcies and insolvencies and often lead to settlements out of court. CPMA members pay no fee. PACA members are licensed and vetted. Members need to pay their bills in 10 to 20 days. Late payment is reprimanded. Later-paying members do not exist because they are expelled. That is their licensing format.

Within the CPMA, none of this exists in Canada. In fact, we heard testimony that credit attenuation, or the credit terms, often hits 90 to 120 days. Our farmers need real protection, not the illusion of protection. For reciprocity to be woven into the fabric of trade relations between Canada and the United States, Canada must address the inherent shortcomings within its structural framework. The CPMA requires a re-evaluation to reflect

a licensing body rather than a voluntary membership organization. Enhancing regulatory standards, addressing credit attenuation and developing self-regulation mechanisms will be imperative for a successful reciprocal arrangement with the U.S.

In conclusion, the amended Bill C-280 provides a just and measured protection for our farmers, but I respectfully assert that genuine progress toward reciprocity between our two nations now hinges on an overhaul of the CPMA and its approach to the agricultural sector challenges. Only by addressing these critical concerns will the U.S. Department of Agriculture consider an agreement for reciprocity with Canada.

Together, it is our duty to ensure that the voices of our farmers are heard, their interests are protected and a structural framework is established that recognizes their vital contributions to our economy. The amendment to Bill C-280 begins this process, but much more work needs to be done.

Thank you. *Meegwetch.*

Hon. Scott Tannas: Thank you very much, Senator Varone, for your strong speech. As somebody who didn't attend the committee meetings, and as I'm trying to make sense of the arguments here, I just want to make sure that I heard you right. I think your position is that there would be no reciprocity. We heard from others that the original bill had some indication that it would be acceptable for reciprocity.

I heard you say, I think, that it's not the case. Could you clarify that, please?

Senator Varone: Thank you.

The reciprocity regime in the U.S. hinges upon the way PACA administers itself and the way it licenses its dealers, its farmers and those who buy the produce. They are mandated to pay quickly. They don't go to court in bankruptcy. Theirs is almost like an estoppel in law where it's the shield and not the sword that counts.

As far as I'm concerned, we're doing this backwards in Canada. For us to truly engage in reciprocity, we need to fix the CPMA and its legal framework and then apply a bankruptcy protection thereafter. The whole notion that bankruptcy will solve everything is an illusion; it will not.

Senator Tannas: Again, as it stands right now, when we export to the United States, those exports are not protected by PACA. When American growers export to Canada, they are protected by PACA, I guess, but I don't know.

I'm concerned about the export that is going that way. We must be somewhat vulnerable to non-PACA dealers who are buying our produce because they know that they're not subject to the licensing and all of the other things that you talked about.

• (1640)

Again, if we have an indication that this original bill would qualify for reciprocity, there are two things that I think will happen. First, our producers will be protected through the PACA system. Second, American farmers and dealers will presumably be protected through this bill because it doesn't talk about the U.S. or Canada but about suppliers and buyers.

Would I be right to say that the credit crunch would come for Canadians at the grocery retailer, where this deemed trust would happen, and at the restaurants in Canada that buy fresh fruit and vegetables in the wintertime from United States suppliers? It would be the bank's responsibility, then, to focus on those particular end users who are using U.S. products in Canada. That's where there would be the credit issue that Senator Loffreda talked about. There would be that issue of credit accessibility, but what we get in return is protection for our own farmers. I don't know that you answered clearly whether this particular bill that you heard during your time in committee would, unamended, provide the reciprocity.

Senator Varone: It's an interesting point you make, but the only people who have said that this will help with the U.S. are the Canadians, not the Americans themselves. It's a complicated dilemma in terms of how Canadian farmers sell. Canadian farmers produce \$3 billion a year. Of that, \$1.5 billion is for Canadian consumption and \$1.5 billion is for U.S. consumption because of the manner in which our growing seasons operate. We don't have a California that can grow 12 months of the year. We import \$6 billion of produce, and the reciprocity, just that so that we're clear —

The Hon. the Speaker: Senator Varone, I'm sorry but your time is up. Are you asking for more time to answer the question?

Senator Varone: I would like more time, thank you.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Varone: The reciprocity that we're talking about is that in order to protect \$1.5 billion of Canadian sales to the U.S., we're protecting \$6 billion of sales of U.S. farmers into Canada.

The Hon. the Speaker: Leave was granted to answer the question, so I will go to Senator C. Deacon.

Hon. Colin Deacon: Honourable senators, I think you know what I'm going to talk about: the sixteenth report of the Banking Committee. It was presented here in the chamber on Tuesday, November 5. In related news, later that day, the American people decided to re-elect President Donald Trump.

I am rising to speak against the adoption of this report and its amendments, especially in the context of promises that we can expect to be delivered during the next Trump presidency.

When renegotiating NAFTA during his first term, President Trump focused on one particular irritant involving Canadian agriculture: dairy. This time, he promised to immediately impose

tariffs on all imports into the U.S., and his "America First" administration will review the Canada-United States-Mexico Agreement, or CUSMA, no later than 2026. I doubt anyone wants to increase the number of irritants on his list.

However, the United States Department of Agriculture, or USDA, has long been irritated with the fact that Canada has never fulfilled its commitment to implement the legislative change included in Bill C-280. An unamended Bill C-280 removes that irritant.

Equally important, passing an unamended Bill C-280 would mean farmers of perishable produce no longer have to maintain the extra working capital buffer to protect against non-payment when exporting to the United States.

Instead, they will be able to take advantage of expanded market opportunities and invest in productivity-enhancing innovations and climate resiliency. All of this improves Canada's food security. To earn your support in rejecting this report, I want to provide you with background to the USDA's Perishable Agricultural Commodities Act. I think you have heard a lot, but I wish to provide a bit more. I want to expand on the USDA's response to the amendments proposed in this report, and last, provide some insight into the opportunities that will be lost if this chamber decides to amend Bill C-280.

Starting in 1937, Canadian growers of perishable produce were the only farmers in the world to benefit from preferential access to the U.S. market and confidence that they would receive payment for their goods. Starting in 1984, this preferential access was granted to Canada under PACA.

PACA allows the fresh produce industry to quickly resolve instances of non-payment. This is the formal dispute resolution system — from producers through the supply chain to retailers — and it demonstrates the value that the United States places on the perishable commodities sector.

In 1984, the U.S. formally provided reciprocity with Canada on the understanding that we would eventually implement an equivalent insolvency protection mechanism for produce farmers. We never did, and consequently, on October 1, 2014, the USDA lost their patience and terminated Canada's reciprocity. This administrative decision removed Canadian farmers' privileged access to the U.S. market, and this privilege can be restored administratively if we pass Bill C-280 unamended.

Achieving reciprocity under PACA is the central goal of Bill C-280.

Senator Cotter spoke to this bill in the chamber in June, as a friendly critic, and also in our committee in September. He informed us that a group of senators and MPs visited the U.S. Department of Agriculture officials responsible for managing PACA in Washington last Spring. Those representatives voiced support for the legislative amendments included in Bill C-280 and believed they would justify the administrative change necessary to restore PACA reciprocity.

I will quote our honourable colleague:

The way it was described to me as I was listening was that it didn't even seem to require a regulation but an administrative act from some senior administrator.

Bill C-280 in its original form was sufficient to achieve reciprocity for the USDA; however, the proposed amendments included in the Banking Committee report risk jeopardizing this goal.

In a letter dated November 7, just two days after the Banking Committee report was presented in this chamber, a USDA representative — the one responsible for administering PACA — sent a letter addressing questions from a U.S. produce association about the proposed amendments. I shared that letter when I received it with members of the Banking Committee.

The USDA representative stated that the amendments to Bill C-280 would limit the scope of protections compared to those under PACA and likely would not meet the conditions necessary to provide reciprocity.

This reinforced the position of a U.S. lawyer who appeared at committee on October 31. He indicated that amendments that “change who has the right to seek the remedies. . . .” in his opinion “. . . would be fatal to having reciprocity.” This means Canada would lose the very benefit it's trying to obtain.

Colleagues, I believe the amendments proposed by Senator Varone in the Banking Committee are, without a doubt, well intentioned. I have no doubt he proposed these amendments with the objective of better aligning the bill with PACA, but it is clear that the USDA and an American legal expert with 40 years of experience regarding PACA both disagree with Senator Varone's position.

Additionally, we know that any amendment at this stage of the process, in this Parliament in particular, will effectively kill the bill. I don't think that this is something that Senator Varone and most others on the Banking Committee are seeking to do.

For me, that is more than enough to ask for this chamber to reject the sixteenth report from the Banking Committee and its proposed amendments to Bill C-280.

Colleagues, I would now like to speak about the opportunities that an unamended Bill C-280 would create.

The effects during and following the COVID pandemic demonstrated the paramount importance of food security. Even well before COVID, the Barton Report on the future of agriculture in Canada suggested that we modernize regulations and taxes to promote investment and innovation, enable growth opportunities in the sector and promote value-added agriculture in Canada.

Our own Standing Senate Committee on Agriculture and Forestry report on value-added agriculture, released in June 2019, included data showing that the Netherlands produces 72 times more in export value per arable acre of land than Canada. Their collective efforts come from a determination to never again face the food insecurity that devastated their population during World War II. Too often, Canada, conversely, sells our agricultural products before we maximize their value, undermining the profitability and sustainability of our industry.

• (1650)

Increasing business investment in our agricultural sector is critical to changing this reality.

Adding to the risks are increasingly fearsome climate events. They alone are an excellent reason to prioritize efforts that will increase the resilience of Canada's domestic food production, especially using no-cost, market-based methods like those enabled by Bill C-280. Consider the \$1 billion in losses caused three years ago when the atmospheric river of rain and catastrophic flooding devastated the Lower Mainland's Sumas Prairie, the heartland of B.C.'s agriculture industry.

Certainty of access to markets and payment, like that included in Bill C-280, enables increases in business investment, and business investment increases innovation and productivity. Let me give you a Canadian example of this sort of innovation, which we need to prioritize.

About 15 years ago, technological advances reached a point where controlled environment agriculture could be economically viable. This is otherwise known as “indoor farming” or “vertical farming,” where LED lighting and robotics can disrupt traditional agriculture by being far more environmentally friendly, of higher quality and practised right next to large markets.

In July 2018, Senator Coyle and I toured TruLeaf, a company developing such a facility in Truro, Nova Scotia. In March 2019, our entire Agricultural Committee visited the company's first major production facility in Guelph, Ontario. Control of the company had shifted to McCain by that point, and the name changed to GoodLeaf. Tens of millions of dollars were invested to build additional facilities in Calgary and Montreal.

Traditionally, over 90% of leafy greens purchased by Canadian consumers are grown in California or Arizona and travel an average of 4,000 kilometres to us by truck. Substantial business investment is needed to build local production that enables fresh produce to be delivered directly from the farm to the retailer on the day it's harvested, 365 days a year. These facilities now provide year-round employment. They use 95% less water than traditional farming and have no need for pesticides or herbicides, no chemical runoff and produce 39 times more produce per square foot compared to traditional farming. The food is fresher and more nutritious.

When Senator Coyle and I visited the company's first site in 2018, she was on the Arctic Committee. Since then, a similar project has been developed in Gjoa Haven, Nunavut, with the support of the Arctic Research Foundation.

An article in *The Globe and Mail* quoted the project manager:

"I can't believe this was just a seed," she says, recalling how it felt to harvest the healthy romaine. "It was so amazing. Oh my God, it was just amazing. And tasting it, it was so fresh."

That's in our Arctic when we invest in innovation in our agriculture.

This is the sort of innovation that we need to promote in Canada. The best way to achieve this is for our food producers to have access to robust markets and reliable payments. As a believer in the value of competition, I think that should be achievable without having to sell one's company to an industry giant.

Now let's look at the business challenges facing Canadian producers of perishable fruits and vegetables when they do not have access to PACA.

When he testified at the Banking Committee, Quinton Woods, the operations manager at Gwillimdale Farms, recounted a significant financial loss in 2014 due to non-payment from a U.S. customer:

We had no choice but to launch a formal complaint against this company through PACA in the United States.

Unfortunately, the day we filed the formal complaint, the United States pulled reciprocity for Canadian sellers. This change meant we were required to post a bond for twice the value of our claim. At the time, our claim was US\$100,000. We were not in the position to post the required US\$200,000 bond and were forced to walk away . . .

They were out net US\$300,000 by that point. Continuing, he said:

If Canada had had a financial protection system in place, we would have been able to proceed with our complaint without the requirement to post a bond. Reinstating PACA protections would mitigate such risks in the future.

American producers have no such domestic risk of loss, but Canadian growers do. This puts Canada's growers at a major disadvantage because 40% of Canada's fruits and vegetables are exported to the United States. Without reciprocity under PACA, they must continue to post a double bond, meaning 200% of their invoiced amount must be put up when trying to recover from an insolvency from an American buyer. This erodes their ability to invest in their businesses.

[Senator Deacon (Nova Scotia)]

The U.S. has indicated it is willing to get rid of this double bond requirement if Canada were to adopt a PACA-like trust mechanism. The text of the bill as passed in the House aimed to achieve that reciprocity. And yet we stand here today with proposed amendments that fall short of this threshold according to U.S. experts.

In committee, some believe that Bill C-280 would increase the cost of borrowing for those along the supply chain. Three different witnesses responded to this concern, with one noting that this concern was also raised in the United States in the 1980s. All stated that PACA actually stabilized lending because lenders know that the produce seller, grower, packer and shipper are all secured and see it as a safe, stable supply chain. Additionally, as noted by one farmer at the committee, members of the three largest associations asked for these legislative changes to Bill C-280, so any concerns about lending cost increases would have been self-addressed.

Another question focused on why the perishable produce sector should preferentially benefit from this legislative change, especially in this environment. My response is that if any sector could achieve similar reciprocity with our largest trading partner on this issue, then it should without a doubt be considered.

Colleagues, I hope you see why it is critical that we vote against the report and pass Bill C-280 unamended. These increasingly uncertain times mean we must find ways to align with U.S. trade policy in a resilient manner that is parallel to CUSMA. Bill C-280 is a no-cost way to support bilateral policy alignment that is needed by the producers of Canadian food.

A wise farmer once told me that the two biggest risks facing farmers are weather and politicians. Colleagues, let's prove him wrong. Thank you.

Senator Loffreda: Senator Deacon, would you take a question?

Senator C. Deacon: Certainly.

Senator Loffreda: Would you not agree, as experienced as you are, we have something in Canada — answering Senator Tannas's inquiry — called EDC insurance, through which exporters can insure their accounts receivable at a nominal cost of 1%, depending on the risk? Why would EDC insurance not be a simpler solution for the farmers exporting to the U.S. — 40%, as you mentioned? We heard testimony from experts during committee that lending would be more difficult. I will share that during my upcoming speech. There is an increased risk for lenders. There are re-evaluations of credit policies in play and a potential reduction in credit availability. Why would EDC insurance not be a simpler solution?

You said that if it creates a precedent, you hope that every industry would have this precedent. Well, if every industry —

The Hon. the Speaker: Senator Loffreda, time for debate has expired. Senator Deacon, are you asking for more time to answer the question?

Senator C. Deacon: Yes.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Please answer the question, Senator Deacon.

Senator C. Deacon: Thank you, senators. I've used EDC insurance in business. It's a fantastic tool for high-margin exports. For exports with tight margins and timelines, you need a preventive tool. You need to be part of a tool like PACA. It's not the same business at all, and I really respect what our perishable produce exporters are dealing with. It's very different than what I dealt with in selling high-margin technical equipment around the world. It's an entirely different business altogether. I think that's where EDC is most suited and most helpful. I haven't found one perishable produce manufacturer who feels they can afford to use the tool of EDC. It's not designed for their business.

Hon. Donald Neil Plett (Leader of the Opposition): Thank you. I think there's a new lobby group that just started in Ottawa. It's called "bankers united against agriculture."

• (1700)

Senator Batters: It has been around for a while.

Senator Plett: It has been around for a while, Senator Batters? Well, they are alive and well.

I thank all honourable colleagues who have spoken, and I assure you that I will be very brief. I do want to say that I agree with one of the last comments that Senator Varone made: "It's time the voices of the farmers are heard." I'm not sure if that is a direct quote, but that was at least pretty close.

I thank Senator Varone for any help that he — in his wonderful way of doing business — has provided to plumbers across the country. I'm sure we all appreciate that you are in our corner because I'm not sure how we would make it without Senators Varone, Loffreda, Massicotte, Ringuette and McNair. We are so thankful that you are all here helping us, and I'm sure the farmers will send you Christmas cards over the holidays to thank you for the help you have provided in killing another good piece of legislation.

I'm sure every farmer in the country will appreciate that, as every farmer in the country will also thank Senator Dalphond for trying to kill Bill C-275. They appreciate that. Trust me: Every farmer in the country thanks you for being in their corner and helping them the way that you are. They have no idea how they would have ever made it without you helping them. The weather is bad, but they know that they have the bankers of Canada in their corner so that will counteract that.

Colleagues, Senator MacDonald gave a very good overview and explanation, as did Senator Deacon and Senator Black, on why it is imperative for this chamber to reject this report of the Standing Senate Committee on Banking, Commerce and the Economy.

The report is on Bill C-280, An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act (deemed trust — perishable fruits and vegetables). I will try to not repeat what was already said by Senator MacDonald and others, but I would like to echo some of their positions and underscore a few points.

What is this bill, and what is it trying to achieve? First of all, the industry has been asking for years for the added financial protection provided by Bill C-280. As Senator MacDonald explained, the purpose of the bill is to establish a deemed trust for perishable agricultural commodities in Canada, prioritizing payments to produce suppliers in cases of buyer insolvency. This protection would ensure that farmers, distributors and all suppliers in the perishable goods supply chain would have a secured and reliable mechanism to recover unpaid funds.

Second, Bill C-280 was specifically written to re-establish the conditions necessary to see reciprocity restored to Canadian producers under the Perishable Agricultural Commodities Act, or PACA, as explained by Senator MacDonald and others. However, some members of the committee decided to undermine this intent and critically impair Canada's ability to secure our much-needed preferred trading partner status with the United States. Regrettably, these amendments crippled both of these objectives and have gutted this bill.

Colleagues, if this bill goes back to the House amended in this climate — and Senator Deacon was absolutely correct — it has no chance of becoming law. If that is your intent, at least, colleagues, have the courage to stand and say, "We want to kill this bill." Because that, Senator Varone, Senator Loffreda and company, is what this will do. Senator Deacon says it is well intentioned. I'm from Missouri on that. I'm not sure how well intentioned this is, quite frankly. I think this is a deliberate attempt to, again, kill good farming legislation.

What bewilders me, colleagues, is that all of this was not an oversight on the part of Senator Varone. The committee had already been warned by producers, producer organizations, marketers, lawyers and the Department of Agriculture that if these amendments were adopted, the bill would no longer provide the conditions for reciprocity. Clearly, they were told by experts. Yet Senator Varone charged ahead, supported by a gaggle of bankers and other senators who decided that they knew better than everybody else. It was 320 members of the House of Commons, but what do you guys know? We know better. The same Prime Minister who appointed you to this august chamber voted in favour of this bill over there.

Furthermore — and I would say most importantly, and again I'm repeating this — the House of Commons had already considered narrowing the definition of “supplier” and rejected the amendment for the reasons I already noted: It would make the bill ineffective.

This decision to not amend the legislation ended up receiving the endorsement of 320 members of Parliament at third reading, including the Prime Minister and the then-agriculture minister, along with the entire government. If ever there were a government endorsement on a piece of legislation, that is 320 to 1.

Senator Gold talked to us earlier about how the government is now endorsing Bill C-275, and I'm thankful for that. I wish that he had that conversion experience when this bill was at committee because if he had been at committee — Senator Varone was there for one meeting without asking questions, and he came and put the dagger into the bill by voting. He was the last person at committee to vote for this amendment that Senator Dalphond put in there — the poison pill that he put in. There were no questions. He was replacing somebody else. But, yes, he knew better than everybody out there in the farming community. If Senator Gold had been there, and if he had voted the way he is now wanting to vote — or as he says he wants to vote — that would have ended up in a tied vote, and that amendment would have been defeated. And we would not need to worry about it.

Now he says that he is supportive of it, and I appreciate that, so we certainly hope that he will be equally supportive of Bill C-280 because, clearly, the government is.

But somehow half a dozen senators know better than the entire government. Senator Ringuette and Senator Massicotte have been here for a few years. They know better than 320 members of Parliament. Senator Ringuette was a member of Parliament. I wonder how she would have felt when she was a member of the House of Commons if the Senate would have done what the Senate is preparing to do now.

Senators Varone, Loffreda, Massicotte, McNair, Ringuette, Yussuff and Fridhandler decided to ignore the evidence, the expert testimony and the parliamentary protocol and vote against the entire House of Commons.

Colleagues, I've already said this, but I'm having a bit of a déjà vu experience here, where I am experiencing Bill C-275 and Bill C-234 again. We saw the same thing with Bill C-275 where the House of Commons considered and rejected an amendment — the same amendment that the Senate Agriculture and Forestry Committee then thumbed its nose at, and they said to the House of Commons, “Stuff it. We're making the amendment anyhow because we know better.”

If you do this, Senator Loffreda will charge you more interest for something, so you should know better because you have to consider the interest. Now the same thing is happening here.

Colleagues, this is not the role of the Senate. We are the chamber of sober second thought. We are here to point out the flaws. Yes, Senator Varone, by all means, point out the flaws in

the legislation before us. And then if necessary, yes, amend it. I support that. And return it to the House. We are here to say to the MPs, “Hey, I think you forgot this.”

What the committee did with the amendment is not sober second thought. It is trying a second time to pass the same amendments that already failed by the same people whom we now want to send the bill to. If we do it often enough, will they change their minds?

• (1710)

We know what the answer of the House will be if they ever get to it. They have already told us what their answer is on this amendment. They have dealt with this amendment, and they already said clearly what they think of the amendment.

Our job and our duty, colleagues, are to respect the will of the House when it has already been made clear, and I say that as the Leader of the Opposition. Our job is to respect the will of the House, and I find it difficult, I criticize it and I will continue, but it is our job to respect the will of the elected chamber, and we are not doing that.

So why would Senator Varone think he and six other senators should be able to override 320 members of Parliament, or MPs, that have been elected to represent, colleagues, 35 million people? It is actually quite simple: They think they know better.

Now, I know many senators here hate it when I and other colleagues in the Conservative caucus criticize this so-called new Trudeau Senate. As I have said many times before, this is a failed experiment, drafted on a napkin that has many flaws. Colleagues, if this amendment will pass, that is showing that I am right. I know nobody on that side wants to ever say Senator Don Plett is right, so prove me wrong and vote against this amendment. You will prove me wrong.

One of these flaws is the complete absence of accountability of the so-called independent senators. Since they don't belong to a caucus in which MPs have to face the judgment of their voters in the next election, they feel they are free to do whatever they want. Those unaccountable senators feel they can freelance on legislation, having no one to answer to except themselves.

So you never really know who is the real author of a bill or an amendment. Is the senator doing this on his, hers or their own? Are they representing a lobby or other special interest? No one can know. The so-called independent senators do not have to provide any explanation. They can quietly kill a bill that a whole industry supports.

An entire industry supports this bill in an unamended fashion. I challenge you, colleagues, to go and ask any farmer you see that knows anything about either this bill or Bill C-275 and ask them whether they support the amendments that have been proposed.

Now, of course, we never want to admit that we are amending a bill and hurting farmers because they favour, or we favour, another group. Senators will rather tell you that they want to help the agricultural sector.

Senator Varone said himself at committee, “My amendments . . . are straightforward and do four simple things, all designed to help . . . farmers” Yet, the farmers don’t seem to appreciate that.

I can’t understand these farmers, Senator Varone. Here you are helping them, and they just don’t appreciate that. Unbelievable; ingrates.

U.S. President Ronald Reagan once said, “. . . the nine most terrifying words in the English language are: I’m from the Government, and I’m here to help.”

Well, I think after what we have seen on Bill C-275 and Bill C-280 that saying should be updated, and it should say the nine most terrifying words in the English language are “I’m from the Senate, and I’m here to help.”

Despite all the warnings at committee that the amendments would hurt farmers, not help, Senator Varone and his six colleagues thought differently. I don’t know if that is the result of arrogance or ignorance, but choosing to habitually ignore the will of the elected chamber and repeatedly prioritize the welfare of bankers and lawyers — yes, prioritizing the welfare of bankers and lawyers — over farmers is a one-way ticket straight to national irrelevance and public disdain.

That is what we are doing to this Senate, colleagues. We are going to be irrelevant. The disdain is already there; trust me. When we travel around, the disdain is already there, and we are going to be irrelevant.

Colleagues, this is the kind of help that our agricultural sector does not need nor do they want. Bill C-280, in its original form, was designed to bring Canada’s protections in line with the Perishable Agricultural Commodities Act, or PACA, allowing for fair competition and security for our agricultural sector. The Senate’s duty is to support legislation that reflects the best interest of Canadians — not of bankers and house developers or plumbers; the best interests of Canadians — and these amendments clearly undermine that mission. To secure PACA reciprocity, Bill C-280 must include the full scope of the supply chain in its definition of “supplier” and must retain true trust protection for Canadian suppliers.

The other house has recognized this and voted accordingly. The amendments contained in this report have already been rejected by them, and they need to be rejected by us here.

We need to do our job, colleagues, and we need to stay in our lane. Our lane is to give sober second thought and accept the will of the House.

I urge, I implore, I beg you to reject the committee’s amendments and restore Bill C-280 to its original, unamended form.

Thank you, colleagues.

Some Hon. Senators: Hear, hear.

Senator Loffreda: Senator Plett, would you take a question?

Senator Plett: Yes, I’ll take one question.

Senator Loffreda: Thank you for taking my question, and thank you for your speech.

It is not about defending bankers or lawyers. It is about defending the economy, it is about what is best for Canadians and it is about being relevant, not irrelevant. This is why I raise these important issues.

While we strongly support protecting farmers and ensuring they are paid for their hard work, does this bill not set a dangerous precedent that could lead to other industries seeking similar protections? If all lenders were subordinated to every industry in this way, would this not erode the value of receivables as collateral and ultimately hinder the ability of lenders to extend credit across the economy?

We have also heard compelling testimony against the bill. We have heard it, and I will be raising these important concerns in my upcoming speech. But it is about protecting the economy.

As Senator Deacon says, every industry gets a precedent, and if lenders get subordinated to every industry and every receivable, there will be no receivables to lend against anymore. Yes, as they say, it’s not always about money, but everything needs money.

Senator Plett: I’m not sure what the question is. I think my answer to your question is no.

Senator Loffreda: My question is this: Every other industry will ask for a similar precedent, and then there will be no receivables to lend against because the lenders will be subordinated to every single industry. Who is next? We’re giving priorities to the farmers.

We love the farmers. Don’t get me wrong. We’re not against them. We’re giving priorities to the farmers. Well, aren’t you concerned there are other people in line that will ask for the same precedent?

Senator Plett: First of all, we’re dealing with farmers now, and you are saying you are wanting to help farmers when you are not wanting to help farmers.

Senator Loffreda: You —

Senator Plett: Did you want me to answer your question, senator?

Senator Loffreda: Yes.

Senator Plett: Thank you. Then I don’t need to be interrupted. I didn’t interrupt you.

If you want to help farmers, then help farmers. That’s what we’re talking about. If you want to talk about helping other industries, let’s talk about that.

Am I concerned somebody else is going to come? I have absolutely no doubt that somebody else is going to come. It is our job — mine and yours — to try to help as many Canadians as we can.

We are right now dealing with the bill that helps producers that we are wanting to help in the agriculture industry, but don't tell me, Senator Loffreda, that I know what is best for you. You know what's best for the banking industry, and that, Senator Loffreda, is what you are concerned about. You have made that absolutely clear in your questions. Your concern is the banks and ensuring they make enough money. Trust me, Senator Loffreda, the banks will continue to make money even if this bill passes.

• (1720)

An Hon. Senator: Hear, hear.

Senator Loffreda: You misunderstood me. It's not about the banks making more money. The banks are among the strongest banks in the world; I'm not concerned about them. Actually, the Budget Implementation Act, 2024, No. 1 that I sponsored would tax the banks 15% and cost them billions of dollars, so it's not about the banks or protecting them. I've always made that clear. It's about protecting the economy.

Every bill has consequences. When my lenders used to come, I used to tell them that we'll live with this for a long time. We're going to live with this bill for a long time. This has consequences. There are impacts on the economy. Are you not concerned that creating precedents will hinder access to credit? Yes, the banks will still make money, but this will hinder access to credit in other industries, which will have a huge impact on the economy.

Senator Plett: First of all, why don't you name some? I find this really rich coming from somebody who votes for these absolutely irresponsible Liberal deficit budgets of hundreds of billions of dollars — like you do, Senator Loffreda. If you are concerned about helping the economy, vote against the next Liberal budget.

An Hon. Senator: Hear, hear.

Hon. Clément Gignac: Senator Plett, will you take another question?

Senator Plett: Yes.

Senator Gignac: Senator Plett, fair disclosure, my opinion is not decided yet, but I will decide soon what I will do. I came here to the Senate because it is a house of sober second thought. I have been active in politics for many years, so I have a lot of respect for people in the other place, the House of Commons. Make no mistake about that.

However, I tried to follow your logic. If we are a chamber of sober second thought, does that mean that we have to refrain from amending any bill from the House of Commons? Is it because we don't respect them? Bill C-282 is coming. What is your guidance? If we want to do our job of sober second thought, should we refrain from making any amendments to any bill from the House of Commons? Could you help me?

Senator Plett: Absolutely. Thank you very much for that question, Senator Gignac. Without question, there is a very clear difference between Bill C-282 and this bill, and I will tell you why. First, this bill passed 320 to 1; that's one difference. Bill C-282 passed with a significant majority, but in my own

caucus it was 50-50. I think there were two more who voted in favour than voted against it. It was not a bill that was pretty much unanimously agreed to.

Second, the amendment put forward by Senator Harder to Bill C-282 was never put forward in the other place. The amendment that Senator Varone put forward here was tested in the other place and it was rejected, so we've already done this. When we receive legislation here, I believe we have every right, Senator Gignac, to amend it. I support that. Then we send it over to the other place, and they decide whether they want to accept that. If they say "Yes," then we say, "Hallelujah, we did a good job. You're welcome." But if they say "No," we have to consider that, and we have to accept the will of the House of Commons. That's what I am saying.

In this particular case, no, we haven't sent it over there once amended, but they've already tried this amendment over there, just like they did with Bill C-275. They already tried the very same amendment that Senator Dalphond proposed. It has already been rejected by the other side. We are making ourselves look silly. Thank you.

Hon. Pierre J. Dalphond: Senator Plett, I listened to your lectures very intently, as usual. How do you square the arguments that we hear today with your caucus's successful efforts to block votes on 15 private bills in 2019? Which Senator Plett should I believe? Which one should I deem trustworthy — the one in 2019 who killed all private bills or the one today who says all private bills should pass?

Senator Plett: My answer is that I have no idea what you just asked me. Please repeat that.

Senator Dalphond: I am pleased to remind Senator Plett that in June 2019 we killed 15 private bills that came from the House of Commons, including many that were adopted unanimously, including one on judicial education proposed by his former interim leader the Honourable Rona Ambrose. You refused consent. You called for bells. You moved the adjournment of bills and, in the end, 15 private bills died on the Order Paper. Yet, today, you say that all private bills should be adopted.

Do I understand that we will adopt the whistleblower bill in the coming days because, finally, the House of Commons was unanimous on it? Will you speak to it and ensure that it can move along with all the other bills from the House of Commons that have been waiting to be considered?

Senator Plett: Senator Dalphond, first of all, I did not kill any bill brought forward in the House of Commons by my leader MP Ambrose. I can't kill a bill by myself, Senator Dalphond. I have not lectured this chamber and said they should not turn down private members' bills.

I had no hesitation in my support or lack of support for certain legislation, and I do that now. That isn't what we have here, Senator Dalphond. We have Senator Varone and Senator Loffreda and others saying they want to help the farmers. You are saying, "We want to help the farmers, but let me help kill your bill."

Just admit then, Senator Dalphond, that you want to kill this bill. Yes, you have that right. You have the right to keep adjourning debate. Your deputy leader adjourned debate on Bill C-275 today even though we had an unwritten agreement that you would move along fairly quickly on Bill C-275. You are not doing that, and I know that at some point Bill C-355 will come along, and I'm going to get another letter from your friends at Animal Justice saying, "Why are you, Don Plett, holding up Bill C-355 all by yourself?"

Senator Dalphond, you could just simply admit that you want to kill Bill C-275, but you are not. Senator Varone is telling us that he really wants to help the farmers, as a developer in the city of Toronto. Senator Loffreda, as a banker in the city of Montreal, knows what is good for a producer of strawberries, or whatever it is, on Prince Edward Island. Let's at least admit what we're doing and move along. Don't compare apples and oranges the way you just did in your question.

Hon. Rosemary Moodie: Will you take a question, Senator Plett? I want to read something to you, just a phrase that I found on the website of the Senate. It reads, "Created to counterbalance representation by population in the House of Commons . . ." It goes on to talk about the Senate evolving from defending regional interests to giving voice, and so on. Do you believe in the first part of that sentence? Is it our role to counterbalance the representation by population in the House of Commons?

Senator Plett: We have been appointed to be a chamber of sober second thought. That is what I believe we should be. We should be looking at all legislation very carefully. We should be reading legislation. If there is a comma out of place somewhere in a piece of legislation, we should change it. We have always done that. We did that when we were in government, and I continue to support doing that.

But I do believe that the House of Commons has been elected to represent Canadians. We are not in the same category. We are appointed. You and I have been appointed to this august chamber until the age of 75, and there's nothing that can get us out of here unless we want to go. My time, unfortunately, is six months from now. They'll drag me out of here kicking and screaming, but I will have served my time and then I'm out of here.

• (1730)

As such, I do not have the same role as a member in the House of Commons, and I shouldn't have. They're accountable to the electorate and I'm not.

Senator Moodie: Do you have an issue with what's written on our website about our roles, where we are described as being in place to counterbalance the House of Commons, the house that represents the population?

Senator Plett: Yes. I do not agree with that comment.

Hon. Denise Batters: Senator Plett, the part about counterbalancing the House of Commons, does that have to do with the fact that in the House of Commons if every single MP from Ontario and Quebec voted for something and everyone else voted against it, the measure would pass? In the Senate, that is not the case. If every single member from Ontario and Quebec voted for something and every single senator from outside those two provinces voted against it, it would be defeated.

Yet, here we have senators from Toronto, Montreal and from the places for which we're talking about the counterbalancing. Isn't that actually supposed to protect areas like Atlantic Canada and the West?

Senator Plett: Thank you. That's a good explanation. Over a period of time, maybe Atlantic Canada has gotten a little more than their fair share if you want to talk about regional representation.

Senator Loffreda: Would Senator Plett take another question from me?

Senator Plett: Reluctantly, yes.

Senator Loffreda: Thank you for taking a question.

Are you not concerned that the existing bankruptcy laws will disrupt the creditor hierarchies? I will clarify.

Critics argue that implementing a deemed trust could disrupt the established order of creditor claims, potentially disadvantaging other creditors in bankruptcy proceedings, which means that farmers will go first now.

What about the truckers, for example? What about the hard workers who package the vegetables? If they're behind the claims farmers will be making, there won't be enough money for them in a bankruptcy. By the way, bankruptcies are nominal in the farming industry: less than 1%.

Are you not concerned that there will be an impact on the overall economy if there are bankruptcies of small- to medium-sized businesses that won't be paid because farmers will be paid before everybody else at this point in time?

It's always about the economy, it's not about bankers. The BIA that I sponsored is proof of that by taxing the banks at 15%. They were omnibus bills, and not all the big-ticket items were in the BIA. The deficits are not as large as you anticipate them to be in the BIA.

Senator Plett: First of all, Senator Loffreda, I would challenge you to call some farmer in Atlantic Canada who has just declared bankruptcy because their shop couldn't get paid for their produce and say, "But you're only 1%, so who cares?" What kind of a ridiculous argument is that?

There are few bankruptcies. This is the same argument we heard on Bill C-275 that Senator Simons questioned Senator Gold about earlier today. How much proof is there that the trespassers are creating the problems? Let's let the trespassers continue to come on and put the farmers in the same boat as the trespassers, because there isn't a lot of proof. That's the same argument, Senator Loffreda, that you are making.

No, I'm not concerned, number one.

Number two, I am not a banker. I will be the first one to admit that Senators Varone, you and others have far more knowledge about that than I do. But I am a legislator. I know where my place is. My place is to yield to the elected representatives who have voted.

Your Prime Minister, the man who is responsible for you sitting where you are right now, has asked you to vote in favour of this legislation. Why don't you ask him that question? Are you, Justin Trudeau and the Minister of Agriculture, not afraid that you're putting the wrong people in front? Why don't you ask them that question? They voted 320 to 1.

I'm only trying to do what our job is, what your job is, which is to accept the will of the elected house of representatives.

Senator Loffreda: I gave you many parts to that question and some were easier to answer than others.

I'll question you directly on that. You're telling me that whatever the House of Commons brings forward here I must yield and vote for? Are we being relevant?

At this point, I feel this bill — the way it has been amended — is a better bill than the original one. If it is the original bill, I'll say it here: I'll vote against it. I'll do that not because of the banks but because of the economy.

Are you saying to me that I should yield to everything that comes from the House of Commons and vote for it?

Senator Plett: Well, of course, you really like putting words in my mouth. You should consider everything that they bring forward, yes. They have the electorate to answer to and you don't. You're going to go home on Thursday, and you have nobody to answer to but they do.

Should we yield to them? Do I believe we should yield to them? Yes. The first time around? Not necessarily. But this isn't the first time around, as I said to Senator Gignac.

This is the same as us having accepted this amendment. If they had never tried this amendment over there, you and Senator Varone, and whoever, would have brought this amendment in and said, "Hey, you guys never thought of this over there, so we're bringing this amendment in; tell us what you think." I may or may not have supported it, but I would have certainly supported the right for you to do that.

Then if they had sent that bill back here and said, "No, Senator Loffreda, we don't agree with you. We want it the way it is." Then I believe we should yield to them. I believe you should. They've already done that.

We haven't sent it over there, but they've already said "no" to this amendment. We're now thumbing our nose at them saying, "You don't know what you did, so we're going to give you another chance." I don't know.

If they suddenly decide over there that we are going to stop with these filibusters and we're going to invoke closure, if suddenly Jagmeet Singh has an epiphany that he wants to help Justin Trudeau bring closure over there and they get things going and for some strange reason they say Bill C-280 is now at the top of our list so we're going to deal with it and they turn down this amendment and send it back to us — because now they've done it twice — is that enough for you? Do they need to do it three times?

How many times do you think they should say "no" to us before you accept? I'm going to ask you the question. I know I'm not supposed to ask the question here, I am supposed to answer. I would suggest you are not respecting the will of the House.

(On motion of Senator Martin, debate adjourned.)

DEPARTMENT OF FOREIGN AFFAIRS, TRADE AND DEVELOPMENT ACT

BILL TO AMEND—FIFTEENTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE—DEBATE

The Senate proceeded to consideration of the fifteenth report of the Standing Senate Committee on Foreign Affairs and International Trade (*Bill C-282, An Act to amend the Department of Foreign Affairs, Trade and Development Act (supply management), with an amendment and observations*), presented in the Senate on November 7, 2024.

Hon. Peter M. Boehm moved the adoption of the report.

He said: Honourable senators, I rise today as Chair of the Standing Senate Committee on Foreign Affairs and International Trade to explain the purpose and effect of the amendment to Bill C-282 adopted by the committee. The committee's report also includes one observation.

• (1740)

Bill C-282, An Act to amend the Department of Foreign Affairs, Trade and Development Act (supply management), was referred to the committee on April 16, 2024, after being introduced in the Senate on June 21, 2023. The committee began its study on September 25.

Over the course of eight meetings with witnesses — 52 of them, in fact — the committee heard from members of Parliament, including the sponsor of the bill, Luc Thériault; officials from Global Affairs Canada and Agriculture and Agri-Food Canada; representatives of both supply-managed agricultural industries and export-focused non-supply managed industries; experts on trade, including former trade negotiators; and academics, including constitutional experts.

During clause-by-clause consideration on November 6, Senator Harder proposed the amendment in question, which passed with 10 votes in favour, 3 against and 1 abstention. The purpose of the amendment is, as Senator Harder put it at the meeting, to “de-risk” this legislation given the potentially negative impact of this bill passing, especially in its original form, on Canada’s crucial trading relationships.

[*Translation*]

Essentially, the effect of the amendment would be to limit the Bill’s application to trade agreements not yet in force when the Bill enters into force. The amendment would also limit the Bill’s application to negotiations and re-negotiations of trade agreements not already underway when the Bill enters into force.

Committee members in favour of the amendment felt it was important particularly in the context of the upcoming review, in 2026, of CUSMA – the Canada-United States-Mexico Agreement – which will be that much more complex under a second Trump administration.

[*English*]

It sounds better as CUSMA in English.

[*Translation*]

I also wish to highlight the important observation appended to this report. It makes clear that, because Bill C-282 is a bill on Canada’s trade policy and not on the policy of supply management – because it specifically amends the Department of Foreign Affairs, Trade and Development Act – the Committee took no view on supply management in Canada.

Despite hearing from many strong supporters of supply management, the Committee focused on the purpose of the Bill and its impact on Canada’s crucial trade relationships as an export-oriented nation reliant on trade.

Hon. Éric Forest: Will Senator Boehm take a question?

Senator Boehm: With pleasure.

Senator Forest: Senator Boehm, you know that I support supply-managed farmers because I think that supply management is an important measure to keep farming alive in our regions.

My question is this. With the passage of Bill C-282, a government that wants to break the Canadian tradition of defending supply management would simply have to transparently and explicitly obtain authorization from Parliament before authorizing new import quotas. Does that proposal seem unreasonable to you?

[*English*]

Senator Boehm: Thank you. I just want to remind my dear colleague that I’m here as the chair of the committee, so I’m speaking to the report and not presenting my own views. At least, I’m going to try not to in this case.

If you look back at the history of the last three big agreements — the renegotiation of the CUSMA; the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, or CPTPP; and the Canada-EU Comprehensive Economic and Trade Agreement, or CETA — there was a small portion given up in terms of the tariff rate quota, TRQ for short, for dairy and poultry. There was also compensation offered by the government.

The government can, of course, engage with Parliament and say that we are negotiating a free trade agreement, get that permission, and then afterwards we can have the debate on the free trade agreement, as we have done in this chamber and as it has happened in the House itself. That’s my understanding of the procedure.

With that procedure and with the negotiations that took place in those three agreements, the negotiators had free range to push very hard — and they did — for maintaining as much in terms of supply management as they could. They would, no doubt, do that again. We did hear at least from one or two witnesses that the reason for the break in negotiations or the suspension with the United Kingdom has been precisely for that reason.

[*Translation*]

Hon. Clément Gignac: Will Senator Boehm take another question?

Senator Boehm: With pleasure, senator.

Senator Gignac: I want to thank you and your colleagues for the work you’ve done in committee. I’m the son of a farmer, and I support supply management. Of course, I realize that the environment has changed since the bill was passed. That’s why I publicly said that I was following the committee’s work closely and that I was open to amendments.

I was in Washington last week for a meeting with economists, one that I attend every year. We’re hearing more and more about a new scenario for a bilateral agreement between Canada and the United States under the new administration. This agreement would exclude Mexico, for all kinds of reasons.

If that were to happen, it’s my understanding that your amendments wouldn’t apply and that the provisions of Bill C-282 would automatically apply, since this would be considered a new free trade agreement.

Your amendments would apply to existing or renewed free trade agreements. Is it your interpretation that your amendments wouldn’t apply to a new free trade agreement between Canada and the U.S.?

[*English*]

Senator Boehm: Thank you, Senator Gignac. I didn't really want to get into those items; I have been quoted in the media on them. There has been a bit of a debate — even in 1994, when NAFTA was first negotiated and brought into place — as to why have it as a trilateral agreement. Since then, there has been much development in supply chains. Yes, our relationship with Mexico is not as great as it is with the United States, but Mexico is still our third merchandise trade partner, slightly ahead of the European Union.

If you look at the election campaign, both presidential candidates said that they would not just review CUSMA in 2026 but renegotiate it. So it will be interesting to see how that goes because the last time around, Mr. Trump said it was a really great deal for the United States. Maybe now he thinks differently.

This is me now, not as chair of the committee, saying that in any negotiation you go into, you have to be prepared for everything. Fencing something off and saying it would be illegal to touch that, in my view, would not necessarily be the best approach to take forward.

Senator Gignac: Perhaps I was misunderstood. I will do my best in English.

I did not ask you about the best-case scenario because I agree that Mexico is a significant partner to us, but at the end of the day, it's Washington that will decide, and Trump in that particular case. If he decides he wants to negotiate a bilateral agreement with Canada, we have to deal with that.

My question is simple. I'm not sure you answered my question. If it's the case that we will have a proposal of a new bilateral agreement between Canada and the U.S., I think none of your amendments will apply to that and we will be back to Bill C-282's original version.

Senator Boehm: I think that's very speculative, and that's why I didn't answer it. I understood the question the first time. I would be hesitant to speculate on that. It would mean that we would all have to do our homework as we move ahead.

• (1750)

[*Translation*]

Hon. Raymonde Saint-Germain: I want to thank the Chair of the Foreign Affairs Committee. You have said on several occasions, including in your speech at second reading, that the Senate committee would pay more attention to the negotiations and that it would call different witnesses than the House of Commons. You invited government negotiators who worked to secure agreements, past and present. My question is this: Above all, will the amendments that the committee is proposing better serve the interests of Canada and facilitate the work of negotiators?

[*English*]

Senator Boehm: That would probably be a good question for our colleague Senator Harder, who put forward the amendment, but the question is to me. I did not speak to the bill at second

reading, but I agree — and 10 members of the committee agreed as well — that by amending it, it would “de-risk” it. Those who are critical will say that by amending it in this way, we're sending it back to the House where it might not meet a wonderful end.

On the other hand, in the current environment — this is where I would distinguish what we did in our examination of the bill as opposed to the other place — we had negotiators, and experts as well, speaking and providing, I would say, a more balanced view in terms of the pros and the cons. By trying to “de-risk” it, we are saying that we are looking at this very soberly and seriously.

[*Translation*]

Hon. Lucie Moncion: Senator Boehm, will you take another question?

Senator Boehm: Of course.

Senator Moncion: You just added a nuance in your comments. I just want to make sure that I understood it correctly. You said that Bill C-282 has to do with how Canada conducts its international trade negotiations, given that it amends the Department of Foreign Affairs, Trade and Development Act, and that it doesn't target the supply management policy. Could you explain that nuance to me?

[*English*]

Senator Boehm: Thank you. The original bill proposed to amend the foundational act called the Department of Foreign Affairs, Trade and Development Act. In the testimony that we heard, there was no indication that any other country had done that with a foundational law.

The argument that was made and the conclusion of the committee was that if you want to have something that pertains strictly to supply management, supply management should not be in the foundational act. That's where the committee came up. I don't know if that helps you or whether I'm further muddying it.

Hon. Percy E. Downe: Would Senator Boehm take another question?

Senator Boehm: Of course.

Senator Downe: Given the importance of trade and the work the committee did on this proposal — which directly impacts our trade, particularly with the United States — and given what happened in the American election and what the candidates said about trade, is your committee considering a study on the access that American senators and congresspeople have to their trade negotiations versus what happens in Canada? In Canada, the document comes to Parliament and it's a yes-or-no vote. In the United States, any senator or congressperson can go in, sign the secrecy oath, be involved in the discussions, see what's being negotiated and have input at that level.

Would your committee consider that as an avenue for Canadian parliamentarians to have more input into trade deals before they're finalized by the government?

The Hon. the Speaker pro tempore: Senator Boehm, we're out of time. Are you asking for more time to answer this question?

Senator Boehm: If it's the will of the Senate.

The Hon. the Speaker pro tempore: Honourable senators, do you agree that we have time to answer the question?

Hon. Senators: Agreed.

Senator Boehm: Thank you, Senator Downe. I think it's a great topic to look at. The U.S. system is very different from ours. They also have a fast-track provision, which we don't have.

In our negotiations, we have many people at the table and in the room, and that includes the subnational entities such as provinces and other interested actors like labour unions and producers. We have a very different approach, which comes from the system of government that we enjoy. I'll take it under advisement, take it to steering and the committee and see where we go.

[Translation]

Hon. Amina Gerba: Honourable senators, I rise to speak to the report of the Standing Senate Committee on Foreign Affairs and International Trade on Bill C-282.

First of all, I'd like to commend the committee's chair, Senator Boehm, and all the members for their work in thoroughly studying the bill. We heard from many witnesses who, in most cases, provided valuable clarifications about the ins and outs of Bill C-282. I'd also like to thank Senator Harder, who worked hard to prepare an amendment based on one of the opinions heard in committee.

Colleagues, it will come as no surprise to you that I vigorously oppose this amendment, which strips the bill of most of its strength and intent. What exactly is the purpose of Bill C-282? It is straightforward and unambiguous. The goal is to remove supply management completely from the negotiating table when any new, existing or soon-to-be-renewed free trade agreement is concluded.

What is the impact of the amendment adopted by the committee? It excludes the following from the scope of the bill:

- (a) international trade treaty or agreement that existed upon the coming into force of that subsection;
- (b) renegotiation of an international trade treaty or agreement that existed upon the coming into force of that subsection;
- (c) international trade treaty or agreement that was in the course of being negotiated upon the coming into force of that subsection.

The way the amendment is worded makes it clear that the exclusions it allows would make the bill, at best, symbolic, and at worst, completely ineffective. This amendment means the bill would not apply to existing or future trade agreements with our principal partners. If this chamber were to adopt the amendment,

supply management would always be a potential target for our major trading partners and would always be used as a bargaining chip, just as it was in our most recent agreements, the Canada-European Union Comprehensive Economic and Trade Agreement, or CETA, the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, or CPTPP, and the Canada-United States-Mexico Agreement, or CUSMA.

To be clear, Bill C-282 is not just any private member's bill. It was passed by all party leaders in the House of Commons with a solid 262-51 majority. Moreover, the bill builds on four unanimous motions to protect supply management in its entirety, two of them in 2005 and 2017 during NAFTA renegotiations, and two in 2018 during CPTPP negotiations.

Colleagues, I believe this amendment arises from concerns that aren't based on objective facts at all.

• (1800)

These concerns include one that was likely mentioned the most, namely, that the bill will damage our negotiators' ability to conclude trade agreements on Canada's behalf. First, bear in mind that this implies that an agreement can't be reached without concessions on supply management. In other words, supply management has to be sacrificed in order to secure good agreements.

On September 25, when Doug Forsyth, Director General of the Market Access and Trade Controls Bureau with Global Affairs Canada, appeared before the committee, he confirmed that our country managed to enter into 12 beneficial free trade agreements in the past without making concessions on supply management. This irrefutable reality shows that protecting supply management while achieving excellent agreements for Canadians in other export-oriented sectors is entirely possible, which is not the case for supply-managed products, which are basically intended for the domestic market.

Mr. Forsyth also told us that when free trade agreements are negotiated, the number of chapters devoted to agriculture is generally only one out of a total of 30, and that supply-managed agricultural sectors occupy only part of this single chapter. Colleagues, it cannot seriously be argued that supply management alone is likely to derail the conclusion of trade agreements.

The committee was told that supply management would once again be targeted by our main partner, the United States, with the return of President Trump. This is precisely why we need to take a clear stand to protect supply management now and forever. Conversely, I think that dithering on our red lines is an admission of weakness when it comes to negotiations.

Witnesses told us that all countries are entitled to red lines, and the committee heard that Canada wouldn't be alone in protecting certain essential sectors. For instance, Tom Rosser, Assistant Deputy Minister for the Market and Industry Services Branch at the Department of Agriculture and Agri-Food Canada, confirmed at the September 25 meeting that the United States imposes strict quotas on cotton and sugar. Japan does the same with its rice.

The vehicle chosen by these two close partners of Canada may not be the same as the one proposed in Bill C-282, but its effects are identical: to protect essential sectors of their economy through legislation. That is the case in the United States, where a law called Farm Bill protects and massively subsidizes American farmers. This legislation also establishes tariff quotas that limit the amount of foreign sugar that can enter the American market. You will agree with me, honourable colleagues, that these restrictions and protections don't make the United States and Japan less trade-oriented nations. They are very capable of reaching excellent free trade agreements.

Supply management has been closely linked to Canada's trade policy for over 50 years. Supply management was established in 1972 by Pierre Elliott Trudeau's Liberal government. It rests on three pillars: controlling production, regulating producer prices and controlling imports at the border through tariff quotas. If no control is exerted over the amount of products imported under supply management, then it is impossible to effectively plan production, which would mean that supply management would no longer be able to fulfill its mission of balancing supply and demand.

Beyond tariff quotas and international negotiations, I'd like to remind you what Bill C-282 means and entails for tens of thousands of family farms who create nearly 350,000 jobs in our country.

Bill C-282 allows farmers to have predictability over their income and to continue producing essential food on Canadian soil for Canadians, while avoiding the erosion of supply management. For example, according to the Canadian Dairy Commission, the number of dairy farmers who have ceded a total of 18% of their domestic market has fallen drastically, from around 12,500 farms in 2012 to roughly 9,500 in 2023, which is considerable. We heard in committee that the decline in the number of family farms is leading to the decline of our rural areas and the depopulation of our villages. That's what we're talking about.

Bill C-282 is a unique way for our negotiators to uphold the clearly expressed will of our Parliament: to fully protect supply management in future negotiations.

If the Senate votes in favour of this amendment, it will go against the will of the government, of the elected house and an overwhelming majority of Canadians. According to an Abacus Data poll published in 2023, more than 90% of Canadians support supply management.

That is why, honourable senators, I am urging you to reject the committee report so that this chamber can study Bill C-282 in its original form.

Thank you for your attention.

[*English*]

Hon. Mary Coyle: Honourable senators, I rise today on the unceded lands of the Algonquin Anishinaabeg to contribute to the report-stage debate on Bill C-282, An Act to amend the Department of Foreign Affairs, Trade and Development Act (supply management).

[Senator Gerba]

The amendment to the act, as described in the original bill, aims to permanently protect our supply-managed dairy, poultry and egg sectors in any future trade negotiations. Today, as we consider the report of the committee studying private member Bill C-282, we do so with respect for the concerns of Canada's supply-managed sectors, which gave rise to the original bill. These farmers are our neighbours, and they provide us with dependable, good-quality, healthy food.

We also do so with respect for other agricultural sectors. Those farmers and their associated businesses are also our neighbours, and they provide us and people around the world with good-quality food.

We also consider the report of the bill with respect for Canada's non-agricultural businesses, as they, too, are our neighbours. They provide jobs and valued goods to us and to those around the world.

Colleagues, I feel it is critical at the outset to underline the fact that our Foreign Affairs and International Trade Committee studied this bill with the rigour, balance and independence that is characteristic of our Senate chamber, with a view to the potential impact of this bill on multiple sectors of our economy and Canada's overall prosperity as well as the long-term implications of the bill for our international trade policies and negotiation practices.

• (1810)

As we heard at second reading from our colleague Senator Harder and from several expert witnesses, the core of this bill is not about supply management. It's about how Canada conducts itself on the global trade stage. By introducing legislative restrictions on our trade negotiators, we are looking at an approach that experts have flagged as a potential limitation to Canada's flexibility in negotiations, a flexibility that has been essential to Canada's success in the past.

Our Foreign Affairs and International Trade Committee held eight committee meetings and heard testimony from 52 witnesses from a broad range of voices: former trade negotiators, trade experts, departmental officials and representatives from both supply-managed and non-supply-managed agricultural sectors, many of whom run family farms.

Through their testimony, one fact became abundantly clear: While the bill may have the intention of bringing stability and the desired certainty to supply-managed sectors, it comes with real risks to Canada's negotiating power, to our economy, and it exacerbates the already growing uncertainty in our other industries, agricultural and non-agricultural. Our committee responded to these concerns by recommending a vital amendment, one that I believe will help Canada retain its flexibility to act in the national interest across all sectors.

Let's first consider Bill C-282 in the broader international context. In countries around the world, we see governments protecting certain vital sectors as a policy choice, but they do so without the rigidity of a legislative mandate. Look at Brazil's sugar cane or Japan's rice, both deeply rooted in national identity and fiercely defended in trade talks. Yet, neither country has codified these protections in law. Instead, their negotiators are empowered to protect these sectors while keeping their options open to make decisions that best suit their countries' needs in each negotiation. This is, in fact, our current situation, with Canadian negotiators instructed to protect our supply-managed sectors.

Bill C-282 as it was originally drafted would impose a fixed-in-law, unyielding restriction on Canada's negotiators, preventing even the possibility of discussing dairy, poultry and eggs. We did not find evidence of any example globally of a country legislating similar exclusions.

During our study, Jonathan Fried, Canada's former ambassador to the World Trade Organization, described the bill as a legislative straitjacket, warning that such a rigid mandate would limit Canada's strategic options by ruling out certain discussions before negotiations even began. Mr. Fried underscored that successful trade negotiations are dynamic, requiring flexibility to align our national interests across various sectors. By legislating an exclusion, Canada would be setting a precedent.

Another key witness, Ian Burney, a former Canadian chief trade negotiator, expressed similar concerns. He cautioned that this bill would send a concerning signal to our trading partners that Canada is willing to limit its own negotiating options, a choice no other nation makes. Our negotiators work tirelessly to defend sensitive sectors, but they need room to adapt as situations evolve. Rigid legislative barriers, he argued, would weaken Canada's ability to make informed trade-offs when and if needed.

Looking ahead, the need for adaptability and flexibility becomes even clearer. We're facing increased trade tensions globally and with our closest trading partner, the United States, signalling more protectionist stances. With Donald Trump's recent election, we may see further challenges in our trade relations. We really don't know. Given that 78% of Canada's exports are U.S.-bound, the stakes for many Canadian sectors are substantial.

This is particularly concerning as we approach the 2026 renegotiation of the Canada-United States-Mexico Agreement, or CUSMA. CUSMA's trilateral merchandise trade totalled \$1.93 trillion in 2023. Our committee heard extensively from representatives of the supply-managed sector about their fears of further concessions and related erosion of their industry, and that is a concern we have to all listen to.

Our committee heard testimony from other sectors, and we received a letter on October 31, from which I will quote briefly:

If enacted in its unamended state, Bill C-282 would legislatively handcuff Canada and its trade negotiators. This would lead to our trading partners refusing to engage on key topics of vital interest to Canada. Specifically, CUSMA contains key provisions that can be put at risk if Canada's

trade negotiators are handcuffed. Some of the clearest examples are the dispute settlement chapter, rules of origin provisions, labour standards provisions, environmental commitments, provisions governing trade and energy, government procurement and intellectual property. These key strategic interests that Canada has protected through CUSMA are fundamental to the future success of the agreement. No special interest group is worth the onslaught of economic harm that Bill C-282 in its original form would bring to Canadian businesses and workers. We ask senators to put the collective interests of all Canadian industries first by rejecting Bill C-282 and to protect our future economic prosperity.

It was signed by Alberta Beef Producers, Alberta Canola Producers Commission, Alberta Cattle Feeders' Association, Alberta Chambers of Commerce, Alberta Grains, Alberta Pulse Growers, BC Association of Cattle Feeders, BC Grain Producers Association, Beef Farmers of Ontario, BC Cattlemen's Association, Canadian Agri-Food Trade Alliance, Canadian Canola Growers Association, Canadian Cattle Association, Canadian Oilseed Processors Association, Canadian Pork Council, Canadian Sugar Institute, Canola Council of Canada, Cereals Canada, CropLife Canada, Fertilizer Canada, Grain Farmers of Ontario, Grain Growers of Canada, Greater Vancouver Board of Trade, Pulse Canada, Manitoba Beef Producers, Manitoba Canola Growers, Manitoba Crop Alliance, Manitoba Pulse and Soybean Growers, National Cattle Feeders' Association, New Brunswick Cattle Producers, Nova Scotia Cattle Producers, Ontario Bean Growers, Ontario Greenhouse Vegetable Growers, Prairie Oat Growers Association, Prince Edward Island Cattle Producers, Saskatchewan Cattlemen's Association, Saskatchewan Heavy Construction Association, Saskatchewan Pulse Growers, Saskatchewan Trucking Association, SaskOilseeds, Sask Wheat, Soy Canada and Wheat Growers Association.

Okay, so that's quite a number of people who have written to us about their concern.

Following on that, Ambassador Fried, who spoke to our committee, also reminded us that trade is reciprocal. If we signal a protectionist stance by legislating an exclusion, other nations could respond with similar restrictions on Canadian exports, raising costs for consumers and restricting our access to global markets. The timing could not be more pressing, as we see a worldwide shift towards protectionism.

Roland Paris, a professor of international relations at the University of Ottawa, warned us that this bill comes at a critical and challenging moment as the global trade environment grows more uncertain.

As Ian Burney pointed out, we risk limiting Canada's negotiating power precisely when it is most needed. The original language of Bill C-282 would impose unique constraints, tying our hands in ways the other countries avoid. We heard at committee that passing this bill in its unamended form now, amid heightened protectionist sentiment in the U.S., presents a strategic and tactical error.

Former deputy prime minister and former minister of foreign affairs John Manley, along with others, intimated that the unamended bill is like putting a bull's eye on the supply-managed sectors or waving a red flag, signalling to our trading counterparts that this is where Canada is sensitive and perhaps inadvertently bringing them into the spotlight during negotiations.

In light of these risks, our committee proposed and passed an amendment to the bill. This amendment specifies that Bill C-282's restrictions will not apply to agreements already in force or under renegotiation, nor to any ongoing negotiations. This amendment is crucial to preserving Canada's ability to respond strategically to new trade scenarios as they arise. Without it, we risk limiting our capacity to pursue trade agreements that balance the interests of all sectors across the Canadian economy.

Colleagues, studying Bill C-282 enabled us to reflect on how we balance the protection of key sectors with the flexibility needed for our broader economic well-being. While we understand the importance of supporting supply-managed sectors, the committee's amendment ensures that we do not attempt to do so by compromising our position in current trade negotiations or future renegotiation of existing trade agreements. The most significant and urgent is the Canada-United States-Mexico Agreement, or CUSMA, with the U.S. and Mexico. The amendment safeguards Canada's long-term economic resilience in a rapidly changing world. It allows us to pursue our strengths as we and the world transition to a net-zero emissions future.

• (1820)

Honourable colleagues, I am proud to be a member of the Standing Senate Committee on Foreign Affairs and International Trade, and I am particularly proud of the fair, respectful, thorough, independent and even-handed way we conducted our review of this highly politicized bill. Colleagues, I encourage you to support the committee's report and the amended version of Bill C-282, understanding that this amendment is essential to ensuring Canada's trade flexibility remains intact. It is a prudent and balanced choice designed to support the vitality of Canada's economy, the future prosperity of Canadians and to protect our reputation as a free and fair trading partner. Thank you. *Wela'liq.*

Some Hon. Senators: Hear, hear.

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I'm pleased to speak to the fifteenth report of the Standing Senate Committee on Foreign Affairs and International Trade dealing with Bill C-282, An Act to amend the Department of Foreign Affairs, Trade and Development Act.

Before I get to the substance of my remarks, I would like to further address the issue which was raised earlier today of the government's representative role in the Senate with regard to expressing government policy on non-government bills. This is a practice that is not unprecedented, frankly, nor is it uncommon over successive parliaments.

Senators, over the years there have been a wide range of bills that the government has vocally supported in the Senate including Bill C-210, legislation to make our national anthem more inclusive, sponsored by our former colleague Senator Lankin, and legislation to restrict junk food advertising to children. More recently, I spoke in favour of Bill C-291, sponsored by Senator Batters, which I was glad to see receive Royal Assent.

In other cases, the government has opposed certain bills like Bill C-34 earlier in this session. In the forty-third Parliament, I also outlined the government policy concerns on other private members' bills including Bill C-204 dealing with the final disposition of plastic waste and Bill C-208 regarding transfers for small businesses and farms.

Colleagues, in some cases, government support was so strong that where the legislation failed, it was reintroduced as government legislation, including Bill C-337 on sexual assault training for judges and Bill C-262 on the United Nations Declaration on the Rights of Indigenous Peoples. Back in the forty-second Parliament, my predecessor worked with former senator Vernon White for the government to take up Bill S-225 dealing with fentanyl through the regulatory process so this important measure could be properly implemented.

The government, through the Government Representative Office, or GRO, here in the Senate, has consistently taken proactive interest in all legislation and has often worked with Senate sponsors to secure government support. Indeed, I believe Senator Manning worked with Minister Ien and officials on amendments to legislation on intimate partner violence, which has now been adopted — happily so — at report stage, an issue that my office and I pushed for the government to consider in a serious way.

Let me also quote from Senator Harder's paper entitled *Towards an Independent Senate: A progress report to Canadians* published at the tail end of his tenure as government representative:

. . . some groundbreaking legislation initiated by Senators, known as Senate public bills, did become law this session with support from the House of Commons. In many cases, the Government worked collaboratively with Senators to develop the legislation into its final form. These bills included legislation to end the captivity of whales, dolphins and porpoises for entertainment purposes; to impose liability for foreign human rights abuses (known as the Magnitsky law); and to recognize Charlottetown as the birthplace of Confederation. Furthermore, a Senate public bill to ban the chemical precursors to fentanyl spurred regulatory changes.

Colleagues, it is my role to represent the government in this chamber. When I speak on a private members' bill, it is safe to assume that is because the minister and cabinet have been briefed up and the ministry has made a policy decision on that bill. The process is not always quick, but we try to get positions as quickly as possible in terms of where the government stands and how to cast our GRO votes.

It is not abnormal for the government, accountable to the House and Canadians, to have an interest in the laws of Canada. The government is not a disinterested actor when it comes to our laws. What would be peculiar would be the opposite: For the GRO, a team which has an accountability linkage to the government and through that to the voting public, to withhold from the Senate the position of the government on significant policy changes to Canadian laws. For the government to be agnostic or disinterested would be, as we say back East, passing strange indeed. Senators ought to know where the government stands on important matters.

You will note, senators, that we always cast a vote on behalf of the government when called upon. We don't exit the chamber or withhold the government's view if a view has formed. In some cases, we will do more and we will explain the policy perspective of the government in greater detail through a speech, which I will be doing today.

Finally, I would say I am more active these days on these matters because there are more private members' bills at the tail end of their time through a very lengthy passage through Parliament, and it is because we are so near the end of this session that the government may feel more strongly about private members' bills that it supports getting to Royal Assent and not back to the other place, which, frankly, has not been terribly functional for some months now.

For some of the private members' bills that the government supports as drafted, regardless of which political party or partisan affiliation present it, the time to act is now because otherwise they will die on the Order Paper.

It is in that spirit, colleagues — and thank you for your indulgence for my long introduction — that I address the report of the Standing Senate Committee on Foreign Affairs and International Trade.

The report recommends amending the bill in a way that the government cannot and does not support. Therefore, respectfully, I will be urging my colleagues to oppose this report so that the bill can proceed to third reading in its original form.

To be clear: Bill C-282 supports the vital goal of ensuring the ongoing strength, stability and sustainability of Canada's supply management system.

[Translation]

This bill is not a technical amendment. It represents a fundamental commitment to preserving a system that has served our country's agricultural sector, rural communities and consumers for more than 50 years. It's about preserving the livelihoods of our farmers, protecting the long-term viability of our agricultural industry, and ensuring that Canadian families continue to have access to safe, affordable, high-quality food produced by local farmers. At its core, this bill is about the economic stability and well-being of Canadian families, who depend on a stable food system that provides them with nutritious, locally produced food. These values transcend political or partisan affiliations, economic theories and regional considerations.

[English]

As has been mentioned before, this bill already received the overwhelming support of 262 elected members of Parliament in the other place, representing all political parties and regions of the country. This included the leaders of the Conservative Party, the Bloc Québécois, the New Democratic Party, the Liberal Party and the Green Party.

This is not a small achievement. This broad support reflects a national consensus across all regions of Canada, from members of Parliament in urban centres to those representing rural and agricultural communities. Members of Parliament from every political party have come together because they recognize the vital role that supply management plays in maintaining the stability and prosperity of Canada's agricultural sector, and I would suggest this is even more important than ever before.

This is a policy that has been proven to work. It is a policy that sustains family farms, generates tens of thousands of jobs and is a critical source of food supply, both domestically and internationally.

To understand the importance of Bill C-282, we can reflect on the success of Canada's supply management system and why it has been such a critical element of our agricultural landscape for more than 50 years.

[Translation]

Supply management was set up to guarantee Canadian dairy, poultry and egg farmers a fair price for their products. Under this system, farmers are paid on the basis of production costs, rather than fluctuating market prices. This ensures they get a fair, stable income. In return, it creates a stable food supply for consumers, reduces volatility in food prices and guarantees that Canadian products meet some of the highest food safety and animal welfare standards in the world.

• (1830)

In 2021, the Canadian dairy, poultry and egg sectors generated nearly \$13 billion in farm-gate sales, which helped create more than 100,000 direct jobs across the country. That is no mean feat. When we consider the scope of these numbers, we can see how essential supply management is to the Canadian economy and to the livelihoods of tens of thousands of Canadian families. It is an industry that supports local communities, strengthens the rural economy and guarantees Canadians access to nutritious, high-quality food at fair prices.

[English]

This system has worked for over five decades, creating a stable environment in which farmers can plan for the future without the constant threat of market volatility or unfair competition from foreign producers who do not operate under the same standards. The success of supply management is a testament to the resilience and adaptability of our agricultural system.

We, as parliamentarians, have a responsibility to listen to the people of this country who have made their views on supply management heard loud and clear.

According to Abacus Data, a staggering 94% of Canadians believe that it is important for food products to be produced by farmers who operate under Canada's system of supply management. Let me repeat that: 94% of Canadians support supply management.

[*Translation*]

This overwhelming public support speaks volumes. Canadians understand that supply management means that the food they eat is produced to the highest safety standards, that it comes from farms committed to the ethical treatment of animals, and that it is priced fairly for both producers and consumers.

Canadians also appreciate the stability that supply management provides. When you ask Canadians what they want from their food system, they consistently answer that they want food that is produced locally, by farms that are part of their community, and they want assurances that it meets the highest standards of quality, safety and animal welfare. Supply management guarantees this, which is why it garners such widespread public support. This level of public support should serve as a strong signal to us all.

[*English*]

Colleagues, the benefits of supply management are national in scope. They are not confined to a single region of Canada. From Québec to the Maritimes, from Ontario to the Prairies, every province in Canada has a stake in maintaining and strengthening this system.

Let us consider, for example, the province of Quebec — the province that I call home — which is home to some of Canada's most successful and sustainable dairy, poultry and egg farms. In Quebec, the dairy industry alone contributes over \$7 billion to the provincial economy and supports tens of thousands of jobs. These farms, many of which are family-owned, are a crucial part of the provincial economy and the foundation of rural prosperity. In Quebec, supply management is more than just a policy; it is a lifeline. It enables farmers to earn a fair price for their hard work and provides stability to local communities. Without it, many Quebec farmers would be unable to sustain their operations, and the economic fallout would be felt across the province.

But Quebec is not alone in benefiting from supply management. Across this country, supply management has been instrumental in sustaining local jobs, maintaining food quality and ensuring the viability of family farms. In Nova Scotia, small family farms benefit from stable prices. In Ontario, poultry processors rely on a system that guarantees a stable supply of high-quality products. In Alberta and the Prairies, supply management helps ensure that farmers can continue to compete in an increasingly globalized market.

[*Translation*]

All regions of this country, whether large or small, urban or rural, benefit from the stability and predictability that supply management offers. By keeping local markets strong, we are investing in the long-term health of Canada's agricultural sector.

[Senator Gold]

You may be wondering why we need Bill C-282 if supply management is already entrenched in Canada's agricultural policy.

The answer is simple: Bill C-282 protects what we have now by clearly enshrining it in law.

[*English*]

While successive governments have defended supply management in trade negotiations, including during the Canada-United States-Mexico Agreement, or CUSMA, and have committed not to expand market access for supply-managed products in future trade deals, Bill C-282 takes this a crucial step further. By formally amending the Department of Foreign Affairs, Trade and Development Act, this bill ensures that supply management remains a cornerstone of Canada's agricultural policy well into the future.

This is not merely a matter of political rhetoric. It is a matter of concrete legislative action. By passing Bill C-282 into law, we are putting into law the commitment to defend and protect supply management to ensure its stability in the face of global market pressures, international trade negotiations and the challenges posed by changing market conditions.

[*Translation*]

I am sharing all this because the context surrounding supply management is an important backdrop to the bill and indeed to the report we are currently studying.

This bill was sent to committee on April 16 of this year, and the committee began its study on September 25. The committee held nine meetings. I attended all of these meetings and listened as the witnesses gave their opinions on the issue.

What seemed clear to me throughout the study is that the bill will help protect our cherished supply management system.

[*English*]

I want to note, colleagues, that during the committee's study, it was mentioned by some around the table that the bill did not receive proper, thorough study in the other place. Allow me to note that, in fact, it was studied far more extensively than the impression that has been given by some. This bill is nearly identical to the former Bill C-216 from the previous Parliament. Bill C-216 was supported by the government at second reading. Bill C-216 was then studied by the House of Commons Standing Committee on International Trade, which heard from a variety of witnesses, including officials from Global Affairs Canada and Agriculture and Agri-Food Canada and a constitutional law expert. They also heard from the supply-managed agricultural sector and the export-oriented agricultural sector. The study of Bill C-216 was concluded in June 2021, and it was referred back to the other place without amendment. It then, however, died on the Order Paper due to the timing of the federal election.

The bill in front of us today — Bill C-282 — was then introduced in June 2022 by the Member of Parliament for Montcalm, and it was studied at the same House committee as its previous version, Bill C-216. The committee heard from

45 witnesses, again including those from both the supply-managed agricultural sector and the export-oriented agricultural sector, as well as others including academics. Amendments were considered and ultimately rejected by the House committee at that time.

The bill as drafted was clear in its intent to both reflect and effectively entrench the government's policy commitments around supply management, and the proposed amendment, in my respectful view, would so diminish the scope of the protection that the bill purports to give as to render it useless.

Colleagues, Canada has 37 free trade agreements that are either in force, in negotiation or in exploratory discussions. These cover practically the entire economy. To amend this bill as proposed would make this bill have no real material impact for all intents and purposes. The intent of Bill C-282 is to protect any further encroachment on our supply-managed sector. The proposed amendment would effectively nullify its function. Frankly, it is rather unlikely that we would be entering into any new agreements — therefore, those not covered — with any country that has a major interest in our supply management market. To support this amendment would be to support gutting this bill's aim.

[*Translation*]

As all of us have noted, this bill has garnered a lot of attention. Just yesterday, in the other place, the government stated once again that it supports the bill in its original form because it will protect supply management, as well as our dairy farmers, poultry farmers and other Canadian farmers, and ensure their economic well-being.

• (1840)

Colleagues, we know that all trading nations use trade agreements to strongly protect certain sectors. Legislation is a more effective way to safeguard key national priorities from international influence. For example, the Investment Canada Act allows Canada to block foreign direct investment when we consider it to be in our national interest or when we consider a certain resource to be important to the domestic supply. Supply management was not designed to protect an “economic sector,” but, as a national food security priority, it should be protected from being traded away by any future government. In addition, the Export and Import Permits Act contains provisions that control the export or import of specific goods and services that may be necessary to protect Canada's economic interests.

[*English*]

In closing, please, let us remind ourselves of what Bill C-282 is really about. This is a bill that protects family farms, ensures food sovereignty, supports local food production and guarantees fair pricing for consumers. It strengthens Canada's agricultural sector while shielding farmers from unfair international competition. It secures high-quality, locally produced food for all Canadians and guarantees that our farmers remain competitive in an increasingly globalized world.

This bill is a statement that Canada's food system is not a commodity to be traded away in international agreements, but is rather a vital part of our nation's identity and future. It is a commitment to the future of our farmers, rural communities and food security.

Colleagues, for all the reasons I've articulated, I will be voting against the committee's report. Bill C-282, in its original form, is a bill that not only protects supply management, but also secures the long-term future of Canadian agriculture. Let us ensure that the next generation of Canadians continues to benefit from the stability, fairness and prosperity that supply management provides.

Thank you for your kind attention.

The Hon. the Speaker pro tempore: Senator Gold, will you take a question?

Senator Gold: Yes, of course.

Hon. Denise Batters: Thank you. Senator Gold, I want to ask you this to correct the record on something that you said today and also on the last day we sat. You stated on both occasions that you delivered a speech in support of Bill C-291, the private member's bill I sponsored in the Senate.

Senator Gold, I certainly appreciated you expressing the government's support of Bill C-291, but that didn't actually happen through you giving a speech in support of it. You may recall, if I remind you about this, what actually happened in October 2023 was that you gave a speech on a government bill, Bill S-12, regarding sexual offender registration. In your speech, you referenced a coordinating amendment in that bill that dealt with Bill C-291 and briefly spoke about that. Following your speech that day, I asked you about that reference to the Bill C-291 coordinating amendment in Bill S-12, and you took the opportunity in answering my question to clearly express the government's support for Bill C-291.

Does that context refresh your memory about what happened in October 2023 in that your speech was actually about a government bill, not about this private member's bill, Bill C-291? In October 2023, Bill C-291 was still waiting to be dealt with at the Senate Legal Committee.

Senator Gold: Thank you for prodding my memory. I wish I could tell you that it brought back everything to clarity, but I stand corrected if I gave the wrong impression.

What I said most recently, Senator Batters — and this is the best my memory can do — was that I spoke in favour of Bill C-291. My recollection is simply this, and I say it again for the record: I was pleased to see that that bill proceed through our process. I was very pleased to see that it received Royal Assent, and I stand by that. Thank you for clarifying this old guy's poor memory.

[Translation]

Hon. Julie Miville-Dechêne: Will the senator take a question?

Senator Gold: Yes, of course.

Senator Miville-Dechêne: I have to say I feel uncomfortable hearing you talk about this matter. When this bill was before us 14 months ago, I didn't hear you speak to it. At the time, we weren't under any pressure to pass it quickly. On the contrary, rumour had it that the government was quite happy for us to take our time, because it had some reservations about the bill.

Today, you're clearly defending the government, but that's kind of hard to understand because things have happened in the meantime. For one, the NDP left its coalition with the government, and an election seems more likely. Unfortunately, though we senators supposedly make up a chamber of sober second thought that is not affected or influenced by elections, I think that we're actually involved in an extremely political game.

If this bill is really that important, why did you wait 14 months to deliver that speech? Why didn't you persuade the government to intervene so we could expedite the process? When you want things to move faster, they move faster. Personally, I have to admit that I'm a little uncomfortable because the Senate is, of course, supposed to operate independently of the election cycle for the good of all Canadians.

Senator Gold: I am not happy to hear that you feel uncomfortable. I will try to make you feel better. First, I spoke at second reading to support the bill and I suggested, or rather I promoted the idea that I would like the bill to go to committee for review, so I was clear about the government's opinion and position on this bill. It was pretty obvious, given that the Prime Minister, all cabinet members and nearly all Liberal Party members voted in favour of the bill in the other place.

With all due respect, I do not deal in rumours or gossip for any reason. You spoke about the government's point of view, when I don't know anything about that. It's obvious that the deadline for the so-called ultimatum has passed, and the government remains convinced and still continues to support this bill.

I don't know whether answering your question like a doctor trying to make you feel better was the right approach, but honestly, the government has always supported this bill. I rose to speak at second reading. I attended the committee meetings to make sure I understood all the issues, and now, I'm representing the government by putting forward its position on this bill as amended.

Hon. Claude Carignan: I was a little surprised to hear Senator Miville-Dechêne use the word "pressure." We weren't supposed to be put under any pressure, but it seems that the government is applying pressure now, considering that the Prime Minister recently said: "We are in the process of making sure it passes in the Senate."

Can you explain the connection between "making sure it passes in the Senate" — words spoken by the Prime Minister — and the "pressure" apparently being put on senators?

Senator Gold: I have not put any pressure on anyone here. It is normal for a minister who sponsors a bill or the government representative to share his opinion, either in the Senate or by talking directly with senators. It is normal and healthy in a democracy.

• (1850)

That is all I can say about this. I have no way of insisting, forcing a quicker passage or even choosing the result. It is up to the chamber to decide. My role is very simple. It is to present the government's point of view. This bill has the support of not only the government, but also the leaders of all the political parties and the vast majority of elected members.

Senator Carignan: I said "you," but I was not necessarily talking about you personally. Are there other people in cabinet, such as ministers or the Prime Minister, making calls, pressuring people, as the Prime Minister has indicated? He did say, "We are in the process of making sure it passes in the Senate." I assume there must be some rather active and positive pressure tactics, right?

Senator Gold: With respect, we are all adults here. If a minister decides to call or speak to an MP or one of our colleagues, it's not about applying pressure. It's about sharing opinions.

With all due respect, if you are saying that this is inappropriate for an elected official who sponsors a bill, or for a minister who wants to see a bill pass, or that an elected official has to keep quiet because we, as lawmakers, are so fragile that we can't discuss different points of view, then, as a lawmaker in this noble chamber, I would feel a little disheartened.

Senator Gignac: I had the same question as Senator Miville-Dechêne, about feeling uneasy. The senator answered it.

Hon. Pierre J. Dalphond: I just want some information. You gave your support to this bill, on behalf of the government, at second reading. That was before April, and we completed second reading on April 6.

Since then, a number of things have happened, including the election of a new president who will be back in office in January. In addition, the American ambassador here in Ottawa gave a speech in which he strongly criticized this bill.

Am I to understand that your speech today represents the government's position, despite the upcoming change of administration and despite the warning from the U.S. ambassador?

Senator Gold: You're right. The government continues to support this bill as it was received here in the Senate prior to being amended.

As I have said before and will say again, I won't comment on what the government might do in the months to come. All I can say — and I'll try to do this in my own way in my speech — is that this bill represents an important policy, supply management for our farmers. Here in Canada, we're proud of this system, and the government is ready to defend our interests, which are very important.

I don't think we are doing this to be macho or selfish. We are doing it because we have no intention of capitulating if and when American negotiators and others take an aggressive stance against our farmers, our producers.

Again, I don't want to exaggerate, but the Government of Canada is proud of our supply management system and wants to enshrine that protection and that policy in a bill. The bill was studied and adopted by a significant majority of elected representatives. Our committee did a great job with its study. The government still disagrees with the amendment, which would render the bill useless. The government does not wish to make supply management that vulnerable.

[English]

Hon. Andrew Cardozo: Senator Gold, if this bill goes through unamended and then, down the line, there is an accord to negotiate away part of supply management, wouldn't someone be able to do that using a notwithstanding approach and say, "Notwithstanding this particular bill, we're negotiating this away"? Would that bill not still come back to Parliament for final approval?

I think of all the rules we have here — where we have all sorts of rules — and people are constantly saying, "Notwithstanding Rule X or Y, we're going to do this."

Senator Gold: Senator Cardozo, not to invoke the great poet Percy Shelley, but in "Ozymandias," nothing lasts forever. Bills can be passed, amended, repealed and changed.

I cannot speculate on what will happen in the future or what a particular government would do if a negotiation took place that gave rise to a reconsideration of whether supply management should continue to be protected.

It is the position of this government at this particular time — and one shared by many others, though I don't want to overstate that and certainly want to make my comments in a respectful way to those who disagree — that this is the appropriate measure to take to protect supply management, and the future will unfold as it does. This government or a future government, if it decides to reconsider, would have the ability to come back to Parliament with a proposal to alter or amend the law as it sees fit.

For the moment, the position of this government is that this bill should be enacted into law without amendment.

Hon. Mary Coyle: Senator Gold, Bill C-282 is An Act to amend the Department of Foreign Affairs, Trade and Development Act. It's not specifically about whether we support supply management.

You've identified the various witnesses that did a thorough review in the House of this bill and the previous one. Did they ever talk with trade experts, given that this is a trade matter, and trade negotiators in particular?

Senator Gold: I didn't participate in the studies of the other bills in the other place, but I did attend all the sessions of the Standing Committee on Foreign Affairs and International Development, and it heard many views. It heard from many negotiators and many others, including academics and experts, those for and those against the bill as it was. As a result, I think it was a thorough study.

I expressed this in committee, so perhaps I'll say it in the chamber: It is simply not the case, colleagues — despite rhetoric to the contrary — that this is only a bill about trade and not a bill about supply management.

With respect to every witness who started their testimony by saying, "Of course, we all love supply management; however . . ." I'm not totally persuaded that fully reflected their views. Toward the end of the session, witnesses were a little bit more forthcoming and said things like, "We think supply management is a terrible thing," "We pay too much for milk," "We pay too much for eggs," "We're not competitive" and "What about Saputo?"

• (1900)

We heard a lot of that, and I respect those opinions, though I don't share them.

I think this is a bill about whether or not in our trade negotiations we should be protecting this particularly vulnerable sector and a system unique to Canada that has served us well.

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

Is it agreed to not see the clock?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

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

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

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

BILL TO AMEND—FIFTEENTH REPORT OF FOREIGN AFFAIRS AND
INTERNATIONAL TRADE COMMITTEE—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Boehm, seconded by the Honourable Senator Moodie, for the adoption of the fifteenth report of the Standing Senate Committee on Foreign Affairs and International Trade (*Bill C-282, An Act to amend the Department of Foreign Affairs, Trade and Development Act (supply management), with an amendment and observations*), presented in the Senate on November 7, 2024.

Hon. Marc Gold (Government Representative in the Senate): Colleagues, I know before the dinner break, out of respect for the rest of the work and other speakers, I was not going to take any further questions. I'm going to hold to that. But with your indulgence, I would like to correct the record because I misspoke on a couple of matters.

First, to clarify — and this shows how my memory can fail me twice — let me confirm that I did speak at second reading on Senator Batters' bill, Bill C-291, in May of 2023.

However, I did not speak at second reading on Bill C-282, as I suggested that I did. Indeed, we in the Government Representative Office often wait until the later stages to weigh in. That said, the government's position has not been ambiguous. The voting record speaks for itself.

With your indulgence, colleagues, for a second —

The Hon. the Speaker: Senator Plett, on a point of order?

Hon. Donald Neil Plett (Leader of the Opposition): Yes. Senator Gold finished his speech. He was being asked questions. Now he is going back into debate again. The debate was concluded. If he wants to set the record straight, he can do that at some other point.

The Hon. the Speaker: On the point of order, it is 6-5(3) of the *Rules of the Senate*:

A Senator recognized to speak may yield the floor to any other Senator for a question. The Senator asking the question retains the right to speak in debate at a later time, unless the Senator has already spoken. The time taken for any questions and answers shall count as part of the time of the Senator originally recognized. After the questions and answers, the Senator originally recognized may resume the floor for any time remaining.

Senator Gold, you have unlimited time. You may finish your intervention.

Senator Gold: Thank you, Your Honour. I appreciate that.

In order to be clear, colleagues, as I feel a responsibility to be with you, I wish to speak frankly about some other aspects of answers I gave to some questions.

It was suggested in a question — again, I don't want to put words in the mouths of my colleagues — but questions were raised about the political context of this bill.

It would be disingenuous to consider or pretend — if I gave that impression, I did not mean to — that the termination of the Supply and Confidence Agreement has had no effect on our collective behaviour in both chambers of Parliament and in all parties. That agreement, as we know, was designed to last until far into 2025, more than enough time for Bill C-282 to complete its journey through our processes.

The stability of Parliament was shaken, and so have expectations about the runway that is left. Behaviour has changed all the way around.

Parliamentarians are seeking — if not, indeed, scrambling — to bring their projects and initiatives to a conclusion; this is true of the government, but it is also true of the Bloc Québécois. It is also true about the other opposition parties who are fighting for swift passage of their own private members' bills in this place. It is true of us in the Senate as we seek to complete a range of initiatives that senators care about.

Recently, colleagues, as some of you may know, I was pressed by Senate colleagues — and legitimately so — to ensure that Royal Assent on a handful of private members' bills a few weeks ago could be achieved because there was a nervousness that good policy initiatives may falter were the session to end earlier than hoped.

To the extent we care about our work, it would be negligent not to push harder and faster as a result of the current increase in the volatility of this Parliament.

Our work is independent, colleagues. I cherish and value the independence of this institution. But it is not conducted in a silo. An independent Senate is not a Senate in exile from the other place.

Yes, there is more urgency on Bill C-282, but it is because the government supports it and wants it passed so that supply management can be maximally protected regardless of the outcome of the next election. The Bloc's ultimatum is neither here nor there. That date passed and it is behind us.

What is not different now is that the government remains determined to pass Bill C-282 before the next election, whenever that may come. Again, if I gave a different impression, or I would like to say an incomplete answer, thank you for the opportunity to correct the record.

[*Translation*]

Hon. Jean-Guy Dagenais: Colleagues, I won't mince my words in denouncing the content of this report, which makes unacceptable amendments to a bill designed to protect supply management, an essential element in any trade negotiation with other countries. Our agricultural sector deserves to be protected with conviction and strength. Agriculture is a vital force in our country's economy. I am extremely proud of it, which is why I cannot support any action, document or law that would create a trade imbalance.

Passing Bill C-282 as amended today would be tantamount to capitulating to the U.S. before we even began negotiating. This is not very cogent as a political position.

These amendments introduce flawed negotiating rules that could bankrupt Canadian producers and processors who have built their businesses over generations, much like what happened in Australia in 2000, when that country abandoned its supply management policy.

No matter how many times I read and reread the amendments to Bill C-282, I can't figure out who we are trying to protect. Who will benefit at the expense of our dairy, egg and poultry producers? I'm looking for a logical business reason to justify why certain senators have done this, instead of accepting Bill C-282 as drafted.

I believe I previously heard, here in the Senate no less, when we set partisanship aside, that our role as senators was not to prevent a government from governing and that we did not have the legitimacy to change the will of elected members. At the time, that political statement spoke to me. Some seem to have forgotten.

To me, this report is all the worse because Bill C-282, as passed in the other place, represents not only the will of the elected government, but also the clear will of all political parties at the other place. Let's admit that that is much more powerful than the simple legitimacy of governing.

I hope that you are all able to appreciate what we are going through. If you are anything like me, you will probably long wonder how and why this bill could be gutted and stripped of virtually all its meaning and its scope through a simple document.

• (2010)

We would be better off without a bill to protect supply management than we would be adopting Bill C-282 as amended. Bill C-282 as amended is much worse for our producers and farmers than no bill at all. It takes away negotiation options that nobody even asked for. Do you know what? My only hope is that we aren't being manipulated for political reasons that the members of the other place didn't want to express in public, probably for electoral reasons. I've learned that hypocrisy is often part of politics, but I'll set those troubling ideas aside and continue with my arguments for why you should reject this report.

Let's take another look at these amendments that completely undermine Bill C-282. First of all, the timing couldn't be worse. With Donald Trump back in the White House, it's clear that protectionism will be in the picture in 2026 when the Canada-United States-Mexico Agreement is back up for negotiation. For those with short memories, let me remind you that our American neighbours have never let clear agreements prevent them from closing the border or taxing Canadian products to protect their own industries and workers.

Protectionism is not exclusive to the U.S.: Japan, China, France and the U.K. all protect certain sectors of their economies. Why can't we be firm in showing them that we, too, are capable of implementing protectionist measures? Let's not jeopardize one of our industries to fulfill some of their political promises. Demonstrating such courage starts today by rejecting the report in question, and especially by supporting the original text of Bill C-282.

I have negotiated a lot of contracts in my life, and I have never gone to the table with my tail between my legs. Those who know me a little better know that this is true. We have two former ministers here who might remember that. For me, that is the only way to avoid being taken advantage of. That is why, in my view, the proposed amendments to Bill C-282, as they stand, are an acknowledgement of our weakness. I will never accept that.

I'm not just opposed to these amendments because I'm from Quebec. I say this because some people have a nasty tendency to see supply management in Canada as a policy that was put in place to favour Quebec. Let's be careful. Quebec is not the only province that is home to dairy, egg and poultry farmers. There are also dairy, egg and poultry farmers in Ontario, the Maritimes and Alberta, and they, too, care about supply management.

This agricultural sector is just as important to the Canadian economy as the wheat, automotive and aerospace industries. Supply management is what guarantees the continuous supply of quality products offered to consumers. It also guarantees well-paid jobs in the processing industry. The changes proposed to Bill C-282 are dangerous, reductive and, in my opinion, anti-Canadian. They must therefore be rejected without any hesitation. Thank you.

Some Hon. Senators: Hear, hear.

(On motion of Senator Clement, debate adjourned.)

[*English*]

Hon. Donald Neil Plett (Leader of the Opposition): Your Honour, it has been a long, taxing day. Tomorrow is another day. We will, again, have no government business to deal with, so I would imagine that we could get a lot of this stuff done tomorrow when we are all of fresher minds and fresher bodies. With that in mind and for the benefit of everybody else here, I move:

That the Senate do now adjourn.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division.)

(At 8:16 p.m., pursuant to the order adopted by the Senate earlier this day, the Senate adjourned until 2 p.m., tomorrow.)

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