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Tuesday, December 3, 2024

The Honourable RAYMONDE GAGNÉ,
Speaker

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

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THE SENATE

Tuesday, December 3, 2024

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

Prayers.

SENATORS' STATEMENTS

QUESTION OF PRIVILEGE

NOTICE

Hon. Mary Jane McCallum: Honourable senators, pursuant to rule 13-3(4) and as per the notice that was sent to honourable senators by the clerk earlier this morning, I wish to provide oral notice that later in today's sitting, I will be raising a question of privilege.

The nature of the violation in question considers the infringement of the rights of some senators, including myself, as a result of the improper application of Senate rules, procedures and processes that led to some honourable senators not being able to properly exercise their right to vote in this chamber. This misapplication of the Rules had cascading effects, which I will speak to, that further limited senators' abilities to fulfill their parliamentary duties.

Within my question of privilege, I will present my views on the seriousness of the matter at hand. I will also explore the concept of privilege by considering its meaning, spirit and intent. This examination of privilege will rely on insights from parliamentary authorities such as *Erskine May*, the findings and practices of other Westminster jurisdictions and our own internal guiding documents, the *Rules of the Senate* and *Senate Procedure in Practice*.

Should Madam Speaker find there is a prima facie question of privilege, I am prepared to move the appropriate motion.

Thank you.

THE LATE HONOURABLE MURRAY SINCLAIR, C.C., O.M., M.S.C.

Hon. Chantal Petitclerc: Honourable senators, it is not often that one can say a person changed the country by what he did, by whom he was. One such individual is Murray Sinclair. Today, on behalf of the Independent Senators Group, I pay tribute to our beloved colleague.

Murray Sinclair — judge, senator, fierce advocate for Indigenous rights — leaves behind a profound legacy. Born in 1951, he made history as the first Indigenous judge appointed in Manitoba, paving the way for greater representation. However, his game-changing contribution came through his role as the chair of the Truth and Reconciliation Commission, or TRC, where he tirelessly sought to address the historical cultural genocide faced by Indigenous peoples.

Under his wisdom, the final report was published in 2015, including 94 Calls to Action. For Murray, first, we must acknowledge the painful truths of the past, then we must embrace pathways towards healing and understanding.

Appointed to the Senate in 2016, his voice in this chamber was a vital one, ensuring that Indigenous rights were not only recognized but integrated into the fabric of Canadian law and policy.

I, too, was appointed the very same day. To me, he was kind, caring, funny, always asking about my son and reminding me that family is what matters the most.

In memory of Murray Sinclair, we from the Independent Senators Group honour not just the man but the movement he inspired. His legacy will continue to guide our work. He reminds us that reconciliation is a journey, one that requires truth, understanding and an unwavering commitment to justice.

To us here he was Murray Sinclair, but in the end he was always Mazina Giizhik-iban — the One Who Speaks of Pictures in the Sky. He left us an Anishinaabe Inini, true to his heart.

About two cords of timber kept the sacred fire going non-stop for days. His spirit was fed with his favourite foods, including his preferred candy: jujubes. Three Fires hosted a private funeral with his family and close ones. That day, Murray, who loved rock music and began riding a motorcycle at 70 years old, was escorted in a casket by fellow bikers to his final resting place. They played, loud and clear, Pink Floyd's song "Another Brick in the Wall."

This makes me smile, as I am sure it made him smile. He gave us many gifts.

Daga giwii-bimaadiziyang ezhi-gii-bimaadizid. Murray, Mazina, we miss you.

Meegwetch.

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I rise today with great sadness to pay tribute to the extraordinary life of our former colleague, the Honourable Murray Sinclair.

Murray Sinclair was a judge, a senator and an activist. He was a giant in my community, a hero, a guide and a light in the dark and difficult journey of truth and healing. As a country, we grieve the loss of a leader, a brilliant legal mind and the head of one of the most important inquiries of our time, the Truth and Reconciliation Commission.

Murray gave us all — in his say-it-like-it-is, pull-no-punches style — the tools and the road map towards building a better Canada, a country grounded in respectful relationships, with more honesty, more justice and more compassion.

On September 26, Murray published his memoir entitled *Who We Are*. Colleagues, it is both a call to action and a beautiful story of Murray's life and his important perspective.

As Murray was not well enough to attend the book launches, I was honoured to be asked to join our good friend Shelagh Rogers, his son Niigan and David Robertson at Calgary Wordfest to both discuss the book and honour the work and wisdom of Murray Sinclair.

Listening to Niigan, I was reminded of the hours, days and months Murray spent away from his family as a judge, a commissioner and a senator. His vast service to Canada was sometimes at the expense of his time with his wife and his children who missed him dearly. I want to extend my deepest sympathies to the Sinclair family and our gratitude to them for sharing Murray with us.

Senators, our nation owes Murray Sinclair a deep debt of gratitude for his life's work to repair Canada's relationship with Indigenous peoples, to lay bare Canada's past and to call us to build a better future. I look forward to continuing that with you, dear colleagues, as we walk on the road of truth, healing and reconciliation together.

Hiy hiy.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, on behalf of myself and the entire opposition in the Senate, I rise to honour the life and legacy of the Honourable Murray Sinclair.

Our former colleague had a lifelong career dedicated to public service. His public service journey began with his historic appointment, as has already been said, as Manitoba's first Indigenous judge. His profound understanding of the law paved the way for his role as the chair of the Truth and Reconciliation Commission. Murray Sinclair undertook that monumental task of leading the TRC and uncovering the painful truths of Canada's residential school system after being appointed to that position by Prime Minister Stephen Harper.

• (1410)

The commission heard from more than 6,500 witnesses from across the country, forming the foundation for the 94 Calls to Action in its final report. This report serves as the blueprint for reconciliation, emphasizing the importance of education, cultural preservation and systemic reform. It reminds us that reconciliation is an ongoing journey that requires the commitment of every individual and every institution.

Murray fought for justice and the recognition of Indigenous rights in Canada. He was never afraid to stand up for what he believed in, which he continued to do as a legislator here in the Senate of Canada. He engaged in spirited debates with some of us in this chamber, and those moments are captured in the Hansard and can be reviewed or relived at any time. I trust that if you do choose to go back in time and read those Debates, you will undoubtedly be able to remember and hear Murray's deep, resonant and rich voice.

Colleagues, I respect someone who diligently works to defend and promote what they perceive as important, even if I may not always agree. Senator Sinclair and I often — and it's no secret in this chamber — had diverging opinions on legislation, which I believe ensured a high quality of debate. At his celebration of life in Winnipeg, his son Niigaan shared that a certain unnamed Conservative senator was responsible for debates that kept his father up many late nights. I take pride in that.

Beyond his professional achievements, Murray was a loving husband to Katherine and a devoted father to his children. He had a great sense of responsibility to his family and his community.

To his family, thank you for sharing your loved one with us. We hope you find strength and resilience as we express our gratitude to an incredible Canadian trailblazer. Our deepest sympathies are with you. Thank you, colleagues.

Hon. Senators: Hear, hear.

Hon. Flordeliz (Gigi) Osler: Honourable senators, on behalf of the Canadian Senators Group, I'm honoured to pay tribute to the late Senator Murray Sinclair, who left us on November 4 of this year. It was a sunny but cool morning in Winnipeg, but as the news spread of his passing, the sky over the city became grey, as if it too felt the loss and was reflecting our spirits.

In Manitoba, Murray Sinclair was a household name: lawyer, judge, TRC Commissioner, senator, advocate, teacher. My first encounter with him was shortly after my appointment to the Senate. I had given an interview where I talked about his impact on this chamber and how I felt that he had left big shoes to fill. He called me shortly after the interview was published and spoke with me as if we had known each other for a lifetime. He joked that his shoes were not so big, and we had a long conversation, the first of several, where he shared his grace, wisdom, advice and humour.

Senator Sinclair described the Senate as "Canada's Council of Elders." He shared with me how each one of us has a professional and personal responsibility to be agents of change.

Honourable colleagues, we've lost an elder who placed us on the long path to reconciliation. We have lost a colleague who leaves a legacy of public service and a deep commitment to truth, justice and dignity for all people.

During Senator Sinclair's national memorial ceremony, his son Niigaan Sinclair said this about his father:

Few people have shaped this country in the way that my father has, and few people can say they changed the course of this country the way that my father had to put us on a better path. He is, in many ways, the epitome of all of us: the good, the bad, the great, all of the parts that come together to this place.

Upon becoming Premier of Manitoba, Wab Kinew said that Senator Sinclair passed on advice that resonated beyond the landscape of a new government:

. . . learn to love the people, even when they don't love you. . . . And over his great life, Murray learned to love us. . . . He showed that with the TRC and everything he did, he loved the people, all the people.

During the ceremony, his son also shared the following quotes from his father, the first of which dates back to 1997:

Ultimately, no matter how we envision it, change rests with you, those of you who are here and ready to put in the hard work to do it. For change to happen though, you have to commit personally.

And finally: "Keep trying. Dream. Dream always because you have been given the gift to do that."

To his family, we express our deepest and sincere condolences. He will be deeply missed.

Hon. Senators: Hear, hear.

Hon. Brian Francis: Honourable senators, on behalf of the Progressive Senate Group, I rise to pay tribute to a man who touched countless lives, the Honourable Murray Sinclair.

Murray was not only an extraordinary leader but also an exceptional human being. His distinct combination of authority, humility and love set him apart in every role he held, including as a lawyer, judge, commissioner and senator. Whether addressing a colleague, friend or stranger, Murray made everyone feel truly seen and valued. My deepest condolences go out to all who knew and loved him, especially his beloved family, whom he spoke of with such pride.

Murray was a generous mentor and true friend, offering wisdom and guidance with profound depth and joyful humour. I last saw him just a few months ago with Senator Pate. We shared stories and laughs at his home in Winnipeg, which I will forever treasure.

Murray's impact on this country is immeasurable. As chair of the Truth and Reconciliation Commission, for example, he faced the immense task of documenting hard truths about Canada's past and ongoing relationship with Indigenous peoples. He led this incredibly difficult and emotional work with unwavering courage, deep compassion and steadfast purpose, and we owe him a profound debt of gratitude and respect.

It was an honour to serve alongside Murray in this chamber and to call him a mentor and friend. Before his retirement, he entrusted me with making the National Day for Truth and Reconciliation, in response to Call to Action 80, a reality. Murray was a powerful voice for residential school survivors and Indigenous people. I am humbled to follow in his footsteps, and I know each September 30 we will be reminded of his profound and lasting impact.

[Senator Osler]

What stood out most about Murray was his belief in the power of education: "Education got us into this mess, and education will get us out of it," he often said. It is now our responsibility to honour and fulfill the vision he set forth for meaningful reconciliation grounded in truth, justice and healing.

Rest in peace, Murray. You leave behind a lifetime of service that will continue to guide generations to come towards a more united and equitable future.

Thank you. *Wela'lin.*

Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, I would ask you all to rise and observe one minute of silence in memory of our former colleague the Honourable Murray Sinclair, who passed away on November 4, 2024. I extend my deepest sympathies on behalf of all senators and all associated with this place to his loved ones.

(Honourable senators then stood in silent tribute.)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Chief Daniel Gaudet of the Dêłjñę Got'jñę Government and Jennifer Duncan. They are accompanied by other guests of the Honourable Senator Pate.

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

Hon. Senators: Hear, hear!

• (1420)

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleague the Honourable Dennis Glen Patterson.

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

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 John Osler, husband of the Honourable Senator Osler.

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

Hon. Senators: Hear, hear!

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

FALL 2024 REPORTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2024 Fall Reports of the Auditor General of Canada to the Parliament of Canada, pursuant to the *Auditor General Act*, R.S.C. 1985, c. A-17, sbs. 7(3).

[English]

STUDY ON CANADA'S MONETARY POLICY FRAMEWORK

SEVENTEENTH REPORT OF BANKING, COMMERCE AND
THE ECONOMY COMMITTEE TABLED

Hon. Pamela Wallin: Honourable senators, I have the honour to table, in both official languages, the seventeenth report of the Standing Senate Committee on Banking, Commerce and the Economy, entitled *Study on Canada's Monetary Policy – Interim Findings*, and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

STUDY ON ISSUES RELATING TO HUMAN RIGHTS GENERALLY

EIGHTH REPORT OF HUMAN RIGHTS COMMITTEE DEPOSITED
WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Salma Atallahjan: Honourable senators, I have the honour to inform the Senate that pursuant to the orders adopted by the Senate on March 3, 2022, and October 17, 2023, the Standing Senate Committee on Human Rights deposited with the Clerk of the Senate on December 3, 2024, its eighth report (Interim) entitled *Ripped From Home: The Global Crisis of Forced Displacement* and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

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

THIRTY-FIRST REPORT OF LEGAL AND CONSTITUTIONAL
AFFAIRS COMMITTEE PRESENTED

Hon. Brent Cotter: Honourable senators, I have the honour to present, in both official languages, the thirty-first report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with Bill S-15, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act.

(For text of report, see today's Journals of the Senate, p. 3348.)

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

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

BILL RESPECTING CYBER SECURITY, AMENDING THE TELECOMMUNICATIONS ACT AND MAKING CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

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

Hon. Hassan Yussuff: Honourable senators, I have the honour to present, in both official languages, the twelfth report of the Standing Senate Committee on National Security, Defence and Veterans Affairs, which deals with Bill C-26, An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts.

(For text of report, see today's Journals of the Senate, p. 3350.)

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

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

[*Translation*]

TAX BREAK FOR ALL CANADIANS BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-78, An Act respecting temporary cost of living relief (affordability).

(Bill read first time.)

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

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-6(1)(f), I move that the bill be placed on the Orders of the Day for second reading later this day.

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

Hon. Senators: Agreed.

(On motion of Senator Gold, bill placed on the Orders of the Day for second reading later this day.)

• (1430)

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

NOTICE OF MOTION TO AFFECT COMMITTEE MEMBERSHIP

Hon. Raymonde Saint-Germain: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding any provision of the Rules or previous order, the Honourable Senator Boniface take the place of the Honourable Senator Cotter as one of the members of the Standing Committee on Ethics and Conflict of Interest for Senators as of December 18, 2024.

[*English*]

QUESTION PERIOD

PUBLIC SAFETY

BORDER SECURITY

Hon. Donald Neil Plett (Leader of the Opposition): Leader, it has been over a week since President-elect Trump threatened to slap a 25% tariff on Canadian exports to the United States as soon as he takes office in January. Common-sense Conservatives are calling upon the NDP-Liberal government to bring in a

“Canada First” plan to address the mess they have made at the border. We expect additional measures to be taken, including cracking down on illegal drug production and trafficking.

Leader, this is needed, not just to save our economy but to save lives.

Leader, the Prime Minister just met with the Leader of the Opposition and all other party leaders in the other place. What did he tell them about his talk with President-elect Trump?

Hon. Marc Gold (Government Representative in the Senate): Not having been at that meeting, I cannot comment upon what he said. I can tell you that the Prime Minister, Minister LeBlanc and this government have been engaged with the President-elect from the first moment the results of the election were announced.

The long conversation the Prime Minister initiated — or the conversations they had together — and the long conversations they had that gave rise to the invitation for the Prime Minister to spend a sociable evening with the President-elect are examples of the importance of the relationship between Canada and the United States — important not only to Canada but to the United States.

This government will continue to work diligently, as it has in the past, with the President-elect to ensure Canadian interests are protected and advanced.

Senator Plett: The NDP-Liberals promised a plan to secure the border, and it is not just Americans who are waiting to see it, leader. Also, they want more than extra drones flying along the border. The provincial premiers want to see it, as do Canadians worrying about our broken boarder, leader.

Where is it? How much longer do we have to wait before this plan is actually implemented and enforced?

Senator Housakos: After the next election.

Senator Gold: As Minister LeBlanc has quite correctly pointed out, speaking factually and not in slogans, our border is not broken. Measures have been put in place to secure the border even further. Work will continue to be done.

PUBLIC SERVICES AND PROCUREMENT

PROCUREMENT PROCESS

Hon. Yonah Martin (Deputy Leader of the Opposition): Leader, the NDP-Liberals never proactively revealed their sole-sourced contracts with consultants at Accenture to run the Canada Emergency Business Account, or CEBA, loans program. Thanks to the Auditor General, we have learned it cost taxpayers \$313 million.

An Hon. Senator: Shame.

Senator Martin: We also learned from her report yesterday that \$3.5 billion from this loan program went to ineligible recipients.

The NDP-Liberal government is now almost entirely reliant upon the consultants at Accenture to run the loans collection, which means Canadian taxpayers are on the hook for more money to Accenture until at least 2028. The Auditor General also said that your government still does not know how the government will enforce collection on defaulted loans.

Leader, how is this possible?

Hon. Marc Gold (Government Representative in the Senate): Thank you. The government always thanks and appreciates the work of the Auditor General.

During the depths of the pandemic, the Canada Emergency Business Account helped keep nearly 900,000 small businesses across the country afloat and their employees on the payroll. Export Development Canada, or EDC, the arm's-length Crown corporation responsible for administering CEBA, independently awarded that contract.

All of that said, the Deputy Prime Minister and Minister of Finance has raised her serious concerns with that contract directly with the President of EDC.

Senator Martin: Yes, but I repeat that \$3.5 billion from this program went to ineligible recipients. That is so much waste beyond our understanding.

In February, I asked you about the work being done at a subsidiary of Accenture in Brazil. It was concerning security clearances and whether that workforce has access to the financial information of Canadian small businesses. I have never received a response, leader. Given the severity of the Auditor General's report, what are the answers to my questions regarding that?

Senator Gold: Thank you for your question. I do not have the answers you requested; I am not able to provide them today.

But, again, I want to underline that what is important for Canadians to understand — and we understood this in Parliament — is that when the pandemic hit, it was understood that the money had to get out fast. It saved our economy, it saved families and almost 1 million businesses and their workers were saved through that program. That is a —

IMMIGRATION, REFUGEES AND CITIZENSHIP

CITIZENSHIP CEREMONIES

Hon. Bev Busson: My question is for the Government Representative.

In a recent speech by Senator Tannas, we heard about the compelling power of witnessing in person a Canadian citizenship ceremony. Conversely, most of us can only imagine the impact of personally participating as a new Canadian, surrounded by loved ones.

On March 21, 2023, in response to a question concerning citizenship ceremonies, you stated at the time that all applicants continue to have the choice and option to swear or affirm their oath of citizenship at an in-person or a virtual ceremony,

whichever the case may be. We now learn, however, that this is in longer the case. Applicants do not always get to choose how they swear or affirm their oath to Canada, as a majority of applicants are now required to do so via Zoom with no choice being offered.

Senator Gold, will the government reverse this unfortunate decision and give all applicants the option to once again participate in this life-changing ceremony in person?

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

As you noted, taking the citizenship oath and becoming a Canadian citizen is a profound and special moment for newcomers. In that regard, the option to complete the oath virtually allows applicants to meet the legal requirements of citizenship while making it more accessible.

However, to your question, I have been assured by the minister that all citizenship applicants will still have the option to swear or affirm the oath before a judge and to attend citizenship ceremonies in person. Allowing for both options, in person or virtual, provides flexibility for those who cannot travel long distances or attend an in-person ceremony including those in remote communities as well as for people with disabilities.

• (1440)

To repeat, the government will continue to provide in-person citizenship ceremonies for newcomers at their option.

Senator Busson: Would the Government Representative in the Senate commit to clarifying that point about the choice of whether or not to appear in person or if that is just the selection process, please?

Senator Gold: I will certainly raise it with the minister again, but I answered based upon the assurances I received from the minister. I will double-check as well. Thank you.

[Translation]

PUBLIC SAFETY

CANADA BORDER SERVICES AGENCY

Hon. Julie Miville-Dechêne: Senator Gold, we know that the border has become an issue in our relations with President-elect Donald Trump. There is a great deal of dissatisfaction in Congress about the fact that, over the past three years, Canadian customs officials have intercepted only a single shipment containing goods made with forced labour, while U.S. customs officials have rejected 4,500 suspicious shipments worth \$808 billion from countries such as China, Vietnam and Malaysia since 2022. Is our leaky border letting in consumer goods that are made from products of forced labour?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and thank you for your ongoing commitment in this area, as well. I want to recognize the work that you've done to advance Bill S-211 and to get it passed. This bill will require companies to adhere to stricter standards regarding information on forced labour in their supply chains, which is a very important change.

It is prohibited to import products made with forced labour into Canada, no matter where they come from. I've been assured that the CBSA is assessing incoming shipments to make sure that they meet those standards. If a shipment is found to contain goods that were made using forced labour, the CBSA can seize that shipment and refuse to let it enter Canada.

Senator Miville-Dechêne: We also learned that 47 containers of solar panels were denied entry into Canada. The investigation, that eventually proved fruitless, lasted over two months. Charge Solar is suing the Canadian government for that delay, which cost the company customers and contracts. In short, our methods seem less effective than those of the United States, and yet we too should be fighting these terrible human rights violations.

Senator Gold: Thank you for the question. As you know, I can't comment on individual cases that are before the courts. However, I can say that, once a shipment has been intercepted and assessed, the detailed information provided by the importer on the supply chain is thoroughly reviewed in order to determine whether the goods were made using forced labour.

[English]

SPECIAL REPORT OF THE NATIONAL SECURITY AND
INTELLIGENCE COMMITTEE OF PARLIAMENTARIANS

Hon. Percy E. Downe: Senator Gold, it has been 176 days since Elizabeth May, the leader of the smallest group in the House of Commons — so small as to not be recognized as a party — has read the unredacted report of the National Security and Intelligence Committee of Parliamentarians. This report stated, among other things, that foreign actors cultivated relationships with Canadians — particularly members of Parliament and senators — with a view to having Canadians act in favour of the foreign actors and against Canada's interests.

Colleagues, it has been zero days since Senator Saint-Germain, the leader of the Independent Senators Group — the largest group in the Senate — has read the unredacted report. When will the Prime Minister correct this oversight?

Hon. Marc Gold (Government Representative in the Senate): Thank you for that information, of which I was unaware.

Colleagues, as I have said on a number of occasions, I have transmitted regularly the sentiment and the will of many senators in this place to have access to that. I have gone further and reminded the government that this has become an issue of some concern within the Senate.

Regrettably, I do not yet have an answer from the government.

Senator Downe: Senator Gold, our hope here is that all four leaders in the Senate would read the unredacted report and then can collectively advise the Senate that there is no problem and that no action is required or — worst case — that action is required and that action has been taken.

When will this cloud of uncertainty hanging over the Senate and some individual senators be lifted? When will the government let the leaders read the unredacted report?

Senator Gold: Thank you for underlining the importance to you and others, as well as the reasons for which you are seeking access, but, again, the request has been transmitted on several occasions and reaffirmed regularly. I do not have an answer back from the government.

FINANCE

TEMPORARY TAX MEASURES

Hon. Denise Batters: Senator Gold, the Trudeau government is pushing a temporary GST holiday on junk food while also rushing through Bill C-252, which is a Liberal member of Parliament's bill outlawing the advertising of junk food to children. The bill prohibits ads for foods with "... more than the prescribed level of sugars, saturated fat or sodium ..."

How many of the sugary and salty snacks that your government is exempting from the GST fall under that category? The list includes the following: candies, such as candy floss, chewing gum and chocolate; snacks coated with candy, chocolate, honey, molasses, sugar, syrup or artificial sweeteners; chips, crisps, puffs, curls or sticks — such as potato chips, corn chips, cheese puffs, potato sticks, bacon crisps and cheese curls — popcorn, brittle pretzels and salted nuts; ice lollies, ice cream and sherbet; cakes, muffins, pies, pastries, tarts, cookies, doughnuts, brownies and pudding.

Senator Gold, Trudeau's temporary tax trick will not fool Canadians. His government can't promote junk food and condemn it at the same time. Will the Prime Minister admit that his plan is just holiday hypocrisy?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for stimulating those of us with a sugar problem to be hungry.

This temporary measure is designed to give Canadian families a break during the holiday period. It is not to promote bad eating habits. It is to recognize that at this time of the year, families — parents and their children — are going to be celebrating, and, in that regard, it will leave it to families to decide how to best take advantage of this opportunity.

If that includes a parent's decision to allow their children to have one of the products — and you didn't mention everything, of course — then that is a parental prerogative that this government respects.

Senator Batters: Senator Gold, since you never seem to give speeches on government bills anymore, I was surprised to see that you actually did give a speech on behalf of the government supporting private member's Bill C-252. Now the Liberal government bill exempting junk food from the GST is before the Senate Chamber at the same time as Liberal Bill C-252, which bans the advertising of junk food.

As the Liberal government leader in the Senate, how will you vote: Flip or flop?

Senator Gold: Thank you for your interest. My voting is a matter of public record.

The government supports the bill that you mentioned. This is not a question of flipping or flopping or hypocrisy. It is possible for adult legislatures as well as citizens and parents to hold multiple ideas in mind at the same time.

Again, the bill that is before us — Bill C-78 — is designed to give families a break, respecting their choices. The other bill to which you referred and to which I have already spoken is an important bill that this government hopes will be adopted.

GLOBAL AFFAIRS

PEACE, ORDER AND GOOD GOVERNMENT

Hon. Salma Atallahjan: Senator Gold, during the 2019 federal election, the Liberal Party promised to create a Canadian centre for peace, order and good government to expand the availability of Canadian expertise and assistance in good governance.

I recently received a written answer to my question on the *Order Paper and Notice Paper* regarding the status of the centre. The written answer shows that the government does not know when it will be operational, where it will be located or even how many staff it will employ. That is all still under consideration five years later.

Despite this, the answer states that Global Affairs Canada has spent over \$814,000 from their budget on this centre. Leader, how is this possible?

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

We all remember what happened from 2019 to the present. We all understand — as those of you who have been in government before understand — that priorities not only do change but have to change as the world changes.

• (1450)

The advent of the pandemic, the enormous investment that the government made in supporting our Canadian workers' families and businesses, the consequences to our fiscal position and the need to address certain other matters have made it — clearly, as the answer to your question reveals — that this plan, meritorious though it is, has not been moved forward as a result. That planning was done and —

Senator Atallahjan: Senator Gold, the written answer I received also states that external consultants have received contracts worth \$23,000 in relation to the centre. Leader, will you be able to table a breakdown of how your government has spent this \$814,000?

Senator Gold: I will certainly raise this question with the relevant minister.

Again, let me repeat that planning was initiated for a project that, because of changing circumstances, has not advanced any further. It is simply an example of the government responding to changing circumstances and — as I remind us — of a rather dramatic scope.

FINANCE

TEMPORARY TAX MEASURES

Hon. Paula Simons: My question is for the Government Representative in the Senate. It is also related to the GST holiday.

This time of year, many of us like to pick up magazines as stocking stuffers or to pass the time on a cold winter night. However, whereas the GST holiday specifically exempts newspapers and books, it does not include magazines purchased from the newsstand. I am wondering why that is so, given that magazines are under incredible duress right now because of the postal strike.

Hon. Marc Gold (Government Representative in the Senate): Thank you. As one who consumes magazines and books myself, I certainly do not want to minimize, in any respect, by what I am about to say, the importance of that.

Choices had to be made. This is not an across-the-board cut. It is not a permanent cut. It was a temporary measure to provide much-needed relief to families with regard to the holiday period. The fact that not every product was covered is simply a consequence of it having to be focused — limited in time and scope — so that it would remain fiscally responsible.

Senator Simons: Thank you very much.

Ironically, although magazines purchased on the newsstand are not covered by the GST exemption, some magazines by subscription are covered, but only for the length of time that the subscription covers the period of holiday, which is not that useful.

In light of the continuing postal strike, will there be any relief for magazine publishers, who are now facing real consequences regarding production schedules and layoffs of staff, in light of the fact that their magazines —

Senator Gold: I understand the challenges the postal strike is imposing in many sectors of our economy. The charitable sector comes to mind. Thank you for underlining the impact on publications.

I am not aware of any programs focused on that. I will certainly make inquiries with the minister.

[*Translation*]

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

TRANSFER PAYMENTS

Hon. Julie Miville-Dechêne: Senator Gold, just before the holidays, the Lion Electric company, on the brink of collapse with only two weeks left to find new investors, laid off 400 of its employees. The Mayor of Saint-Jérôme, Marc Bourcier, is accusing Justin Trudeau and the federal government of breaking promises and failing to adequately invest in Lion Electric and its buses despite the availability of a \$2.75-billion Zero Emission Transit Fund. Are non-emitting means of transportation like electric buses not considered a federal government priority?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question and for highlighting this important program. Canada wants to become a world leader in the manufacture of electric vehicles to decarbonize the economy and reach net zero by 2050. To clarify, the Zero Emission Transit Fund was designed to support public transit and school bus operators' plans for electrification, support the purchase of 5,000 zero-emission buses and build associated infrastructure, including charging infrastructure and facility upgrades. Eligible recipients include provinces and territories, municipal or regional governments, transit agencies, public bodies such as school boards, private school bus operators and private accessible transit providers, such as paratransit services, not individual companies as such.

Senator Miville-Dechêne: From what I've read, you still managed to invest \$30 million in Lion Electric, and the provincial government invested \$177 million. Isn't it time to give the company another boost? If the company goes bankrupt, especially considering that it sells its products to the U.S., it will be a disaster for our reputation in the electrification industry, and for everything to do with after-sales service and parts.

Senator Gold: The government is aware of the challenges the company is facing. As you said, the Government of Canada and the Government of Quebec have both provided support to Lion Electric. I believe the government is working with the Government of Quebec and the company to monitor the situation closely.

[*English*]

FINANCE

TEMPORARY TAX MEASURES

Hon. Percy E. Downe: Senator Gold, regarding the tax holiday of Bill C-78, as you are aware, the Atlantic premiers have indicated that they are going to have a major deficit in the budget that is unanticipated. Is it the intention of the government

to reimburse them? The Premier of Prince Edward Island, Premier King, has indicated that the cost to the P.E.I. budget will be \$14 million. Will the government reimburse that?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. As I have answered to a similar question previously, I have every confidence that the government will work with the leadership of the provinces in Atlantic Canada to make sure that the implementation of this act — assuming that it passes, as I hope it does — will land fairly on those provinces that have different ways of collecting the tax. I am not in a position to make any announcements, but I know that this government will be working in good faith with the provinces to make sure they are treated fairly.

Senator Downe: It puts senators from Atlantic Canada in a precarious position. We are asked to vote for legislation where the government may or may not reimburse the provincial government. So, we're not only robbing Peter to pay Paul; we're robbing Peter and we're robbing Paul. The taxpayers of Prince Edward Island will have to make up the \$14 million. It's a tax holiday now to be paid later. How is that fair?

Can you not give us a confirmation that the government will reimburse us for what we are losing?

Senator Gold: Thank you for your good representation of your province and the others, but, again, I have confidence that the government is working in good faith with its counterparts in your province and in others, and I hope — certainly by the time this issue comes to a vote and perhaps even while it is being studied at committee — that answers will be forthcoming. I do not have an answer at this juncture, as I have tried to be clear with you.

ENVIRONMENT AND CLIMATE CHANGE

CARBON TAX

Hon. Leo Housakos: Senator Gold, it is becoming unbelievable how insensitive the Trudeau government is to working-class Canadians from coast to coast.

The common-sense Conservatives led by Pierre Poilievre have given you a way out of the quagmire in which you have put the nation. Number one, why don't you get rid of the GST on new-built homes that are under \$1 million and help free young Canadians who have been relegated to living in the basements of their homes?

Second, why don't you get rid of the carbon tax once and for all to give working-class Canadians some reprieve? Instead of that, you are not only doubling down; as of April 1, 2025, you are quadrupling down. You are going to pummel working-class Canadians even further. Why is it that your government is so ideologically stubborn that you do not want to listen to the good advice from Pierre Poilievre, who is a far more experienced parliamentarian and who comes from a government in the past that was fiscally responsible compared to this mess of an incompetent prime minister we have? If you don't believe in the ideas we're putting forward, call an election before April 1 and let Canadians decide.

[Senator Gold]

• (1500)

Senator Plett: Hear, hear.

Hon. Marc Gold (Government Representative in the Senate): I am not going to comment on the characterization of either the Prime Minister or your leader. I will instead focus on policy.

If it is the position, Senator Housakos, of you and your party that it is ideology that underpins a government's commitment to using all tools, including market-sensitive tools, however unpopular they may be in many quarters, to fight an existential crisis that we and our children and grandchildren are facing, then you can define that word as you wish.

This government continues to believe that it has a sensible plan to balance the needs of —

Excuse me, Your Honour. I cannot hear myself think. May I have a few more seconds?

This government has a serious plan, and Canadians are benefiting from it and will continue to benefit from it, as will future generations.

Senator Housakos: Senator Gold, that's what's so incredible about this: The only thing your plan of taxing Canadians to death and quadrupling the carbon tax has done is create historic line-ups at food banks across this country. You saw the report in Ontario: Hundreds of thousands more people are visiting food banks because of your government, your carbon tax and your unwillingness to give Canadians a break.

Senator Gold: There wasn't a question there, though there was a lot of gesticulation and, for the hundredth time, an incorrect, inaccurate and, dare I say — with respect — incompetent reading of the impact of the carbon tax on actual costs in this country. I understand the political points you want to make. That's your highest principle. However, that's not good policy.

ORDERS OF THE DAY

POINT OF ORDER

SPEAKER'S RULING RESERVED

Hon. Marilou McPhedran: Honourable senators, I rise to raise a point of order, if I may.

As I previously indicated to you that I would, respectfully, I rise on a point of order regarding events that transpired just prior to the adjournment of this chamber last week on Thursday, November 28, 2024. Specifically, I seek a ruling on whether the *Rules of the Senate*, in particular 9-1, 9-2(1) and 9-3, were properly followed during the vote on the motion to adjourn the Senate. I am not seeking to appeal your decision regarding the

adjournment vote, but I am seeking clarity on the procedure you employed and direction on understanding if and how this process will be applied consistently going forward.

To enhance our collective understanding of my point of order, I wish to be clear that this clarification request is based on some customary practice for adjournments and the *Rules of the Senate*, in particular:

9-1. Questions arising in the Senate shall be decided by a majority of voices, and the Speaker shall in all cases have a vote. When the voices are equal, the question shall be decided in the negative.

The Rules continue, reading:

9-2. (1) When a question is put to a vote, the Speaker shall ask for the "yeas" and "nays" and shall decide whether the question is carried or defeated.

They continue, reading:

9-3. After a voice vote, upon the request of at least two Senators made before the Senate takes up other business, the Speaker shall call for a standing vote.

Senators will recall earlier in the day on Thursday, November 28, an adjournment motion was moved during debate on the sixteenth report of the Banking Committee on Bill C-280. Senators voiced a mix of consent and dissent.

Clearly aware of this lack of consensus and following rule 9-2(1), you called for both "yeas" and "nays" in turn and then indicated your opinion that the "nays" represented the majority. Following that, some senators stood to request the vote, and they were appropriately following rule 9-3. I note, however, that they only stood to exercise this right after you first conducted and rendered your opinion on the voice vote.

Your Honour, that is the process familiar to me and, may I suggest, to all senators as customary practice in these situations. This did not significantly change the order or substance of our parliamentary business, as evident in the scrolls for the day for the senators who came on November 28 to speak and listen to each other on a range of bills, motions and inquiries. Many of those senators no doubt felt the little chamber time left to us to do our work as November came to a close.

However, my point of order is based on reviewing available written and video records of later on November 28, when Senator Plett moved to adjourn the Senate during debate of a bill and you employed a process that seemed different. When Senator Plett's motion to adjourn the Senate was initially put to a vote, Senator McCallum and I voiced, "Nay." Some other senators called our voices to the attention of the chamber, and, after adjournment that afternoon, numerous senators confirmed they heard our "nay" voices. I reviewed the recording of the proceedings and our "nays" are audible. The camera at that time was on you, and on screen, you pause and looked in our direction.

Respectfully, Your Honour, I do not presume to know your thoughts, but from my perspective, those are indications that you heard dissenting voices. There was no unanimity to carry the motion. That established, I waited, expecting you to proceed, as you did with the previous adjournment motion pursuant to 9-2(1), to call for a voice vote and then pronounce your opinion on the majority position.

However, this did not occur. Foregoing 9-2(1), you moved immediately to declare the motion carried and adjourned the Senate, stopping the work we came to do and that we can only do in this chamber.

Your Honour, as you left the chamber following the adjournment, you spoke to me and gestured that I should have stood. In fact, when it became clear to me our “nays” were not acknowledged, I did stand. I even waved my arms to try to draw your attention. As your procession was leaving the chamber, the camera was still on you, so your gesturing to me is clearly visible on the Senate recording.

At my first opportunity, I am seeking clarity as a point of order because it is my understanding that a senator does not need to stand to voice a “nay,” and that standing is the process following a voice vote decision by the Speaker to request a formal standing vote.

Per rule 9-3, senators may request a standing vote but only “After a voice vote. . . .”

In this case, no voice vote was held. Rule 9-2(1) stipulates:

When a question is put to a vote, the Speaker shall ask for the “yeas” and “nays” and shall decide whether the question is carried or defeated.

It was clear that the motion was not unanimously consented to, but you did not then proceed to apply the voice vote process outlined in 9-2(1). Had a voice vote taken place, as has been the customary practice, it was certainly my intention to register a request for a recorded vote.

It is possible that some senators may find my standing to raise my concern here to be trivial. Some may even have been relieved that the nays were not registered by the chair, as the thought of another potential adjournment vote may have been undesirable to them. Possibly, some may have considered it a waste of time given the dissenting voices were audible but small in number.

Respectfully, that is not the issue I am raising. The truth is that many senators came to the chamber on November 28 to get work done that can only occur in this chamber. We came here on November 28 — and we came here today — to work for the people of Canada who collectively pay our salaries. Adjourning the Senate before most of the listed work could be done was viewed by many of us as equally undesirable. Many senators

worked hard to come to this chamber prepared to speak to other items of business. In other words, we came ready and willing to contribute to the parliamentary business listed on the scroll and move through the work listed for the day.

• (1510)

Frankly, it is disappointing to see the Senate so often of late adjourned simply due to what appears to be infighting between group leaders over broken backroom deals, perhaps manifesting as a procedural equivalent of pique, akin to storming off the court and taking your ball with you. But as I am not a member of the Senate “ruling class,” I am not privy to such negotiations, so I am limited to sharing my observations and tentative conclusions and asking for your advice.

The substantive issue that concerns all senators is the apparent negation of the voices of those who expressed dissent, in this instance, by way of possibly inconsistent application of rules 9-1 through 9-3.

In a related theme, I would remind Your Honour that on March 20, 2024, I rose on another point of order to bring to your attention another instance when my voice was not acknowledged twice during a vote. It is an incontrovertible fact that several senators on several occasions, particularly those of us consigned to seats with obstructed views, located far from the Speaker’s podium, have raised concerns about not being seen and not being heard — in other words, being ignored — when we try to claim our right to speak.

It is evident that it can be difficult to hear and see senators who are further from the Speaker’s chair and the officials’ table. I know that other senators, including Senator Tannas and Senator Patterson, who have spent some time seated in these far corners of the chamber, have also periodically voiced concerns related to location, distance and poor acoustics that have negatively impacted their ability to be heard and sometimes seen by the Speaker. This indicates a pattern of exclusion that does not seem to be addressed effectively, and I am not speaking to intent here. I am speaking to the experience and the result.

I therefore seek a Speaker’s ruling to clarify the procedure related to rules 9-1 through 9-3, and, as part of your consideration of this point of order, I would request that you be guided by the often-touted principle that all senators are equal and, with this as the guiding principle, also study and report back to this chamber on inferior acoustics and visual recognition for some senators in the Senate Chamber and provide the chamber with a viable solution to ensure that all senators can be seen and heard from all seats and locations in the chamber.

I sincerely and respectfully suggest that improvement is overdue and within the authority and capacity of the Senate. Thank you, *meegwetch*.

The Hon. the Speaker: Are there any senators who would like to enter debate?

[*Translation*]

I thank Senator McPhedran for raising these concerns, and I will take the matter under advisement.

[English]

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-12(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: second reading of Bill C-78, followed by all remaining items in the order that they appear on the Order Paper.

TAX BREAK FOR ALL CANADIANS BILL

SECOND READING

Hon. Lucie Moncion moved second reading of Bill C-78, An Act respecting temporary cost of living relief (affordability).

She said: Honourable senators, it is my privilege to speak on Bill C-78, the tax break for all Canadians act. In short, this legislation proposes to provide a two-month break in the goods and services tax/harmonized sales tax, or GST/HST, on purchases of seasonal holiday expenses that are not normally tax-free, like groceries, restaurant meals, drinks, snacks and children's clothing and toys, from December 14, 2024, through to February 15, 2025.

As the bill's sponsor in the Senate, I would like to thank the Deputy Prime Minister and Minister of Finance for entrusting me with this responsibility. It is my honour to do so, as I believe the temporary consumer tax relief contained in this bill is an appropriate action for the government to take at this time.

[Translation]

This measure will benefit each and every Canadian, without exception, by allowing them to save money on essentials like food, baby diapers and children's clothing and shoes. This tax relief will also act as an incentive to purchase products that are especially popular during the holiday season, like toys, alcoholic beverages, and restaurant and takeout meals.

Companies also stand to gain from the measure through increased patronage after the holiday season, when business usually slows down.

Bill C-78 strikes a balance between the financial interests of Canadians during the holiday and new year season, typically a more expensive time of year. It also considers the interests of businesses in key sectors like the restaurant industry, which was hit especially hard during the pandemic and is still struggling to recover, particularly because of Canadian consumer habits.

My speech will begin with a review of the current economic situation to explain the reasons behind the timing of this relief measure. Next, I'll provide an overview of the products eligible for tax relief, and finally, I'll give examples of the tax holiday's potential financial impact on Canadians.

Is it the right time for a tax break? As senators know, Canada is at a crucial point in its economic recovery. The past few years have been especially difficult for Canadians. We've seen inflation rise around the world to levels not seen in decades, first because of the global COVID-19 pandemic, then because of Russia's illegal invasion of Ukraine, which led to higher energy prices, and finally, because of disruptions in supply chains.

Thanks to the hard work and resilience of Canadians, we have successfully weathered this economic storm. Several key economic indicators have improved remarkably. Inflation was at 2% in October and has been within the Bank of Canada's target range for 10 months now. The key interest rate has been cut four times this year, and a further reduction is expected in the next few weeks.

This is good news, not only for Canadian homeowners with mortgages, but also for businesses that need to borrow and invest in the growth and success of their operations.

In terms of employment, things improved significantly after the recession that was triggered by COVID-19. That trend has now slowed. Although 1.4 million more people than before the pandemic now have a job, we see the unemployment rate increasing across Canada, mainly among young people and marginalized groups.

What's more, over the past 21 months, wage growth has surpassed inflation in Canada. The International Monetary Fund projects that Canada will have the second strongest economic growth of the G7 countries in 2024 and the strongest growth in 2025. It remains to be seen what impact the U.S. election and the arrival of a new president will have on the financial future and economic growth of our country in 2025.

• (1520)

[English]

Although our country's current economic situation is steadily improving, consumption tax relief measures are necessary and will benefit Canadians for two interrelated reasons: first, the influence of economic developments on consumer confidence; and second, how this confidence directly affects tangible economic outcomes, such as growth and the restoration of full production capacity.

Canada is currently facing the challenge that spending per capita has remained subdued in the wake of the pandemic. This subdued spending is partly the result of affordability challenges that are an inevitable outcome of higher inflation and the impact of elevated interest rates over the past two years. And it is complicated by the fact that the effects of lowered interest rates can take time to work their way through the economy, as well as for them to have a positive impact on the finances of everyday Canadians and, in turn, on consumer sentiment.

This challenge is not only complex but also very real because this drag on consumer sentiment can have very real adverse impacts on economic outcomes. With per capita consumer spending subdued in the wake of the pandemic, the Canadian economy has been operating below its potential capacity for over a year. This challenge is, however, not one that is new or unique to Canada, nor is the solution.

The solution has been used successfully at many times and in many places around the world, including most recently in response to the COVID-19 pandemic. The theoretical basis for this solution was established by John Maynard Keynes who understood that government intervention in the economy through measures like government spending or tax reductions that increase aggregate demand can, under the right conditions, result in a positive shift within the economy.

Keynes understood how money cycles within an economy and that one person's spending can directly influence another person's earnings and that an increase in earnings leads to a subsequent increase in investment, with knock-on effects throughout the economy, as increased private sector profitability supports broader economic activity.

This understanding has been successfully put into practice at many times and in many places and under many different challenging circumstances. The practice of doing so is now commonly referred to as "priming the pump." And the most famous early instance of its success was perhaps when President Roosevelt used it to support America's recovery from the Great Depression.

[*Translation*]

Colleagues, in Canada today, with strong economic fundamentals and lower inflation on the one hand, and weaker consumer confidence on the other, I think that targeted intervention of limited scope would benefit Canadians and the national economy.

It would help lift the somewhat gloomy mood weighing down consumer spending and strengthen Canada's performance going forward.

The conditions are right, partly because the government has the means to make this kind of investment. The International Monetary Fund expects that Canada will continue to have the lowest net debt and deficit in the G7 as a percentage of the economy both this year and for the next two years.

With Bill C-78, the government is taking targeted action for a limited time, which will have a clear benefit for Canadians and give a boost to the national economy.

[*English*]

I will now delve into more details about the bill, in particular to provide an overview of the products that will be eligible for this tax relief. Bill C-78 would temporarily increase aggregate demand at a time of the year when Canadians face higher-than-usual costs by lowering those costs. It would do so by making holiday season purchases tax-free from December 14, 2024, through to February 15, 2025. Specifically, the articles to be

GST/HST-free would include the following: prepared foods, including vegetable trays, pre-made meals and salads, and sandwiches; restaurant meals, whether it's dine-in, takeout or delivery; snacks, including chips, candies and granola bars; beer, wine and cider; premixed alcoholic beverages of not more than 7% alcohol by volume; children's clothing and footwear, car seats and diapers; children's toys, such as board games, dolls and video game consoles; books, print newspapers and puzzles for all ages; and Christmas trees and similar decorative trees.

[*Translation*]

In short, the bill will eliminate the GST/HST on many consumer goods, goods on which people spend more money during the holidays.

For example, with this bill, the government will exempt almost all food items from the GST/HST for two months. Although many food items in the grocery store are already tax exempt, many people will benefit from the exemption on prepared meals. Many young families with working parents will benefit from the GST/HST holiday on these prepared meals, which make their everyday lives easier.

By exempting most foodstuffs from the GST/HST for the period in question, the government will help Canadians save a lot of money. This measure will also increase overall consumer demand for certain products, which could increase private sector revenues and stimulate overall economic activity.

This economic stimulus would boost consumer confidence. Once that shift has begun, the need for government intervention will diminish. Bill C-78 takes into account this effect and limits this support to a predetermined period of time. The reasoning behind this bill is based on a proven economic theory.

This bill highlights Canadians' efforts in recent years and provides them with additional support, while recognizing their essential role in the success of a strong recovery both this year and next.

[*English*]

This is the impact of relief in figures.

This measure, estimated at \$1.6 billion, will directly reduce costs for Canadians. For example, a family spending \$2,000 on eligible products will save \$100 in taxes over the same period. All Canadians will be entitled to a discount of at least 5%. In provinces where the HST will be eliminated — Ontario, Newfoundland and Labrador, Nova Scotia, New Brunswick and Prince Edward Island — savings will be even greater. For example, New Brunswickers who normally have to pay a 15% HST will be able to save \$300 on expenses totalling \$2,000.

This difference is significant for Canadians who live humbly and have had to change their spending habits in recent years due to inflation. A 5% to 15% reduction on a range of essential and leisure products during the targeted period will enable a large part of the population to approach this period with a more festive spirit.

In conclusion, with inflation having cooled and interest rates dropping, Bill C-78 is presenting us with the opportunity to support Canadian consumers and businesses in a way that is not going to stimulate inflation, but rather it is going to help Canadians make ends meet and continue driving economic growth. As the government has made clear, it's about leaving Canadians with more money in their pockets at a time of the year when expenses are higher in order to help offset the cost of the things they need so that they can save for the things they want.

[Translation]

This is about helping families for whom extra expenses around the year-end holiday season can be a financial burden, so they can enjoy this time of year a little more. This is also about sustaining the pace of our economic recovery and overcoming the negative effects the recession has had on consumer morale.

I firmly believe that this measure is not only appropriate, but also timely, for all the reasons I just gave. I urge senators to join me in voting to pass this bill.

Thank you for your attention.

• (1530)

Hon. Clément Gignac: Senator Moncion, would you take a question?

Senator Moncion: Of course.

Senator Gignac: First, thank you for the noon-hour info session you organized with Finance Canada officials. This bill is pretty straightforward, I have to say. It's not very hard to understand. However, there are some issues. It is my understanding that, because the bill was not referred to a House of Commons committee, the Standing Senate Committee on National Finance will have an opportunity to ask questions and discuss the economic rationale for this \$1.6-billion measure.

To my knowledge, this is the first time since I've been in public finance that the federal government has unilaterally decided to change the list of exempt products without first consulting the provinces that have harmonized their tax. We're talking about a \$62-million loss of revenue in New Brunswick. Nova Scotia is in the middle of an election, so people are choosing their positions. Don't you think it would be more productive for the federal government to take a position on this issue and decide whether it will compensate the provinces that have harmonized their tax?

In the Senate, we're motivated, at least I am, to protect minorities and the interests of the provinces. It seems to me that we should take this to heart, as senators, when we see that the provinces aren't being compensated in the context of unilateral decisions by the federal government. Perhaps revenue losses don't send the right signal. Could you approach the Minister of Finance about this?

Senator Moncion: Thank you for your question, which is both very interesting and important. We have to remember that, when the government makes these decisions, it negotiates with and consults the various provinces. We know that the federal government is currently in discussions with the various provinces

and territories. Therefore, even if the government hasn't committed to repaying the sums, I still believe that the government will want to find a way to harmonize its decision and reach amicable agreements with the various provinces. We know that negotiations are currently under way.

Senator Gignac: This could lead to biases. For example, during the holiday season, people might choose to dine in Ottawa rather than in Gatineau, given that it will cost 13% less here than on the Quebec side. Will the federal government decide right away whether it will financially compensate provinces that harmonize the sales tax? I'm sure the Quebec government, which administers the federal sales tax, would like to know. As the expression goes, what's good for the goose is good for the gander.

Senator Moncion: Thank you. If Ontario is "the goose" and Quebec is "the gander," then as an Ontarian, I'm happy with the advantage this gives the goose. On the other hand, I understand your dilemma. I wonder how the interpreters will handle all this.

What I can tell you is that these details are part of the discussion. I'm confident that this won't be a unilateral decision and that the federal government didn't intend to create an imbalance between the various provinces.

Hon. René Cormier: Will Senator Moncion take a question?

Senator Moncion: I'll take all senators' questions. There's no need to ask. I'll keep answering until my 45 minutes have expired.

Senator Cormier: Thank you. Although I'm in favour of the bill in principle, I share the same concern as my province, New Brunswick, about its economic impact. That is the first concern. As my colleague said so well, I'm also aware that this initiative to lower the cost of living for Canadians is, in itself, legitimate.

The holiday period is a time when families and parents don't restrict the type of food they eat quite so much. Far be it for me to judge what parents do. That being said, from a public health standpoint, I'm amazed at the comprehensive list of products, including some that are considered to be not very good for one's health.

I will focus mainly on the issue of alcohol. In New Brunswick, the rate of excessive alcohol consumption is 21.3%. I don't have exact data on alcohol-related accidents and loss of life, but we have to recognize that it is a reality. I find it hard to understand that alcohol is included in this list of exemptions.

In your opinion, why would the government not adopt a more ambitious and sustainable measure by completely and permanently eliminating the GST and HST on healthy food sold in grocery stores, while excluding alcohol? Should the committee look at revising this list that is of concern to so many Canadians?

Senator Moncion: Thank you for your question, Senator Cormier. As you know, Canadians eat unhealthy food whether it's taxed or not. As much as we wish everyone had exemplary eating habits, many people don't. The holiday season is for families. It's often a time between two seasons. Winter is starting, people spend more time at home, and lots of family members come to visit over the holidays. I think the government's intention was simply to reduce the financial burden of various taxes. People are going to eat what might be considered junk food whether it's taxed or not. That answers your question in part.

With respect to alcohol, again, the rationale is the same. People will drink whether it's taxed or not. I understand your concern about people driving under the influence. There are many services available, such as Operation Red Nose, Uber, taxis and designated drivers who don't drink. There are other ways, you see.

The ultimate goal is to help young families have a better holiday season, to put a little more money in their pockets so that they can have a nice Christmas. When it comes to gifts, Christmas isn't necessarily about adults, but about children. For adults, Christmas is more of an opportunity to talk and socialize.

I agree with your concerns about the food items in question not necessarily being the healthiest. However, that being said, everyone tends to overindulge during the holiday season, no matter who they are.

Senator Cormier: According to the end date of this measure, the holiday season is going to last until Valentine's Day. I'm glad that we will be able to celebrate with our sweethearts for less, but that means that, as of February 16, Canadians will have to once again pay taxes on essentials, such as children's clothing and shoes, baby diapers and car seats.

Do you agree that we should simply do away with the taxes on these essentials for young Canadian families, not just during the holiday season, but permanently, year-round? You spoke about the economic challenges facing Canadian families. Would that not be a better, more long-term way of helping Canadian families?

• (1540)

Senator Moncion: I agree with you. It would be ideal if we could live in a tax-free environment. A lot of products are tax-free. In the case of children's clothing, families would indeed be able to hang on to more of their money if they didn't have to pay taxes.

As for the government's intention, again, if I was the Prime Minister, I would probably listen to you. It is by no means a job I would want.

These items could be negotiated with the government; they're choices made from a tax perspective, not necessarily within the framework of this bill. However, I've taken note of your intention.

[Senator Moncion]

[English]

Hon. Denise Batters: Senator Moncion, I would like to ask the government leader, Senator Gold, this question. However, according to today's scroll notes, Senator Gold is again not giving a second reading speech on this government bill, Bill C-78, so, as sponsor of the bill, I will ask you.

Yesterday afternoon, Senator Gold, for the government, sent an invitation to senators for an in-person technical briefing on Bill C-78. This technical briefing was set for today, Tuesday, between 12:30 p.m. and 1:30 p.m. The invitation stated that this briefing was "limited to senators and one staff per senator's office." One part was underlined, stating, "Please note that only senators will be able to ask questions."

Senator, the time of this technical briefing today conflicted directly with our Senate Conservative caucus meeting, which we have every week. According to a weekly schedule chart we received at the Rules Committee last spring, I believe that the time of this technical briefing also conflicted directly with the caucus or group meetings of the Independent Senators Group, the Canadian Senators Group and the Progressive Senate Group.

Since only senators were permitted to ask questions at this government technical briefing on a bill the government is trying to get passed quickly, why did the government set this briefing for that time?

Senator Moncion: Thank you, Senator Batters, for the question. The government briefings are usually meant for senators only. Today, I was chairing, and we had staff present. Senators' staff were invited to sit at the table and were able to ask questions in the name of their senators.

Further, if there is another time that you would like to receive a briefing, I would be glad to arrange it and see if the government officials who were there today could attend and provide this briefing.

The questions being asked by senators are important. I'm glad that you — and perhaps some of your colleagues — have the opportunity today to ask a question or a few questions here for clarification on this bill. It is not a complicated bill, and there are questions not related to the bill per se but more to everything that is outside its scope.

If you would like to have a meeting, we could get some people together and hold another briefing.

Senator Batters: Thank you. I think it is probably preferable if the government generally sets times that they know won't be incompatible with almost all senators' schedules.

Senator Moncion, many of the temporarily GST-free items in Bill C-78 were recently proposed by the Liberal government's coalition partner, the NDP, but I noticed at least a couple of notable differences. The NDP proposed a GST holiday on home heating, but that is not included in Bill C-78. Perhaps the government didn't want to remind Canadians about their carbon tax home heating fuel debacle from last year.

The government did include, though, as Senator Cormier pointed out, beer and wine in their Bill C-78 temporary GST holiday. Why did the government make that choice? That would also encompass dry January, which is a very common time for people to try to quit drinking.

Home heating is not included in the bill but beer and wine are. Why did the government make that choice?

Senator Moncion: Thank you for the question, senator.

First, in terms of the tight timelines for this bill, because we are receiving the bill today, one of the things that the government wanted to do was hold a first briefing as soon as it could once the bill was out.

On the question of home heating and the carbon tax, when the government was drafting this legislation, it was looking at a tax break for families. I understand that home heating is part of that. It wasn't the intention of the government to touch that portion of items that we are taxed on in Canada. The government was looking more at family-oriented and children-oriented areas that the tax break could cover.

As for dry January, I really like that one because it reduces the amount of taxes paid. People will probably drink less during the month of January, which will cost less for the government.

The intention of the government was specifically oriented to children and families. That is why it was drafted this way. Those are the kinds of changes that could come at other times.

Hon. Rodger Cuzner: Thank you, senator. I assure you that my question is not about dry January.

Many senators will remember that back in 2021, then-Conservative leader Erin O'Toole put forward pretty much the same proposal for a tax holiday on GST during the month of Christmas. In an editorial in the *National Post* by Michael Smart, an economics professor from the University of Toronto and Co-Director of the Finances of the Nation project, was glowing in his comments about that initiative. It had about the same price tag, under \$3 billion to the treasury. In his comments, he even said that if it had any shortcoming, it was that the Conservative proposal was too modest.

Could I get your thoughts, senator, on whether you think this initiative should be going deeper? Should it be broadened to include more help for more Canadians?

Senator Moncion: Thank you, Senator Cuzner. I am not a tax expert or a tax lawyer. I am a senator. I have a family. Tax breaks are always fun to have because you spend less money or you get more money in your pocket to put toward other things.

Many colleagues have mentioned that there are more and more Canadians using food banks. We had a meeting last week with people from across Canada who are working at food banks, just asking questions on how they get money and work around the expenses and struggles they have.

Looking at this, a small change for just a few months, it is probably not the right time to make it broader. I think given the short time the government had to look at this, there must be a broader view on the taxation of goods and products used in Canada.

In my opinion, the more tax breaks we get, the better, but from the government perspective, I think the intention was limited to helping most families across Canada. We will all benefit from this tax break, regardless of whether we have children or grandchildren or will have company over the Christmas holidays, but the intention of the government at this time is to limit these exemptions.

Senator Cuzner: Thank you for that response. Later in this article, this glowing reflection presented by Professor Smart — and this is particularly poignant at this time of year — he said, "There's no reason to be stingy — especially around Christmas. . . ." He went on to talk about how there are benefits to this program further out.

• (1550)

Has the senator been made aware of any subsequent benefits? How long does the government believe that those benefits will continue to cascade out past the sunset period?

Senator Moncion: As I mentioned in my speech, there is a ripple effect — as you would say in English — where people save money and they use money to buy more, and it helps, down the road, the store who receives the money because then they can buy a little more so others benefit. I was saying that with the stimulation of the economy that this will bring, we might see a ripple effect down the road where people will start buying more because, in the last couple of years, what we have seen is a slowdown in purchases.

Even myself — to give you an example — when I go to the grocery store and I find an article that is way out of price, whether I need it or not, I am going to leave it there. It's not because I cannot pay for it, but I refuse to pay these kinds of prices for articles that have gone up \$3 or \$4 from a couple of years ago.

It is a matter of how we see things moving forward. Maybe we will see in the next few months price drops in groceries and people buying more, so it will stimulate the economy more.

Hon. Krista Ross: Thank you, Senator Moncion. There is no doubt that Canadians could use assistance financially with the cost of goods and services increasing, unemployment increasing and difficulties with housing.

As the sponsor of Bill C-78, do you know how many impacted small businesses or business associations were consulted with about the practicality of implementing a bill of this nature with very little lead time? Are you aware that business associations

are indicating it will have a median cost of over \$1,000 to implement and that it will be very difficult to implement? What do you think of the administrative burden that will be largely shouldered by small businesses?

Hon. Lucie Moncion: Thank you for your question, senator. As for the first part when you asked about consultation, there was no consultation done by the government. The rationale behind that was that the measure was first announced on November 21, and from November 21 to December 14, this is the time that the different businesses will have to adjust to the changes.

As for the implementation costs, whenever there is a change in taxation brought by the government, it is assumed. It is a cost of doing business. It is the cost of compliance. This is how it is seen with the government. They do understand that there is an adjustment period. The adjustment period moving forward is longer than the adjustment period on February 15 when the tax measure reverses.

Senator Ross: Senator Moncion, can you comment on the fact that by picking and choosing items from a broad cross-section and a variety of retail categories, it will require a full revamp of point of sale, or P.O.S., systems, bar codes, scanning and a review of potentially thousands of individual items of inventory regarding eligibility for those impacted small businesses?

Senator Moncion: I may have a different view on the revamping of P.O.S. systems. They are just systems in which you key in the amount, and the P.O.S. system does not usually have taxes that are added, unless I am mistaken. A point of sale for me is the little keyboard, but I may be mistaken.

As for how bar codes are programmed into the systems, I understand there is a lot of work that is going to be done because of the different items that will be chosen. One of the questions we had this morning was — let's say Shoppers Drug Mart. They sell groceries, they sell pharmaceuticals, they do not sell children's clothes, but they will have a lot of adjustments to make. As I said, it is compliance that is brought in that has to do with the work they have to do to get ready for December 14.

Hon. Yonah Martin (Deputy Leader of the Opposition): My question is related to what was raised by Senator Ross. I know that there was not consultation with small businesses, but consumers exist because we have the businesses that provide the products. It is quite disappointing and surprising that the small businesses or other businesses would not have been consulted as it will impact them as much if not more. That ripple effect will be felt.

According to the Canadian Federation of Independent Businesses, 75% of local businesses say that this will be very costly and complicated to implement. The concerns they have heard are regarding the Canada Revenue Agency, or CRA, and whether errors made in good faith will impact small businesses. What sort of penalties? You are talking about compliance, but I imagine there will be errors. Is the Canada Revenue Agency prepared for this change as well?

[Senator Ross]

Senator Moncion: Thank you for the question, senator. So far, the Canada Revenue Agency has been answering the questions from these merchants and from Canadians also.

As for mistakes, there is a process that exists within the HST regulation that is already in place. There are forms that can be filled out by consumers who will have paid GST or HST on articles. Consumers can ask the CRA for the return of monies that they will have paid. It is the same system that exists right now when merchants are filing their HST or GST returns to the government when there are mistakes in all of that. That process has not changed. The forms are there, and that is how it is going to work. Within this legislation, there are no penalties factored into this bill for honest mistakes.

Senator Martin: I am not sure, though, if we can believe that fully in terms of the onus on businesses to be compliant.

It is safe to think that the government rushed in to implement this without consulting a very important partner: the small businesses that are going to be providing this GST holiday for consumers. This rush is quite concerning, and I guess this is not so much a question but a conclusion based upon what I am hearing.

The Hon. the Speaker: Senator Deacon wishes to ask a question, and there is not a lot of time left. Senator Moncion, if you would take another question, I will have to ask leave for more time.

Senator Moncion: I have no problem with more time.

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

Hon. Senators: Agreed.

Hon. Colin Deacon: Thank you, Senator Moncion. I wish to get clarity on consultation. We saw in *The Hill Times* an article saying that the Prime Minister and Deputy Prime Minister didn't consult with their caucus or cabinet. They didn't consult with businesses. They didn't consult with the provinces. We're not sure if they have consulted with the Canada Revenue Agency, or CRA.

• (1600)

I want to just get that list straight. Did they consult with the CRA in advance to see how they would handle what you have described as being honest mistakes? Small business people are very concerned about being compliant. If they are not, they suffer significant penalties. Point-of-sale systems are set up not just as what we tap our cards to, but it is the system behind the scenes. Every single item they sell in the store has an associated tax rate with it. They could make a mistake or there are items that are dual-purpose, maybe a Christmas present that is thought to be on this list and maybe has another use as well. The businesses are a clear partner in this not by their own volition but by being compelled to be a partner.

So provide any insight as to what consultation was done with the CRA. We know it wasn't done with the others, but was it done with the CRA to ensure that small businesses will not end up having their sales at the most important time of the year

disrupted, potentially not significantly but not beneficially, to their minds? How much confidence can you give us around the CRA? Because it appears they were not consulted.

Senator Moncion: Thank you for the question. Senator, I cannot give you any guarantees here. I cannot tell you that everything is going to be great. What I'm thinking is it's not the intention of the government to penalize the merchants for this decision that has been made and that is going to be in place for a few months.

I would say with confidence that there is going to be flexibility within the system for the next few months to ensure that the intent of the government brings the outcome that the government is looking for. I don't think the government is looking to penalize merchants. I think they want to stimulate the economy and they want to help families with a little more money in their pockets.

At the end of the day, we had a conversation about the role of the CRA in this, and there seems to be some flexibility, but it would be for that period of time. Then again, this is something that I could verify with the government just to make sure that I am not misleading you on this. I can get back to you on this.

The Hon. the Speaker: Leave was granted for one question. Is leave granted for a supplementary question?

An Hon. Senator: No.

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

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I want to commend Senator Moncion for the very spirited defence of what has to be close to one of the worst bills that this government has ever presented. I commend you, Senator Moncion, for the way you have handled this.

I find it ironic that the government is actually trying to defend Bill C-78 as a fiscal stimulus. Colleagues, let's put this into perspective. This tax break works out to \$0.63 for every Canadian for 63 days. That's what we save: \$0.63 for 63 days. The supercharge of the economy works out to \$39.69 per Canadian — wow. That's a half a tank of gas, the tax on half a tank of gas — the carbon tax on half a tank of gas.

But one thing I do commend them for as well is they have actually finally found a bill that even every left-wing media outlet is opposed to. I haven't heard anybody who is in support of this bill. I didn't hear many accolades in this chamber, and we are representing all sides here.

Indeed, Senator Moncion and Senator Gold, I find this amazing.

Colleagues, I'm rising, as you know, to speak on Bill C-78, An Act respecting temporary cost of living relief (affordability). I'm going to make just a few comments today at second reading. I'll certainly have more to say when this comes to third reading.

I, for one, do not believe that this government understands a single, solitary thing about affordability or the cost of living, and I do not believe that this government has a blind clue about how to steer us out of the ditch that they have driven us into.

Under this Prime Minister, Canadians across the country have seen the cost of everything skyrocket and are asking what happened to the Canada they once knew. After nine long, painful years under our current incompetent Prime Minister, supported by an incompetent NDP leader, who seems to care more about his pension than the struggles of everyday citizens, we find ourselves in the midst of the worst affordability crisis in our nation's history.

This government has saddled Canadians with more new debt than all previous governments combined. The cost of living has skyrocketed. Housing prices have doubled, and food bank usage is at record highs. One in four Canadians are now skipping meals. One in five children live in poverty, and tent cities have become a common sight in our communities, with over 1,400 in Ontario alone. This, colleagues, is not the Canada that you and I grew up in.

The root cause of the mess we find ourselves in is clear — the failed leadership and policies of this Prime Minister and his alliance with the NDP. Their soft-on-crime approach has led to rising crime and chaos in our streets. Their attacks on our energy sector and imposition of job-killing carbon tax have driven investment, jobs and prosperity south of the border.

Canadians are worse off by every measure. But rather than take decisive action to turn things around, the best this government can muster is the bill that we have before us today — a feeble two-month sales tax gimmick that won't even come close to addressing the real issues. Businesses say it will be costly and burdensome to implement, with the benefits flowing mainly to big corporate retailers and not to struggling families.

Colleagues, the path forward is very clear. We don't need the absurd legislation we find ourselves debating today. We need a change in government and a new approach to unleash Canada's economic potential and make life affordable again for middle-class Canadians. We need to axe the carbon tax, bring down the cost of gas, groceries and home heating. We need to axe the sales tax on newly built homes under \$1 million so that 30,000 new homes can be built. And that's not a slogan, Senator Gold. That's a fact. We need to unleash our economy and our energy sector and stop chasing away our resources, money and jobs.

Only a new government under Pierre Poilievre will do what is needed by getting spending under control, standing up for law-abiding citizens and rebuilding the economic foundations for a thriving middle class. That's the choice Canadians face — continuing down the road of relentless decline under the Liberals and NDP or returning to a Canada we know is possible with new leadership and new direction. The well-being of our country depends on making the right choice in the next election. We simply cannot afford more of the same.

The legislation before us today will remove the GST or HST from a range of items for a period of two months. Ironically, much of that range of items is what Senator Dasko is telling us we shouldn't buy in the first place. According to the Prime Minister, this means that "for two months, Canadians are going to get a real break on everything they do." I'm not sure it would be possible to be more out of touch with reality, because nothing could be further from the truth.

• (1610)

Even former Bank of Canada governor David Dodge was quoted on CTV News saying that the proposed GST holiday, as well as the plan to send \$250 to 18.7 million working Canadians, is a “bad package.” He said:

It’s a little candy today for pain down the road. . . . We’ve been borrowing money to hand out a little bit of goodies today . . . without making the investments that need to be made so that Canadians can earn more in the future and raise their standards of living. . . . So, in economic terms, this is not the right package.

Colleagues, former governor David Dodge was absolutely right. This is not the right package.

Canada is a nation in trouble. The government’s debt burden has now reached 107% of gross domestic product, or GDP, while household debt sits at 132% per capita. Our actual economic performance contradicts the Liberal government’s claim of fiscal success, with growth languishing at 1.2% annually, far below the 3.8% Organisation for Economic Co-operation and Development, or OECD, average. It indicates a major productivity problem. This is in stark contrast with the United States whose GDP per capita grew 3.6% from 2022-23 while ours fell by more than 5%.

Compared to the United States, Canada’s GDP per capita has collapsed from 98% to 66% over the past 10 years. Who was in government those 10 years? A devastating decline. Under the aggressive “America First” policies of President-elect Donald Trump, we can expect that the U.S. economy is likely going to continue to accelerate and outperform Canada by an even wider margin. We face an urgent need to boost both productivity and economic performance. Yet all this government has to offer is — as former governor David Dodge put it — a little bit of candy.

As Conservatives, we cannot and will not support this legislation. However, we will not try to defeat it at second reading. Hopefully, we will have a committee that will do a thorough study. We will allow it to proceed to committee on division. After the government rushed it through the other chamber without a single committee meeting and without calling a single witness — Canadians deserve better, colleagues — Canadians deserve to hear what the testimony at committee will reveal: that this bill is a joke.

The Liberal-NDP government needs to be defeated and replaced with a common-sense Conservative government under Pierre Poilievre as quickly as possible. Canadians deserve better than Band-Aid solutions and empty promises. They deserve a government that understands their struggles and has the courage to make the fundamental changes needed to restore Canadian prosperity.

Colleagues, Canadians deserve leadership. It is time that our current Prime Minister goes back to doing what he does best: working as a drama teacher and a snowboard instructor, and

leave the running of the country to adults. This bill demonstrates the policy depth of Justin Trudeau by completely missing the mark and insulting Canadians. This is not a time to be tinkering around when strong leadership is needed. Thank you.

Some Hon. Senators: Hear, hear.

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

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to and bill read second time, on division.)

[*Translation*]

REFERRED TO COMMITTEE

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

(On motion of Senator Moncion, bill referred to the Standing Senate Committee on National Finance.)

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET DURING
SITTING OF THE SENATE

Hon. Claude Carignan: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(k), I move:

That, for the purposes of its consideration of Bill C-78, An Act respecting temporary cost of living relief (affordability), the Standing Senate Committee on National Finance have the power to meet today after 7:00 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

**MISCARRIAGE OF JUSTICE REVIEW COMMISSION BILL
(DAVID AND JOYCE MILGAARD'S LAW)**

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Arnot, seconded by the Honourable Senator Clement, for the third reading of Bill C-40, An Act to amend the Criminal Code, to make consequential amendments to other Acts and to repeal a regulation (miscarriage of justice reviews).

Hon. Kim Pate: Honourable senators, today I'm thinking of my friend David, his children, his sisters and his mom as well as the hundreds of others and their families who have experienced first-hand the unredressed miscarriages of justice that we hope Bill C-40 will remedy. This legislation must be understood as a first step toward dealing with miscarriages of justice in a more fulsome, proactive and systemic way. There is also, however, much that remains to be done.

Throughout the Legal Committee's study of Bill C-40, witnesses, including the Minister of Justice himself in a letter sent to the committee and appended to our committee report, reaffirmed that to truly remedy miscarriages of justice, the independent miscarriage of justice review commission created by this legislation cannot simply continue business as usual. Significant change is needed to Canada's current approach to conviction review, without which we risk perpetuating the systemic racism and misogyny that consistently fail those most marginalized, particularly Indigenous women.

In his letter, the minister confirmed that the commission will have:

... all tools required to fully implement this foundational, proactive and systemic approach, in a way that represents meaningful change and departure from past experiences of systemic violence, racism and misogyny that, as our GBA+ analysis underscores, have led to Indigenous women in particular representing half of those in federal prisons yet zero successful reviews under the current Criminal Conviction Review Group, covering a period of over 20 years. . . .

The importance of the expectations articulated by the minister was highlighted in an observation of the Legal Committee in its report on Bill C-40, underscoring that the letter from the minister will help:

... inform interpretation of Bill C-40 and guide the mandate of the Miscarriages of Justice Review Commission, particularly with regard to the vital importance of ensuring meaningful and proactive acknowledgement and redress of

sexist, racist and other systemic inequalities, in particular for Indigenous women, commencing with the cases identified in the report entitled *Injustices and Miscarriages of Justice Experienced by 12 Indigenous Women*.

Allow me to highlight some of the key ways these materials, the minister's letter and the 12 Indigenous women report inform what is entailed by the commission's proactive approach to rooting out and correcting long-standing systemic problems with and in the criminal legal system.

The minister's letter notes that the commission must:

. . . meaningfully acknowledge and redress . . . discrimination, and particularly the systemic racism and misogyny that colour the experience of each Indigenous woman who interacts with the criminal legal system.

• (1620)

This work will require commissioners as well as lawyers representing those who have experienced miscarriages of justice to adequately account for and situate the actions of applicants, in particular Indigenous women, within relevant contexts of systemic inequality and colonial violence. In many cases, this task will entail fulsome interrogation of the oversights, misconceptions and mistakes of police, lawyers, judges and other actors involved in miscarriages of justice, but also of one's own similar biases and assumptions.

Regrettably, authenticity and candid acceptance of responsibility are too often lacking when it comes to contextualized understanding of discriminatory approaches and attitudes, especially when these are rooted in racism, class bias, ableism and misogyny.

While others alluded to the issue at committee, the clearest and most direct evidence on this point came from two racialized women witnesses: Rheana Worme, representing the Indigenous Bar Association, and Zilla Jones, a human rights lawyer who was integral in the development of Canada's Black Justice Strategy.

Ms. Jones candidly discussed the ways in which racism, misogyny, prosecutorial charging and plea bargaining create pressures that likely result in questionable convictions and sentences. She discussed one plea deal in particular, questioning whether it was the best outcome for the woman she represented.

In highlighting the need and import of contextual understanding, particularly vis-à-vis Indigenous women who have experienced violence, Rheana Worme focused on a particular example to illustrate this point, namely, the murder trial of an Indigenous woman who was represented by her father, Don Worme, and assisted by her then-law-student mother, Helen Semaganis. She said:

Though both of my parents are Cree, my father unequivocally understood that he could not fully appreciate the experience of this Indigenous woman who had experienced domestic violence, so he ensured he made space to listen, not only to his client but also to my mother. Although she was junior to him and still in law school, he understood that, despite his own experiences in witnessing

his mother's death, he still did not fully understand the layers of colonial violence that Indigenous women face. Together, they were able to present a defence that was unique to the Indigenous woman's experience with domestic violence.

What I suggest in drawing from this example is that there is an innate inability for even the best ally to fully comprehend the context and experiences of women and, more specifically, Indigenous women.

A new report from UN Women has publicized a stark truth about violence against women: For women, the most dangerous place to be is at home. Around the world, home is where most femicides occur, with most women killed by partners or family members, most doubting — based on previous experience — that police and other actors would intervene to adequately protect them from violence.

The client whose actions Ms. Semaganis and Mr. Worme so expertly contextualized and defended lived this reality.

Furthermore, the report titled *Injustices and Miscarriages of Justice Experienced by 12 Indigenous Women* identifies cases where such experiences and contexts were not considered or not seen as relevant. G.S. was sentenced to life in prison after reacting with lethal force to try to protect herself from an abusive partner. S.D. was first criminalized in connection with an abusive partner's drug dealing, while T.M. was criminalized for breaking and entering after sheltering at a school to flee the sexual abuse of her father. I spoke at second reading about how racist and misogynist stereotypes led to Jamie Gladue being depicted as a jealous wife rather than a woman acting to protect herself and her sister from further physical and sexual assault at the hands of an abusive partner.

It is telling that although other witnesses before the committee may privately now acknowledge that they missed key information or did not know enough to interrogate certain issues or understand the implications of particular contexts or the circumstances of individual women's cases in the past, they failed to own or articulate this. Whether it is pride or shame that restrain such self-awareness is not the key issue. The reality is that such reticence to acknowledge, much less take responsibility for, such mistakes or ignorance or both is fundamental to the need for an adequately informed and empowered commission.

It was great to hear Senator Cotter speak about the impact of David Milgaard's presentations at the University of Saskatchewan's law school. His experiences in Saskatchewan were not positive. When I invited David to the university, in addition to his incredible grace and forgiveness, he requested that I also undertake to ensure that the Saskatchewan community, bar and bench do better. He insisted that we invite an Indigenous woman to join him to commemorate Wrongful Conviction Day in his effort to draw attention to the fact that while the stigmatic and biased attitudes against him, a poor rebellious teen, were significant, Indigenous women are subject to much more severe discriminatory attitudes. He was adamant that the cases of the 12 women should be reviewed, including but not limited to O.Q. and N.Q., the Quewezance sisters. But for his interventions,

Innocence Canada would not have assisted, and their claims of innocence would still be at risk of being abandoned on the advice of experienced criminal lawyers.

Against this backdrop, it is particularly important that commissioners be able to revisit and include in their analyses pre-existing contextual information that has not been adequately explored. Indeed, Tamara Levy, Director of the Innocence Project at the University of British Columbia, testified at committee that this recontextualization has not been possible under the current Criminal Conviction Review Group, known as the CCRG, which Bill C-40's independent commission will replace.

Ms. Levy stated:

. . . when we have said that there is a broad new understanding of cultural and gender issues that need to be taken into account when you're reviewing these cases, they —

— that is, the CCRG —

— have not interpreted that as a new matter.

This gap has contributed to the inaccessibility of the current process and the reality that of the mere 24 successful conviction reviews since 2004, most involved White men. Only seven successful applicants, mostly reviewed in the last few years, were racialized men. Not one was a woman.

Justice Harry LaForme, co-author of the report to the government on consultations on A Miscarriages of Justice Commission, stressed that by contrast to the current practice, "I think you would have to interpret [Bill C-40] . . . as allowing you to . . ." to bring this pre-existing contextual information forward.

Contrary to the views of the current Department of Justice review processes, the minister further affirmed that:

. . . fresh evidence includes updated understandings of social context, intersectional analyses of the adverse impact of the criminal legal system on particular racialized and other groups who experience discrimination, and other similar considerations.

The minister also confirmed in his letter another crucial way that the commission must ensure that proper weight is given to such contextual factors by specifying that considerations of:

. . . the exceptional circumstances allowing applications to be made where appeals were not sought account for and address the reality that too many women who experience misogynist violence and/or use force against an abuser are induced/encouraged to accept plea bargains rather than going to trial to raise defences to charges of murder.

Without this understanding, too many women will continue to be denied access to the conviction review process and continue to languish under life sentences and in the prison system.

Given the barriers to recognizing systemic and contextual factors, I was particularly heartened that the minister's letter also emphasizes the importance of group or en bloc reviews,

especially for Indigenous women. The report on the cases of 12 Indigenous women referenced in the Legal Committee's report and instigated by the work of Justices LaForme and Westmoreland-Traoré reminds us of the urgent need and cogent rationale for such an en bloc review of these and other women's cases.

The minister noted that under Bill C-40:

. . . applications to the Commission may be grouped and reviewed together. This would include circumstances where applicants' cases, although rooted in separate miscarriages of justice, highlight systemic patterns and experiences of discrimination.

Ensuring that group reviews are available and eliminating barriers to access will be key components of a crucial strategy for redressing miscarriages of justice that arise from systemic discriminatory failures of the criminal legal and prison systems to adequately recognize, contextualize or address inequities occasioned by racism, sexism, violence and ongoing trauma.

• (1630)

Contextualizing women's stories alongside one another helps ensure a more fulsome identification and analysis of the intersection and patterns of systemic inequality, discrimination and violence. Without this framing, even the best ally, lawyer or commissioner may very well miss such crucial context.

So much of this bill confers broad discretion to the commission and trusts it to do the right thing. To amount to more than a perpetuation of the misogyny and racism that too many of those who have been wrongfully convicted have experienced in almost every facet of their lives, this commission will need the right people, the necessary resources and an unwavering commitment to the proactive and systemic redress of injustices.

For those reasons, we need to be vigilant and ensure the commission and its personnel, policies and decisions reflect this vision and that the commission's ability to respond effectively to injustices continues to expand.

As the minister has emphasized, the commission will do the following:

. . . consider on an ongoing basis what additional measures, including remedies such as sentence reviews, free pardons, the royal prerogative of mercy and conditional pardons, are necessary to fully redress miscarriages of justice . . .

Passing Bill C-40 is just the start. Next, we must ensure that the commission is both empowered and held accountable with respect to fulfilling its mandate to create a miscarriage of justice review system that is accessible, fair and truly just for all.

Meegwetch. Thank you.

The Hon. the Speaker pro tempore: Senator Batters, I am afraid we are out of time. Do you wish to ask a question of Senator Pate?

Senator Pate: I will ask for time for a question.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted for one question and answer?

Hon. Senators: Agreed.

Hon. Denise Batters: Thank you, Senator Pate, for your speech.

Since you were David Milgaard's friend and you knew him, and since the bill is actually named after him, I would like you to tell us a little bit about him.

Senator Pate: Thank you for that. As you know, David died as the negotiations about this bill were happening.

He is someone who spent far too much of his life in custody. As I tried to point out in my speech, that was in part because people did not believe him. As Guy Paul Morin also told us at committee, had it not been for DNA testing, David might still be under that cloud.

When he came out, he actually devoted most of the resources that he had gained from his compensation to his mother. He also insisted upon trying to set the best possible situation in place for his son and daughter, who are now teenagers.

He then spent almost every minute that he could — when he was not with his children or his family — working to try to ensure that the cases of other people who had experienced miscarriages of justice were remedied as well. That is how he came to know some of these women. When he was involved with the justices who were recommending changes and some of the approaches to be taken, he actually talked about the need to ensure that people had a better understanding of these issues.

I dare say that while the bill is named after him, he would have wanted it to go further. That is why the minister's letter and the types of evidence that we heard at committee are so important. Thank you.

Hon. Pierre J. Dalphond: Honourable senators, I will speak briefly to register my entire support for Bill C-40.

This has been in the making for over 20 years. During those 20 years, other miscarriages of justice have happened. It is time to put an end to them and provide a way for people who are the victims of miscarriages of justice to have access to a more open, assisting and fruitful exercise than the current system.

I say that because I wish to tell you about something that happened in a courthouse in Montreal less than a month ago. It is about a gentleman named Claude Paquin. Mr. Paquin was charged with a double murder based upon the testimony of a paid informer. Paid informers are part of our system, but they are one of the less reliable parts of the system, as I can tell you.

Mr. Paquin was convicted of murder.

One month ago, he was in the courtroom. He walked to the courtroom with his cane.

[Translation]

Claude Paquin went to the courthouse. The 81-year-old had been wrongfully convicted of a double homicide in 1983 and spent four decades in prison. He left the courthouse a free man on Wednesday, November 6. Here's what Claude Paquin said to the judge:

I am no longer in hell. I have total freedom. That's what I've wanted for 41 years. I served a lot of time. I lost my freedom for 41 years. Now I have my freedom. I'll try to live the best life I can for the time I have left.

Under the new system, it won't take 41 years to correct mistakes. That's why I invite you to make sure that what happened to people like Claude Paquin, David Milgaard, Simon Marshall, Guy Paul Morin, Michel Dumont and Daniel Jolivet, the man I told you about in my speech last October, never happens to anyone else.

The time has come to pass this bill, and I urge you to do so as quickly as possible so it can receive Royal Assent. Thank you.

(On motion of Senator Martin, debate adjourned.)

[English]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

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

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Mary May Simon, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Mohammad Al Zaibak: Honourable senators, this item stands adjourned in the name of the Honourable Senator Plett. After my intervention today, I ask for leave that it remain adjourned in his name.

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

[Senator Dalphond]

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: So ordered.

On your first debate, Senator Al Zaibak.

• (1640)

Hon. Senators: Hear, hear.

Senator Al Zaibak: [*Editor's Note: Senator Al Zaibak spoke in Arabic.*]

Honourable senators, as I rise today for the first time in this chamber to participate in the debate on the Speech from the Throne, it is very fitting that I am filled with only one emotion: deep and profound humility.

In that spirit of humility, and with reverence, I begin by recognizing that we gather on the traditional and unceded territory of the Algonquin Anishinaabe people, who have lived on this land since time immemorial and whose stewardship of this land predates us all.

Honourable colleagues, I was born in Damascus, Syria. Both Damascus and Syria are steeped in history known as the Cradle of Civilization. For centuries, Damascus stood as a beacon of learning and culture and as a crossroads of humanity's shared story.

I chose to come to Canada because here, in this relatively young country, I saw the promise of my authentic culture and ancient civilization being fulfilled. I saw a country with kindness and decency woven into its national character. I saw leaders who acted in global affairs out of that same spirit of decency and moral purpose. I saw a country that had collectively decided to use its wealth and privilege to help lift up other countries.

My fellow senators, I fell in love with Canada and its people. I discovered, to my great joy, that Canada loved me back.

Canada welcomed me in my search for a better future. This country has given me personal and career opportunities beyond my dreams. To now serve as a senator in the upper chamber of one of the most democratic nations in the modern world is not just an honour for me, but a testament to Canada's diversity, inclusivity and shared commitment to mutual respect and understanding.

When I reflect on my journey, I am grateful to Canada. That sense of gratitude fuels my desire to give back to the country I love so very dearly and deeply.

Honourable colleagues, the Senate is often referred to as "the place of sober second thought," where legislation is carefully examined and refined before becoming law. This reputation is well deserved.

I am absolutely impressed by the calibre of my fellow senators. Your commitment to serving Canada inspires me, and your collective experience and wisdom speaks to the importance of this chamber's role in our democracy.

I am also acutely aware that my own time in this chamber is finite. So if I seem to be in a hurry, it is because I am determined to make the most of every moment and contribute as much as I can to the important work we do together.

When I turn 75, I will hopefully have repaid some of the debt I owe my beloved Canada. Then I can begin repaying the debt I owe my incredibly supportive wife and family, perhaps with a very long family vacation.

We have all come to this chamber from different places, experiences and cultures, yet we put those differences aside and work toward a common goal. As a Syrian, I know first-hand the devastating consequences when societies are steered and drift into conflict over cooperation. My homeland was once a symbol of resilience, coexistence and harmony. Today, it is a stark reminder of what can happen when division supplants dialogue and mistrust overrides common purpose.

Canada, by contrast, has shown the world the power of embracing diversity. Here, we build bridges rather than walls. But this is not something we can take for granted. Our country, like any other, must constantly work to be the best possible version of itself. The Canadian way of life, rooted in inclusivity, peace and respect for human rights, offers a model to the whole world. These are not abstract ideals; they are living principles that shape how we interact, govern and grow as a society.

When I was a new immigrant to Canada and a younger man, I used to watch parliamentary debates in the House of Commons with reverence and awe. I watched and listened to giants like the Right Honourable Joe Clark, Brian Mulroney and Jean Chrétien and watched video replays of Pierre Trudeau and John Turner as they debated the important issues of the day with intellect, rigour, passion and fidelity to the facts with great honesty and integrity.

The leaders I admired rarely stooped to petty personal attacks, nor did they speak in sound bites or perform only for their constituencies. Instead, they elevated our public discourse. In doing so, they elevated us all.

That sense of decorum, the idea that parliamentary debate should focus on the merits of an argument rather than on the personalities involved, has stayed with me. I believe it lives on here in this chamber and that it is worth preserving. It serves us, and all Canadians, so much better than the alternative.

I know this is true because I have already seen this spirit in action. Last February, shortly after I was sworn in, this place showed how truly thoughtful it was during the debate on third reading of Bill C-62. It was a thoughtful and passionate discussion, because any conversation on medical assistance in dying is not an easy one to have — and it never will be. At that time, we saw senators representing the opposition party supporting this government's proposed bill, while others, most of whom were appointees of the current government, did not. In the end, the bill passed without amendment.

The professionalism and deep level of respect at work in this chamber during that significant debate, despite how highly sensitive the discussion was, made me proud to sit among you, colleagues.

Notwithstanding the divisions and challenges of our time, this is what Canada is truly about: a country rooted in respect for one another. That event in this chamber back in February was a clear demonstration of this, and clear evidence — at least to me — of non-partisanship and independence in this reformed Senate.

• (1650)

My experiences as a Syrian-born Canadian have shaped my understanding of the importance of unity. Canada has embraced people from all corners of the globe, creating a rich tapestry of cultures, faiths and traditions. Our diversity is a strength, but it requires constant nurturing.

The Canadian-Arab communities and the Canadian-Muslim communities — two culturally distinct and diverse communities with some important overlap and of which I am a proud member — are integral parts of our social fabric. Despite their immense contributions, these communities often face misunderstanding and under-representation.

As the only Arab Canadian now serving in this chamber, I feel a profound responsibility to be a voice for these communities, to champion and celebrate their achievements and to advocate for greater inclusion at all levels of government and society. I will speak about this in more detail in the days ahead.

On the global stage, Canada has long been a trusted partner, an honest broker and a beacon of peace and stability. But our leadership role must always be renewed. In a world of shifting alliances and rising tensions, we cannot afford to be complacent.

Canada's reputation as a peacemaker gives us unique opportunities to influence global issues from climate change to conflict resolution. In particular, I believe we need to reaffirm our leadership role in fostering peace in regions like the Middle East and Africa where decades of unrest have caused catastrophic suffering.

As we engage internationally, we must also remember that leadership begins at home. By building a more harmonious and inclusive Canada where we always try to follow the better angels of our nature, we can set an example for the world. This is also something I will speak about in my time here in the Red Chamber.

In the coming months, I pledge to speak more about other top priorities during my time in this chamber and beyond, priorities which largely reflect those stated in the Speech from the Throne, and I hope to engage Canadians in conversations that shape our collective future.

Honourable senators, as I have settled into this role, I have come to appreciate the extraordinary efforts of the women and men who work behind the scenes to ensure the Senate functions seamlessly. These dedicated professionals are the unsung heroes of our democracy, top-talented experts who work the complex and invisible machinery that makes the Senate function daily. Without their expertise and commitment, our work would not be possible.

I extend my heartfelt thanks to them and encourage all of us to recognize the essential role they play in sustaining our democratic institutions.

The Hon. the Speaker: Senator Al Zaibak, unfortunately, your time has expired. Are you asking for more time to finish your speech?

Senator Al Zaibak: Can we ask for leave?

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

Hon. Senators: Agreed.

Senator Al Zaibak: Thank you, my colleagues.

To you, my colleagues, I pledge to take up your work and your good example. I will work tirelessly to promote understanding, dialogue and cooperation among people regardless of their background and beliefs. I will strive to build bridges of peace, trust and mutual respect, fostering a sense of unity and solidarity that transcends the boundaries of geography or culture.

Honourable colleagues, my time in Canada has taught me many lessons. I have learned that working together is a surer path to success than working alone. I have seen that adding and integrating new cultures is better than living in isolation and division. I have experienced that a life of service is superior to a sense of selfishness, and that living for our future is better than living in an imagined past. And, above all, building each other up is the only way to move forward as a people.

May we work together as members of different cultures for our future as we build one another up and build a better Canada.

Thank you, *meegwetch* and *shukran*.

Hon. Senators: Hear, hear.

(Debate adjourned.)

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING—DEBATE

Hon. Donna Dasko moved third reading of Bill C-252, An Act to amend the Food and Drugs Act (prohibition of food and beverage marketing directed at children).

She said: Honourable senators, I rise today to speak at third reading as Senate sponsor of Bill C-252, An Act to amend the Food and Drugs Act (prohibition of food and beverage marketing directed at children), also known by its short title as the child health protection act.

Bill C-252 amends the Food and Drugs Act to prohibit the advertising of prescribed foods to children under 13 years of age, foods that contain more than prescribed levels of sugars, saturated fat or sodium. The term “advertising” is broadly defined in the Food and Drugs Act to include:

. . . any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal of any food, drug, cosmetic or device;

Bill C-252 serves as enabling legislation. The details of the prescribed foods, thresholds and scope will be determined by the accompanying regulations, which have been in development for several years. This policy direction has been a Minister of Health commitment since 2015. Health Canada consulted extensively between 2016 and 2019 as well as in the spring of 2023 after the proposed restrictions were available. They consulted with health industry stakeholders and members of the public. Further consultations will be undertaken ahead if this bill is passed.

Bill C-252 is an important step for this country to take to protect the health and well-being of our youngest citizens. In its preface, the bill recognizes the increasing incidence of childhood obesity and its impact on children’s health, and the bill reflects a commitment to addressing this growing public health crisis by targeting one of its key drivers: the marketing of ultra-processed foods to children.

• (1700)

As we begin third reading of this bill, we now have the benefit of testimony at committee from a substantial number of witnesses — 18 in all — who provided valuable information on every aspect of this bill. Our witnesses from Health Canada and the research and health community enhanced our understanding of how ultra-processed food and high levels of sugars, fats and sodium affect children’s health as well as how advertising has a powerful impact on children’s food choices and consumption patterns. Additionally, they presented and confirmed the evidence that self-regulation by the food and beverage industry has not been effective when it comes to reducing children’s exposure to harmful marketing.

I want to thank all members of the Standing Senate Committee on Social Affairs, Science and Technology for their superb engagement on this bill, and I want to thank all witnesses for their testimony. As well, many thanks to the bill’s sponsor, Quebec member of Parliament Patricia Lattanzio, for bringing it forward.

Nutritional science provides us with a vast amount of evidence about the impact of food constituents, good and bad. According to Health Canada, on the topic of sodium:

. . . too much can lead to high blood pressure, an important risk factor for stroke and heart disease. Heart disease and stroke are the leading causes of death in Canada, after cancer.

And further:

It is estimated that over 30% of high blood pressure cases in Canada are due to high sodium intake. High dietary sodium has also been linked to an increased risk of osteoporosis, stomach cancer and severity of asthma.

When it comes to saturated fat, too much can cause cholesterol to build in one's arteries. According to the Heart and Stroke Foundation, "Saturated fat can raise bad . . . cholesterol," which is a risk factor for heart disease and stroke.

When it comes to sugar, according to the Heart and Stroke Foundation:

Excess sugar consumption is associated with adverse health effects including heart disease, stroke, obesity, diabetes, high blood cholesterol, cancer and dental cavities.

None of this would be problematic if Canadians did not consume these food constituents in significant quantities. But sadly, they do. Canadian diets are, in fact, dominated by ultra-processed foods, which are high in salt, sugars and saturated fats, which, in turn, are associated with a higher risk of mortality and increased risk of the conditions I just mentioned.

As well, ultra-processed food consumption in Canada is highest in children aged 9 to 13, making up nearly 60% of their diets, according to a brief submitted to our committee by the Stop Marketing to Kids Coalition. This has contributed in particular to the alarming rise in childhood obesity in this country, as documented in many sources, for us, most notably, in a study undertaken by our very own Standing Senate Committee on Social Affairs, Science and Technology back in 2016, which investigated the rise of childhood obesity and its impact, including on the mental health and well-being of children. By the way, that committee report, endorsed by the full Senate, also recommended that the government prohibit the advertising of food and beverages to children. What a far-sighted chamber this is.

Let me now turn to the topic of advertising to children.

As referenced in the preamble to Bill C-252 and supported by committee witnesses, children are particularly vulnerable to marketing and its persuasive influence over their food preferences and consumption.

Children under the age of 5 are generally not able to distinguish between advertising and programming, and most do not understand the selling purpose of advertising until they reach the age of 8 years old. By the age of 12, they understand that ads are designed to sell products, but may not yet be aware of the persuasive intent of advertisements. The more children are exposed to food advertising, the more likely they are to ask their parents to buy or to themselves consume the advertised foods.

This is concerning, since Canadian and international studies have consistently found that the vast majority of food products advertised to children are poor in nutrients and are energy-dense.

In fact, over 90% of food and beverage ads viewed by kids on television and online are for ultra-processed foods or foods containing high amounts of sugar, saturated fat or sodium, according to the brief submitted by the Stop Marketing to Kids Coalition.

This marketing appeals to children through product design, the use of cartoon or other characters, fantasy and adventure themes, humour, and other marketing techniques. Clearly, these techniques work, as children as young as 3 are brand-aware and are able to recognize or name food and beverage brands, according to a brief submitted to our committee.

Dr. Tom Warshawski, consultant pediatrician and Chair of the Childhood Healthy Living Foundation, said at committee:

Unfortunately, marketing ultra-processed food to kids works. Marketing influences children's food preferences, prompts them to pester parents to purchase these foods and increases their consumption of these products. . . .

The increase in childhood obesity, the growing consumption of ultra-processed foods by children and the growth of pervasive marketing techniques, which now include online applications, have generated great concern in the health community, internationally and in this country, well over a decade ago, as well as a search for remedies.

Back in 2010, the World Health Organization, or WHO, called for global action to reduce such marketing to children and put forward 12 recommendations to guide its member states, including self-regulation and voluntary approaches. In July 2023, the organization changed its advice and now calls for comprehensive and mandatory policies. Why did they do that? Because powerful evidence has emerged about the continuing impact of marketing on children and the poor results of industry-led approaches. As stated by the WHO last July:

Aggressive and pervasive marketing of foods and beverages high in fats, sugars and salt to children is responsible for unhealthy dietary choices. . . . Calls to responsible marketing practices have not had a meaningful impact. Governments should establish strong and comprehensive regulations.

Considering the irrefutable evidence, a number of jurisdictions have taken up mandatory and regulatory initiatives to restrict advertising to children: Mexico, Argentina, Chile, the United Kingdom, Spain, Portugal and Norway. For example, the U.K. has prohibited such advertising on television between 5 a.m. and 9 p.m., and also online advertising.

Of course, the most important example by far that we have of mandatory initiatives is Quebec, which has had legislation under their Consumer Protection Act since 1980 that prohibits commercial advertising of all products and services directed at children under the age of 13. It's quite remarkable that Quebec in 1980 was so far ahead of developments that took shape years later. What a far-sighted province that is.

• (1710)

The Quebec law has survived serious court challenge. In a landmark 1989 decision, the Supreme Court of Canada held that the Quebec law that restricted advertising to children was valid and justified under section 1 of the Charter of Rights and Freedoms.

Further, the court said:

The objective of regulating commercial advertising directed at children accords with a general goal of consumer protection legislation — to protect a group that is most vulnerable to commercial manipulation. Children are not as equipped as adults to evaluate the persuasive force of advertising. . . . children up to the age of thirteen are manipulated by commercial advertising . . .

Note the words “manipulated by commercial advertising.” Colleagues, let us keep these words of our highest court in mind as we deliberate on this bill.

Outside Quebec, restrictions on advertising to children have been guided by industry self-regulation. From 2007 to 2020, food and beverage companies established a voluntary program for restricting food and beverage advertising to children, which was replaced with a new code in 2023.

These efforts received much comment from our witnesses at committee. Let me quote Professor Monique Potvin Kent of the University of Ottawa, a renowned expert in this field. She stated at committee on November 20:

Since 2005, I’ve conducted a huge volume of research —

— she told us it was over 60 studies —

— that has evaluated the Canadian Children’s Food and Beverage Advertising Initiative, which is the self-regulatory code that was recently disbanded. In every study, I concluded that this code is insufficiently protecting children from unhealthy food marketing. Research around the world — in the U.S., the U.K., Australia and New Zealand — has come to similar conclusions. Self-regulation is not effective for reducing children’s exposure to unhealthy food marketing.

In one major study of children’s television ad viewing, Professor Potvin Kent found that companies that were participating in this industry initiative, that had signed onto the restrictive code, were more likely to advertise less healthy foods to children than those that were not participating in the industry program.

More precisely, 80% of the food and beverage promotions of the companies part of the initiative were less healthy in terms of levels of fat, sugars, sodium and so on, compared to 55% of the promotions of the companies that were not part of it.

These findings are truly disturbing, and we are talking about vulnerable children.

[Senator Dasko]

To repeat an unmistakable conclusion, research in Canada and globally has repeatedly shown that industry self-regulation is not effective in protecting children from exposure to certain food and beverage advertising.

Colleagues, from what I’ve seen and heard from the health community and from my own study of this topic, we cannot expect the newly adopted industry code — there is a new code as of last year from the industry named the Code for the Responsible Advertising of Food and Beverage Products to Children — to achieve better outcomes than previous efforts in spite of the enthusiasm for the code shown by the industry witnesses who testified at committee last week.

Let me make a few points about this industry code, drawing upon the code itself and the evidence of the health sector and expert witnesses at committee. First, the new code does not have a child health lens, as does Bill C-252. In fact, the code does not mention “children’s health” even once. Therefore, we must assume that the industry code has other objectives that have nothing to do with children’s health.

The scope of the code excludes many marketing techniques —

BUSINESS OF THE SENATE

The Hon. the Speaker: Senator Dasko, I’m sorry to interrupt.

Honourable senators, it being 5:15 p.m., I must interrupt the proceeding. Pursuant to rule 9-6, the bells will ring to call in the senators for the taking of a deferred vote at 5:30 p.m., on 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).

Call in the senators.

• (1730)

HEALTH OF ANIMALS ACT

BILL TO AMEND—FOURTEENTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE ADOPTED

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.

The Hon. the Speaker: Honourable senators, the question is as follows: It was moved by the Honourable Senator Black, seconded by the Honourable Senator Downe, that the fourteenth report of the Standing Senate Committee on Agriculture and Forestry, be now adopted.

Motion agreed to and report adopted on the following division:

ABSTENTIONS
THE HONOURABLE SENATORS

YEAS
THE HONOURABLE SENATORS

Anderson	Klyne
Arnot	Loffreda
Audette	McBean
Bernard	McNair
Boehm	McPhedran
Boniface	Mégie
Boyer	Miville-Dechéne
Brazeau	Moncion
Busson	Moodie
Cardozo	Moreau
Clement	Muggli
Cormier	Pate
Coyle	Petitclerc
Cuzner	Ringuette
Dalphond	Senior
Dasko	Simons
Duncan	Varone
Forest	Wells (<i>Alberta</i>)
Fridhandler	White
Gerba	Woo
Greenwood	Youance—42

NAYS
THE HONOURABLE SENATORS

Al Zaibak	Osler
Ataullahjan	Oudar
Aucoin	Patterson
Batters	Petten
Black	Plett
Carignan	Ravalia
Cotter	Richards
Deacon (<i>Nova Scotia</i>)	Robinson
Deacon (<i>Ontario</i>)	Ross
Downe	Saint-Germain
Gignac	Seidman
Gold	Smith
Harder	Tannas
Housakos	Verner
MacAdam	Wallin
MacDonald	Wells (<i>Newfoundland and Labrador</i>)
Martin	Yussuff—35
McCallum	

Nil

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

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

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Dasko, seconded by the Honourable Senator Busson, for the third reading of Bill C-252, An Act to amend the Food and Drugs Act (prohibition of food and beverage marketing directed at children).

Hon. Donna Dasko: Honourable senators, I was in the middle of talking about the industry code and observations from witnesses at committee on the code. I said that it does not have a child health lens and does not even mention children's health anywhere. That is my first point.

As well, the scope of the industry code excludes many marketing techniques. Product packaging, point-of-sale marketing, the use of cartoon and promotional characters, premiums and other marketing techniques are excluded from the code.

The scope of the code excludes social media, websites, apps and other digital media that are popular with children but not specifically intended for them, whereas Health Canada's regulations would include this media. It is also very important to understand that the industry code uses more lenient nutritional criteria than Health Canada does for a number of foods like cereals, where the permitted sugar content under the code is much higher than the levels proposed by Health Canada. Sugary breakfast cereals are among the most advertised products to children, and the code does little to protect children from this exposure.

• (1740)

As well, the code uses voluntary language. This is where we get a real taste of the voluntary aspect of it. Voluntary language is all over the place. They "may" do this, or they "may not" do that. For example, if an advertiser does not comply with the request to remove an offending ad, Ad Standards "may" request that the media remove it. Well, they may not request it — it is all voluntary and optional. The document is filled with this kind of language. The code does not include monitoring the advertising ecosystem. How does anybody know if and how companies are

complying with it? There is only a complaint process, not a process of monitoring the system; whereas, under Bill C-252, the ecosystem would be monitored by authorities.

There are no sanctions for breaking anything in the code — imagine that — and there would be sanctions under the Health Canada regulations. Sanctions under Health Canada would include monetary penalties or prosecution for very serious cases, but there are no sanctions for breaking the industry code. That is another way to look at it.

These are some aspects of the code that lead the experts to believe it can't possibly deal with the issues that we're talking about, which is the exposure of children to these ads.

On the positive side, in spite of these differences and the desire of the industry to continue to regulate itself, I am hopeful that dialogue and solutions might be possible going forward. At committee, Health Canada officials expressed a willingness to meet and consult with the industry after Bill C-252 is passed, and so did industry witnesses.

"We are absolutely very keen to work with them," said Andrea Hunt, President and CEO of the Association of Canadian Advertisers, if Bill C-252 is passed as is. This sentiment was echoed by Catherine Bate, President and CEO of Ad Standards Canada, who expressed a willingness to liaise with Health Canada on a regular basis after Bill C-252 is passed. I think that presents an opportunity down the road after the bill has passed, hopefully, for there to be dialogue and discussion.

Colleagues, let me turn now to the significant support expressed for this bill across the health community. The Stop Marketing to Kids Coalition consists of 10 leading health organizations, as well as 92 other organizations and 22 renowned health experts, who are urging the adoption of Bill C-252. They include the Heart and Stroke Foundation, the Childhood Healthy Living Foundation, the Alberta Policy Coalition for Chronic Disease Prevention, the BC Alliance for Healthy Living Society, the Canadian Cancer Society, the Canadian Dental Association, the Chronic Disease Prevention Alliance of Canada, Diabetes Canada, Food Secure Canada and Collectif Vital. Representatives of the coalition and these organizations testified at committee. They are asking us to please pass the bill at third reading.

Research experts and committee witnesses, including Professor Monique Potvin Kent from the University of Ottawa, Professor Charlene Elliott from the University of Calgary and Assistant Professor Lindsey Smith Taillie from the University of North Carolina at Chapel Hill — all expert witnesses — strongly urged that this bill go forward. We also heard from UNICEF Canada who urged that we take a child rights-based approach toward legislation and regulation and pass this bill.

There is another important segment of Canadian society that will welcome this bill with enthusiasm, and that is parents. When my children were young, I remember very well all of the challenges I faced trying to drown out the marketing messages directed at my children for toys, food, clothing and more. On the other hand, I also recall how grateful I was that products like tobacco and alcohol could not be marketed to children.

In my professional life in the private sector, I led several research projects for Health Canada in tobacco control over the years, and I understand very well how these kinds of measures are of indispensable help to parents. When it comes to tobacco, for example, marketing restrictions were one of the many measures that contributed to a radical decline in smoking in this country. This bill will also help parents to do the right thing when it comes to food consumption. In an Environics survey conducted for the Heart and Stroke Foundation, that is why 85% of parents of children aged 4 to 18 supported restricting the marketing of unhealthy foods and beverages to children.

Colleagues, this bill is actually the fifth time that Parliament has considered such a bill. All four previous efforts died on the Order Paper, including one that died on the Order Paper here in the Senate. Some colleagues will remember the most recent initiative, which was Bill S-228, led by former Senator Nancy Greene Raine in 2016. That bill passed third reading here in September 2017, and then it went to the other place where it passed with amendments and then came back here for consideration of the message. It died on the Order Paper when the 2019 election was called. One witness at committee described this as a tragedy.

I have spoken and communicated with former Senator Greene Raine, and she tells me that she is very enthusiastic about Bill C-252 and the prospects of this bill. I have to say that I am as well. The urgency for these measures has only grown with childhood obesity rates tripling in recent decades, as well as the increases in heart disease, childhood hypertension and stroke, and marketing practices becoming more sophisticated and pervasive.

Bill C-252 represents a vital step forward. After extensive study and hearing all sides, last week, your Standing Senate Committee on Social Affairs, Science and Technology passed this bill unanimously and without amendment. Colleagues, this is about children and children's health. I urge you to vote in favour of this bill without amendment, and together let's create a positive impact on generations to come. Thank you.

Hon. Yuen Pau Woo: Would Senator Dasko take a question?

Senator Dasko: Yes.

Senator Woo: Thank you for your speech and for explaining the thinking at committee. I want to ask you about the process after the bill is passed in terms of developing the regulations for the monitoring of unsuitable advertising for children.

Has Health Canada already come up with the criteria around the thresholds for sodium, sugars, trans fats and so on, or is that something yet to be fully developed?

Senator Dasko: Thank you for the question. They have come up with proposed criteria, a proposed scope and areas where they are hoping to regulate. They have it well developed, but it is a proposal at this point. Nothing has been implemented. Their plan is to continue consultations, if the bill is passed. If it is not, I'm not sure exactly what happens in that scenario. That is the status of where they are right now.

Senator Woo: Thank you. You indicated that in at least one area, the industry code is deficient; I think it was the amount of sodium in cereals. Perhaps in other areas, the industry code is better aligned with Health Canada? I do not know. It is partly a question.

My bigger question is whether you see the prospect for industry to play a more active role in the crafting of those regulations and subsequently, perhaps, also in the implementation of some of the measures because regulation has a cost to it. It doesn't come magically. The best kind of regulation involves industry to take some responsibility for the measures that the public sees as beneficial.

• (1750)

Could you comment on that?

Senator Dasko: Yes. Thank you for the question, Senator Woo.

There is a chance for dialogue. That is how I phrased it in my comments. The industry and Health Canada are far apart on some things, maybe closer on others, but I think there is a chance for industry to make its views known. There are a couple of areas that I think are problematic, and I think they will benefit from dialogue.

I am very hopeful that what all of them said at committee — Health Canada on one side and industry on the other side — reflects how they intend to go forward if the bill is passed. There is an opportunity for them to work together to try to iron out the biggest difficulties between them. That is possible, I think.

Hon. Donald Neil Plett (Leader of the Opposition): Thank you, Senator Dasko, I have just one question.

At the end of your speech, you alluded to the fact that we should consider passing this relatively quickly because it had gotten unanimous consent over in the other place. I can't disagree with that. However, what would your bar be? If there is one short of unanimity over there, you would still think we should also move the bill quickly or is it only if it is unanimous?

Senator Dasko: Thank you, Senator Plett. Actually, I didn't say that it had unanimous support over there. I do not remember what the vote was. I said we had unanimous support at our Social Affairs Committee, a very enlightened group. So just a reflection of our committee's work. We had unanimous support there.

I don't remember what the vote was in the other place.

Senator Plett: Thank you for that. I have no further questions other than to say that I wish that the Agriculture Committee was as enlightened as the Social Affairs Committee is.

Hon. Julie Miville-Dechêne: Senator Dasko, I am delighted that Canada is following the example of Quebec on that issue. More seriously, I know you love data. Is there data to show that the experience in Quebec has had an impact on obesity or the health of kids? I know there are many factors to children's health, but I wonder if we have any kind of data that could help

us to say that this is the way to go. I believe, in terms of principles, that this is the way to go, but do we have any proof that it works?

Senator Dasko: Thank you, senator. This is an excellent question. There was one witness at our committee who was asked this question and did relay information that obesity is lower among children in Quebec, possibly attributed to advertising.

We also know that the ban on advertising of products is more effective in the francophone community because the anglophone communities have access to English-language television from the rest of Canada and the U.S. It is less effective with anglophones than it is with francophones.

There is also some evidence that consumer purchases have been affected by the legislation in terms of the amount that is spent on junk foods. That is another piece of information, piece of evidence, that came up in support of the impact of the Quebec legislation. Three things.

Hon. Paula Simons: Would Senator Dasko take another question?

Senator Dasko: I will.

Senator Simons: At the beginning of the journey of this type of legislation, it is fair to say that 5, 10, 15 years ago, children were more likely to watch what we call linear television. As a Gen-Xer, I grew up watching Saturday morning cartoons and eating bad cereal. But these days, as the preamble to the bill notes, children rarely watch television anymore and consume primarily audio-visual material on platforms such as YouTube.

This bill went to the Social Affairs Committee and not to the Transport and Communications Committee. I wonder, because the bill is silent on this, how they intend to regulate advertising on social media and digital platforms, which is where most children today consume their entertainment.

Senator Dasko: That is an excellent question, senator. Yes, they are going to regulate this advertising on social media, websites and platforms. They have a list of social media they are going to be regulating.

Senator Simons: You and I served together on Transport and Communications, so we know from our work on Bill C-11 that that is sometimes easier said than done.

Was there any explanation of how they intend to regulate, especially, as you mentioned, with English-language television in Quebec, that many of these streaming services are not within Canadian jurisdiction?

Senator Dasko: That is a very good question about Canadian jurisdiction. They cannot do anything about ads coming in from the U.S., but they seem determined to be able to regulate social media and online applications.

They have put together criteria that have to do with the medium, whether it is a kids' program, a kids' platform and so on, and other types of media and applications that might be a

more general medium but actually targeted to children. They seem to have developed it fairly far in terms of the way they are going to deal with it.

But you are right about the foreign influence. That is something that is not going to be easy to deal with.

Hon. Leo Housakos: Senator Dasko, I listened to your argument with regard to this bill. It is interesting to see how the enlightened Social Affairs Committee was all unanimous, of course, on this particular piece of legislation. I would assume, and I hope, that you will show the same enthusiasm along with the other enlightened members and oppose the government's initiative to remove the GST from junk food over the next two months. Would that be the case?

Senator Dasko: Thank you, senator, for your question. I can't speak on behalf of committee members, I'm sorry.

Hon. Marnie McBean: Honourable colleagues, I rise today to speak in support of Bill C-252, the child health protection act.

I want to thank Senator Dasko for her tireless work on this important bill. I'm proud to be connected to the work of former senator Nancy Greene Raine, an icon and role model in sport and in this place. Eight years ago, she recognized the need to be a voice for children, helping them to learn to make healthier choices with their nutrition, and hopefully that vision will be made into law soon.

I have been an advocate for the health and activity of Canadian children and youth for over 30 years. I fully support the passage of Bill C-252 as it directly addresses our collective responsibility to being trustworthy stewards of the health and well-being of our children.

Across Canada, children are constantly exposed to ads for unhealthy foods, products high in sugar, salt, unhealthy fats and ultra-processed foods. These ads are often designed specifically to captivate young audiences, using bright colours, beloved characters and catchy slogans to influence their preferences. These ads are shaping children's choices before they even know that they are choices and have persistent consequences for their health.

Children under the age of 13 are particularly vulnerable to this type of marketing because they lack the critical skills to recognize that marketing tactics are even at play. They trust what they see on their screens, and their food choices reflect this influence. Research, including findings from the Senate Social Affairs Committee's study on obesity, shows that marketing like this drives the consumption of unhealthy foods, contributing to the rising rates of childhood obesity, diabetes and other preventable diseases. If we are serious about protecting our children's future, we must act to limit the marketing of unhealthy foods targeting those under 13 years of age.

[Senator Dasko]

• (1800)

Colleagues, let's think of children's nutrition as building a campfire. A strong, healthy fire requires the right balance of materials to get those hot embers going. First, we take some crumpled paper and kindling to ignite, then we take small and medium branches to stabilize and transfer that flame to the larger and sturdier logs that will provide long-term energy and warmth. If I try to build a fire with just paper and kindling, the fire is going to catch quickly, burn bright and then be out before any heat can be generated. I can keep adding paper and kindling hoping that the fire will grow — I know you've all done it — but the results will be the same: no real heat and no sustained energy.

Similarly, overloading a child's diet with ultra-processed, unhealthy foods disrupts their growth and diminishes their vitality. Too much quick-burn energy leaves them hungry and craving more. Compare that to a balanced, healthy diet that provides a satiated feeling and sustained energy. A child's diet needs a balance of nutrients, carbohydrates, proteins and healthy fats — all of which contain essential vitamins and minerals that fuel growth and cognitive development.

This doesn't mean children should never have ingredients like sugar and can't enjoy them for two weeks over the holiday. In my home, like most kids, my daughter loves a bowl of honey nut cereal for breakfast or a pack of sour patch candy as an afternoon snack. However, it's important to approach unhealthy ingredient consumption with moderation while fostering healthy habits that contribute to a balanced lifestyle. Teaching children to make mindful food choices from an early age helps them to build a positive relationship with nutrition. How does a food make them feel? When do they know that they've had enough?

By setting clear boundaries and leading by example parents can empower their children to independently make healthier decisions as they grow, and this bill is key to that goal. It's not just about limiting advertising, it's about giving our next generation the tools to live healthy lives. Countries like the United Kingdom and Chile have already implemented similar measures with measurable success. By passing this bill, we can follow their lead and reduce preventable illnesses, ease the strain on our health care system in the long term and nurture a stronger, healthier generation.

As with any legislation, Bill C-252 has critics. These critics argue that the regulations could limit business freedoms and stifle creativity and innovation in the advertising industry. Others worry it could even restrict a food company's ability to promote healthier products.

While I understand these concerns, I want to be clear: the purpose of this bill is not to restrict free enterprise and creativity. There is no reason why advertising healthy foods and lifestyles can't be engaging and innovative. And, friends, walking down the colourful cereal or confection aisle will remain a parent-child gauntlet of negotiations, as will driving past the fast-food restaurant. The purpose is to ensure that marketing aimed at children cannot, without restriction, promote harmful products to children's health.

Another concern is the fear of overregulation. Some argue that defining what constitutes unhealthy food could unintentionally limit choices that parents consider appropriate. However, this bill is not about dictating what children can or cannot eat; it is about limiting the overwhelming influence of unhealthy advertising.

Teaching a child to make balanced, nutritional choices is hard, as Senator Dasko said, and it takes time. These lessons are made even harder for parents and teachers when a child's attention is drawn to professionally designed and targeted advertising. Parents, caregivers and teachers deserve a fair fight. This bill would help foster an environment that supports learning to make healthier choices.

Some believe this bill would not have the desired impact on children's eating habits. And while no single solution can solve the problem of childhood obesity, this bill is an essential part of a larger strategy that includes promoting education, providing access to healthier food options and supporting community-based initiatives. Bill C-252 is a critical piece of the puzzle, but certainly not the only one.

At the Social Affairs Committee members heard from industry representatives about their new, self-regulatory code for advertising to children. With respect, relying on industry self-regulation to tackle this issue has proven ineffective. Professor Monique Potvin Kent from the School of Epidemiology and Public Health at the University of Ottawa testified that the new self-regulatory code is a poor imitation of Quebec's Consumer Protection Act. She provided an example, showing how the new code allows marketing to children when their presence in the audience is less than 15%. These, my friends, are likely the most vulnerable children, by the way: kids who are not watching what most kids are watching. This contrasted sharply with Quebec's model where child-targeted marketing is never allowed, regardless of the audience composition.

Professor Potvin Kent also pointed out that the health standards in the new code are inadequate, particularly when it comes to sugary cereals and fast food — which are often classified as healthier than they actually are — and the code lacks the compliance checks and enforcement mechanisms.

Colleagues, without proper enforcement or meaningful penalties, these industry-regulated guidelines fall short of offering real protection. Safeguarding our children's health cannot be left to corporate goodwill; it requires strong, government-enforced regulation that prioritizes our kids' long-term well-being.

I urge you, my colleagues, and all Canadians, to support this critical change. Together we can ensure that our children's potential and energy burns brightly, fuelled by proper nutrition and free from manipulative marketing. The health and future of our children and the nation depend upon it. Thank you.

Hon. Rosemary Moodie: Honourable senators, it's an honour to rise today to address one of the most critical responsibilities we have as legislators: the health and well-being of our children. Bill C-252, with the short title the "Child Health Protection Act," represents a pivotal opportunity to take meaningful action to foster healthier, more fulfilling lives for the next generation.

I want to extend my heartfelt gratitude to member of Parliament Patricia Lattanzio and Senator Dasko for their unwavering commitment and leadership on this bill. I also want to thank the Social Affairs Committee for their thorough examination of the bill's provisions, as well as the expert witnesses and Canadians who shared their insights, experiences and concerns with us. Their voices have been instrumental in shaping the case for this essential legislation.

At its core, Bill C-252 seeks to cease the marketing of unhealthy foods and beverages to children under the age of 13 years, such as products laden with high sugars, saturated fats and sodium. This is not merely about regulating advertising, colleagues; it is about placing the health of our children above the profit margins of multi-million-dollar industries.

Why is this bill so important? Canadians know that cultivating healthy lifestyle choices in children is foundational to long-term health and well-being; yet marketing tactics used to target young children are not just persuasive — they are exploitative. Young children lack the neurodevelopmental capacity to critically evaluate advertisements. They cannot distinguish between marketing ploys and the actual nutritional value of a product. This makes them uniquely vulnerable to manipulative advertising designed to encourage unhealthy choices. The evidence is stark and undeniable.

During committee discussions we heard from Professor Potvin Kent, who shared insights from her recent study funded by the World Health Organization. This study revealed that children from 6 to 17 years of age are exposed to a staggering 4,000 food and beverage advertisement annually during just 30 minutes of daily mobile device use. Even worse, 87% of the products advertised fail to meet the Health Canada nutritional standards.

• (1810)

When combined with exposure to television, radio, outdoor billboards and retail displays — not to mention social media — the total number of advertisements becomes staggering. Even the most vigilant parents tirelessly promoting healthy eating are clearly outmatched by the relentless barrage of industry-driven marketing.

Professor Charlene Elliott from the University of Calgary referred to the Consumer Protection Act in Quebec, saying:

. . . it was premised on the basis that very young children could not recognize advertising intent. It is, per se, manipulative to market to them.

This insight underscores the ethical urgency of addressing the issue at hand today, colleagues. Professor Elliott's research reveals that from 2009 to 2023, targeted marketing to children has not only increased, but, alarmingly, 97.5% of the products advertised to our children fail to meet Health Canada nutritional guidelines. Such advertisements promote higher levels of sugar, sodium and saturated fats and are purposely designed to influence young, vulnerable and impressionable minds.

Colleagues, I don't have to say this to you, but this is clearly unacceptable.

Dr. Tom Warshawski from the Childhood Healthy Living Foundation highlighted the epidemic of overweight children and adolescents, emphasizing the role of targeted advertisements in driving the surge in obesity tied to diabetes, high cholesterol and hypertension. While these issues aren't caused by advertising alone, it is undeniable that all unhealthy food and beverage ads significantly influence children's choices, pushing them to crave and consume more unhealthy foods. The \$1.1 billion spent annually on targeted advertising is a major driver of those concerning trends, and it's time we recognize its harmful impacts and take action.

Type 2 diabetes, once virtually unheard of in children, has now reached epidemic levels, with Indigenous communities disproportionately affected. Indigenous families are increasingly targeted by advertisements for unhealthy food and beverages, contributing to poor nutritional choices and a higher risk of developing type 2 diabetes. A staggering 85% of Indigenous women are expected to develop type 2 diabetes in their lifetime, a statistic that highlights the long-term effects of unhealthy dietary habits formed early in life.

Hypertension — or high blood pressure, as we also know it — is also becoming increasingly common in children. It threatens not only heart health but also cognitive development and academic success. Unhealthy fat levels are placing even young children at risk of long-term cardiovascular diseases.

The consequences of poor nutrition are no longer confined to future health problems; children are already suffering from these conditions, underscoring the urgent need for action.

Colleagues, you may be wondering why Bill C-252 is necessary when the Association of Canadian Advertisers' Code and Guide for the Responsible Advertising of Food and Beverage Products to Children already exists. This code, established in 2021 and revised in 2023, recognizes children as “. . . a special audience . . .” and restricts the advertising of foods high in fat, sodium and sugars to children under 13 years of age. While the code is a step in the right direction, it falls short of what is needed to protect our children from the pervasive influence of unhealthy food advertising. Industry stakeholders attest that the code is mandatory; however, it is presented to the public as a self-regulatory guide. Also, in their descriptions of the code, industry websites and documents have pervasively used very permissive language by any standard. They use words like “can,” “may,” “voluntary” and “self-regulatory,” with no mention of the code's supposedly mandatory nature.

Additionally, through consultation with industry stakeholders, the committee determined that the complaints-based supervision of the code by members of a voluntary organization, Ad Standards Canada, has led to no complaints being filed so far. In

the case that a complaint is filed, there is no standardized process in place to determine consequences for the offending agent, and there are no monetary penalties. This leaves companies without real incentive to follow the code, even if they claim to. In fact, Professor Monique Potvin Kent presented evidence to the committee that companies that claim adherence to the code have committed more infractions than many that have not.

Given the lack of monitoring and regulation surrounding the code, there is no evidence to support the notion that the code is currently working. Thus, regulation on a federal level is necessary, because we cannot wait in the hopes that this voluntary code might somehow become successful.

Bill C-252 is better than the voluntary code. It will enshrine in law a clear legislative prohibition on advertising to children. Along with other regulations being proposed by Health Canada, Bill C-252 will open the door for robust monitoring and enforcement, including financial penalties, which the industry itself acknowledges it cannot levy.

The code, as it stands, does not identify children as vulnerable, voiceless or in need of protection. It simply identifies children as “. . . a special audience . . .” But what does that mean? Further, there is no mention of children's health in the code, and that is astonishing. The industry will always consider their bottom line above the needs of Canadian children and youth.

Despite evidence that Quebec's advertising ban led to no stifling of economic activity, industry stakeholders remain concerned about the economic impact of this bill. However, we cannot allow profit motives to take precedence over the health of our children.

Colleagues, will the passing of this bill lead to the eradication of childhood obesity? Likely, it will not. It is well understood that the cause of this disease is multifactorial, and I'm not arguing against that. However, I believe the bill will reduce the amount of unhealthy food that Canadian children are consuming. It will make it easier for parents to steer their children toward healthier foods because they won't have to compete with dynamic and colourful advertising presented quite deliberately to our children.

Through children consuming less unhealthy food, there will be a decrease in childhood obesity, diabetes, hypertension and high cholesterol. It will make our children healthier, and they will grow into healthier adults.

Even if you don't agree with me, I want to put these questions forward: Are you certain of the efficacy and performance of the current industry code such that you are willing to risk the health and well-being of millions of Canadian children by opposing Bill C-252? Are you that certain that the voluntary code will do a better job than legislation?

Colleagues, Canadian children have an inherent right to be protected. This bill provides an opportunity to protect our children against exploitive marketing practices and prioritize their current and future health and well-being. The science is unequivocal.

The time to act is now. I urge you to fully support Bill C-252 and stand with Canadian families in creating a healthier future for our children.

• (1820)

Honourable colleagues, thank you for your time in hearing my perspective and for all your hard work in moving this bill through the Senate. I look forward to hearing from others and seeing this bill become law. Thank you, *meegwetch*.

(On motion of Senator Martin, debate adjourned.)

FINANCIAL PROTECTION FOR FRESH FRUIT AND VEGETABLE FARMERS BILL

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

On the Order:

Resuming debate on the motion of the Honourable Senator Wallin, seconded by the Honourable Senator Dagenais, for the adoption 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. Tony Loffreda: Honourable Senators, I rise today at report stage to share my views on Bill C-280, which seeks to provide our fruit and vegetable growers additional protections under the Bankruptcy and Insolvency Act.

Today, I am speaking in favour of our Banking Committee's report on Bill C-280. As you know, the bill was amended in committee thanks to two amendments by Senator Varone, which passed by a vote of 7 to 4.

Honourable colleagues, let me first set the record straight. Despite what was said in this chamber, the Banking Committee did not try:

. . . a second time to pass the same amendments that already failed by the same people whom we now want to send the bill to. . . .

These amendments were not formally introduced in the other place. I understand, as Senator MacDonald pointed out, that the House examined the definition of "supplier" and the scope of applicability and ultimately opted not to propose amendments.

To suggest senators on the Banking Committee adopted amendments that failed in the other place is not correct. We did no such thing.

The sponsor of the bill explained the following regarding Bill C-280 when appearing before our Banking Committee:

This bill seeks to establish a financial protection mechanism, a limited deemed trust to ensure that fresh fruits and vegetables producers are paid in the event of a purchaser bankruptcy.

In committee, support for this bill was made abundantly clear in our committee chair's remarks when she spoke to our report on November 19. I noted four references that underscored support for the bill in its original form. Meanwhile, there was no mention of opposing views, which is why I felt compelled to say a few words as the deputy chair.

I also believe that senators may have been misled a bit when our chair introduced new evidence as she was reporting on the bill. Indeed, our committee did receive a letter from the Chair of the House of Commons Standing Committee on Agriculture and Agri-Food, which the senator referred to in her speech. It's worth pointing out that we had clause by clause on October 31. The letter from the House committee asking us to adopt the bill unamended is dated November 5.

I bring this up simply to shed some light on our committee's deliberations. This letter was not factored in because it was not part of our evidence. It probably would not have changed the outcome of the vote anyway. I find it a little awkward for our chair to present information that was received after the fact. Many have also asked themselves this question: Is it acceptable?

Despite what's been said, an abundance of opposition to this bill does exist. Critics and certain expert witnesses we heard in our committee argued that implementing a deemed trust could disrupt the established order of creditor claims, potentially disadvantaging other creditors in bankruptcy proceedings. A new deemed trust could have ripple effects throughout the insolvency system. Additionally, there are concerns about the administrative complexities and costs associated with enforcing such a trust.

I would now like to address two additional points.

First, and most important, is the issue of reciprocity with the United States. This is a major concern, as various witnesses expressed in committee.

Second, based on the operational impact and unintentional consequences of Bill C-280, various witnesses expressed concerns. There was correspondence received from Innovation, Science and Economic Development Canada that said:

More specifically, super-priorities and deemed trusts change the rules of creditor markets and cause increased losses to all other creditors.

I will not repeat what Senator Varone and others said in their remarks last week, but I want to say a few words on reciprocity.

We know that the industry has been calling for reciprocity since 2014, when Canada was excluded from the Perishable Agricultural Commodities Act, or PACA, because, as one witness told us, access to Canadian growers was “. . . rescinded due to the absence of a similar payment protection program here in Canada. . . .”

This same witness, from the Ontario Greenhouse Vegetable Growers, added:

The passage of Bill C-280 as presented would restore reciprocity to Canadians, providing them protection and competitiveness and avoiding any negative downward impacts on the supply chain.

However, as far as I know, I have yet to be presented concrete evidence or formal assurances that reciprocity will be reinstated with Bill C-280.

On October 23, a government official told us the following regarding the United States:

There have been informal discussions about this bill and whether it might be deemed reciprocal with PACA, but I know no formal assurances have been sought in that regard to this point.

A week later, when we proceeded to clause by clause, Senator Martin asked Tom Rosser, Assistant Deputy Minister at Agriculture and Agri-Food Canada, if the bill would restore the PACA dispute resolution equivalency to Canadian growers.

Mr. Rosser said:

. . . it remains to be seen whether the original bill would be recognized as equivalent by U.S. authorities. We have not officially sought their opinion on that.

In reaction to the proposed amendment by Senator Varone, Mr. Rosser went on to say that, in his judgment, “. . . the probability of that happening might be diminished. . . .” He added:

It’s a question of probabilities. There’s no certainty that would happen irrespective of whether the bill is amended or not.

I think this statement is quite relevant to our debate.

More recently, we received a letter from Bruce Summers, the administrator for the USDA’s Agricultural Marketing Service, who raised some concerns about the amendments to Bill C-280. He argues that the amendments “. . . appear to limit the scope of protections under Bill C-280 by revising the definition of a person . . .” which is inconsistent with the definitions in PACA.

I appreciate Mr. Summers’s views, which we only received through Senator C. Deacon on November 18. His letter is dated November 7 — one week after we did clause by clause.

This is the same Mr. Summers who was invited to appear before our committee and declined, citing concerns around interference with a foreign parliament.

Anecdotally, we also heard last week that some senior agricultural administrators welcome the prospect of Bill C-280 with enthusiasm, yet we were told that there were no guarantees provided regarding reciprocity. It is likely but not guaranteed if the bill receives Royal Assent.

Colleagues, the issue of reciprocity is an important one. We have received no formal assurances that the bill — in its original form or amended — will achieve this goal. Considering this bill was introduced in June 2022, I wonder why we have yet to seek or receive any confirmation from our American counterparts on reciprocity.

The second issue I want to raise is the operational impact and the unintended consequences that this bill could result in. My concerns are twofold.

First, I want to address the challenges associated with giving farmers priority over other creditors. While this protects growers, it could raise concerns among all other creditors, who would now face a higher risk of not recovering their funds.

The House of Commons Agriculture and Agri-Food Committee produced a report in 2020 entitled *Facing the Unexpected: Enhancing Business Risk Management Programs for Agriculture and Agri-Food Businesses*.

Among its 15 recommendations, the committee called on the government to:

. . . implement a statutory deemed trust to provide financial protection for produce farmers and sellers in the event of buyer insolvency or bankruptcies.

• (1830)

In its formal response to the report, dated March 2021, the federal government wrote:

With a deemed trust, an unpaid fresh produce seller would have very significant advantages over most other creditors of an insolvent fresh produce buyer. In addition to fresh produce sellers being paid ahead of secured creditors, the proposed deemed trust would also subordinate super-priorities that were put in place for compelling public interests, including deemed trusts for employee withholdings and limited super-priorities for unpaid wages and unpaid regular pension contributions.

In its submission to our committee, the Canadian Association of Insolvency and Restructuring Professionals summarized its view as follows:

. . . the proposed measure to protect suppliers of perishable fruits and vegetables would conflict, displace and possibly frustrate the protection mechanisms that have been put in place to date by the legislator to protect vulnerable creditors or advance social policy concerns.

With Bill C-280, producers would now have super priority over other creditors. This has been confirmed by recent court cases, unlike what we heard last week in this chamber.

This would have the perverse effect of prioritizing payments to growers ahead of the Government of Canada, deemed trust for employee withholdings, super priorities for unpaid wages and super priority for unfunded pension liabilities — something we recently endorsed with the passage of Bill C-228 in April 2023.

I am also concerned about setting a precedent. I appreciate there are unique circumstances for perishable fruit and vegetable growers, but I fear other sectors will seek the same protections, citing similar risks in product loss due to non-payment. This could lead to broader pressures to reform creditor hierarchies, potentially complicating Canada's bankruptcy framework and further altering lender risk assessments.

This leads to my second point: There are risks associated with access to capital if we give super-priority status to growers.

In the government response to the House committee report, it said:

A deemed trust would have significant impacts on credit markets and the recovery of third-party creditors. The proposed deemed trust would reduce lender collateral in favour of fresh produce sellers, which would generally result in reduced credit availability and/or higher credit cost for the fresh produce sector. Lenders of fresh produce sellers would likely reduce the amount of credit available to satisfy other creditor claims and would also likely result in more onerous business terms and conditions from lenders and suppliers on future transactions with the fresh produce sector.

This was the government talking.

The government's view was shared by other witnesses who appeared before our committee, including the Office of the Superintendent of Bankruptcy, whose representative said:

Policies, like Bill C-280's deemed trust, which would result in some creditors being paid more, by definition, cause other creditors to lose more. This can impact credit as lenders take insolvency repayment expectations into account when deciding whether and on what terms to extend credit.

To one of my questions, Deputy Superintendent Miranda Killam said:

The measures proposed in the bill increase the risk for lenders because there's the possibility of having another creditor with a deemed trust of an unknown amount that will be paid first. . . .

I agree with Ms. Killam's assessment. This is a reality, and the testimony we heard in committee confirms it.

In the case of a mortgage or other immovable asset — even a sailboat — it is correct that he who registers first has first dibs. But prior claims do exist and must be paid in the event of loans

with working capital as security, commonly known as “floating charges,” like receivables and inventory such as fruits and vegetables, as well as receivables on those fruits and vegetables. This has also been recently confirmed by the courts: Deemed trusts will come before secured creditors.

Colleagues, as I conclude, allow me to summarize and reiterate three points:

First, Bill C-280 does not guarantee reciprocity with PACA.

Second, Bill C-280 is creating a new precedent by setting a priority status that is arguably unfair and is superseding other claimants, like employee wages. Workers are important, superseding other claimants.

Third, let me quote from Innovation, Science and Economic Development Canada:

Bill C-280 proposes exceptional treatment for a specific industry group without evidence of exceptional harm from insolvency losses compared to similarly situated creditors. The losses are nominal in the industry. This undermines core insolvency principles, including equitable treatment of similarly situated creditors and the recognition of creditor rights in the same priority as they would exist outside the insolvency situations.

Honourable senators, I hope you will take into consideration what I have outlined as you consider the adoption of the Banking Committee's sixteenth report, which deals with Bill C-280.

Thank you, *meegwetch*.

Hon. Donald Neil Plett (Leader of the Opposition): Senator Loffreda, in your speech you said that we received no reassurances that we will receive reciprocity because of Bill C-280, and you said it again at the end of your speech. Yet, we clearly did receive assurances that we will not receive reciprocity if this amendment is adopted. That assurance we received. Does that matter to you, Senator Loffreda, or do you only care about winning the argument rather than seeing farmers win?

Senator Loffreda: Thank you for the question, Senator Plett. We all want farmers to win, but we want a bill that is going to meet the goal it is intended to meet and the objective it has to meet.

Unfortunately, we have not heard that reciprocity will be obtained, not with the original bill and not with the amended bill. But the amended bill is a much better —

The Hon. the Speaker: Senator Loffreda, I know there are two other senators who want to ask a question. Are you asking for more time?

Senator Loffreda: I could be here all day, all night, no problem.

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

An Hon. Senator: No.

Some Hon. Senators: Agreed.

The Hon. the Speaker: I hear a “no.”

Hon. Pierrette Ringuette: Honourable senators, I rise today to speak to the Standing Senate Committee on Banking, Commerce and the Economy report on Bill C-280, amended by the members of the committee.

Essentially, Bill C-280 is trying to fit a square peg in a round hole. In my intervention today, I will attempt to clarify this for you because we are talking about two completely different systems between Canada and the U.S.

Early in our Banking Committee meetings on Bill C-280, most members were ready to recommend that this bill not be adopted by the Senate. The bill pretends to create reciprocity for U.S. fruit and vegetable growers. It is not a mirror but a heavily smoked mirror that fogs the central issue.

This bill’s intention is to provide, in the case of bankruptcy, priority status for fresh and frozen fruit and vegetables and all the entities in that chain. At the outset, one must realize that we are talking about much more than the farmers whom this bill seeks to protect.

However, I’m tipping my hat to Senator Varone, who has put forward two amendments to, first, define who is a supplier; and, second, to elevate the position of farmers within the bankruptcy protection hierarchy.

At the outset, the Canadian Bankruptcy and Insolvency Act, which I will refer to as the BIA, has two components in cases of insolvency. The first one is the fair and equitable distribution of resources among the stakeholders in case of bankruptcy. The second one is the promotion of restructuring so that companies can try to continue operating.

Bill C-280 does not include any provision in case of restructuring. This is the first flaw in a series that I will indicate today.

Currently, the BIA provides claims for all farmers, fishermen and aquaculturists. These claims are granted priority status through a statutory security because the claimants are considered more vulnerable than other categories of suppliers. Notice that in

that group, there are fishers. Bill C-280 elevates the status only for perishable fruits and vegetables. It does not recognize the perishable nature of fish in that grouping.

• (1840)

This particularly negatively affects fishing products from Atlantic Canada, Quebec and B.C., as it automatically lowers them in the chain of claims. This is another flaw of Bill C-280 in the Canadian context of the BIA.

I could go on and on. Fifteen minutes is not a lot.

Pretending that Bill C-280 will create reciprocity for fruit and vegetable farmers is, as I said earlier, trying to fit a square peg into a round hole, since comparing the Perishable Agricultural Commodities Act — PACA for short — of the U.S. Department of Agriculture, or USDA, to the provision of Bill C-280 is, in reality, comparing apples and oranges.

Bill C-280 tries to rewrite legislation to protect American farmers and write American legislation to protect Canadian farmers, notwithstanding the fact that it would provide better protection in the BIA for over \$6 billion worth of American products coming into Canada against all other claims related to only the \$1.5 billion worth of fresh fruits and vegetables that Canadians export to the U.S.

The USDA PACA system of deemed trust is a real trust. It requires funding to be allocated at the outset. Those funds are then used in the dispute resolution process. It is not only strictly an issue of having funds available if there is an insolvency. That is one component which occurs.

If you have funds specifically allocated in a separate trust account, that ensures payment in the case of insolvency. The PACA process also provides for a dispute resolution process if, for instance, there is a question regarding the quality of the product that was sent. If the grading was incorrect or is disputed, then there’s the process to determine exactly what the claim against the true trust is and to resolve it.

PACA protection is a true trust. It creates an obligation for produce buyers to hold the proceeds of the sale in a trust account. It is this account that is distributed. I hope you understand the fundamental difference.

Bill C-280 does not contain a similar process. It does not even have a peg. Studies of this issue in Canada indicate most payment issues in the fresh fruit and vegetable sector are due to slow payment, partial payment or non-payment among buyers. PACA also requires a licensing system for all involved in the chain, except the producer. The chain relates to interstate trade and export only. It is not applied within a state jurisdiction.

The licence is also conditional on invoicing being paid within 10 to 12 days, period. Otherwise, there are penalties. If a licensee receives a few penalties, then PACA removes their licence. The purpose is to remove the undesirable entities from the trust system. It is a completely different concept than what we have. We have no licensing system in Canada to remove the undesired entities from the system. These undesirables would now become part of an elevated BIA status.

Currently, our BIA has no private commercial claim as a statutory deemed trust. Our BIA deemed trust is for the Crown, for employee payroll deduction, such as income tax, Employment Insurance premiums and CPP. Priority is also given for employee pension plans. We, in this chamber, unanimously approved this particular provision not so long ago. Are we now supposed to renounce that commitment to Canadian workers? What a slap in the face we would be giving to all of them.

Honourable senators, when Canadian food processors export their products, it is accompanied by a certificate by our Canadian Food Inspection Agency. It is not the only system. It is the only system that we have.

Over the weekend, I had conversations with potato producers in my area who export to the U.S. They use a U.S. broker who assumes the responsibility for customs, delivery to the end buyer and payment within 20-60 days. They also mentioned that the Canadian fruit producers only require payment within 120 days, increasing their risk.

The fee charged is called the bond and is based on per 100 weight. As an example, for a tractor trailer worth of potatoes, the bond fee would range between US\$50 and US\$100. The value of the shipment ranges, depending on the season and the availability, between US\$18,000 and US\$20,000. So, at the most, the bond would be a US\$1 fee for a value of shipment of US\$100; it is 1% of the value of the shipment.

The exporting potato farmers in my area have absolutely no issues with paying this 1% for the slate of services they get from the broker.

Honourable senators, it has been mentioned a few times that this so-called reciprocity has been promised since the first Canada-U.S. trade deal in 1986. We had renewed agreements since then. In all fairness, the Office of the Superintendent of Bankruptcy testified in our committee meetings that in many reviews of the BIA since that first trade agreement, the issue of reciprocity was undertaken by the experts reviewing the parties.

At the end, the Canadian experts in the review process established that using the BIA to try to create a reciprocity process was just not possible. In fact, during the clause-by-clause consideration of Bill C-280, Mr. Tom Rosser, Assistant Deputy Minister, Market and Industry Services Branch, Agriculture and Agri-Food Canada said the following:

... it remains to be seen whether the original bill would be recognized as equivalent by U.S. authorities. We have not officially sought their opinion on that.

• (1850)

Colleagues, if Bill C-280 were the solution, I strongly believe that since its introduction in the other place in June 2022 — over two years ago — our Canadian authorities would have sought the U.S. Department of Agriculture, or USDA, opinion on its said reciprocity.

I am convinced that it's not the case. I am convinced that Bill C-280 is not the solution. There is certainly a solution out there, but Bill C-280 is not it.

At best, the amendment tries to better protect farmers of fruits and vegetables. Therefore, I will support the report.

[*Translation*]

The Hon. the Speaker: Will you take a question, Senator Ringuette?

Senator Ringuette: Yes.

[*English*]

Hon. Hassan Yussuff: Honourable senators, I'm struggling like many of you. Like many of you and my colleagues on the other side, 18 months ago, we passed Bill C-228, the Pension Protection Act. This was to remedy decades of injustices toward workers when their companies went bankrupt and the pension funds were not fully funded. We talked about Nortel and Sears Canada. I could list a lot of other companies.

This was truly a remarkable achievement, not only in this house but also in the other house. Finally, to come to the conclusion —

[*Translation*]

The Hon. the Speaker: Senator Ringuette, your time is up. Are you asking for more time?

Senator Ringuette: I can answer that question.

[*English*]

The Hon. the Speaker: Honourable senators, is leave granted to answer that question?

Hon. Senators: Agreed.

Senator Yussuff: I think we — in this house and in the other house — sent a message to workers and their families that, finally, we will provide a remedy and a solution by passing a piece of legislation that will give them super priority. That now means they will go ahead of the bank. We believe that people who spend a lifetime working should not be cheated out of something to which they have contributed over an entire lifetime of work.

How do we reconcile that with Bill C-280 which will now take away the super priority that was given to workers and their pensions, if we pass this bill?

This is the simple way of putting it: Can we give the same thing twice to two different groups of people in one piece of legislation? I am struggling with this because I went back and read Bill C-228, and I am reading Bill C-280. These two bills are doing exactly the opposite of what we agreed to in this house and in the other place when we said we were going to rectify something that was historically wrong.

For my colleagues on the other side, it was a bill brought forward by one of their members. I applaud that member for her efforts. I worked collectively for all of us to pass that bill, which we did in this place. I am struggling to understand because people are now asking me, “Does this bill now take away from what this house did in a historical context 18 months ago?”

Senator Ringuette: Thank you for the question. Senator Yussuff, you are right; I briefly went through it in my speech because there was so much to say in regard to our study and my personal study on this issue.

Yes, the fresh fruit and vegetable market in Canada is worth about \$7.6 billion. We consume \$7.6 billion of fresh fruits and vegetables. Of that, over \$6 billion comes from the U.S. What we are doing here, in reality, is sidestepping the commitment we made in regard to pension plans in Bill C-228, and we are providing guarantees to the Americans. Our producers, who shipped \$1.1 billion worth of products to the U.S., can proceed like my potato farmers and pay 1% and get a broker who will do the customs work, deliver the product and receive the payment for 1% of the value of that shipment. I believe that this bill is completely wrong. Thank you.

Hon. Scott Tannas: Honourable senators, I will be brief. I had intended to ask a question, but I will just make a few comments.

First of all, like you, Senator Yussuff, I’m trying to understand. There are some things that don’t line up for me that are worth mentioning. Number one is Senator Ringuette’s math regarding \$7.5 billion of fresh fruits and vegetables, with \$6 billion coming from Americans and \$1.5 billion going to Canada. If you add that up, there is one group that is missing. That would assume that every single vegetable produced by farmers leaves the country, but it doesn’t. There’s a much larger amount than what you just said.

Number two is with respect to the protection for workers and their pensions and wages. Particularly for pensions, we did pass that bill; that’s right. But under this law, this money doesn’t belong to the company. It’s supposed to be in a trust. It’s deemed to be in a trust because we don’t want everybody setting up little tiny trust accounts. The fact of the matter is that the organization received the goods and has never paid for the goods yet. It’s up to the company to make sure they set that money aside.

It’s up to their bankers to make sure that they either set that money aside or they provide a surety of some kind, or they should be cutting their operating lines by an equivalent amount and setting it aside for them for that eventuality. But this is not taking something away from workers. It is just protecting money that is owed and doesn’t belong to the workers or the company. It belongs to those who sold them those precious goods.

[Senator Yussuff]

Finally, I know we are here for sober second thought, but there has been a lot of discussion about not knowing whether the Americans will accept this bill as reciprocity. The only thing we do know is there is a letter somewhere — I saw it at one point — that said they for sure will not accept this bill with these amendments for reciprocity.

In this case, I want to put my faith in three people who ought to know, who have the entire resources of the government behind them and who are specifically, in one way, shape or form, responsible for this file: the Minister of Agriculture and Agri-Food, the Minister of International Trade and the Prime Minister of Canada. All three voted for this bill without our help. Thank you.

The Hon. the Speaker: 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)

QUESTION OF PRIVILEGE

SPEAKER’S RULING RESERVED

The Hon. the Speaker: Pursuant to rule 13-5(1), the Senate will now consider Senator McCallum’s question of privilege.

Hon. Mary Jane McCallum: Honourable senators, pursuant to the written notice I provided yesterday to the Clerk of the Senate and the Clerk of the Parliaments, and pursuant further to Rule 13-3(1) of the *Rules of the Senate of Canada*, I rise today to speak to a question of privilege surrounding the adjournment motion that occurred during our most recent sitting of the Senate.

For context and explanation further to the written notice that was recently circulated to all senators from the Clerk, during the sitting last Thursday, November 28, the adjournment of the Senate was sought during debate on Bill S-218. This occurred a few minutes before 6 p.m., when there were just a handful of items left to be spoken to on the Order Paper. As there was no legitimate need to adjourn at that point in the sitting, and as both myself and Senator McPhedran were still on scroll to speak that day, we both said “no” emphatically when Her Honour put the question of adjournment to senators.

Nevertheless, and despite our objections, the adjournment motion carried on unobstructed. Recognizing this, and immediately prior to the bells ringing, Senator McPhedran rose to address Her Honour, indicating that two senators had said “no” to this adjournment motion. In response to this assertion, Her Honour simply said, “Yes, and so I said it was carried,” referring to the adoption of the adjournment motion, despite this recognition that two senators had said “no.” Not only did the motion then proceed to pass, but it was not even recognized as passing on division.

Honourable senators, pursuant to Rule 13-2(1) of the *Rules of the Senate*, a question of privilege must meet four criteria to be accorded priority. As I will lay out, I contend this question of privilege meets those four criteria:

Regarding subsection (a), this question of privilege is being raised at the earliest opportunity, as this matter occurred surrounding the adjournment of the most recent Senate sitting, and as I had given written notice prior to the current sitting.

Regarding subsection (b), this is a matter that directly concerns the privileges of several senators, primarily those whose objections were dismissed as well as those who were prepared with speeches that went undelivered as a consequence of the early adjournment.

Regarding subsection (c), this question of privilege is being raised to correct a serious breach of the Senate’s rules, procedures and typical practices, as the failure to properly recognize senators objecting to a motion had cascading effects of disallowing a proper voice vote and, moreover, disallowing a standing vote.

Regarding subsection (d), this question of privilege is being raised to seek a genuine remedy that the Senate has the power to provide, and for which no other parliamentary process is reasonably available to rectify, given the misapplication of both rules and procedures, which resulted in senators being silenced both within the voting process as well as through the preclusion of speeches that could potentially have occurred later during that sitting, pending the outcome of a standing vote.

Colleagues, Rule 9-2(1) of the *Rules of the Senate* reads:

When a question is put to a vote, the Speaker shall ask for the “yeas” and “nays” and shall decide whether the question is carried or defeated.

This process was not followed correctly for the adjournment motion in question, as the motion was considered carried without acknowledgement of the objections. This decision was then further sustained without due consideration when it was raised by Senator McPhedran that two senators had objected.

Moreover, Rule 9-3 of the *Rules of the Senate of Canada* stipulates:

After a voice vote, upon the request of at least two Senators made before the Senate takes up other business, the Speaker shall call for a standing vote.

The right for senators to rise on this vote was violated when the recognition of their dissent to the motion was not properly recognized on the voice vote.

Honourable senators, having laid out the facts of the issue at hand, I would now like to appeal to you all to consider the matter, meaning, spirit and intent of the privilege we all allegedly enjoy. The *Rules of the Senate* defines privilege as:

The rights, powers and immunities enjoyed by each house collectively, and by members of each house individually, without which they could not discharge their functions

These words carry not only great weight, but also great legitimacy. As some honourable senators may be aware, these words and this definition were first crafted in 1946 by the great parliamentary scholar and expert Erskine May within the fourteenth edition of *A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament*.

This concept of privilege has also been considered in a 1996 report of the Australian Senate Standing Committee of Privileges. This Australian committee described privilege as follows:

The privileges of Parliament are immunities conferred in order to ensure that the duties of members as representatives of their constituents may be carried out without . . . improper impediment

Most critically, colleagues, I would like to quote our own guiding document, *Senate Procedure in Practice*. On page 224, it states:

The purpose of privilege is to enable Parliament and, by extension, its members to fulfill their functions without undue interference or obstruction. . . . Individual members can only claim privilege if “any denial of their rights . . . would impede the functioning of the House.”

Colleagues, we must acknowledge that the denial of several senators’ rights in this instance also impeded the functioning of the house, as the misapplication of the Rules not only shut down debate but closed up shop needlessly early last Thursday.

Honourable senators, *Senate Procedure in Practice* goes on to state:

. . . the essential purpose of parliamentary privilege is to allow Parliament to control its proceedings without undue interference . . . as well as to allow members to carry out their parliamentary duties. . . .

Within the list of collective rights that senators hold, this guiding document explicitly includes “the regulation of its proceedings or deliberations . . .” In its list of privileges senators hold individually, *Senate Procedure in Practice* includes “freedom of speech in Parliament and its committees” and “freedom from obstruction . . .”

Honourable senators, I would like to appeal that the view and stance that is often taken as it pertains to the concept of privilege is often too narrow and constrictive to be of practical use. Privilege is often linked to immunity from the ordinary law. However, does this finite limitation not do us all a great disservice? Are we not then permitting and willfully allowing our privilege and rights to be obstructed, interfered with and impeded upon by our own misapplied proceedings, whether they be misapplied intentionally or accidentally? For let us be clear; based on the previous texts I have referred to from Erskine May, the Parliament of Australia and our own *Senate Procedure in Practice*, they are all clear that privilege is in place to guard against the obstruction, interference and impediment of our parliamentary duties.

• (2010)

Why would we be militant in ensuring protection of privilege from external forces when we ignore the violations of our privilege that occur by our own internal mechanisms?

Our privilege is either a fully guaranteed right to ensure we can perform our duties, or it is a pretense. We must understand which of these two it is and treat it as such. How can I have the right to freedom of speech when I do not have the right to speech itself?

Honourable senators, we all know that time for debate is highly limited in this place due largely to travel considerations and committee responsibilities. We typically meet for no more than two hours on Wednesdays, we typically adjourn relatively early on Thursdays to facilitate travel and we typically do not meet at all on Mondays and Fridays. This leaves Tuesday as the only day we usually sit through the Order Paper. However, when you have 100 senators vying to speak on dozens of items on the Order Paper, time becomes precious. We cannot afford to trample on one another's privilege by willfully denying some the right to be heard on a vote or speech and then proceed to act as though that decision is somehow less of a violation of our privilege than it would be if it were an external force that resulted in the same outcome.

As such, honourable senators and Your Honour, I strongly urge us all to truly consider the meaning and intent of privilege. Are our rights under privilege — our rights to undertake our parliamentary functions free from impediment, obstruction and interference — alienable or inalienable? Is our privilege guaranteed, or is it conditional?

Colleagues, given the situation raised in this question of privilege and what I contend are a legitimate impediment and restriction in the ability for me and several of my colleagues to perform our senatorial work, I submit that this matter constitutes a prima facie case of privilege and warrants further consideration by the Senate.

As a final point, I also note that the adjournment motion in question last Thursday occurred while Senator Plett was on debate on my Bill S-218, which seeks to implement gender-based analysis more evenly within government.

[Senator McCallum]

As such, Senator Plett, I look forward to you concluding your remarks in support of that bill when you use the balance of your time.

Kinanāskomitinawow. Thank you.

The Hon. the Speaker: Do any honourable senators wish to enter debate on the question of privilege?

Thank you, Senator McCallum, for bringing this important question to our attention. I will take this question under advisement.

FINANCIAL PROTECTION FOR FRESH FRUIT AND VEGETABLE FARMERS BILL

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

On the Order:

Resuming debate on the motion of the Honourable Senator Wallin, seconded by the Honourable Senator Dagenais, for the adoption 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. Michael L. MacDonald: Honourable senators, I don't have a prepared speech, but I would like to make a few remarks on the things I've heard in this chamber this evening.

I hate speaking to the senator when he is not here. I'd prefer if Senator Loffreda were here when I speak.

The Hon. the Speaker: Senator MacDonald, I believe you spoke on this item already. You're not permitted to enter debate a second time.

You could ask a question of Senator Tannas.

Senator MacDonald: Senator Tannas, it was mentioned during debate that potato farmers in New Brunswick were more than happy with the arrangement. Would it be fair to say that the shelf life of potatoes is not quite the same as the shelf life of fresh fruit coming out of Canada?

Hon. Scott Tannas: I think that's safe to say, and I wouldn't want them to be.

Senator MacDonald: The bill was passed in the House. If the Senate of Canada were going to pick a hill to die on, do you think this is a particularly good hill to on which to do so?

Senator Tannas: As I said in my speech, when cabinet ministers vote on private members' bills — at least in my experience from a time when I had access to cabinet ministers and listened to why they did certain things — it's because they had a reasoned position most of the time.

I couldn't find how Minister Freeland voted so she must have been away, and Minister Joly was paired and had gone somewhere.

But here are the Minister of International Trade, the Minister of Agriculture and the Prime Minister himself. All of those folks would have access to an enormous amount of advice; people within their departments would be giving them advice. That was extremely enlightening for me, to think that those would be the folks getting that advice. They will be the ones charged with implementing it, and they voted for the bill as it was.

As we know, the government leader has made his position clear that the government still wants that bill, notwithstanding the advice that we in the Senate may or may not give them by radically changing the bill.

Hon. Mary Robinson: Senator Tannas, would you take a question?

Senator Tannas: Sure.

Senator Robinson: You referenced seeing some of the documents that the committee had received with regard to support and discussion on reciprocity and the support within Canada for Bill C-280.

The organization that represents the potato growers in Prince Edward Island, New Brunswick and all the other provinces in Canada would be the Fruit and Vegetable Growers of Canada. I believe they gave testimony. Is it your understanding that they are in support of this bill and actually used language saying they have been asking for it for 40 years?

Senator Tannas: I did not see anything from the potato growers, but there was something from an official in the Food and Drug Administration in the United States. That was the one that I saw some reference to, so I can't answer your question.

Hon. Colin Deacon: Senator Tannas, could you accept another question? With joy?

Senator Tannas: With joy.

Senator Deacon: I'm just observing the last few speeches that we heard from colleagues prior to you on the bill. It seemed that their arguments were not in favour of the amendments as much as being against the underlying principle of the bill.

Would you agree that, if you're against the bill itself, just the fundamental idea of it, you should not be trying to defeat it through a report and amendments? You should just vote against the bill at third reading. Is that a fair observation?

Senator Tannas: Yes, I favour transparency. I favour speaking clearly and saying, "I'm not in favour of it." I think we do sometimes see that it is established in Parliament that there are other ways to do this without going straight at it. I don't favour that.

• (2020)

There are hoist amendments and there are all kinds of tactics similar to this that have been employed in other bills. I'd rather look past it and decide on my own if I support the bill or not unless there is an amendment that is genuinely helpful. But we know that this is not helpful to that element of this bill that provides for reciprocity on exports and imports.

Senator C. Deacon: On the issue of reciprocity, as a person who has built businesses, I'm not a banker, so I don't have experience with what the bankers look at the risk profile. But for the risk profile of an entrepreneur, I'm always looking at my certainty of payment when I'm making a sale. Access to markets and certainty of payment are crucial to building my business.

One of the ways that the Netherlands has been so successful in becoming 72 times as productive per acre of arable land as Canadians is by having access to the European market and growing their agricultural business to far greater than just what feeds the Dutch.

When I look at it, I look at access to markets and certainty of payment as being crucial to growing our agricultural productivity in Canada. Would you have an observation in that regard?

Senator Tannas: I wasn't planning on speaking on this. What bothered me was who voted for this bill on the other side that ought to have known that this was something the government wanted and was likely to fill the bill of the reciprocity requirements. The agriculture minister on whether this is a good bill that will help his industry and the international trade minister on whether this fills the bill for reciprocity — I place a lot of faith on the fact that they have done their homework with their officials and the resources of those two massive departments. They know what they're doing. Together with the fact that I know enough about banking to be dangerous — although I am one of the few, if not only, living founders of a Canadian chartered bank, but the management team got me out of the way very quickly and told me not to come back and they would come and see me.

The fact is that we went through this process of protecting workers, particularly around pensions because that's their money. In this case, we're talking about farm workers. To say that somehow farm workers who have handed their goods over that they worked for are not entitled and thereby are not just not entitled but are going to turn their assets over to the workers in that business, that doesn't compute for me.

I like the deemed trust idea — the idea that it is the obligation of all those at those businesses taking in fresh fruits and vegetables to hold that money in trust and they should be made to do that, and if they don't, it will be deemed at the end. All of those creditor parties, including the sophisticated bankers, have methods by which they can insist that people are protected.

Senator Ringuette talked about the bonds. A bonding program — I'm in that business as well in insurance, and I'm thinking, "Wow, it's an interesting way to deal with the risk through a surety bond." If I were a banker dealing with a restaurant or a food retailer that has very large receivables on fresh fruit and vegetables, I would be finding a way to make sure it was either held in trust or there was a surety to deal with it or I would be reducing my lending against inventory sufficiently so that by restricting the credit I have actually mitigated that risk.

As I was listening to this, it wasn't feeling good. I was going to ask a question, and instead, because of time, I wound up debating this for much longer than I had hoped.

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

Hon. Donald Neil Plett (Leader of the Opposition): I'm hoping Senator Tannas will be prepared to debate it for at least two minutes longer.

Senator Tannas, thank you for your comments. It gave us an opportunity to ask a few questions that we couldn't ask before. I have two questions, and I'll ask one and then I'll ask for your answer, and then I'll ask the second one. I did ask Senator Loffreda this question and he didn't give me the answer, so I'll ask you for your opinion on this.

Senator Loffreda, Senator Varone and others have made a lot of hay out of the fact that they say that we did not receive any assurances. I think if I paraphrase Senator Loffreda, "We received no reassurances that we will receive reciprocity because of Bill C-280." Yet, we did, as I said to Senator Loffreda, receive assurances — absolutely clear — that we will not receive reciprocity of this amendment if adopted. That we know for sure.

In light of that, Senator Tannas — I don't even know enough about banking to be dangerous. You're well above me there. With your experience in business and banking, do you not think we should take very seriously that threat, if you will, that promise that we will not receive reciprocity if this amendment is adopted? Should that not give us real pause to consider whether we should be adopting this amendment?

Senator Tannas: Yes, I think so. I wasn't going to venture this opinion, but I will. When I look at the changes, it limits the parties that apply to this deemed trust, the beneficiaries. Whereas in the United States, it's like a mutual that keeps going where every party is protected along the way except for the end-user, which is where the risk for everybody really likely is; it is at the end-user. But if a big end-user defaults, those suppliers, if they are the middle men for farmers, they are covered so there is a process to recover it all the way back down the line so that everyone is whole except for the end-user and the creditors of the end-user who are the only ones in the whole process that can really control the outcome.

That is an interesting way to go. The only way I think we can replicate that — it seemed to me to be logical — sufficient to have reciprocity would be to have something sort of similar. If

we're not going to do that, it made sense to me that the Food and Drug Administration official would say, "No, this doesn't work." It's not a close enough match.

Senator Plett: Just one more question if I could, please. You've said a few times, both in your speech and in answer to some of the questions, that you take a fair bit of solace — if you will — in the fact that, in the other place, the international trade minister, I think you said, the agricultural minister and the Prime Minister voted in favour of this. Three hundred and twenty members of the House of Commons voted in favour, and only one voted against. We just an hour or two ago passed an amendment that 278 members in the other place voted specifically against.

• (2030)

Even though Senator Loffreda said this amendment had not been presented on Bill C-280, in fact, it was. They decided it wouldn't work, so they dropped it, those 278, when it actually was brought forward. Again, the agricultural minister, the trade minister and the Prime Minister all voted in favour.

Senator Tannas, you have been quite a proponent of a reformed Senate, more so maybe than I have, but I think you believe firmly in this institution. If we thumb our nose at the House of Commons when they vote 320 to 1 or even 278 to 33 — they are accountable every election to the people of Canada, to the electorate — what do you think this does to the reputation of the Senate if we simply say, "I'm sorry; we don't really care what you decided. We know better because we're bankers," or this or that? "We will not pay any attention to what you are doing," or "We are not going to give a chance to have a back and forth. We are just going to immediately change what you have already voted on over there." Tell me what, in your opinion, this does to the reputation of the Senate.

Senator Tannas: I do not know that you will like my answer, Senator Plett, but I do not think that it will, one way or the other, impact the reputation of the Senate. I think we all have to come to our own conclusions, having listened to the debate and done our own independent research. We are free to do what we should do.

At the end of the day, the House of Commons does have final say. I believe that we all believe that when we send an amendment over, if they send it back and say, "No, thanks," we're not going to send it over again, except in the most extreme circumstances. I know it has happened before. I do not know that it has happened since I have been here. Maybe once, that's right; the former government leader would remember.

We all need to figure out what feels right for us to do in this case. It is a private member's bill. I take some comfort in the fact that the guys who are supposed to be looking after this for the country — Agriculture, International Trade and the Prime Minister — felt strongly enough about it to vote for it. That's what I am hanging my hat on; others may not.

I think we do what we believe is best. We will all get to the right place eventually because the House does have the ability, if we send something over, to send it back.

Thank you.

Senator Robinson: Senator Tannas, would you entertain one more question?

Senator Tannas: Sure.

Senator Robinson: Thank you. I had the opportunity to travel to Washington, D.C., in April with Team Canada. We had John Barlow, Kody Blois and a number of members of Parliament from all sides. It was a great trip. We met with the USDA, and they explained to us that if Bill C-280 passed in its original form, they would be offering us reciprocity, and it would be at the administrative level, so it would be quick and easy. We took comfort from that.

Considering we used to have PACA protection for our growers and that it was eliminated in 2014, such that our growers now need to pay a bond for protection under PACA, would you not agree that passing this bill unamended would place us back in an advantageous position with the United States as a trading partner?

Senator Tannas: Yes, I think so. As has been mentioned, this is very much a two-way street. Certainly, the export imbalance is obvious. It has been talked about here. The in-country balances are significant as well.

I think it supports our local agriculture, and it also is part of what we ought to be doing for our American trading partners. I'm sure we look to them for other kinds of security and stability in other areas where we have the positive imbalance.

Senator Robinson: We have seen trade situations of exacerbation in our trade relationship with the U.S., in particular in my province. We obviously produce the best potatoes in the world. We had a situation where we had a quarantinable disease and phytosanitary issues that resulted in the U.S. shutting us out of their markets. So we very much felt what it was like to not have access to those markets.

Considering we are in a tumultuous time politically, do you think it would be wise for us to pass Bill C-280? Our U.S. counterparts want this, as well as our producers. We have heard overwhelmingly from all of the commodity groups that represent the producers of perishable goods in Canada that they want this too.

Do you feel that this would be a wise move on the part of Canada to ensure that we strengthen the relationship that might be approaching a fragile time?

Senator Tannas: Yes. I have done my research. I'm going to support the bill in its unamended form because I think, for all of the reasons you have enumerated and more, that that's the right approach for me. That is how I will be voting. Thank you.

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?

Some Hon. Senators: Yea.

Some Hon. Senators: Nay.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Is there an agreement on the length of the bell?

An Hon. Senator: One hour.

The Hon. the Speaker: One hour. The vote will take place at 9:37 p.m. Call in the senators.

• (2130)

Motion negated on the following division:

YEAS
THE HONOURABLE SENATORS

Arnot	McNair
Brazeau	Mégie
Busson	Moncion
Clement	Pate
Cormier	Petitclerc
Coyle	Ringuette
Dalphond	Saint-Germain
Deacon (<i>Ontario</i>)	Senior
Duncan	Simons
Forest	Varone
Fridhandler	White
Gignac	Woo
Greenwood	Youance
Loffreda	Yussuff—29
McBean	

NAYS
THE HONOURABLE SENATORS

Adler	Manning
Ataullahjan	Martin
Batters	McCallum
Bernard	McPhedran
Black	Moreau
Boehm	Muggli
Boniface	Osler
Cardozo	Oudar
Carignan	Patterson
Cotter	Petten
Cuzner	Plett
Dagenais	Ravalia
Deacon (<i>Nova Scotia</i>)	Richards
Downe	Robinson
Francis	Ross
Gerba	Seidman
Gold	Smith
Harder	Tannas
Housakos	Verner
Klyne	Wallin
LaBoucane-Benson	Wells (<i>Alberta</i>)
MacAdam	Wells (<i>Newfoundland and Labrador</i>)—45
MacDonald	

ABSTENTIONS
THE HONOURABLE SENATORS

Al Zaibak	Audette—2
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• (2140)

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

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

DEPARTMENT OF FOREIGN AFFAIRS, TRADE AND DEVELOPMENT ACT

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

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. Leo Housakos: Honourable senators, given the fact that today we have exercised a tremendous degree of prowess when it comes to our legislative agenda and that we have a long road ahead over the next couple of days, I think we should all retreat tonight and reflect a little bit on the tremendous work we will be doing tomorrow and Thursday.

Therefore, I move:

That the Senate do now adjourn.

An Hon. Senator: Hear, hear.

The Hon. the Speaker: It is moved by the Honourable Senator Housakos, seconded by the Honourable Senator Plett, that the Senate do now adjourn. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the “nays” have it.

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Any agreement on the length of the bill?

One hour? There is no agreement on the length of the bell; therefore, the bells will ring and the vote will take place at 10:46 p.m.

Call in the senators.

• (2240)

Motion negated on the following division:

YEAS
THE HONOURABLE SENATORS

Al Zaibak	Manning
Ataullahjan	Martin
Batters	Patterson
Black	Plett
Carignan	Robinson
Harder	Seidman

Housakos
MacDonald

Wallin
Wells (*Newfoundland and
Labrador*)—16

As a senator from Orillia, Ontario, I know agriculture helps to drive our region, and I suspect that is why I received the correspondence I did.

NAYS
THE HONOURABLE SENATORS

Adler	McBean
Audette	McCallum
Boehm	McNair
Boniface	McPhedran
Brazeau	Mégie
Busson	Moncion
Cardozo	Osler
Clement	Oudar
Cormier	Pate
Coyle	Petitclerc
Cuzner	Petten
Dalphond	Ravalia
Dasko	Ringuette
Deacon (<i>Ontario</i>)	Ross
Duncan	Saint-Germain
Forest	Senior
Gerba	Simons
Gold	Varone
Greenwood	Wells (<i>Alberta</i>)
LaBoucane-Benson	Woo
Loffreda	Youance—43
MacAdam	

We heard clear lines of division at second reading as well. Senators spoke passionately both in favour and against this bill. One thing was clear to me early on in those debates: I was not sure which side I would land on. There were two lines of debate at the time, and these persisted at our committee. The first line dealt with supply management itself, its benefits to farmers and its assurances to our food security. The second line dealt with the bill's effect on negotiations — that it would impede our negotiators' ability to get the best deal for Canada writ large. As we all know, Canada's negotiators are some of the best in the business. This was certainly acknowledged at the committee. They normally don't have the same levers available to them as many of our trading partners have, particularly the United States, our largest trading partner.

Let me give you some examples of the language used by export-oriented sectors when they appeared before our committee.

Michael Harvey, Executive Director of the Canadian Agri-Food Trade Alliance, or CAFTA, said, “. . . CAFTA is asking this committee to protect our country's economic interests and recommends that Bill C-282 not be passed.”

The second quote comes from Troy Sherman, Senior Director at the Canola Council of Canada:

We urge the Senate to reject Bill C-282, given the harm it will do to Canada's trade policy and the risks it will create for those industries that rely upon trade, including Canadian canola. . . .

The third quote reads as follows:

. . . Tree of Life respectfully urges senators to consider the unintended consequences of this bill and to vote against Bill C-282.

That was from Patrick Heffernan, Chief Operating Officer at Tree of Life, dealing in natural food products.

The fourth quote comes from Cereals Canada:

Given the detrimental impacts to the economy resulting from this bill, Cereals Canada would ask the committee to not allow Bill C-282 to move forward. . . .

That was from Mark Walker, Vice-President of Cereals Canada.

Finally, Cathy Jo Noble, Vice-President of the National Cattle Feeders' Association, said:

We are strongly opposed to Bill C-282 due to the incredibly negative impact it will have on Canada's economy and international reputation.

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (2250)

The Hon. the Speaker: Resuming debate on the fifteenth report of the Standing Senate Committee on Foreign Affairs and International Trade.

Hon. Gwen Boniface: Honourable senators, I rise today to lend support to the report from the Standing Senate Committee on Foreign Affairs and International Trade on Bill C-282, An Act to amend the Department of Foreign Affairs, Trade and Development Act (supply management). I will get to why I believe the amendment proposed and adopted by our committee was necessary and obvious, but before I get there, I want to speak to division.

Before we even began the study of this bill at committee and before we began second reading in this chamber, I had received mail on both sides of this bill from the agricultural community.

Colleagues, this is simply a snippet from the non-supply-managed sectors on this bill. There were more voices I will quote: “not be passed,” “reject,” “vote against,” “not allow to move forward” and “strongly opposed.” These organizations didn’t want us to amend the bill. They wanted it gone.

They would have preferred a report which stated that the committee recommend to not proceed with the bill. And, of course, we didn’t go that far, but we did agree to report back with a nuanced and important amendment.

If senators have read the committee testimony, they will have noticed a theme in my questioning around the divisions this bill has created in the agriculture community. I would say “created” because most of the export-oriented sectors have said they have no issue with supply management itself; they have an issue with this bill.

In our second day of witness testimony, I asked the question to a panel of organizations representing the supply-managed sector on where this bill brings clear divisions and what we can do to help bridge that divide.

In response to this question, Tim Klompaker, Chair of the Chicken Farmers of Canada, said, “I certainly think it does cause a bit of tension.” But he continued with, “I’m not sure the division is as big at what some are led to believe.”

Again, in response to my question, Phil Mount, Vice-President with the National Farmers Union, replied, “Quite often, these divisions are nonsensical, in my mind.”

I do not know if it is willful blindness, perhaps a lack of consultation or something else. We’ve known about these divisions since the previous iteration of this bill in Bill C-216 from the last Parliament.

Mr. Mount perhaps also said the quiet part out loud in his response by answering, “In many cases, we feel like this divide is manufactured by folks who have ideological reasons for creating division. . . .”

To me, this speaks more to the supply-managed sectors wanting to have their cake and eat it too, rather than worry about Canada’s position in trade negotiations for betterment of all of Canada, not just certain sectors.

Of course, it works in their favour. In fact, as a response to a question from Senator Coyle, Phil Boyd, Executive Director of the Turkey Farmers of Canada, admitted as much when he stated, “Yes, we want to have our cake and eat it too” He wanted Canada to protect supply management in trade negotiations and get the best deals for our export sectors as well.

Unfortunately, it does not work that way, as stated by all trade experts who appeared. It didn’t appear that any consultation occurred with export-reliant sectors from the bill’s drafters; otherwise, I submit they would have known this already.

When questioned, the trade-dependent witnesses said they had spoken with trade experts to help inform their views, and, in my opinion, they were better prepared for it. This is why it was critical for our committee to invite experts in trade and international relations to our committee to give their opinions, including former chief trade negotiators.

This was an obvious oversight from the House of Commons study on this bill and the previous iteration of it. It didn’t take long to conclude that this was in its entirety a bill on Canada’s trade policy, not a bill on supply management. Considering this is a trade bill, the lack of witness testimony in the fields of negotiations and international relations at the House committee worried me and others around our committee table.

It is my opinion that the previous studies in the House only offered minimal value to the bill before us and that they perpetuated the apparent divisions being seen in our agri-food community and elsewhere.

• (2300)

The House committee would have benefited from appropriate witnesses with respect to trade and international relations. If that had been the case, perhaps our chamber wouldn’t have found itself in this position. Perhaps it wouldn’t have come this far if the House committee had heard the evidence that Bill C-282 is a fundamental risk to negotiations and chosen not to proceed with it themselves.

We’ve been put in a difficult decision in having to remedy the severe consequences this bill will have for our export economy.

I want to take a moment to thank our Foreign Affairs Committee steering committee for including trade professionals as part of our process to better understand the impacts that Bill C-282 would have. Colleagues, for a bill receiving so much attention, our steering committee did an incredible job creating a balance and should be commended. I thank Senator Boehm for his leadership.

Turning our attention to the amendment proposed by Senator Harder, this amendment, as we know, ensures that any trade agreements already in place, to be renegotiated or in the process of negotiations will not be affected by Bill C-282. The evidence from export-reliant industry and trade experts was strong and made supporting this amendment necessary.

No witness that we heard from said that the recent free trade agreements that gave concessions into Canada’s supply-managed industry were bad for Canada, but we do know that these deals can be renegotiated.

Dave Carey, Vice-President of Government & Industry Relations with the Canadian Canola Growers Association, reminded us:

. . . that all FTAs are subject to review, whether they be CUSMA, CPTPP or bilaterals, and many FTAs can be cancelled by any signatory with six months’ notice.

This was a big part of the reason why I supported Senator Harder's amendment at committee. Like you, I am particularly worried about the Canada-United States-Mexico Agreement, or CUSMA, renegotiation. As the U.S. is Canada's largest trading partner, this agreement has existential effects on our export industries. It must be negotiated well and with every tool available to our negotiators.

For those who believe that legislative protection is necessary for supply management and that it would send a clear signal to our negotiators and those they negotiate with that we shouldn't negotiate in this area, we actually heard the opposite from the experts who appeared — those who have been at the table negotiating trade agreements. They say that, one, this waves a red flag at our negotiating partners, who won't take us seriously; and two, this will actually make our trading partners go after supply management harder. Those in the supply-managed sector feel this provides clarity, but I'm not sure they understand the repercussions at the trade table itself. Why would they? The whole purpose of supply management is to provide domestically, not internationally.

The CUSMA renegotiation under the upcoming administration, no matter how you dissect it, will be tough for Canada. Why the additional risk of this legislation? Why tie the hands of the trade negotiators in this fashion? We should keep our cards in our pocket as we've always done.

Senators, this bill isn't necessary to protect supply management from negotiations. We heard time and again that a policy directive from the executive does the same thing, and the government has used this directive in recent negotiations between Canada and the United Kingdom. We don't have a deal, in large part, because of this policy directive, but no concessions have been made on supply management because of it.

Why this bill, and why now?

The evidence has been overwhelmingly against what this means in trade talks and overwhelmingly in favour for supply-managed sectors. But I remind you again, senators, that this isn't a bill about supply management, and supply management doesn't need this tool for protection; it's redundant and counterintuitive to Canada's interests, and it's been the policy direction of successive governments to preserve supply management for some time.

With an unamended Bill C-282, supply management can be protected. However, more important, without this bill, supply management can be protected, too.

Senator Harder's amendment bridges this divide that worried many of us from the beginning. It reduces the very real risks of Bill C-282 at the negotiating table.

This bill has become far more political than we realized it would, but we still have a job to do. The amendment is a sensible approach to dealing with this bill and considers the ongoing conversation between our chamber and the House of Commons.

To remind senators, this amendment passed at committee by a vote of 10 to 3, with 1 abstention. Committee members who sat around the table and heard the evidence voted overwhelmingly in favour of the amendment, which is telling. I ask you to value the committee's thorough process and, more important, the evidence it heard. Please heed the committee's advice and adopt the report as recommended.

I remind you again, colleagues, this isn't a bill about supply management. We need to look past that label to understand what's really at stake, which is our export economy. Our export economy contributes immensely to our GDP — approximately 33% — and we must make sure it flourishes for the sustainable growth of Canada as a whole.

Greg McLellan, CEO of the Saskatchewan Cattlemen's Association, said this to committee members during his appearance:

Bill C-282 is not about supply management. We're not here to talk about supply management, because Bill C-282, at its core, is bad trade policy. It's, frankly, a shame that this piece of legislation is being used as a wedge to divide an agricultural sector that is so interconnected. . . . As we head toward the 2026 review of the agreement, we have already heard how Bill C-282 is going to create unnecessary tensions before even beginning negotiations. State-level officials and stakeholders across North America have raised significant concerns about what Bill C-282 will do to our trading relationships.

In another answer, Mr. McLellan said of CUSMA, "If we're talking about that whole document falling apart, we're looking at billions and billions of dollars."

This is just one of many examples —

The Hon. the Speaker: Senator Boniface, your time has expired. Are you asking for more time to finish?

Senator Boniface: Yes.

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

Hon. Senators: Agreed.

Senator Boniface: Honourable colleagues, please vote for the report as written. Thank you.

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

LANGUAGE SKILLS ACT

BILL TO AMEND—SECOND READING—DEBATE

On the Order:

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

Hon. Donald Neil Plett (Leader of the Opposition): Your Honour, clearly Senator Housakos had a great idea earlier today that we go home and reflect. Other people didn't agree with that.

We're going to give them another chance to go home and reflect for the balance of the evening and come back tomorrow, refreshed and reinvigorated, so we can start debate all over again.

Therefore, I move:

That the Senate do now adjourn.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(At 11:09 p.m., pursuant to the order adopted by the Senate earlier this day, the Senate adjourned until 2 p.m., tomorrow.)

THE SPEAKER

The Honourable Raymonde Gagné

THE GOVERNMENT REPRESENTATIVE IN THE SENATE

The Honourable Marc Gold

THE LEADER OF THE OPPOSITION

The Honourable Donald Neil Plett

FACILITATOR OF THE INDEPENDENT SENATORS GROUP

The Honourable Raymonde Saint-Germain

THE LEADER OF THE CANADIAN SENATORS GROUP

The Honourable Scott Tannas

THE LEADER OF THE PROGRESSIVE SENATE GROUP

The Honourable Pierre J. Dalphond

OFFICERS OF THE SENATE

CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS

Shaila Anwar

LAW CLERK AND PARLIAMENTARY COUNSEL

Philippe Hallée

USHER OF THE BLACK ROD

J. Greg Peters

THE MINISTRY

(In order of precedence)

(December 1, 2024)

The Right Hon. Justin Trudeau	Prime Minister
The Hon. Chrystia Freeland	Minister of Finance
	Deputy Prime Minister
The Hon. Lawrence MacAulay	Minister of Agriculture and Agri-Food
The Hon. Dominic LeBlanc	Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs
	Minister of Public Services and Procurement
The Hon. Jean-Yves Duclos	Minister of National Revenue
The Hon. Marie-Claude Bibeau	Minister of Foreign Affairs
The Hon. Mélanie Joly	Minister of Fisheries, Oceans and the Canadian Coast Guard
The Hon. Diane LeBouthillier	President of the King's Privy Council for Canada
The Hon. Harjit S. Sajjan	Minister of Emergency Preparedness
	Minister responsible for the Pacific Economic Development Agency of Canada
	Minister of Sport and Physical Activity
The Hon. Carla Qualtrough	Minister of Indigenous Services
The Hon. Patty Hajdu	Minister responsible for the Federal Economic Development Agency for Northern Ontario
	Minister of Innovation, Science and Industry
The Hon. François-Philippe Champagne	Leader of the Government in the House of Commons
The Hon. Karina Gould	Minister of International Development
The Hon. Ahmed Hussen	Minister of Employment, Workforce Development and Official Languages
The Hon. Ginette Petitpas Taylor	Minister of Veterans Affairs
	Associate Minister of National Defence
	Minister of National Defence
	Minister of Export Promotion, International Trade and Economic Development
	Minister responsible for the Federal Economic Development Agency for Southern Ontario
	Minister of Energy and National Resources
The Hon. Jonathan Wilkinson	Minister of Transport
The Hon. Anita Anand	President of the Treasury Board
	Minister of Environment and Climate Change
The Hon. Steven Guilbeault	Minister of Immigration, Refugees and Citizenship
The Hon. Marc Miller	Minister responsible for Prairies Economic Development Canada
The Hon. Dan Vandal	Minister responsible for the Canadian Northern Economic Development Agency
	Minister of Northern Affairs
	Minister of Housing, Infrastructure and Communities
The Hon. Sean Fraser	Minister of Health
The Hon. Mark Holland	Minister responsible for the Atlantic Canada Opportunities Agency
The Hon. Gudie Hutchings	Minister of Rural Economic Development
	Minister for Women and Gender Equality and Youth
	Minister of Diversity, Inclusion and Persons with Disabilities
	Minister of Canadian Heritage
	Minister of Labour and Seniors
The Hon. Steven MacKinnon	Minister of Crown-Indigenous Relations
The Hon. Gary Anandasangaree	Minister of Citizens' Services
The Hon. Terry Beech	Minister of Tourism
The Hon. Soraya Martinez Ferrada	Minister responsible for the Economic Development Agency of Canada for the Region of Quebec
	Minister of Mental Health and Addictions
	Associate Minister of Health
	Minister of Families, Children and Social Development
The Hon. Jenna Sudds	Minister of Small Business
The Hon. Rechie Valdez	Minister of Justice
The Hon. Arif Virani	Attorney General of Canada

SENATORS OF CANADA

ACCORDING TO SENIORITY

(December 1, 2024)

Senator	Designation	Post Office Address
The Honourable		
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Stephen Greene	Halifax - The Citadel	Halifax, N.S.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Pamela Wallin	Saskatchewan	Wadena, Sask.
Yonah Martin	British Columbia	Vancouver, B.C.
Patrick Brazeau	Repentigny	Maniwaki, Que.
Leo Housakos	Wellington	Laval, Que.
Donald Neil Plett	Landmark	Landmark, Man.
Claude Carignan, P.C.	Mille Isles	Saint-Eustache, Que.
Elizabeth Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Judith G. Seidman	De la Durantaye	Saint-Raphaël, Que.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
Salma Ataullahjan	Ontario (Toronto)	Toronto, Ont.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Larry W. Smith	Saurel	Hudson, Que.
Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.
Jean-Guy Dagenais	Victoria	Blainville, Que.
David M. Wells	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Denise Batters	Saskatchewan	Regina, Sask.
Scott Tannas	Alberta	High River, Alta.
Peter Harder, P.C.	Ottawa	Manotick, Ont.
Raymonde Gagné, <i>Speaker</i>	Manitoba	Winnipeg, Man.
Chantal Petitclerc	Grandville	Montreal, Que.
Yuen Pau Woo	British Columbia	North Vancouver, B.C.
René Cormier	New Brunswick	Caraquet, N.B.
Nancy J. Hartling	New Brunswick	Riverview, N.B.
Kim Pate	Ontario	Ottawa, Ont.
Tony Dean	Ontario	Toronto, Ont.
Wanda Thomas Bernard	Nova Scotia (East Preston)	East Preston, N.S.
Lucie Moncion	Ontario	North Bay, Ont.
Marilou McPhedran	Manitoba	Winnipeg, Man.
Gwen Boniface	Ontario	Orillia, Ont.
Éric Forest	Gulf	Rimouski, Que.
Marc Gold	Stadacona	Westmount, Que.
Marie-Françoise Mégie	Rougemont	Montreal, Que.
Raymonde Saint-Germain	De la Vallière	Quebec City, Que.
Rosa Galvez	Bedford	Lévis, Que.
David Richards	New Brunswick	Fredericton, N.B.
Mary Coyle	Nova Scotia	Antigonish, N.S.
Mary Jane McCallum	Manitoba	Winnipeg, Man.
Robert Black	Ontario	Centre Wellington, Ont.
Marty Deacon	Waterloo Region	Waterloo, Ont.
Yvonne Boyer	Ontario	Merrickville-Wolford, Ont.
Mohamed-Iqbal Ravalia	Newfoundland and Labrador	Twillingate, Nfld. & Lab.
Pierre J. Dalphond	De Lorimier	Montreal, Que.
Donna Dasko	Ontario	Toronto, Ont.

Senator	Designation	Post Office Address
Colin Deacon.....	Nova Scotia.....	Halifax, N.S.
Julie Miville-Dechéne	Inkerman	Mont-Royal, Que.
Bev Busson	British Columbia	North Okanagan Region, B.C.
Marty Klyne	Saskatchewan	White City, Sask.
Patti LaBoucane-Benson	Alberta.....	Spruce Grove, Alta.
Paula Simons.....	Alberta.....	Edmonton, Alta.
Peter M. Boehm	Ontario	Ottawa, Ont.
Brian Francis	Prince Edward Island	Rocky Point, P.E.I.
Dawn Anderson.....	Northwest Territories	Yellowknife, N.W.T.
Pat Duncan	Yukon.....	Whitehorse, Yukon
Rosemary Moodie	Ontario	Toronto, Ont.
Stan Kutcher.....	Nova Scotia.....	Halifax, N.S.
Tony Loffreda	Shawinigan	Montreal, Que.
Brent Cotter.....	Saskatchewan	Saskatoon, Sask.
Hassan Yussuff.....	Ontario	Toronto, Ont.
Bernadette Clement.....	Ontario	Cornwall, Ont.
Jim Quinn.....	New Brunswick.....	Saint John, N.B.
Karen Sorensen	Alberta.....	Banff, Alta.
Amina Gerba	Rigaud	Blainville, Que.
Clément Gignac.....	Kennebec.....	Lac Saint-Joseph, Que.
Michèle Audette	De Salaberry.....	Quebec City, Que.
David M. Arnot.....	Saskatchewan	Saskatoon, Sask.
Flordeliz (Gigi) Osler.....	Manitoba	Winnipeg, Man.
Margo Greenwood.....	British Columbia	Vernon, B.C.
Sharon Burey.....	Ontario	Windsor, Ont.
Andrew Cardozo	Ontario	Ottawa, Ont.
Rebecca Patterson	Ontario	Ottawa, Ont.
Iris G. Petten.....	Newfoundland and Labrador.....	St. John's, Nfld. & Lab.
Jane MacAdam.....	Prince Edward Island	West St. Peters, P.E.I.
Judy A. White.....	Newfoundland and Labrador.....	St. George's, Nfld. & Lab.
Paul (PJ) Prosper.....	Nova Scotia.....	Hants County, N.S.
Joan Kingston.....	New Brunswick.....	New Maryland, N.B.
John M. McNair	New Brunswick.....	Grand-Bouctouche, N.B.
Réjean Aucoin.....	Nova Scotia.....	Cape Breton, N.S.
Krista Ross	New Brunswick.....	Fredericton, N.B.
Rodger Cuzner	Nova Scotia.....	Cape Breton, N.S.
Marnie McBean.....	Ontario	Toronto, Ont.
Toni Varone	Ontario	Toronto, Ont.
Paulette Senior	Ontario	Pickering, Ont.
Mary Robinson.....	Prince Edward Island	Charlottetown, P.E.I.
Mohammad Al Zaibak	Ontario	Toronto, Ont.
Manuelle Oudar.....	La Salle	Quebec City, Que.
Victor Boudreau	New Brunswick.....	S Shediac, N.B.
Charles S. Adler	Manitoba	Winnipeg, Man.
Tracy Muggli.....	Saskatchewan	Saskatoon, Sask.
Fridhandler, Daryl S.....	Alberta.....	Calgary, Alta.
Wells, Kristopher	Alberta.....	St. Albert, Alta.
Moreau, Pierre.....	The Laurentides.....	Saint-Lambert, Que.
Youance, Suze.....	Lauzon.....	Blainville, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(December 1, 2024)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Adler, Charles S.	Manitoba	Winnipeg, Man.	Non-affiliated
Al Zaibak, Mohammad	Ontario	Toronto, Ont.	Canadian Senators Group
Anderson, Dawn	Northwest Territories	Yellowknife, N.W.T.	Progressive Senate Group
Arnot, David M.	Saskatchewan	Saskatoon, Sask.	Independent Senators Group
Ataullahjan, Salma	Ontario (Toronto)	Toronto, Ont.	Conservative Party of Canada
Aucoin, Réjean	Nova Scotia	Cape Breton, N.S.	Canadian Senators Group
Audette, Michèle	De Salaberry	Quebec City, Que.	Progressive Senate Group
Batters, Denise	Saskatchewan	Regina, Sask.	Conservative Party of Canada
Bernard, Wanda Thomas	Nova Scotia (East Preston)	East Preston, N.S.	Progressive Senate Group
Black, Robert	Ontario	Centre Wellington, Ont.	Canadian Senators Group
Boehm, Peter M.	Ontario	Ottawa, Ont.	Independent Senators Group
Boniface, Gwen	Ontario	Orillia, Ont.	Independent Senators Group
Boudreau, Victor	New Brunswick	Shediac, N.B.	Independent Senators Group
Boyer, Yvonne	Ontario	Merrickville-Wolford, Ont.	Independent Senators Group
Brazeau, Patrick	Repentigny	Maniwaki, Que.	Non-affiliated
Burey, Sharon	Ontario	Windsor, Ont.	Canadian Senators Group
Busson, Bev	British Columbia	North Okanagan Region, B.C.	Independent Senators Group
Cardozo, Andrew	Ontario	Ottawa, Ont.	Progressive Senate Group
Carignan, Claude, P.C.	Mille Isles	Saint-Eustache, Que.	Conservative Party of Canada
Clement, Bernadette	Ontario	Cornwall, Ont.	Independent Senators Group
Cormier, René	New Brunswick	Caraquet, N.B.	Independent Senators Group
Cotter, Brent	Saskatchewan	Saskatoon, Sask.	Independent Senators Group
Coyle, Mary	Nova Scotia	Antigonish, N.S.	Independent Senators Group
Cuzner, Rodger	Nova Scotia	Cape Breton, N.S.	Progressive Senate Group
Dagenais, Jean-Guy	Victoria	Blainville, Que.	Canadian Senators Group
Dalphond, Pierre J.	De Lorimier	Montreal, Que.	Progressive Senate Group
Dasko, Donna	Ontario	Toronto, Ont.	Independent Senators Group
Deacon, Colin	Nova Scotia	Halifax, N.S.	Canadian Senators Group
Deacon, Marty	Waterloo Region	Waterloo, Ont.	Independent Senators Group
Dean, Tony	Ontario	Toronto, Ont.	Independent Senators Group
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Canadian Senators Group
Duncan, Pat	Yukon	Whitehorse, Yukon	Independent Senators Group
Forest, Éric	Gulf	Rimouski, Que.	Independent Senators Group
Francis, Brian	Prince Edward Island	Rocky Point, P.E.I.	Progressive Senate Group
Fridhandler, Daryl S.	Alberta	Calgary, Alta.	Progressive Senate Group
Gagné, Raymonde, <i>Speaker</i>	Manitoba	Winnipeg, Man.	Non-affiliated
Galvez, Rosa	Bedford	Lévis, Que.	Independent Senators Group
Gerba, Amina	Rigaud	Blainville, Que.	Progressive Senate Group
Gignac, Clément	Kennebec	Lac Saint-Joseph, Que.	Canadian Senators Group
Gold, Marc	Stadacona	Westmount, Que.	Non-affiliated
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Canadian Senators Group
Greenwood, Margo	British Columbia	Vernon, B.C.	Independent Senators Group
Harder, Peter, P.C.	Ottawa	Manotick, Ont.	Progressive Senate Group
Hartling, Nancy J.	New Brunswick	Riverview, N.B.	Independent Senators Group
Housakos, Leo	Wellington	Laval, Que.	Conservative Party of Canada
Kingston, Joan	New Brunswick	New Maryland, N.B.	Independent Senators Group
Klyne, Marty	Saskatchewan	White City, Sask.	Progressive Senate Group
Kutcher, Stan	Nova Scotia	Halifax, N.S.	Independent Senators Group
LaBoucane-Benson, Patti	Alberta	Spruce Grove, Alta.	Non-affiliated
Loffreda, Tony	Shawinegan	Montreal, Que.	Independent Senators Group

Senator	Designation	Post Office Address	Political Affiliation
MacAdam, Jane	Prince Edward Island	West St. Peters, P.E.I.	Independent Senators Group
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative Party of Canada
Manning, Fabian	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.	Conservative Party of Canada
Marshall, Elizabeth	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative Party of Canada
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative Party of Canada
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Independent Senators Group
McBean, Marnie	Ontario	Toronto, Ont.	Independent Senators Group
McCallum, Mary Jane	Manitoba	Winnipeg, Man.	Non-affiliated
McNair, John M.	New Brunswick	Grand-Bouctouche, N.B.	Independent Senators Group
McPhedran, Marilou	Manitoba	Winnipeg, Man.	Non-affiliated
Mégie, Marie-Françoise	Rougemont	Montreal, Que.	Independent Senators Group
Miville-Dechéne, Julie	Inkerman	Mont-Royal, Que.	Independent Senators Group
Moncion, Lucie	Ontario	North Bay, Ont.	Independent Senators Group
Moodie, Rosemary	Ontario	Toronto, Ont.	Independent Senators Group
Moreau, Pierre	The Laurentides	Saint-Lambert, Que.	Progressive Senate Group
Muggli, Tracy	Saskatchewan	Saskatoon, Sask.	Progressive Senate Group
Osler, Flordeliz (Gigi)	Manitoba	Winnipeg, Man.	Canadian Senators Group
Oudar, Manuelle	La Salle	Quebec City, Que.	Independent Senators Group
Pate, Kim	Ontario	Ottawa, Ont.	Independent Senators Group
Patterson, Rebecca	Ontario	Ottawa, Ont.	Canadian Senators Group
Petitclerc, Chantal	Grandville	Montreal, Que.	Independent Senators Group
Petten, Iris G.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Non-affiliated
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative Party of Canada
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative Party of Canada
Prosper, Paul (PJ)	Nova Scotia	Hants County, N.S.	Canadian Senators Group
Quinn, Jim	New Brunswick	Saint John, N.B.	Canadian Senators Group
Ravalia, Mohamed-Iqbal	Newfoundland and Labrador	Twillingate, Nfld. & Lab.	Independent Senators Group
Richards, David	New Brunswick	Fredericton, N.B.	Non-affiliated
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Independent Senators Group
Robinson, Mary	Prince Edward Island	Charlottetown, P.E.I.	Canadian Senators Group
Ross, Krista	New Brunswick	Fredericton, N.B.	Canadian Senators Group
Saint-Germain, Raymonde	De la Vallière	Quebec City, Que.	Independent Senators Group
Seidman, Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative Party of Canada
Senior, Paulette	Ontario	Pickering, Ont.	Independent Senators Group
Simons, Paula	Alberta	Edmonton, Alta.	Independent Senators Group
Smith, Larry W.	Saurel	Hudson, Que.	Canadian Senators Group
Sorensen, Karen	Alberta	Banff, Alta.	Independent Senators Group
Tannas, Scott	Alberta	High River, Alta.	Canadian Senators Group
Varone, Toni	Ontario	Toronto, Ont.	Independent Senators Group
Verner, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Canadian Senators Group
Wallin, Pamela	Saskatchewan	Wadena, Sask.	Canadian Senators Group
Wells, David M.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative Party of Canada
Wells, Kristopher	Alberta	St. Albert, Alta.	Non-affiliated
White, Judy A.	Newfoundland and Labrador	St. George's, Nfld. & Lab.	Progressive Senate Group
Woo, Yuen Pau	British Columbia	North Vancouver, B.C.	Independent Senators Group
Youance, Suze	Lauzon	Blainville, Que.	Independent Senators Group
Yussuff, Hassan	Ontario	Toronto, Ont.	Independent Senators Group

SENATORS OF CANADA
BY PROVINCE AND TERRITORY

(December 1, 2024)

ONTARIO—24

Senator	Designation	Post Office Address
The Honourable		
1	Salma Ataullahjan.....Ontario (Toronto).....	Toronto
2	Peter Harder, P.C. ....Ottawa	Manotick
3	Kim Pate .....Ontario	Ottawa
4	Tony Dean .....Ontario	Toronto
5	Lucie Moncion.....Ontario	North Bay
6	Gwen Boniface .....Ontario	Orillia
7	Robert Black .....Ontario	Centre Wellington
8	Marty Deacon .....Waterloo Region	Waterloo
9	Yvonne Boyer.....Ontario	Merrickville-Wolford
10	Donna Dasko .....Ontario	Toronto
11	Peter M. Boehm .....Ontario	Ottawa
12	Rosemary Moodie.....Ontario	Toronto
13	Hassan Yussuff .....Ontario	Toronto
14	Bernadette Clement.....Ontario	Cornwall
15	Sharon Burey .....Ontario	Windsor
16	Andrew Cardozo.....Ontario	Ottawa
17	Rebecca Patterson.....Ontario	Ottawa
18	Marnie McBean .....Ontario	Toronto
19	Toni Varone .....Ontario	Toronto
20	Paulette Senior.....Ontario	Pickering
21	Mohammad Al Zaibak .....Ontario	Toronto
22	.....
23	.....
24	.....

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
The Honourable		
1 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
2 Patrick Brazeau	Repentigny	Maniwaki
3 Leo Housakos	Wellington	Laval
4 Claude Carignan, P.C.	Mille Isles	Saint-Eustache
5 Judith G. Seidman	De la Durantaye	Saint-Raphaël
6 Larry W. Smith	Saurel	Hudson
7 Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures
8 Jean-Guy Dagenais	Victoria	Blainville
9 Chantal Petitclerc	Grandville	Montreal
10 Éric Forest	Gulf	Rimouski
11 Marc Gold	Stadacona	Westmount
12 Marie-Françoise Mégie	Rougemont	Montreal
13 Raymonde Saint-Germain	De la Vallière	Quebec City
14 Rosa Galvez	Bedford	Lévis
15 Pierre J. Dalphond	De Lorimier	Montreal
16 Julie Miville-Dechêne	Inkerman	Mont-Royal
17 Tony Loffreda	Shawinigan	Montreal
18 Amina Gerba	Rigaud	Blainville
19 Clément Gignac	Kennebec	Lac Saint-Joseph
20 Michèle Audette	De Salaberry	Quebec City
21 Manuelle Oudar	La Salle	Quebec City
22 Pierre Moreau	The Laurentides	Saint-Lambert
23 Suze Youance	Lauzon	Blainville
24 .....	.....	.....

SENATORS BY PROVINCE—MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
The Honourable		
1	Stephen Greene	Halifax - The Citadel.....Halifax
2	Michael L. MacDonald	Cape Breton.....Dartmouth
3	Wanda Thomas Bernard	Nova Scotia (East Preston).....East Preston
4	Mary Coyle	Nova Scotia.....Antigonish
5	Colin Deacon	Nova Scotia.....Halifax
6	Stan Kutcher	Nova Scotia.....Halifax
7	Paul (PJ) Prosper.....	Nova Scotia.....Hants County
8	Réjean Aucoin	Nova Scotia.....Cape Breton
9	Rodger Cuzner	Nova Scotia.....Cape Breton
10	.....	.....

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
The Honourable		
1	Pierrette Ringuette	New Brunswick.....Edmundston
2	Rose-May Poirier.....	New Brunswick—Saint-Louis-de-Kent.....Saint-Louis-de-Kent
3	René Cormier.....	New Brunswick.....Caraquet
4	Nancy J. Hartling.....	New Brunswick.....Riverview
5	David Richards	New Brunswick.....Fredericton
6	Jim Quinn.....	New Brunswick.....Saint John
7	Joan Kingston	New Brunswick.....New Maryland
8	John M. McNair.....	New Brunswick.....Grand-Bouctouche
9	Krista Ross.....	New Brunswick.....Fredericton
10	Victor Boudreau.....	New Brunswick.....Shediac

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
The Honourable		
1	Percy E. Downe	Charlottetown.....Charlottetown
2	Brian Francis.....	Prince Edward Island.....Rocky Point
3	Jane MacAdam	Prince Edward Island.....West St. Peters
4	Mary Robinson	Prince Edward Island.....Charlottetown

SENATORS BY PROVINCE—WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
The Honourable		
1 Donald Neil Plett	Landmark	Landmark
2 Raymonde Gagné, <i>Speaker</i>	Manitoba	Winnipeg
3 Marilou McPhedran	Manitoba	Winnipeg
4 Mary Jane McCallum.....	Manitoba	Winnipeg
5 Flordeliz (Gigi) Osler.....	Manitoba	Winnipeg
6 Charles S. Adler.....	Manitoba	Winnipeg

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
The Honourable		
1 Yonah Martin.....	British Columbia	Vancouver
2 Yuen Pau Woo.....	British Columbia	North Vancouver
3 Bev Busson	British Columbia	North Okanagan Region
4 Margo Greenwood	British Columbia	Vernon
5 .....	.....	.....
6 .....	.....	.....

SASKATCHEWAN—6

Senator	Designation	Post Office Address
The Honourable		
1 Pamela Wallin.....	Saskatchewan	Wadena
2 Denise Batters	Saskatchewan	Regina
3 Marty Klyne.....	Saskatchewan	White City
4 Brent Cotter	Saskatchewan	Saskatoon
5 David M. Arnot.....	Saskatchewan	Saskatoon
6 Tracy Muggli	Saskatchewan	Saskatoon

ALBERTA—6

Senator	Designation	Post Office Address
The Honourable		
1 Scott Tannas.....	Alberta.....	High River
2 Patti LaBoucane-Benson.....	Alberta.....	Spruce Grove
3 Paula Simons	Alberta.....	Edmonton
4 Karen Sorensen	Alberta.....	Banff
5 Daryl S. Fridhandler	Alberta.....	Calgary
6 Kristopher Wells.....	Alberta.....	St. Albert

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
The Honourable		
1 Elizabeth Marshall	Newfoundland and Labrador	Paradise
2 Fabian Manning	Newfoundland and Labrador	St. Bride's
3 David M. Wells	Newfoundland and Labrador	St. John's
4 Mohamed-Iqbal Ravalia.....	Newfoundland and Labrador	Twillingate
5 Iris G. Petten	Newfoundland and Labrador	St. John's
6 Judy A. White	Newfoundland and Labrador	St. George's

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
The Honourable		
1 Dawn Anderson	Northwest Territories	Yellowknife

NUNAVUT—1

Senator	Designation	Post Office Address
The Honourable		
1		

YUKON—1

Senator	Designation	Post Office Address
The Honourable		
1 Pat Duncan.....	Yukon.....	Whitehorse

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