SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION • 45th PARLIAMENT • VOLUME 154 • NUMBER 11

OFFICIAL REPORT
(HANSARD)

Monday, June 16, 2025

The Honourable RAYMONDE GAGNÉ,
Speaker

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

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

THE SENATE

Monday, June 16, 2025

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

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Pursuant to the order of June 12, 2025, I leave the chair for the Senate to resolve into a Committee of the Whole to consider the subject matter of Bill C-5, An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act. The Honourable Senator Cormier will chair the committee.

ONE CANADIAN ECONOMY BILL

CONSIDERATION OF SUBJECT MATTER IN COMMITTEE OF THE WHOLE

On the Order:

> The Senate in Committee of the Whole in order to receive the Honourable Chrystia Freeland, P.C., M.P., Minister of Transport and Internal Trade, accompanied by at most three officials, and such other witnesses as may be determined according to the process established in the order, to consider the subject matter of Bill C-5, An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act.

(The sitting of the Senate was suspended and put into Committee of the Whole, the Honourable René Cormier in the chair.)

The Chair: Honourable senators, the Senate is resolved into a Committee of the Whole to consider the subject matter of Bill C-5, An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act.

Honourable senators, in a Committee of the Whole, senators shall address the chair but need not stand. Under the Rules, the speaking time is 10 minutes, including questions and answers, but, as ordered, if a senator does not use all of their time, the balance can be yielded to another senator.

The list of all currently confirmed witnesses for the Committee of the Whole on the subject matter of Bill C-5 today was distributed to senators electronically with the Scroll Notes, and the pages can provide senators with that list upon request.

The committee will first receive the Honourable Chrystia Freeland, P.C., M.P., Minister of Transport and Internal Trade. I would now invite Minister Freeland to enter, accompanied by her officials.

(Pursuant to the order of the Senate, the Honourable Chrystia Freeland and her officials were escorted to seats in the Senate Chamber.)

The Chair: Minister, welcome to the Senate. I would ask you to introduce your officials and to make your opening remarks.

[*Translation*]

Hon. Chrystia Freeland, P.C., M.P., Minister of Transport and Internal Trade: Thank you for your warm welcome. I'm pleased to be here with you today.

[*English*]

I am accompanied by some outstanding Canadian public servants who have been working so hard forever, specifically, on this legislation. Chris Fox, Deputy Clerk of the Privy Council Office, or PCO; Jeannine Ritchot, Assistant Deputy Minister for Multilateral Relations and Internal Trade at PCO; and Arun Thangaraj, Deputy Minister of Transport. Thank you very much to the officials, whom I can't see, but, really, they have been working so hard. They are the best of Canada.

Honourable senators, our country is at a critical moment. U.S. tariffs are battering our economy and threatening to push the world into a recession. Hard-working Canadians are losing their jobs, businesses are losing their customers, and investors are holding back. That is why it is so essential for us to press ahead now with a project that costs nothing and can be accomplished at the stroke of a pen. That is delivering free trade here at home, inside Canada.

[*Translation*]

Ultimately, the decision to build a single Canadian economy out of 13 is a decision to trust one other. It means deciding that the delicious steak being eaten in Calgary is surely good enough to serve in Charlottetown and that the dental hygienist loved by all her patients in Moncton can be trusted to do the same excellent job when she moves to Quebec. Australia, a country with which we have so much in common, made the decision to build a single continental economy 30 years ago. Australians decided to trust each other and, over the last three decades, that has enriched each Australian and reinforced the ties uniting that beautiful country to their people.

[*English*]

Now is the moment for Canada to do likewise. The wave of patriotism that has swept across our great country over the past few months has been really inspiring and invigorating. Let's seize that moment to turn that love of Canada into action by trusting each other and creating one single Canadian economy from coast to coast to coast.

[*Translation*]

That is why we introduced this bill.

[*English*]

Momentum is growing across the country. P.E.I., Nova Scotia, New Brunswick, Ontario, Saskatchewan and Manitoba have already passed legislation to remove barriers to internal trade. British Columbia introduced the Economic Stabilization Act, and Quebec is advancing its own legislative reforms.

Memoranda of understanding between Ontario and other provinces, including Nova Scotia, New Brunswick, P.E.I., Manitoba and Saskatchewan, as well as powerful, really forward-looking regional agreements like the New West Partnership signal new levels of cooperation and a commitment to bring down barriers to internal trade.

Senators, your house is less partisan than the house I sit in. I truly believe that these goals are not partisan goals. They are nation-building priorities, ones that benefit every region, every business and every Canadian. And what a delicious irony it will be for us to respond to tariffs imposed from abroad by finally tearing down the tariffs and trade barriers we have imposed on each other. Let's get this done once and for all and deliver free trade in Canada.

I thank you very much for your attention. I am looking forward to hearing your questions.

The Chair: Thank you, minister. We will now proceed to the first block of questions. I remind my colleagues that you have 10 minutes for each block starting with Senator Housakos, CPC.

Senator Housakos: Minister, welcome to the Senate. The stated purpose of the free trade and labour mobility in Canada act is to remove federal barriers to the interprovincial movement of goods, services and labour within Canada. To do this, you are choosing to recognize provincial standards as meeting federal requirements. My question is the following: What was the original purpose of establishing federal requirements which were different from those established by the provinces and territories? Are we just going to find ourselves in a race to the bottom in safety, environmental or consumer protection standards?

• (1410)

Ms. Freeland: It's a very good question, senator. One of the reasons this work has taken such a long time is the following: None of the barriers to trade are imposed maliciously. No one put them in place because they wanted to create problems for Canada and Canadians.

Having said that, I think that we now have this thicket of overlapping rules and regulations, and now is the time to act. Let me give you a specific example.

Today, there exists a federal requirement to be a federally registered land surveyor. Without that, you cannot work on federal projects. I believe, for instance, that the Province of Ontario is pretty good at qualifying a person as a land surveyor, and we will cut a lot of red tape and get projects done more quickly if we say, "You know what? We'll take that Ontario qualification as good enough without making you jump through federal hoops."

Senator Housakos: Minister, would you say there are instances where the federal government should be asking provinces to accept our federal standards rather than deferring to provincial ones?

Ms. Freeland: Certainly. There are areas where the federal government has the authority to regulate but where provinces do not. Particularly, this pertains to areas like national security. In the area of tobacco, for example, which is a really legitimate area of concern, federal regulations that apply to tobacco apply to the manufacturing, sale and promotion. There are no provincial regulations on these aspects of tobacco, and that's why this legislation would have no impact on it.

I want to give you an example where there is federal legislation and federal requirements that will be lifted by this legislation, which I think is a really good thing. The example is energy efficiency of appliances. Right now, the federal government has its standard, and provinces have their standard. If I want to buy a washing machine — which I did during COVID because I guess we were using the machine so much — the washing machine has to pass Ontario and federal standards. What this legislation will say is if you meet the provincial standard, that is enough. This is a particularly smart and effective action to take because these machines are principally manufactured outside Canada, so the energy efficiency of those machines is determined when they come into our country.

The system that we currently have in place — and I believe this is overwhelmingly the case when it comes to interprovincial barriers to trade — is about red tape. It's about a thicket of regulations which were put in place by well-intentioned people, but they have the cumulative effect of weakening our economy. In fact, an International Monetary Fund, or IMF, study found that the collective impact of our internal barriers to trade amounts to a 7% tariff that Canadians impose on themselves. Think about that. When foreign countries impose a 7% tariff on our exports, we are up in arms — as we should be — but today that is what we are doing to each other.

Senator Housakos: I have one last question before I cede the balance of my time to Senator Batters. Minister, do you have any projections regarding how much this free trade and labour mobility in Canada act will reduce the amount by a specific figure?

Ms. Freeland: What I can offer you are the projections of economists — this has been intensively studied — regarding what the impact of removing all barriers to trade and labour mobility would have on Canada. The view is that this would be worth up to $200 billion. This could increase Canada's GDP between 2% and 4%. As I said, currently we impose a tariff of 7% on ourselves.

I want to be careful and candid, as I always seek to be when talking with all of you. This impact will not come immediately, and it will not come solely because of this legislation. In fact, interprovincial barriers to trade and labour mobility are not principally imposed by the federal government; they are principally imposed by provinces. That's why — in my opening comments — it was important for me to give credit where credit is due: to provinces who are racing ahead. It's my belief that the federal government needs to do its part.

Provinces, frankly, have been magnificent on this. This legislation is about all of us who are responsible for Canada saying, "Provinces and territories, well done. We are matching what you're doing. We're doing our part." It's about building momentum to get this done.

Senator Batters: Minister Freeland, Bill C-5 allows your federal Liberal government to circumvent federal laws if your government decides a project is "in the national interest." Several years ago, your government forced through the egregious Bill C-69. In doing so, you ignored the strong warnings of not only our Conservative opposition but also all provincial governments, I believe. Then the Supreme Court of Canada declared the vast majority of Bill C-69 to be unconstitutional, again as many of us had warned. But what did your government do? You took your sweet time to propose a legislative fix. When you did that, the new Bill C-69 — with the same bill number — was contained in your budget implementation act. It was rammed through Parliament without proper debate or study, as the Senate decried. We didn't have a chance to try to amend what many still claim is an unconstitutional bill.

Minister, rather than allowing Bill C-5 to give your government the ability to circumvent highly problematic federal laws for "national interest projects," why don't you just repeal Bill C-69 once and for all?

Ms. Freeland: Thank you for the question, senator. As I said, I believe all of us — both in this house and in the house that I have the privilege of being a member of — disagree about many things, and that is entirely understandable. That's called democracy.

I think this legislation is one piece of legislation that every single member of this house can agree on. I just voted in the House of Commons, together with Conservative MPs, on closure on this legislation. That says to me that my Conservative colleagues across the aisle in the house where I sit recognize that this is a critical moment in Canada. It's a moment where we have to set aside partisan divisions and say, "Let's build in Canada." I'm proud to be a part of that; I hope senators will be as well.

Senator Batters: Minister, my second question is this: Who speaks for Saskatchewan at the federal cabinet table? Saskatchewan is the only province without a full cabinet minister. We have one lone secretary of state who, as stated on the Prime Minister's Office, or PMO, website, does not sit at the cabinet table. When your federal Liberal cabinet is determining whether a project vital to Saskatchewan will fall within the "national interest," according to Bill C-5, who at that table will speak for Saskatchewan?

Ms. Freeland: I am really proud that Buckley Belanger was elected as a Liberal MP in Saskatchewan. I was really glad to spend some time with him and his community before the election. I spoke to him just this morning about this legislation, which he strongly supports. He is a secretary of state and has a very important voice in our deliberations, including often participating in cabinet discussions.

I would also say that Premier Moe, whom I personally respect very much — I found him to be an excellent partner when Canada came together to fight COVID — is a strong supporter of this effort. He was an exceptional host when he hosted us all in Saskatoon. Premier Moe is one of the premiers who believes very strongly, as do I, that now is the time to come together and to build Canada. I really hope that all senators from Saskatchewan and across the country will take the same view.

Senator Loffreda: Minister Freeland, welcome to the Senate once again.

Canada faces a significant productivity challenge. In its most recent Economic Survey of Canada — released three weeks ago — the Organisation for Economic Co-operation and Development, or OECD, stated that more needs to be done to raise Canada's productivity. The OECD noted that our performance has long lagged behind the top-performing OECD countries and might be further affected by current trade tensions.

• (1420)

Bill C-5 appears to directly address some of those concerns. As the OECD highlights, reducing internal trade barriers and improving mutual recognition of qualifications across provinces to lower internal barriers to labour mobility can help strengthen productivity.

What impact do you project Bill C-5 will have on Canada's productivity?

Ms. Freeland: Thank you very much for the question, senator, and for your hard work here for many years now.

On the internal trade barriers part of the legislation or, let me be more precise, on the question of removing barriers to internal trade and labour mobility, academic works suggest that if we do it — and by "we," we're talking about those responsible for the federal government doing its part, but also provinces needing to do their part — it could boost productivity by up to 7%, which is very meaningful.

That doesn't include what impact getting major projects built will have. It's very hard, senator, to judge that, because this legislation is an enabling framework. It doesn't name specific projects, but I think we can all agree that getting nation-building projects built more quickly will have huge benefits. It will create jobs. We all know our steel and aluminum industries are under particular pressure right now. Building more now in Canada will provide projects into which they can sell their steel and aluminum.

This is also about getting rid of critical bottlenecks in our country. Again, this is enabling legislation; it is not about specific projects. However, some of the projects it could enable include the Contrecœur Port Terminal container project. That is something I have discussed with Premier Legault and our members of Parliament for Quebec. It could significantly unblock that critical trade corridor. In addition, the Roberts Bank Terminal 2 project could significantly add capacity in a Pacific trade corridor. Also, the Saint John trade corridor projects could significantly add to our capacity in the Atlantic.

Your question is an important one, because this is about building Canada, increasing our productivity, creating jobs and creating projects for which our steel and aluminum can be used. Ultimately, it's about making our country more prosperous at a time when, let's be candid, our economy is being battered by tariffs.

Senator Loffreda: Thank you for that answer.

I have a second question. As legislators, many of us value the inclusion of clauses in legislation that mandate a formal review and report on the implementation of new acts of Parliament. In the case of Bill C-5, clauses 13 and 24 provide for a comprehensive review of the "One Canadian Economy Act" within five years.

While I fully support this legislated review, I would like to ask this: Beyond the statutory requirement, is the government prepared to provide Canadians with ongoing status updates in the interim? Also, has there been any consideration of a public communication strategy, such as a dedicated website or regular progress reports, to share information on approved projects and the specific barriers that have been removed?

Ms. Freeland: That is a great question. Embedded in that great question are some great ideas.

I would like to speak specifically to the review mechanism embedded in this legislation. It is very intentional. I had some really good discussions with Prime Minister Carney specifically about that element of the legislation.

As we discussed with Senator Housakos, these barriers to internal trade are not put there as a result of any malicious or ill-intended actions by provinces or the federal government. But they're like barnacles on a ship or, to return to our appliance metaphor, calcium in your dishwasher: They tend to accrete over time. The idea is to create a built-in mechanism through which we all look ourselves in the eye and ask if, without intending to do so, we have created more red tape and barriers to internal trade, labour mobility and getting big projects built in Canada.

That's why the review mechanism is there. I think it's very important.

Further to your proposals, I am very excited about this legislation and think it is historic. It comes at a moment when we need the boost and when there are a lot of areas where our country needs to spend a lot more money. I think we all heard the Prime Minister's announcement a week ago about spending more on defence. We need to have a source for that money. We need to have that engine of economic growth. As a former finance minister, one of the things I love about this legislation is that it adds to jobs, growth and productivity without costing a penny. What's not to like?

But even as I very energetically champion this legislation, it's important for me to say to all of you and to Canadians who are watching or listening to us that this is not the end of the journey; this is a step on the journey, as is the legislation being passed by provinces that I cited in my opening remarks.

The ministers of internal trade of the provinces and territories and I are planning to hold a meeting on July 8, after this legislation will have been passed — I hope — and after provinces have done a lot of work; a lot of them have passed legislation, too. We will talk about what we need to do next and how we need to keep going.

One of three areas that I will be putting on the agenda at that meeting is trucking. It should be a lot easier than it is to drive a truck from Halifax to Vancouver. We need to get rid of conflicting requirements. Getting rid of that red tape doesn't create winners and losers; it only creates winners. It will just mean that it is cheaper to move goods across the country. So I think we have to do more work on trucking.

Another area is housing. This is a moment when we're hearing a lot of enthusiasm around home building in general, including modular housing. One of the challenges there is that if you're going to build modular housing and elements of homes in a factory, an economy of scale is tremendously valuable. We can have an economy of 40 million, but that will require home-building standards that apply across the country.

I have more to say, but I think I'm being told I have talked too much.

The Chair: Thank you, minister. Senator, you may share your time with Senator Boehm.

Minister, with all respect, we have a lot of questions and, of course, there are many senators who want to ask questions. They would appreciate succinct and direct answers. Thank you.

Senator Boehm: Minister, hello, and thank you for joining us. I'll be succinct with my questions since we have a time issue.

I want to focus on rail transport. As you know, headquartered in Calgary, we have CPKC, the combination of Canadian Pacific and Kansas City Southern. Since its establishment, it's been the first and only single-line rail network operating in all three countries of North America. It employs 20,000 people. It's a great success story. Of course, it has a 32,000-kilometre network that moves everything from auto parts to potash, all the way down to the Gulf of Mexico, as we still call it here.

How will this giant transnational rail network, vital to North American free trade, function in the context of this bill and its goal to promote interprovincial free trade? What about its future in the current global climate, particularly in the context of trade tensions we now have with the United States?

Ms. Freeland: Thank you for the excellent question. I treasure your reference to the Gulf of Mexico.

I am here today as the Minister for Internal Trade, but I'm also here very enthusiastically and happily as the Minister of Transport. This bill is very important for our transportation networks. I spoke about trucking a minute ago. It is helpful for railway as well. We have conflicting requirements between provinces, and with the federal government's action here we are doing —

• (1430)

The Chair: I apologize for interrupting, minister, but your time has expired. The next block of questions goes to the Canadian Senators Group, and we will start with Senator Downe.

Senator Downe: Thank you, minister, for being here today. During the election campaign, Prime Minister Carney identified a major trade barrier in Atlantic Canada: excessively high tolls on bridges and ferries. He made a commitment to reduce them. When will that be done to assist our economy?

Ms. Freeland: I was delighted when he made that commitment, and, together with my Liberal Atlantic Caucus colleagues, urged him to do so. We will act on our commitments regarding the bridges and the ferries. I'm not here today to give you a date, but I want to commit to you firmly that this campaign promise will be honoured and I am delighted that we will be doing that.

Senator Downe: Liberal MP Bobby Morrissey has written to the Prime Minister suggesting that these tolls should be reduced by July 1. In your mind, is that realistic or are you looking at various methods to reduce the costs such as buying out contracts and tax rebates? What are you considering as the best avenue to remove these — as I said — excessive trade barriers in Atlantic Canada?

Ms. Freeland: I've had a number of conversations with Bobby — or I should say Member of Parliament Robert Morrissey — about this, as I have with Atlantic Caucus colleagues. I am not at liberty today to tell you exactly what we are going to do, or when, but I want to make a very clear and unequivocal commitment that the tolls will be reduced as we promised, and I am excited about doing it. As my Atlantic colleagues have said to me, the greatest barrier to interprovincial trade is those tolls. That's something easy to do. I agree with them. It is something we will do with great enthusiasm.

Senator Downe: Could you please pass on our appreciation to Prime Minister Carney for that action? It is much appreciated in Atlantic Canada.

[*Translation*]

Senator Gignac: Good afternoon, minister. Welcome back to the Senate.

To determine whether a project is in the national interest, the government must take into account the five factors that are set out in the bill. I noticed that there's no mention of private sector participation in these projects. Don't you think it would be important to get the private sector involved in financing these projects so that they are not solely funded by the public sector?

Ms. Freeland: Senator, I'm happy to speak with you again.

One of the factors set out in the bill is that projects must be practical and easily achievable and they must strengthen Canada's economy. We can include private sector participation in that, which is very important. I'm sure you're aware of what the Prime Minister has said. We want to attract private sector investments with this bill. That is one of the main ideas behind it.

Senator Gignac: I could have also included the institutional sector, such as pension funds, in that.

You're now the minister responsible for a project that involves the private sector, the high-speed train that will run between Quebec City and Toronto — as well as Windsor, or so we hope. How could Bill C-5 speed up that project? It will take four or five years before construction is complete. Will Bill C-5 speed that up?

Ms. Freeland: I certainly hope so. The high-speed train is one of the most inspiring projects we are talking about today in Canada. I hope that the bill will speed it up.

Today, our aluminum and steel industries are under pressure because of what is happening in the United States. These big construction projects could help those industries.

[*English*]

Senator Al Zaibak: Thank you, Minister Freeland, for being with us here today. Could you please elaborate on the urgency the government has attached to Bill C-5, and how it specifically addresses the economic impacts of recent American tariffs?

Ms. Freeland: Thank you, senator, for your question, which is at the heart of my true, passionate enthusiasm for this legislation. Everyone here is very hard-working and detail-oriented, and your question is a welcome opportunity to pull back a little bit from the details and talk about its core purpose.

Today we all recognize, and need to recognize, that this is a critical moment for Canada. We are under extreme economic pressure, which is hurting our workers and businesses, and making it hard to attract investment.

This legislation provides us the opportunity to give to ourselves what these U.S. tariffs are taking away from us. I think the numbers are astonishing: We are able to add $200 billion to our economy just by refraining from doing dumb things to ourselves. It's actually remarkable, and it's high time we do it.

With regard to the major projects part of the legislation, the reason there is so much enthusiasm from the premiers and Canadians of all political convictions around that issue is because it is not a partisan issue to say that we need to build more big things in Canada, and we need to do it faster. That is something about which all Canadians can agree, and we know that it is just too hard to do right now. This legislation is about making it possible to build Canada. That's what we need.

Senator Al Zaibak: Thank you. How does it specifically address the economic impact of the most recent tariffs? I didn't hear any specifics about that. For example, steel and aluminum: How would it counterbalance that?

Ms. Freeland: You offered a partial answer in your own question. I spent a lot of time talking to people in the steel and aluminum industries — the unions that represent those workers and people who work in those industries. I was the minister responsible for fighting and lifting the section 232 tariffs the first time they were imposed. Workers in those sectors are very worried — understandably so.

Building these major projects is a way for Canada to use the steel and aluminum — especially the steel — that is going to struggle to find access to U.S. markets. More generally, there is so much uncertainty right now. It is very hard to make a specific judgment about the impact of this trade pressure on the Canadian economy, but we know it is not good. We know that lifting barriers to internal trade will have a very meaningful impact on our GDP. Estimates range from 1% to 2% to 4% of our GDP: $200 billion.

Senators, just think about it. What we are talking about here on internal trade specifically is a measure that doesn't cost us money and will add $200 billion to the Canadian economy. I think we all need to say "yes" to that.

Senator Al Zaibak: Thank you.

• (1440)

Senator White: Thank you, minister, for being with us here today, and thank you to your officials. It is a pleasure to see them. I had the privilege of working with some of them in a previous life.

When Bill C-5 was tabled, there was a news release from your government on June 6, and it stated that projects designated for conditional approval will be done so following full consultation with affected Indigenous peoples and in accordance with Canada's commitments to the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, and Canada's constitutional obligations to consult Indigenous groups. I am happy to see that, but what concrete measures is the government taking to ensure that this bill will continue free, prior and informed consent with Indigenous peoples on whose lands these national interest projects will be built on?

Ms. Freeland: Thank you, senator, for the question. Thank you also for acknowledging our great officials.

The Indigenous element is really important, and I will give you a few specifics. Then I would like to talk at the higher level about the approach that I think we need to take.

There will be the creation of an Indigenous advisory council for the major projects office. There is capacity building for First Nations, Inuit and Métis of $18.6 million per year from 2025-26 to 2028-29. You know very well how important that funding is to make it possible to have real collaborative work.

I want to emphasize something that I am personally proud of, which is the Indigenous Loan Guarantee Program. I put in place $5 billion. The Prime Minister one-upped me and raised that to $10 billion. I strongly support that. I really believe that if we do this right — and I think all of us need to be committed to it — we can see this legislation as being about Indigenous prosperity, Indigenous participation in Canada's economic growth and Indigenous participation in building Canada — as you rightly said, senator — on Indigenous lands.

Senator White: Thank you. I'm very happy to hear that. There are a number of initiatives that have been doing great work in our communities. I guess my concern is that this bill will expedite timelines on major projects, and it will certainly affect Indigenous peoples.

How will the government specifically ensure that sufficient time is allocated for the consent and consultation of Indigenous peoples in any meaningful way?

Ms. Freeland: I think I tried to offer some answers to that. I think the Indigenous advisory council will play an important role. I do believe that capacity-building funding is important so that First Nations, Inuit and Métis can participate in the work.

This legislation is not about skipping steps. Rather, instead of taking steps sequentially, let's take them simultaneously. Let's all roll up our sleeves, do the work we need to do and not take shortcuts, but do that work faster because we are in a crisis.

I would say the substitution agreement that we already have with British Columbia is a very promising and exciting example of the way to do this. We intend on having substitution agreements done with everyone within six months. In a practical way, that's about acting on this: Let's do things simultaneously and not sequentially, and let's not do things twice.

Senator Wilson: Minister, this bill addresses federal barriers to interprovincial trade. However, given the myriad of provincial standards and other barriers within their jurisdictions, what is the government's plan to ensure accountability and visibility around what barriers may still be left to be addressed as the spotlight around this issue inevitably fades? In particular, how does the government plan to ensure that no stone remains unturned when the focus has turned away?

Ms. Freeland: Excellent question, and it's something I'm thinking about a lot. My principal answer is that I don't want the spotlight to go away, and I don't want the momentum to slow. I have been very clear that this legislation is important, but it is not the end of the process. The actions that the provinces and territories have been taking are important but not the end of the process. I hope that every single senator here will do as I intend to do and keep up the momentum to get rid of all the remaining barriers to trade and labour mobility.

This legislation is really about the federal government ensuring that we can be decent and hold our head up high when we are talking to provinces so that we can say to them, "Hey, we've done our part." The vast majority of the barriers are between provinces. I see huge action and huge energy by provinces, but there is still work to be done.

Please pay careful note to the July 8 meeting of the Committee on Internal Trade — the responsible ministers — and let's really push together to have further progress on trucking, housing and labour mobility.

Senator Wilson: Thank you. I have no further questions.

Senator Cardozo: Welcome again, minister, to our chamber. My questions are regarding clauses 21, 22 and 23, which some have referred to as the Henry VIII clauses, which would allow the government to exempt your plans and activities from a series of acts.

I wonder if you could explain the reason for that and a couple of other specifics. Are the exemptions limited to the acts in Schedule 2? As I understand it, there is no time limit on that, so governments could ignore these acts for decades to come. Am I right or wrong?

Ms. Freeland: I will not repeat the colourful but the — I think — not entirely fair term that you used. This is about ensuring that we can get big projects built. It is about recognizing that, today, the legislative frameworks that we have are not adequate at this moment in Canada. They have also become covered in barnacles, just as internal trade has been.

I hope you will agree with me and with the Prime Minister — I think you probably will — that this is a moment of real national crisis, and we need to respond to that crisis with some extraordinary measures by saying that we will get major projects built now, and we will give ourselves the tools to do it.

I want to be clear, though, that this legislation is about enabling that. I truly believe there is no one in this chamber and no one in Canada who would disagree with the assertion that we need to build more big things in Canada faster. I think we all agree on that.

Also, I think we all agree that we need to do it safely, and we need to do it in a way that respects the rights of Indigenous people in Canada, in a way that respects the environment and in a way where provinces, territories and the federal government are collaborating. This process is designed to do exactly that. There will be great transparency and a lot of public debate around each project that goes through this process.

Senator Cardozo: What would be an example of an occasion where you might want to exempt the government from an act?

Ms. Freeland: One of the things I learned during the first North American Free Trade Agreement, or NAFTA, negotiations was that it is a hostage to fortune to go into hypotheticals. What I will say is that this is about setting a framework, and there will be great transparency and great national debate around each project that goes through this process.

Senator Cardozo: Does that cover housing?

Ms. Freeland: As I've said, the bill outlines the criteria very clearly. It is not about naming specific projects. Some projects have been discussed as possibilities, but each project will have to go through this process.

• (1450)

Senator Duncan: Thank you, Minister Freeland, for being here. Welcome again to the Senate.

I would like to get in two quick questions. In Part 1 of this act, there is no definition of what constitutes consultation. What is considered consultation varies from premier to premier, from First Nation to First Nation, from Inuit to Métis. There is no consultation protocol that exists in the Government of Canada. You have mentioned before the hard-working public servants. Would you consider dedicating a group or asking for the dedication of a group of senior public servants to work at the federal, provincial and territorial, or FPT, table with First Nations throughout the country to develop a consultation protocol that would work for this legislation and other pieces of legislation?

Ms. Freeland: Thank you for the question, and hard-working public servants have just handed me some pieces of paper that go into great detail on Indigenous consultation specifically. I mentioned already the plan to create an Indigenous advisory committee for the major projects office. That is going to be an important part of this work.

It's also important to point out that 66 groups have already been consulted as part of the process of putting together this legislation both before and after the tabling. So there is a very active, very energetic series of conversations — some of which I've been part of, some of which public servants have been part of, some of which different ministers have been part of, some of which premiers of provinces and territories have been part of. The intent here is full, very energetic participation of Indigenous people in Canada. The intent here is really Indigenous prosperity. The intent is for these projects to be projects that Indigenous people can use to participate in, including using the $10-billion Indigenous Loan Guarantee Program.

This is about doing all of that more quickly because we recognize — and Indigenous leaders whom I have spoken to have shared this epiphany — that now is a moment when we have to build faster.

Senator Duncan: I don't disagree with you on the intent, minister, but it is critical that everyone has an understanding of what constitutes consultation. It is not defined in the act, and it is not it defined in the public servant guidelines. That is my point. I appreciate the government has done that, but in order to indicate and for it to stand up in court, which is where these things end up when we don't consult, it has to be clearly defined what has occurred in legislation.

Do I have another 10 seconds?

The Chair: You can have 10 seconds if you want to share your time with other colleagues from your group.

Senator Duncan: If I could just make the point, minister, regarding transport, you have repeatedly mentioned — and others have mentioned — the focus has been Halifax to Vancouver. In the North, air transport is critical. Is air transport part of the discussions in terms of improving the Canadian economy and these economic measures? Are air transport regulations and lowering the cost part of the discussions?

Ms. Freeland: Yes, 100%. I have heard that from leaders from the Yukon, from the Northwest Territories and from Nunavut. You know the issues extremely well, and that was one of the first issues that have been raised with me.

Just as, pointing to our Atlantic colleagues, they said, "This is great, but what matters to us is ferries and bridges," one of the things I heard from northern colleagues is, "You have to be sure that air transport is one of the things you are looking at."

I would also emphasize that in the list of criteria, the fact that a project is a high priority for Indigenous people, Indigenous partners, is one of the criteria that get it on the list.

Senator Woo: Minister, welcome to the Senate. The issue of differing standards and codes across the country has come up already. It makes a lot of sense to try to harmonize these standards so that goods can flow across provincial borders. But the prior question is how these standards and codes came up in the first place and how any future standards and codes are developed. Often they are developed by officials in their different ministries at the provincial or federal level, and that's why in part we have the problem of inconsistency.

Do you see, minister, a role for Canada's Standards Development Organizations to play a bigger part in the development of standards and codes that can be incorporated into what is called the National Standards System of this country and then incorporated by reference into the regulations of any new thing that needs to be regulated, rather than have officials regularly and routinely develop the regulations themselves?

Ms. Freeland: I think it is a very good point and a very good idea. What I will say, though, to everyone here is the approach right now — the drive to remove internal barriers to trade and to labour mobility, certainly in many areas — is about harmonization, but it is also and even principally about mutual recognition. That's the approach that Australia took that has been shown to work. It is an approach that has the virtue of being often swifter than harmonization, and I think it's an approach that has the virtue of being about true nation building.

I really like the way that Premier Houston of Nova Scotia talks about mutual recognition. He says it is about trusting each other. That's why I used some specific examples in my opening remarks. They were not just boilerplate. I wrote my opening remarks myself because I think part of internal trade is really about saying if you feel safe eating a steak in Calgary, if you trust the Province of Alberta to be sure you are not going to be poisoned by eating that steak, why should it have to go through additional testing? Why should that steak, metaphorically, have to jump through additional hoops for me to eat that same steak in Toronto?

The same applies to labour mobility. If a nurse can work and treat you in Halifax, and you trust her to be fully qualified, why shouldn't she be able to treat you in Saskatoon? Why should she have to jump through additional hoops?

I appreciate the point about harmonization, and it is a very good idea, but I would like to emphasize the point that the very important approach that the provinces have led with and that the federal government is recognizing and supporting is mutual recognition — trusting each other to get it right and not having to duplicate processes.

Senator Woo: Mutual recognition is part and parcel of the standards system, and it includes conformity assessment, of course, which is essential to recognizing the standards of different jurisdictions.

The problem with incorporating by reference the standards developed outside of the government system, as I see it, is one that has to do with the Statutory Instruments Act, which is very strict on what can be incorporated, and, more importantly, it is a problem of culture within bureaucracies that have a tendency to want to develop regulations internally, by themselves, rather than looking to, if I can put it this way, the expert community that already exists across Canada.

Is this an issue that your department is willing to look into? Because while we can harmonize and mutually recognize existing regulations, there are going to be many, many more regulations that will have to be developed in the years ahead. We don't want to end up in the situation where we continue to have duplicative and inconsistent regulations across the country.

Ms. Freeland: Again, thank you for the point. It is a really interesting idea and proposal. I will say, though, we spoke a little bit earlier about the built-in review mechanism included in this legislation. That is precisely because we recognized in drafting this legislation that there is a certain inevitability to the building up of these barriers and that they have not been put in place maliciously or in bad faith.

• (1500)

We think — and I'm going to use an agricultural metaphor here — that we have to swath our crop. We have to cut it down, but we're going to have continue doing that every few years, because it's going to grow back up.

The Chair: Thank you, minister.

[*Translation*]

We have come to the end of the list of senators, by group, who wanted to ask questions. We have 10 minutes remaining.

[*English*]

Senator Housakos: In Canada right now we have a shortage of health care workers, minister, yet we have a plethora of health care workers across the country who are driving Ubers. At the briefing for senators on Bill C-5, officials made it clear that the legislation does not apply to health care workers.

Why did the government not take this opportunity to implement a "Blue Seal" professional licensing standard for health care workers, just as we have a Red Seal program for tradespersons?

Ms. Freeland: I very much agree with your emphasis on the labour mobility aspects of reducing internal barriers to trade, and I very much agree with the emphasis on health care workers. This is something on which we are working energetically with the provinces and territories, and they have made some major progress. At the July 8 meeting of the Committee on Internal Trade, we will be pushing further on that.

There is nothing that would make me happier than for every single senator here give a speech after this bill has been passed and post on social media, "Let's remove all barriers to health care workers working across the country." I would add that we have to move faster in recognizing foreign credentials.

Senator Housakos: Minister, my last question is a very important one. Obviously, the Conservative opposition in the House supports this bill, as does the opposition in this chamber. Our concern, though, is that there are a number of members of the current government who were also members of the previous government, who — in our view — were a little overzealous when dealing with bills like Bill C-69 and Bill C-48, putting into place impediments and red tape when it comes to fast-tracking and approval of projects in the energy sector.

What has changed? And will this government be ready to ensure that our oil can be transported to the east and to the west, and that Liquefied Natural Gas, or LNG, can finally be delivered to the countries that have been begging Canada to start delivering energy?

Ms. Freeland: I will give you a two-part answer.

Part one is that I am very proud to be the minister who had the Trans Mountain Expansion Project, or TMX, built. In my 2024 budget speech, I very intentionally referred to the "Golden Weld," which completed the building of that pipeline. That pipeline will add $1.25 billion, which it will return directly to the federal government this year. This will give us diversification at a time when we certainly need it.

You spoke about LNG. There are new LNG projects coming online this year on our West Coast exactly when we need them. Those projects didn't happen overnight. They have been under construction for some time, and, again, they are coming on stream exactly when we need them.

Thank you for recognizing and highlighting that Conservatives support this legislation. I want to say in this house — as I said in the House of Commons when I answered questions in Committee of the Whole — that I want to recognize member of Parliament Dan Albas, who has been advocating for this for a long time. I'm sure we all remember his very memorable "Free the beer" pitch. I want to give him credit for that.

I also want to give credit to my friend former premier Jason Kenney, who was talking about lifting barriers to internal trade before it became fashionable to do so.

I would also be remiss if I didn't point to the true leadership of Premier Tim Houston — whom I have quoted very intentionally — and Premier Doug Ford, who has taken this ball and is really running with it.

I truly see this, not as a partisan effort, but as a nation-building effort, and I'm delighted that we're able to work on it together.

[*Translation*]

Senator Hébert: Good afternoon, minister, and welcome. I will be very brief. We all know that the business community has long been calling for the removal of interprovincial non-tariff trade barriers. I think that this bill is a big step in that direction.

However, we also know that the provinces have to do their part. The bill talks about mutual recognition, which is great. That would be preferable to a system involving exceptions, because we know it is much more efficient.

Some legislation provides for the implementation of mechanisms for discussion between the provincial and federal governments. Do you think that would be a good idea? We know that, often, in such cases, the provinces are the ones throwing a wrench into the works. It's all fine and good for the federal government to have a mechanism for mutual recognition, but the provinces don't have such a mechanism.

Would it be possible for the bill to provide for the implementation of such mechanisms for discussion, or could we give an existing organization the mandate to promote discussion among the provinces to ensure that they also do their part?

Ms. Freeland: Thank you for that important question. I'm sure you understand that most of the barriers are interprovincial and impact areas under provincial jurisdiction. I believe the federal government's job is to do three things. First, the federal government must do its part, and that is what it is doing with this bill.

The federal government must also encourage the provinces to eliminate barriers and I, as a federal minister, have to be able to say that I did everything I could.

The second thing the federal government can do is participate in national meetings. We are already doing that. I mentioned that the ministers of international trade are meeting on July 8. We're also organizing a transport ministers' round table to talk about truck drivers specifically because that's an issue that will have an economic impact as soon as it's settled.

The third thing we can do — something we can all do — is avoid doing what the senator talked about. I hope this bill will be passed by July 1, but I know our work won't end there. I hope that every honourable senator here will help me and the provincial and territorial premiers to keep talking about this and to keep acknowledging that, while this is a good start, we still have a lot of work to do.

[*English*]

Senator McPhedran: Minister Freeland, it is good to see you here. The Prime Minister recently used the term "decarbonized oil," which sounds more like an oil industry buzzword than a scientifically grounded concept.

• (1510)

Given the clear evidence that oil combustion inherently produces emissions, do you believe in the idea of decarbonized oil? More importantly, does your department plan to treat the oil sector infrastructure as part of a net-zero strategy, despite this contradiction?

Ms. Freeland: I really believe that we, as a country, need to build Canada. We need to recognize the importance of our oil and gas sector to our economy and for creating jobs, as well as to the world economy. We also need to recognize the importance of clean and renewable energy and efforts to bring down emissions.

I'm really proud of the ITCs — the investment tax credits — that I put in place as finance minister and that create economic tools to do precisely that. I'm very excited about the CCUS tax credits that were put in place in one of my budgets. They provide a real tool to get the Pathways project done.

I really believe that Canada needs to do all of these things. This legislation is about clean and renewable energy. It is about decarbonization and natural resources.

The Chair: Honourable senators, the committee has been hearing from the minister for 65 minutes. In conformity with the order of the Senate, I am obliged to interrupt proceedings in order to proceed with the second panel.

Minister, on behalf of all senators, thank you for joining us today to assist us with our work on the bill. I would also like to thank your officials.

Hon. Senators: Hear, hear!

The Chair: Honourable senators, we will suspend for 10 minutes to prepare for the second panel. We will resume at 3:18 p.m.

[*Translation*]

Ms. Freeland: Thank you very much. If I may, I'd like to thank our friend, Senator Hassan Yussuff, who is working very hard on this bill.

[*English*]

Thanks, Hassan.

(The committee was suspended.)

(The committee was resumed.)

The Chair: (Pursuant to the order of the Senate, the witnesses were escorted to seats in the Senate Chamber.)

Honourable senators, the Senate is resuming in Committee of the Whole to continue its consideration of the subject matter of Bill C-5, An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act.

The committee will now hear from David R. Pierce, Vice-President, Government Relations, Canadian Chamber of Commerce; Bryan N. Detchou, Senior Director, Natural Resources, Environment and Sustainability, Canadian Chamber of Commerce; Jay Khosla, Executive Director, Economic and Energy Policy, Public Policy Forum; Yiota Kokkinos, Senior Executive Advisor, Public Policy Forum; and Keith Jansa, Chief Executive Officer, Digital Governance Council.

I would like to thank you for being with us today. I would ask you to make your opening remarks.

David R. Pierce, Vice-President, Government Relations, Canadian Chamber of Commerce: Honourable senators, thank you for the opportunity to appear before you today on Bill C-5, Canada's new legislation aimed at reducing trade barriers and building critical projects of national interest.

• (1520)

I'm joined by Bryan Detchou, who specializes in energy resources and environment policy at the Canadian Chamber of Commerce.

At the Canadian Chamber of Commerce, we represent our immediate members and the chamber network, with some 400 chambers and boards of trade across the country, and our combined 200,000 members.

We applaud the Prime Minister and Government of Canada for moving so quickly and methodically on introducing Bill C-5. This legislation aims to address internal trade barriers and begin a conversation about building critical national infrastructure. This legislation is to address internal trade and infrastructure, but it is truly in response to one of the most important economic shocks of our generation.

We live today in a different economic world, faced with increased risk for Canadian businesses and families. Before I go into that, I'd like to draw your attention to February 4, 2025, when our CEO, Candace Laing, announced the Canadian Chamber of Commerce's All-In Canada Plan. That plan featured four pillars: building critical resource infrastructure, reducing red tape and internal trade barriers, lowering taxes and opening new markets for our goods and resources.

Fast-forward to today and Bill C-5's response to many of the issues we flagged last winter. I would be pleased to speak more to that in the question-and-answer period.

Now let's talk about energy security.

Global energy demand is projected to rise by nearly 50% by 2050. Canada and its G7 partners must prepare for that now, ensuring the affordability, reliability and resilience of our systems. With geopolitical instability and fragile supply chains, energy policy has become a central issue with respect to both economic and national security.

The Canadian Chamber of Commerce recently held the B7 here in Ottawa, where business leaders affirmed what we already know: Canada has a pivotal role to play in shaping global energy and clean economic growth. This is a generational opportunity, but seizing it requires bold, coordinated and immediate action.

Unfortunately, Canada has lost momentum in recent decades. I ask you this: Could Canada have built the TransCanada Pipeline today? What about the hydroelectric dams in Quebec? What about the Trans-Canada Highway?

Today, large-scale energy and infrastructure projects are routinely delayed by regulatory gridlock, rising costs and political indecision. The consequences are real: weaker investor confidence, stalled productivity and capital flowing to more agile jurisdictions.

An above-all energy approach is essential. Leveraging our comparative strengths in conventional energy will allow us to drive clean investments, increase self-sufficiency and deliver for Canadians and our global partners.

We are encouraged by Bill C-5 and its potential to improve Canada's ability to deliver major projects. There are provisions of this bill we believe could be clarified or improved. For now, we ask senators to consider the following recommendations, not only for this bill, but also for future legislation which will come before this house and your committees or be introduced by your colleagues in the chamber.

Bill C-5 appropriately focuses on projects of national interest. However, we need a regulatory system that works efficiently for all infrastructure projects. Without broader reform, we risk a two-tiered process. Urgency cannot come at the expense of Indigenous rights, environmental considerations or provincial jurisdiction. A credible framework must be grounded in trust and legal certainty. Undermining these principles risks delays, opposition and legal challenges that defeat the goal we're after.

Finally, approvals are only part of the challenge. To truly unlock progress, governments must also tackle the old and new cumulative regulatory burdens that are facing major energy and resource development projects. The greenwashing provisions, oil and gas emissions cap and many other examples must be looked at.

Senators, let this be Canada's moment to rise, seize our full potential and reaffirm our place as a global leader, securing a brighter, more prosperous future for all Canadians.

Thank you.

Jay Khosla, Executive Director, Economic and Energy Policy, Public Policy Forum: Thank you, chair and members of the committee. I sincerely appreciate the opportunity to speak with you today. It's truly humbling, an honour and a privilege to be here to respond to your questions.

Let's begin by acknowledging Canada is at a crossroads, as my colleague said. We have the resources, talent and global demand, but we're not building energy infrastructure and critical mineral projects fast enough. The Public Policy Forum, or PPF, wrote the report *Build Big Things* a few months ago with urgency, because the PPF believes this is not just moment of transition; it's a once-in-a-generation opportunity to reshape our economic future and secure prosperity for all Canadians.

Build Big Things is the PPF's call to action and a road map to unlock hundreds of billions in investment, attract global capital and fast-track nation-building projects. We launched it in response to a sharp drop in investment and the urgent need for a bold, coordinated strategy to move projects forward.

What we call our playbook outlines 10 essential plays that, taken together, will ensure that key projects rapidly advance. The playbook's premise is that if we build big things, Canada can reduce its reliance on the U.S. market, become a trusted global supplier of energy and critical minerals, meet our climate goals and strengthen the infrastructure that connects our country and supports our sovereignty.

Let's start with why.

We all know Donald Trump provided Canada with a needed wake-up call. Canada must expand its market access and strengthen federal-provincial cooperation to stay competitive. Yet investment in major projects has fallen despite our massive potential.

Navius Research modelled over $600 billion in proposed projects that could add $1.1 trillion to GDP by 2035, a full on 4.5% increase. That's real growth driven by Canadian resources, workers and leadership. We have the expertise in this country to do that. Projects of this nature can and will boost our economy and environmental outcomes.

I would add that it's not just about growth, but also critical supply chain security as well as addressing anything else that will move us forward strategically in the long run. We must be more entrepreneurial and globally competitive.

Regarding Bill C-5, the good news is that momentum is being built across governments to accelerate the identification and approval of nation-building projects. As a convenor, the Public Policy Forum works to bring a coherent and unifying perspective to major issues shaping Canada's future, such as the report's findings.

This was the broadest consultation we've ever undertaken, engaging federal and provincial governments, regulators, Indigenous groups and industry across the country. As a result, we identified four specific and key levers that, if aligned effectively, will unlock investment and drive national growth.

The first is getting the financing right. We need to de-risk projects and attract private capital. We've lost it and need to get it back, but that will only happen if the financing is aligned effectively.

The second, very obviously, is regulation, which we have talked about for a decade and a half. It has to be clear, fast and also environmentally effective. We believe that can happen.

The third is enabling infrastructure, such as transmission, roads, ports and the associated workforce necessary to support these major builds.

The fourth is Indigenous economic participation. This is critical and means real equity and capital access from day one.

These are practical, achievable steps. They're aligned with some of the direction set out in Bill C-5, such as identifying major nation-building projects up front; adopting "one project, one review," led by a federal major projects office; setting a firm two-year regulatory approval window; and shifting government culture from "Why approve?" to "How can we approve responsibly?"

To build on this momentum, we also need a clear vision and a culture shift, including a national target for GDP growth per capita to guide and measure our progress. We find that is mission-critical.

This legislation is a good first step, but implementation depends on strong partnerships across governments and with Indigenous peoples. That's where major projects have succeeded. I hope I can share examples I have worked on during my life during the question-and-answer session, if you wish.

Our playbook offers a path forward, but the details truly matter. To truly unlock investment, implementation needs to go through 10 essential plays. Here are three we think stand out and could be strengthened:

First, we need strong, accountable governance, from the Prime Minister down. A dedicated deputy ministers' committee that meets regularly, backed by a cabinet committee, should drive coordination and delivery. When governments are disciplined, focused and aligned, things can move fast, as we saw during COVID.

• (1530)

Second, we need to sort out the alphabet soup of federal funding programs. Right now, project proponents and Indigenous peoples are bounced back and forth from the Canada Infrastructure Bank to the Clean Growth Program to the Strategic Innovation Fund to Export Development Canada — and we could keep going. The list is long. We need to put those capital stacks together to unlock these projects, and we need a single front door through which to do so.

Third, we need a strategic investment office. That may be called the major projects office. We don't know, but it has to have investment behind it. It should not just focus on regulation. It should be a whole-of-government team that aligns financing, regulatory approvals, broader infrastructure and Indigenous participation in these reviews, and with the financial expertise to do so —

The Chair: Mr. Khosla, your five minutes has ended.

Mr. Khosla: I'll just say one last thing, if you don't mind. The Usher of the Black Rod was kind enough — if you want a copy of the report — to put a series of these cards there. There's a QR code on the card, and you can access the report with that. I apologize for taking too long.

Keith Jansa, Chief Executive Officer, Digital Governance Council: Honourable senators, thank you for the opportunity to speak before you today on Bill C-5.

I commend the Government of Canada for recognizing the urgent need to accelerate projects of national interest, projects that serve our economy, energy security and sovereignty. This legislation rightly identifies interprovincial collaboration and infrastructure development as priorities. However, I must express concern that the approach Bill C-5 is employing puts the cart before the horse. What I mean by this is that the legislation prioritizes comparable requirements or harmonization — the cart — which is a laudable goal, before establishing the structures needed — the horse — to achieve it. Without an accredited governance process to guide coordination and integration, Canada risks advancing legislation that will not be widely accepted, ultimately forcing the government to backtrack and rework elements after the fact, wasting time, resources and public trust.

We have already seen this dynamic play out in Nova Scotia's recent decision to backtrack on easing trade barriers. These kinds of top-down shortcuts may appear efficient in the short term, but they fail in practice. At a time when Canada is making historic investments into infrastructure and modernization, failing to build in this layer of coordination is not just inefficient — it is strategically risky.

In today's economy, infrastructure is no longer just physical. It is digital. From national energy grids and transportation corridors to digital labour and supply chain platforms, critical infrastructure depends on digital technologies. These systems require more than intention. They require standards. Standards ensure systems are interoperable, secure and scalable. Nowhere in the bill's provisions is there any reference to standards despite their central role in supporting modern infrastructure across jurisdictions and industries, and the fact that many outdated and withdrawn standards remain incorporated in regulation.

That is why I recommend amending Bill C-5 to include provisions that establish a formal, expert-driven, adaptive process for the timely creation, adoption and integration of standards. This structure would operate under the authority of the Governor-in-Council and serve as a strategic foundation for the bill's implementation. It would underpin federal, provincial, territorial, Indigenous and industry collaboration in recognizing and integrating consensus-based, voluntary standards to address outdated regulations, red tape and trade barriers that slow the adoption of new technologies and adversely affect our productivity.

Our international counterparts understand this and have taken it seriously. The European Union's "New Approach" established a coherent mechanism between EU member states, their policymakers, regulators, industry, civil society and standards organizations to develop consensus standards that keep pace with change while serving the public interest. All member states have an obligation to adopt harmonized standards and to withdraw duplicative regulations. The U.S. and the United Kingdom have likewise not only prioritized this strategic approach, they have mandated the effective use of it decades ago. They also recognize that digital infrastructure is national infrastructure and that sovereign control over the standards governing these systems is essential.

Canada must do the same. The absence of organized Canadian priorities guiding critical standards undermines our growth and erodes both our sovereignty and security.

I will say, though, that we are not starting from scratch. We already have institutions that bridge technical expertise, public-interest regulation and standards. The Digital Governance Council, for example, is a national not-for-profit that convenes public, private and non-profit sector organizations across governments, industry, academia and civil society. It develops consensus-based standards through the Digital Governance Standards Institute, supports their implementation and provides a national forum for collaboration and alignment.

Bill C-5 would best leverage these existing institutions and capacities, not to add bureaucracy but to ensure rapid implementation does not come at the expense of interoperability, trust or long-term effectiveness.

To seize that opportunity, Bill C-5 must include a formal provision to establish a mechanism that ensures standards are created, adopted and integrated in a way that is proactive, inclusive and aligned with national priorities. With this structure in place, Canada will be better positioned to respond to contemporary realities, reduce interjurisdictional duplication and delays, and embed sovereignty, trust and innovation into the infrastructure that underpins our economy and society.

Honourable senators, this is more than a policy gap: It is a nation-building opportunity. I urge you to view Bill C-5 not just as a vehicle for accelerating projects but also as a platform to modernize the governance foundations upon which those projects will stand.

Thank you. I am happy to answer any questions.

[*Translation*]

The Chair: We shall now proceed with questions. Senator Carignan will have the first block. Please remember to specify to whom your question is addressed.

Senator Carignan: My question is for the witness representing the Canadian Chamber of Commerce. Mr. Pierce, you spoke about the urgent need to move forward on projects such as Roberts Bank and Contrecœur. Bill C-5 doesn't simplify the duties of proponents. They will still have to meet all the legislative requirements, provide the requested information and pay the associated fees before the minister can authorize the project.

Under those circumstances, do you really think that the bill will help get major projects off the ground, or is there a risk that it'll simply reorganize the process without actually moving projects forward?

[*English*]

Mr. Pierce: Thank you for the question. I would start by saying that at the Canadian Chamber of Commerce, we work with government quite a bit. I think Canadians would be surprised to learn how much duplication there is in the system. That's at the federal level, where departments can compete with each other for overlapping regulations, to federal-provincial regulations that overlap. Ultimately, that delays infrastructure building, projects or basic initiatives generally.

At first, we look at this bill and see it is a step in the right direction. It has taken two big pieces of what we called on the government to do back in February and moved forward with them in an expedited fashion. Could they do more? Sure, absolutely. Are there ways to expand the initiative of both sub-acts within the bill? Possibly. However, from our perspective, to meet this moment, what is included in Bill C-5 is necessary to get to that next step to approve and start to look at some projects that are of a national interest.

[*Translation*]

Senator Carignan: My second question is for Mr. Khosla. You co-authored a report in which you emphasize the urgent need to accelerate progress on major infrastructure and energy projects, and the need to simplify and stabilize the approval process.

On the surface, Bill C-5 appears to follow that logic. However, as it's currently drafted, isn't it too vague to guarantee this kind of acceleration, particularly given the very broad discretionary powers granted to the minister? Are you at all concerned that, as we've seen in recent years, the minister will ultimately base his or her decision on ideological considerations, such as hostility towards one sector or preference for another, rather than on criteria?

[*English*]

Mr. Khosla: That's a terrific question. Thank you, senator. I could talk a lot about this, but I will keep it to two or three points. The bill does take an important step machinery-wise, in our view, which centralizes both environmental assessment and regulatory permitting under one minister of the Crown.

• (1540)

Second, as I said in my opening remarks, there is a lot more to be done than just the legislation. You are quite right in your question and what was implicit, which is the machinery underneath all of that. At the end of the day, our report argues that it is not just a regulatory mechanism. Any project that gets on this list — which is what the thrust of the bill is seeking — should serve the interests of Canada in four ways, and we lay this out in our report. It has to lean into economic growth; it has to link into environmental sustainability; it should include Indigenous economic participation to the extent possible; and, finally, that market access is at the heart of everything we are doing. Those are the four factors.

The last thing I would say and my third point — and maybe we could go into more detail later — is that the system really needs to step up at both the political and the bureaucratic level between governments to get this done. What that means, in fact, is that it is not easy. These projects are vast, they are complex, and they need oversight.

If I were overseeing that list personally, I would have in my jacket pocket every day a ledger sheet. Every day, I would look at that ledger sheet and ask, "Where is it in the system? Does it have a financing problem?" Because many of these projects will run aground on financing. I can tell you for a fact that some of the ones the provinces are putting out need help, and we have the instruments. That has to be coordinated. They also need regulatory fast-tracking, and they also need some of the government agencies that are working with Indigenous peoples on the economic participation side to step up. What we heard in our report from Indigenous peoples is that they are being bounced back and forth.

Hopefully, there will be a huge coordination arm in this. This has to be job number one for this country, up to and including the Prime Minister, but deputy ministers can do this. We have seen it in the past, and I hope they strike a committee to do exactly that — to watch over this on a daily basis.

[*Translation*]

Senator Carignan: In your report, you also recommended a two-year deadline, after which the project would be automatically approved or deemed approved. The government talked about this in its various communications, including its press releases, but it's not in the bill. Would you recommend that this deadline be included in the bill directly, to distinguish it from mere political intent or a press release?

[*English*]

Mr. Khosla: Thanks again; that is a very important question. Our report touches on how to unlock investment. That was our thesis. Final investment decision is a concept that not many Canadians are familiar with, so I'm sorry to be technical, but it is critical to all of these projects.

We sought to find out how one can hit final investment decision on megaprojects. One of the things that came up was certainty for proponents, clearly, and certainty for investors, who have left the country; let's be honest. We need to pull them back. One mechanism or one lever to provide certainty would be a deemed approval process. We said the government needs to potentially look at that, but that is not the only thing we said. We said, for example, if it is at the early stage of development of a project, and the government somehow at the end of it says it is deemed not approved, and the proponent has spent $1 billion — and we have had many examples of that in this country — then the government should perhaps be providing the insurance as a backstop for that. The idea is to attract capital as fast as we can.

Those are certainty levers, but, fundamentally, forming this office that can pull the four levers together on these projects will make a difference. We have examples. I don't know if you know this, but the Marathon palladium mine in northern Ontario had a two-year review. The LNG Canada project, a $60-billion investment in this country — maybe the single biggest project to date — had a two-year review. We could keep going.

It is about making sure that the system is coordinated and dedicated to task. This is mission-critical. Hopefully, that helps. Let's give certainty back to the system.

Mr. Pierce: I hope I am not breaking any rules, but if I may, on behalf of the Canadian Chamber of Commerce, we would actually recommend that the two years be added to the legislation specifically. It is a concept that my colleague has spoken clearly about and that we support, but to be able to codify that in law would be encouraging.

[*Translation*]

Senator Carignan: Mr. Khosla, as for the one-window system, you also recommended simplifying the project consultation process, including the process for Indigenous consultations. Bill C-5 states that an office may be established, but it's not mandatory. It's only an option. Don't you think that should be changed? Shouldn't the creation of such a committee or advisory body or one window be mandatory under the act? You can tell that we've read your report.

Mr. Khosla: That is quite apparent, and I thank you. I lack the technical vocabulary to answer you in French at this time.

Senator Carignan: You can answer me in English.

[*English*]

Mr. Khosla: This is a very clear answer for us. If these four elements, including consultation, which is wedded into the regulatory part, are not brought together in an office with the right expertise, especially financial expertise, which we believe is lacking in the system right now, these projects will not move forward.

The positive part of this is that consultation has actually moved a lot in this country in the last decade toward the positive, with Indigenous peoples in particular. We are starting to develop those relationships, and we need to capitalize on that. Our regulators are getting quite good compared to 10 years ago, with all the movement on that file —

Senator Loffreda: My question is for the Canadian Chamber of Commerce. I welcome Bill C-5 and view it as an important piece of legislation that, if implemented effectively, has the potential to attract significant investment and to create quality jobs across Canada. I understand that the overarching goal of this bill is to instill confidence in investors, signal that Canada is open for business and address concerns about an uncertain and unpredictable business environment. In my view, inclusion of a new project in Schedule 1 sends a powerful message to proponents. It shifts the focus from whether a project will proceed to how it can be successfully developed. It's about achieving results.

Could you speak more broadly to how you think Bill C-5 will achieve this objective? I know the chamber is supportive of the bill, but have your members shared any concerns about the bill or its enforcement? Can you briefly share insights on the consultations conducted with your organization and the private sector in general prior to the introduction of this bill?

Mr. Pierce: Thank you very much. I think that the preamble to your question hit on the key points and the reason we support the bill. It will provide a framework to ensure that a project is looked at methodically. When the minister was here just before us — and I like the way she said it — she said that rather than having things happen sequentially, they could happen at the same time and move things along. We certainly applaud that.

We did have an opportunity to consult with some of our members. I can't share with you specifically with whom. I hope that is okay from a confidentiality standpoint, but, certainly, on behalf of the chamber, I can share with you that our first point with the bill is that we believe that the two-year time frame should be codified in the act. It is a great idea, it is well supported in industry, and it has been spoken about quite positively by the government. If we can actually legislate that, that's a prudent next step.

The sunset clause is set at five years. Many of these projects, of course, run much longer than five years. We would encourage that it would potentially be extended to 10 years, just to factor in the build and life cycle of some of these large projects. Our biggest concern goes back to Bill C-5 going forward and making some great improvements, specifically on project approvals, but the rest of the projects out there should not be left with a disadvantage. If a project is not deemed of national interest, does it then struggle to raise financing? Will it sit and be mired in a 5- or 10-year approval process? Our encouragement, from across the chamber, is that we make these improvements through Bill C-5 to the approval process for a specific project that is in the national interest and, at the same time, take a really long look at the regulatory environment that surrounds project approvals to hopefully streamline it.

Senator Duncan: Thank you to our guests for being here. Canada's electricity grid is critical infrastructure, and it is referenced throughout your report. It is repaired by line workers when it goes down. In the Yukon, hopefully, a transmission line from British Columbia will be built by line workers as a national project.

• (1550)

These line workers all belong to the International Brotherhood of Electrical Workers, or IBEW. The owners of the businesses are members of the Canadian Chamber of Commerce. The international aspect means that of these workers — who are highly qualified and world recognized as highly skilled and safety trained — the Canadians are among the best.

In this one-window, Team Canada approach, who has taken on the task of reaching out to these workers who are worldwide right now in order to bring them home to build these projects?

Mr. Pierce: I can't speak specifically to that on behalf of the Canadian Chamber of Commerce. I would love to get back to your office afterwards, if I could.

Matt Holmes, our executive vice-president, issued an interesting call a few months ago, just as the tariffs really started to take hold and the national attention was really being focused. There is an opportunity in any of these crises to potentially bring expertise and skills home, as well as go out to actively recruit and find Americans who want to come to Canada and potentially take advantage of our great country and the opportunities that we have. There is an opportunity there, but I can't speak to it specifically. Sorry.

Senator Duncan: We don't know whose task it is in this one-window, Team Canada approach? We haven't said, "It is your task" to any one agency or organization?

Mr. Khosla: I will jump in. I talked about our 10 essential plays off the top. In the 10 essential plays, it is clear to us that if you put 10 or 20 projects on this list — let alone all the other projects happening out there — labour and labour supply will become a key issue. We are saying in our report that this has to be part of any kind of strategic office and any kind of measure, but that obviously needs coordination between federal and provincial governments.

Look at the Province of B.C. at this moment; it's very interesting. They just approved 20-odd projects. They already have a ton of mega projects going on, and they are running short. This is a strategic question and a national interest question that should be wedded into the approval of those projects. We would almost argue that a first ministers' meeting, or FMM, should be struck here on both the projects and then how the labour supply would work across the country, because you will be exchanging people.

Senator Clement: Thank you all for your testimony. My question is for Mr. Pierce from the Canadian Chamber of Commerce. I'm building on some of your opening remarks, especially Recommendation No. 2 around Indigenous rights and creating trust and certainty, which is what I heard you say.

There have been significant concerns about Bill C-5 from Indigenous communities, including Akwesasne, which neighbours my home community of Cornwall, Ontario. The Truth and Reconciliation Commission's Call to Action 92(i) calls on the corporate sector to commit to meaningful consultation, building respectful relationships and obtaining free, prior and informed consent of Indigenous peoples before proceeding with economic development projects.

On your website, you list Indigenous affairs as a strategic issue, and you have an Indigenous Affairs Policy Committee. As a leader in the corporate sector, how has your organization addressed the opposition from Indigenous communities, considering your stated commitment and your comments this afternoon?

Mr. Pierce: Thank you. We certainly do. Our committees and our work in this area, especially over the past few years, have been led by Diana Palmerin-Velasco in our office. She is excellent and has done great work with industry and with communities across Canada.

Our view with regard to Bill C-5 specifically, and how Indigenous communities would be consulted, is we can't imagine a project that would go forward to the point of shovels in the ground that doesn't have community-level support.

To make an investment of that scale and that scope, along with the financing required, the companies that would be involved, the stakeholders involved, as well as the government reputation and other things at stake, it would be a necessary precondition for any investment.

From our perspective, we see Bill C-5 not as jumping the gun or avoiding that type of consultation but setting the table for it, and it is spoken to clearly in the bill in that regard.

From our perspective, we just can't fathom a world where you would not have community-level support on a project before it's started. I hope that answers your question.

Senator Clement: Yes. You have leadership in the corporate world, so it's very important to hear you say that — not just have a message on the website but actually say that publicly. Thank you.

Senator C. Deacon: I will ask my first question to Mr. Jansa. Your opening remarks focused on standards, rules and regulations being economic infrastructure — a foundation upon which we build everything. Senator Woo asked Minister Freeland about the growing importance of standards, particularly in the context of maintaining momentum within interprovincial trade over time in many of these projects.

Could you explain a bit further how sovereignty is not just about territorial control of resource development, but also about owning the governing foundation — the governance of our economy — and making sure that it has resilience and agility over time as everything changes around us? Then, if you could, could you give us some sense of how this process has been used in other jurisdictions to bring jurisdictions together and to coordinate their focus and their efforts to build momentum over time? Thanks.

Mr. Jansa: Thank you for your question. To start with the latter, Canada's standardization versus its regulatory legislative system is separate in comparison to jurisdictions like the European Union, the United States or the United Kingdom, where their legislative, regulatory and standardization systems are actually integrated, as it is quite clear through national interest projects that the government-private sector-public sector collaboration, in association with rule setting, are structured into standards, instruments and performing assessment. And then there is presumption of conformity when organizations are in conformity.

Unfortunately, in Bill C-5, we don't see any reference to standards at all. Meanwhile, you have provinces and territories referencing hundreds of thousands and likewise the federal family as well. To have legislation where the underpinnings of any economy are based on standards, where we see time and time again the references to different versions of standards incorporated in regulation across this country, you will not end up in a scenario where you have the seamless flow of people and/or goods and services as a result.

I think it is unfortunate. I also think that you have a top-down approach to establishing what becomes comparable requirements. To do that through a minister is complacent to having the type of collaboration and the expert-driven, adaptive process that's necessary to build consensus not only behind the projects but also behind the people who ultimately build these projects and the rules that provide for a trustworthy infrastructure.

Senator C. Deacon: Thank you very much, Mr. Jansa. I want to have each of you respond to something that surprised me in the technical briefings. I asked officials at the technical briefing on Bill C-5 about the use of standards and their value in getting everybody on the same page, because they are inclusive. All the stakeholders are at the table. They are transparent, agile and constantly being updated.

I was amazed that the officials said that the regulatory development process is far more transparent and preferred by industry. My experience is it is not and it certainly is not agile. Could I have a response from each of you? I have about a minute left, so you have 20 seconds or so each.

Mr. Jansa: Consultation is not collaboration, so I would say the regulatory process by design has a one-way flow of information, if you will, with respect to what ultimately becomes the rules that set the benchmark. When you look at standardization, it is a collaborative model and consensus driven where you have public, private, non-profit, academia and Indigenous individuals all around that table building to a common objective.

As much as our systems are kind of separate in comparison to other parts of the world, I would say we are not actually leveraging an expert-driven approach to these kinds of discussions.

Mr. Pierce: I don't think we have a specific position between standards and regulatory. I'll just say that, in my time, I have seen very positive regulatory processes and very negative ones, and I have seen very unhelpful standards processes and exemplary standards processes.

• (1600)

The tool, when used effectively, is all about bringing to the table the opinions of experts and the people who are going to be impacted by the policy. We just encourage that consultation.

Mr. Khosla: This is outside the swim lane of our report, but I would argue, having had some experience, that setting standards alongside industry can only help codify things in a much richer way, going forward.

For the purpose of the projects piece, we are saying very clearly that there is not good alignment among the regulators that watch over all of these projects. That has to be better aligned with the four-point frame.

Senator Pupatello: My question is for all three witnesses. This is the first time I have spoken in the chamber, so don't be too hard on me.

We seem to think this is brand new. In fact, there are many examples in the country where various levels of government have come together to build, to ease regulations, et cetera. In Ontario, the province came to the table and said to the feds at that time, "You do our tax collection." We actually wrote an agreement stipulating that we would eliminate our department and they would do it instead. One of you mentioned the word "trust" in the first instance — that when entering an agreement both sides must trust each other; you'll sign on the dotted line and let them do it thereby flattening out a lot of this regulation in the process.

As another example, Hydro One has built transmissions. They are the master transmission of the country. The interoperability of our electricity system simply isn't there, and I agree with some of my colleagues who suggested that that's an underpinning of our economy.

What in our bill here today do we need to add to see that both sides are willing and at the table, or is it the time frame as it was recommended? Is it two years? We had a process in Ontario several years ago in which we turned the clock saying, "In 60 days, we'll see you here, and we will have eased that regulation." It had to be signed off on by all sides. So, saying that that's the rule — incredibly — makes it happen sometimes.

What language is missing from this bill that, if changed, would suggest that all the critical people come to the table, using expertise — as some of you suggested. Ontario is a natural expert at nuclear energy. If we're going to build more small modular reactors, or SMRs, across the country, it is clear that Ontario — according to its regulatory history — would be useful across the country. Clearly, in hydroelectricity, Quebec is the expert. We must take that expertise and say, "Here is a set of expertise that we can use and not recreate or, in fact, duplicate." Is there a way to put that kind of language in a bill from your perspective?

Mr. Khosla: I'll start. That is a terrific question. I'll try to be very simple in my answer, but, again, I will refer to the report, because it contains a deeper discussion that you might like to see on the bill, which might answer your question. First and foremost, investment. This country must look seriously at that question. If the words "investment" and "enhancing investment" in these spaces is not in that bill, it's not the focus, it's not the discipline, it's not the target — increasing investment in these spaces — then we will not have done what we need to do. I think that would be a good answer.

The second is this: How does governance and accountability work with regard to this? We can debate about whether that's a legislative question or not, but I think it's critical. For example, the First Ministers' meeting the Prime Minister called was a good step, but should there not be a regular process that monitors and tracks all this?

To your point that we have expertise in every province in this country, we are an energy-rich, mining-rich, forestry-rich and agriculture-rich country. Draw in all of that if we want to boost the GDP. There has to be strong governance from the Prime Minister on down. I would argue that some of that is actually between the federal and provincial officials at the government level, meaning at the administrative level. That is what is going to make this sing. It brings in those four pieces, because we have noticed that these projects stall in any one of those areas when they are not aligned. They come and go because they don't have all four pieces together, especially with regard to the financing part. That's where governments could come together. We're not talking about a massive amount of tax dollars; we're talking about nominal funds that can actually tip the balance on some of these projects.

I'll come back to the LNG Canada project, for example. The federal government provided $250 million for that project to unlock $60 billion. The provincial government in that case worked alongside the federal government and provided a lowering of tax rates. That unlocked one of the biggest projects in the country.

The Chair: Thank you, sir. I'm sorry I have to interrupt you again.

Senator Cardozo: Thank you, folks, for being here. I'll start with Mr. Pierce and Mr. Detchou from the Canadian Chamber of Commerce. I hear you asking for credible regulatory certainty. When you look at sections 21, 22 and 23, which allow the government to override a list of acts, do you have concerns? What are your thoughts about that?

Mr. Khosla, I note you are concerned about oversight of projects once they are under way. I noticed one of the issues you mentioned was enabling infrastructure, and sometimes I hear that as a euphemism for wanting the government to spend large sums of money on roads, pipelines and ports. If that's the case, I understand. Would you support deficit spending to obtain that?

Normally, I hear the private sector calling on the government to throw down the chains of regulation and just let things happen. What I'm hearing from you is this: "No, no, no. Let's get things organized first, let's decide on some standards, let's choose some processes and achieve some clarity on what we want." Do you think we're moving too fast here? Are you concerned that down the road we'll end up in court on some of these issues?

Mr. Jansa: From my perspective, to colleagues here, it's a step in the right direction, but it's the cart before the horse. We're talking about a laudable goal of compatible requirements. We have no structures established in the act to achieve that. This is where I say that it needs to be expert-driven, it needs to be consensus-based and it's public and private. None of that is represented in the bill.

There is no section that speaks to standards, which is — in many ways — the reason why we have many interprovincial trade barriers.

Mr. Pierce: Business is looking for government — and the process around an approval — to be predictable and credible. So, to have that, and yet having an unknown path to reach that end — because of competing regulations between levels of government — we think is problematic. So to answer your question, we think any initiative like this would have to override certain acts. It would have to take that into consideration in some way.

Again, this is a little bit beyond the business view, but that process is spoken to very clearly in the act: there are still pieces that must be followed, and those overriding principles would occur when there is some form of a process that would be communicated to the public.

Again, it's about signalling to the business community what that process is so that the business community can play. If it's going to be dynamic and change every time, that will limit investment.

Senator Cardozo: You don't think that process is sufficiently defined at this point?

Mr. Pierce: No, and I don't know that it could be in legislation at this stage. That's certainly not meant to be a criticism. We feel this is an important step to arrive at that clarity on how that is actually going to work, and the faster the better.

Mr. Khosla: I liked where you started, which was the oversight part. We think that strategy has to be moving now, with stealth, discipline and focus. We think there are many projects out there that can go, and they need to move quickly in light of where we are as an economy and in light of where we are in terms of our global presence.

Natural gas is a key no-brainer. We have this basin out in Western Canada that's so rich, and no other country in the world would be sitting and just watching it potentially chug along the way we are. Generally, we think projects should move faster; that is the simple answer.

To the second part of your question, on enabling infrastructure, there are two parts in our report on that. The first is — you're right, broadly. Are there things that will cause roadblocks? For example, the Ring of Fire. We have been talking about it forever, right? If we start to unlock that, if the critical minerals actually come out, where do they go? If you'll notice, the Port of Vancouver is kind of congested, so that's one element of that. That should be maybe the number one project on the list. I'm not sure. That is something we have put in our report.

• (1610)

The second part is not to look at projects statically. In other words, most of these projects have many different elements. The example I can give you is the transmission line to a mine. Oftentimes, we only review one part of that.

As far as the final point, no, not deficit spending. I talked off the top about all these financing agencies. They are flush with cash. They should be aligned. They should put the capital stacks together and start to move. We even have investment tax credits. I do not believe there is a lot more spending required unless there is a special project that takes billions. TMX would be one of those examples, but the money is there. Let's get going and then attract the capital back in this country. I mean, the Germans came with $1 billion a couple of years ago, but we couldn't do anything with it. That's what we're talking about.

Senator Wilson: My question for Mr. Pierce with the Canadian Chamber of Commerce — actually, part of it can be answered by anyone. While Bill C-5 is a great step forward for bringing investor confidence back to Canada in supporting projects that will benefit our economy, we have to acknowledge there is a broader regulatory environment that requires a lot of additional attention.

Mr. Pierce, in your remarks you mentioned greenwashing. Last year, Parliament passed Bill C-59, which featured a late-stage amendment on greenwashing that applies broadly to anybody making a representation about a business or business activity that relates to the environment. While intended to protect consumers from false advertising and misleading environmental claims about a company's products or activities, the amendment, in practice, has had much wider implications than that, resulting in profound and unintended consequences. Can you please speak to the impact of this greenwashing amendment within the previous Bill C-59 and how it relates to the bill currently before us?

Mr. Pierce: Thank you very much for the question.

Here is a great example of a piece of legislation that was passed presumably with good intentions, that has been implemented by, I guess, one quasi government, one full department and that has created unbelievable uncertainty in the business community around what can and cannot be said for environmental claims for a project. So much so — and I do not know of another example of this — that the Department of Environment and Climate Change wrote into the Commissioner of Competition's public consultation process to highlight the risks of this measure: that it would quell or stifle the participation of industry working with them.

One example is Bill C-59; there is a litany of others. The problem with that is the business community sits back and says, "Where are we going to deploy funds? Where are we going to invest? What projects are we going to invest in?" When they see a regulatory environment like that in Canada, they choose elsewhere because from their end, why would they put themselves at risk?

The penalty for a greenwashing violation, I believe — I'm going to look back to my boss to make sure I'm getting this number right — is 3% of global revenues. So find me a mining company in the world that is going to take that risk. That is already in force. There is some clarification coming into the Commissioner of Competition's office recently that is with industry right now. But there is a private right of action section that comes into force on June 20, this month, and any organization can sue a company for making a false or misleading claim that doesn't align with an international standard. That international standard is not defined. So it doesn't say what that standard is that you shall be shooting for.

I can tell you I've talked to businesses specifically. They will not invest when that is the climate that they are looking at in Canada. That's one example of many. Thank you for the question.

Senator Wilson: I have a second question for Mr. Khosla. Thank you very much for bringing up Roberts Bank Terminal 2, or RBT2. It's a project I'm familiar with from my previous life, as I was involved in each of those 10 years that we went through in the regulatory process to get it to approval. I point out it's still not finally approved because it still requires a Fisheries Act authorization.

Is there anything that we should be considering in terms of this legislation in relation to making those connections between some of the inland projects and, say, gateways, transportation corridors, those kinds of things? If we build one great thing in one part of the country, if it's not connected to the other, it's not going to do us very much good.

Mr. Khosla: That's a terrific point. I think that would get into the part of the legislation where the projects lie. Right now, we don't have that project list. It will probably be a schedule to the act. Once that project list emerges, you'll start to see the variety of items that are out there. We need to ask a serious question: Can you monetize those?

For example, when I talk about financing, for every one of those projects as they get on that list, we should be able to say they are financially secure. We do not want bad projects going through the system. That means environmentally secure, but that also means financially secure. Financial security, or whether they are investable, also means that whatever they do, they can reach other markets, they can help other areas. So you have got to think about it in two ways. This is why that office, whatever it does, is supercritical. It cannot just be on the regulatory side. It absolutely has to look across the board, like you said.

As far as RBT2 goes and any other gateway out West, to my mind and according to many others, there are port access problems in this country. We can talk about Churchill, Manitoba. That's a great long-term concept. Out West, we need something. RBT2 hopefully will be approved way before this ever happens.

Senator Moncion: I want to go back to what you were just talking about. I would like to talk about capacity because I think Bill C-5 is just opening the door to what the country can do, and I think it's fast-tracking some of the projects.

Now, could you speak of capacity? You have mentioned quite a few items, and I'll give you some examples. You were talking about the Ring of Fire in northern Ontario, and you were talking about bringing critical minerals to the Port of Vancouver. Then you just mentioned a port in Churchill, which would probably be the much smarter way of doing it, but by the time the port of Churchill is built, it will be for a number of years to come. You were talking about the LNG project. In Quebec, you have the Churchill Falls and the Gull Island expansions.

There is capacity on the investment side and also on the workforce side. I would like to hear from all three of you on the different aspects of capacity in the regulatory or governance area, in terms of workforce and in terms of investors.

Mr. Khosla: I'd be happy to take that. If the premise of your question is where we are lacking capacity to do this, first and foremost, structures have to be stood up very quickly. If I think about COVID and how rapidly the system adjusted at both the political and the officials' level, that's an example of things moving quickly — we can rely on that — or the former Major Projects Management Office that the federal government had; it's now defunct. We need governance and accountability around that.

Underneath that comes the capacity problem. Governance comes first — discipline-focused, targeted — but second, where one of the biggest gaps that I have seen on all of the projects we have ever worked on is looking at the books of those projects. It's now time for governments to get involved. It's not just a regulatory question. Maybe bring in capacity from the Infrastructure Bank, for example; it just started down this road, the Clean Growth Fund. That has to be brought into the centre, meaning the Privy Council Office or whoever watches over this because it's going to be under Minister LeBlanc, as I understand.

Where that capacity matters the most is for those folks to have this office that aligns the financing and regulatory and Indigenous economic participation. We would argue that without Indigenous economic participation, you're really going to be hard-pressed to move these projects forward. That should be some sort of a precursor, but you need those organizations in there. Financing capacity, financial analysis, the ability to be disciplined and look at that quickly, I would say, are some of the things that should be invested in underneath the bar, if you will.

Mr. Pierce: From the Canadian Chamber of Commerce perspective specifically, the labour force to accommodate these projects has not been something we have drilled into leading up to today. But I can tell you just from experience that there needs to be a culture change to encourage careers in the resource sector, and that's with youth, but also mid-career. People are shifting careers. Of course, education, retraining is a provincial area, so I would encourage our provincial partners in this way. If there is a way to encourage that, and to value those projects and the resource sector as a country — as a culture, almost — I think that would go a long way to helping with that.

• (1620)

Mr. Jansa: We need a governance process that guides coordination and integration. We need the structures. As currently written, the bill simply states that whoever has administrative roles over that particular regulation ultimately gets to decide. I think that's not tapping into the capacity and expertise needed to remove those kinds of trade barriers that are being experienced daily.

Senator Moodie: Mr. Jansa, this question is primarily directed at you.

Canada has immense energy needs, not only to power our everyday lives but also an increasingly technology-dependent economy. I'm especially thinking of and considering artificial intelligence — which is crucial for our long-term economic relevance — and the increased energy it requires.

Will the proposed changes in Part 2 of this legislation strengthen our digital economy? As part of your answer, could you share with us any thoughts you may have on the specific standards for energy production, especially as they relate to new technology use?

Mr. Jansa: Thank you for the question.

When it comes to what is in Bill C-5, it speaks to the national interest. I'm not clear, upon reading the bill, whether when we talk about infrastructure, we are talking simply about physical infrastructure. We are talking about bridges, ports and those types of things, but we're not actually talking about the digital infrastructure. To your point regarding artificial intelligence, when you consider the kinds of data centres required and the amount of electricity required to power them, at the moment, you have electric utilities contemplating whether to prioritize the new building of housing, because we have a housing crisis, or the data centres necessary to ensure our sovereignty as a country and that our digital infrastructure does not collapse in on itself. You also have foreign interests, like the U.S., with the capacity to turn things off here in Canada, because we don't have sovereign digital infrastructure.

So the way this bill is written, it is not clear on any of those fronts. I would certainly encourage senators, along with members of Parliament in the House of Commons, to elaborate on what you mean by "infrastructure" when we're talking about this sovereignty and the national interest.

The Chair: The last 10 minutes will be shared between the sponsors of the bill, Senator Yussuff and Senator Petten from the GRO.

Senator Yussuff: — chamber for a long history of advocating around interprovincial trade barriers. I'm old enough and young enough to realize that this might happen in my lifetime. This country is 158 years of age; that should remind us of the degree of time and energy that it would take for us to get there. We're not there yet; this is only the first part of a longer process of realizing the potential of the country from its own jurisdictions. Ultimately, given the crisis we're in, I hope we, as parliamentarians, seize this moment.

Those of you advocating in regard to the bill ought to recognize that it took us that long to get here.

In that regard, the bill has two parts. There is the interprovincial part, which our first ministers are working incredibly fast and hard to kind of figure out, but the other part is how to build the country to take opportunities with respect to the capacity the country will now need going forward. Given the timeliness of this — we are here almost at the end of the parliamentary session — tell me how important it is for us to get this right and to pass this bill within the time frame we are stuck with in trying to deal with it?

Mr. Pierce: Thank you very much for the question and your kind comments about the Canadian Chamber of Commerce.

During the previous question, we were talking about AI and the demands that it will put on our system. We also have housing that is exploding, business opportunities that are exploding and all these great opportunities that all require energy. As part of our 2025 B7 Communiqué, we identified that energy demand will increase by 50% by 2050. Unfortunately, that's not considered the crisis; the crisis is what is happening in the U.S. with the tariffs. That's what has garnered that public attention.

I think there is an opportunity for us to leverage that to address what is, in my opinion, the true crisis, which is that within less than a few short years, we could be stuck in a position where we don't have enough electricity, power or resources. That building up has to happen now.

The way our CEO makes it, I think it's a great comment. We have done so much incrementally over the past 20, 30 or 40 years, working and encouraging systems to move. Over the past six months, we have found that that time is over. It's time to build and to make investments. The private sector is standing ready to support the government and public sector in that regard, because if we don't, the difficulties for our economy and for business will be very dire.

Mr. Khosla: I couldn't have said it much better myself.

We're behind the 8-ball and have to move. A lot of it is in the bill. If we take too much time to get this right — perfection being the enemy of the good — we will have lost the moment. Our estimation is that three to four years is the window. Maybe things will settle after that, but there are a number of partnerships that need to be struck that are outside the bill. We will look to see if those things happen.

More important, these X number of projects, whatever they might look like, if they don't get going quickly and exactly right, we will not hit the target for GDP we are looking to, and we will not have done a service to the country in this moment, as you said.

The number one thing is making partnerships amongst Indigenous peoples, partnerships federally and provincially and partnerships with industry to get that done.

It is financing, financing, financing. That should be our thesis. We're trying to draw investment back into this country so these can now live on their own.

Finally, I really like the point about strategic assets. I am certain most people in the chamber know this, but we are out of clean hydro. That happened two years ago. We should be thinking about it.

I really like the question about Gull Island. That's something we want to look at more strategically.

All of this has to move quickly and strategically. We have to be disciplined going forward. It's really time to go.

Senator Yussuff: You are probably hearing public comments on a number of levels: Indigenous consultation, which is fundamental to the future of this country; and the environment, as Canadian don't want to diminish their responsibility as custodians of the environment.

Last, we're stuck with the reality that we're living in a period of climate change affecting our daily lives. How important is it for us to get this right in the context of passing this bill?

Mr. Pierce: If I can jump ahead of my colleagues here, it's critical. If not done correctly, we'll find ourselves in the courts. We'll find ourselves in a political debate that will not move anything forward. We'll find ourselves where the business community, the investment community and foreign direct investments dry up simply because there is not the confidence and the predictability of a system they can rely upon and invest in.

As I said in my opening remarks, it's critical that those considerations be factored into any viable process going forward.

Mr. Khosla: Very quickly, with respect to the amount of investment spending that has gone into our electricity system over the last while, RBC did a perfect study that said it would take $2 trillion to $3 trillion to decarbonize our system. We are nowhere close to that. Those investments aren't happening, and those projects are not moving forward. It's time.

Look at east-west transmission lines. That is a perfect example. How many are actually being built in this moment when we're experiencing a climate crisis? Those can solve things. Should we not put more emphasis on our small modular reactors? We're a tier-1 nuclear nation. Ontario Power Generation, or OPG, is moving forward. Let's look at our entire nuclear fleet.

It's a system-wide issue. There are solutions sitting right underneath our feet that should be moved forward.

Senator Petten: My question is for Mr. Pierce.

• (1630)

There is uncertainty in a number of sectors in my province due to the tariffs from the United States — mining, for example. Given that one third of the nickel exports from Newfoundland and Labrador is to the United States, how do you see this bill giving confidence to industries in Newfoundland and Labrador?

Mr. Pierce: Great question. Thank you. I think the tariffs and the trade environment are what led to the bill. I think the bill provides a framework for us to diversify our markets and to trade with like-minded countries beyond just the United States, which is an opportunity for everyone and for all of our exports.

It is unfortunate that we had to wait for something like a U.S. administration to do what they did over the past six months to really become attuned to it, but we hear this all the time: The solution is we will just trade with Europe. Well, that's an incredible statement. That requires you to have a presence in Europe, to know the customer base and to have sales to start driving economic activity there. That's not an overnight thing, and it is hampered by the fact that we don't necessarily have the infrastructure to get our products or resources to market in the first place to fill those orders.

I think there is a great opportunity with this bill to do that. It is not the last step. This is really the first step in what I hope and what the Canadian Chamber of Commerce hopes is a methodical review of how the government looks at resource investments and infrastructure.

In another example, we've talked about the greenwashing provisions. There are many other regulations that come to mind. There is the very concept of regulations being used where there is ambiguity in how those processes are set up. As part of a proper regulatory process, you have to outline the cost-benefit of that regulation. What is the impact on industry? How the government comes to the numbers that inform that cost-benefit analysis can sink or swim the regulation, but there is no clarity on how that process comes together. What that does, again, is it makes the business sector stand back and maybe re-evaluate those investments, and those are pretty big investments on the table.

[*Translation*]

The Chair: Honourable senators, the committee has been sitting for 75 minutes, and I regret to have to interrupt proceedings so that the committee may proceed with the third panel.

On behalf of all senators, thank you for joining us today to assist us with our work on the bill.

Hon. Senators: Hear, hear!

The Chair: Honourable senators, we will suspend for 10 minutes to prepare for the third panel. We will resume at 4:41 p.m.

(The committee was suspended.)

[*English*]

(The sitting was resumed.)

• (1640)

The Chair: (Pursuant to the order of the Senate, the witnesses were escorted to seats in the Senate Chamber.)

Honourable senators, the Senate is resuming in Committee of the Whole to continue its consideration of the subject matter of Bill C-5, An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act.

The committee will now hear from Cindy Woodhouse Nepinak, National Chief, Assembly of First Nations; Natan Obed, President, Inuit Tapiriit Kanatami; David Chartrand, President, Manitoba Métis Federation.

I would like to thank you for being with us today. I would ask you to make your opening remarks.

Cindy Woodhouse Nepinak, National Chief, Assembly of First Nations: [*Editor's Note: Ms. Woodhouse Nepinak spoke in an Indigenous language*.]

As His Sovereign said, welcome to the Anishinaabe Algonquin territory on whose lands we are on. We want to thank them for gathering here today.

I was notified moments ago: I know we've been pushing for First Nations to have space in this place to speak about this bill that is being rammed through. I am supposed to be here on Wednesday, as I had requested. I'm hoping to ensure that First Nations are respected. I'm hoping time can be made on Wednesday for First Nations rights holders. I was offered that time. I'm sure you can make up that time to ensure we have First Nations rights holders come and state their views.

It is important that we are recognized with a distinctions-based approach, and it is important that First Nations' unique relationship with the Crown be respected and that First Nations' unique concerns with this bill are heard.

Canada is on First Nations land. If this country wants to fast-track, we should be talking today about fast-tracking construction of modern schools for First Nations children in our communities. We've been waiting for far too long for the First Nations infrastructure gap to close, and we've been telling this country that for a long time.

I wish we were also talking about fast-tracking clean water and quality housing for First Nations or fast-tracking all-season roads. A couple of weeks ago, we saw people lined up, trying to get out of their communities because they didn't have proper roads. And there is reliable high-speed internet that many children enjoy off-reserve in cities and towns. Our children want to have that equal footing in this country, and right now they do not.

Unfortunately, we are not here for that, but we should be. It's a shame.

Instead, in the absence of a specific resolution mandate to speak to you on Bill C-5, as is the usual practice of the Assembly of First Nations, or AFN, I speak to you today on an emergency basis, relying on the AFN's charter general assignment of the national Chief as a spokesperson and without prejudice to the rights of any First Nations rights holder.

Bill C-5 is one of the most significant federal bills that First Nations have had to deal with in recent years. The powers of Bill C-5 are significant and present substantial risk to many collective rights of First Nations under our own laws, under the Constitution and under international law. Accordingly, the Crown has obligations of deep consultation and consent.

In the May 27 Speech from the Throne, the Crown stated:

> As Canada moves forward with nation-building projects, the Government will always be firmly guided by the principle of free, prior, and informed consent.

Despite this clear commitment communicated by the Sovereign, First Nations rights holders and organizations have been given an unreasonably tiny window both before and after tabling, with much less engagement in a substantive exchange of views. It seems very few rights holders will have a chance to speak directly to the executive or to parliamentarians before Parliament determines the fate and shape of this bill.

For those who do appear, how can any First Nations rights holders or organizations even list the legal issues at stake in five minutes, much less share analysis and conclusions about the key issues? This means that the Crown is ignoring decades of judicial guidance on what deep consultation involves when First Nations rights are placed at substantive risk.

The Crown is ignoring its consent obligations under Article 19 of the United Nations Declaration on the Rights of Indigenous Peoples. In short, the honour of the Crown is not being upheld.

Deep consultation involves a two-way exchange of information sharing accompanied by substantive dialogue. It is more than merely inviting First Nations rights holders to speak for five minutes or to make written submissions and from a distance.

Consultation is not the Crown simply listening and then going away and deciding on its own without dialogue and without a back and forth on the content and scope of First Nations rights and corresponding Crown obligations under the Constitution, treaty and international law.

The Crown only provided information on the exact details of this bill on June 6, 2025, after providing a limited outline on May 23. We were given seven days to respond.

As we sit here in the Senate, the world of 34 First Nations are literally burning up because of human-induced climate change. There is no respite for affected First Nations to provide input or to consult with the Crown on this bill unless they can work the magic of protecting lives, getting on your witness list and preparing and delivering a submission to you.

Those First Nations are just out of luck. They are expected to simultaneously absorb the fallout of the new normal of the June evacuations of entire communities and the desire of Canada to impose still more significant legislation without even a conversation, much less consent.

Article 19 of the United Nations Declaration on the Rights of Indigenous Peoples applies the legal standard of free, prior and informed consent to legislative initiatives before they are adopted. Free, prior and informed consent is laden with substantive meaning. It has a common-sense meaning that everyone understands. For example, a medical doctor is not free to operate merely because they have spoken to a patient about the need for an operation. They must literally obtain the patient's explicit consent.

Too often, words applied to Indigenous peoples' rights are taken to mean something different than their ordinary, everyday meaning. The purpose of this tactic is to diminish our rights and treat us as less than other peoples and nations.

The right to self-determination of First Nations is an established right. Canada has repeatedly acknowledged that in its policy and international statements and through its statutory and unqualified embrace of the declaration in the United Nations Declaration on the Rights of Indigenous Peoples Act. Free, prior and informed consent — and First Nations permanent sovereignty — are part of the right to self-determination, which is also part of customary international law that is legally binding on Canada.

In regard to the extraordinary, unprecedented powers given to cabinet to vary the application and even to exempt completely the application of statutes listed in Schedule 2 for designated projects, Parliament must note that First Nations rights in what are today called reserve lands predate Canada, predate the Indian Act and are established rights that are equivalent to, or the same as, established Aboriginal title.

We are extremely alarmed with the many aspects of Bill C-5, including the listing of the Indian Act and various important environmental laws in Schedule 2.

Regardless of the colonial mindset of the Indian Act, the one useful thing it does do is incorporate the requirements and protections of the Royal Proclamation of 1763.

This treatment of the Indian Act cannot be imposed on us without violating the royal proclamation as well as our section 35 rights and the United Nations declaration. Any legislation proposing or allowing such is not consistent with the Constitution or the United Nations declaration.

Meegwetch for the time to speak to you today.

The Chair: Thank you, Chief Woodhouse Nepinak.

• (1650)

Natan Obed, President, Inuit Tapiriit Kanatami: It is an honour to speak in front of all my esteemed colleagues here in the Senate. I think of how much time we have spent together over the past number of years, talking about all these important issues that seem to be coming to a head in a few weeks.

I also think back to just a few weeks ago and being here in the Senate Chamber for another historic occasion, the Speech from the Throne from His Majesty the King.

It has been Canada's weakness that it pats itself on the back for being a great champion of Indigenous peoples, an upholder of the rule of law and respect for Indigenous peoples' rights, while at the same time acting very differently through its legislation and practices. I think of those things as being borne out of not only ignorance, but also a clear decision about whose rights matter and whose don't — and how to get to an end goal that makes Canada feel good about itself while still trampling on the very rights it says it upholds.

I'm pleased to offer comments on Part 2 of Bill C-5, the building Canada act. Inuit Tapiriit Kanatami, or ITK, is the national representative organization for Inuit in Canada. Our membership includes the Nunatsiavut Government, Makivvik, Nunavut Tunngavik and the Inuvialuit Regional Corporation, all of which have entered into modern, constitutionally protected treaties with the Crown. Our collective territory represents over one third of Canada's land mass and over three quarters of its shoreline. We either own outright or co-manage the entirety of that space.

Inuit share the core objectives of the Government of Canada, to engage in transformative and nation-building development in Canada, including in Inuit Nunangat, but the concept of one Canadian economy is not inclusive of Inuit Nunangat. We would like to see the proposed legislation address the economic alienation that Inuit experience. ITK emphasizes that a truly unified Canadian economy requires full and equitable inclusion of Inuit Nunangat, the homeland of Canadian Inuit, whose distinct economic and social conditions demand targeted federal efforts as part of this proposed legislation.

Given the intersection of the constitutionally recognized Inuit-Crown treaties with the federal regulatory regime and the possibility of unintended consequences of this proposed legislation, which could impact the legally enforceable rights of Inuit, both the House and the Senate should invite each Inuit treaty organization and weigh submissions for amendments from these organizations directly. Inuit treaty organizations can speak to the specificities of their treaties and the interactions between the treaty review regimes, the authorities and this proposed legislation.

Inuit Nunangat require massive and transformational development in order to achieve economic and social parity with other Canadians. Over the past several years, Inuit have worked to identify over 70 major infrastructure projects that are priorities, consistent with the Government of Canada's stated priorities at that time.

Inuit sovereignty is Canadian sovereignty. This proposed legislation cannot repeat the significant past harms that Inuit have faced as a result of former governmental Arctic expansion and development policies. Respect and equity must be hallmarks of the new legislation, including respect for Inuit rights and Inuit-Crown treaties, which establish relationships benefiting not only Inuit but all Canadians.

The rapid development of this proposed legislation did not allow for consideration to be paid to the National Inquiry's Calls to Justice, specifically section 13, which calls upon extractive and development industries to mitigate the negative effects of natural resource development within Indigenous communities, and in particular to eliminate gender-based violence within natural resource development projects. I urge that section 13 be incorporated into the text of this proposed legislation or within the associated regulations.

Inuit are concerned with the intersection between the rights of Inuit and this proposed legislation, including the risk that it creates the conditions for Inuit-Crown treaties to be infringed upon. Not only does this not live up to Canada's obligation to respect rights, but it creates the possibility of national interest projects ending up before the courts, with litigation causing significant delays in the national interest projects moving forward. As such, the building Canada act may end up creating instability and ultimately undermining investor confidence, slowing the pace of investment needed in Inuit Nunangat.

While short, this legislation is extremely complicated and gives the government wide-reaching powers to approve projects in the national interest. Given its serious implications, Parliament should take additional time to consider this legislation and invite each of the four treaty organizations to directly opine on their shared concerns and priorities regarding this bill. Considering the serious consequences of hastily passing this legislation through Parliament, a more nuanced, considerate approach would allow Canada to develop clear pathways to advance nation-building projects within Inuit Nunangat and achieve what we as Inuit all want — to have a secure partnership with Canada, build prosperity and uphold our rights. Thank you. *Nakurmiik.*

David Chartrand, President, Manitoba Métis Federation: Thank you for inviting me to be here. I would recommend a bigger table for next time. I am just at the edge here, nearly falling off. It would be appreciated if I'm ever invited back.

I have with me my head of economic development and national initiatives, Lorne Pelletier. He is fluent in French. I apologize that I didn't have the chance to translate all of this into French before I got here. I only completed my five-minute presentation yesterday.

Thank you again for the invitation to present today on Bill C-5 and the building Canada act in particular. The Manitoba Métis Federation, or MMF, is the national government of the Red River Métis and represents our citizens' rights, claims and interests, no matter where they live inside or outside of Manitoba. The Red River Métis were Canada's negotiating partner during Confederation and the founders of Manitoba. We are the only Indigenous people to bring a province into Canada.

As Canada's partner, we have a special interest in the ongoing success and integrity of our country. As partners, we have protected the borderlands at the 49th parallel and enlisted en masse to fight for our freedoms and protect democracy in World War I, World War II and the Korean War. Many paid the ultimate sacrifice, and we will continue to protect our country and take a strong stand in the face of conflict.

We are told that Indigenous partnership is at the heart of this legislation. We take that to mean that there will be Red River Métis, First Nations and Inuit participation, but it is not obvious where, when or how we will participate. We know that, while not included in this legislation, the government also signals investments in clean and conventional energy, affordable housing and urban development, as well as defence and sovereignty. These are all issues of national import, and we expect to be included as they roll out.

What is clear is that Canada will be asking a lot from us — to support this bill and contribute to nation-building efforts — but trust between Canada and our nation have eroded. In 1870, in establishing Manitoba, the Red River Métis negotiated a unique treaty that included land for our families and children. Subsequently, we were not recognized by Canada as a people or a nation, nor did we receive the land. It was a dark time in Canada's history. In its ruling on the unfulfilled Métis land grants section of the Manitoba Act (1870), the Supreme Court of Canada held that the ongoing rift in the national fabric that section 31 was adopted to cure remains unremedied and that:

> The unfinished business of reconciliation of the Métis people with Canadian sovereignty is a matter of national and constitutional import.

In 2024, in Canada, the Red River Métis Self-Government Recognition and Implementation Treaty became first modern Métis treaty and an important step toward reconciliation with the Red River Métis. However, the treaty will not come into force until implementation legislation is passed. As Canada seeks to strengthen the federation, part of the effort should be devoted to remedying that rift in the national fabric and the unfinished business of reconciliation with our citizens.

When I return home, my people will ask how we can ensure that this bill won't disregard our section 35 rights, walk back the advancement and near completion of our treaty or negate the hard-fought progress on our land claim. Moving to put our treaty into force and settling our land claim should be recognized as a national interest, and it should also be fast-tracked, as this will give us more tools to invest in these major projects.

The MMF and its citizens are pro-growth. Bill C-5 will contribute to the economic transformation of Canada. These measures will provide tools and investment resources to continue to build Manitoba, the Western provinces and, indeed, Canada. We welcome projects that will diversify markets, such as the Arctic Gateway trade corridor, and other projects that will uphold Canada's security and sovereignty.

We are not strangers to participating in major projects in recent years. We have worked with Enbridge and Manitoba Hydro on workforce participation. We are currently developing wind energy projects, building higher-density affordable housing and constructing high-efficiency and high-yield carbon offset projects through which we will grow 160 million trees in the coming decades.

• (1700)

We are the major players in the revitalization of downtown Winnipeg. I invite you to ask more questions on these projects after my presentation. However, access to capital for these projects remains a serious obstacle. We have land and shovel-ready projects, and we are prepared to invest part of our future land-claim settlement into these projects.

We will support this legislation, and we are ready to walk side by side with Canada, as well as the provinces and territories, in its implementation. We should not take lightly the threat coming from the south. The United States is looking at our natural resources. In my speech 20 years ago, I said that water is the fight of the future. It is now coming.

Trump has started an economic war with Canada to beat us and to bring us down. The Red River Métis will kneel for no one. We stand with you. Let's stand together.

[*Translation*]

The Chair: Thank you very much. We'll now move on to questions.

Honourable senators and witnesses, I would ask that you keep your questions and answers as succinct as possible so we can get through the whole list of senators who want to ask questions.

[*English*]

Senator Martin: Thank you all for being here and for your presentations. I know it was short notice, but your presence here is very important. It does feel very rushed to me, and I'm sure our colleagues agree. We are in this situation now.

My first question is to National Chief Woodhouse Nepinak. In a June 2 interview, Rebecca Alty, the Minister of Crown-Indigenous Relations, acknowledged that closing the infrastructure gap in First Nations communities, covering clean water, housing, roads and broadband, is critical, yet clarified that such infrastructure does not meet the criteria for nation-building under the national interest provisions of Bill C-5.

By not choosing to include these critical infrastructure needs, what message is conveyed to you?

Ms. Woodhouse Nepinak: Absolutely, it was disappointing to hear that in the press. It would have been kind if the minister had reached out much sooner. The Prime Minister had reached out numerous times, almost daily.

It was disappointing to hear it said that schools and housing for our children and access to capital through the banking system are not crucial for First Nations. A Conference Board of Canada study showed that Canada is one of the lower G7 countries. We could be the top G7 country by investing in First Nations communities and our kids.

Canadians always say, "What do First Nations want?" We want a good life and clean water for our children. We want schools, housing and infrastructure.

As I said, First Nations are founders of this beautiful country we share. We shared our land. We always talk about the "depth of a plow." We only agreed to share the "depth of a plow," as First Nations across the entire country.

When all of these resources are taken, making everybody else wealthy while our little children in First Nations communities are going without, there is something totally wrong in this country. To say that's not a national-interest project is absolutely wrong.

We need to figure ourselves out as a country. What do we want to be? Are we still going to be having these conversations 20 or 40 years from now?

We have a crisis in this country with the little children in our communities. We have to make sure that children on- and off-reserve — it shouldn't matter — have the same opportunity as one another.

It's a young country. Let's make our country a better place for everybody. That starts with investing in infrastructure for First Nations, closing the infrastructure gap.

Senator Martin: Does the AFN view the exclusion of critical First Nations infrastructure from Bill C-5's nation-building framework as highlighting a growing gap between the government's words about reconciliation and its actions when the time comes to putting words into action?

Ms. Woodhouse Nepinak: I think action would be infrastructure, closing the First Nations infrastructure gap. I have heard from Chiefs today; they are on the line as we speak. They are speaking with each other from coast to coast to coast. I feel for them. They should be here talking about the realities they are facing in their communities. There is no space in this place. Let's make space for them, friends.

Senator Martin: On that note, regarding having the voices here and consultation, that is critical, but — as we said — it has been an intensely rushed process.

My second question is for President Obed and President Chartrand. Were your organizations consulted at all prior to the introduction of Bill C-5? I know you spoke to this already in your opening remarks, but specifically regarding the Building Canada Act provisions that may impact Indigenous rights and jurisdiction over major projects, would you speak more in depth about the consultation process?

Mr. Obed: I would be happy to start. Thank you for the question. A week prior to its tabling for first reading, we were asked to participate in a session hosted by the PCO and PMO. There were two sessions in total. Neither session included an explicit sharing of provisions within the act. We do not deem that to be consultation in any form that is upheld within the UNDRIP legislation and the associated regulatory provisions and the implementation of that act, let alone other pieces of legislation.

Mr. Chartrand: Thank you for the question. In fact, we had some dialogue. Our bureaucrats were meeting with officials in Ottawa and were engaged back and forth in dialogue.

First, I'm not an organization; I'm a government. There's a big difference in the philosophy and thinking on that issue.

Let me say this: When we look at the discussion happening now with Canada here in the Senate and Parliament, we and our government are talking about what is happening in the south. We are very concerned. We're concerned about our economy. The Métis have always been economic drivers. The background of our entire nation is based on economic innovation and work. That's who we are and always will be.

We had our own discussions about what we are going to do in this country. What do we need to do in this country? Our entire government, for example, quickly passed a policy and no one was allowed to travel to the United States. All meetings, purchase orders and anything from the United States were cancelled. Every product we buy in our government is looked at to make sure it doesn't come from the United States. We can't cut 100%, but we are trying to cut as much of it as we can. Overall, we had our own discussions.

We saw Bill C-5 coming into action. We recognized the importance of Bill C-5 and why it has to come into action. That's why you see me sitting here today, stating very loudly and clearly that we will support Bill C-5.

My concern, that of my people and my government's concern is this: If our economic engine starts to break apart in Canada, what's going to happen next? A recession. The proof is in the pudding. When a recession happens anywhere, the poor, middle and lower-middle class are the first to be hit, and it will hit hard. Programs and operations will be cut, and the effects will be substantial.

We'll have a scenario like Detroit where they were trading a house for a cellphone because of what happened to them there.

Our government is concerned now. We're looking at every option possible, but at the end of the day, the key is that we knew action had to happen. We knew it was going to come fast. We weren't sure exactly how it would look, but obviously, this is the best they have right now. We are going to see how we can work with it, maybe even make changes if we have to, but, overall, how do we make it work?

Senator Martin: Like you, we all understand why we have to do this. I know the consultations — if there were any — were minimal.

Since it has been presented in the House of Commons, have you had communications, reassurances or any additional consultation — if any — from the federal ministers, such as the Minister of Crown-Indigenous Relations? I ask because you were saying that you hope that, in the implementation, there will be better communication. Has any communication happened since the introduction of the bill?

Mr. Chartrand: Obviously, more has to happen. More dialogue should happen. We're talking about this July 1. We believe that at the speed it's going, we aren't prevented from continuing our talks.

For example, we know there is supposed to be an Indigenous body appointed or structured. We don't know what that looks like. We don't know who's included. We don't know how it's being formulated. For things of that nature, there has got to be more of a fast-track from the Minister of Crown-Indigenous Relations, to quickly sit down with us and host a meeting. Call a meeting tomorrow; I'll be there. Call a meeting the next day; I'll be there again. It's not a problem for us to get involved in helping out, but, as Mr. Obed pointed out, we need to be included more. We need to be part of it, so bring us in more. Don't leave us to the last minute.

• (1710)

Senator Martin: Actually, National Chief, regarding that Indigenous advisory council, President Chartrand said he hadn't heard the details, but have you had any communication about that? Are there concerns you have about the Indigenous advisory council?

Ms. Woodhouse Nepinak: We haven't received any further correspondence. We have seen the bill. We have heard whispers. Every time a minister calls or the Prime Minister calls, we hear about it, but what those details are, we have not heard. Thank you.

Senator Dean: First of all, thank you all for being here with us today and for sharing your advice on Bill C-5. We recognize the short timelines that have been provided to you.

I am going to lead with a couple of questions for President Obed. We have talked a lot, Mr. Obed, over the past few years about Arctic economic development and Arctic security. First, what aspects of this bill feel right to you that we should be looking at? And could you tell us about where your major two or three concerns are?

Second, I noticed in your comments recently, you mentioned being less concerned currently about the federal government and more concerned about provincial governments. If you could just spend 30 seconds on that as well to elucidate, it would be helpful. Thank you.

Mr. Obed: Thank you for the question. We have been working through the Inuit-Crown Partnership Committee and that process with the federal government over the last seven years on shared priorities. We have also been talking quite a bit on infrastructure and housing. We talked about the concept of bringing Inuit Nunangat into Canada. In many ways, Canada still sees its Arctic, our homeland — Inuit Nunangat — as a frontier. We don't have roads in and out other than in 2 of our 51 communities. We are strictly fly-in, fly-out. We have, in my understanding, two deep-sea ports in all 51 communities, all of which are either marine or fresh-water-based communities.

There is an incredible opportunity for this country to become an Arctic nation in the true sense of the word. This legislation, if done well, could greatly aid and abet that opportunity. But it is a double-edged sword. The other part is just reading the legislation and seeing in Part 2, proposed section 4, under "Purpose," the words ". . . respecting the rights of Indigenous peoples"; and under "Factors," in paragraph 5(6)(d), ". . . advance the interests of Indigenous peoples . . ."; and then also in proposed subsection 5(7), under "Consultation."

• (1720)

In terms of the provisions in the bill that purport to give space for Indigenous peoples and Indigenous peoples' rights, fortunately, we have growing jurisprudence and specific space for Indigenous peoples in the implementation of our existing rights in this country through our Constitution, Supreme Court rulings and legislation. It isn't just a hodgepodge of different things meant to make us feel like we're included.

I would encourage the government to match the stated purpose with the implementation and upholding of our existing rights and treaties and the processes that we have thoughtfully put in place through pieces of legislation, most recently through the UNDRIP Act.

With regard to your question in relation to provinces and territories, we have seen provinces bring forward court cases against Bill C-92, an act respecting First Nations, Inuit and Métis children, youth and families, a case which we had to appeal to the Supreme Court in order to uphold our right to care for our children.

We have been excluded from First Ministers' meetings since 2018, I believe. There is a very clear understanding that when it comes to important topics like health care disbursements from the federal government to provinces and territories, Indigenous rights holders have no place within those conversations. The provinces and territories have fought very hard to exclude Indigenous peoples over the last seven to eight years. This needs to change.

The Chair: I'm sorry, Mr. Obed. We need to interrupt again because there is no interpretation. We will suspend for a few minutes. We hope we can resolve this issue.

Mr. Obed: I have completed my remarks.

The Chair: Thank you.

(The sitting was suspended.)

(The sitting was resumed.)

• (1740)

The Chair: Honourable senators, we are ready. As a reminder, we were in the 10-minute questioning from the Independent Senators Group, or ISG. We heard Senator Dean. We thank you, Mr. Obed, for your answer with all the interruptions. We will continue. Questions will be from Senator Pate and then Senator Duncan. You have five minutes together for questions and answers. Thank you.

Senator Pate: Welcome to all of you. Thank you for bringing such incredible energy to spark so many interesting things here in the chamber.

I want to follow up on what President Obed raised. National Chief Woodhouse Nepinak, you have expressed concerns about the process in the introduction of this bill. You mentioned you have been reaching out to First Nations Chiefs and leadership across the country. I am curious as to what they've been telling you, what specific amendments you would like to see and what you see that could be done at this point for First Nations, Inuit and Métis rights holders.

Ms. Woodhouse Nepinak: Absolutely. I'm hearing a variety of views, but those that hold them should be here speaking for themselves. We were on a long call today; it was really good, and I think we should celebrate diverse views.

One thing we talked about is how acting to remove the internal trade barriers between provinces and territories is likely something that everyone in Canada will benefit from. However, a major barrier to First Nations trade and development is the First Nations infrastructure gap. I know I keep hammering this, but I can't hammer it enough. Without action on clean water, on wastewater infrastructure and proper schools, First Nations will be left out from the one Canadian economy. First Nations want and expect action on our infrastructure needs as a critical pillar of building a new economy that connects and benefits all Canadians. We would like to see that in Part 2 of the bill. I want to refer you all to the reports that we have commissioned from The Conference Board of Canada on the matter, which assess the great benefits for all of Canada and First Nations from closing the First Nations infrastructure gap.

Speaking with leadership today, they kept echoing that — that there is this huge divide. That's something that we can't overlook. I know we want to talk about jobs, the economy and growth, but that's not going to happen unless the infrastructure gap in First Nations communities is closed.

Senator Pate: Thank you.

Senator Duncan: Thank you to all the witnesses who are here. I would like to address this to President Chartrand in particular.

Earlier this afternoon, I highlighted to Minister Freeland that there is no definition in legislation of what constitutes consultation. There is no protocol that exists between government departments, public servants and regulatory boards that says what consultation means. The understanding of what consultation is varies across the country. In the Yukon, we have self-governing First Nations; we have a government-to-government-to-government forum.

You talked about amendments to legislation somehow fixing this. Is there some way that we could put on the public record what consultation should mean that will meet the needs of the whole country? Because it varies across the country.

Mr. Chartrand: That's a fair question, and I think you are absolutely right on that issue. That will be the Achilles' heel to the bill itself and the concept of where the Red River Métis and I are coming from with respect to ensuring consultation is taking place.

If you look at the present state in this country, it is an obligation of Canada to perform proper consultations. There have been many court cases that have gone all the way to the Supreme Court of Canada. Clearly, at the end of the day, we knew consultations sometimes take years upon years, because now you have the environmental component built into it, which adds further to the time frame. Now we are talking about consultation being evolved in a two-year span and to be out in development. We can't even get it in a five-year span. So the challenge we will face is getting clarity on these issues. Private sector and state shareholders that invest billions of dollars into these major projects want assurances that something is not going to be a hiccup later and that their investment is not going to trickle to the wayside.

Private industry, the Government of Canada, the provinces and especially Indigenous governments need assurance. What does consultation look like? How will you build it on a two-year frame? How do you build these longer studies regarding the environment involving water, species of fish and so on? Science takes a lot longer to come to conclusions on those. One of the options they have right now is to give clarity and assurance, both to the private sector and to us as governments, that there will be a time frame, and assurance for all parties that we will have this consultation fully understood by all. At least then we could all walk together.

If not, you will see matters back in court again. It has always been the Achilles' heel. There is a chance now. If you want to do it shorter than two years, you'd better ask for more clarity on that.

The Chair: Thank you, sir. The next block of questions goes to the Canadian Senators Group, or CSG. The time will be shared between Senator Prosper and Senator Osler.

Senator Prosper: Thank you to the panellists here. Your voices are very important in this forum.

I want to ask a question to you, National Chief Woodhouse Nepinak. We've all heard of consultation. It has been the subject of much debate within the courts and certainly within the government and First Nations. One of the things that is mentioned along the lines of consultation is that it should be reasonable and have specific meaning in a substantive way.

Looking at this piece of legislation, Bill C-5, particularly the second component, can you share what meaningful consultation is to you, National Chief? How do you think that level of consultation will be accommodated through an expedited process, which is envisioned through Bill C-5? Thank you.

Ms. Woodhouse Nepinak: One thing I would like to highlight, of course, is free, prior and informed consent, or FPIC. If you read about free, prior and informed consent in the United Nations Declaration on the Rights of Indigenous Peoples, the standard for FPIC is obtaining and not simply seeking consent. So FPIC it means what it says. For instance, "free" means that the process of consulting with First Nations and obtaining consent must be free of intimidation, coercion and other forms of duress. "Prior" means consultation and cooperation must take place before decisions are made, not after a bill is passed and projects are preapproved in advance of actual consultation and dialogue about consent. "Informed" means Indigenous peoples must have access to all relevant information to make their own decisions. Critically, Indigenous peoples must have the time and opportunity to reach an informed conclusion based on their own forms of decision-making. "Informed," of course, means that First Nations must be provided information regarding major projects and have access to proper assessment of potential consequences, such as an environmental and social impact assessment, including First Nations' own such processes. It may also require a human rights impact assessment for both collective rights and individual human rights. Translation of information into Indigenous languages may also be required.

• (1750)

We talk about free, prior and informed consent, or FPIC, and that piece of it. I would like to highlight that. I hope that helps if you have further questions.

Senator Prosper: Thank you, national Chief.

Senator Osler: Thank you all for being here today. My question is for all the panellists, and it is regarding the potential issue around the concept of consulting with affected communities. For instance, if there are concerns around the impacts to migratory herds such as caribou or the disruption to the summering habitat of beluga whales, the term "affected communities" could include communities far beyond those that would be traditionally chosen for consultation. If we look at Churchill, Manitoba, for example, where the port has been identified as a potential nation-building project, given Churchill's location in close proximity to the Nunavut border, one could say that the Inuit as well as the Dene should be consulted.

This is for each of you: How do you believe the federal government should determine who should be consulted and who should be considered an impacted or affected community?

Ms. Woodhouse Nepinak: I have my legal person here from the Assembly of First Nations; it's Julie McGregor. I want to welcome her and thank her for her hard work in helping us day and night for 20-hour days, along with my staff at the office, because of the short timeline of this. Julie, if you could, please come and provide some remarks and introduce yourself. Thank you.

Julie McGregor, Chief of Staff, Assembly of First Nations: Thank you, national Chief. I am the legal counsel and chief of staff to the National Chief of the Assembly of First Nations.

Meegwetch for the question. I think that when you are determining in the First Nations context, it has to go back to the rights holders to whom the government holds the duty to consult and accommodate. It has to go back to them. In terms of knowing the traditional knowledge with respect to wildlife and with respect to the rights being exercised, such as hunting, fishing and so forth, which will be affected by a proposed project, that is the essence of it. It has to go back to the rights holders, and they determine who should be consulted about it. That's meaningful consultation. *Meegwetch*.

Mr. Chartrand: Thank you. Let me state on this particular issue: I have great experience in this field. On many occasions, the government has typically tried to go around our government by going directly to a village or community or a community leader — as they will call it, if they want — to make a deal in order to give them next to nothing. And people who don't represent us would sign these things, and they would say, "Well, we negotiated with the Métis of that community. We spoke to the mayor who happens to be Métis." Well, the mayor does not represent our people. We are elected duly in one of the most democratic systems in this country.

I have been the president for 28 years, and I have battled this issue for a long time. Our people came to the conclusion that the only way to protect ourselves is to ensure the Métis government is at that table with the same type of skill set, education, lawyers, consultants and advisers that we could afford to match the government side or the private sector side.

We came up with a position in our government called Resolution No. 8. Resolution No. 8 defines that any continuation and discussion on a particular area have to first ensure that the Métis government is at that table with our community sitting there side by side, guiding and giving all the proper tools and systems of support they need.

We've been burnt a lot of times on this issue and hurt a lot of times on this issue, and, of course, we have supported the government on this issue. Of course, it will have a difficult time now because Resolution No. 8 guides us in our government. Regarding the Métis of the Red River and the Prairies, we have a system, and it will go to our government. We will sit down with that community and determine how we work together to make sure that the effects are there, not only in the short term but also the long term, and ensure they are well protected. People

sometimes move out and they could return home again later on but their voice was not heard, or their concerns were not addressed.

As I said, we combatted this issue because the government took advantage and used the system to their advantage to "steal from us" — I will use that phrase. Now we have a system in our government so that we won't let them go around us ever again.

Mr. Obed: Quickly, I think there are two parts to this. One is the definition of "duty to consult," especially in particular projects. In Inuit Nunangat, I think first about the remoteness of a lot of the work to do the consultation. Also, there is the language that the government is able to provide in providing forums for consultation.

I would say the second part is in relation to upholding our modern treaties and all the provisions within them that dovetail with consultation, but also the way in which natural resource projects or any projects really proceed. And if it can uphold the duty to consult and uphold our modern treaties, then we are on the right path.

Senator Prosper: To ask another question of the national Chief, you started out by mentioning there was an unreasonably tiny window of engagement. Thanks for giving some substance to FPIC to give it more detail.

You've been talking to leadership rights holders throughout the country regarding Bill C-5. What are they saying? What are some of the issues? How do you think that should be remedied? Thank you.

Ms. Woodhouse Nepinak: We've just seen the interruption, right? There are many out there who weren't able to make it today when we did have a conversation with our Chiefs in leadership. They are fighting wildfires. I think if there is any indication today, slow down. Take the summer. Go out there and talk to people. Talk to Canadians. Talk to First Nations. We know how it feels to have Trump at our borders. Let's not do that and have Trump-like policies with each other. Let's take the time and do things properly. I think that will make this country a better place, spending time in the summer to talk with each other, to work through it, to make this bill stronger and to go through some of the things that are detrimental to the rights of First Nations peoples. Let's have a conversation about that.

Conversations are not always easy, but especially when we don't even have a table to come and talk about it or enough time. Thank goodness I have good staff. They are trying their best. But we need a little more time as well to ensure we can go through this with a fine-tooth comb and to ensure we bring our people together to talk about this bill, as well as to ensure the Prime Minister, the cabinet and you have time to talk to First Nations people. Let's make our country a better place.

Have first ministers' meetings, for instance. As my colleague Natan Obed said, not having First Nations at the table there is a non-starter. We have to do things differently in our country. I believe that we can get there, but ramming something through in 7 or 14 days is not the Canadian way. All we ask is you follow your own rules, follow your own laws and look at how far we have come. Let's not step years back and hurt that very delicate relationship that's now coming. People are trying to work on that together. First Nations are trying to work through that. Maybe some are farther ahead, but there are some who still have not looked at this, and they need that time to look at it and speak for themselves as communities. This will impact them and their children and grandchildren ahead.

I think it is better if we are trying to work together rather than ramming something through and not thinking of the First Peoples of this country on whose lands that industry wants to reach so fast. Yet, at the same time, when you take and take and take from people on whose lands you are on, and when these children don't have the basics that other Canadian children have, there is something wrong in this country.

The Chair: Thank you, national Chief. The next 10 minutes go to Senator Francis and Senator Klyne from the PSG.

Senator Francis: It's nice to see you all. This is for Mr. Obed. One of my deepest concerns with Bill C-5 is that it would grant cabinet — for a period of at least five years — sweeping authority to fast-track projects deemed to be in the national interest based on a broad and non-binding list of criteria. Among those criteria are the interests of Indigenous peoples, but the legislation makes clear that these are discretionary, not mandatory. This creates a framework in which Indigenous rights could be treated as optional or subordinated entirely, particularly if a government invokes a compelling and substantial public purpose, such as economic development, as a jurisdiction.

• (1800)

Are you concerned that this bill risks giving both current and future governments the legal latitude to approve major projects without meaningfully upholding the duty to consult, accommodate or obtain consent from Indigenous nations?

Mr. Obed: Perhaps I'll start. Thanks for the question.

I was in this building, in committee, a number of times on Bill S-13, which was a bill that passed in the last government, in relation to the Interpretation Act. It was the insertion of a universal non-derogation clause. We don't see a non-derogation clause within this legislation based on, I believe, that good work, so I would hope the government would not imagine that it can ignore and infringe upon our constitutional rights based upon a piece of legislation. If that is its intent, there will be incredible opposition in all forms from those affected.

The challenge we as Inuit are finding with this bill is that we want to support it — we are in agreement on the objectives; we want to stand with all Canadians and build our economy, to build one economy, and build major nation-building infrastructure projects — but the words that are meant to be inclusive of Inuit or of Indigenous peoples, broadly, seem like they have just been thrown around as if they don't have meaning. The problem is that

they have incredibly deep meaning within the fabric of the Constitution, the Supreme Court and the legislative status of these terms in Canada.

I think that's where we're running afoul of our shared intent.

Senator Francis: Thank you. National Chief, would you care to respond?

Ms. Woodhouse Nepinak: Thank you for the question.

I say that First Nations need more time. We need time to meet and to go through this legally, properly, ethically and politically. We need time to have a conversation among us, and we haven't had that time. Our leadership will be meeting September 3, 4 and 5. We were to meet in the midst of July, but because of the forest fires, we had to make sure we weren't taking up hotel rooms. Our leadership stepped up and proposed moving that to September.

Thankfully, we think of each other. In this moment, I ask you all to think of many of those people who haven't had time. This is going to affect their rights. We need to give them the summer. Many of our Chiefs are fighting wildfires. We ask for time.

We're not asking for a lot, I don't think. We have been down this road before. If we give ourselves time to talk to each other, debate, discuss and talk about amendments or whatever people decide — maybe some people don't like this bill altogether. We haven't even had that conversation. Let's respect each other. Thank you.

Mr. Chartrand: I come from a different perspective on this. As I said, my government has had a lot of discussion on this around the table. We are talking toward the future. People should come to the realization, as Indigenous governments or a Métis government, that we don't just sit and talk about our issues, about what we need or what is going to make things better for us; we look at the country and the province, and we ask ourselves where this country stands. Where is it at?

This country is already facing some financial crises right now, as we speak, without Donald Trump getting involved. That we know. This country is in deficit and is trying to fight its way out of it, but it will potentially find itself in a greater financial challenge in the very near future if things don't change.

So we have asked ourselves the question around cabinet: How do we do our part? I agree 100% with the concerns you hear from the National Chief Woodhouse Nepinak and from President Obed about the trust that is being asked of us to be saying to give up some potential aspects of the methodology of how we have learned or gotten so far in this country when it comes to consultations, partnerships and the inclusion of Indigenous people.

You look at procurement. It was announced over 20 years ago in this country. Procurement is finally making some headway in the last, probably, five years. It's changing the economy at scale for our people and giving us opportunities to get jobs, create companies and form opportunities of competition. But now we're looking at a situation where time may not be there. That's what our cabinet is talking about: Is time an issue of concern that should be a concern of all? Our position is "yes."

When World War I and World War II happened, they came out of the blue, very quickly. All of a sudden, we had to amass our people. They came into our villages and communities to ask us to volunteer in great numbers, which we did. We fought for the country we believed in. Now, we're in a state in our history where we are under threat. We can't take the rhetoric from this madman from the south lightly. His actions are crumbling his own economy; you can see it happening. It's going to get worse instead of better. He is going to have to blame somebody, and he will sure as hell blame us, his neighbour. He blamed us for fentanyl, and we are 1% of the fentanyl trade going through.

When you start looking at time, we are saying to ourselves that we need to have trust again. You heard the question from the Yukon senator, stating it doesn't take rocket science for them to put a proper consultation process in place, written in form, so that we, the private sector and the government understand. That should be easily done. Establishing this First Nation, Métis, Inuit advisory body could be done overnight by sitting down with the leaders and coming to terms as to how that would work, what authority it would have and whether it would be applied for just giving advice, or is it going to have authority and powers?

It can be done, and more has to be done for sure in the context of government coming in for more clarity; that's for sure. From our side, we're watching carefully. I'm worried about the economy in this country because if that economy is not working well, I know damn well my people will suffer. I know damn well they will cut programs that we took decades to get to. We took decades to get housing. It's the first time we have had housing in probably 40 or 50 years. We just got it about seven years ago. Now, it will be gone?

We finally got money for education for our kids — $5,000 for a bursary for universities. Will that be gone now? We just started to invest in the future of our people. It will be all at risk by what is happening right now.

Time is of the essence, yes, but trust is everything, so if they want us to be giving our full support, give us something more clearly in place that can be done by the stroke of the pen of the Prime Minister. That can be done quite quickly. So let's get that done. But time is not on our side, I'll tell you that.

Senator Klyne: I'll begin by thanking you for being here. Thank you for your opening remarks, and thank you for sharing your knowledge.

Very quickly, I want to talk to you about the so-called Henry VIII clause contained in clauses 21, 22 and 23, Part 2 of Bill C-5. University of Calgary law professors David Wright and Martin Olszynski describe these clauses as giving cabinet an unconstrained ability to alter the operation of virtually all laws duly passed by Parliament, including exemptions. This could include environmental laws and the United Nations Declaration

on the Rights of Indigenous Peoples law, which may be used to interpret section 35, Indigenous constitutional rights. They recently wrote:

> This aspect of Bill C-5 appears totally unjustified and is ripe for amendment as it works its way through the Parliamentary process. . . .

Do you support this "Henry VIII clause" to expedite projects, or do you have concerns about potentially suspending environmental law and Indigenous rights recognized in statutes? Please answer if you are aware of that clause or if you are going to make a move on that clause.

Ms. Woodhouse Nepinak: Like I said, we need more time. Our First Nations do need to meet as Chiefs and assembly, just like you're meeting here. We want that luxury as well. We'll be back to you after we meet with Chiefs and assembly. We ask for that support from this place. Thank you.

Mr. Chartrand: To add to that, one of the simplest ways to analyze that is this: When the Prime Minister and Parliament in this country wanted to try to advance Bill C-5, what did they do? They called a meeting of the leaders of the territories and the provinces — number one, right away. We're sitting here as leaders; where is that meeting? That meeting should happen right away, as it did with all the premiers and territory leaders. That could happen so quickly. Again, the time should be set aside.

If this is the number one priority, which it should be in this country, then they should have a meeting quickly with the Prime Minister and us as Indigenous leaders at the table, coming to a conclusion, a partnership or at least some satisfaction we can trust.

• (1810)

Mr. Obed: I had a short conversation with the Prime Minister about this very subject and was assured that in no way would this legislation impact the implementation of our land claim agreements and the processes that flow from them on environmental assessments, other institutions of public government or aforementioned bodies, and I will hold him to his word on that.

Senator Coyle: Thank you very much to our guests for being with us today and for your honesty and advice. It's of great value to us.

My questions, which I will pose together, are for you, President Obed. I gave you a little heads-up. It's good to see you again.

As we discuss Bill C-5, the one Canadian economy bill, I believe everyone who calls Canada "home" is anxious — and we have heard about that anxiousness here — to develop a more robust, resilient and sustainable economy in which opportunities and benefits are widely shared and in which rights are respected. That's what we're hearing here today.

President Obed, we hear a lot about the importance of security and sovereignty in our Arctic, which is also in written Nunangat. There is a great overlap there. You have advocated for us to pay attention to that and for better infrastructure and new economic opportunities.

I have two questions, and I'll ask them both together.

First, President Obed, in light of this moment of opportunity for Canada to become that true Arctic nation that you spoke about and that everybody likes to talk about, are there nation-building projects you see as priorities for Inuit leadership and Inuit participation?

Second, President Obed, the median age of Inuit youth is 23 years old. One of Inuit Tapiriit Kanatami, or ITK's, top priorities is the creation of Inuit Nunangat University. Minister Freeland, who with us earlier today, referred to capacity-building support for Indigenous partners. Would you see the university as an important capacity-building partner for nation-building projects in Inuit Nunangat? Those are my two questions.

Mr. Obed: The second part of that is much easier to answer. Yes, absolutely, our Inuit Nunangat University project, which we hope will open its doors in 2030, is in its very essence a nation-building project. Canada is the only Arctic state that does not have a university within its Arctic. I know that Yukon College has become a university, so I'm not trying to pick a fight with Yukon. We really look forward to working with the Government of Canada on this.

Does it fit within the definition of Bill C-5? Is it in vogue to support education and Indigenous education? We're not quite sure. In our prebudget submission we have asked for $50 million. We have also asked for federal legislation that would enact the university and allow for it to operate across jurisdictions within our homeland.

So yes, I think this open definition of nation-building projects has to include social infrastructure and educational infrastructure, and invest in people. You can't get away from the fact that Canadians are going to build this economy and that we have to band together in ways we have not done before.

As far as our nation-building projects go, we have a report of 79 projects that span all four of our Inuit Nunangat regions. We will be releasing that publicly within the next week, we hope. There are a host of different projects from building early childhood centres to building water and sewer projects to ensuring that a number of our communities don't erode into the ocean. I would say that investing in Inuit Nunangat is investing in Canada, and bringing Inuit Nunangat into Canada is a nation-building exercise. Again, this relates to the metrics for what types of projects are going to run from those more traditionally social projects to opening up investments and new opportunities for Canada to grow its economy through projects in the Arctic. So we hope to do a bit of everything, but under the universal banner of building one economy.

Senator Greenwood: Welcome. It's very nice to see you all here.

In 2021 Parliament legislated the UN Declaration on the Rights of Indigenous People, or UNDRIP, into Canadian law. You have spoken a bit about this today, but I want to give you more opportunity to do that here.

Article 18 addresses the participation of Indigenous peoples in decision-making on matters that affect them. Article 19 establishes that governments must obtain free, prior and informed consent. Article 32.2 stipulates that states should consult in good faith on any resource project that requires the free, prior and informed consent of Indigenous peoples.

have two questions. The first one is this: How do you see the government's compliance to these articles within the context of Bill C-5?

The second question is this: How do we know when a project has truly obtained free, prior and informed consent? What would that look like?

Ms. Woodhouse Nepinak: Thank you. I'm going to ask Ms. McGregor to answer, please.

Ms. McGregor: *Meegwetch*, senator, for your question. As National Chief has said, if you look at the provisions of Bill C-5, the duty to consult and the standard of free, prior and informed consent under UNDRIP as upheld under UNDA is not operationalized within the legislation, meaning that, beyond the "whereas" clauses, which speak to UNDA and the duty to consult as interpretive, we don't have any concrete inclusion in the bill of those standards. Therefore, it's difficult to see how it's being contemplated in the bill. As National Chief said, we're still reviewing it and considering it, but there doesn't seem to be an operationalization of those standards within the bill itself.

How would we see that done? With more consultation with rights holders and First Nations, we could see the inclusion of those standards within the bill. Amendments would seem to be required to do that, but, again, we have not had sufficient time to consult with rights holders for that. *Meegwetch*.

Mr. Obed: Generally speaking, the UNDRIP legislation, which was co-developed, was a high-water mark for Canada as a global leader of the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. I think the implementation of that act began very strongly with the creation of an action plan within one year from the tabling of the legislation or the consent for legislation.

Since that time, the Government of Canada has struggled and has not meaningfully implemented the act so as to be ready for this moment. I hope this would be the one of the priorities of this new government, to return to and implement that action plan in the way it conducts business.

Mr. Chartrand: Thank you for the question. You asked about three topics, but free, prior and informed consent is the one that addresses the question of clarity.

Some time ago, in this particular chamber — although not in this building — members of the Senate said that UNDRIP would kill the economy and would be the destruction of the economy of Western Canada. Lo and behold, it did not. I won't name the senators. One of them is a friend of mine. We're still friends even though he made that nasty comment. But we ourselves, as a national government, the National Government of the Red River Métis, also stated that free, prior and informed consent is not a veto. It's something that gives clarity about how we start to talk to each other and how everybody has a role to play in that discussion and has a responsibility. We still take that position today.

I think it gives us clarity, and the private sector also needed that clarity. We have to remember, when there is an investment being made anywhere, it's shareholders, private citizens and sometimes private rich people who put a lot of their money into it, and they want results and guarantees. Then you have something that doesn't give you a guarantee but will actually become reality. For example, Canada had to buy the pipeline and is now talking about heading through B.C. But B.C. is already indicating they will be against any pipeline going through their region, even during this time of crisis in our country. Quebec doesn't want a pipeline to go through their region either. Manitoba is a darned good place, I'll tell you right now, if you look at Hudson Bay. Our premier is pushing that Arctic process through.

• (1820)

Again, if you look at that relationship, and if we followed UNDRIP to what it should be, I agree with Natan that it took off like wildfire with strength from the start. Somebody has thrown ice on this because it has cooled off.

Many of you have probably heard of Jordan's Principle. The Métis are not eligible for Jordan's Principle. Did you know that? We're not entitled to it. My grandson has the exact same diagnosis as Jordan did who died in hospital. They had the same illness. My grandson was supposed to die at the age of 1. That's what doctors said, because he had the same symptoms as Jordan. He lived past the age of 1. We did one thing: My daughter said "no" when they wanted to keep him and study him, because he was the twenty-fifth or twenty-sixth in the world to have these two syndromes at the same time. That's how Jordan died in hospital; he didn't go home.

My daughter grabbed my grandson and said, "You're not studying him. He's coming home." They said, "He will never live past the age of 1, and you'll never be able to take care of him." My daughter and my son-in-law gave up everything. They raised that little boy. He lived past the age of 1. The doctors said he'll never pass the age of 5. He is past the age of 5: He is 16 years old. Never walked, never talked, his eyes only go up and down and he eats through a tube, but he's not entitled to Jordan's Principle. Think about that for a second. In this country, UNDRIP guarantees us that right, and we're not allowed access to it.

I will probably be suing this government and this country for failing to provide equal services and treating my grandson and my people as though we have no rights, yet we're part of the Constitution of Canada and UNDRIP is supposed to solve that problem but it does not.

Yes, ice has been put on that fire since it first started. Natan is absolutely right. It started off so strong, so promising to us, and it faded away. Despite that, you still see us here supporting a country that doesn't want to support us.

Senator LaBoucane-Benson: Thank you to all the witnesses for being here today. It was last minute, so I really appreciate you being here. It's nice to see you.

President Chartrand, last fall you signed a treaty as the first and still only Métis nation in Canada to sign a treaty with the Government of Canada recognizing the Manitoba Métis Federation as the government of the Red River Métis.

If you look at this bill, section 6 says that in deciding which projects would be considered in the national interest ". . . including the extent to which the project can . . . (d) advance the interests of . . ." for you, the Manitoba Métis Federation. Can you tell me, President Chartrand, how can this bill — and a national project specifically — advance the interests of your nation?

Mr. Chartrand: Thank you very much for that question. I smiled when you said we're the only Métis to sign a treaty. Let's remember, just for a quick history lesson, this treaty was promised in 1870. This was supposed to be done in 1870 when Louis Riel led the Aboriginal government to negotiate bringing the Province of Manitoba into Confederation. There was a promise made in Queen Victoria's era that the treaty would be established. They were negotiating with the "half-breeds," they called it. They said that would be done before we can sell the land and send an army to fight the uprising of the Métis in the West.

So that happened, but the treaty didn't come. John A. Macdonald didn't send negotiating partners; he sent an army to attack us. That negotiation never happened. I am absolutely proud, senator, that we finally had a treaty signed, because we've been waiting for 154 years now. It will come before this place, and I hope that we're going to see support for something we've been waiting for. We're very patient: 154 years is a long time to wait, so I'm looking forward to it. It has been signed by Canada, but it changes the way we do business. It changes the way even industry will look at you and how your relations go. It changes our relationship completely in the context of respect. This is not about money; it's about respect.

To an earlier question posed by the senator to the right, I said I'm not an organization; I'm a government. Since 1870 we have always been a government. I'm very proud of that. We operate like a government. We are structured like a government. In fact, I think we are structured better than the federal government in this country.

When we look at it in context, I think this treaty will be the change maker for our nation. It will set the framework for where we truly fit into Confederation and how we make a difference. When you look at national projects, I just read something to you in my five-minute presentation. I read so quickly, I don't even know what I read. I was trying to keep my time to five minutes.

The Supreme Court of Canada said that the land claim, section 31, is of national constitutional importance. So, without question, that should be part of national obligations or the agenda that this country is facing right now. Imagine if we had that money today how much of it I would use to prepare myself for this economic battle with the South. I would be working like crazy with the resources that I would have to make changes, not only for me but for my province and for the West.

I think a great opportunity exists here. The treaty is something I have given my life to. It's something I have waited for, the leaders before me have waited for, and hopefully the leaders of the future won't have to wait for anymore.

Now when I look toward the future, I look forward to a change so that I will not have to worry about our kids being treated with racism and discrimination like in the example of Jordan Anderson. Why is my grandson treated so differently when he has the same symptoms? The good Lord gave him to us to the age of 16. He probably will not live much longer than his 20s, they say.

My point is this: There is still a racially discriminatory practice happening in this country, and it should end. When they were talking about removing the Senate, just think about that for a second. They wanted to abolish the Senate, this house, and I spoke against it as a leader from the West. I said, "This is a place of second thought, a place that will use calm and direction and have a chance to look at issues and hopefully do the right thing."

Here's a good example. You're asking for certain important aspects of change to happen in this country so quickly. The country of Canada is asking us to give in to help them achieve this goal. By doing that, will we be left out again after they get what they want, after they get their economic engines strong with minerals and oils and all the natural resources? Or will we be forgotten both during or after? I hope not. I hope you will never allow that at the Senate.

From my perspective, I come here with an open heart to tell you loudly and clearly that the implementation of Bill C-5 has my support. I'm trusting this country that you will do right for us and for Canada. We have a war. Please understand, it's a war. Not with guns, but it's an economic war that will destroy and probably cause debt, starvation and hurt.

That is my statement to you. Thank you so much for the question. I will be leaving this world soon — I'm 65 — and if I'm lucky to live to 75 years of age, 10 years from now, I could leave this world with a smile if we finally sign our treaty, 154 years later.

Senator McPhedran: Thank you very much. I think we are making a bit of history here today in that this may be the very first time that we have all three Indigenous presidential leaders on the floor of the Senate in Committee of the Whole. I hope we can check that historically, but that's my understanding.

National Chief Woodhouse Nepinak, you recently stated:

> First Nations want to open new economic development opportunities and address economic threats as much as anyone. We also have rights that cannot be ignored.

The Carney government promises that Bill C-5, "The One Canadian Economy Act," can exempt national interest projects from acts of Parliament and is to be passed in the House of Commons this week. But Canada has legal obligations under many federal laws, including the 2021 federal statute to implement the UN Declaration on the Rights of Indigenous Peoples.

• (1830)

National Chief, if Bill C-5 becomes law this month, what next steps do you predict for First Nations?

President Chartrand, acknowledging the unique legal status of the Manitoba Red River Métis as a government, am I correct that you endorse the current consultation and engagement provisions in Bill C-5?

President Obed, if Bill C-5, unamended, becomes law, what Inuit input in environmental decision-making processes do you predict?

Ms. Woodhouse Nepinak: Thank you for the question, senator. Absolutely look for next steps. I think nothing is off the table. That's why I am saying to take the summer, take the fall and go through this bill carefully. We need to talk through it and talk with First Nations about it.

I don't think anything is off the table. I'm sure First Nations are thinking about that already. We've had some conversations. But I'm not in a position at this moment to tell you what those are. Certainly, Chiefs in assembly will mandate together, and we'll be united on our next front.

This government and the Senate, I see the onus on all of you, the heavy lifting as you are sitting here trying to get through this. At the same time, I think there is a huge opportunity here to do things differently in this country, to work together and come together. Let's get everybody to the table: the Prime Minister, the whole of cabinet, senators and First Nations people.

First Nations people are the landowners in this country, and I think that they need to be respected. They are the original owners of this country. They've been here since time immemorial and need to be respected as such, because it is their resources that we continue to take as a country while providing them with substandard living in many of these communities.

Let's have that hard conversation. It's not an easy conversation to have, but I think by working together hand in hand and talking with each other, we can make this a better place.

I know we are a young country. Some of these things that are coming at us are so new. We are in unprecedented times. First Nations get that. They also want to grow and flourish, but not at the expense of their rights.

We ask you all to take the time to open this place up to hear from them directly. That's all that we ask, in a kind and good way as your treaty partner. There are a lot of treaty people out there, people with inherent rights from coast to coast to coast, who want to come here and talk to you. You should hear from them; give them that respect.

Mr. Chartrand: You asked me a clear question: Do I support the consultation that is set up in Bill C-5? I stated in this house that I support consultation, but we need further clarity. We need to understand what that means, as with the question from the senator from Yukon. How will that look?

The private sector will want it, too. So will we. We need to have it.

Also, with respect to the participation of this Indigenous advisory council — what does it look like? What does it mean, and what authoritative powers does it have?

But overall, get that clarity in place — and that could happen very quickly — and you will have my support, and as a country you will continue to have my support.

That's simplicity at its best, and it can be achieved overnight.

Mr. Obed: Having known this legislation for just a week or so, I'm not sure that we know the consequences one way or the other. Also, we don't know the list of projects.

What I do know is that the Inuit are open to working with the Government of Canada and the provinces and territories in nation-building projects, and I hope that we can do so in a way that respects the environment, respects our Indigenous rights and ultimately helps both us and Canada.

[*Translation*]

The Chair: Honourable senators, the committee has been sitting for 75 minutes, and I regret to have to interrupt proceedings.

On behalf of all senators, thank you for joining us today to assist us with our work on the bill.

Hon. Senators: Hear, hear!

The Chair: Honourable senators, is it agreed that I report that the committee has completed its business for today?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

[*English*]

REPORT OF THE COMMITTEE OF THE WHOLE

Hon. René Cormier: Honourable senators, the Committee of the Whole, authorized by the Senate to examine the subject matter of Bill C-5, An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act, reports that it has completed its business for today.

SENATORS' STATEMENTS

AIR INDIA FLIGHT 182

Hon. Paula Simons: Honourable senators, 40 years ago this month — on June 23, 1985 — Air India Flight 182 took off from Montreal, bound first for London and then on to Delhi and Mumbai. But the 747 never arrived. It exploded over the coast of Ireland, killing all 329 people on board, including 268 Canadian citizens, 27 British citizens and 22 Indian citizens.

It was the worst terrorist attack in Canadian history.

A second bomb, intended for Air India Flight 301, detonated while in baggage transfer in Tokyo's Narita International Airport. The Canadian extremist Sikh terrorists had intended to blow up the airplane in flight, but because the conspirators failed to take into consideration the difference between Canadian and Japanese daylight saving time, the passengers were spared. Two Japanese baggage handlers were not so lucky and died when the bomb exploded.

These were acts of brutal political violence that ripped apart families and traumatized Canada's South Asian community for decades. It took years for any of the terrorists to be brought to justice, and we are honoured to have among us our new colleague, Senator Baltej Dhillon, one of the RCMP investigators who worked so hard on that complicated investigation.

In 2010, Canada belatedly completed a judicial public inquiry and apologized, both for the security and intelligence lapses that allowed this mass murder to happen, and for the fact that the government of the day left many with the impression that the Air India victims were somehow not real Canadians and their deaths somehow didn't count as a loss for the whole nation.

• (1840)

We have come a long way, as a multicultural nation, since 1985, but 40 years on, we are again in an era when leading politicians in India and other countries are exploiting religious differences and cultural prejudices to advance their own agendas, and when the political tensions in India are being weaponized in an attempt to divide the South Asian community here.

At the same time, the face of terrorism has changed since Air India and since 9/11. Today, instead of groups of conspirators, we seem more likely to see acts of political terror and assassination around the world being carried out by solitary extremists or even state actors.

At a time when so many malignant forces seek to divide and misinform us, to leverage hatreds of all sorts for political advantage, we in Canada need to be on guard not only against terrorists but against our own prejudices and historic biases. As we mark this dark anniversary, let us honour the memories of our lost Canadian brothers and sisters by committing ourselves to stand against intolerance, polarization and extremism in all their terrifying forms.

Hon. Senators: Hear, hear.

THE LATE ALIA HOGBEN

Hon. Marilou McPhedran: Honourable senators, I want to thank my colleagues in the Conservative caucus for this time.

I want to talk to you today about an amazing woman who died earlier this morning, Alia Hogben, one of the leaders of the Canadian Council of Muslim Women, a "femtor" to me and a very dear friend. Known for her brilliant work to empower Muslim women, Alia Hogben was a trailblazing feminist. Born to Indian parents in Myanmar, Alia lived in several countries before immigrating to Canada more than 50 years ago.

She has a strong track record of defending the rights of Muslim women, both within and outside of faith communities, promoting progressive values and advocating for religious tolerance, diversity and interfaith dialogue. Alia was one of the founders of the Canadian Council of Muslim Women in 1982, a non-profit women-run organization still operating today, dedicated to empowering Muslim women and their families, and acknowledging and respecting the Canadian Charter of Rights and Freedoms.

I first came to work with Alia when I was called to provide strategic counsel on a pro bono basis when the Arbitration Act in Ontario had declared that arbitration panels could circumvent courts in Ontario, which would allow imams to apply Sharia law. Alia was one of the few Muslim voices who said, "No, this is Canada; we have a Charter of Rights and Freedoms with sections 15 and 28, and Muslim women deserve the same equality as all other women in Canada." That was a fight that was predicted to fail, but I worked with Alia and other Muslim women and saw what happened when conversations were held face to face with legislators. In fact, that act was not successful.

In closing, let me say — in a very unscripted way — that every now and again, we see leaders in this country who go far beyond how they are defined by religion, sex or culture, and those are the leaders who unite people; those are the leaders who listen to people. Alia Hogben, through her beauty — in every sense of that word — her kindness and her courage was exactly that kind of leader. Please join me in grieving this loss. Thank you.

Hon. Senators: Hear, hear.

THE BRAIN ECONOMY

Hon. Katherine Hay: Honourable senators, I rise to bring your attention to the brain economy. On June 14, the G7 Canada Brain Economy Summit convened for a specific call to action for the G7 leaders to adopt a pan-G7 action plan on brain health. The Brain Economy coalition is an international coalition of scientific, business, NGO and not-for-profit charities and policy leaders.

Let me provide some context. The brain economy, or brain health economy, is defined by brain health disorders encompassing mental health, mental illness, substance use and neurological conditions. Canada has a strong and growing footprint and leadership position in the brain economy.

Canada also has its own crisis to solve. During my remarks on Saturday, it was not lost on me that in this government and in the Senate, we need to make bold moves forward — and quickly — to enhance affordability, strengthen our economy, and enable interprovincial free trade and labour mobility, among other things. All of this is critical work that is in front of us to do. Yet, if we as a country, and the other G7 nations, quest for greater economic leadership and growth — and dare I say, greater happiness and well-being — we need to quest for, and lead in, the brain economy as well, if not first.

We need to start with the very people that will drive all our futures forward: young people. Since March 2020, young people reached out to Kids Help Phone, or KHP from coast to coast to coast, ages 5 to 28, more than 22.5 million times. What they are reaching out about now is more acute than it has ever been. Suicide is the second leading cause of death in young people between the ages of 15 and 24. That is a hard reality. Canada lays claim to the fifth-highest youth suicide rate in the industrialized world. Canada does.

The number of young people reaching out to KHP under the age of 13 about suicide ideation has doubled in the past four years. Seventy per cent of mental health issues in adults began or were rooted in their youth, and that is being played out today in our economic productivity and well-being. Equity is an aspiration; it is not a reality, especially in mental health.

Put this all together, and it's clear why the brain economy needs to be a top priority for every G7 leader. We need a bold and actionable strategy and real investment with accountability to that investment, because every day we delay is lost talent, lost productivity, lost economic growth and lost lives.

What I know to be true is that there is no health without mental health. What I also know to be true is that there is no sustainable healthy economy without a thriving and healthy brain economy. Thank you. *Meegwetch.*

Hon. Senators: Hear, hear.

THE LATE BRIAN WILSON

Hon. Mohamed-Iqbal Ravalia: Honourable senators, today I rise to pay tribute to a towering figure in music history: Brian Wilson. As a founding member of The Beach Boys, Brian Wilson's genius shaped not just the sound of a generation but the very fabric of popular music.

Born in 1942 in California, Wilson's gift for melody, harmony and innovation became evident at a young age. Together with his brothers Carl and Dennis, their cousin Mike Love and friend Al Jardine, he formed The Beach Boys — a band that captured the dreams, optimism and struggles of a post-war America in the 1960s.

However, Brian Wilson was far more than a songwriter of catchy surf tunes. He was a visionary. His pioneering work on albums like *Pet Sounds* redefined what was possible in popular music. With layered harmonies, intricate arrangements and emotional depth, Wilson's compositions spoke to the hopes, anxieties and complexities of life. *Pet Sounds* in particular has been hailed as one of the most influential albums of all time, inspiring artists from The Beatles to contemporary musicians.

What makes Brian Wilson's story especially poignant is that his extraordinary creativity often came hand-in-hand with personal struggle. He faced significant mental health challenges, yet, through it all, he continued to create music that brought joy, solace and inspiration to millions.

• (1850)

Honourable senators, Brian Wilson's legacy is found not just in record sales or awards — though there are many — but in the way his music reminds us of our shared humanity: the highs and the lows, the light and the shadows. His work continues to unite generations across the world, transcending time and place.

Today, let us celebrate Brian Wilson not just as a musical genius but as a testament to the power of resilience, creativity and the enduring spirit of art.

Thank you, *meegwetch*.

[*Translation*]

AVRO ANSON V TRAINING AIRCRAFT CRASH

Hon. Réjean Aucoin: Honourable senators, last month, I attended the ParlAmericas Plenary Assembly in Uruguay.

South America faces the same challenges and issues that we experience here, in Canada: an aging population and cybersecurity.

In addition to conferences I attended, I visited a museum commemorating the crash in the Andes of flight 571 on October 13, 1972. I remind senators that 14 of the 40 survivors endured 72 days of extreme cold.

This tragedy brings me to the crash of the Avro Anson V training aircraft.

The aircraft took off from the Summerside military base on Prince Edward Island on August 6, 1944, at the height of the Second World War. The crew was made up of four young servicemen: pilot W.A.J. Bennett, deceased, navigators J.R. Ogilvie and W.J. Antle, and radio operator J.R. Burke.

The accident resulted from dense fog and poor communication between the crew and the pilot. The aircraft had deviated from its flight path by 20 degrees due to a faulty compass.

As it tried to descend below the clouds, it struck the crest of the Cape Breton Highlands near Chéticamp. The rescue operation began that very evening. A team of soldiers and people from Chéticamp mounted an expedition to recover the body of the deceased pilot.

Items from the plane, such as the compass and the pilot's seat, were recovered and preserved locally while the remains of the plane were being recovered. Since it was during wartime, the story was seldom told in the village and the plane fell into oblivion.

It was only recently, 80 years later, that a search led to the descendants of Sergeant Burke in Ontario and Navigator Ogilvie in New York.

Following my call, Sergeant Burke's daughter, who had no knowledge of this event, found the 1944 telegram addressed to her mother, which reads as follows:

[*English*]

CANADIAN NATIONAL TELEGRAM

SUMMERSIDE P E I 9 00PM AUG 8

MRS MARJORIE A BURKE

BOX 235 WALLACEBURG ONT

PLEASED TO INFORM YOU THAT YOUR SON SGT J R BURKE WHO WAS INVOLVED IN AN AIRPLANE ACCIDENT AT CHETICAMP CAPE BRETON IS UNINJURED.

[*Translation*]

On August 2, a ceremony will be held near the crash site to unveil two commemorative plaques.

If you find yourself in my region in the future, I invite you to stop by to learn more about this tragic event. However, please don't all come at once, as I would like to welcome you properly. Thank you. *Meegwetch*.

[Senator Aucoin]

[*English*]

THE LATE HONOURABLE MARC GARNEAU, P.C., C.C.

Hon. Yuen Pau Woo: Honourable senators, on behalf of the Independent Senators Group, I want to pay tribute to the late Marc Garneau, who passed away on June 4, 2025. Most of us remember Mr. Garneau as a high flyer, literally and figuratively. He held positions where he was unavoidably in the limelight, most notably as an astronaut and a politician. He wore his fame lightly, almost bashfully, but he also understood the power of name recognition to motivate people and to effect positive change.

Mr. Garneau also knew how to fly under the radar, so to speak. He was our Minister of Foreign Affairs for only a short time, from January to October 2021, and I know he was disappointed about not having the opportunity to do more with that portfolio, which he was genuinely passionate about. He accomplished more in that short time than many people give him credit for, not least securing the release of the two Michaels from their nearly three-year detention in China. He did it through patient and pragmatic diplomacy and with special care and empathy for the families of Michael Kovrig and Michael Spavor.

You might have thought that working for the release of the two Michaels would have turned Mr. Garneau into a China hawk, but he was a foreign policy pragmatist who advocated for what he termed the "four Cs" approach to Canada-China relations, namely, to coexist, to compete, to co-operate and to challenge as circumstances require. Given the state of the world today, a four Cs approach would seem appropriate not only for our relationship with China but for a host of other major powers.

After Mr. Garneau returned to the back benches of the other place, I recruited him to join a group of parliamentarians on two visits to South Korea to discuss peace and security in the Korean Peninsula. He was in many ways our calling card for visits with top officials across the Korean government and academia.

In advance of a meeting with Ban-Ki moon, the Canadian delegation was agog at the prospect of meeting the former UN Secretary-General, but it turned out that Mr. Ban was just as excited about meeting Mr. Garneau. Following those visits, Mr. Garneau quickly became a career hand and two years ago became co-chair of the Canada-Korea Forum, which is a high-level Track 2 forum for Canadian and Korean leaders to exchange views on bilateral issues. Mr. Garneau hosted the 2024 meeting in Montreal and was especially proud of bringing the forum to his home city for the first time.

Mr. Garneau lived a life with his head beyond the clouds and his feet firmly on the ground. That, honourable senators, is why he was a giant among Canadians and why we will miss him so much. I send condolences to his family on behalf of the Independent Senators Group.

Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

JUSTICE

CHARTER STATEMENT IN RELATION TO BILL S-2—
DOCUMENT TABLED

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Charter Statement prepared by the Minister of Justice in relation to Bill S-2, An Act to amend the Indian Act (new registration entitlements), pursuant to the *Department of Justice Act*, R.S.C. 1985, c. J-2, sbs. 4.2(1).

[*Translation*]

THE SENATE

MOTION TO AFFECT PROCEEDINGS ON JUNE 17, 2025,
TO PAY TRIBUTE TO THE HONOURABLE
MARIE-FRANÇOISE MÉGIE ADOPTED

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

> That, on June 17, 2025, at 6 p.m. or the end of the Committee of the Whole on the subject matter of Bill C-5, whichever comes later, proceedings then underway be interrupted for tributes to the Honourable Senator Mégie.

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.)

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?

Hon. Senators: Agreed.

• (1900)

[*English*]

ORDERS OF THE DAY

INDIAN ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Audette, seconded by the Honourable Senator Francis, for the second reading of Bill S-2, An Act to amend the Indian Act (new registration entitlements).

Hon. David M. Arnot: Honourable senators, more than a century ago, Duncan Campbell Scott, who was the Deputy Superintendent General of the Department of Indian Affairs, stood in our country's Parliament and declared the following:

> I want to get rid of the Indian problem. I do not think as a matter of fact, that this country ought to continuously protect a class of people who are able to stand alone. That is my whole point. . . .
>
> Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the whole object of this Bill.

I have repeated Scott's words in my own interpretation hundreds of times in speeches and presentations when I talk about the treaties and the treaty relationship in this country. I can tell you that this quote is not a relic of the past; it remains seared into the legal and administrative architecture that governs Indigenous life in Canada.

Today, the language in this quote repels us; however, its intent has not been fully dismantled. In the guise of progress, the Indian Act continues to carry forward this assimilationist vision, not through blunt instruments but through procedural exclusions, registration formulas and inherited inequities that punish families for the choices and circumstances of their ancestors.

Though the language now strikes us as shocking, the legacy of that thinking persists not only in the discrimination that Indigenous peoples face every day in this country but also in the laws that still govern their identity, their belonging and their children's futures.

This is the context in which we must evaluate Bill S-2, An Act to amend the Indian Act (new registration entitlements). This is the backdrop against which we must measure whether we are finally moving away from colonial control or simply softening its edges.

Today, we are debating Bill S-2 — a bill that proposes limited amendments to the Indian Act. I rise in support of this bill, but I do not do so in celebration but with a deep sense of responsibility because while Bill S-2 addresses some of the damage, it leaves far too much untouched.

The Indian Act is still a tool of exclusion. Let us be clear: The Indian Act remains a colonial statute designed not to affirm rights but to administer assimilation. While amendments have been made over the years — in 1985, 2011, 2017 and now with Bill S-2 — the act retains its colonial government policy that sought, in Scott's words, to "get rid of the Indian problem." It imposes sex-based discrimination, where Indigenous women and their descendants remain disadvantaged in their registration eligibility. It created a two-tiered system of status through sections 6(1) and 6(2) of the act, effectively writing into law the extinction of identity over two generations. The second-generation cut-off is a bureaucratic extinction formula that denies grandchildren status if both parents have only one status parent.

The act still ties identity to male lineage and declares children born out of wedlock or without paternity disclosure to be non-status. These unjust barriers around parentage disproportionately affect women, notably those who are survivors of violence.

Equally controversial, the act maintains federal control over band membership, which is a continuous denial of Indigenous self-determination.

Despite amendments in 1985, in 2011 with Bill C-3 and in 2017 with Bill S-3, each reform has been driven not by the federal government's goodwill but by litigation and Charter challenges by courageous Indigenous women and families who stood up to the state — individuals like Sharon McIvor, Dr. Lynn Gehl and Mary Two-Axe Earley — not freely offered by the state.

And with each amendment, the response has been partial, seemingly reluctant and ultimately insufficient.

Bill S-2 is the federal government's legislative response to *Nicholas v. Canada (Attorney General)*, a case in which the Supreme Court of British Columbia found that the Indian Act continued to discriminate by excluding the descendants of individuals who were involuntarily enfranchised; in other words, they lost their status as "Indian" under the Indian Act.

Bill S-2 reinstates registration entitlements for those whose ancestors lost status due to enfranchisement, allows individuals removed from their natal band to reaffiliate, provides a mechanism for voluntary deregistration and updates outdated and dehumanizing language, such as replacing "mentally incompetent Indian" with "dependent person."

The bill also represents a rare moment: It is sponsored and carried by an Indigenous senator, our colleague Senator Audette, whose leadership I deeply respect and whose voice I will return to shortly.

What does Bill S-2 not do?

Despite its merits, Bill S-2 leaves several foundational injustices untouched. The second-generation cut-off remains intact. Under section 6(2) of the Indian Act, a child of two section 6(2) parents — who have only one parent with status — is not entitled to status. This cut-off, carried forward from 1985, means that in two generations, status ends. It is a legislated extinction code that punishes families for intermarrying and denies children their rightful identity. It leads to the statistical erasure of entire family lines, even as individuals retain strong cultural, community and ancestral connections.

The government acknowledges the urgency of this issue. It was ranked as the number one concern in the 2019 collaborative process, and yet we're told a legislative fix is not likely to even be proposed until the fall of 2026. This is promising, but it is also late. The harm of this cut-off has now persisted for over four decades. For many, especially those whose grandparents regained status under Bill C-3 or Bill S-3, this delay will mean the difference between being recognized under law or being erased.

The two-tiered status system — section 6(1) versus section 6(2) — remains. This system continues to assign lesser status based on historical sex discrimination. Women who regained status under Bill C-3 or Bill S-3 are often granted section 6(2) status, which means it limits their children's entitlement, unlike men who never lost their status.

Generational inequality persists, particularly against matrilineal lines. As Senator Audette pointed out, mothers — particularly those who are survivors of sexual violence — are still expected to name the father of their child in order to complete a status registration application. This requirement is discriminatory, harmful and potentially retraumatizing.

Control of band membership is still with the federal government. The federal government retains authority over band lists, unless a First Nation has developed a custom membership code under section 10 of the act. This means that for many communities, Canada still decides who belongs and who has the status of "Indian" under the act. That is unacceptable in a post-UNDRIP period.

Consultation has been inadequate. Senator Audette has said it best: "I'm not satisfied." Real consultation must be transparent, inclusive and accountable. Yes, the government has made important strides since 2018-19 in its consultation process. There has been funding for community-led sessions; outreach materials have been created, translated and shared widely; and information sessions were held. It is also true that Indigenous organizations co-developed the consultation process. Yet, as our colleague Senator Martin rightly asked, if consultation is still under way, how can it properly inform the bill already before us?

• (1910)

Why support this bill? Senator Audette supports this because she knows that *Nicholas v. Canada (Attorney General)* is currently stayed in British Columbia. If we delay the bill to make improvements, individuals in British Columbia will be affected, while others across the country may have to relitigate the same issue province by province, an expensive and emotionally draining process.

Senator Audette also reminds us this bill does not fix the foundation. She has called for the repeal of subsections 6(1) and 6(2), opposed the requirement to name fathers in registration applications, questioned the continued discretion of the registrars, criticized the quality and transparency of the consultation and warned that if we do not do more, we will continue to legislate discrimination under the guise of reform.

Senator Audette's concerns mirror mine. I believe they mirror the concerns of many of us here in this chamber. We are not debating whether this bill does some good — we acknowledge that it does. The real question is this: Does it do enough? If it does not, are we committed to taking next steps? If we accept the second-generation cut-off, we accept legal identity extinction by design. If we keep band membership under Ottawa's control, we deny First Nations their right to determine their own citizens. If we allow paternal disclosure rules to remain, we place bureaucracy above dignity.

Let us say clearly that the Indian Act, even reformed, is not a rights-affirming law. It is an administrative vestige of a colonial regime, yet it still governs the lives, the status, the belonging and the access to Treaty rights of many Indigenous Canadians. If we are serious about reconciliation, the federal government must, first, co-develop a new consent-based framework for membership and status; second, dismantle discriminatory registration criteria, including the two-tiered regime of the second-generation cut-off; third, respect the right of Indigenous peoples to define their identity on their own terms, in their own laws; and fourth, uphold the UN Declaration on the Rights of Indigenous Peoples, not just in principle, but in law.

Honourable colleagues, I will vote in favour of Bill S-2, not because it is sufficient, but because it is urgent. People who have waited a lifetime to reclaim their identity should not be told to wait again while we perfect the process.

But we owe them more than just this bill. The vote must be paired with public and parliamentary commitment to complete the work to end the cut-off, restore Indigenous control over identity and ensure that no one is left out of the circle again because a law passed in 1985 decided that they did not belong.

Let me be absolutely clear: This vote is not the final word. Let Bill S-2 be the floor, not the ceiling — the beginning, not the end. It is a promise to those disenfranchised against their will, to those stripped of their identity and to the grandchildren who will still carry the weight of their grandmothers' disenfranchisement. We will not let it stop here.

Let this chamber today resolve not simply to support this bill, but to finish the work that has begun and that justice, fairness, equity and reconciliation demands. Thank you. *Kinanâskomitinawow*.

Hon. Marilou McPhedran: Senator Arnot, would you take a question?

Senator Arnot: Yes.

Senator McPhedran: It's interesting that you positioned Bill S-2 as a beginning when, in fact, the last time the Government of Canada addressed this issue was in Bill S-3, which started in the Senate of Canada as well. It was the sincere belief of those of us who worked on Bill S-3 at that time, largely through the efforts of former Senator Sinclair and former Senator Dyck, that we had a comprehensive solution to this issue.

That has proven to be wrong. We have listened to you talk about Bill S-2, which we know does not address the cut-off issue that we thought had been solved with Bill S-3. How long do you think it will take to deal with this issue in the fair and just way that is deserved if we don't try to amend Bill S-2?

The Hon. the Speaker: Senator Arnot, I want to mention that your time has almost expired. Are you asking for more time to answer the question?

Senator Arnot: That's a good question. I probably shouldn't, but I will. I am asking for more time.

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

Hon. Senators: Agreed.

Senator Arnot: Thank you for the question, senator. I realize that is a conundrum. I don't have an answer. It's of great concern. This has been long-standing for 40 years. It must be addressed. I think that's where we should put our hearts and souls. It may well see an amendment in the committee; I don't know. I hope it goes to committee, and I hope it is a foundation for moving in the right direction if it isn't settled soon. Thank you.

(On motion of Senator Martin, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Boyer, seconded by the Honourable Senator Boniface, for the second reading of Bill S-228, An Act to amend the Criminal Code (sterilization procedures).

Hon. David M. Wells: Honourable senators, I rise to speak at second reading of Bill S-228, An Act to amend the Criminal Code (sterilization procedures). I want to thank Senator Boyer for introducing this bill early this Parliament, the previous iteration having died on the Order Paper when the Forty-fourth Parliament prorogued in early January.

I also want to thank Senator Boyer for her very detailed and moving speech last week. It was not the first one she has given on this issue, and I'm certain it won't be the last. I won't go into the same level of detail on the reintroduced bill, as Senator Boyer has fully conveyed both the content of the bill and the scope of the issue it seeks to address.

Honourable senators, this bill may be new, but the issue it deals with has been before the Senate for some time. In fact, the bill was a response to a recommendation made by the Senate Human Rights Committee, which conducted two studies on the issue, one in 2019 and another in 2022. I sat on the Human Rights Committee during the second study on this issue in 2022. The recommendation from that committee's report, recommendation 1, states, "That legislation be introduced to add a specific offence to the Criminal Code prohibiting forced and coerced sterilization."

Senator Boyer, citing that recommendation, first tabled her bill in June 2022 and spoke to it at second reading in early February 2023. It was referred to the Legal and Constitutional Affairs Committee in April 2023, came out of that committee in September 2024 and was reported to the Senate the following month. It passed third reading and was sent to the House on October 8, 2024. Before it could be dealt with over there, Parliament was prorogued.

• (1920)

I was the critic of the first iteration, and I'm the critic of the bill before us now. I cite all this as a bit of a civics lesson for the new senators who arrived here at the beginning of this Parliament. As each of us learns after we have been here for a while, the wheels of Parliament, like those of justice, can turn slowly.

Honourable colleagues, I don't know if any of you noticed, but coincident with the opening of this Parliament was the beginning of the French Open tennis championship in Paris. Anyone who spent time watching it would have seen the slogan scrawled across the main court stadium: "Victory belongs to the most tenacious." I mention it because it reminded me of Senator Boyer, who has relentlessly and single-mindedly pursued the issue of forced and coerced sterilization for the past 10 years — 10 long years.

I have spoken about her heroic efforts before at both second and third reading of Bill S-250 in the previous Parliament, the initial version of this legislation. But, of course, her efforts extend well beyond that and, indeed, beyond her time here in the Senate. As a former medical professional, a lawyer, a member of the Métis Nation, she is absolutely perfectly suited to champion this issue and to be the champion of this movement. Moreover, prior to coming to the Senate, she was a director at the University of Ottawa Centre for Health Law, Policy and Ethics. What more could you ask for in a champion?

I spoke on the bill in the last Parliament at both second and third reading, as I mentioned, and was as frustrated as anyone — well, almost anyone — when it died on the Order Paper in January. Colleagues, my voice on this issue pales before the voices of the victims, but I will repeat some of what was said when I spoke on the previous bill. I'm not an authority on this issue, but if you have a greater interest, I invite you to go back and look at the debates that took place on forced and coerced sterilization when the bill was last before us, and maybe to nudge you to go even further and look at the committee transcripts and the heart-wrenching witness testimony of survivors we heard in the study of the bill, some appearing in silhouette and under altered names. I have met courage and bravery before, but never like during that testimony.

The first thing I should mention is that when I was introduced to the issue, I was certain the practice was a thing of the past, that the committee was taking a look back, as Senator Boyer noted in her speech at second reading last week, not something that was happening today. I was wrong. Cases have been reported as recently as this year, as we have heard.

There have been more than 12,000 cases in all, and no one has been convicted of a crime, much less charged with one. And yet we were told by some witnesses who felt this bill would be redundant that there are laws on the books to deal with these crimes, specifically section 265 of the Criminal Code, which relates to assault, section 267, which relates to assault causing bodily harm, and section 268, which relates to aggravated assault, all applicable to a medical setting where informed consent for a procedure was not present.

Since 1997, the Criminal Code has included a law against genital mutilation, which could include forced sterilization, yet still no charges.

So what will one more law do if all the others are not being used? Well, I'm a critic, and my argument today is in support of this bill. It's the same as my support of Bill S-250. I'll quote what I said in that prior speech:

> . . . criminalizing the practice sends a clear message that the government acknowledges forced sterilization as a violation of an individual's human rights and not to be tolerated in any way. The threat of criminal prosecution would also act as a deterrent to health care providers and institutions that might consider engaging in such practices . . . knowing there are explicit and serious legal consequences. For those who do perform the procedure, criminalization will hold offenders accountable.

It will also give victims past and present some measure of comfort that their voices have been heard. That is at least something.

Honourable colleagues, when I spoke on Bill S-250 at third reading, it was an amended bill, an improved bill. I think the danger of a bill like the one before us today and its predecessor is that it is steeped in emotion, in lives changed. It involves a very gut-wrenching issue, and we react to it emotionally — and deservedly so. But as a result, our emotions can end up running away with us. To let that happen in the Senate — especially the Senate — is to abdicate our responsibility. Remember our job is to provide considered thinking, to let cooler heads prevail, to bring reason before emotion.

That's exactly what happened when it comes to the amended bill. It was our colleague Senator Batters of Saskatchewan who first raised the issues in committee as to why the other assault provisions in the Criminal Code weren't sufficient, which led to discussion in committee of section 45 protections in the Criminal Code and, eventually, an amendment by Senator Boyer to her own bill, to include those protections as part of the bill. And of course, Senator Dalphond's probing questions in committee on this issue deserve credit here as well.

Honourable senators, I was supportive of the unamended bill as a necessary step to begin to address this grievous wrong. I'm supportive of the amended bill, which to my mind is equally potent, but which also avoids what I have warned about in this place before: well-meaning legislation that leads to unforeseen and unintended consequences.

Sometimes those are unavoidable, but I'm confident that some of the possible consequences that were raised in debate on Tuesday can and will be avoided in this bill. As critic, I take these concerns seriously, and I wanted to make sure I had fully examined the issues raised.

After discussions with Senator Boyer and reviewing testimony from departmental officials given during the study of Bill S-250 during the last Parliament, I'm satisfied that this bill will not have the unintended consequences that some senators raised. More importantly, it will have the intended consequences we seek.

To speak to the technical details, the "for greater certainty" clause clearly brings coerced sterilization into the aggravated assault provisions in section 268 of the Criminal Code. As we are aware, the phrase "for greater certainty" in legal documents is used to clarify and emphasize specific points to deflate the prospect of ambiguity or misunderstanding about the application or interpretation of a law. The proposed section 268.1(1) uses similar language as 268(1) and ties the section into 268(1), aggravated assault. And in proposed section 268.1(2), a sterilization procedure is described.

Furthermore, parliamentary intent is well documented with respect to this bill, and the Crown contemplating a charge would be required to defer to it in its determination of whether a charge should be pursued.

This bill is clear — medical providers who inadvertently or through a manifestation of a disclosed risk, where possible, sterilize someone during a planned or emergency surgery, are protected by section 45 of the Criminal Code. This bill is clearly targeting forced sterilization, so it will not impact reproductive freedoms for those who wish to be sterilized, that is voluntarily. The intent of Parliament has been and continues to be clear on this important issue.

I want to thank all the members of the Legal and Constitutional Affairs Committee for the exemplary work they did in the last Parliament in studying this issue. I also commend my colleagues on the previous Committee on Human Rights in the earlier studies. They were thorough and wide-ranging examinations. I do hope, given that, and given Senator Boyer's flexibility in amending the bill and reintroducing it here, we can move this bill, Bill S-228, forward through the necessary stages in this Parliament with speed and get it over to the other place as quickly as possible.

Finally, Senator Boyer is the bill's champion. She is also the champion of thousands of victims of forced and coerced sterilization — thousands of people with no voice, victims and their partners — for without her, this would never have been brought forward. So thank you, Senator Boyer. You are almost there. Thank you, colleagues.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

• (1930)

REFERRED TO COMMITTEE

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

(On motion of Senator Boyer, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Pamela Wallin moved second reading of Bill S-231, An Act to amend the Criminal Code (medical assistance in dying).

She said: Honourable senators, I ask for your indulgence as I know many of you have heard me speak to this issue of advance requests on repeated occasions over the last decade, but we have many new colleagues, so for the record, let me touch on a few points. An advance request is an agreement, usually written, to seek medical assistance in dying even though your death is not imminent or in the event that you may lose the capacity to consent in your final days.

I was grateful when the Senate approved and passed an amendment calling for advance requests and was, in turn, profoundly disappointed when the government of the day rejected our well-considered advice from this place, endorsed by senators from all sides of this chamber.

I am reintroducing this bill in its existing form for the sake of time and because committees have done some work on this over the last 10 years, but I am adding a preamble recognizing the new law enacted by the Province of Quebec, which I hope will serve as guidance. On the advice of our law clerks, this preamble will allow the committee to reference the new law in their study of, and amendments to, this bill.

To be clear, I am seeking and am open to amendments because there have been many important legal developments in Canada.

The preamble says, in part, that the Quebec law will:

> . . . allow for persons suffering from a serious and incurable illness leading to incapacity to give consent to care to make an advance request for medical aid in dying.

My bill then will go on to say — and I will summarize — that we would amend the Criminal Code to:

> (a) permit an individual whose death is not reasonably foreseeable to enter into a written arrangement to receive medical assistance in dying on a specified day if they lose the capacity to consent to receiving medical assistance in dying prior to that day; and
>
> (b) permit an individual who has been diagnosed with a serious and incurable illness, disease or disability to make a written declaration to waive the requirement for final consent when receiving medical assistance in dying if they lose the capacity to consent to receive medical assistance in dying, are suffering from symptoms outlined in the written declaration and have met all the other relevant safeguards outlined in the Criminal Code.

Death and dying are a part of life. For better or worse, we are the only species that is actually aware of the inevitability of our own death. This motivates us, helps us find purpose and makes moments meaningful and precious. If we are both lucky and willing, such awareness will also prepare us for a dignified end to our own life and help us face that loss gracefully and with compassion.

We also live in a time in which we can reasonably foresee death. We can diagnose terminal illnesses, and we can spot the signs of physical and cognitive decline scientifically and with great accuracy, but in the pursuit of longevity, we must always consider quality of life.

I believe it is our right and responsibility to be able to make our own end-of-life decisions. It is our burden, our bodies and our choice. I have come to my views by watching both of my parents die in two very different but equally tragic ways: my father to painful cancer, my mother to Alzheimer's. Their suffering was unnecessary and preventable. A graceful exit was the only kindness they asked for, to be spared pain and indignity. My father had no access to MAID, as he lived in a rural area in Saskatchewan. For my mother, it was not possible under the law even to ask.

These are difficult issues for families. I was lucky enough to grow up in a home where pragmatic, honest conversation happened at our supper table most nights of the week. So when my father needed complicated open-heart surgery and an aortic transplant, he received wonderful care, survived a long surgery and lived another decade in relative health before the cancer took hold. What struck me was the ease with which the hospital and my father talked about the DNR, the "do not resuscitate" order, which must be signed before surgery. My dad couldn't have been clearer: "If I can't walk, talk, hunt or think, there is no point." He was all about quality of life, not quantity.

As a society, we accept DNRs and living wills for the comfort they offer. If you are undergoing life-threatening surgery or want to state your wishes that, in case of an accident, you don't want extraordinary measures employed just to keep you alive in a vegetative state, then this is what they are there for. For me, advance requests are simply part of that continuum.

Allow me to offer a little more context. When the government introduced Bill C-14, An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying) in 2016 in response to a Supreme Court ruling in the *Carter* case, it was about affording individuals the right to make their own end-of-life decisions.

The government put in place — as we did in this chamber — a series of safeguards to guard against a slippery slope of access and to give more time for experts to reflect on the ethical complexity of these issues.

The concern was that an assisted death should not replace essential support and services for the under-represented, the unwilling or those who could have been treated or cared for but were failed by an unjust system. We cannot underestimate the importance of these concerns.

I served on the joint MAID committee for several years to study these very matters. MAID is not an alternative to poverty, treatment, support or family. It should and must always be a choice. To protect medical practitioners, safeguards were put in place to make sure that those requesting to undergo MAID must

state — literally, in the moment before their medically assisted death — that they remain certain in their wish to die. In the law, it's called the waiver of final consent.

The thinking was that this would prevent misadministration, ensuring that the patient, their doctor, their family and loved ones could all be absolutely certain that a MAID recipient was actually ready to die. However, instead of making things easier, it actually created more ambiguity for patients.

It created a tragic Kafkaesque scenario for people who were eligible to undergo a medically assisted death but, for instance, had an advanced form of cancer that they knew would worsen and, in the end, would prevent them from actually making that final consent aloud. Then they would have to end their own lives prematurely, to take their own life much sooner than needed, simply because they might not be physically able to consent in the late, painful stages.

This is exactly what happened with Audrey Parker, a 57-year-old Nova Scotian woman with stage 4 breast cancer, who had to end her life two months before Christmas due to this rather poorly conceived "safeguard" in the law. Countless others have likely had to make similar decisions — we know their stories — before the law was finally changed.

Thanks to Audrey's voice and the work of her family, the government finally included what we now call "Audrey's Amendment" to the law.

It was an important first step as it offered an early form of advance request, but, again, only for those who have already been assessed and approved for MAID and only when they are very close to the end of life.

• (1940)

Then came along a key court decision in the *Truchon and Gladu* case: Jean Truchon and Nicole Gladu launched a court challenge to seek medical assistance in dying, or MAID, but they had been denied because their deaths were not naturally foreseeable. Both had degenerative diseases causing persistent and intolerable suffering — Truchon with cerebral palsy and Gladu with post-polio syndrome.

In 2019, the Superior Court of Quebec agreed that the precondition was unconstitutional. They called on Quebec and the federal government to respond. This is very important because it removed the necessity of a "reasonably foreseeable death," creating in a sense a two-track system for access to MAID, one where death is imminent and a separate process where death is not foreseeable — inevitable but not foreseeable.

Colleagues, this was the context in which I introduced an amendment to the law, and I later introduced this bill to fully allow for advance requests. My hope was to extend the right to an advance request to those whose deaths are not imminent but inevitable, and to let Canadians have that choice — the right to choose a planned and peaceful end of life. Why would we not offer that choice to those trapped in a world of pain or in the diagnosis of dementia, which robs you of your right to actually make end-of-life decisions?

Boomers are turning 65 at a rate of 1,000 a day. By 2031, 1,000 or more will turn 85 every day. That is a quarter of our population. Increases in life expectancy have been accompanied by more and more years of age-induced disability. Modern medicine has given us longer life but has also made us victims of overtreatment, which too often offers quantity of life but not quality of life.

Where the issue of advance requests is so fundamental is for those experiencing cognitive decline, where they slowly and knowingly lose their grasp on reality and descend into what can only be described as the living death of dementia. One in four Canadians over the age of 85 suffers from dementia. For years, it was the law that once diagnosed, they were no longer considered to have the capacity to make decisions from that moment forward. We know that is not true, but it is the Catch-22 in the law.

Many people suffering from forms of dementia like Alzheimer's still cannot access MAID because their deaths are not considered reasonably foreseeable. This is why the timing issue is so important, and, therefore, we must look at when and how often to update advance requests. Before we lose our capacity, let us make an informed choice about our future. It offers at least a little sense of control when soon you will have none at all.

When you lose your memory, you lose you. You lose your friends whom you no longer know, you lose your family whom you loved and you lose the feeling of being loved. Most important of all, you lose that sense of self — who you truly once were, what you accomplished and the lives you touched — and you lose the love and respect once so freely offered. It's there, but you cannot recognize it or see it.

That was quite literally true of my mother. She was a schoolteacher; she changed lives and she saved lives. She was a role model before we even used that phrase. To watch her decline was heartbreaking. She stopped knowing what she had done for so many years and for so many others. The end of memory is brutal. It is a denial of our time as people who mattered and made a difference. It is a cruel and unusual punishment.

There are those who will argue we cannot ever truly know what goes on in the minds of those with dementia or Alzheimer's. There may be moments of clarity or recognition, and we might think that if folks are happy and tapping their toes at the weekly music session, then they do have a quality of life. Those in the old folks' homes call it happy dementia. Unfortunately, that is mostly about us wanting to feel better about our loved one because mere moments later, fear can once again engulf until the person simply knows no more.

My mother could not articulate her wants and needs the way my father had on the eve of his surgery, and that is the inherent unfairness of one diagnosis versus another — that old Catch-22. As we had discussed so often, she never wanted a life without meaning or the awareness of family, history, her past and her own story.

Families face this crisis every single day in this country. Canadians with incurable or irreversible medical conditions suffer needlessly in hospital beds and care homes. Sadder still, they suffer sometimes with loved ones close at hand but unrecognized, so they suffer alone and in fear. The worst of all fates is no longer knowing who they are or once were.

The time is now to be brave and to embrace the choices of those we love and to give them — if, and only if, they so choose — the right to leave us with dignity, just as they lived and loved with dignity. I ask you to consider this bill with both your head and your heart and to send it to our colleagues on the committee to make it better and to do so in a timely manner. Thank you.

Some Hon. Senators: Hear, hear.

[*Translation*]

Hon. Julie Miville-Dechêne: Thank you for your speech. You're right, this is an extremely difficult issue.

You mentioned Quebec, which passed legislation on this issue. Actually, this legislation sparked a major debate. Several doctors began challenging the idea of consent to death at some future time because they said they didn't have a way to assess a person they didn't know prior to their illness. They said that, years later, they weren't able to ascertain the consent of a person with, as you put it, happy Alzheimer's, or a condition that doesn't seem to cause the patient any problems.

I realize that you said in your speech that consent is given well in advance. That poses an ethical problem for doctors who don't necessarily know the patient many years later. They can't just say, "Well, okay, I'm here to fulfill a contract without exercising my medical judgment."

That was a major debate in Quebec. I wouldn't say it was ever resolved, but it does raise the question of that period between signing and death.

[*English*]

Senator Wallin: In the first place, what they've done in the Province of Quebec is the government has asked Crown prosecutors not to prosecute because this issue is in the purview of the Criminal Code, which is exactly why we are trying to do it. We want to protect the individuals who engage in this.

I have to say that I know many MAID providers across the country. Their lives are difficult. This is not something that is easy to do. They do it because they are compassionate, because they do care and because they have promised to give the appropriate treatment to those in need.

The question of timing is why I think this is, in fact, even more crucial than it used to be. I've talked to many ethical experts on this, as well as medical professionals and families who have gone through this and had this discussion amongst themselves.

• (1950)

This is not just when you are 29 years old and write a note, saying, "I don't want to live when I get old." We don't appreciate it. Many of us in this house are much closer to it than we were at an earlier time when we thought this age was old. Now we don't think that.

These are issues that have to be wrestled with: when and how. I have certainly been given personal advice in my own situation to have this discussion with family, medical professionals and legal professionals, and to ensure that as many people as possible are aware of this so that there is testimony to this effect should you move to another province or your doctor retires and you have to deal with someone else. These issues are all real.

This is why there needs to be a continual record of this, so that there is evidence that this is not a spur-of-the-moment thing, that you had a bad day or that someone tried to convince you that this was a better idea. This is a process. The more people capture that sentiment and write it down, the more they talk to their families and professionals, the more it will give comfort, not only to the family, not only to the individual who has some hope that their wishes might be carried out, but to those on the legal side of the issue who want that comfort, to know that they are doing the right thing. Even though they might not know the individual, the history is there; it has been captured. They will have that to give them reassurance that they are doing the right thing, and that, in the end, they are providing their patient, albeit a new one, the care that they asked for.

Hon. Paula Simons: Senator Wallin, will you accept a question?

Senator Wallin: Yes.

Senator Simons: As you know, I supported your amendment when we had our debate about extending access. As I am listening to you tonight, I am remembering the day that I took my mother for her assessment, and she received her diagnosis of Alzheimer's. My mother was a brilliant, witty woman, and she said, "Well, I would like medical aid in dying then." I had to explain to her that that was not an option and never would be.

By the time she died, she was screaming in terror and agony and in unendurable pain. I did not have any way to explain to her why she was being put through this pain, and it will haunt me to the end of my days. Yet, I don't know at what point on the spectrum of her last five years we would have said, "All right, this is the day. This is the day that it is unbearable. This is the day that we as a family have to decide."

This is — I guess — my question. It is easier in the case of someone who is dying of cancer and worries they will lose the capacity to consent. How do we find the moment in which the life of someone with Alzheimer's disease is deemed to be unbearable?

Senator Wallin: Thank you, Senator Simons. I don't think we can ever say that Monday, June — whatever the day is today — is the day. This is why there exists this notion of an advance request: to come to this conclusion in principle.

I have shared this here before, but there is a fellow whom I have come to know very well, Ron Posno, from London, Ontario. This man did amazing things in life. He was a teacher, a pilot, a scuba diver. He and his wife, Sandy, are in an advance care home now because he was diagnosed early on in 2016 with cognitive impairment. He became, at that point, an advocate for MAID and for advance directives. He has been everywhere, on podcasts — mine included — and documentaries.

He sat down and put his mind to this because he knew that this was inevitable, as you did with your mother and as I did with mine. He wrote a list of eight things. It helped clarify his thinking, and it has helped clarify mine over the years: When I am unable to recognize or cognitively and adequately respond with appropriate emotion and thought to family members, care providers or friends; when I become persistently abusive, either verbally and/or physically; when I become frequently lost or wander without awareness or knowledge of my whereabouts; when I require physical restraints or a locked door; when I present symptoms of depression or paranoia or melancholia or elective muteness; when I frequently experience visual, auditory, olfactory or tactile hallucinations; when I require assisted personal care because I am frequently incontinent, or when I am unable to eat, clean or dress myself without assistance.

This is what he is guiding us to do. We can't know that Tuesday of next week is the day. We are going to know in our living state. If we have some combination or all of these things — God forbid — that would be the time. He has done this for us. He has done the homework. He has said:

> Think about this. Create your own list. Use my list. Help your family. Help the medical professional, because they can assess these things. The people in the care homes can assess these things.

There is a way not to know a precise moment, but we've also learned from the experience of those who had to take their own lives, people who walked into Lake Ontario, or Audrey, who made this decision before Christmas in her own family life, because she didn't want to go through that or put her family through that another year because it was so close. But if she lost that ability to say, "Now," or if she lost the ability to say, "I consent. I agree," then it was going to be too late.

Why would we do that to people, saying, "You have to take your own life," when we can clearly say to our families, our loved ones, lawyers, medical professionals, society and the world:

> We know when we've lost quality of life. We know when we've lost meaning in life. We know when we've lost our sense of self. Please, let me use, and take advantage of, the choices that exist in law.

I think that is what is at the core of this.

Hon. Denise Batters: Senator Wallin, when you introduced this bill in 2022, I asked you a question about independent witnesses who are required by your bill to certify the declaration that's made by the person who wants to have the future medically assisted death.

At that point, I was asking about a definition for it. You weren't sure at that point, but seeing that you are introducing a lot of the same bill here, I checked out that portion of the Criminal Code and found the definition for "independent witness."

My question to you today then is this: In your bill, under subsection 3.22(e), it states about those independent witnesses ". . . a medical practitioner has certified that . . . .", and then "**(iii)** each witness is an independent witness as described in subsection (5)." That's where the Criminal Code part comes in.

In that definition, there are certain things that the medical practitioner would probably be able to ascertain, but I think there are some things that they probably would not be able to necessarily certify. One of those that they would have to certify is:

> **(a)** know or believe that they are a beneficiary under the will of the person making the request, or a recipient, in any other way, of a financial or other material benefit resulting from that person's death;

There are a couple of other things about which I am a little less sure whether they should be dealt with by that independent witness, or whether the medical practitioner is the proper person to provide that certification. I'm wondering how you would respond to that.

Senator Wallin: The circumstances and the changes in the law, the *Truchon* case and the moves in Quebec, have taken us down the road, and I think it will change the study and the response in the committee, and perhaps even the definitions. That's why I have put this forward in this way, which is, let's wrestle this stuff.)

• (2000)

We are not here to do the easy stuff. We are here to do the hard stuff. We do need to find that.

The medical practitioner, as it stands in Canada, is still under the Criminal Code of Canada. They must be given safety and protection. They need to have other sources feeding into them, particularly if they are not aware of this patient, if for some reason it is somebody they don't know. That is why building the body of evidence over time and over years is so important. If there is one sole survivor and they are going to inherit the millions, then there has to be other supporting evidence around that.

I know situations where a husband and two children have literally been on three sides of this issue, not two. There is no way to predict, anticipate or prevent what happens. People who have agreed with their mother, with their loved one, that

whatever she wants she can have, when it comes to it, when the moment arrives, they lose their willingness and ability to participate. The person has to be protected in that situation, too.

Those are my primary two concerns, which are the person who sought this and the person who must deliver it. We need to find six ways to Sunday to protect them both, to make sure the patient gets what they need and the provider is protected. It's going to be that way until we take this kind of an issue out of the Criminal Code and make it a health and care issue.

Quebec has done the best it can, given the circumstances, by asking its prosecutors not to prosecute. That's not a good way. We really have to say this is about life. It's about the end of life. We need to give people — I keep coming back to it — choices about their life, not force them into some situation where they have to go and take their own life in some horrible situation, or stockpile sleeping pills. I have heard so many stories about this, it just makes me sick to my stomach.

Let's give people this choice. Let's protect everybody who is involved. Whatever kind of process we come up with, that we think is best and can recommend, that will be progress down the road.

I would like to present a bill that says to take this out of the Criminal Code completely and forever. That's a complicated thing to do. I have had this conversation with the law clerks more times than I care.

We need to keep making progress. Here we are in this country, and the only reason governments act and there are changes in the law is when a court intervenes, when some family is going through some tragic or difficult situation, whether it's Audrey Parker, the Truchons or Carter. We can remember back to Sue Rodriguez and even in our own province the *Robert Latimer* case.

We put people in such difficult situations because we're unwilling as legislators to make the hard call. We really have to do the work on this and make some small progress toward choice.

(On motion of Senator Martin, debate adjourned.)

(*At 8:05 p.m., the Senate was continued until tomorrow at 2 p.m.*)

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