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(HANSARD)

Thursday, February 26, 2026

The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Thursday, February 26, 2026

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

SITUATION IN CUBA

Hon. Leo Housakos (Leader of the Opposition): Honourable senators, there is a tragedy unfolding a few hours' flight from our borders. It is a crisis that is as much a humanitarian catastrophe as it is a damning indictment of a failed, brutal ideology. The situation in Cuba has collapsed. It has deteriorated to levels never seen before.

While the regime in Havana points its fingers everywhere but at itself, let us be clear: The primary inflictor of suffering on the Cuban people is the Cuban regime. For 67 years, democracy has been buried. In its place is a machine of repression. It jails citizens for the crime of demanding bread. It crushes dissent to protect a corrupt elite.

While ordinary Cubans stand in mile-long lines for a handful of rice, the generals and party bureaucrats grow wealthy off the very shortages they created. They have turned a once-vibrant nation into a prison. They sustain it through a dark web of alliances with Russia, China and Venezuela, powers that view the Cuban people as nothing more than a strategic soft underbelly for geopolitical games.

Honourable senators, we must look in the mirror as Canadians. We may want to talk about this now due to anti-American sentiment, but where have these voices been for the past 67 years? Our hearts shouldn't bleed for the Cuban people only when it is politically convenient. Every winter, thousands of Canadians flock to what are undoubtedly the most beautiful beaches in the world. At what cost, honourable senators?

We must call out the travel operators who bury their heads in the sand for profit. They sell a dream while ignoring a nightmare. While Canadians sip cocktails in guarded enclaves, the waiter serving them cannot find milk for his children. Those vacation dollars do not reach the Cuban people. They flow directly into the regime's pockets, the military conglomerate that funds the very boots on the necks of dissidents.

We have heard the warnings. Many brave Cubans who fled that repression have walked the halls of this very Parliament. They come here to caution us, to educate us and to testify that the regime's reach does not end at the Straits of Florida. They are first-hand witnesses to a repression that shadows them even here on Canadian soil. It might be impossible to reason with a regime that views its own people as enemies of the state, but we can hope that those of us in this chamber and beyond, empowered to use our voices, are brave enough to stand on the right side of history.

It is time for the Canadian government and our businesses to stop propping up this brutal regime. Let's stop business as usual and start backing the Cuban people directly through civil society and their own emerging private sector, not just now when it suits political expediency as anti-Americanism is being wielded as a shield. We need to restore promise and hope for the Cuban people through our democratic values and free enterprise.

If I happened to encounter the Cuban Ambassador, I would plead for him to take a simple message back to his regime: The people of Cuba deserve the freedom and dignity they have been denied for far too long. The world is watching, and the time for silence and acquiescence is over.

Thank you, colleagues.

INUIT NUNANGAT UNIVERSITY

Hon. Nancy Karetak-Lindell: Honourable senators, today I rise to speak about a turning point in our national story: the creation of Inuit Nunangat University. This will be the first Inuit-led, Inuit-governed university in our country's history.

For generations, Inuit students seeking higher education have left their homes to travel south, often at great personal sacrifice. Now a university will be built in the North by Inuit and be grounded in Inuit language, knowledge systems, experiences, traditions and values.

Located in Arviat, Nunavut — my home community — this university will serve all of Inuit Nunangat, our homeland, which spans nearly one third of Canada's land mass and over 70% of its coastline. Let us appreciate what that means: This is not a regional initiative. It is nation building.

At a time when the Arctic is at the forefront of global attention — as sea ice recedes, shipping routes expand and global interest intensifies — Canada's sovereignty cannot rely on geography alone. Sovereignty lives in people, thriving communities, strong institutions and self-governance. A university in the Arctic strengthens all of these.

This university will help to preserve and revitalize Inuktitut. It will support Arctic research grounded in generations of Inuit knowledge. It will build up our population's capacity for economic growth, stability and an opportunity to govern ourselves.

I would like to note that this university has been made possible because of the leadership at Inuit Tapiriit Kanatami. As the driving force behind this initiative, in collaboration with Nunavut Tunngavik Inc. and the Government of Canada, they demonstrate that reconciliation is not a gesture. It is the transfer of authority. It is the building of Inuit-led institutions. It is a sustained commitment backed by resources and respect.

This university is a testament to our country's commitment to support the self-determination of the Inuit. It is an affirmation that the future of Canada's Arctic will continue to be shaped by the people who call it their home. Thousands of years of Inuit excellence have made this possible.

Let history record that we did not hesitate, that we recognized the moment and that together we chose to build an institution worthy of the North and worthy of Canada.

Matna.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Margot Burnell and Dr. Bolu Ogunyemi, President and President-Elect of the Canadian Medical Association. They are the guests of the Honourable Senator Ince.

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

Hon. Senators: Hear, hear!

BLACK HISTORY MONTH

Hon. Tony Ince: Honourable senators, as colleagues have noted, this year marks 30 years since Black History Month received national recognition in Canada. However, in Nova Scotia, it has been observed since 1988, and nearly 60% of African Nova Scotians can trace their roots in our province back three generations or more. That is to say: Black history in Canada is not recent history; it is foundational.

As we come to the close of Black History Month, I want to highlight some special moments from this month. The Halifax Black Film Festival celebrated its tenth anniversary this year, sharing powerful stories of who we are and creating visions about whom we can become.

I have learned about the work of Black filmmakers who challenged narratives of shame surrounding our heritage and turned them into pride in exactly who we are, right down to the texture of our hair.

• (1340)

I also spoke to high school students from Island View High School, including many African-Nova Scotian youth. Their questions about democracy were thoughtful and bold, and each of them showed leadership potential.

Our responsibility is to make sure they understand our institutions and have opportunities to become involved.

Today, in our gallery, we are honoured to welcome the president-elect of the Canadian Medical Association, Dr. Boluwaji Ogunyemi. Raised in Newfoundland and Labrador, he graduated high school in a class of nearly 600 students as the only Black student.

Dr. Ogunyemi went on to become the first Black student from the province to train and study at Memorial University's faculty of medicine. And now, in its 158-year history, he is the first — and the youngest — Black president of the Canadian Medical Association.

Colleagues, it is an honour to be the first. But being the first often carries an invisible weight — the weight of representation, expectation and knowing that your success will open or close doors for others.

As Black History Month comes to a close, I hope we can commit throughout the year to learning, listening and building a country where being the first is no longer remarkable because opportunity is no longer rare.

May those who are the first be leaders for future generations so that the next generation can reach excellence, not despite barriers, but without them.

Thank you, *meegwetch*, *wela'lioq*.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of His Excellency Rodrigo Malmierca Díaz, Ambassador of the Republic of Cuba to Canada. He is accompanied by Dany Tur de la Concepción, Deputy Head of Mission, and Mariset Vazquez Lissabet, First Secretary. They are the guests of the Honourable Senator White.

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

Hon. Senators: Hear, hear!

CANADA-CUBA RELATIONS

Hon. Judy A. White: Honourable senators, I rise today to reflect positively on the long-standing relationship between Canada and Cuba.

As we speak, Cuba is facing severe shortages of food, fuel, medicine and electricity. Hospitals struggle to maintain basic services. Families endure prolonged blackouts. Essential goods are rationed. Sanitation services and basic public infrastructure have been severely disrupted.

The increasingly limited access to essential supplies has placed additional pressure on families. These growing hardships have caused unimaginable suffering for seniors, children and individuals with chronic health conditions.

The contributing factors are complex and include structural economic vulnerabilities, global supply chain disruptions and limited access to international financing. With decades of U.S. embargoes and the most recent measure to block oil from entering the country, the situation has worsened.

The United Nations has warned that Cuba could face a humanitarian collapse, with millions suffering if basic fuel needs are not met. Francisco Pichon, the most senior United Nations

official in Cuba, described, ". . . a mix of resilience, but also grief, sorrow and indignation, and some concern about the regional developments."

Canada has maintained uninterrupted diplomatic relations with Cuba since 1945. Over the last eight decades — 80 years — our two countries have fostered a relationship built on dialogue, mutual respect and cooperation, even during times of global change and uncertainty. We are one of Cuba's long-standing trading partners and a significant source of tourism and investment. Nearly 1 million Canadians visit Cuba every year, and our countries have significant commercial and cultural ties.

In this period of extraordinary hardship, Canada must stand in solidarity with the Cuban people. Now is our time to work with multilateral partners, such as the United Nations and the World Food Programme, to ensure that aid reaches vulnerable populations and essential services are stabilized. This moment is not about choosing sides in ideological debates. It is about choosing humanity. At its core, this issue is about people and families seeking stability and basic needs and seizing the opportunity to move forward with dignity.

Canada's role should remain grounded in humanitarian principles, constructive engagement, open dialogue and a focus on practical solutions.

Thank you, Your Excellency, for being here. *Wela'lin*. Thank you.

Hon. Senators: Hear, hear.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Chris Tooriram, who is the winner of this year's HIV Is Not a Crime Leadership Award. He is the guest of the Honourable Senator Wells (*Alberta*).

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

Hon. Senators: Hear, hear!

BLACK HISTORY MONTH

Hon. Mary Coyle: Honourable senators, I rise today to celebrate Black History Month, or as we call it in Nova Scotia, African Heritage Month. We have marked this important month for 30 years now.

This year, we are honouring Black Brilliance, and we are fortunate to be surrounded by the Black brilliance of our Senate colleagues, including two from my province of Nova Scotia, Senators Wanda Thomas Bernard and Tony Ince.

Today, I also ask you to celebrate two other brilliant African-Nova Scotians George Elliott Clarke and Viola Desmond. George Elliott Clarke, former poet laureate of Toronto, former parliamentary poet laureate, professor of English at the University of Toronto and former political staffer to M.P. Howard McCurdy, was born in Windsor, Nova Scotia and raised in Halifax.

Viola Desmond, also from Nova Scotia, depicted on the Canadian 10-dollar bill, showed her brilliance and civil rights leadership in a movie theatre in New Glasgow and later in a court of law.

To honour them both and all Black brilliance and leadership in Canada, I will read you George's poem on Viola.

Witness for Viola Desmond
That affray was cinematic—
stark black and polar white, eh?
The usher and the cop grappled the flailing beautician
as if they were morticians desperate to claim
Christ's cadaver. . . .

The trio—all as disorganized as is shaking—
manhandled the struggling lady
across the accidental, immediate theatre
displaying posters for Coming Attractions—
plus black-and-white snaps of the Now Showing marquee features—
plus ads for Hot Buttered Popcorn and Ice-Cold Soda—

and past the concession stand and the ticket seller's booth—
right on out into the November eve—
maple leaves driving at Viola like ruddy arrow-heads—
to bank her into the drunk tank.

Her crime? She'd sallied forth undramatically
to feel jolly viewing Hollywood fare
via a Bluenose, New Glasgow picture-show,
but had plunked—buff-coloured, sepia-toned—
in a Whites Only seat,
and chose to remain after being informed
of her *faux pas*.

So, what's-his-face, that farce,
dialled up a constable—
in a by-play show-piece of tragicomic *Disgrace*—
to frog-march Viola summarily to the Town Gaol
for disrupting Jim Crow,
that pasty-faced minstrel aping blind-lady *Justice*.

But Viola's incarceration
canonized her,
marked her investiture in the Pantheon of Liberators
alongside Nanny-of-the Maroons, Harriet Tubman,
Josephine Baker, Rosa Parks—
she—
A First (Canuck) among Black Equals.

[*Translation*]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Charles Forest, Director of Commercial Relations at Revizto. He is the guest of the Honourable Senator Forest.

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

Hon. Senators: Hear, hear!

• (1350)

[*English*]

COURTNEY SARAULT

CONGRATULATIONS ON OLYMPIC SILVER AND BRONZE MEDALS

Hon. Dawn Arnold: Honourable senators, I rise today to celebrate the pride of Moncton, New Brunswick, Courtney Sarault, whose performance at the 2026 Olympic Games has inspired not only our city and province but all of Canada.

[*Translation*]

One in five of the medals Canada brought home from the Milano Cortina Olympic Games were won by a single athlete, Moncton's own Courtney Sarault. Only one other Canadian Olympic athlete has won as many medals at a single edition of the Olympics. Courtney is the first Canadian from outside Quebec to win an individual medal in seven disciplines. Her silver medal for the women's 1,000 metres is only the third medal Canada has ever won in this event.

[*English*]

Courtney's dedication and excellence have been recognized on the world's greatest stage, where she captured four Olympic medals: two silver and two bronze. These medals reflect not only Courtney's remarkable talent, but also her perseverance, spirit and commitment to excellence.

While Courtney had the entire nation behind her, and definitely all Monctonians, I would like to offer a special thank you to her parents, Rhonda and Yves, and her brother, Chris, for their support and encouragement of and sacrifices for Courtney's journey. Their unwavering belief in Courtney has helped shape a champion who represents the best of Canadian sport.

Courtney has made history, inspired young athletes in Moncton and across our country and reminded us all that with passion and perseverance, anything is possible. We celebrate her extraordinary achievements and look forward to cheering her on for many years to come. I'm particularly impressed by Courtney's dedication to giving back to her community and inspiring so many other young people to reach for their dreams.

Thank you.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Chimwemwe Undi, Parliamentary Poet Laureate. She is my guest.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

THE ESTIMATES, 2026-27

MAIN ESTIMATES TABLED

Hon. Iris G. Petten (Acting Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Main Estimates for the year 2026-27.

[*Translation*]

BILL TO AMEND THE WEIGHTS AND MEASURES ACT, THE ELECTRICITY AND GAS INSPECTION ACT, THE WEIGHTS AND MEASURES REGULATIONS AND THE ELECTRICITY AND GAS INSPECTION REGULATIONS

FOURTH REPORT OF BANKING, COMMERCE AND THE ECONOMY COMMITTEE PRESENTED

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

Thursday, February 26, 2026

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

FOURTH REPORT

Your committee, to which was referred Bill S-3, An Act to amend the Weights and Measures Act, the Electricity and Gas Inspection Act, the Weights and Measures Regulations and the Electricity and Gas Inspection Regulations, has, in obedience to the order of reference of November 27, 2025, examined the said bill and now reports the same without amendment.

Respectfully submitted,

CLÉMENT GIGNAC

Chair

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

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

[*English*]

THE ESTIMATES, 2026-27

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY MAIN ESTIMATES WITH THE EXCEPTION OF VOTE 1 TO BE STUDIED BY JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

Hon. Iris G. Petten (Acting Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Main Estimates for the fiscal year ending March 31, 2027, with the exception of Library of Parliament Vote 1;
>
> That, for the purpose of this study, the committee have the power to meet, even though the Senate may then be sitting or adjourned, and that rules 12-18(1) and 12-18(2) be suspended in relation thereto;
>
> That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Library of Parliament Vote 1 of the Main Estimates for the fiscal year ending March 31, 2027; and
>
> That, in relation to the expenditures set out in Library of Parliament Vote 1, a message be sent to the House of Commons to acquaint that house accordingly.

QUESTION PERIOD

NATURAL RESOURCES

LIQUEFIED NATURAL GAS

Hon. Leo Housakos (Leader of the Opposition): Honourable senators, it looks as if Senator Moreau was partially right yesterday.

It appears your government does see a business case for LNG, or liquefied natural gas, exports. The only problem is that it is not one for Canadian jobs and Canadian exports. Shortly after I questioned your decade-long dismissal of Canada's LNG potential, we learned that we are now importing LNG from Australia, just next door.

Senator Moreau, let me remind you that Canada sits on one of the world's largest LNG reserves, yet your government would rather import LNG from 16,000 miles away than invest in our own natural resources here in Canada. Is this the trade diversification business case your government has been promising and lauding: Prosperity and jobs for other countries but unemployment and hopelessness for Canadians here at home?

An Hon. Senator: Terrible.

An Hon. Senator: Shame.

Hon. Pierre Moreau (Government Representative in the Senate): Your résumé of my answer is a little short, Senator Housakos. Canada seeks to diversify trade relationships. The government recognizes it has an opportunity to play a strategic role in the world's evolving energy mix. If the demand and infrastructure are there, the federal government will work to get Canadian products to market. However, as far as I know, and it may be that you have other information, there is so far no willingness from the private sector to finance infrastructure concerning LNG.

Senator Housakos: Senator Moreau, please — that answer just doesn't add up. You know very well that both domestic and foreign investment will go where investors see a comfortable place for it.

• (1400)

The Prime Minister of Italy, the Prime Minister of Greece, the Chancellor of Germany and all of the European leaders have been saying that they need Canadian liquefied natural gas, or LNG. They've been coming to Ottawa, visiting the old Liberal government while on their knees begging for LNG. Now to say that there's no international investment and no will to come to Canada — no, there isn't because you haven't created the preconditions necessary by getting rid of the red tape.

Senator Moreau: That is inaccurate. The major project is exactly for that kind of perspective. As I mentioned in my previous answer, Canada seeks to diversify trade relations. The government has an opportunity to play a strategic role in the world's evolving energy mix, and if the demand and infrastructure are there, the federal government will work to bring Canadian products to market. This is a clear declaration, I think.

FINANCE

POVERTY LEVELS

Hon. Leo Housakos (Leader of the Opposition): The greatest indictment of this government's failure to build our natural resources within the economy is in UNICEF's most recent report card on child and family poverty, which reveals that more than 30,000 additional children in Canada are living below the poverty line — a staggering child poverty rate of 26%. Under your new and old Liberal governments, Senator Moreau, child poverty has risen for the third consecutive year and remains alarmingly higher than Canada's overall poverty rate, which is

pretty bad. Worse yet, at your government's current pace, it would take nearly 400 years to eradicate child poverty in this once great country.

Your government has already eradicated the hope of safer communities, affordable housing and stable paycheques for young adults. What assurances can you offer to Canadian children to reassure them that your government is not going to do the same for their future? It's shameful that Canada stands so low when it comes to child poverty around the world.

Senator Martin: Shame.

Hon. Pierre Moreau (Government Representative in the Senate): What is shameful is you are rising here to ask that kind of question when Conservatives in the other place are voting against any measure proposed by the government to help the children of Canada.

As a matter of fact, making the National School Food Program permanent would provide school meals for up to 400,000 children each year. Your friend in the other place voted against it. That is shameful.

Senator Housakos: Senator Moreau, I remind you that the other place has been consistently run by majority and minority parliaments of Liberal governments for at least over a decade. According to UNICEF, Canada's child welfare has been eroding significantly since 2017. That's nine years despite the many empty promises and inflationary spending of your government. With more children falling below the poverty line on the government's watch for a decade, it's really cheap to start blaming the opposition — which has been on the opposition benches — for your failures in government.

Senator Martin: That's right.

Senator Moreau: What is cheap is asking a question and wrapping yourself in a veil of purity when you vote against any measures that are proposed by the government to help children in Canada. This is shameful, sir.

[*Translation*]

EMPLOYMENT AND SOCIAL DEVELOPMENT

FORCED ADOPTIONS

Hon. Chantal Petitclerc: Senator Moreau, my question is on the cruel practice of forced adoptions in Canada from 1945 to 1971. More than 300,000 unmarried Canadian women were cruelly separated from their babies. Canada is not the only country that treated unmarried mothers this way, but unlike Australia, Scotland, Wales and Ireland, the Government of Canada has yet to formally apologize.

The Standing Senate Committee on Social Affairs, Science and Technology conducted a study in 2018 and recommended a formal apology, because that is important in helping survivors heal.

Senator Moreau, these mothers, whose lives were changed forever, are starting to run out of time —

The Hon. the Speaker: Thank you, Senator Petitclerc. I will ask Senator Moreau to try to answer the question.

Hon. Pierre Moreau (Government Representative in the Senate): I understand the question. Senator Petitclerc, I appreciate your sincerity in raising issues as important as this one, in stark contrast to the debate in which the chamber was previously engaged during question period.

The government is cognizant of the Standing Senate Committee on Social Affairs, Science and Technology's report on the forced adoptions of the babies of unmarried mothers in post-war Canada. It recognizes the importance of this matter. You're right: No apology was ever made, and the government acknowledges that. I will bring your question to the minister's attention and convey your interest in an official apology and in ensuring the government acts on the committee's recommendations.

Senator Petitclerc: Thank you, Senator Moreau. With all due respect, I urge you to be forceful. Many of these women had the courage to appear before the committee and share their story with us. Some have stayed in touch with me, with some of my colleagues and with our former colleague, Senator Eggleton. At the very least, these women deserve an answer to my question.

Senator Moreau: Thank you for bringing these matters to my attention, senator. I don't have many years of experience in the Senate and even less in the role that I hold today, because I was appointed to this position after I arrived in the Senate.

This is the kind of issue that received extensive prior consideration in committee. Thank you for bringing this file to my attention. In return, I can assure you that I will pass the Senate's message on to the government.

[*English*]

INDUSTRY

INTERPROVINCIAL TRADE

Hon. Tony Loffreda: My question is for the Government Representative in the Senate. Senator Moreau, much of the government's economic agenda, whether on housing, internal trade or affordability, depends not only on policy design but also on effective and timely implementation. Canadians are increasingly concerned about delays, overlapping jurisdictions and uneven results across regions.

Could you clarify what concrete steps are being taken to improve execution and coordination with provinces and territories to ensure that announced measures translate into real, measurable outcomes on the ground? How is the government addressing bottlenecks that may be slowing progress, and what accountability mechanisms are in place to ensure that commitments made to Canadians are actually delivered within expected timelines?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the question, Senator Loffreda.

Whether it is supporting workers and businesses, fast-tracking major projects or reducing internal trade barriers, the government is working directly with premiers to ensure measures translate into tangible outcomes on the ground. The government is also attacking bottlenecks head-on. For example, the "one project, one review" approach will reduce duplication, improve coordination and provide greater certainty so that projects move forward more effectively.

The government was elected to deliver measurable progress while lowering costs, increasing productivity and making our economy more competitive, all while ensuring commitments are implemented in a timely and accountable way. It intends to do that.

Senator Loffreda: Thank you for that response. It's great to hear that. I hope the execution is there on a timely basis. Can you provide a specific example where improved federal-provincial coordination has recently accelerated results? And where progress is lagging, what corrective actions are being taken to get initiatives back on track and ensure Canadians see timely benefits?

Senator Moreau: One clear example is the government working with the provinces and territories to reduce internal trade barriers, which has the potential to lower prices by up to 15%, boost productivity by up to 7% and add up to $200 billion to the Canadian economy.

At the same time, through "one project, one review," the government is already improving coordination to accelerate major projects while maintaining strong environmental standards and respecting —

[*Translation*]

The Hon. the Speaker: Thank you, Senator Moreau.

[*English*]

AGRICULTURE AND AGRI-FOOD

AGRICULTURAL RESEARCH

Hon. Robert Black: My question is for the Government Representative in the Senate.

Senator Moreau, on January 23, Agriculture and Agri-Food Canada announced the closure of three research and development centres and four satellite research farms. This includes the 119-year-old research facility in Lacombe, Alberta. Since this announcement, many stakeholders have contacted my office to express their concerns that these closures will create unintended short-term and long-term consequences with far-reaching effects on our country. Like them, I'm concerned that your government is once again turning a blind eye to the significant role that research, development and innovation play in the success of our agricultural sector.

• (1410)

Canada is fortunate to have a robust agricultural sector, with a strong and reliable reputation both domestically and internationally. Research, development and innovation are critical to our country's competitiveness. We should be strengthening these areas, not scaling them back.

Senator Moreau, I know your government is looking for cutbacks. Please tell us how you might make changes to ensure that imperative research is undertaken.

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for your question, Senator Black, and for your restless interest in the agricultural sector. To the industry, which is listening, as well, let me be clear: Science and innovation will continue to be at the core of Canada's agricultural success. Agriculture and Agri-food Canada will remain the largest agricultural research organization in the country, with a strong presence in every province.

The government has taken an approach where it will be streamlining operations and reducing overhead so that more dollars are directed to the science, innovation and supports that producers rely upon. This process is being approached carefully. Nothing is closing overnight, and the government will continue to work closely with communities, industry partners and employees, who will be retained, reassigned or relocated.

Senator Black: Thank you. "Restless" — I like that word.

Senator Moreau, to quote the Prime Minister, "A country that cannot feed itself, fuel itself, or defend itself has few options. . . ."

The closure of these research centres and satellite farms will have long-term consequences that could undermine our agriculture industry. When will your government realize the essential role that agriculture plays in our country's prosperity and long-term stability and start to build the sector up instead of cutting it back? What will you do?

Senator Moreau: The government has maintained research capacity across the country, ensuring producers continue to benefit from strong, science-based supports.

Senator, protecting Canada's food security and sovereignty is precisely why the government is focusing resources where they will have the greatest impacts on research and development, which is front-line research and innovation. By trending toward a more efficient and collaborative research system, Canada is positioning its agricultural sector to remain competitive, resilient and secure for the long term.

JUSTICE

HIV NON-DISCLOSURE

Hon. Kristopher Wells: This Saturday, February 28, marks international HIV Is Not A Crime Awareness Day. As documented in the recent report on HIV in Canada led by Senator Cormier, Canada continues to have among the harshest laws criminalizing individuals who do not disclose their HIV status. Individuals can face serious jail time and lifelong consequences, even when there has been no transmission of the virus and even when they have taken steps to make that transmission impossible. This approach not only disproportionately punishes vulnerable people; it also undermines public health by discouraging individuals from getting tested and knowing their status.

Nearly eight years ago, the government recognized the need for Criminal Code reform to address this injustice, yet no legislation has been introduced.

Senator Moreau, will the government today renew its commitment to reforming Canada's laws on HIV non-disclosure?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for that important question.

The government recognizes that the current approach to HIV non-disclosure has had serious and harmful consequences, including stigma and negative public health impacts. In 2018, the Attorney General issued a directive limiting prosecutions in cases where individuals have taken appropriate steps to prevent transmission. That is why the government launched public consultations in 2022 to examine potential reforms.

Canada publicly endorses the science behind "Undetectable = Untransmittable," and the law must reflect modern science, fairness and sound public health evidence. The Government of Canada will continue working with partners and stakeholders to ensure our justice system is rooted in compassion, evidence and equity.

Senator K. Wells: Thank you for that detailed response.

As you mentioned, there is clear scientific consensus that "Undetectable = Untransmittable." Advocates, legal experts and civil society members are eager to move forward with much-needed reforms.

Senator Moreau, given these long-standing commitments and the need to align our laws with modern science and sound public health evidence, will the current government commit today to supporting legislation to reform Canada's criminal laws on HIV non-disclosure before the end of this year?

Senator Moreau: As you know, Senator Wells, I cannot speculate on the timing of potential legislation or future government business.

What I can say is that the government has acknowledged the need for reform, has taken concrete interim steps to limit harmful prosecutions and remains actively engaged with experts and community leaders on a path forward.

IMMIGRATION, REFUGEES AND CITIZENSHIP

PERMANENT RESIDENCE PATHWAYS

Hon. Denise Batters: Senator Moreau, on Tuesday, we marked the fourth solemn anniversary of Putin's brutal, full-scale invasion of Ukraine. Senator Kutcher recently asked you a few times during Question Period about Ukrainian war refugees seeking to gain permanent residency in Canada. Each time, you responded that you would raise the issue with Minister of Immigration, Refugees and Citizenship Lena Diab. Three weeks ago, you even declared that the minister was ". . . aware of the issue, and she is actively participating in . . ." finding a solution. However, Minister Diab has seemingly gone AWOL on this. She hasn't met in person with the Ukrainian Canadian Congress since becoming the minister last May. This minister was quoted on Tuesday as saying that the Ukrainian permanent residency issue ". . . is not something I'm aware of."

Senator Moreau, either you're not representing the views of senators to your Carney government or this inept Liberal immigration minister is ignoring you. Which is it?

Hon. Pierre Moreau (Government Representative in the Senate): Senator Batters, 50% of my job is representing the government here in the Senate, but the other 50% of my job is to represent the Senate with the government. I take both very seriously.

I can assure you that when I make commitments in this chamber to make representations to the government, I do so as soon as I can. I hope that you believe me when I say that's my pledge regarding what I have to do in this chamber, and that's what I'm doing on a daily basis after Question Period.

Senator Batters: I guess you should find out what's going on with the immigration minister. You'd have a better chance of being heard by this minister if you and your group were members of the national Liberal caucus. You could raise these issues weekly at caucus meetings with the immigration minister in the presence of the Prime Minister.

Will you admit that this non-partisan Senate charade undermines senators presenting important issues to the government and is to the disadvantage of Canadians?

Senator Moreau: I asked Senator Housakos last week to be invited to your national caucus because there are a lot of messages I'm giving to you that are obviously not being forwarded to it.

I don't think that being part of a national caucus has anything to do with the tragedy that the Ukrainian people are living through these days.

FINANCE

COST OF LIVING

Hon. Yonah Martin (Deputy Leader of the Opposition): Senator Moreau, recent reports from Equifax Canada and TransUnion Canada show that Canadian household debt has climbed to a record high of $2.6 trillion, driven by soaring mortgage balances even as housing affordability remains out of reach for many families. Mortgage debt alone is approaching $2 trillion, with many facing payment shock at renewal, and rising non-mortgage delinquencies signal stress across households.

Would you agree that, over the past decade, your government's policies have left Canadians dangerously over-leveraged and financially vulnerable in the midst of a cost-of-living crisis marked by food insecurity, job instability and growing hopelessness among young families?

Hon. Pierre Moreau (Government Representative in the Senate): The government has recognized that affordability is of the utmost importance for Canadians, and that's why it has acted accordingly.

You're talking about households. We are now seeing that household disposable incomes are rising. It's not the government saying that; it's the Bank of Canada. Housing markets are easing in Toronto, as well as in Vancouver, where you are from.

The government's work does not stop here. More measures to stop the affordability crisis are on their way, including Bill C-4, which cuts the GST for first-time homebuyers; Bill C-15, which invests $57 billion in affordable child care, and which your party voted against in the other place; and Bill C-20, which invests $13 billion for new housing, facilitating access to benefits through a new automatic federal benefits system.

These are concrete measures. You must admit that these measures exist and are there to help Canadians.

• (1420)

Senator Martin: The reality in Vancouver is that costs have risen so far. They may have decreased, but it is still absolutely unaffordable. I know that from my own daughter, who is in Vancouver.

The debt burden is growing, and younger Canadians shoulder mounting pressure from both housing costs and essential living expenses. When mortgage debt surpasses $2 trillion and families are choosing between groceries and housing, why should hard-working Canadians believe the government's economic policies are protecting families from falling deeper into financial peril?

Senator Moreau: It is because the question of affordability has been tackled by the government on many fronts. We lowered taxes for 22 million Canadians. We are cutting the consumer carbon tax. We are protecting Pharmacare, dental care and child care. We are lowering requirements to access the Disability Tax Credit. We are providing immediate relief on groceries. We are investing in housing projects across the country. Affordability is a multi-faceted question, and the government is working on every one of them.

HOUSING, INFRASTRUCTURE AND COMMUNITIES

AFFORDABLE HOUSING

Hon. Yonah Martin (Deputy Leader of the Opposition): I have another very important question. According to a recent report by the Building Industry and Land Development Association, new home sales in the Greater Toronto Area — another very unaffordable market — had their worst month on record, with only 269 homes sold. Now there is another issue. This is sending a chilling signal to the region's homebuilding industry, which is still reeling from 2025, its worst year on record. Experts are warning that the situation is poised to worsen. Yet, your government's response is not only too slow; it is inefficient.

What tangible relief can Canadians expect from your government, beyond announcements and the creation of yet another bureaucracy?

Hon. Pierre Moreau (Government Representative in the Senate): I think that Senator Batters was satisfied with my previous answer. That's why you have the next question.

In housing, with respect to new building projects, in the Atlantic, we are investing $443 million to build or renew 3,800 homes; in British Columbia, $2.3 billion to build or renew 8,867 homes; in Ontario, $3.2 billion for 30,000 homes; in the Prairies, $878 million for 10,000 homes; in Quebec, $2.8 billion for 4,810 homes; and in the North, $132 million has been invested to build or renew 1,186 units.

We are working on housing. We are doing more than just making declarations. We are investing, and it shows everywhere in the country from coast to coast to coast.

Senator Martin: For the record, we are never satisfied with your answers, Senator Moreau, but I know you're doing your best.

The solution is not more bureaucracy. At the pace of your new agency, by the time a single home is completed, there may no longer be a viable private homebuilding industry left to sustain. If your current approach is clearly falling short, why not try something different, like honouring your election promise to reduce development charges by 50%? That's a huge issue.

Senator Moreau: Senator Martin, the reason why you don't accept my answers is because your party is focused on delivering emotionally driven political rhetoric, which is, frankly, irresponsible in a situation of crisis. The government is investing exactly where you asked them to invest, and, at the same time, you're not satisfied with what it is doing. Honestly, I don't know what would satisfy you, but it seems that what we're doing is satisfying the Canadian public largely —

[*Translation*]

The Hon. the Speaker: Thank you, Senator Moreau. Now we'll go to Senator Housakos.

[*English*]

FINANCE

AFFORDABILITY FOR CANADIANS

Hon. Leo Housakos (Leader of the Opposition): Government leader, we've recently seen a report from the G7 that Canada has the highest food inflation in the world by miles. You like to steal our ideas on the eve of an election, like getting rid of the carbon tax and lowering capital gains. We're begging you to do this before the next election and give some reprieve to Canadians who are suffering at the grocery stores.

Will you please get rid of the industrial carbon tax? That would allow Canadians to get cheaper food. Will you put into place some fiscal guardrails to allow the Canadian dollar to gain some momentum again, as it is costing a fortune for importers to bring in food?

When will your government understand that your policy of creating a weak dollar and your policy of allowing the carbon tax to pummel the agriculture industry are showing up at the grocery stores? As a result, we have the world's highest food inflation growth amongst the G7 countries. The report came out this morning. I invite you to read it.

Hon. Pierre Moreau (Government Representative in the Senate): I have an occasion to tell you, Senator Housakos, that, for almost two years, inflation has remained within the Bank of Canada's target. It was 2.3% in January, and now interest rates are stabilizing at 2.25%.

The government is working on inflation. It's working on creating new jobs for Canadians. It's working on fiscal responsibility. It's working on affordability. I provided many measures in response to Senator Martin's question, and you're not satisfied. The problem is that I don't know what would satisfy you. Whenever there's a measure of affordability in the other place, your colleagues in the national caucus vote against those measures.

Senator Housakos: Pretty soon, you're going to be blaming the Diefenbaker government for all of the faults of today.

In reality, interest rates are going down, Senator Moreau, because the economy is contracting. I am not talking about interest rates in a contracting economy. I'm talking about child poverty that has reached historic levels. I'm talking about food banks with people lined up around the corners. I'm talking about poverty levels we have never before seen in a country like Canada.

I'm simply asking, will you get rid of the industrial carbon tax and put into place fiscal guardrails? Those two simple things can easily be done to give reprieve to people going —

[*Translation*]

The Hon. the Speaker: Thank you, Senator Housakos.

[*English*]

Senator Moreau: The only person bringing up the Diefenbaker government is you with every single question you're asking. There is a new government that was elected about 10 months ago. Come and bring yourself up to par, and we'll see what the question will be.

For child care, I repeat what I have already said to Senator Martin: We're working on it. You don't recognize it —

[*Translation*]

The Hon. the Speaker: Thank you, Senator Moreau.

[*English*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Iris G. Petten (Acting Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-12(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: third reading of Bill C-4, followed by the consideration of the message from the House of Commons, followed by all remaining items in the order that they appear on the Order Paper.

MAKING LIFE MORE AFFORDABLE FOR CANADIANS BILL

THIRD READING—MOTION IN AMENDMENT—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Cuzner, seconded by the Honourable Senator Hay, for the third reading of Bill C-4, An Act respecting certain affordability measures for Canadians and another measure.
>
> And on the motion in amendment of the Honourable Senator Clement, seconded by the Honourable Senator Dalphond:
>
> **That Bill C-4 be not now read a third time, but that it be amended by deleting Part 4.**

Hon. David M. Arnot: Honourable senators, Part 4 of Bill C-4 is about whether Canadians retain meaningful control over information about themselves in the very process by which political power over them is sought.

The scrutiny afforded to this portion of the bill in the other place was limited, markedly so, relative to its constitutional and democratic implications. Part 4 governs how federal political parties may collect, analyze, combine, model and act upon personal data about Canadians. That demands deliberation. The debate is not about whether Parliament has jurisdiction over federal elections. That has been settled. The question is what Parliament chooses to do with that jurisdiction.

Will Parliament create meaningful, enforceable privacy safeguards for Canadians using that jurisdiction?

When Canadians hear that Parliament is legislating how political parties may use their personal data, they expect effective safeguards. Yet, multiple witnesses testified that Part 4 resolves a jurisdictional question while leaving substantive protections undefined.

For example, the Chief Electoral Officer testified that the bill would create what he described as a "complete code" but without embedding minimal privacy standards, and that, in his view, represented a backward step from earlier proposals, such as in Bill C-65.

• (1430)

The Canada Elections Act already declares that it establishes a "national, uniform, exclusive and complete regime" governing political parties' handling of personal information. However, Part 4 would repeal and replace elements of that framework without embedding baseline statutory standards.

The Commissioner of Canada Elections testified that enforcement would be operationally difficult where standards are vague, non-uniform and unsupported by adequate investigative tools. Witnesses identified gaps, anomalies and ambiguities in Part 4 that make the legislation impossible to enforce. Jurisdiction alone does not create confidence. Protection of rights does.

Part 4 excludes the application of provincial privacy regimes to federal political parties. It leaves each party to define its own privacy standards within broad parameters. That is not how privacy law operates elsewhere in Canada. In commercial, public and provincial regimes, baseline standards exist. They do not exist in Part 4. These protections are not abstract. They apply to voters, donors, contributors, volunteers, employees and businesses that participate in the democratic process.

Canadian citizens sometimes unwittingly provide personal information to parties, sometimes very sensitive information, in reliance on the integrity of the system.

Political campaigning is no longer episodic. It is continuous. It is data-driven. It is individualized.

Modern campaigns do not merely target demographic categories. They model individuals. Persuasion increasingly operates through prediction. Databases are not neutral. They could contain information that includes age, ethnicity, religion, language, gender, race or other characteristics closely linked to protected human rights grounds.

Canadians are entitled to know whether such characteristics are being used — directly or inferentially — to categorize or prioritize them, or even exclude them from political engagement.

When data analytics intersects with human rights dimensions, the need for transparency and safeguards increases, not decreases. That shift demands stronger safeguards, not weaker ones. Around the world, democracies are confronting the integration of predictive analytics into political systems.

The risk is not that Canada intends such a model. The risk is drift — gradual normalization of opaque behavioural profiling. Guardrails exist to prevent drift. This legislation has no meaningful safeguards.

Part 4 establishes jurisdictional boundaries. It does not establish behavioural boundaries for political parties.

Who holds a primary interest in the political data of a citizen? The individual citizen does. That is a principle which underlies modern privacy law. It is not ideological. It is structural.

We are sometimes told that the Senate should defer to the other place. I agree. Deference is appropriate where legislation has undergone serious study, detailed amendments and careful scrutiny.

But where there is little evidence of substantive consideration of privacy standards, deference becomes abdication. The record does not demonstrate that minimum safeguards were debated. It does not demonstrate that comparative analysis was done. In such circumstances, the Senate's role is not ornamental. It is corrective.

We are told this is temporary, that improvements may follow and that legislation may follow. The fundamental problem is this: If Part 4 becomes law, will there be motivation or incentive to pass new and comprehensive legislation? Answer: not likely.

Part 4 gives political parties a get-out-of-jail-free card, retroactive 26 years to the year 2000. Why? No credible explanation has been put forward.

There is no sunset clause. There is no statutory review trigger. There is no binding obligation to revisit this framework.

Retroactive legislation is not unprecedented. Parliament can do it. But where retroactivity intersects with active litigation or ongoing legal questions, transparency about purposes becomes very important.

Retroactivity should not be incidental. It should be explained. This was not done.

Temporary democratic law often becomes permanent democratic practice.

Parliament had a prior model in Bill C-65. It had language available. Choices were available. Bill C-65 contained more detailed privacy provisions, including clearer obligations and safeguards.

It is therefore reasonable to ask: Why were those elements not carried forward?

Where Parliament lowers the regulatory bar, it is appropriate to articulate the justification. That has not been done.

The suggestion that stronger privacy standards would burden volunteers is misplaced. No regulator identified volunteers as the systemic risk. A volunteer knocking on a door is not a problem. The problem is an inadequately regulated behavioural database.

Federal jurisdiction over federal elections is not in dispute. Invoking jurisdiction as justification for weak standards confuses authority with substance.

This is not a jurisdictional issue; it is an exclusivity issue.

Political parties are not businesses. That is true. That raises the bar. It does not lower the bar. Businesses sell goods. Political parties seek governing authority.

If privacy standards apply to retailers and hospitals, surely they must apply at least as rigorously to those who seek political power over Canadians.

Democratic institutions require stronger protections, not weaker ones. Temporary measures in this domain are not benign. The stakes are too high. Democratic values are at risk.

Part 4 permits political parties to define their own privacy standards. They get to regulate themselves. This should concern every Canadian.

The witness Jim Balsillie described attempts to characterize Part 4 as strong privacy legislation as, in fact, “gaslighting.” The language is sharp. The concern is serious.

Witness Elizabeth Denham, the former United Kingdom Information Commissioner who investigated the Cambridge Analytica scandal, asserted that Part 4 is unsalvageable. I agree with that observation. Canadians deserve a fully scrutinized and debated stand-alone bill to protect their privacy rights.

The absence of embedded standards makes structural correction difficult after the fact. Colleagues, it is more prudent to design the architecture correctly at the outset.

Canadians deserve and expect to have their privacy rights protected by the highest standards available.

When independent institutions converge in caution, Parliament should pay attention. A rule that cannot be effectively enforced is not a rule. It is an aspiration.

We are told that urgency compels passage. Urgency, however, does not negate responsibility. Urgency does not eliminate safeguards. Urgency does not explain why stronger language from prior proposals was removed rather than retained.

The three affordability components of Bill C-4 are timely. Canadians need help, and they need it now. Nobody doubts that.

Part 4 of Bill C-4 does not have the same degree of urgency. It needs more time and more study. The simplest solution is to remove Part 4 from the affordability bill, as it has nothing whatsoever to do with affordability.

Political data has democratic value. A political database is not measured in clicks. It is measured in seats, government formation and legislative authority.

The solution, colleagues, is not complex. Canada already has a mature privacy framework. Federal jurisdiction is appropriate. Weaker protections are not.

The Senate’s function is not obstruction. It is refinement.

Colleagues, Parliament legislates. It also leaves a record. Courts interpret legislation by its words. But when those words are unclear, they may look to the parliamentary record to understand what Parliament’s purpose was.

• (1440)

Future readers may ask these questions: Did the other place demonstrate due diligence? Did they understand the implications? Did they consider the alternatives? Did they heed the warnings? This debate demonstrates that stronger protections were available and were seriously considered in only one place: the Senate.

Honourable senators, we are deciding whether political parties may operate under a weaker privacy standard than most other major institutions in this country. If that is Parliament’s intent, it should be explicit; if not, Part 4 requires amendment or deletion.

Democracy requires free elections. It also requires that citizens retain sovereignty over their own information. Consent requires knowledge. Knowledge requires enforceable rights. Enforceable rights require law. Law requires enforcement.

Democracy does not belong to political parties. It belongs to Canadian citizens. Citizens cannot meaningfully govern themselves if their political identities may be defined, profiled and acted upon in ways they cannot see. For those reasons, I cannot support Part 4 of Bill C-4 in its present form.

The risks identified in this chamber by witnesses are not speculative; the safeguards omitted are not theoretical. When democratic political parties regulate themselves without minimum standards, public confidence in the system evaporates.

The Senate's duty — our duty today — is not to ratify inadequacy; it is to correct it. Where citizens' democratic rights, human rights and privacy rights intersect, caution must prevail. Protection is paramount. The time is now.

Part 4 is hopelessly flawed. The Senate must stand up for Canadians. The unelected Senate is the last bastion protecting Canadians from the diminishment of their privacy rights, as proposed and directed by the members of the other place.

Part 4 is an empty box. Canadians expect better. Canadians deserve better. Canadians need better.

Colleagues, I urge you to delete Part 4 from Bill C-4, as Senator Clement proposed in her amendment. I am voting in favour of her motion. I encourage you to do the same in order to protect the fundamental credibility of the Senate. Thank you.

The Hon. the Speaker: Senators Carignan and Housakos would like to ask questions. However, your time has expired. Would you like to answer questions? If so, you will need to request leave for more time.

Senator Arnot: Yes. I would like to request leave for more time.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

[*Translation*]

Hon. Claude Carignan: I appreciate the passion you showed when you talked about protecting privacy rights. However, I didn't hear you talk about the constitutional right provided under section 3, which guarantees every citizen the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein, which implies equal opportunities and means.

Doesn't it bother you that the means used to communicate with voters differ from one province to the next, from Quebec to British Columbia or to Alberta? That's the effect that this will have. It will create an inconsistency in the communication systems used between voters and candidates, leaving us with 14 different approaches.

[*English*]

Senator Arnot: Senator Carignan, thank you for the question. That does not scare me at all.

The regime for privacy, for instance, in British Columbia, is very reasonable. It has the 10 safeguards that we refer to. I have no hesitation.

I don't see how if you have 13 or 14 jurisdictions, they are going to be so wildly different that they cannot be complied with. I see uniformity. That is common sense. Most of the other provinces don't have that kind of legislation, but if they did, I'm sure they would come up with common-sense solutions.

[*Translation*]

Senator Carignan: The purpose of any privacy legislation, including provincial legislation, is to ensure that private companies do not collect and use confidential information. Meanwhile, private companies always want to communicate with individuals in order to sell a product or service. The Canada Elections Act provisions related to the disclosure or collection of information are intended to promote individuals' constitutional right to vote. If I collect information about a person's ethnicity or language, it's because I want to send them a document that they can read in their own language and so that I can communicate with them. Do you not see a problem with enforcing a law that is designed to protect citizens in order to sell them private products, rather than another law that is designed to promote and ensure the exercise of a constitutional right?

[*English*]

Senator Arnot: Thank you for the question. Senator Carignan, here is what I see as the fundamental problem: Federal political parties are using an opportunity to pull the wool over Canadian citizens' eyes. They have hidden this in a bill; it has been done improperly; and it is based on deceit and manipulation.

I believe that every Canadian citizen would be shocked and appalled if they knew what their government was doing right now to their privacy rights in this bill. The fact is that they don't know because our fifth estate hasn't told them. We need to tell Canadians what's going on.

There's an easy way to fix this bill. The solutions are very clear. It needs more time and study. We have already started it in the Senate committee, but we could amplify that further. We need more evidence. There is just no doubt about that. Thank you.

Hon. Leo Housakos (Leader of the Opposition): Would Senator Arnot take a question?

Senator Arnot: Yes.

Senator Housakos: Thank you, colleague. I have two questions. You said in your remarks that the political parties in the House of Commons are not regulated and that this would be an opportunity to regulate a place that, right now, is self-regulating. I don't necessarily agree with that.

If you look at our parliamentary democracy, there are two chambers. In one, we participate in democracy by extension; the other chamber participates in it directly. What regulatory measure would be more rigid, efficient and effective than facing the Canadian electorate every two to four years?

It has now been proven for a century and a half because we have one of the greatest democracies in the world. Wouldn't you agree, senator, that this has worked? That's one question. Don't you think that facing the electorate is the strongest regulatory measure you can possibly have?

Secondly, they are the ones who face that electorate. And on this particular measure, there has been unanimity among every single one of the members of Parliament on the other side.

How many times in the last 10 years have I heard colleagues from your side get up and lecture us, saying that we should not interfere in the democratic will and the choices they make when we get bills broken down 52% for and 48% against? Here we have a measure about which every single member of the House is in favour.

Senator Arnot: Thank you. I agree that the Federal Elections Act regulates political parties. The fundamental problem is that there is no effective accountability mechanism according to the Commissioner of Canada Elections, who is the person responsible for doing that. She doesn't have the tools, and she articulated that before the committee.

As far as I'm concerned, the problem is that the safeguards we used to have in the act are taken away by this bill, because it is a new framework which allows the parties to create their own policies.

• (1450)

What could a Canadian citizen do if the party had a policy and the citizen viewed that the policy was not followed properly? The answer is nothing. They cannot do a thing about it because there is no mechanism for them to deal with that, and there won't be.

I can understand why the Liberals, the Conservatives and the NDP gathered together for this one and why they made it unanimous. It is like, wow, a get-out-of-jail-free card, a get-out-of-court-free card for 26 years backwards. What do those political parties know that they are not telling us? Why do they need that kind of protection?

The Hon. the Speaker: The extra time allowed has expired.

Hon. Krista Ross: Honourable senators, I would like to speak in support of Senator Clement's amendment to remove Part 4 in its entirety from Bill C-4.

I will begin by noting that I believe that Parts 1 to 3, focused on tax changes and help for first-time homebuyers, are important and do deserve to be passed. However, tacking on an unrelated non-financial measure to a bill that deals with financial measures? It is something that we have raised concerns about time after time, and this time I firmly believe that Part 4 absolutely does not belong in this bill.

As a member of the National Finance Committee, I would like to give a little insight into our clause-by-clause considerations of Bill C-4 two days ago.

Though the bill passed unamended, it was done so on division, specifically on the clauses in Part 4, with senators on the committee believing that, ultimately, even though many did not agree with certain provisions in the bill, it was warranted that the discussion take place in the chamber, with the participation of all of our colleagues.

Although the bill has arrived in this place from committee unamended, I proposed an observation which was added that says:

> As repeatedly stressed in previous reports, this committee would like to express its concern about the inclusion of unrelated non-financial matters in bills focused on financial matters such as tax changes and affordability that prevents parliamentarians and Canadians from giving these matters the thorough scrutiny they deserve. . . .

The National Finance Committee's report also attached the report from the Legal and Constitutional Affairs Committee, where removing Part 4 was one of the proposals. Colleagues, if you have not yet had an opportunity to read the report of the Legal Committee, I encourage you to do so before voting.

It has been asked by our colleagues in this chamber why Part 4 was included in this bill. Last June, during Committee of the Whole, Minister Champagne said:

> . . . it is because it was the first opportunity since 2000 to clarify the intent of the House to have exclusive federal jurisdiction over privacy matters with respect to political parties.

At clause by clause on Tuesday, the question was asked again. Senator Moreau said that it was the first legislative vehicle that could be used and contain a measure that essentially had immediate application.

Now, I find this explanation not quite up to par. The first opportunity since 2000? I would put forward the hundreds of pieces of legislation since then. The first vehicle in this Parliament? Yes, perhaps, but the other place has had this bill in front of them for seven months. If it can wait that long, why can't it wait to be included in a more comprehensive bill on privacy that the government has said is coming in the near future?

At clause by clause, Senator Moreau also said:

> . . . according to the mandate of the Minister of Artificial Intelligence and Digital Innovation, the government intends to table privacy legislation in the near future.

So why not remove Part 4 so that affordability measures can pass expeditiously and save Part 4 for this upcoming measure? Just imagine, if Part 4 passes as part of this bill and the new privacy legislation is then introduced without privacy provisions relating to the Canada Elections Act, as they are supposedly dealt with here, what then?

Arguments have also been raised saying that this chamber should not be making changes about elections that were proposed in the elected chamber. However, though Part 4 might amend the Canada Elections Act, Part 4 is ultimately about privacy protection. In my opinion, Part 4 is ineffective privacy protection masquerading as election changes so that the Senate would not touch them.

When PIPEDA, the Personal Information Protection and Electronic Documents Act, came into effect in 2000, I was working in the Chamber of Commerce movement as an advocate for business. Businesses and organizations came on board and figured out ways to adhere to these policies, and I think they have done a good job. How can we expect businesses, not-for-profits and all other organizations — some with limited resources compared to political parties — to follow those 10 basic rules of PIPEDA and not expect political parties to be able to follow them as well?

I understand the intent of Part 4 is to bring it under federal jurisdiction; this has been said by the minister.

Now, to be clear, I am in agreement with Minister LeBlanc's comments in this chamber on Tuesday in ministerial Question Period that it is not in the national interest of the country to have a patchwork quilt of provincial privacy commissioners or interpretations on something as fundamental as protecting the private data of Canadian electors. But I do disagree with his statement that this legislation accomplishes that. Even with this legislation, there wouldn't be a uniform national standard. There is no national uniform regime, as federal political parties each have different policies.

Similarly, the Legal Committee agreed with witnesses that the privacy obligations of federal political parties should be set out in a uniform national regime. However, the majority of committee members are concerned that Part 4 falls far short of the minimum standards required to protect the individual and national interests of Canadians at a time when global experience indicates these interests are increasingly at risk.

As Senator Tannas put it on Tuesday at National Finance:

> Everyone except federal political parties will have to follow a privacy law, but the law for federal political parties is an empty box that says that every party must have a privacy policy. That's the law. There is no oversight. There is no standard on what the privacy items need to be.

Many will point to the policies currently on political party websites, but there are no substantial minimum requirements when it comes to the handling of that information. This was demonstrated as recently as Tuesday when a candidate to become premier used Canadian electors' data from a federal political party.

Additionally, as Senator Tannas pointed out:

> There is the right of correction, but there isn't the right of obtaining the information on which you can correct. You have to guess what they know about you and tell them that they might be wrong. How silly is this?

As was mentioned yesterday, when the changes in Part 4 were put forward for the first time in Bill C-47, our colleague Senator Batters pointed out that neither the Chief Electoral Officer nor the Privacy Commissioner were consulted. This time around, the two parliamentary officers who are responsible in this area — the Commissioner of Canada Elections and the Chief Electoral Officer — were consulted by the Legal Committee and they outlined their concerns with this bill.

Caroline Simard, Commissioner of Canada Elections, stated:

> As currently drafted, Bill C-4 does not clearly state whether the privacy provisions extend to nomination contestants, leadership contestants or campaign volunteers. It also appears that they would not apply to independent candidates.
>
> While candidates and electoral district associations are listed in the bill, the activities of those working for them may not be fully captured by the amendments.
>
> This is significant because most individuals who access the list of electors are volunteers of candidates, not employees of political parties or riding associations.

At the end of the day, Part 4 is out of line with PIPEDA, the General Data Protection Regulation and even the consumer privacy protection act. Going back to Minister Champagne, appearing before Committee of the Whole last June, he said:

> . . . under the Canada Elections Act, I think it is a framework that is well recognized around the world as one of the best frameworks for democracy . . . .

When it was given study for the first time in the Standing Senate Committee on Legal and Constitutional Affairs, Elizabeth Denham, former Information Commissioner for the U.K. and former Information and Privacy Commissioner for B.C., speaking as an individual, said:

> In the U.K. and the EU, there are comprehensive data protection laws that extend across that whole political ecosystem, including political parties, and the last time we checked, democracy was alive and well.
>
> Now, outside of Europe, New Zealand, South Korea, South Africa, Brazil and many other nations include political parties in their data protection and privacy laws. There is no exemption there for political parties.
>
> Canada is an outlier when it comes to extending independent oversight for political parties' use of personal data and breach notification and reports to an independent authority.

I believe Part 4 rightfully belongs in the promised upcoming privacy bill, where it can be properly studied within the context of privacy legislation in order to ensure the protection of private data of Canadian electors.

I believe Canadians expect parliamentarians and political parties to be held to a higher standard — at the very least, the same standard as others. I believe Canadians certainly do not want political parties held to less stringent or lower standards.

Colleagues, I thank you for your attention, and I would encourage you to also vote in support of Senator Clement's amendment to remove Part 4.

Thank you, *wela'lin*.

• (1500)

BUSINESS OF THE SENATE

The Hon. the Speaker: Pursuant to the order of February 25, 2026, I leave the chair for the Senate to resolve into a Committee of the Whole in order to receive Anton Boegman respecting his appointment as Foreign Influence Transparency Commissioner. The Honourable Senator Cormier will chair the committee.

FOREIGN INFLUENCE TRANSPARENCY COMMISSIONER

ANTON BOEGMAN RECEIVED IN COMMITTEE OF THE WHOLE

On the Order:

> The Senate in Committee of the Whole in order to receive Anton Boegman respecting his appointment as Foreign Influence Transparency Commissioner.

(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 in order to receive Anton Boegman respecting his appointment as Foreign Influence Transparency Commissioner.

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. I would now invite Anton Boegman to join us.

(Pursuant to the order of the Senate, Anton Boegman was escorted to a seat in the Senate Chamber.)

The Chair: Mr. Boegman, welcome to the Senate.

As I have informed my colleagues, the question-and-answer period will be divided into 10-minute blocks.

Some of these blocks will be shared between two or three senators and will include time for your responses.

I would ask you to make your opening remarks of at most five minutes.

Anton Boegman, nominee for the position of Foreign Influence Transparency Commissioner: Thank you. Good morning, senators.

It is my pleasure to appear before this committee meeting in relation to my nomination as Foreign Influence Transparency Commissioner.

Canada's institutions and interests are increasingly under threat from foreign interference. Malign foreign actors seek to exert influence through covert means, shape public policy, change public opinion or interfere with our democratic processes, all to support their own interests.

The critical measure to counter these activities is transparency. Canadians need to know who is trying to influence them and why.

The Office of the Foreign Influence Transparency Commissioner is being established to enable this transparency, to enforce the rules and regulations that will govern what types of influence activity need to be disclosed and to support the efforts of other agencies and offices in protecting Canadian institutions and interests.

[*Translation*]

I am honoured to have been nominated for the position of commissioner. I have devoted my entire career to protecting and supporting our democracy, first as a naval officer and then, for the past seven years, as British Columbia's Chief Electoral Officer, an independent and non-partisan role.

I became aware of the risks associated with disinformation and foreign interference in our elections in 2018, following the Cambridge Analytica scandal. My reports to the Legislative Assembly of British Columbia on these issues led to the passage of groundbreaking legislation against deliberate disinformation, while maintaining Charter protections.

[*English*]

I believe that, while effective legislation is necessary, a multi-faceted approach is better.

In 2023, in response to evolving risks to elections, I established an election integrity working group, unique at the provincial level, bringing together other provincial and federal agencies with roles in protecting democracy. I believe this experience is directly relevant to the mandate of the office and demonstrates my ability to build the kinds of partnerships and information-sharing pathways that will be essential for consistent application of the Foreign Influence Transparency and Accountability Act nationwide.

My service as an independent officer of the B.C. legislature has provided me with the necessary skills, knowledge and experience to be successful in the role of commissioner. I've administered elections, implemented registers, regulated election advertising and campaign finance, carried out large-scale communication programs and interpreted and enforced the rules in a fair and non-partisan manner.

My values of accountability, accessibility, integrity, transparency and service guide my decision making and are aligned with what I believe is required in the commissioner role.

This is a new office in the process of being established. If I have the honour of being appointed commissioner, my priorities will be to launch and operationalize the office and registry, engage with communities likely to be targeted and build public awareness of the office registry and rules.

It is critically important to ensure that there is clarity about the rules and that they are understood. I would also work to establish and operationalize partnerships required to support this mandate, for example, with CSIS and the RCMP. I believe it is essential to start enforcing the rules promptly and to report publicly on that activity.

Citizens need to see this work in action. Only then will it work to support efforts to strengthen public trust in our democratic institutions by making transparent foreign influence activities and reinforcing fairness through a non-partisan approach to enforcement.

[*Translation*]

My message to Canadians is as follows. If I am appointed as Canada's first Foreign Influence Transparency Commissioner, I promise I will work tirelessly to ensure that activities seeking to influence political and government processes in Canada are publicly disclosed, that foreign actors are deterred from secretly carrying out clandestine influence operations in Canada and that the regulations currently being developed are enforced.

[*English*]

I hope that I can count on your support. Thank you.

The Chair: Thank you, Mr. Boegman.

We will now proceed to the first block of questions, which goes to Senator Yussuff. I was informed you will be sharing your time with Senator Woo and Senator Simons.

Senator Yussuff: Commissioner, first, welcome. We've been waiting a long time for you to get here. I'm glad to see you have finally arrived and that you have been chosen to take on this responsibility.

Canada is one of only a small number of democracies, including the U.S., the U.K. and Australia, that have created a foreign interference integrity registry. That's a serious step in the right direction given the challenges we face in this country.

What safeguards are in place to ensure your office operates independently and isn't subjected to political direction? How would you measure success in a way that builds public confidence, not just enforcement statistics?

Mr. Boegman: Thank you for the question. I agree with you that this is a very necessary step that we're embarking on here.

I'll speak first to the outcomes and not merely statistics. I think it's important that the information bulletins and rules are clearly explained to people. I think that needs to be very broad and go to all reaches and peoples of Canada. That needs to be done in a number of different languages. People need to know the rules. They need to be engaged in understanding what those mean so that they can see that they're being implemented effectively.

There will, of course, need to be action. There needs to be enforcement when enforcement is necessary.

• (1510)

However, it will be important for Canadians to know that there is a system in place and that the rules are working, and it's important that they understand what the rules are, such as which activity is permissible, which activity requires registration and which activity is not necessary to register for.

Could you touch back on the specifics of the first part of your question?

Senator Yussuff: How will you ensure your office operates independently of political direction?

Mr. Boegman: Yes, thank you.

I have operated as an independent officer of the B.C. legislature over the last seven years. I'm very well acquainted with both the need to be independent and the perception of being independent. In this legislation, the office is established not as an independent agent of Parliament but as an embedded agency. But there are mechanisms to ensure independence.

Part of the independence is in the reporting structures. Although the reports go through the minister, I'm able to report on any matter that I see as relevant to the jurisdiction and the mandate of the office, as well as annual reports on activities. The way that the office is being set up will allow for independent review, action and decision making of the commissioner.

Senator Woo: Mr. Boegman, welcome to the Senate. Thank you for your work at Elections BC.

I want to start with your understanding of what we are trying to create here. You talked about malign foreign actors, but the registry we are trying to create based on the law we passed in this chamber is a whitelist, as we were told in the debates. It's meant to be country-neutral and country-agnostic. It's meant to be irrespective of the issue concerned. The point is to get as wide a net as possible to capture all kinds of foreign influence, not bad influence as such. Do you agree with that characterization?

Mr. Boegman: Yes.

Senator Woo: In that case, is it correct to say that the registry will exclude non-state actors, except in the case where foreign economic entities are controlled or owned by foreign states? Therefore, is it correct to say that private actors — such as private foundations, private companies, lobby groups, foundations and activist groups, as we know of many — will be excluded from the registry?

Mr. Boegman: My understanding of the requirements for registration in the registry is that three criteria need to be met. One criterion is there needs to be an agreement. There needs to be an arrangement between an individual, an entity and a foreign principal. That activity has to be done in relation to that agreement, but the activity must be directed at a political or governmental process, and that's across Canada. That's regardless of whether it is a federal, provincial, territorial, municipal or Indigenous process. That's the second criterion.

The third criterion is the influence activity has to be directed at a public office-holder. It has to be directed broadly at the public in relation to political or governmental processes, or it has to involve an exchange of some value, including disbursements of money or things of value.

Senator Woo: I'm getting at the question of the foreign principal. The law, as you probably know very well, is defined through the Foreign Interference and Security of Information Act, which talks about state actors principally.

In the consultation paper we received on the draft regulations, there was a question raised about whether foreign-funded institutions or media outlets would be required to register. The suggestion was that they would not. This is extraordinary to me. Is that the case?

Mr. Boegman: I can't speak to the finalization of the regulations. I have not had any association with that or any input into that. My understanding is that exceptions under the regulations are part of that development process, and they may come into play, but I can't speak specifically to that. I don't have awareness of that.

Senator Woo: Non-state actors should be included in the foreign influence transparency registry. I want to refer to the news we're getting of support from certain countries and private groups for secession in this country. Regarding private groups, on the face of it, they will not have to register?

Mr. Boegman: Again, all I can speak to is my understanding of what the legislation is currently. My experience in British Columbia as the Chief Electoral Officer was often there will be a statute that will have requirements. As it is implemented, it may be possible to determine that there needs to be changes, amendments or enhancements if there are things that are happening. I can't commit to what has come to this point, but I would commit to clearly focusing on that area, should I be fortunate and honoured to be named and confirmed as commissioner.

Senator Simons: Let me pick up where my colleague Senator Woo left off.

When Canadians first contemplated this kind of legislation, they were thinking about China, India and Russia. As an Albertan, what I'm worried most about is foreign interference from the United States through American officials and their agents. We've already seen U.S. Secretary of the Treasury Scott Bessent weigh in on the Alberta referendum campaign, and the separatists have been boasting publicly and repeatedly about taking meetings with State Department officials in Washington. It's an Alberta referendum under provincial law, but it affects our national unity and Canadian sovereignty.

If you are confirmed as commissioner, can you tell us what your philosophy would be about how we manage issues, whether it's Alberta or Quebec, where the influence is being asserted in the provincial sphere? What's your role as the federal commissioner?

Mr. Boegman: My understanding is the law is applicable across Canada. It's not just in federal processes. The law would be applicable in provincial, territorial and municipal processes. If it's a provincial or territorial referendum, it would be a provincial political process, so the law would be applicable. If there are these activities that meet the criteria that I outlined previously, then registration will be required.

Senator Simons: Will we be asking Americans, our erstwhile allies, to be part of that foreign influence transparency registry?

Mr. Boegman: Yes, we would be asking them. It applies to anyone who meets those criteria. The purpose of the registry is simply transparency. It is simply so that people know who is speaking to them if they're acting on behalf of a foreign principal.

Senator Simons: Thank you very much.

Senator Housakos: Thank you, Mr. Boegman, for being here. If you receive the privilege of taking on this role, you'll be one of the most important guardians of our democracy.

Less than a year ago, during the general election, the Prime Minister identified China as Canada's greatest national security threat. We had a public inquiry that highlighted the same thing. We've had countless public reports from the RCMP, the Canadian Security Intelligence Service and so on highlighting China as our greatest national security threat.

Given certain political realities, we recently saw the Prime Minister go to and re-engage in commercial discussions with Beijing. Geopolitical issues are one thing. National security and transnational repression are others. Will you be influenced by political realities from time to time in your execution of Bill C-70, or will you stay focused on the clear question of national security and transnational repression?

Mr. Boegman: Thank you. My experience and my intention, should I be confirmed for this role, would be to act as an independent commissioner and to look at each instance vis-à-vis the legislation and the requirements under that, as well as enforce the legislation as it is written. That is my intention and how I understand the role has been set up.

I have been in positions where political influence has been attempted. I'm pleased to say that I've withstood that. I'm very proud of my previous service as Chief Electoral Officer in a role where it's critically important not only to be strictly neutral, non-partisan and free from any political influence but also to be perceived as the same.

Senator Housakos: Thank you, sir. The Liberal government has yet to fully implement Bill C-70 — that's why we're still here — in establishing the registry, despite broad cross-party, partisan and public support. A year and eight months after its passage, here we are. I hope that in the final steps of this prolonged process, your nomination will get us to the finish line.

Could you outline what remains to be done before the registry is fully operational? Do you currently have an office, staff and the necessary infrastructure in place to establish and maintain the registry?

• (1520)

Do you have the necessary resources to get up and running quickly, effectively and efficiently? Can you give us a bit of background, from your point of view, on whether that is the case right now?

Mr. Boegman: I'm certainly happy to give what background I can, though I would preface it by saying that right now I am just a private individual. I've been brought forward to be nominated for this position. I have thus far had no formal relationship with or involvement in any of the work that's ongoing by Public Safety Canada to take the steps necessary to establish an office and these sorts of things.

I do know that steps are currently being taken and that work is at play. "Play" is, perhaps, not the correct word, but a lot of work is being done to prepare the office for the moment when the law will be brought into force and the requirements will be there to register. A technological solution is being developed, staffing models are being developed, procedures around the investigative side are being developed and communication materials are being developed. These sorts of things are happening as I speak.

I'm not in any position to oversee that. As a private citizen, I don't have any role in that, per se, but I certainly know the focus is on getting the office ready to administer when the law comes into effect.

Senator Housakos: Our Five Eyes security partners, through the years, have, on a number of occasions, made public declarations, reports and studies saying that Canada is one of the poorest democracies when it comes to transnational repression and foreign interference. This is, obviously, again, why we've been trying for years to ensure that Bill C-70 gets implemented and that we take action.

It took a decade before we had this legislation come before this institution. It will now be almost two years before the registry is implemented.

In your view, has this delay created opportunities for transnational repression by actors such as Beijing, Iran, Türkiye and others? What could be the possible consequences of a decade-long delay?

Mr. Boegman: I think that foreign interference is something that has been going on since time immemorial. I remember reading a report of an attempt during the 1796 U.S. presidential election, when France used both overt and covert activities to try to ensure a Thomas Jefferson win.

I am not so naive as to think that the establishment and operationalization of the registry will put a stop to these activities, but I do think that it is a critically important tool to have greater transparency around these activities. I think the range of penalties being established will serve as a deterrent to these types of activities taking place.

I really think that the best way of addressing complex issues like foreign interference and transnational repression is a whole-of-government and whole-of-society approach. It will involve many different agencies, which have different levers and ways to approach it. I think that education about the issues and about the tools that are available is important, and that must happen within community groups and broadly across civil society.

Senator Housakos: Thank you for that answer.

As we all know, these entities — nefarious forces that engage in foreign interference — often invest more resources in terms of money in their operations, and I use the United Front Work Department as an example. If you look — and it's quite public — they spend billions of dollars around the world in order to infiltrate our democracies in all areas, be it culture, universities, academia or religious institutions, and they even engage with our political institutions.

Does the registry, as it is currently written, give you the tools, latitude and leeway required to go into all the corners of our society where we know these nefarious forces are operating on a daily basis?

Mr. Boegman: I certainly believe that the way the office has been established and the way the legislation is set up will serve a very important role and will be a very important tool, but it's not the only tool.

As I said in my previous response about there needing to be a broad-based response involving many different agencies, I think that the Office of the Foreign Influence Transparency Commissioner will rely on partnerships, particularly with other security agencies and with the Royal Canadian Mounted Police, who have expertise, understanding and insight into things that are taking place. As a potential commissioner, I would not have that insight.

You need to establish those relationships. You need to understand the levers that they will be using. You need to understand specifically where one mandate starts and another mandate ends to ensure that things don't get left in between.

I'm confident that I'll be able to develop the necessary relationships and partnerships to use those agencies effectively to support the work of the commission.

Senator Housakos: Thank you again.

I'm happy with the legislation. It is a little bit late, but better late than never.

I have one last question. I would have preferred something like a task force to deal with this particular issue. Will you be calling out security forces and police services in this country if, in your opinion, there's a lack of action on evidence that you provide?

Mr. Boegman: I think that depends on the nature of the evidence. Obviously, I would be under requirements of secrecy and other things, depending upon what I hear.

I think it's critically important for there to be effective partnerships and for every agency with a role to play in this sphere to do the work that's necessary.

Senator Housakos: Mr. Boegman, thank you for coming before the Senate and for your transparency.

Mr. Boegman: Thank you.

Senator Downe: Welcome to the Senate of Canada. I'm enjoying your answers so far. I hope that continues for my questions as well.

When the special report of the National Security and Intelligence Committee of Parliamentarians, or NSICOP, was released in June 2024, it stated that foreign actors cultivated relationships with:

> . . . members of Parliament and senators – with a view to having the Canadian act in favour of the foreign actor and against Canada's interests. . . .

Every leader in the House of Commons who wished to do so was given the opportunity to read the unredacted report, a courtesy that was not offered to any leader of any group in this chamber, not even the government leader at the time. Thus, members of the Senate were treated like second-class parliamentarians.

My question is this: Will you assure senators today that your office — and you, personally — will demonstrate equality of treatment in every respect between the Senate and the House of Commons?

Mr. Boegman: As far as I am able to, yes, I would do that.

Senator Downe: Thank you. We'll follow up if there is a problem.

As you're aware, Canada, unfortunately, is not a leader on foreign interference legislation. Many of our allies have introduced legislation, and we're playing catch-up, but better late than never.

Australia, for example, had legislation in 2018, but it was criticized as very weak. Since its passage eight years ago, five people have been charged, all of whom were agents of the Communist government of China.

Have you compared the Australian legislation with ours, and do you see any opportunities to ensure that ours will be more effective?

Mr. Boegman: Again, as I said in a previous response to a previous question, currently, I'm just a citizen. I've been nominated for this position, but I've had no role in relation to the work that has been done to date in getting the office up and running, to develop regulations and so on. Of course, I'm very interested in the file. I have read the reports. I've had a look at the legislation. I have read various reports that have assessed the effectiveness of the different statutes.

• (1530)

I think that it is imperative that we learn from the lessons that other nations, particularly allies who have similar schemes, have put in place. I also think that, of course, each country is different and is looking at perhaps slightly different risk factors and different vectors. So there does need to be some focus on what is needed for Canada and how that can be best put in place.

I'm also a firm believer that you need to start, and you need to start with something and get that in place. You need to start communicating about that, implementing it, enforcing the rules, those sorts of things. It is only at that point that one will be really able to see if it's working as intended. Are there other areas that could be brought in? Is it too broad or too narrow? That would certainly be a focus of mine should I be confirmed in the role and once the legislation is brought into effect and the office is operationalized.

The U.S. legislation, as an example, FARA, or Foreign Agents Registration Act, is very broad and includes anything that really impacts public opinion. Having a mandate that broad at the beginning would be extremely challenging for a new office to implement. However, I think that the approach and the legislation that we have here are clear. Through further elaboration of some definitions, terms, interpretation guides and bulletins, it will be clear to those who fall subject to that legislation what the requirements are.

Will it catch every single behaviour it is intended to? That will not be known until it has been in place already. I am confident there is support for the work that this office is intended to do and that there would be support for changes should those changes be necessary. I would not hesitate to table reports if I believe that there need to be a different approach, adjustments or amendments in the future.

Senator Downe: Thank you. I am glad you have given some thought to that because one of my concerns is like the old saying: Locks are for honest people. People who really want to get through a lock will find a way. The question would be how we avoid catching people who are trying to follow the rules but are in violation, as opposed to a foreign country who will consider a fine or even a prison term as the cost of doing business to

undermine democracy in Canada. What you have just told us is that, as we go through this, you are prepared to address this in a very public manner if necessary. Is that correct?

Mr. Boegman: That is correct, yes.

Senator Downe: I wonder if you have given any thought to the role of social media companies, mostly foreign-owned, which use their platform to direct and focus news and commentary based on their biases and priorities that may be against the interests of Canada. Have you given any thought to how to deal with that if you get this new position?

Mr. Boegman: I have thought about social media and the role that social media plays in our lives. It was certainly front and centre for me when I was the Chief Electoral Officer in British Columbia.

A lot of the political debate is carried on through social media and new media. Certainly, it is both the means through which information can be passed and the means within which misinformation or disinformation can be spread, whether that is deliberate or unwilling.

In the case right now, my focus to this point has certainly been trying to make sure that I have a clear understanding of the legislation as it is written. I have been following closely the development of the regulations, which, of course, will further elaborate that legislation in the requirements.

My sense is that, right now, social media can be used as a means via which the influence activities are taken. That in itself would not be sufficient for registration. You would have to determine that there is an arrangement between an individual or an entity in the foreign principal and that it is targeting these processes. But should social media be the avenue via which the public is being targeted, then those activities would be registerable.

As to the role of the social media companies themselves, I think that is one that broadly is captured by the act, but has not specifically been targeted by the legislation.

Senator Downe: I'm wondering if you are aware of what level of security clearance you will have. There are many beyond "top secret." It is my experience that many of these agencies work in silos, and depending on your level, they will not want to share information. They may be reluctant to share information anyway, but the reluctance will be compounded if you don't have a senior-level security clearance. You will need some very sensitive information to do your job in a responsible manner.

You don't have to tell us the level. Sometimes the level itself is a secret. But do you have comfort that you will have the capacity you need on the security side to get the information you need to do the job?

Mr. Boegman: At this time I do have comfort, yes.

Senator Downe: Thank you, chair.

The Chair: Thank you, Mr. Boegman.

Senator Klyne: Mr. Boegman, thank you for being here. You have been good with your answers so far.

As you probably know, Canada was the first country in the world to pass laws regarding crypto-currency. Yet, recent reports suggest unregistered crypto-to-cash services are operating nationwide, often without ID checks or proper records. These systems can be exploited for money laundering and potentially for terrorist financing or foreign interference in our political processes.

How will your office ensure that the long-awaited foreign influence transparency registry captures financial activities conducted through crypto-currency, particularly when these transactions are opaque, rapid and cross borders?

Mr. Boegman: Thank you for the question. If I understand it correctly, my sense is that the types of things you are describing would cross over the mandates of a number of security and law enforcement agencies. The role of the Transparency Commissioner would be to make sure that those entities or individuals who are doing the influence activities, if they are doing so at the behest of and in association with or under the direction of a foreign principal and they meet the other criteria, then they would register. If crypto-currency was part of that, either in terms of disbursing funds in some way, then that would also meet the requirements for that.

As I think I have stated before, those are the sorts of things that I would rely on partners for in terms of specific intelligence or other factors suggesting that these activities fall under the mandate of the Transparency Commissioner. But if they meet those requirements, then registration would be required or they would fall under the range of penalties that are necessary.

Senator Klyne: They have always been there. What I'm focusing on is that we have been waiting a long time for this transparency registry, and I hope you can leverage that up and get the full benefit of the intent.

As a supplementary question, given the rapid growth of crypto-based finance and the limited enforcement history in Canada, do you see a role for your office in coordinating with the Financial Transactions and Reports Analysis Centre of Canada, or FINTRAC, the RCMP and other agencies to detect and investigate terrorist financing and crypto-related foreign influence activities before they affect our elections or democratic institutions?

Mr. Boegman: Again, from my understanding, those types of activities would also come under the jurisdiction of other agencies. Certainly, any election financing related types of things would fall under the Commissioner of Canada Elections to investigate if they are foul, if they run counter to the current Canadian financing laws.

• (1540)

If they are used to sponsor terrorist activities or things such as that, then there would be other agencies and other laws that those would apply to. If they are being used in some influence scheme at the direction of a foreign principal, they would be things that would be required to be registered.

I see the registry as an important tool, but it is one tool that is part of a range of measures that are necessary to truly address these threats and risks.

Senator Cardozo: Welcome, Mr. Boegman. I would like to continue the discussion about the registry as noted in sections 5 and 8. I have always thought the registry is a bit of a naive approach and that the bad actors are probably not going to register. How do you deal with those who do not register and engage in problematic behaviour? I also want to know when you think the registry will be ready.

What about cyberwarfare? Whether it is state actors or non-state actors who engage in trying to influence elections or referenda through cyberwarfare and cyber-activity, what do you do about it?

Mr. Boegman: Thank you. That is a broad set of questions. Certainly, I realize that those individuals who are doing covert activities may not be inclined to register. I think if effective partnerships can be created and some insight into that can take place, then once they are identified, there can be activity. Whether it is on the administrative penalty side or through the courts, there is the ability for criminal prosecutions under the statute as well that may be applicable in those cases.

I am pleased in terms of the proposed range of administrative monetary penalties. It is very substantive, from a low of $50 up to $1 million. It is far greater than the maximum under U.S. law, under the Foreign Agents Registration Act, or FARA, which is capped at $250,000.

That range of penalties allows for flexibility on one side if there is really inadvertent activity that should be registered but isn't, but it also provides a significant deterrent. Having that as a potential penalty may deter some actors who employ covert means currently to do these types of things.

When is it going to be ready? That's not a question that I have a clear answer to. As I said before, I am a citizen. I've been brought forward here, but I have not been involved in the work to date to establish the office, to get the technology solution in place to create any of the communication materials. That, of course, would be a key focus for me, should I be named to the role, and would be necessary to ensure that the office is ready to go when the law is brought into force.

In terms of cyberwarfare, I must admit that I'm not an expert in it other than my understanding of hybrid threats to elections specifically. I guess there are some parallels here. I know that it can be used as a tool to influence, a tool to harass and a tool to threaten. Similar to the question that I received in terms of social media companies, if it is being used as a channel through which influence activity is taking place that meets the requirements under the legislation, then it would, of course, be registerable and would be an entity I would require to register.

[*Translation*]

Senator Henkel: Good afternoon, Mr. Boegman.

The registry is intended to ensure transparency in activities carried out on behalf of foreign governments. These days, however, interference often occurs through relational influence approaches, such as university partnerships, cultural funding, strategic philanthropy or a network of diasporas that don't always have a formal mandate. How would you handle these grey areas without stigmatizing communities or curbing legitimate exchanges?

Mr. Boegman: Thank you for the question. I will try to answer in French. It's a good opportunity for me to practise, since I don't use French every day. Living in B.C. for the past 30 years, I've had the opportunity to speak with my son, who was in French immersion at school, and use apps like Duolingo and Babbel.

Senator Henkel: Allow me to assure you that you speak French very well.

Mr. Boegman: Thank you.

I think it's very important to understand the grey areas and the nuances of the relational influence you talked about.

I think it's possible to have exceptions in the rules for some types of activities that aren't foreign influence operations. I think it's important to develop relationships with academics and groups —

The Chair: Thank you, Mr. Boegman.

Senator Carignan: Welcome, Mr. Boegman.

Having read your CV, I wanted to ask you questions about Bill C-4, but I'll save that for another time.

Experts say that Canada's response to foreign interference is currently fragmented, leaving democratic institutions highly vulnerable. Can you tell us how your office will ensure that the registry addresses these gaps and provides actionable intelligence to protect Canadian democracy?

Mr. Boegman: Thank you for the question.

I think we have a good opportunity now with the new office, as well as with other agencies. Foreign interference is a higher-profile issue now. For example, the Chief Electoral Officer understands that this is a concern, and we can actually look at their act to see if it needs to be improved in some way to address this. The foreign interference transparency office has to work alongside all the other agencies. The office has a specific mandate, but it has to work with the other agencies to combat foreign interference.

Senator Carignan: When you say "other agencies," do you mean CSIS, CSE and national security advisers?

Mr. Boegman: Yes, the RCMP, but also returning offices.

Senator Carignan: Okay.

Will the registry include mechanisms for monitoring and addressing foreign interference in real time, or will it be limited to producing retrospective compliance reports?

Mr. Boegman: The registry is simply a transparency instrument. If activities that meet the criteria are being carried out, they have to be entered in the registry. Activities can be carried out if they're entered in the registry within 14 days. It's helpful not in the moment, but later, and it also ensures greater transparency.

• (1550)

[*English*]

Senator Martin: It is nice to meet you. I also come from British Columbia, and I want to recognize the good work you have done in that province.

Mr. Boegman: Thank you.

Senator Martin: I know you haven't yet begun your work and might not answer with specifics, but may I ask you about these stats? The government estimates that nearly 1,550 businesses and 872 individuals will be required to declare their foreign influence activities in Canada. Do you agree with this estimate?

Mr. Boegman: It is hard for me to agree when I have not yet seen the work that is behind that. I am confident that the estimate was based upon the best information available, so it likely represents a realistic number of entities and individuals that would be required to register under the legislation.

I do know from my examination, as a matter of interest, of the models and mechanisms in other countries that there have been varying numbers of registrants initially in the U.K., which has a different scheme than Canada has — I think within the first six months, there were only something like six registrants.

Obviously, it will impact entities and organizations. I think my role coming into it is going to be making sure the guidance and the understanding of the rule is clear for all who may fall under the model and be required to register so that they know when they need to register. It is going to be important to ensure there is accessibility to the registration mechanism through a complete technological solution or under the interim model — that it is clear what they have to do when they come in to register.

Senator Martin: You are assuming that these numbers are somewhat accurate. To me, it seems like quite a high number of potential registrants. Do you think this underscores how overdue this registry is and that it could be detrimental to delay its implementation? We have delayed it. It is time to do it; it was long overdue.

Do these high numbers indicate such concerns?

Mr. Boegman: I'm on the public record in B.C. that I do believe this issue of foreign interference and influence has been happening in Canada. It has been happening at all levels. It probably happens more frequently in some of the more Northern communities in Canada and in some of the territories. I do think it is happening.

I am very pleased that the legislation is under development. It is an area that I have been watching closely, as I said. Should I be appointed as commissioner, I look forward to commencing that work.

Senator Martin: I know the purpose of your office is to increase transparency, detect and deter non-transparent attempts by foreign states to influence Canadian political and governmental processes. Assuming what Senator Cardozo asked, and that we assume the truly malicious and clandestine actors will not voluntarily register their activities with your office, I want to ask you again about deterrents. What are some of the strategies? Have you thought about what you can do as a deterrent? It will be very critical to what happens.

Mr. Boegman: Certainly.

The main deterrence mechanism in the legislation that would be available to the commissioner is the very wide range and significant financial penalties that are available under the administrative monetary penalties scheme. I think that information would be reported publicly. Not only is there the impact of a potential fine, but it would also have a professional deterrent on these types of activities.

I'm not so naive as to think there will still not be efforts ongoing after the registry is in place. For those, the office is being set up with the capability to do investigations. As I have said in this Committee of the Whole, it is going to necessitate the support of the work of other agencies and other organizations in Canada that also have a role to play in preventing foreign interference.

They will need to be working in partnership, using the best levers that are available and possible for deterrence. Specific to the role of the commissioner, though, the wide range of penalties is the primary deterrent mechanism.

[*Translation*]

Senator Youance: Thank you, Mr. Boegman, and congratulations on your career. I had the opportunity to observe elections in Moldova in which Russian interference was a factor. I witnessed disinformation, cyberattacks and influence operations carried out by non-state groups. In response, Moldavian authorities adopted certain security measures that stemmed entirely from legitimate intentions, but that nevertheless ended up restricting voter access in certain pro-Russian areas, both within Moldova's borders and among certain diaspora communities.

Could there be a conflict between security and accessibility in Canada? How would your mandate ensure that any measures taken here are transparent, proportionate and respectful of democratic rights?

Mr. Boegman: Thank you for the question. Transnational repression is an important factor, and these events pose a more serious threat here in Canada. The effectiveness of the transparency registry will therefore depend primarily on deterrence, but public education will be just as important to its effectiveness.

That's why I think it will be important to connect with minority groups or communities in order to understand their perspectives on the matter. We'll also have to see how this part of the law is going to be implemented. Without these communication opportunities, it will be difficult to understand how the law will affect these communities.

Senator Youance: You mentioned the existence of transnational institutions capable of contributing to Canadian democracy. Could you briefly tell us what new structures or mechanisms would be needed to fill existing gaps?

Mr. Boegman: That's outside the commissioner's mandate. The office of the commissioner would not be able to answer that question. It's important to engage with communities to understand that destigmatization is possible, for example.

• (1600)

The Chair: Thank you, Mr. Boegman.

[*English*]

Senator Loffreda: Mr. Boegman, welcome and congratulations on being proposed as a candidate for the position of Foreign Influence Transparency Commissioner.

I know you are quite familiar with the work of the Public Inquiry Into Foreign Interference in Federal Electoral Processes and Democratic Institutions and Commissioner Hogue's findings. She cautioned that governments are not known for reacting quickly and stressed that the machinery of government must facilitate action, not paralyze it.

In your view, are Canada's national security institutions and coordinating bodies truly agile enough to respond to rapidly evolving foreign interference threats? How will you assess whether the system is not only better organized on paper but also capable of acting decisively and in real time when events demand it?

Mr. Boegman: Thank you.

I can certainly give you an example of the work that I did in British Columbia with other agencies that had responsibilities in this area, particularly around threats to elections. At that time, there was great interest in working together. There was great interest in federal agencies supporting the work of a provincial agency. I had support from the Canadian Security Intelligence Service, from the RCMP and from the Canadian Centre for Cyber Security.

At the beginning, while it was easy to understand the respective mandates, there were also specific legal barriers at the time that prevented information from being shared. There have been subsequent changes to the laws to ameliorate that situation, particularly between provincial and federal agencies. Of course, as commissioner, I would be part of a federal agency that would have memoranda of understanding with other federal agencies. There are not the same barriers that there would be at the provincial level.

I believe there's capacity to do the work. Certainly, this new office is being set up to address a capability that wasn't previously available in Canada — a capability that some of our allies already have. It is one that I think is very important for us to have in order to have greater transparency in these activities.

There may be other threats, however, which, of course, are outside of that and are the responsibility of other agencies. Other than my experience of having them very interested in working together previously, my hope and expectation are that this will continue, and there will be the ability to respond as necessary. It may be that some activities are best addressed through the work of one of the other agencies that may not meet the specific requirements for registration under the transparency registry —

[*Translation*]

The Chair: Thank you, Mr. Boegman.

Senator Oudar: Welcome, Mr. Boegman. Thank you for being with us this afternoon. I would like you speak to the Senate's role specifically.

In its final report, the Hogue Commission assigned senators an active role in the foreign influence detection ecosystem. Recommendation 25, along with recommendations 21 to 24, positioned senators as stakeholders actively working to detect foreign influence. In order for this role to be carried out effectively, what do you think would be the most meaningful actions our chamber could take to make an agile, transparent contribution to your mandate?

Mr. Boegman: Thank you for the question, senator. I can talk about the strategies I will need to put in place as commissioner in order to be effective in my role.

First, it is important to educate the public and adopt a robust approach. I'll need to publish online guides in different languages to explain the requirements in detail and to clarify these issues, particularly for high-risk sectors such as minority communities, but also for the media, academia and other such sectors. It is important to clearly define what influence is in order to reduce the deterrent effect on legitimate collaborations.

Second, it is important to have healthy engagement with communities —

[*English*]

The Chair: Honourable senators, the committee has been sitting for 65 minutes. In conformity with the order of the Senate, I am obliged to interrupt proceedings so that the committee can report to the Senate.

Mr. Boegman, on behalf of all senators, thank you for joining us today.

Hon. Senators: Hear, hear!

The Chair: Honourable senators, is it agreed that the committee rise and I report to the Senate that the witness has been heard?

Hon. Senators: Agreed.

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

[*Translation*]

REPORT OF THE COMMITTEE OF THE WHOLE

Hon. René Cormier: Honourable senators, the Committee of the Whole, authorized by the Senate to receive Anton Boegman respecting his appointment as Foreign Influence Transparency Commissioner, reports that it has heard from the said witness.

[*English*]

MAKING LIFE MORE AFFORDABLE FOR CANADIANS BILL

THIRD READING—MOTION IN AMENDMENT—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Cuzner, seconded by the Honourable Senator Hay, for the third reading of Bill C-4, An Act respecting certain affordability measures for Canadians and another measure.
>
> And on the motion in amendment of the Honourable Senator Clement, seconded by the Honourable Senator Dalphond:
>
> **That Bill C-4 be not now read a third time, but that it be amended by deleting Part 4.**

Hon. Marty Klyne: Honourable senators, I rise to speak to Bill C-4, which is somewhat of a bill with a bill attached, like a hitchhiker.

Bill C-4 is entitled the "Making Life More Affordable for Canadians Act." Its main focus is taxation and cost-of-living relief. Yet attached to this financial legislation is something entirely different in both nature and impact: a provision that exempts federal political parties from provincial privacy laws, confirms their exemption from meaningful federal privacy protections and applies this exemption retroactively for decades. This measure was not part of the government's election platform, and it is unrelated to the affordability provisions at the heart of Bill C-4.

We all know that this provision for federal political parties was not the subject of robust debate in the other place. It was not the focus of the public conversation surrounding this bill. Yet its implications are seemingly significant and enduring.

Federal political parties in Canada are already exempt from the Personal Information Protection and Electronic Documents Act, known as PIPEDA, and they are not subject to the Privacy Act.

I offer two recommendations, given the direction we're heading and if Part 4 is to remain. The first recommendation is that the Office of the Privacy Commissioner be empowered with the authority to independently audit their data practices or enforce compliance. The second recommendation is that Elections Canada should also be able to require parties to publish privacy policies, but it has no authority to ensure those policies, as yet, meet those enforceable standards, and that's up to the government to provide them.

• (1610)

The path forward is clear. The offices of the Privacy Commissioner and the Chief Electoral Officer of Canada must be empowered with real authority to independently audit political parties' data practices and enforce compliance. Elections Canada must also have the power to require parties to publish privacy policies and ensure that those policies meet enforceable standards. Thank you.

Hon. Denise Batters: Will Senator Klyne take a question?

Senator Klyne: Yes.

Senator Batters: Thank you. Senator Klyne, you have been a long-time maximum donor to the Liberal Party of Canada going back to your time fundraising in Regina for former MP Ralph Goodale, and your maximum Liberal Party donor status continues to this day.

An Hon. Senator: Hear, hear.

Senator Batters: In fact, in 2025, you were a maximum Liberal Party donor plus a maximum donor to Mark Carney's Liberal leadership campaign. I know this because all this information is publicly available on the Elections Canada website now, today. So you have significant ties to the Liberal Party of Canada, which is fine. Guess what? I have significant ties to the Conservative Party of Canada.

An Hon. Senator: We don't know that.

Senator Batters: Given your major political involvement, including with MP candidates at the local level for so many years, don't you believe that our unelected chamber should exercise a level of deference on this Elections Act legislation to the elected members of the House of Commons, who did vote unanimously for this entire Bill C-4 and who were elected by the Canadian public to cast their votes on behalf of their constituents?

An Hon. Senator: He's independent.

Senator Klyne: What you have me worried about now is that my information is out there, so maybe we should do something about that in terms of Privacy Act considerations. I don't need everybody knowing everything about me. I didn't know you were a Conservative donor.

Senator Batters: Of course, it's allowed because the Elections Act allows it to be posted like that. All donations over $200 are required to be made known, and that's for public disclosure. We are absolutely law-abiding in seeking to know that information, as it is publicly available right now.

Senator Klyne: Maybe I'll start donating $200 a month and see if I can fly under the radar.

The Hon. the Speaker: Senator Simons. On debate.

Hon. Paula Simons: There's a hit show on Netflix right now called "Nobody Wants This." That might well have been the title of our Legal and Constitutional Affairs Committee report on Part 4 of this bill.

Our three public hearings on the bill took place in one very long but fascinating day, and the message was crystal clear. The political party privacy provisions found in Part 4 of Bill C-4 have been condemned by the Canadian Civil Liberties Association, the Centre for Digital Rights, the BC Freedom of Information and Privacy Association, the Information and Privacy Commissioner for British Columbia and even the very pro-business Alberta Enterprise Group.

Numerous academic experts from across Canada added their voices to the chorus of critics, and the bill does not have the support of the Privacy Commissioner of Canada, the Chief Electoral Officer or the Commissioner of Canada Elections. All have called for amendments to the bill, and not one of them was consulted by the government in drafting this legislation.

So why is there this degree of frustration?

As someone who has the privilege of serving on the Legal and Constitutional Affairs Committee and who heard all the evidence, I want to take this moment to share some of what we heard with you.

Jason Woywada of the BC Freedom of Information and Privacy Association put it this way:

> Part 4 grants political parties more power and less oversight in the collection, use and retention of personal information than Canada's spy agencies. At a moment of declining public trust, Parliament is effectively saying, "Trust the parties." Experience tells us that trust without law is no protection for the public.
>
> Political parties now hold information that is as valuable as the money they raise. Those managing these systems operate under intense pressure to identify, persuade and mobilize voters. This creates predictable structural risks and dangerous moral rationalizations that cannot be addressed through voluntary policies alone.
>
> That is precisely why Canadian privacy [laws have] always relied on principles-based approaches, with legislated guardrails. Civil rights, including privacy, have long been protected through shared federal and provincial frameworks, enforced by independent officers of Parliament and the legislatures. Part 4 attempts to remove those protections when personal information is held by a single powerful class of actors — political parties and their agents — without replacing them with equivalent federal safeguards. That approach is inconsistent with Canadian federalism, established privacy jurisprudence and democratic principles.

We also heard powerful testimony from Jim Balsillie — "the BlackBerry guy" — who is also the founder of the Centre for Digital Rights. He argued strenuously not just against the weak privacy provisions of Bill C-4 but against the strategy of slipping such changes into a bill about tax cuts. I'll quote from his testimony:

> The digital age is shaped by who controls the data, the algorithms that act on it and the information environments they create. This has caused a new era of human commodification [which] violates fundamental human rights in new ways . . . .
>
> Part 4 directly violates the right to political participation and democratic self-governance. Over time, these conditions weaken individual autonomy and collective self-governance —

— he said, adding —

> — we have a real problem with how political parties in Canada approach privacy. Political data sits at the core of democratic participation, yet Canadian political parties have placed themselves outside the privacy rules they impose on others. In Europe, under the General Data Protection Regulation, . . . political opinions and political affiliation are classified as data of the highest sensitivity and subject to heightened protection, including strict limits on processing, explicit consent, or a clearly defined public interest basis, including binding regulatory enforcement.
>
> Part 4 is framed around affordability, but all it does is exempt political federal parties from privacy obligations entirely. It provides no independent enforcement and applies retroactively. This follows years of resistance by political parties to basic transparency about what data they collect on voters . . . . This also comes during litigation challenging the exemption federal parties claim from privacy obligations legislated in certain provinces.

He concluded:

> . . . Part 4 is not only wholly inadequate; it is out of place. Measures that compromise democratic integrity should not be held hostage to much-needed relief measures aimed at affordability. Challenges this serious deserve separate study through stand-alone legislation and full public scrutiny.

There, I must tell you, my friends, the witnesses were largely in agreement, as they were about the threats to democracy and public security that this bill represents.

Tamir Israel, who is a lawyer, University of Ottawa academic and the Director of the Privacy, Surveillance and Technologies Program of the Canadian Civil Liberties Association, argued that Bill C-4 gave political parties carte blanche to gather personal information about Canadians, even without their consent or knowledge. Let me quote from Mr. Israel's testimony:

> Under this regime, there are no substantive limits on what they can do in terms of how they collect personal information. As long as it's captured at some level of generality in their privacy policy, this places no limits on what information is being collected, from whom it could be collected, how detailed, what types of really intrusive personal characteristics — they could try to guess certain people in the voting public have — or how long they keep those profiles on people. There is just nothing. It really is a very open-ended paradigm that is deeply concerning for us. There are just no limitations at this point on what political parties can do.

We also heard from Matt Hatfield from the group OpenMedia, who shared his concerns about the long-term danger to our electoral system by allowing parties to self-regulate in this area:

> We need to have actual deterrents here, and we simply don't. The parties imagine that this is in their short-term interests. They think having as wide a net as possible to do what they can with voter data will give them an advantage in the next election, and it may. However, this is very damaging to the core of democracy and the long-term functioning of the system that we're all in, including the parties.

• (1620)

Catherine Brownlee of the Alberta Enterprise Group was unable to testify in person, but she submitted a brief which also raised an important constitutional concern on behalf of Albertans:

> Federal jurisdiction over elections under s. 91(1) of the Constitution Act, 1867 does not encompass comprehensive regulation of personal information handling, which is a core matter of provincial property and civil rights under s. 92(13). This bill's explicit override of provincial privacy laws — such as Alberta's Personal Information Protection Act (PIPA) — creates significant conflicts and intrudes on provincial domains. The Supreme Court of Canada has repeatedly emphasized limits on federal overreach into areas of provincial competence . . . .

We listened to all of the experts, and I must tell you that the only expert witnesses who testified in defence of this law were the lawyer for the Liberal Party of Canada, the lawyer for the Conservative Party of Canada and the lawyer for the New Democratic Party of Canada, who all sang from precisely the same songbook.

We were, shall we say, unpersuaded by the argument that this is what the parties want. We really need to excise this entire section of the bill and start over.

There are other viable approaches. Senator Ross mentioned the testimony of Elizabeth Denham, who served for a time as Information Commissioner for the United Kingdom. I will continue from where Senator Ross left off with Ms. Denham's conclusion:

> Oversight of Canada's political parties is even more important today, given the government's desire to strengthen and preserve democratic institutions and preserve trust and confidence in elections. Canadians will look askance at cynical efforts to take away their rights at a time when geopolitical unrest has turbocharged the risk of foreign influence and cyber attacks and when hostile states are interfering with elections by deliberately targeting personal information repositories.

Colleagues, we have just heard the testimony from Anton Boegman, who seeks the office of commissioner of our new system to regulate foreign interference. Yet, at the same time, we have before us a bill that is crafted to leave us open to foreign interference and foreign influence in our elections.

The issue has been raised that, well, the parties will have their own rules, and they will be able to regulate themselves. So let me speak to you about what we heard from Michael Bisson, Deputy Commissioner of Elections Canada. Bill C-4, he noted, imposes very few rules on political parties because it allows them to make their own. How, he asked us, could the commission investigate alleged wrongdoing in such circumstances?

Let me quote from Mr. Bisson's testimony:

> Even if we were to be informed of a breach or through the receipt of a complaint, for example, we would then be dependent on finding the party's policy that applies, knowing that that's one of the 15. . . .

By that he meant that every party of the 15 registered parties would have its own policy. There would be one policy for the Marxist-Leninists, one policy for the Parti Rhinocéros Party, one policy for the Liberals, one policy for the Greens, and they could each be completely different.

I continue with his testimony:

> We would then have to look at the policy that was in effect at the time of the alleged contravention. If a policy gets updated three times in a year, we have to ensure we are getting the right version. Therefore, if there are no preservation requirements, we may not be able to obtain that, and because we don't have powers to compel either, we rely on voluntary cooperation to obtain evidence.

My friends, these rules are worse than useless. They set us up for a situation in which foreign actors can potentially weaponize our own information against us and in a system in which the people who are supposed to be in charge themselves say that this bill gives them none of the tools they require for enforcement.

As unelected senators in a Senate where most of us belong to no party, we have a unique responsibility and a unique ability to say no, to say that Part 4 has no role in a bill about tax relief, to say that we need to pass the parts of this bill that matter urgently for the Canadian economy but take our time to craft a privacy regime that works to protect the privacy of Canadians and the integrity of our democracy.

Now, I assure you that Senator Batters will not be able to find evidence of a single penny that I have ever donated to any Canadian political party, so perhaps I can come to this with clean hands and say that I strongly support this motion, which accurately reflects the compelling testimony we heard at committee.

I thank Senator Clement for her clarity and her courage. I thank Senator Arnot for his passion. I thank Senator Ross for her incisive analysis. Thank you very much, my friends. *Hiy hiy*.

Hon. Colin Deacon: Honourable senators, I want to first thank Senator Cuzner for his valiant effort to move the focus of this chamber's attention to the very limited technical measure in this bill as he reminds us that Part 4 is not about policy. But as was said on the social media platform formerly known as Twitter by Althia Raj, ". . . an absence of policy is itself policy . . ."

I also want to thank Senator Clement for her work at the Legal Committe and the National Finance Committee and her intervention and proposed amendment. I have a lot of time and a lot of regard for you, Senator Clement, and for you, Senator Cuzner, as you well know. But I'm not debating the desire to deal with this problem, the problem of Part 4. That's for sure.

My question is, if we delete Part 4, what next? How do we end up helping Canadians? How do we give Canadians protections? I don't know about you, but I have not met one Canadian who knows there is no privacy policy of any merit governing our political parties.

I expect there are very good reasons for it to be different than that for corporations. I have no doubt about that. I also respect the need for a unified federal regime, but I have not met one person who has any idea about the reality that we're now in.

For our elected politicians to have the credibility to solely decide this issue, as it is being debated, they need to be clear on that fact and see if Canadians are as comfortable with that fact as they are. But I've not met anybody who is aware of that.

Even though I agree with the concerns that you and your seatmate have so eloquently described, I'm really focused on how to get data rights for Canadians. In business and in life, I always look for what the other party wants, and I try to use that to get what I need.

In Part 4, the government wants the retroactive 25 years for a very narrow litigation problem that they have. It is to maintain that single federal jurisdiction authority. I find it troubling — and I'll say this again when I speak at third reading — that they've used litigation as their tool, rather than legislation. The legislative changes we've been provided are because of their litigation problem, not because of the need for legislation. We're in an unfortunate situation that way.

The government wants to maintain that single federal jurisdictional authority. That's what they absolutely want. What we want, I believe, as a chamber, is for the rights of Canadians to be protected. We're all frustrated. The three federal parties are probably frustrated right now; I have no doubt. But in reality, this is a very difficult situation that we're in, and it's one where we're going against tradition. This is a money bill. This item has been put in that money bill for, I think, a very cynical purpose, but it's there.

When I listened to the lawyers in committee, I was troubled by their responses. They've chosen to disregard the concerns of Canadians and, in their responses, I saw that. When I looked at, for example, the advice they were clearly still giving to the political parties, they saw themselves as privacy experts. They were disregarding the expert testimony that was heard in committee in a way that I found really quite disturbing. They literally referred to the testimony that was heard from the experts who are globally recognized as equivalent to being a bogeyman. They literally used that word.

• (1630)

In my mind, it is the disregard for facts and strong arguments from those who have experienced this first-hand — for example, the well-mentioned Elizabeth Denham, who was responsible for this area in the U.K. and was studying what happened before proper legislation was put in place in the Facebook and Cambridge Analytica affair — that is deeply troubling.

They are providing this advice, and all the while they are spending taxpayer-subsidized political party donations.

The other thing I found troubling is that they completely ignored, in correspondence to the courts, the constitutional role of the Senate — our role in looking at legislation again and understanding the implications for Canadians. There is a lot of frustration about this issue on all sides.

Returning to my point, does this amendment get us closer to our priority of delivering data rights to Canadians? I don't believe it does. That's why I support the idea of a sunset clause if this chamber chooses to do anything.

I think we need to motivate the government through what they are looking for and the political parties as a way for us to get the solution we want to see for Canadians. Right now, we are their only hope because, in addition to this having cost millions of taxpayer-subsidized political donation dollars, after five years, the lawyers of this litigation activity — the litigation problem still exists, and the legislative problem still exists. So nothing has been accomplished in this whole battle for five years.

There is an enormous amount of data value in the data of Canadians when it is used responsibly. We all want to get to that point in ways that maintain and do not ignore the need for social licence, as Part 4 does.

I think of Senator Kingston's excellent speech on Bill S-5, and the fact that Bill S-5 is designed to earn that social licence from Canadians around their health data and to use the data responsibly for the benefit of Canadians with consent, guardrails and rules. We all know that is what's needed. None of us are debating how this problem must be solved.

If the government felt this was the way to deal with data, they wouldn't have had an excellent bill like Bill S-5 tabled. I'm sad to come to the conclusion that I don't think this bill gets us closer to what we all want, which is to be supportive of Canadians.

We are told to trust and that the three parties will do something afterwards — that they just need to get over this line and will do something after. I like to trust people, but "trust, but verify" is something we all need, especially in this job.

We were promised a modernized political party regime by former Minister Gould when she was the Minister of Democratic Institutions in response to the House Standing Committee on Access to Information, Privacy and Ethics report *Democracy Under Threat: Risks and Solutions in the Era of Disinformation and Data Monopoly*. I will read again her comment. This is the response from the government to the committee on the report with 26 recommendations that were ignored:

> . . . we share the view that it is necessary to modernize our privacy regime —
>
> — for political parties —
>
> — to ensure it provides clear, enforceable rules and supports the level of privacy protection that Canadians expect. The Committee's most recent recommendations in this regard are a valuable contribution to the Government's ongoing privacy modernization efforts.

That was in response to a report that was issued in December 2018.

We have had other promises. We have a responsibility to trust but verify.

Former Minister Gould was chair of the House Finance Committee that gave Part 4 20 seconds of study. The gap we are seeing between the promises and the reality is concerning.

Colleagues, I believe we have to give a little to get a lot for Canadians. I will reluctantly be voting against Senator Clement's amendment. If this chamber considers a sunset clause, I will speak in favour if it is tabled.

It is worth considering that if the government chooses to reject the sunset clause, I think we would have very good insight into whether they have any intention of putting in place rules on the three political parties that are up to a global standard. In my mind, it puts them in a position where they absolutely have to act.

Another element that we can consider and that I have discussed with many members of the Legal Committee is doing our own study. Don't start with whatever we get and move up. Let's start with what we think is the gold standard in the Legal Committee in terms of what political privacy framework would work best for the unique situation of political parties, for Canadians and for our country.

I will leave it there. Thank you, colleagues.

Hon. Paula Simons: Would Senator Deacon take a question?

Senator C. Deacon: Absolutely.

Senator Simons: My good friend Senator Deacon, you are the person who first got me excited about this problem. I'm wrestling with your remarks because were we to take out this part of the bill, in provinces such as British Columbia, Alberta and Quebec, provincial privacy laws would then be paramount. As the Alberta Enterprise Group argues, that is perhaps appropriate. Certainly, in British Columbia, people would have a much higher degree of information security were this bit to fall off Bill C-4. Then we could let the courts in British Columbia have a free and unimpeded opportunity to rule on whether that is appropriate.

Senator C. Deacon: I do believe in the goal of having a single, exclusive, national regime. You are right that there is an option of having several regimes across the country. Many provinces don't have a privacy regime at all. That's an option for the chamber to consider.

But I believe that two words out of four in Part 4, "national" and "exclusive," have merit. The other two, "unified" and "complete," do not. There is nothing in Part 4 that is unified and complete. But the first two words have merit, and that is the way that we should consider moving. That's my view, and I respect that there would be a different view on that versus having a patchwork across the country where some Canadians will be protected and some will not. I'm trying to figure out how to force the government — sorry, I shouldn't say "the government" because it's the three political parties on behalf of all the other political parties. I am trying to force them to negotiate getting a strong regime for Canadian citizens nationally.

Senator Simons: One might argue, Senator Deacon, that what would force them to get serious is if we send them a message that this bill is a completely inappropriate usurpation of our authority and betrays the privacy of Canadians. The only way to send that signal is to not accept it.

Wouldn't it be more of a problem if we were to have a sunset clause that would allow the government to have this very weak privacy regime for however long we wait for the sun to set? Then, when the sun sets, what guarantee would we have that they would come back with anything better?

Senator C. Deacon: I think your points are all valid. We are into the hypotheticals. We don't know. It is about which approach is best. When I spend time negotiating in life, I feel it's always best to focus on what the other party wants and see if we can get somewhere in between.

• (1640)

But I hear you loud and clear that you have a very different way of looking at it, Senator Simons. And the lovely thing about sitting beside you — for as long as we did, but not long enough — was that I always loved our debates, and I very much appreciate your very strong and well-thought-through perspectives, but ours didn't always align.

Hon. Kim Pate: Honourable senators, thank you to all who have already spoken and to those who will speak following me.

I want to thank Senator Cuzner for being a study — for many of us — in leadership with integrity, tenacity and endless good humour. Thank you for that. You have done this with grace in a situation where there are huge challenges.

I also want to thank Senator Clement for bringing this amendment forward; I plan to vote in favour of it. As has already been indicated, if you have any questions, please go back and reread the findings and recommendations of the Standing Senate Committee on Legal and Constitutional Affairs after studying this — albeit it was only for one day, but it was six hours — and see if you agree.

I think it is also fitting that this amendment is being proposed by Senator Clement, who has experience as a candidate both locally and nationally, who knows the challenges of running a campaign and whose passion for the democratic process — and ensuring that process works for all Canadians — we see each day in this chamber.

Part 4 of Bill C-4 would give federal political parties legal cover to make their own rules about what they can do with the personal information of Canadians, including without Canadians' consent or knowledge. It would also, as you have already heard, allow parties to protect themselves retroactively with respect to their use of Canadians' personal information dating back to May 31, 2000.

At the Standing Senate Committee on Legal and Constitutional Affairs, we heard clearly that the privacy and data rights of Canadians must not be ceded in this way.

Matthew Hatfield, the Executive Director of OpenMedia, told us that the tech companies that work with political parties:

> . . . talk about their capacity to geo-target people so tightly they reach only a handful of people in certain physical offices . . . . They boast about being able to identify not just that someone is likely to vote and for whom they will probably vote but to determine whether that person went to a polling booth on election day and voted.
>
> That is just the start. . . .

Sara Bannerman, Professor and Canada Research Chair in Communication Policy and Governance, spoke about a survey she carried out with Canadians:

> We found that . . . respondents were not aware of the range of data that the parties collect, particularly political views, ethnicity, income, religion, and online activities and IDs.

She also said:

> It's difficult to know what parties are doing with data, what tech companies are holding on to that data and, in turn, what the tech companies are doing with the data. . . .

Jim Balsillie of the Centre for Digital Rights emphasized that:

> . . . absence of governance for the contemporary surveillance economy has allowed personal data generated by our experiences, choices and even our thoughts to be captured, processed and traded as an economic input for profit and power. . . .

Michael Harvey, Information and Privacy Commissioner for British Columbia, put it plainly when he said, ". . . our personal information can be used to make decisions about us and influence our behaviour."

Imagine — for a moment — the information that someone door knocking for a political party can glean about you without asking even a single question. Can they estimate the amount you pay for rent? How about the value of your home? Are there kids' toys outside or artwork on the door? Do you have a pride flag in your window? How about a cancer awareness sticker on your car? Now imagine that campaigner can see your phone.

Colleagues, the question we will vote on today belongs to and should be asked of all Canadians: What personal information do political parties get to have about us? What personal details can be gathered and surveilled by the groups who talk to us and aim to persuade us to elect their leaders to positions of power? Right now, we do not know. If Bill C-4 passes in its current form, we may never know.

Senator Clement's amendment is about upholding people's rights and choices. It is also about upholding Canada's democracy and sovereignty at a time when both face unprecedented challenges.

As Jason Woywada of the BC Freedom of Information and Privacy Association testified to the Legal Committee:

> Foreign interference does not require hackers overseas; it often relies on lawfully obtained domestic personal information accessed through intermediary domestic actors that can include Canadian political parties. In such cases, the data may be lawfully collected and election law may not be formally breached, yet the cumulative effect can still be the distortion of democratic choice, decision-making and the erosion of electoral sovereignty. That is why privacy and fair information safeguards are also national security safeguards. By weakening those safeguards without replacing them, Bill C-4 lowers the barrier for foreign interference.

Colleagues, all of us know well our role as senators and the limitations that come with this role. Federal political parties have characterized this as an issue relating to elected parliamentarians and insist we should defer to them — our elected colleagues in the other place.

Canadians elect their members of Parliament as their representatives. The decisions made here on Parliament Hill affect all aspects of Canadians' lives. If Canadians don't agree with a decision made by their representative, a crucial right and recourse is to vote for someone else next time.

What happens to that choice, however, when federal political parties appear to be in lockstep? What about when these sweeping powers for federal political parties regarding the use of Canadians' personal information may influence and undermine that right to vote?

What about when these measures move through the other place with no study, slipped in omnibus-style, in the final pages of a bill entitled the "Making Life More Affordable for Canadians Act"? How on earth does this make life more affordable?

At second reading, I raised my concerns about the approach to affordability in Bill C-4. The bill's tax cut will mean that billions of dollars of Canadians' money is spent each year providing very small benefits — $35 per month — to those with higher incomes. It will provide nothing to those most in need. It's nothing, it seems, except for the spectre of their personal information being exploited without their consent.

The question was put to me and our colleagues at the Standing Senate Committee on Legal and Constitutional Affairs in these stark terms about this bill, but also about the Senate and Canada's federal parliamentary system: "Is this about serving narrow, specific political actors or is this about serving Canada and Canadians?"

In my humble opinion, honourable colleagues, our duty is clear. *Meegwetch*. Thank you.

MESSAGES FROM THE HOUSE OF COMMONS

BUDGET 2025 IMPLEMENTATION BILL, NO. 1

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-15, An Act to implement certain provisions of the budget tabled in Parliament on November 4, 2025.

(Bill read first time.)

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

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

• (1650)

ORDERS OF THE DAY

MAKING LIFE MORE AFFORDABLE FOR CANADIANS BILL

THIRD READING—MOTION IN AMENDMENT NEGATIVED

On the Order:

> Resuming debate on the motion of the Honourable Senator Cuzner, seconded by the Honourable Senator Hay, for the third reading of Bill C-4, An Act respecting certain affordability measures for Canadians and another measure.
>
> And on the motion in amendment of the Honourable Senator Clement, seconded by the Honourable Senator Dalphond:
>
> **That Bill C-4 be not now read a third time, but that it be amended by deleting Part 4.**

Hon. Peter Harder: Honourable senators, I rise as an institutionalist, not an activist, but I do feel it is important to put a couple of points to this body as we consider the motion before us.

I would like to begin by recalling a speech given from this very seat by Ian Shugart in June 2023, where he invited us to anticipate the future with him. He said:

> In this Parliament, we have witnessed a sea change in the composition of the upper house. If the present government is re-elected —

— and they ultimately were —

> — we can expect further evolution of the Senate. The further we get from a party-based Senate, the more entrenched will be the idea of independence and freedom of action. Taken too far, we could find ourselves with many senators effectively setting themselves up as a de facto opposition to the government. We could be left with a frequent or perpetual standoff between the two chambers, as more and more independent senators claim a right to block legislation coming from the elected chamber.
>
> Alternatively, notwithstanding the current attention being given to foreign interference, I am convinced that our democratic institutions and process are healthy enough to give us a different government. Should that be the case, some senators may feel it is their right and obligation to oppose any legislation from the other place if it reflects a philosophical perspective with which they disagree. Given the numbers that can be projected, this could be a recipe for legislative paralysis. To be blunt, either scenario creates the possibility that this institution could be at risk of acting undemocratically — ironically, by allowing tightly held principle to trump constitutional convention and deference to the will of the elected chamber.
>
> In either situation, we have the seeds of constitutional crisis. . . .

He ends by saying, "We have benefited from restraint in this country, and, in these times, we need it again. . . ."

In April 2018, I tabled a document with colleagues entitled *Complementarity: The Constitutional Role of the Senate of Canada*. I want to briefly recall some of the points made in the chapter labelled "In the Senate, Self-Restraint is the Constitutional Watchword."

> It would be misguided to equate the Senate's "formal powers" under the Constitution with the Senate's "role" in our constitutional architecture. This is a false equivalency. The Senate's powers do not define the institution: they exist to serve it in the appropriate discharge of its role as Canada's complementary upper house.
>
> To be clear, the issue to be addressed is not how far the Senate *can* go in its relationship with the House of Commons, for its powers allow it to go farther than any other unelected legislative body in the democratic world. Rather, the question is how far the Senate *should* go when it challenges the will of the elected chamber.

I continued, saying:

> The Senate's constitutional role is not strictly defined by its constitutional powers. In fact, the method of selection chosen for the Senate in 1867 is a much more accurate indicator of the Senate's intended function. Senators are appointed precisely because the Founders believed that, without a democratic mandate, senators would have the good sense to thwart the will of the House of Commons in only rare and exceptional circumstances.
>
> It is crucial, in this time of change in the Senate, to recognize the subtlety of the role that the Founders of Confederation envisioned for the Senate. They sought an upper house with enough power to act as a legally effective safety valve against the tyranny of the majority . . . .
>
> The bottom line is that Confederation provided an opportunity to return to the relative safety of an appointed upper house that worked as a complement to the elected lower house instead of as a rival. . . .
>
> The Supreme Court confirmed as much in 2014 when it decided that implementing consultative elections for the Senate would require a constitutional amendment involving substantial provincial buy-in. Having combed through numerous pleadings, historical materials, doctrine, and expert evidence, the Court unanimously opined that under the constitutional architecture adopted by the Founders, our upper chamber was specifically designed to exercise voluntary self-restraint in its relationship with the House of Commons. Consultative elections for Senate seats would have fundamentally upset this balance . . .

The court was crystal clear, and I quoted the judgment:

> "The choice of executive appointment for Senators was also intended to ensure that the Senate would be a complementary legislative body, rather than a perennial rival of the House of Commons in the legislative process. Appointed Senators would not have a popular mandate — they would not have the expectations and legitimacy that stem from popular election. This would ensure that they would confine themselves to their role as a body mainly conducting legislative review rather than as a coequal of the House of Commons."

As I commented:

> The Supreme Court . . . could hardly have been more explicit: the constitutional design of an appointed . . . Senate reflects the unequivocal intent of the Founders to ensure that the democratically elected House of Commons' work would be complemented by an appointed chamber of sober second thought. As Smith notes, "rather than compete, the upper house completes the work of the lower house.". . .

In this context, it was indicated:

> . . . that senators were intended to study government legislation by applying their sage and independent judgment, while maintaining a healthy level of self-restraint in challenging legislation that has been passed by the House of Commons. . . .
>
> Hence, by constitutional design, the Senate's natural bias should be self-restraint. Or, as the philosopher Larry David might advise senators: curb your enthusiasm.
>
> But what is appropriate self-restraint? The short answer: it's complicated.

And here we are in a complicated situation.

I want to say a few words about where we are. I, at least as an institutionalist, will not give in to the cynicism I have heard even in speeches today about the intent. I don't believe that the House of Commons is trying to pull the wool over our eyes. I don't believe that there is a cynical adding of this measure to a bill to prevent us from dealing with the matter contained in Part 4 because it is a money bill.

I believe it honestly was the earliest opportunity for the unanimous view of a minority Parliament, which understood that it had not found the vehicle to deal with it in previous minority Parliaments to move forward. I believe they are probably as surprised as I am that we have had the kind of debate we have had on this measure over the last number of weeks.

So if you are an institutionalist, I think you have to take the other chamber at its word and believe that it is proceeding in good faith.

This amendment, in my view, is overreach. It is overreach with respect to the role of the Senate, and it is born of a cynicism I will not share and I do not believe this institution deserves.

In the second reading speeches, I particularly liked Senator Deacon's speech because it was broadly informed on the policy issues which have animated the debate in the Legal Committee as well as in this chamber for that second reading speech and third. I went up to him afterwards and said, "It was a terrific speech. If your intent is to educate us and hopefully educate the broader public, including, perhaps, the other chamber, on the issues around PIPEDA, I'm all for it. In fact, I would be the first to propose a motion that a special committee of the Senate, not just Legal Affairs, be constituted to do that."

I was the deputy minister responsible for PIPEDA 25 years ago. It is not as easy as any of the speeches here have suggested. It is a very complicated process of trade-offs and expectations, and the technology around information itself has changed over 25 years, which is why Canada went from being a leader 25 years ago to being a laggard today.

I am always trying to look for constructive opportunities for the Senate to move on issues that it feels are important that are not obstructive of the will of the other place.

Colleagues, I very much urge us not to pass this amendment or, frankly, any other with respect to this measure, but do not give up the discussion and the debate and, in an informed way, move forward so that the environment for legislative action can be more mature than it has been over the last three years.

While I welcome the reference to the Legal Affairs Committee for Part 4, I do not welcome the amendments placed before us. I believe that it is important for us to have, particularly in a minority Parliament — our third in a row, by the way — which is a new government. I know some people will think this is the tenth year of the Liberal government. It's the first year of the Carney government.

• (1700)

The relationship that it forms of what an independent Senate should be will be shaped by how the independent Senate works. The biggest threats to an independent Senate, frankly, are independent senators in our behaviour, negotiation and relationship with the other chamber.

I, for one, believe in the model that we constituted now almost 10 years ago, and I would urge you to think about the longer term and consider how we can be an instructive partner in the legislative dialogue between the other house and our chamber.

For that reason, colleagues, I urge you to reflect for a moment, breathe deeply and ask, "What is in the interest of the institution in the longer term?" Please, let's move on.

Hon. Bernadette Clement: Thank you, Senator Harder, for your speech. I want to respond and then ask you a question as an institutionalist.

My first response is with regard to Senator Shugart, who sat in your seat. I was here sitting in that seat, listening to his speech about restraint. He gave me 30 minutes of time after that speech so that we could speak about it, because I found it to be remarkable. In that conversation, we agreed to disagree. I found it remarkable that, at that time of his life, he would grant me time so we could talk about it. I appreciate you raising that.

I also want to respond to the cynicism piece. For me, it's really about trust and what it feels like to knock on doors and build trust between federal political parties and electors. It's from a very personal place and not a place of cynicism.

You said that you speak as an institutionalist. You stood up and said, "I'm not an activist, I'm an institutionalist." I want your reaction to this: Institutions have to change. This institution is different than it looked 10 or 20 years ago. There has to be built-in change and evolution. The former prime minister made that a focus for this chamber.

As an institutionalist, do you not recognize that there has to be some evolution and that there already is? We're there. We're in that moment.

Senator Harder: I very much welcome that question because, while I say I'm an institutionalist, I hope that doesn't mean I'm a regressive preservative.

I came here 10 years ago — as of next month — and was asked to provide some leadership to the notion of a less partisan, more independent Senate. The appointment process was put in place.

When I arrived, it was rather lonely as I looked across a very large group opposite me. Senator Carignan was the leader at the time. We were building new practices as we went.

I remember the first budget bill. Senator Carignan came to me and said, "How many votes do you have?" I said, "All I know is I've got three." He said, "You've got to be kidding." I don't know. I was glad to see that the bill passed because of the willingness of the chamber to accept its role.

There is practised restraint. It's not advertised, but it was practised restraint. We had amendments to the Standing Orders, which were sessional orders to accommodate the change.

Senator, I think this chamber has evolved tremendously, not just because of the independent senators who were appointed, but because of those who were here before. They adapted, perhaps somewhat less enthusiastically than others, to this evolved Senate.

What I want you to know, though, is that there is a risk of overplay. That is the risk I would like you to reflect on because I think the reaction of a new government, a minority government, a government that is under tremendous pressure in the circumstances of the moment, would not welcome the upset that some of the senators would have on this and other pieces of legislation, which are —

The Hon. the Speaker: Thank you, senator.

There's another senator who wanted to ask a question, but the time allowed has expired. If you would like to answer another question, you will need to request leave for more time.

Senator Harder: I'm happy to continue. I would like to request leave for more time.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: I hear a "no." Leave was not granted.

We'll continue on debate with Senator Dalphond.

[*Translation*]

Hon. Pierre J. Dalphond: Honorable senators, I'd like to begin by pointing out that I did not prepare this speech in cooperation with Senator Harder, although you might notice certain important areas of agreement.

I am rising first to clarify that, although my name appears in support of Senator Clement's proposal to strike Part 4 of Bill C-4 — one of the options proposed by the Standing Senate Committee on Legal and Constitutional Affairs and supported by the colleagues who preceded me, except for Senator Deacon — I will be voting against the proposal, as proposed by Senator Harder.

Over the next few minutes, I am going to explain my reasons for rejecting this option. However, I want to start by saying that I fully endorse Parts 1, 2 and 3 of the bill. If not for Part 4, Bill C-4 could have been passed by the Senate weeks ago. The fact that we have reached this point today, with March just around the corner and time running out, is the fault of the people who decided to include tack Part 4 onto Bill C-4 and wait until December 11, 2025, to send us the bill, even though it had been with them since the spring.

I will now turn to the substance of the Standing Senate Committee on Legal and Constitutional Affairs' report. After hearing more than six hours of testimony and deliberating for several hours, the committee produced a very informative report that was tabled in the Senate and that proposed three options. One of the options has since been abandoned. Two remain, as proposed by the committee: either remove Part 4 from the bill or adopt a sunset clause. Senator Clement is proposing that we adopt the first option. I am proposing that we adopt the second.

[*English*]

First, it is clear from the bill that the main purpose of Part 4 is to affirm exclusive federal jurisdiction over the activities of federal political parties. In my view, the main features of federal elections have to be governed exclusively by federal laws and not by a patchwork of provincial laws, or a combination of both, like that which we see with our neighbour to the south.

This does not preclude the application of provincial laws to ancillary aspects of federal elections, such as a lease for a party office during a campaign or a contract for the printing of political materials.

Of course, federal political parties are one of the main features of any federal election. The Canada Elections Act does regulate various aspects of their operations, including raising money, restricting political contributions to individuals, imposing limits on the expenses they can incur, and so on. Therefore, I see no constitutional problem in adding provisions to the Canada Elections Act on the collection of personal information of Canadians by these same political parties and its subsequent use.

• (1710)

[*Translation*]

In fact, section 111(f) of the Canada Elections Act prohibits the use of personal information that is recorded in a list of electors for a purpose other than communicating with electors to solicit donations or recruit members.

[*English*]

Likewise, I don't have a problem with provisions that make it clear that certain provincial acts do not apply to federal political parties. For example, during federal electoral campaigns, provincial and municipal acts and regulations don't prohibit the display of posters in the streets and control where they are placed and so on. Nobody would say that this is not federal law, and the courts have refused to implement regulations by the provinces or municipalities that try to prevent that.

This is the central message of Part 4 adopted by all the MPs but one — Elizabeth May — in the other place. Such a message is a perfectly valid policy decision.

Deleting Part 4 altogether will send a message to the elected chamber that we are of the view that MPs are not entitled to make such a policy choice to exclude the application of certain specific provincial laws or regulations. The principle of restraint, so expressed by our dearly missed colleague, former Senator Shugart — yes, Senator Harder, like you, I was thinking about him when I wrote this — commands that we don't do that.

Second, in the absence of Part 4, federal political parties will remain subject to the decisions rendered in British Columbia and will have to continue their appeal, pending before the Court of Appeal for British Columbia, to have them reversed — and to potentially appeal to the Supreme Court of Canada if they are not successful. If they are successful, the Information and Privacy Commissioner for British Columbia will most likely appeal to the Supreme Court.

Likewise, similar litigation, such as that initiated in B.C. by the Information and Privacy Commissioner for British Columbia, could be initiated. This litigation could have the effect of imposing a mosaic of standards that political parties won't be able to meet. Let's be serious: They won't be able to meet the patchwork of provincial regulations regarding the way they should campaign and collect and use information.

As a representative of the three main federal political parties said when they testified before the Standing Senate Committee on Legal and Constitutional Affairs, it would then be impossible for them to coordinate their volunteers across the country without uniform codes and to know exactly what to say in every riding and province.

A comprehensive, unified regime is a simpler and more reliable approach and is probably the only one that could work, as long as it is an approach that is tailored to the needs and the situation particular to political parties, which are not businesses or federal institutions. Neither the Privacy Act nor the Personal Information Protection and Electronic Documents Act, or PIPEDA, is necessarily the answer for political parties. It must be an answer tailored to their particular situation.

As I just mentioned, they have, by law, access to some privacy information about you, such as your name and address. They used to have your phone number, but those are used less. These are even provided by the Chief Electoral Officer of Canada to the political parties because they need this information to engage in a democratic exchange with those they would like to see voting for them. This is not a case of a business calling you to sell you a fridge, television or telephone.

Third, we must acknowledge that Part 4 introduces some improvements to the current situation. Professor Sara Bannerman, in her brief, called for Part 4 to be deleted, but in the alternative, she recommended that the Senate retain three provisions that are part of Part 4: first, the requirement that parties provide an annual statement to the Chief Electoral Officer stating that the party complied with its policy for the protection of personal information; second, the requirement, pursuant to proposed section 446.5, that the party and those working on its behalf comply with its privacy policy; and third, the requirement that, pursuant to proposed section 446.7 of the Canada Elections Act, the Chief Electoral Officer hold annual meetings on the protection of personal information.

In other words, she saw these as improvements.

I would add that the obligation to make the respective policies readily available on their website in both official languages, to appoint a privacy officer and to make sure that their employees and volunteers are made familiar with the applicable policy are also improvements to the current provisions of the Canada Elections Act.

Here, I would like to remind you of another principle, not the one on restraint but something similar. It is well known as, "Don't throw away the baby with the bath water."

Fourth, and most importantly, we should not lose sight of our ultimate goal, the one expressed — rightly so — by all of us here as a major concern. We want to facilitate the future adoption of provisions to strengthen the proposed personal information and privacy regime in order to better protect Canadians. That's the singular goal that we are all very concerned about.

Yet we must respect the principle that significant amendments to the Canada Elections Act, including to the functioning of political parties, should be the result of consensus among political parties and not imposed by a government, even with a majority, much less by an unelected chamber.

In this context, I will vote "no" to the deletion of Part 4 and to a proposition to amend Part 4 to add things on the fly. However, I will support the adoption of a sunset clause applicable to Part 4 that will provide the government with sufficient time to build a consensus with parties and to propose further amendments to better protect personal information held about Canadians by federal political parties.

Failing the proposal of amendments within the time allocated, Part 4 will cease to be in force, and the current situation will be re-established, including the risk of the application of a patchwork of provincial personal information acts, which the parties are so opposed to, and rightly so.

As a last comment, I humbly suggest avoiding critiquing the way the other chamber carries out its important work or impugning the motives of MPs. I resent when they impugn our motives. I resent when they criticize what we're doing, as in the previous parliament, which lasted for four years when there was a majority in the other place.

We should respect their work because they are doing important work and are doing it seriously. I expect them to respect what we do because we do it seriously and take our roles seriously.

I don't believe the political parties and their respective MPs are in a situation of conflict of interest when they opt for an exclusive federal regime. They opt and choose for policy, which makes sense and is perfectly justifiable.

In conclusion, I invite you to vote "no" on the deletion of Part 4. If this option is not adopted, I would be glad to move the adoption of a sunset clause for the reasons I've mentioned.

Thank you for your attention.

• (1720)

[*Translation*]

Hon. Claude Carignan: Honourable senators, I rise to speak to Senator Clement's amendment. I may discuss the sunset clause later.

This debate is not simply about a technical provision. It involves the constitutional consistency of our federal electoral system.

Allow me to place this discussion in its legal context.

First, let me remind you that Part 4 of Bill C-4 seeks to amend the Canada Elections Act to make changes to the requirements relating to political parties' policies for the protection of personal information, as stated in the summary of the bill. Essentially, these proposed amendments seek to affirm Parliament's exclusive jurisdiction over federal electoral matters. They are intended to address the imprecision in the Canada Elections Act highlighted in a ruling by the Supreme Court of British Columbia in 2024. That ruling is being appealed.

In its ruling, the court concluded that the Canada Elections Act did not constitute a comprehensive regime that would prevent the application of provincial privacy legislation to federal parties. Bill C-4 is also the second attempt to adopt such a provision. The government introduced and debated Bill C-65 at first and second readings. The bill was introduced on March 20, 2024, and died on the Order Paper.

The question is not whether privacy protection is important. Obviously it is. Clearly, the following question can be answered unequivocally: Who is responsible for enforcing federal election law? Obviously, Parliament is. Can we allow a provincial law to define an essential part of the federal government's jurisdiction over elections?

Before going any further, I want to point out that the purpose of election legislation is to encourage citizens to take part in the electoral process, to promote communication between candidates and voters and to encourage people to exercise their right to vote. The purpose is also to ensure fair treatment for people who wish to vote. At the same time, the purpose of provincial privacy legislation is to regulate the collection of information by private companies that want to sell products or services. These are two completely different worlds.

Honourable senators, we can't engage in this debate without bearing in mind that the foundation of the Canada Elections Act is the importance of operationalizing and regulating voter eligibility and the equality of voting rights among Canadians. That foundation is established in section 3 of the Canadian Charter of Rights and Freedoms, which reads: "Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein." This right applies consistently to everyone and uniformly from province to province and may not benefit one group of citizens to the detriment of another or benefit one group of candidates to the detriment of another.

These are not abstract concepts. Federal elections law governs voting across the country. It must not be fragmented by province or by region. The communication of information between voters and candidates is essential to the electoral process.

In 2008, I ran as a federal candidate for the Conservative Party of Canada in the Rivière-des-Mille-Îles riding. I was also a candidate in a provincial election and in municipal elections. You'll find out later why I'm pointing this out.

To run in an election, candidates must reach out to voters, introduce themselves, present their party's views — ideally in the voter's language — and convince voters to support them. The main tool used to do this is the list of electors. The Canada Elections Act strictly regulates how this list is distributed. Section 110 authorizes parties, candidates and members of Parliament to use lists of electors to communicate with electors, including using them to solicit contributions and recruit party members. Lists of electors are the primary source for gathering information about voters. Their use is strictly regulated. As Senator Dalphond said, section 111 of the Canada Elections Act expressly prohibits them from being used for any purposes other than those provided for in section 110. Any commercial use is prohibited; any use unrelated to political activity is prohibited.

The list of electors is to be used for political purposes. It is also used for canvassing. Those who have stood for election know very well what canvassing entails. The goal is to identify citizens who support our party — or who do not — and who are likely to vote. Communication with voters goes both ways, in the sense that, as candidates or volunteers, we communicate with voters, but voters also communicate with us. They voluntarily and willingly provide us with information about themselves. This concept of freely sharing information about themselves is fundamental.

Canvassing lists show whether a person previously voted for the party or contributed to another political entity. I would remind you that political contributions are public. Other information is voluntarily provided to parties in a political context. It is possible to compile data on who participated in rallies for our party and who volunteered for the party. Other information can be useful. Perhaps a voter at the door mentions that they'll be away on voting day or that a neighbour or loved one had died but is still on the voters list. You make a note of that.

Canvassing is how we get to know voters. Getting out the vote is at the heart of an election campaign. It is central to exercising the right to qualify under section 3 of the Charter and to equal voting rights among Canadians.

Lists of electors contain sensitive information about citizens, so they're obviously not accessible to the general public. Misuse of the lists may result in penalties under part 19 of the Canada Elections Act.

In short, the ways that this information may be used are strictly limited. Section 56 of the Canada Elections Act is clear: The information in the lists of electors may be used for authorized political purposes only. This means that contacting electors, soliciting support, organizing political activities, recruiting members and raising funds or encouraging voter turnout are permitted, but nothing else.

What the act prohibits is equally important. Again, section 56 of the Canada Elections Act prohibits any commercial or non-political use of lists of electors. This means that any commercial use, sale, transfer to unauthorized third parties, or use unrelated to political activity is strictly prohibited.

Personal use of lists of electors is also prohibited. This is no mere administrative directive; it's a legal requirement. The Commissioner of Canada Elections can impose sanctions. This authority arises from section 508.1 and following, which set out contraventions of some of the act's provisions. Non-compliance with the policies for the protection of personal information required under sections 385 and 446.5 constitutes a violation punishable by monetary penalties, among other types of penalties. The amounts are prescribed in regulations.

Honourable colleagues, Part 4 does not amend sections 56, 110 or 111 of the act. It does not remove the penalties in Part 19. It does not remove any investigative powers. It affirms that the regime applicable to federal parties constitutes a national, uniform and exclusive framework. It clarifies jurisdiction. It preserves the Canada-wide consistency of a single federal election. Deleting this provision would not strengthen the protection of personal information. It would reintroduce jurisdictional uncertainty that could affect the system's consistency and in turn affect the equal exercise of the right to be qualified for membership, as guaranteed by section 3 of the Charter.

Imagine for a moment if all the provinces' disparate privacy laws applied to the Canada Elections Act. The right to be qualified for membership and the right to a means of communication with electors could be strongly supported and respected in one province, but significantly diminished for another candidate in another province. It would be completely inconsistent, and that is exactly what could happen if Senator Clement's amendment is adopted.

• (1730)

As a lawyer, I challenged Quebec's Election Act on the grounds that some of its provisions favoured certain candidates over others. For example, the act provided that the candidates who had ranked first and second in the last election would receive a financial advance in accordance with an order. A privilege was being offered to one candidate but denied to the others. The act was ruled unconstitutional, specifically because it violated section 3 of the Charter. The right to be qualified for membership applies to everyone equally, the implication being that there must be no disparity among the candidates. Similarly, candidates may not receive different financial privileges. The rules governing electoral communications must not vary from province to province, especially where a regional party exists, like the Bloc Québécois in Quebec. One province's rules for electing a member must not be different from another province's. However, this is precisely what Senator Clement's amendment does. It creates a heterogeneous application, not harmonized with the Canada Elections Act.

As a final point, I have to say that I was surprised and disappointed by certain comments that discredited and devalued the work of the members of the other place, who were said to have devoted little time to studying Part 4. Such comments overlook the fact that a similar bill had been studied during the previous Parliament, specifically Bill C-65 and its clause 71. That bill died on the Order Paper. Nevertheless, members of the other place had done a thorough analysis of the bill. Furthermore, such comments devalue the conscientious and rigorous work of the Department of Justice officials who draft bills.

I therefore urge you, honourable senators, to vote against this amendment but to support Bill C-4, even though I am its critic.

[*English*]

Hon. Percy E. Downe: Honourable senators, as a former party activist, I'm not particularly concerned about the section that is contentious today. However, I'm concerned it is in a budget bill. I think it should be a stand-alone bill.

I want to take a few moments to share some information that I received from former senators over the years about how the Senate should be conducted. It might be informative for some of the newer senators. I want to respond to some of the comments about the role of the Senate.

When contentious bills are before the Senate, there is a view that if the Senate exercises the powers it was given at Confederation in 1867 to defeat government legislation, it would either be a major crisis or, certainly, an affront to democracy. It has been repeated over and over that it is not the role of the appointed upper chamber to block legislation passed by the elected House of Commons, and this is especially so when it is legislation that a party may have run on in an election campaign.

This would be important if it were true, but in the Senate between 1867 and 2015, 50 government bills were defeated by the Senate. Many more government bills were held up in committee or died on the Order Paper and were never allowed to advance to a vote.

Notwithstanding the Senate's refusal to pass government bills, the country has not had a constitutional crisis or a collapse of the parliamentary system. Bills were defeated in the Senate even when the government had an explicit election mandate.

For example, in the 1993 federal election, the then opposition leader Jean Chrétien said that if he were elected, he would cancel the planned changes made by the previous government regarding Toronto Pearson Airport. Mr. Chrétien promised, during the 1993 election, an independent review of the Pearson redevelopment project. He said:

> I'm warning everyone . . . if we become the government, it will be reviewed, and if legislation is needed (to overturn the deal), we will pass the legislation.

What happened? Mr. Chrétien won the 1993 election and became Prime Minister; the deal was reviewed; it was decided legislation was needed; legislation to end that passed in the House of Commons, but it was defeated in the Senate, notwithstanding the clear election promise and the mandate Prime Minister Chrétien received from the Canadian public by winning the 1993 election. That was as clear an election promise as you can make, and still the Senate defeated the legislation.

Maybe the words of Canada's first prime minister were top of mind for senators who defeated that legislation. As we all know, John A. Macdonald said:

> There would be no use of an Upper House, if it did not exercise, when it thought proper, the right of opposing or amending or postponing the legislation of the Lower House. It would be of no value whatever were it a mere chamber for registering the decrees of the Lower House. . . .

What happened after the Pearson Airport agreement, Bill C-28, was defeated? The government was upset and annoyed, but Canada did not fall into chaos.

It has also been repeated that senators can't and should not vote down government bills they don't like simply because of the difference between them and other parties. It is not the job of the Senate to block the will of the electorate.

But tell that to the women of Canada when restrictive abortion legislation was defeated in 1991 by the Senate of Canada after passing in the House of Commons. The government of Brian Mulroney had the legislation passed in the House of Commons, but it was defeated in the Senate.

It is also worth noting that the Conservative women senators who voted against the legislation were appointed to the Senate by Prime Minister Mulroney — the prime minister who was trying to get the legislation passed. The Senate said "no" to the House of Commons, and some members of a partisan political party caucus stood their ground and voted the way they believed was correct. Colleagues, that is an independent Senate and what it looks like.

In June 1993, Bill C-93, the budget implementation (government organization) bill to merge the Canada Council and the Social Sciences and Humanities Research Council, was also defeated in the Senate.

What about other examples in the history of Canada and the Senate when the Senate could have voted differently but chose not to? Let's think about how things would have turned out differently. One example that comes to my mind is the War Measures Act during the FLQ crisis. Did the Senate make the correct decision at the time or just the popular one? Did the Senate fail to exercise its responsibility? Faced with intense public pressure, I understand why senators voted as they did, but senators, like judges, who have tenure to the age of 75, have job security for a reason: to vote without fear or favour.

Colleagues, notwithstanding any public pressure, we have to ask ourselves some questions. Is the Canadian Senate here to go along and get along, or is it here to have votes and decisions stand the test of time? During difficult moments in the life of our nation, how important is it for the Senate to stand its ground in the face of governments urging passage of their legislation?

Governments always want their legislation passed, often quickly. Promises are made to address problems at a later date. Personally, I have always wondered why we would pass up the opportunity to fix problems now.

In addition, as I mentioned earlier, to defeat government bills, the Senate, over the years, has simply delayed bills and not allowed any votes to occur. Some bills would not be sent to committees, some bills in committee would never come out, and some bills were never allowed to have a final vote.

Before the rules were changed, it was much easier to do. For example, when Allan J. MacEachen was the Senate Liberal leader in the 1980s and 1990s, bills were held up on a variety of topics, including the redistribution of House of Commons seats for the 1997 election. Think about that. They were abandoned by the government due to opposition in the Senate. A major bill on employment insurance died in the Senate, and a new transportation act never advanced because of opposition in the Senate — again, no vote.

• (1740)

Again, added to the list are laws on drug patents, refugees, copyrights, energy — the list goes on and on.

The most famous of these might be when the Senate refused to proceed with the vote on the Canada-U.S. Free Trade Agreement until a federal election was held. After the clear election mandate, the Senate passed the bill.

Colleagues, when I read the quote from Sir John A. Macdonald earlier, the key words for me were "when it is thought proper." That is a decision every individual senator has to determine on every vote and every bill.

I wanted to add some historical context to the discussion, given some of the remarks I heard earlier today. Thank you, colleagues.

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

Hon. Senators: Question.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Do we have an agreement on the length of the bell? Fifteen minutes. Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: The vote will take place at 5:56 p.m. Call in the senators.

• (1750)

Motion in amendment of the Honourable Senator Clement negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Arnold	Oudar
Arnot	Pate
Black	Petitclerc
Clement	Prosper
Dasko	Quinn
Deacon (*Ontario*)	Robinson
McBean	Ross
McCallum	Simons
McPhedran	Verner
Miville-Dechêne	Wallin
Mohamed	Woo—23
Moncion	

NAYS
THE HONOURABLE SENATORS

Batters	Ince
Boehm	Karetak-Lindell
Boudreau	Kingston
Busson	Klyne
Cardozo	Kutcher
Carignan	Loffreda
Cormier	MacAdam
Coyle	Manning
Cuzner	Martin
Dalphond	McNair
Deacon (*Nova Scotia*)	Moreau
Downe	Osler
Duncan	Petten
Forest	Pupatello
Francis	Ringuette
Fridhandler	Smith
Gignac	Surette
Harder	Varone
Hay	Wells (*Newfoundland and Labrador*)
Hébert	White
Housakos	Yussuff—42

ABSTENTIONS
THE HONOURABLE SENATORS

Audette	Henkel
Burey	Youance—5
Gerba	

• (1800)

THIRD READING—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Cuzner, seconded by the Honourable Senator Hay, for the third reading of Bill C-4, An Act respecting certain affordability measures for Canadians and another measure.

Hon. Colin Deacon: Honourable senators, I rise to speak to Bill C-4, the making life more affordable for Canadians act. Once again, I'll be focusing on the changes to the Canada Elections Act that have been attached to the end of this bill in Part 4. The contents of Parts 1 to 3 are not contentious and reflect election promises.

Colleagues, like you, I passionately believe in the role of the unelected Senate and, like the majority of you, the role of a politically independent Senate. When I received the call from former Prime Minister Trudeau, he specifically requested that I "challenge the government." Many of you received a similar request. I have taken those three words very seriously and work to fulfill that request constructively and collegially.

I want to start by recognizing the efforts of Senator Moreau and the Government Representative's Office in ensuring that we were provided with an opportunity to fulfill our constitutional responsibility as it relates to Part 4. This demonstrated, Senator Moreau, the important role of the Senate within Parliament.

Additionally, I want to thank our Legal and Constitutional Affairs Committee for their exceptional work under very challenging conditions. Having only six hours in one day to hear witness testimony around the implications of Part 4 and then draft and submit substantive observations to the National Finance Committee was an incredibly challenging undertaking. The Legal and Constitutional Affairs Committee assembled and heard from a strong and diverse group of exceptional expert witnesses, along with those charged with defending the narrow focus of this bill.

Having listened to that testimony, I'm of the view that the Legal and Constitutional Affairs Committee report on Part 4 accurately reflected what they heard. It was clear that numerous shortfalls were identified in the legislation, as written. The committee did its best under the circumstances to reflect the range of concerns identified and to recommend three options. In short, it recommended that either Part 4 be removed, the bill be split and that Part 4 be studied separately or to include a sunset clause.

It is important to note that doing nothing and simply waving the bill through, as has been suggested, was not one of those observations. That option was defeated in a vote by members of the committee. So, this afternoon, I will, first, reflect on the legislative history that brought us to this point, notably an earlier amendment to the Canada Elections Act tabled three years ago relating to the same series of legal decisions in British Columbia. Second, I will highlight the testimony — and I might shorten that — of Elizabeth Denham because she has been well quoted in this chamber, and for good reason. She testified at the Legal and Constitutional Affairs Committee. She is a former information commissioner for the U.K. and a former B.C. information and privacy commissioner. Third, I will give my views on the three options forwarded in the Legal Committee report. Again, I will shorten that based on earlier speeches. Fourth, I will speak to the Senate's ongoing challenge with omnibus legislation. Fifth, I will review the Pratte Doctrine before summing up where I believe we stand.

So what does Part 4 of Bill C-4 have to do with the Budget Implementation Act, 2023? I'm raising the issue of Bill C-47, the Budget Implementation Act, 2023, because a third of our colleagues in this chamber were appointed after that debate back in June 2023.

Division 39 of Part 4 of Bill C-47 seemed innocuous enough. I like to examine the non-budgetary items, but this one on the last page of a 400-page budget implementation act really stood out. The reason is that I had been asked to sponsor the last two privacy bills introduced in the House in the previous Parliaments, but neither had reached the Senate. I was momentarily quite excited to see privacy legislation finally getting to the Senate.

On first reading, it seemed to introduce a reasonable amendment to the Canada Elections Act, the stated purpose being:

> . . . to provide for a national, uniform, exclusive and complete regime applicable to registered parties and eligible parties respecting their collection, use, disclosure, retention and disposal of personal information.

All of that sounds very familiar, I expect.

However, after further review, a few thoughts came to mind. First, using a budget bill to change the Canada Elections Act challenged a long-standing practice of openly debating changes in Parliament, and it arguably set a troubling precedent. Second, given that there was actually no national, uniform and complete privacy regime governing how federal political parties currently collect, use, disclose, retain and dispose of personal information, what on earth was going on with Division 39 of that bill?

It turned out to be the same reason that we are faced with today: In the absence of a federal privacy regime, the political parties found that the B.C. Privacy Commissioner was going to apply provincial rules to protect the privacy of B.C. citizens. The three main federal parties then challenged this decision in court in order to protect federal jurisdiction.

Instead of actually introducing a federal privacy regime for federal political parties, the three main parties — the Conservatives, the Liberals and the NDP — continue to pursue a legislative solution to their litigation problem but not a legislative solution to their privacy problem.

• (1810)

At second reading of Bill C-47, I highlighted the concern that Canada did not yet have a national, uniform, exclusive and complete privacy regime for federal political parties, but I proposed no solutions because I didn't have any.

At third reading of the same bill, Senator Tannas proposed an amendment that is very similar to the third option included in today's report from the Committee on Legal and Constitutional Affairs, which is to give the federal political parties what they wanted but with a sunset clause. A three-hour debate ensued, and after a standing vote, Senator Tannas' amendment was defeated, with 23 votes in favour of the amendment, 50 against and 6 abstentions.

I will say more about this debate a little later, but I think it is important for the 32 senators who were not yet appointed in June 2023 to know why some of us are experiencing déjà vu.

In 2024, the B.C. Supreme Court upheld the decision that the Canada Elections Act provisions did not comply with the standards of B.C.'s privacy law. As a result, the three political parties are now seeking to re-amend the Canada Elections Act to provide full clarity that federal jurisdiction supersedes B.C. law. To assist in this effort, they are effectively asking for the previously approved amendment to be applied retroactively to May 31, 2000 — more than 25 years ago.

Colleagues, the three political parties have chosen to litigate rather than legislate. Instead of prioritizing the implementation of a legislative regime that meets international and domestic standards, they continue to ask us to amend legislation to meet their litigation needs.

Now, back to the hearings of the Committee on Legal and Constitutional Affairs. I want to speak to the testimony provided by Elizabeth Denham. Her insights were especially important in the context of the December 2018 report from the House Ethics Committee. This is a committee of MPs that issued a report called *Democracy Under Threat: Risks and Solutions Under an Era of Disinformation and Data Monopoly*. Their first recommendation related to having political parties fall under the Personal Information Protection and Electronic Documents Act, or PIPEDA. These were MPs, not the political parties.

The connection is that the House report was triggered by the global outrage over the Facebook/Cambridge Analytica scandal, and Ms. Denham was the person who oversaw the repercussions related to that scandal while serving as the U.K. Information Commissioner.

I read to you earlier about how the government of the day responded to that report. They said that it was very valuable and would be a good contribution to their ongoing modernization efforts. It hasn't yet been included. We have yet to see any results from that.

I wanted to add a number of comments made by Ms. Denham. I'm going to cut to the last one, where she speaks about the invisible processing of sensitive information, such as the political opinions, wealth, age, connections, purchases, income and networks of the citizens of the U.K. She said:

> This was a timely investigation because, almost 10 years ago now, in 2017, analytics and microtargeting techniques were evolving. We knew that taking action then to enforce the law was vitally important because more advanced tools, such as AI-generated deepfakes and precision cyberattacks, would only increase the risks to citizens' trust and confidence in future elections.

The point I want to focus on from her testimony is that they saw where the world was going, took that opportunity and moved forward. Canada chose not to, despite the support of the Ethics Committee in the House and all those MPs — not the political parties, but the MPs from all political parties.

Ms. Denham's experience and testimony were beyond compelling. As she answered questions to senators, she spoke about the democratic risks associated with data misuse, emphasizing increased threats to electoral integrity due to advanced data-mining techniques. She saw Canada as being an outlier, lacking comprehensive privacy oversight for federal political parties, leaving voters without basic rights amid a period of rising geopolitical cyber risks. She found Part 4's measures overly broad and urged a much more surgical approach that aligned with the guardrails available in other countries.

She saw a need for fairness and accountability across the entire data ecosystem — from data brokers to social media platforms to the parties themselves — to prevent well-funded political parties from gaining a disproportionate advantage through intrusive data practices. You know how important competition and a fair, level playing field are to me. There is no question about that.

I remember a session with colleagues in 2021, when Bill C-11 was being considered as a new data privacy act for Canada. I invited the competition commissioner to be our first speaker online. The reason was because I wanted our colleagues to understand how anti-competitive the world could become when those who assemble much larger databases can use them to disrupt marketplaces. That's what Ms. Denham was very much worried about here in our political system.

The last thing she spoke about at length was technology-neutral laws and clear codes of practice for addressing emerging threats, like deepfakes, as well as other threats we don't yet see or know about.

In my mind, her testimony, along with that of other witnesses, demonstrates that we need to do something. The question is: what?

Now, I want to discuss the three options in terms of the bill itself. The bill asks for a national, uniform, exclusive and complete privacy regime, but it was very clear from testimony that it can only deliver a national and exclusive regime. In its current form, what we have right now is not uniform or complete. It's different among the different political parties, and they have been constantly changing according to many.

The committee members agreed that the various regimes fall short of minimum standards and the Commissioner of Elections pointed out that the language is very vague and that the privacy regimes change from time to time. They are not consistent across parties.

The witnesses all pointed to the fact that there's no meaningful, independent oversight or enforcement of the political parties' self-imposed policies.

The thing I found most amazing that I hadn't yet realized was that the administrative monetary penalties max out at hundreds of dollars in a world where one of our federal parties raised $28 million in just three months. We're out of whack in terms of enforcement.

The committee observed a very important point, which is something we should consider. It was in the frustrating position of attempting to conduct a thorough review of Part 4, but without the time necessary to properly consider substantive amendments.

We're all proud of the work they did, but they didn't feel there was time to fix this. They just knew it was a problem. That's another one of the complicated issues that we're facing: we don't necessarily know how to fix it. We just know that it needs to be fixed.

Colleagues, the other thing I want to mention is that our National Finance Committee was authorized a year ago in October to study and report on the practice of including non-financial matters in bills implementing provisions of budgets and economic statements. Their final report is due March 31. We're going to be making this decision before we hear how the National Finance Committee is recommending we start to deal with this long-standing problem of omnibus bills, and this is a mini-omnibus bill. It's like that old Sesame Street song, "One of these things is not like the other." Three of these things are kind of the same, but that one is not.

I also want to go back quickly to Bill C-47 and speak about Senator Tannas's amendment at the time. I completed my comments at the time in favour of Senator Tannas's amendment, and I was followed by the late Senator Ian Shugart. We heard our wonderful colleague Senator Harder speak and remind us about Ian Shugart. For those who did not know Ian, he was a deeply respected colleague and is sorely missed. He was both a former deputy minister and a former Clerk of the Privy Council, extremely experienced in the public service.

• (1820)

He stood up after my speech and began his extemporaneous speech by wholeheartedly agreeing with Senator Tannas' points about challenges associated with omnibus legislation. He also agreed with Senator Tannas' assessment on that day that he felt it was unlikely that his amendment to the bill would pass, and it did not.

In terms of my comments about the importance of privacy regimes in general, including political party privacy regimes, he agreed with most of my points. I was comforted when he said that he didn't feel sufficiently familiar with the topic to say anything more.

Senator Shugart believed that we would ultimately have to deal with the issue of privacy and the regimes under which political parties are governed. He saw this as an issue that was not going to go away, and that's important for us today. He then focused his remarks firmly on the problem of omnibus legislation, and this is where I'd like to quote directly from the late Senator Shugart:

> I would argue this is not just poor governance, restricting, as it does, the ability of parliamentarians to be proper legislators; it verges on being a question of privilege. It's on that basis that I think we have a right and a responsibility to pick this issue up and carry it forward. I would venture to guess that it is a question of privilege for our colleagues in the other place as well.
>
> I'm going to suggest that we take up this issue. I don't know exactly by what means. I think some statistical work about what has happened in the recent past would be useful. I think we should have conversations with our colleagues in the other place. I think we should give due warning to the government that we are taking this issue very seriously and this is not just an annual cri de cœur of anxiety about bad practice, but that we want to address it and we want to change it permanently. I think we should do that sooner rather than later. . . .

I understand that Senator Shugart had further discussion on the omnibus bill problem with Senator Tannas during the summer months before he passed away that autumn. Senator Tannas subsequently tabled a motion to have our National Finance Committee study the bill, and that's the report we're expecting to receive by the end of the month.

Colleagues, Bill C-4 is an omnibus bill, and the inclusion of changes to the Canada Elections Act in the so-called affordability bill is arguably a misuse of a practice that our late colleague recommended that we should work to change permanently.

But I see green shoots of hope, in my opinion, signs that the government intends to do better. This belief is manifested in Bill C-15, the current budget implementation act, where, in relative terms, the number of non-budgetary, non-economic items was limited compared to the past. I think it's important to acknowledge that there is this progress.

Colleagues, the reality is that any amendments we might make to this bill will need to be accepted by the House. The Senate generally defers, as it should, to the elected body. This is especially true in money bills. That's why I want to discuss the "Pratte doctrine," which provides me with some guidance as to when the Senate might consider standing its ground.

Colleagues, we have all experienced the overwhelming awe of sitting in this chamber the first few days and months following our appointment. As has been said to most of us, those first few weeks have us overwhelmed with questions of doubt and wonder. How did we ever deserve the honour and responsibility of being in this chamber? I won't repeat what some wonder after those first six months, but I still stand in awe of my colleagues in this chamber.

One of those first moments of total awe happened to me on my second day while listening to former senator André Pratte. He was a lifelong journalist who was deeply respected and somewhat feared because of his outsized capabilities. He came to the Senate as a former editor-in-chief of *La Presse* and was one of a first wave of independent senators appointed in March 2016. Those of us who got to know and listen to André continue to mourn his early departure.

With that background, I want to reference what some of us have come to know as the Pratte doctrine, and it comes from a speech he gave on June 19, 2018, and I have never forgotten it. As we consider our next steps, I believe André's words remain completely relevant almost eight years on. He said insisting on the House adoption of Senate amendments:

> . . . should be reserved for relatively rare cases where the issue is of special importance related to our constitutional role, where we are prepared to lead a serious fight and see its completion, when a significant part of public opinion is or could be on our side, although there could be exceptions, and where there are realistic prospects of convincing or forcing the government to change its mind.

What we do know for sure is that the vast majority — a supermajority — of Canadians are concerned that there be proper privacy protections as it relates to political party data, over 70%.

I mention the Pratte doctrine in case those in the chamber choose to amend Bill C-4. This is not a decision we should consider lightly, but it is one where I think we live up to the list that he thoughtfully prepared and proposed.

So let's add all this up. There has been a history of promised reforms to how federal political parties will be responsible for the personal information that they collect, use, disclose, retain and protect. These promised reforms began in 2018 and have failed to emerge. As discussed in my second reading speech, I blame the senior operatives in the three main federal parties for singularly focusing on litigating the issue of federal jurisdiction rather than legislating and actually fulfilling their responsibility to Canadian voters whose data they use. Not only does this decision put the personal information of identifiable Canadian voters at risk, according to the testimony of witnesses at the Legal Committee, but I'm willing to bet this legal battle has cost millions of taxpayer-supported political donations to the Conservatives, Liberals and NDP.

It also risks exposing a complete disregard for the countless organizations across Canada, including small businesses, that must comply with PIPEDA by law or face serious penalties. As a former entrepreneur, I have been told by former colleagues who are entrepreneurs that it smacks of "All animals are equal, but some animals are more equal than others."

There are risks, contrary to the testimony of one of the political party lawyers who referred to:

> The bogeyman of things you heard this morning or earlier this afternoon, I don't know where that finds its base in reality.

A complete disregard for the testimony of our expert witnesses at the Legal Committee.

Colleagues, I would offer that the utter lack of transparency and persistent efforts to prevent us from fulfilling our constitutionally required scrutiny are probably the greatest cause for concern. If there is a bogeyman, that might be it.

From my standpoint, the other thing that is really important is Elizabeth Denham pointing out that in the U.K. there were over 30 different political third-party organizations in the ecosystem that operated in that country during her time in that role. That isn't that long ago. It was seven years ago. The effects, in terms of the profound effect on voting, saw themselves turn out in the Brexit campaign, and with results that I don't think the Brits are very keen on at this point in time.

Canada could face several highly consequential referendums and elections in the coming years. I am troubled by the fact that we do not yet have the transparency requirements and government restrictions in place to ensure that voters' personal information, including knowledge of their fears and desires, might not be used in ways to influence their intentions.

This is where I'm at. The federal political parties already got the legislative changes they needed for the jurisdictional problem in Bill C-47. They passed, but in the end, they didn't end up solving their litigation needs. Might that happen again this time?

Since 2018, the federal political parties have failed to prioritize their legislative responsibility and actually create a uniform and complete privacy regime. They've had to come back to us for another legislative emergency caused by their litigation problem. It seems that our approval of retroactivity is essential at this point in order to maintain jurisdictional integrity.

However, the Legal Committee's study has elucidated countless reasons why we can't simply defeat Part 4. We need to find a path forward that will earn the support of the House and implement the protections that Canadians and our democracy deserve.

If the chamber decides to amend this bill — and I certainly sense it will — I've landed on option 3 as my preferred option, and here's why. First, it puts the federal political parties on the clock, and the onus is on the government and the three political parties to come up with a meaningful privacy regime for federal political parties within a fixed time frame. This is essential in my opinion.

• (1830)

Second, it provides immediate clarity that federal rules supersede provincial privacy regimes by providing a legal backstop and preventing headaches which would likely be unacceptable to the political parties. Hence, it would be unacceptable to the House of Commons.

Third, it allows the tax measures promised to Canadians by the government in the last election to finally proceed after a long delay in the House.

Fourth, it will ultimately provide Canadians with protective measures as it relates to the information that the federal political parties gather, retain, share and use — something that is still not assured today.

Fifth, if they so choose — and I hope they will — it provides the Standing Senate Committee on Legal and Constitutional Affairs or another special committee of the Senate with the time needed to study the issue of political party privacy measures, including where surgical differences might be required, well in advance of any future bill.

Sixth, it provides a quiet way out of this very challenging situation, reducing the risk of further exposing the unfortunate choices, in my mind, of the federal political parties.

Seventh, it helps to lay down a marker as it relates to the Senate's long-standing omnibus problem, which is the insertion of entirely unrelated matters into bills intended to implement budgetary and economic legislation. It gives us a chance to finally say this is not the way we should be doing our jobs.

As a very last point, if the government rejects the idea of a sunset clause, it will be very clear — and we will know immediately — what their intention is regarding actually modernizing the privacy rules for political parties after this piece of legislation is passed. They're not serious about it. This would be very clear. If they choose to reject a sunset clause, we would then know they have no intention.

Colleagues, I sincerely hope my comments are seen as constructive and helpful. I thank you for your attention.

Hon. Donna Dasko: Honourable senators, I rise today to speak to Bill C-4. I will confine my remarks to Part 4 of the bill, and I will be brief.

The principle of deference to the elected chamber is often raised in this chamber. It is a legitimate principle, and in my experience here, it is one that is very much respected in our actions.

I strongly urge, however, that there is an equally important companion principle that neither the government nor the other chamber should presume upon this chamber.

When it comes to Part 4 of Bill C-4, the government and the other chamber have come very close, and they may have crossed the line.

In my view, the government and the other chamber are presuming upon the Senate with respect to the lack of time we have been given, the high demands of the substantive issues at hand, the lack of scrutiny given in the other chamber and the limitations on the scrutiny we have been able to take here.

In my speeches on Bill S-283 during the Forty-fourth Parliament and Bill S-213 during this session of Parliament, I've spoken about the importance of the Canada Elections Act and keeping it healthy and current. It is the cornerstone of our democracy. It governs how Canadians choose those who will govern them.

I think most of us understand that Part 4 is attempting to deal with a real problem, which is uncertainty about which order of government in Canada has the exclusive power to regulate the collection and use of personal information by federal political parties.

I have also spoken in this chamber about political parties. We know their importance, but we have trouble understanding what they are in practice. We do not regulate them as we do business corporations or non-profit entities because they are not those things.

Apart from tax arrangements and a few other things, we regulate them to the extent that they engage in federal elections as eligible or registered political parties under the Canada Elections Act.

They are, to use a Latin term, sui generis, or one of a kind. This means, among other things, that we must approach them with understanding and with intentionality. We must take into account their unique role and structures. That is important.

At least as importantly, we must take into account the interests of Canada and the Canadians that they serve. Part 4 fails to meet the legitimate expectations of Canadians when it comes to protection of their personal information by federal political parties.

Part 4 privileges the interests of political parties and their operational adjuncts to a remarkable degree while adding some of what I would call glittery wrapping to dress up the package. Parties will have full discretion to determine their own rules without even any minimal standard.

I commend the Standing Senate Committee on Legal and Constitutional Affairs members and staff for what they accomplished in an incredible full day of hearings on February 12, just two weeks ago.

I also commend the hard work of senators who have intervened today and those who are presenting amendments to try to improve Part 4.

The testimony before the committee has established that while Part 4 might ground exclusive federal power to regulate personal information by federal parties, with limited exceptions, the content of the bill is a mess.

While much of our attention today is — and rightly so — focused on the lack of substantive privacy protection for Canadians in Part 4, I want to focus on a couple of other issues raised in testimony, one of which was not raised today.

The first issue is the following:

In testimony, the Chief Electoral Officer of Canada noted that the bill as drafted may create two privacy regimes for the parties.

Let me try to explain.

The current framework came into force in 2018, and it's found in Subdivision A of Division 2 of Part 18 of the act. These provisions govern how a political party applies to become an eligible party and becomes and remains a registered party under the Canada Elections Act.

With respect to privacy, under this framework, a party applying for registration must come forward with a policy covering the types of personal information the party collects, how it protects personal information and the use of the information it collects.

Then if we add Part 4 onto the existing legislation, which is what would happen, this creates a vaguely worded requirement for parties after they are registered or are eligible to be registered, which is to have a policy regarding the party's "practices." No topics are listed, and no detail is necessary at this stage, as parties are operating.

I quote the Chief Electoral Officer who describes the situation after Part 4 is implemented as follows:

> The two policy requirements coexist in the act. When one tries to interpret legislation and Parliament speaks differently using a different language, normally it must convey a different meaning. . . .
>
> So we have two policy requirements that coexist.

My question is: Why was it drafted this way? We don't know. Is it an oversight? Is it a lack of attention to detail perhaps? Is it sloppy drafting of the bill to put it this way? Was it crafted on the back of an envelope? Is it this, or is the drafting deliberate? Is it deliberate?

Does Part 4 contemplate that an eligible or registered party can move on from its original policy and adopt different practices in operation? Is that what it means? Will registered parties argue, based on Part 4 provisions, that they are subject to an even lesser standard of protection for personal information than is required at the time of registration? So is that actually what was meant? Does it lower the bar, as with the government not adopting Bill C-65 provisions, which are more extensive? Now we have fewer. Does this also act to create fewer requirements, right within the act? Does it, again, lower the bar for the parties?

• (1840)

I find that quite problematic, and I felt that was a very important issue that the Chief Electoral Officer wanted us to know about.

The second issue, which has been mentioned by some senators today, is this: The government has highlighted the new administrative penalty for failure to comply with a party's policy as an enhanced feature in Part 4 with respect to privacy protection. However, from testimony, I must conclude that we cannot put much, if any, weight on the value of the penalty provisions.

First, I note that this power is in respect of the Part 4 provisions, not the 2018 provisions; in other words, it is with respect to the vague language and not the detailed language in the act, after Part 4 is integrated.

Then, the Commissioner of Canada Elections outlined to the committee the deficiencies of Part 4 in clarifying investigative powers. The tools to investigate, she told us, are not there. The language about what is permitted and prohibited is vague. Testimony cannot be compelled, and evidence doesn't need to be preserved. For example, as we have heard, parties can change their privacy policies over time. They have no requirement to even keep a record of what they had before. How can an investigation take place in this situation? I called this the glittery wrapping of the bill, and there goes the glittery wrapping.

Honourable senators, I will conclude with a few remarks and some specific considerations on Part 4.

First, Parliament should solve the immediate problem and establish that the federal level has the exclusive power to regulate the collection and use of personal information by federal political parties.

Second, let us do no further harm to the current framework of the Canada Elections Act. Enough harm has been done. I look forward to hearing from senators about how the adoption of measures in Bill C-65, for example, assist in this goal. Do no more harm, please.

Third, if we make no other amendments, let us seriously consider a sunset clause for Part 4 with a tight timeline, for three reasons: first, it would establish federal jurisdiction in the near term; second, it would apply pressure to improve the substantive protections for Canadians; and third, it would limit the time that the Chief Electoral Officer and the Commissioner of Canada Elections — both of whom are officers of Parliament — would have to administer the operational mess created by Part 4. Colleagues, thank you.

Hon. Paula Simons: Honourable senators, in English, there's an old idiom — "Don't let the foxes guard the henhouse." Even in this urban world, the expression retains its visceral punch: You don't let people who might exploit their position of authority for their own gain have the responsibility of acting as guardians for the vulnerable.

In Germany, they have their own expression.

[*Editor's Note: Senator Simons spoke in German*.]

In other words, "Don't hire a billy goat to be your gardener."

However, if you would prefer an aphorism without animals, Bill C-4 suggests a new one — "Don't put political parties in charge of setting and policing their own privacy rules."

I hope I can say that without casting aspersions on our noble colleagues in the other place because this isn't a speech about MPs; it's a speech about party apparatchiks.

This legislation, passed in the other place with near-unanimous consent and no committee debate, would exempt all registered federal political parties from stringent provincial privacy laws. Instead, federal parties, from the Liberals and the Conservatives to the Communists, the Libertarians and the Rhinos, would each be entitled to create their own particular privacy rules — bespoke. Each party would decide whether and how to protect the privacy of the information they collect about voters.

There are only a few universal requirements. Each party must designate a privacy officer and make that name public; each party must explain the type of personal information they're collecting and whether they're using cookies or other online methods; they must describe what training staff and volunteers receive to deal with personal information; and they must have one meeting a year with the Chief Electoral Officer.

Here is what they don't have to do: They don't actually have to do anything in particular to protect the information under their control with physical, organizational or technological safeguards — or with a level of protection proportionate to the sensitivity of the information. They don't have to let individuals know if there has been a data or privacy breach or if their own sensitive information has been exposed.

If you want to know what information a party has about you in their database, or if you want to correct an error, Bill C-4 explicitly makes that impossible, stating that parties and their agents:

> . . . cannot be required to provide access to personal information or provide information relating to personal information under its control or to correct — or receive . . . requests to correct — personal information or omissions . . .

Bill C-4 does not prohibit the party — its candidates, staff or volunteers — from selling voters' personal information to third parties. It doesn't prevent party volunteers, canvassers or staffers from lying to voters about the ways the personal information they're collecting will be used.

And it doesn't prevent parties — their candidates, staff or volunteers — from disclosing personal information to the public for malicious or harmful reasons.

A particular party could decide to do all or some of those things, but it would be entirely at their discretion.

These days, politics in Canada is being played more and more as a blood sport. Campaigns never seem to end, especially with minority Parliaments seeming to be our new norm. Parties are locked in a forever war, and the reams of data that parties collect are the ammunition for their political battles. There's precious little incentive for a party to create a strict code of privacy for itself, especially if its rivals are adopting lower standards.

And do you know what happens if the parties break their own rules? Well, Senator Clement told you yesterday: They face fines of $50 a person or $300 for the organization. By comparison, the fine for jaywalking in my hometown of Edmonton is $250. To put it mildly, $50 is not much of a disincentive. It's not even a slap on the wrist; it's more like a gentle pat.

How have we ended up here? It's because of a court case in British Columbia where there was an attempt to force federal political parties to comply with provincial privacy law, and we are being rushed to pass this empty bill in order to frustrate and obviate the efforts of the British Columbia Court of Appeal. This, you might say, is rude. It reads as an attempt to undermine the independence of our courts and our judicial system.

On November 20, 2025, more than three months ago, a letter written on behalf of the Liberal, Conservative and New Democratic parties was filed with the Court of Appeal registry in British Columbia in an effort to thwart the court's upcoming hearing. Let me quote directly from that letter, because it talks about us:

> Bill C-4 is advancing through the House of Commons and completed consideration by the Standing Committee on Finance on October 29, 2025. We understand that the Senate has already studied the bill and it is expected to be passed back to the House of Commons for final approval this month. It is anticipated that Bill C-4 will be passed and receive Royal Assent in short order, such that the complainants will lack standing to pursue their complaint and the appeals will be moot.

Imagine that — the three biggest political parties in this country tried to derail the case, assuring the B.C. Court of Appeal that this chamber would act as a rubber stamp and tamely pass Bill C-4. Remember that, in November 2025, we had not even begun our hearings on the bill, and yet the three largest parties had their legal counsel file a letter with the B.C. Court of Appeal claiming that our study was already complete, then went on to tell the court that we would pass the bill by the end of November.

As you know, I supported Senator Clement's motion to delete this entire section from the bill. That, of course, did not pass. So I offer now, for your consideration, a more moderate amendment that is a model of restraint. It's an amendment that the government should not, in all good conscience, be able to reject because the government itself wrote this amendment verbatim.

• (1850)

You see, Bill C-4 cuts and pastes some of the language of a previous piece of legislation, Bill C-65, the electoral participation act, which died on the Order Paper in January 2025, when the last Parliament was prorogued. I know this looks complicated when you get it in your hands. Think of this like LEGO blocks. Bill C-4 stole from Bill C-65's proposed section 444.4 the first five bullet points — (a), (b), (c), (d) and (e) — and incorporated that verbatim as proposed section 446.6, but they left out the good bits. They left out sections (f), (g), (h), (i), (j) and all the bullet points under (j).

Bill C-65 was far from perfect, but it provided certain real protections, which Bill C-4 simply left out, including these missing clauses. It won't fix all the shortcomings of Bill C-4, but it would make a bad bill markedly better and give Canadians some of the basic security that Bill C-4 does not. It would also allow us to send a message to the other place that our consent cannot be assumed nor taken for granted.

It is a compromise. It is a modest and sensible compromise drafted by the government itself. What could be more Canadian than that? So why not put the lost clauses of the electoral participation act back in?

MOTION IN AMENDMENT NEGATIVED

Hon. Paula Simons: Therefore, honourable senators, in amendment, I move:

> That Bill C-4 be not now read a third time, but that it be amended, in clause 47, on page 23,
>
> (a) by replacing line 5 with the following:
>
> "**446.6 (1)** The policy for the protection of personal informa-";
>
> (b) by replacing line 18 with the following:
>
> "or through the use of cookies;";
>
> (c) by replacing line 22 with the following:
>
> "personal information that is under its control;
>
> **(f)** require the party to protect the personal information that is under its control through physical, organizational and technological security safeguards with a level of protection proportionate to the sensitivity of the personal information;

(g) require the party to take appropriate steps in the case of the loss of, unauthorized access to or unauthorized disclosure of personal information that is under its control as a result of a breach of its security safeguards, including by, as soon as feasible, informing the individual whose personal information has been lost, accessed or disclosed if it is reasonable in the circumstances to believe the breach creates a real risk of significant harm to the individual;

(h) require the party to ensure, by contract or otherwise, that any person or entity to which it transfers personal information provides a level of protection of the personal information equivalent to that which the party is required to provide under the policy;

(i) require the privacy officer or their delegate to attend, at least once per calendar year, a meeting held by the Chief Electoral Officer on the protection of personal information; and

(j) prohibit the party, as well as any person or entity acting on the party's behalf, including the party's candidates, electoral district associations, officers, agents, employees, volunteers and representatives, from

(i) providing false or misleading information to individuals about the purposes for which the party collects personal information,

(ii) selling personal information under the party's control, or

(iii) disclosing personal information under the party's control to the public for the purpose of causing harm.

(2) For the purposes of paragraph (1)(g), the factors that are relevant to determining whether a breach of security safeguards creates a real risk of significant harm to an individual include

(a) the sensitivity of the personal information involved in the breach; and

(b) the probability that the personal information has been, is being or will be misused.

(3) For the purposes of this section, ***significant harm*** includes bodily harm, humiliation, damage to reputation or relationships, loss of employment, business or professional opportunities, financial loss, identity theft, negative effects on the credit record and damage to or loss of property.".

I realize — and I do apologize for reading that so quickly — this seems long, but you have to understand this is the precise language of Bill C-65. All we would be doing is importing this language back into the bill where it should be, and the government signals that by taking the first clauses of this section and using them in Bill C-4. It's as if they just forgot the second page.

Is this a perfect solution? No, but unlike a sunset clause, which is ill-equipped to deal with things such as the fact that the bill is retroactive to 2000, unlike a sunset clause, which will, when it expires, leave us with a worse condition than we have now, this allows us to create a basic standard of privacy that the government itself set out in Bill C-65 not so many months ago. It is not a perfect solution, but it is at least an attempt to put leashes on the foxes and muzzles on the goats.

I have almost three minutes left for questions.

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

Hon. Senators: Question.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Is there an agreement on the bell? If there is no agreement, it will be an hour.

An Hon. Senator: Now.

The Hon. the Speaker pro tempore: Is leave granted for now?

An Hon. Senator: No.

The Hon. the Speaker pro tempore: Leave is not granted. The vote will happen at 7:58 p.m.

Call in the senators.

• (1950)

Motion in amendment of the Honourable Senator Simons negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Arnold	McPhedran
Arnot	Miville-Dechêne
Black	Mohamed
Clement	Moncion
Dasko	Pate
Downe	Petitclerc
Hay	Prosper
Henkel	Simons
McBean	Woo—19
McCallum	

NAYS
THE HONOURABLE SENATORS

Batters	Kutcher
Boudreau	Loffreda
Busson	MacAdam
Cardozo	Manning
Carignan	Martin
Coyle	McNair
Cuzner	Moreau
Deacon (*Nova Scotia*)	Osler
Deacon (*Ontario*)	Oudar
Duncan	Petten
Francis	Pupatello
Fridhandler	Ringuette
Gignac	Robinson
Harder	Ross
Hébert	Surette
Housakos	Varone
Ince	Wells (*Newfoundland and Labrador*)
Karetak-Lindell	White
Kingston	Yussuff—39
Klyne	

ABSTENTIONS
THE HONOURABLE SENATORS

Dalphond	Youance—3
Gerba	

• (2000)

THIRD READING—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Cuzner, seconded by the Honourable Senator Hay, for the third reading of Bill C-4, An Act respecting certain affordability measures for Canadians and another measure.

Hon. Pierre J. Dalphond: Honourable senators, I'm rising to propose a sunset provision.

Dear colleagues, like most of you, my concerns with Part 4 rest on the paucity of privacy rights for Canadians the proposed national regime requires parties to recognize.

The Standing Senate Committee on Legal and Constitutional Affairs mentioned the lack of minimum privacy standards aligned with recognized privacy principles. There is no obligation to report privacy breaches; no prohibition on selling data or maliciously disclosing personal information; a lack of proper administrative investigation tools for the Commissioner of Canada Elections; and no measures to protect data sovereignty and guard against foreign interference.

My other concern is about the lack of effective and independent oversight. Before the committee, the Commissioner of Canada Elections stated that the proposed amendments would not give her office effective authority to ensure minimum basic rights for Canadians. As Ms. Simard said, enforcement would be made more difficult by the need to enforce 15 different policies, compounded by limitations on her office's ability to collect and access evidence.

In 2018, in a report entitled *Addressing Digital Privacy Vulnerabilities and Potential Threats to Canada's Democratic Electoral Process*, the House of Commons Standing Committee on Access to Information, Privacy and Ethics expressed ". . . grave concerns that the Canadian democratic and electoral process is . . . vulnerable to improper acquisition and manipulation of personal data."

It recommended "That the government of Canada immediately begin implementing measures in order to ensure that data protections similar to the —" European Union's "— *General Data Protection Regulation* are put in place for Canadians . . ." The European Union data regime applies to political parties, incidentally.

Unfortunately, Part 4 of Bill C-4 does not follow that report. What I propose is pushing the government to look at that and for political parties to focus on that while giving them enough time to focus properly: three years. That is the sunset provision I am proposing.

[*Translation*]

A sunset provision makes certain provisions of a law take effect at the time of Royal Assent but cease to have effect on a predetermined date. In this case, I am proposing three years.

This means that, in three years' time, we would wind up back in the same situation, with the provisions that are currently in force.

That's why the proposal I'm about to read to you is a little long, because we need to reintroduce the provisions that will cease to have effect three years after Royal Assent. They would need to be put back into the act in three years' time.

The principle is simple. The current situation is untenable for political parties. We understand that and we accept it. The provisions will come into force shortly, upon Royal Assent, but if you do nothing, then in three years' time, you'll end up back in the same position that you now find untenable.

You therefore have three years to find a solution to improve the system for protecting Canadians' rights.

[*English*]

That is what I am proposing. The sunset provision will achieve, upon Royal Assent, the results expected by the government, the House of Commons and the political parties: the exclusion of provincial privacy laws, the likely end to the proceedings in B.C. and the barring of the introduction of similar proceedings in other provinces, so they get the shield they are looking for.

• (2010)

However, during the proposed three-year period, the government, after consultation with the political parties, would have to propose provisions on privacy rights resulting in a more robust privacy regime. The initiative would thus remain with the other place, the political parties and the government.

This would mirror the comments of the bill's sponsor, Senator Cuzner — I'm getting his attention — in this chamber and before the Committee on Legal and Constitutional Affairs, when he said, "Part 4 does not preclude further legislation specifying more comprehensive privacy standards for federal political parties."

Failing a new bill within the next few years, Part 4 would cease to have effect. These provisions would then be repealed, and the current provisions of the Canada Elections Act would come into force again.

In other words, there would be a strong incentive for the political parties — the House of Commons and the government — to address this issue should we improve that system, that national regime that we're setting in place? If so, how should we improve it in order to make it a true national regime, not only for the political parties, but also a regime that is better at protecting at least the minimum rights of Canadians in terms of privacy, adjusted to the context of federal political parties?

Of course, if we adopt the sunset clause tonight, the final word will belong to the House of Commons. Thus, we cannot rule out the possibility that the government could propose to MPs not to agree with this sunset provision.

Yet, if the government were to do so, it would make it clear to Canadians that the parties are not ready to grant more rights to the voters than those which are provided in Part 4 — the very voters whose confidence they wish to gain by supporting them.

You are about to hear the text. You will see that it's not written in technical terms; it's only in legal terms. It's difficult to understand, but, essentially, it says that Part 4 will come to an end in three years after Royal Assent, and the provisions that are abrogated now will be put back into the Canada Elections Act.

According to the rules, I must read it. I cannot dispense, I suppose? So I will read it:

[*Translation*]

MOTION IN AMENDMENT ADOPTED

Hon. Pierre J. Dalphond: Therefore, honourable senators, in amendment, I move:

That Bill C-4 be not now read a third time, but that it be amended on page 23 by adding the following after line 31:

"**50 The *Canada Elections Act* is amended by**

(a) repealing section 384.9;

(b) adding "and" at the end of paragraph 407(1)(a), striking out "and" at the end of paragraph 407(1)(b) and repealing paragraph 407(1)(c); and

(c) repealing sections 446.1 to 446.7.

51 The *Canada Elections Act* is amended by adding the following after section 385:

385.1 (1) Within three months after the day on which this section comes into force, the leader of a political party shall provide the Chief Electoral Officer with the party's policy for the protection of personal information referred to in paragraph 385(2)(k) and the Internet address referred to in paragraph 385(2)(l), if

(a) before the day on which this section comes into force, the leader of the party has applied under section 385 for the party to become a registered party but, as of that day, the Chief Electoral Officer has not yet informed the leader under subsection 389(1) whether or not the party is eligible for registration under section 387; or

(b) on the day on which this section comes into force, the party is

(i) an eligible party, or

(ii) a registered party.

(2) If the leader of the political party does not comply with subsection (1), then

(a) in the case of a party referred to in paragraph (1)(a), the party is not eligible for registration under section 387;

(b) in the case of a party referred to in subparagraph (1)(b)(i), the party may not become a registered party under section 390; and

(c) in the case of a party referred to in subparagraph (1)(b)(ii), the Chief Electoral Officer shall implement the procedure for non-voluntary deregistration set out in sections 415, 416 and 418.

(3) If the leader of a political party provides the Chief Electoral Officer with the policy and the address referred to in subsection (1) in compliance with that subsection, or in compliance with section 415, then the policy and the address are deemed, as of the day on which they are provided, to be included in the application for registration referred to in subsection 385(2) in respect of the party.

385.2 (1) Despite the definition personal information in subsection 2(1), for the purposes of this section, ***personal information*** means information about an identifiable individual.

(2) In order to participate in public affairs by endorsing one or more of its members as candidates and supporting their election, any registered party or eligible party, as well as any person or organization acting on the party's behalf, including the party's candidates, electoral district associations, officers, agents, employees, volunteers and representatives, may, subject to this Act and any other applicable federal Act, collect, use, disclose, retain and dispose of personal information in accordance with the party's privacy policy.

(3) The purpose of this section is to provide for a national, uniform, exclusive and complete regime applicable to registered parties and eligible parties respecting their collection, use, disclosure, retention and disposal of personal information.

52 Clauses 45 and 49 of this Act are repealed.

53 Clauses 50 to 52 come into force on the third anniversary of the day on which this Act receives royal assent.".

Hon. Pierre Moreau (Government Representative in the Senate): I want to begin by thanking the senators who worked in committee and spoke in the chamber to Bill C-4.

[*English*]

As I have mentioned many times in this chamber, 50% of my job is to represent the government in the Senate, and 50% of my job is to represent the Senate to the government.

For this part of my job, I want to tell you that I was listening very carefully to everything that was said tonight, and I will report to the government what the senators have so eloquently expressed.

[*Translation*]

However, 50% of my job is also to represent the government in the Senate. As such, I must express the government's position on Bill C-4 and, in particular, on the amendment that Senator Dalphond just proposed.

My mandate this evening is expanding in spite of myself, since the message I am bringing to the Senate is not only the government's message, but a unanimous message from the elected members of the House of Commons. What is this fundamental message? Let's address the elephant in the room, forget about Parts 1, 2, and 3 of Bill C-4, and go directly to Part 4 of this bill.

What is the essential and fundamental message? The essential, fundamental message of this provision, of this part of the bill, is to create a uniform federal regime for elections in Canada, so that a Canadian in the Northwest Territories and a Canadian in the Maritimes, Quebec, British Columbia or the Prairies is governed by the same electoral system, regardless of their place of residence. That is the essence of the debate on Part 4 of Bill C-4, and it has the support of all but one member of the House of Commons.

• (2020)

How should the Senate react in a case of unanimous consent in the House of Commons?

The time is 8:20 p.m., and I am not going to repeat the wise words of Senator Harder, but I will just say that I endorse them entirely. I also support the quotes he gave and all of the comments he made about the Senate's duty of restraint. This duty of restraint is all the more important when elected officials hold a unanimous position and when that unanimous position is on a bill to amend the Canada Elections Act, an act to which none of the senators in this chamber are subject.

I heard senators say on several occasions that they were speaking out to stand up for the rights of Canadians. As someone who's been elected to another elected chamber, I sincerely believe that the elected members of the House of Commons also speak on behalf of Canadians, and that they do so based on their mandate, which, as Senator Clement repeatedly told us, they had the courage to obtain by going door to door to convince Canadian voters across the country that they were worthy of their trust. An unelected chamber's obligation to defer to an elected chamber is all the more important when the system that elected officials are asking us to approve is one to which only they are subject.

What position should we take on the sunset clause?

Senator Dalphond was very specific about why we should reject a proposed amendment that would remove Part 4 of the bill, because if Part 4 were removed, we would end up in a situation where there would be no new obligations for the political parties. Senator Dalphond then suggested that it would be better to move forward with an imperfect system than to settle for no system at all.

I agree with him, but the effect of a sunset clause is exactly the same when the sunset period expires. If, in three years, we adopt this sunset clause and no legislative changes are made, we will be putting Canadians in a situation that is just as vulnerable as the one they would have been in had we accepted Senator Clement's proposed amendment. The sunset clause has only one purpose: to postpone a situation that we rejected by defeating Senator Clement's proposed amendment.

On the question of restraint and reserve, which must prevail in the Senate, I will conclude with the following statement. With respect, restraint in such a context is not a weakness, but the mature expression of a bicameral system that respects democracy and institutional balance, which must be part of the structuring principles of Canada's constitutional architecture: respect for the House of Commons, for unanimous votes, and for those who have a legitimate mandate to represent Canadians.

I hope that none of the comments made in this chamber will be interpreted as disrespectful toward the elected members of the House of Commons. Each of them, regardless of the party they represent, had the courage to stand before Canadians and ask for their trust. Regardless of the party they represent, the Canadians who are MPs in the House of Commons have been given a mandate to represent their constituents. I would disagree with any suggestion that they are not doing an adequate job, that they do not have the interests of Canadians at heart and that they do not care about protecting the rights of Canadians. I sincerely believe, honourable senators, that the members of the House of Commons have the interests of Canadians at heart just as much as members of the Senate do when making a decision.

Tonight we must decide whether to show the restraint needed to respect the delicate balance of Canada's parliamentary system, where this chamber of sober second thought must sometimes yield to the democratic will expressed unanimously by the elected members of the House of Commons.

Thank you.

[*English*]

Hon. Marilou McPhedran: Would Senator Moreau take a question?

[*Translation*]

Senator Moreau: With pleasure.

[*English*]

Senator McPhedran: Senator Moreau, I don't know if you intended this, but I have to say that as someone who supports amending this act, I feel chastised by you for our engaging in a process of doing the best we can with the bill that is before us.

My question is: Are there any amendments the Senate could bring that you would consider to be acceptable and, therefore, respectful of our colleagues in the other place? Or do we just accept whatever is brought here?

[*Translation*]

Senator Moreau: I believe that the idea is not to muzzle the Senate. The idea is to determine where the Senate's restraint should apply. Senator Harder explained and outlined, citing former members of the Senate, the importance and existence of this restraint. Since it exists, we need to know how this delicate balance should be maintained.

One of my duties in the Senate, which I try to fulfill very humbly, is not to silence senators, but rather to convey the message to the House of Commons. When the House of Commons unanimously says that these are the provisions it is prepared to endorse, then it is not about political parties. It is about the House of Commons, an integral part of the Parliament of Canada, of which the Senate is a part, that has spoken unanimously on legislation to which only members of the House of Commons are subject. Why would the Senate not accept the unanimous view of elected members on the method of election that should apply to them? That is the position of the government and the position of the other parties represented in the House of Commons.

That said, I accept with great humility and openness the comments that have been made, but we already know the position of the House of Commons on the amendments that have been proposed this evening. Essentially, that is my message.

• (2030)

[*English*]

Senator McPhedran: Senator Moreau, just so I clearly understand your primary message here: Is it that if anything goes through the other place unanimously, then this place is obliged to take whatever comes here after a unanimous vote? Is that your position?

[*Translation*]

Senator Moreau: That is not my position. We're talking about the Canada Elections Act. It doesn't have the same weight as the Constitution, but it carries on a parliamentary tradition that has generally been respected in Canada. It is not amended unless there is broad consensus in the House of Commons. What greater consensus could anyone ask for with this particular piece of legislation than a unanimous vote by the members of the House of Commons? That is my position. That doesn't mean that a majority vote in the House of Commons prevents the Senate from acting; rather, I believe that we are dealing with specific legislation that applies only to members of the other place.

[*English*]

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

Hon. Senators: Question.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Do we have agreement on a bell?

Hon. Senators: Now.

Motion in amendment of the Honourable Senator Dalphond agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Arnold	McBean
Arnot	McCallum
Black	McPhedran
Clement	Miville-Dechêne
Coyle	Mohamed
Dalphond	Moncion
Dasko	Osler
Deacon (*Nova Scotia*)	Pate
Downe	Petitclerc
Gignac	Prosper
Hay	Ringuette
Kingston	Robinson
Kutcher	Ross
MacAdam	Woo—28

NAYS
THE HONOURABLE SENATORS

Batters	Klyne
Boehm	Loffreda
Boudreau	Martin
Busson	McNair
Cardozo	Moreau
Carignan	Petten
Cuzner	Pupatello
Duncan	Surette
Francis	Varone
Fridhandler	Wells (*Newfoundland and Labrador*)
Harder	White
Housakos	Yussuff—24

ABSTENTIONS
THE HONOURABLE SENATORS

Gerba	Karetak-Lindell
Hébert	Oudar
Henkel	Simons
Ince	Youance—8

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Cuzner, seconded by the Honourable Senator Hay, for the third reading of Bill C-4, An Act respecting certain affordability measures for Canadians and another measure, as amended.

Hon. Yuen Pau Woo: Honourable senators, I'd like to make a few comments on this bill, retrospectively on Part 4, but on the bill as a whole, as well.

However you might feel about the way in which the debate went and the votes fell, I think we can all agree that we had a good debate. I certainly learned a lot about many of the niceties of the Canada Elections Act.

Some of us are — I am — disappointed that a number of the amendments didn't go through, but the failure of an amendment to go through should not be seen as a failure of the Senate to raise important questions about the bill. There's a notion sometimes that the only way in which the Senate can be effective is if it defeats a bill or if an amendment has gone through. Indeed, there are some people who say that the Senate cannot be a true Senate unless it's willing to defeat a bill. This is a position taken by our friends in the opposition sometimes. This is manifestly not true because sometimes simply raising the question in debate, asking the questions in committee and proposing an amendment that fails all raise awareness about a problem that is perceived to exist in the bill that may well change the course of future policy.

• (2040)

This is a contribution to what I call the arc of legislative debate, which is where we should focus the Senate's contribution rather than focusing on the specifics of an amendment or whether we vote for or against the bill. The arc of legislative debate includes not just what we do in here but also what we do in

committee, what we do before the media, what we say to our friends and what we do in the public domain when we talk about the merits and demerits of the bill.

There are broader lessons that can be gleaned from tonight's debate and our debates over the last couple of weeks on this bill. Some of these have been aired here tonight already. They have to do with the complementary role of the Senate vis-à-vis the House and the extent to which we should curb our enthusiasm for amendments that we think are necessary, but which may run in the face of perhaps unanimous support from the House of Commons.

There are questions around the appropriateness of amending government bills in particular — bills that either have the support of the electorate through the Salisbury convention or bills that may not have that support.

But there's another lesson I want to draw our attention to tonight: In the few weeks of debates that we've had on this bill, the opposition to the bill has come from non-partisan senators in the Canadian Senators Group, the Progressive Senate Group and the Independent Senators Group and from non-affiliated senators in this chamber.

Opposition to this bill has not come from the so-called opposition in the Senate. That is not a problem in and of itself because a partisan caucus is a legitimate caucus in the Senate. But what is not right is for this opposition caucus to then say that they are the only legitimate opposition in this chamber, and the rest of us are lackeys of the government. If anything more is needed for that idea to be proven to be untrue, it is tonight's debate on Bill C-4.

And a corollary to that, colleagues, is if it is not true that the so-called opposition is the true opposition and is the only opposition, then that opposition — that partisan opposition — should not have the special privileges and benefits that it enjoys in this chamber. A group consisting of 10% of the senators at full capacity should not have the right —

Hon. Yonah Martin (Deputy Leader of the Opposition): I fail to see how Senator Woo's comments toward the official opposition in the Senate Chamber, which we have been since 2015, are relevant to the Bill C-4 debate.

Senator Woo: Your Honour, we've heard many comments tonight about the broader institutional issues around the debate on Bill C-4. I am bringing up one additional institutional issue that is central to the way we operate. I will be finishing very shortly, so if you allow me to continue, I promise it will be over soon.

My point is there's a lesson in the debate around Bill C-4, and we may well have the same lesson on Bill C-12. A partisan caucus is a legitimate part of the Senate, and we welcome senators who may choose to be partisan. Perhaps there will be a Liberal caucus in the Senate before too long, but there should be no —

The Hon. the Speaker pro tempore: Let me remind all senators that the debate is on the motion for third reading of this bill.

[*Translation*]

I would remind senators that the Senate is master of its proceedings. We are now on the motion for the third reading of this bill. Please wrap up, Senator Woo.

[*English*]

Senator Woo: I thank senators for their indulgence, and I look forward to the vote on Bill C-4.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to and bill, as amended, read third time and passed, on division.)

[*Translation*]

MEDICAL ASSISTANCE IN DYING

APPOINTMENT OF SPECIAL JOINT COMMITTEE— MESSAGE FROM COMMONS—MOTION ADOPTED

The Senate proceeded to consideration of the message from the House of Commons:

Friday, February 13, 2026

EXTRACT, —

That,

(a) pursuant to subsection 2(1) of An Act to amend An Act to amend the Criminal Code (medical assistance in dying), No. 2, a special joint committee of the Senate and the House of Commons be appointed to undertake a comprehensive review relating to the eligibility of persons whose sole underlying medical condition is a mental illness to receive medical assistance in dying;

(b) five members of the Senate and 10 members of the House of Commons be members of the committee, including five members of the House of Commons from the governing party, four members of the House of Commons from the official opposition, and one member from the Bloc Québécois, with two Chairs of which the House Co-Chair shall be from the governing party and the Senate Co-Chair shall be determined by the Senate;

(c) in addition to the Co-Chairs, the committee shall elect two vice-chairs from the House, of whom the first vice-chair shall be from the Conservative Party of Canada, and the second vice-chair shall be from the Bloc Québécois;

(d) the quorum of the committee be eight members whenever a vote, resolution or other decision is taken, so long as both Houses and one member of the governing party in the House of Commons, one from the opposition in the House of Commons and one member of the Senate are represented, and that the Co-Chairs be authorized to hold meetings, to receive evidence and authorize the printing thereof, whenever six members are present, so long as both Houses and one member of the governing party in the House of Commons, one member from the opposition in the House of Commons and one member of the Senate are represented;

(e) the House of Commons members be named by their respective whip by depositing with the Clerk of the House the list of their members to serve on the committee no later than five sitting days after the adoption of this motion;

(f) changes to the membership of the committee, on the part of the House of Commons, be effective immediately after notification by the relevant whip has been filed with the Clerk of the House;

(g) membership substitutions, on the part of the House of Commons, be permitted, if required, in the manner provided for in Standing Order 114(2);

(h) where applicable to a special joint committee, the provisions relating to hybrid committee proceedings contained in the Standing Orders of the House of Commons shall also apply to the committee;

(i) the committee have the power to:

(i) sit during sittings and adjournments of the House,

(ii) report from time to time, to send for persons, papers and records, and to print such papers and evidence as may be ordered by the committee,

(iii) retain the services of expert, professional, technical and clerical staff, including legal counsel,

(iv) appoint, from among its members such subcommittees as may be deemed appropriate and to delegate to such subcommittees, all or any of its powers, except the power to report to the Senate and House of Commons,

(v) authorize video and audio broadcasting of any or all of its proceedings and that public proceedings be made available to the public via the Parliament of Canada's websites;

(j) pursuant to subsection 2(3) of the act, the committee submit a final report of its review, including any recommendations, to Parliament no later than Friday, October 2, 2026; and

(k) pursuant to subsection 2(4) of the act, following the presentation of the final report in both Houses, the committee shall expire; and

that a message be sent to the Senate requesting that House to unite with this House for the above purpose and to select, if the Senate deems advisable, members to act on the proposed special joint committee.

Hon. Pierre Moreau (Government Representative in the Senate) moved:

That:

(a) pursuant to subsection 2(1) of An Act to amend An Act to amend the Criminal Code (medical assistance in dying), No. 2, a special joint committee of the Senate and the House of Commons be appointed to undertake a comprehensive review relating to the eligibility of persons whose sole underlying medical condition is a mental illness to receive medical assistance in dying;

(b) the committee be composed of five members of the Senate, including one senator from the Opposition, two senators from the Independent Senators Group, one senator from the Progressive Senate Group, and one senator from the Canadian Senators Group, and ten members of the House of Commons, including five members from the governing party, four members from the official opposition, and one member from the Bloc Québécois;

(c) the joint chair of the committee on the part of the Senate shall be from the opposition and the joint chair of the committee on the part of the House of Commons shall be a member from the governing party;

(d) in addition to the joint chairs, the committee shall elect one deputy chair from the Senate from the Independent Senators Group, and two vice-chairs from the House, of whom the first vice-chair shall be from the Conservative Party of Canada, and the second vice-chair shall be from the Bloc Québécois;

(e) the quorum of the committee be eight members whenever a vote, resolution or other decision is taken, provided that both houses are represented and that one member from the Senate, one member of the governing party in the House, and one member from the opposition in the House are present, and that the joint chairs be authorized to hold meetings, to receive evidence and authorize the publication thereof, whenever six members are present, provided that both houses are represented and that one member of

the Senate, one member of the governing party in the House and one member from the opposition in the House are present;

(f) the five senators to be members of the committee be named by means of a notice signed by their respective leader or facilitator, or their respective designates, and filed with the Clerk of the Senate no later than 5 p.m. on Friday, February 27, 2026, failing which, the leader or facilitator and, in the case of the Independent Senators Group, the deputy facilitator, if appropriate, of any party or group identified in paragraph (b) that has not filed the name of a senator with the Clerk of the Senate shall be deemed to be named to the committee, with the names of the senators named as members being recorded in the Journals of the Senate;

(g) for greater certainty, changes to the membership of the committee on the part of the Senate be made in accordance with rule 12-5;

(h) for greater certainty, the provisions of the order adopted by the Senate on June 4, 2025, respecting the participation of senators in hybrid meetings of joint committees for the remainder of the current session apply to senators on this committee;

(i) the committee have the power to:

(i) meet during sittings and adjournments of the Senate;

(ii) report from time to time;

(iii) send for persons, papers and records;

(iv) publish such papers and evidence as may be ordered by the committee;

(v) retain the services of expert, professional, technical and clerical staff, including legal counsel;

(vi) appoint, from among its members such subcommittees as may be deemed appropriate and to delegate to such subcommittees, all or any of its powers, except the power to report to the Senate and House of Commons; and

(vii) authorize video and audio broadcasting of any or all of its public proceedings and to make them available to the public via the Parliament of Canada's websites;

(j) a report of the committee may be deposited with the Clerk of the Senate at any time the Senate stands adjourned, and that any report so deposited may be deposited electronically, with the report being deemed to have been presented or tabled in the Senate;

(k) pursuant to subsection 2(3) of the act, the committee submit a final report of its review, including any recommendations, to Parliament no later than Friday, October 2, 2026; and

(l) pursuant to subsection 2(4) of the act, following the tabling of the final report in both houses, the committee shall expire; and

That a message be sent to the House of Commons to acquaint that house accordingly.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (2050)

[*English*]

ADJOURNMENT

MOTION ADOPTED

Hon. Iris G. Petten (Acting Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

That:

(a) when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, March 9, 2026, at 6 p.m.;

(b) rule 3-3(1) be suspended on that day;

(c) notwithstanding rule 9-10(2), if a vote has been or is deferred to that day, it take place at the end of Question Period; and

(d) committees scheduled to meet on that day be authorized to meet, even though the Senate may then be sitting, with rule 12-18(1) being suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

THE SENATE

MOTION TO CALL ON GOVERNMENT TO URGE THE COALITION OF THE WILLING TO PROVIDE UKRAINE WITH THE TOOLS TO END THE WAR AND ENSURE A MEANINGFUL PEACE ADOPTED

Leave having been given to proceed to Motions, Order No. 85:

Hon. Stan Kutcher, pursuant to notice of February 25, 2026, moved:

> That the Senate call on the Government of Canada to act quickly and resolutely to urge the Coalition of the Willing to provide Ukraine with the tools that it needs to end the war and ensure a meaningful peace.

He said: Honourable senators, I will only take one or two minutes because it is late.

I want to share with you what it will mean to people if you pass this motion. I want to share with you one of the most fundamental parts of what it means to be human, and that is to have hope. Hope is the thing that keeps us going all the time. Those of you who are fans of the Toronto Maple Leafs know all about that.

But seriously, sometimes people wonder what a motion in the Senate actually accomplishes. It can make us feel good, but sometimes we don't realize what it accomplishes. Let me quickly share with you some feedback.

When I talk to the Ukrainian diaspora or those who have been displaced by the war — Ukrainians who are here — I find they pay attention to what happens in the Senate. I'm absolutely impressed, even gobsmacked. They know what goes on in this chamber and talk to me about it.

They say that when the Senate comes forward with a motion that supports Ukraine, they feel hope. They dig deeper into their pockets, donate more and become more active. That hope builds that activity.

And with people in Ukraine, I'm doubly gobsmacked that a number of them know what goes on in the Senate of Canada. Colleagues, when you passed the motion urging Canada to do more to save the Ukrainian children, that received press in Ukraine. When you passed that motion, people in parliament referenced it.

When you passed that motion, although I had not mentioned it, members of my family contacted me and said that the Senate did an incredible thing because it gave them hope.

That being said, I will try to go to Ukraine in a few weeks. I texted my cousin in Kyiv and said, "I'm going to try to come. What do you want me to bring?" She said, "Weapons." They're hoping for weapons. You have to love people who, after four years of this kind of warfare, when asked what they want you to bring, say, "Weapons."

Thank you, senators, for considering the motion.

Hon. Senators: Hear, hear.

Hon. Denise Batters: Would Senator Kutcher take a question?

Senator Kutcher: Absolutely.

Senator Batters: Senator Kutcher, you spoke about hope. I, of course, feel this subject, as you know, very deeply given my significant Ukrainian ancestry.

A few weeks ago, you forwarded a proposed motion that said:

> That the Senate call on the Government of Canada to act quickly and resolutely to urge the coalition of the willing to close the skies over Ukraine and provide it with the long-range missiles it needs to end the war quickly and ensure a meaningful peace.

For the last four years, since the very start of Putin's horrendous full-scale invasion of Ukraine, our national Conservative caucus and I have consistently advocated for those very things in that motion, for closing the skies over Ukraine. Yet now your motion is diluted quite a bit, and instead of saying that part about closing the skies over Ukraine and providing them with the long-range missiles it needs, it says, " . . . to provide Ukraine with the tools that it needs to end the war . . . ." It has been diluted.

• (2100)

Senator Kutcher, why have you diluted your motion so that it's now so much less meaningful? I'm wondering if it's maybe because the government would not support it as it was. Shouldn't we be trying to give the Ukrainian people in this war-torn country, in such an outrageous situation that they've been in now for four years and much longer with the previous invasion — shouldn't we be trying to give them more hope?

Senator Kutcher: Thank you for that important question, Senator Batters.

"Tools" mean we have a lot of stuff in our tool kit, and tools include things such as what Senator Dasko has been doing, pushing for unfreezing the Russian state bank assets in Euroclear and using that money for Ukraine. I know you agree with that.

"Tools" are the things that Senator Patterson has been doing — getting work done to prepare for when the war is over, the demobilization of all these troops, people who have had physical injuries, people who have had psychological injuries, people who have no home to go back to. It is a huge demobilization that's going to happen. We need tools to deal with that.

We need tools to help children who have been stolen by Russia and now repatriated to be rehabilitated. I'm actually going to go visit one of the centres that deals with rehabilitating children who have been brought back, and I'll share with you what I found.

You're right. Tools also include missiles, and tools also include closing the skies. As you know, both Senator Patterson and I have convened a meeting of senators to talk about closing the skies to try to get support. As you know, I have tried, with the last government and this government, to do the same thing.

I also think, and I happen to feel — and people on the Foreign Affairs Committee will know I've raised this on the Foreign Affairs Committee with our witnesses — that missiles are important. In fact, yesterday, I said that you can't win a war by playing defence.

So, yes, missiles are important. Closing the skies is important. They're all important tools.

Hon. Hassan Yussuff: Would you accept another question?

Senator Kutcher: Certainly.

Senator Yussuff: Thank you. First, let me start by saying it's late in the evening, so no long speeches here now. I want to start by acknowledging your leadership, consistent leadership, since the beginning.

Hon. Senators: Hear, hear!

Senator Yussuff: I also want to thank you for your friendship. I live in a community in Toronto that has a large Ukrainian population, so I'm very familiar with their hope and their desire to see this war end. We're about to start the fourth year of this war. As somebody who has lived in that community with so many comrades who have friends and family in Ukraine, I know this motion that you have brought here tonight is not just about the words. It's about the aspiration and the hope of the people of Ukraine. One day soon, with Canada and the rest of the world, we will find the resolve to do all that's necessary to ensure this brutal war comes to an end.

Thank you for your leadership, and if there is anything else we can do to support you in this effort, please do ask this chamber, because we could not think of anything better to do than to ensure the future children of that country grow up in a place where there is no war and there is total peace.

Hon. Senators: Hear, hear!

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BUSINESS OF THE SENATE

Hon. Iris G. Petten (Acting Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-13(2), I move:

That the Senate do now adjourn.

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

Hon. Senators: Agreed.

(*At 9:06 p.m., the Senate was continued until Monday, March 9, 2026, at 6 p.m.*)

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