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OFFICIAL REPORT
(HANSARD)

Tuesday, May 30, 2023

The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Tuesday, May 30, 2023

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

THE HONOURABLE A. RAYNELL ANDREYCHUK

Hon. Amina Gerba: Honourable senators, on May 18, we celebrated the twentieth anniversary of the Canada-Africa Parliamentary Association.

I would like to pay tribute to the co-founder of this association, which I have the privilege of co-chairing today, our former colleague, the Honourable Raynell Andreychuk.

The Honourable Senator Andreychuk is a visionary who is passionate about Africa. She is an experienced diplomat who spent a good part of her working life in Africa, where she served as Canada's High Commissioner to Kenya and Uganda and then as Canada's Ambassador to Somalia.

She was appointed to the Senate in 1993, thus becoming the first woman from Saskatchewan to serve in the upper chamber of Canada's Parliament.

After taking her place in the Senate, she realized that no one was talking about Africa, except in the context of development aid or the role of some African countries in the Francophonie. She also realized that our country didn't have a foreign policy on Africa, even though we had such policies for most other areas of the world.

For all these reasons, she thought that we needed to establish direct parliamentary relations with the 54 separate countries that make up the African continent. In her opinion, our country needed to develop a foreign policy for this continent that she had the opportunity to visit and get to know well.

With the help of the late MP Mauril Bélanger, she co-founded the Canada-Africa Parliamentary Association in 2003 and, together, they served as co-chairs until 2016.

Over the past two decades, the association has organized bilateral missions to 34 African countries, forging direct relationships with African parliamentarians and promoting our democratic values in the countries visited.

Honourable senators, I am honoured and very proud to pursue the path charted by the Honourable Senator Andreychuk, to hopefully one day achieve a true partnership and rapprochement between Canada and Africa.

Thank you.

WORLD HUNGER DAY

Hon. Sharon Burey: Colleagues, I rise today following World Hunger Day, which was May 28, 2023.

[*English*]

I also draw our attention to the dire fact that many Canadian children, youth and adults are experiencing hunger on a daily basis. We know that Northern, remote and Indigenous communities, marginalized and racialized communities and persons with disabilities also bear the brunt of food insecurity.

Food insecurity is defined as inadequate or insecure access to food because of financial constraints. According to the Canadian Income Survey of 2021, an alarming number of Canadians struggle with food insecurity, with almost 20% of households experiencing food insecurity at some point in 2021. This is approximately 7 million people and includes nearly 2 million children. This is a considerable increase from 2020, and these increases in food insecurity mainly affected families with children.

Why is this important? According to the Canadian Public Health Association, food insecurity is a social determinant of health, defined as "the social and economic factors that influence people's health." As a pediatrician, I had a front-row seat to seeing the effects of food insecurity on the physical and mental health and academic and learning outcomes of my patients.

According to PROOF, a research group at the University of Toronto, adults living in food-insecure homes are more vulnerable to infectious diseases; poor oral health; chronic conditions like depression, anxiety, heart disease and diabetes; and premature deaths. Simply put, food insecurity results in high costs to our health care budgets.

The 2021 report of the Standing Committee on Indigenous and Northern Affairs in the other place made several important recommendations, including ". . . recognizing that food sovereignty is a precondition to food security . . ." for Indigenous peoples and Northerners.

According to PROOF:

> There is a strong body of evidence showing that food insecurity can be reduced through policy interventions that improve the incomes of low-income households.

Food insecurity and poverty are inextricably linked.

There is also evidence that school food programs have been found to improve school attendance, learning and academic performance and likely have positive physical and mental health outcomes, not just for children but for their families as well.

In closing, I urge you, colleagues, to think of the wasted and lost potential of our children, the suffering of Canadians who experience food insecurity and the cost to our society due to

increasing health care and other costs and lost productivity. Let us not be afraid to use data and science, respect other ways of knowing from our Indigenous brothers and sisters, roll up our sleeves and get to work. Our children are depending on us.

Thank you. *Meegwetch*.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Senator Omidvar's granddaughter, Nylah Omidvar-Khullar.

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

Hon. Senators: Hear, hear!

ROYAL CANADIAN AIR CADETS

Hon. Ratna Omidvar: Honourable senators, I wish to share with you and with all Canadians one of Canada's best-kept secrets: the air cadets. I have lived long enough in this country to appreciate its myriad glories, and yet I only became aware of the air cadets when my granddaughter Nylah joined them on entry into high school.

The Royal Canadian Air Cadets is a Canadian national youth program for youth between 14 and 23 administered by the Department of National Defence. I have since then visited, with Nylah, ceremonies and activities that take place in Toronto, which are likely the same all across the country. The young members are taught survival skills, public speaking skills and citizenship responsibilities, and they are even introduced to flying. They visit places of national importance, such as the Canadian Warplane Heritage Museum in Hamilton or CFB Trenton. They take part in national ceremonies. Nylah, as a leading air cadet, represented the squadron at Remembrance Day in Toronto.

• (1410)

They regularly raise money for charities — often from grandparents — through collective efforts. Through these activities, they develop new friendships and networks with others across the racial, social and economic spectrum of this country.

Most importantly, I believe that in these days of social media and all kinds of distractions for young teen minds, the Air Cadets provide a place of structure and rules, as well as a place that helps young minds understand our history and institutions. They focus on community service, and foster a sense of social responsibility and civic duty. They nurture the future leadership of Canada. We have one real-life example of that leadership right here in Senator Patterson from Ontario who, in her early days, was a Sea Cadet. Nylah tells me that the Sea Cadets and Air Cadets have a healthy, sporty rivalry between them. I say more to the sporty rivalry if it develops the future leadership of our great country.

The Air Cadets also provide a clear pathway to the future. Nylah is only 14 years old, but, at this point — and things may change — she is firmly planning to attend the Royal Military College of Canada in Kingston, Ontario. Should she go through with this, her path in the future service to our fantastic country is assured.

Please join me in congratulating the Air Cadets for building a service and leadership bridge between our past, present and future.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Harry Flaherty, President of the Qikiqtaaluk Corporation in Nunavut. He is the guest of the Honourable Senator Patterson (*Nunavut*).

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

Hon. Senators: Hear, hear!

[*Translation*]

THE LATE MICHEL CÔTÉ

Hon. Claude Carignan: Colleagues, I rise today with a heavy heart to pay tribute to one of Quebec's greatest actors. Michel Côté passed away yesterday at the age of 72.

People are sometimes described as giants, and this description is especially true of Michel Côté. His career spanned nearly 50 years during which he played a variety of grandiose, touching, zany and inspiring roles.

On stage, on television and in film, this pillar of the performing arts embodied every possible version of a man from Quebec over the years, and he did so with authenticity, diligence and integrity. Michel Côté said he loved his characters as a mother loves her children. He cared for them with love and kindness, which is likely one reason why he was so adored by all Quebecers.

His impressive filmography, both in terms of volume and box-office success, reveals the full extent of his talent. He has often been called a chameleon actor. As he did in the well-known film *Cruising Bar*, in which he played the four main characters, Michel Côté was easily able to take on a wide range of characters in just a moment's time.

In the renowned play *Broue*, in which he portrayed five different customers of the famous Chez Willy tavern, Michel Côté changed clothes in front of more than three million Quebecers for over 38 years. He used to say, with a broad smile, that one day, while shooting the film *Cruising Bar* and performing *Broue* in the evening, he played seven different characters in one day. This anecdote perfectly illustrates why he truly was a chameleon actor.

United since the announcement of his passing, his former peers are praising his great skills as an actor, but also — and unanimously — his great skills as a human. On a sound stage, Michel Côté made sure to learn everyone's first name, from the director to the sound mixer, the entire crew, and he tried to acknowledge each one individually every day.

Six years ago, this great Quebec artist chose to slow down a little so he could spend more time with his dear Véronique, his two sons and his grandchildren. In an unfortunate turn of events, illness was waiting for him and despite his determination and desire to fight it, Michel Côté succumbed this past Monday, May 29.

To Véronique Le Flaguais, his long-time partner, his sons Charles and Maxime, his grandchildren and extended family, including his many friends, I wish to express my compassion and offer my sincere condolences. I also wish to express my real sympathy to the many Quebecers who today are grieving a man they claimed as their own and who they cherished with tender affection.

Goodbye, Michel.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Tetiana Popil and Arsen Senyshyn. They are the guests of the Honourable Senator Kutcher.

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

Hon. Senators: Hear, hear!

[*Translation*]

NUNAVUT

Hon. René Cormier: Colleagues, getting to know the Far North, the people who live there and the languages they speak has always been a dream of mine.

Knowing that we can't understand our country without meeting the First Peoples who have inhabited these lands for millennia, and with that dream in mind, I embarked on a three-day trip to Nunavut, the land of the Inuit. It was a fascinating and transformative journey, made possible thanks to the support and help of our colleague Senator Dennis Patterson, whom I sincerely thank for his invaluable assistance.

[*English*]

Nunavut, Canada's largest territory, is governed by a consensus-based legislative assembly, whose members are not attached to any political party — it's a very inspiring mode of governance for an independent senator. Thank you, Speaker Tony Akoak and Pamela Hakongak Gross, Minister of Culture and Heritage, for your warm welcome to this chamber where respect prevails.

[*Translation*]

As I toured this land almost entirely made up of Arctic tundra, I was guided by Languages Commissioner Karliin Aariak, who works passionately and determinedly to ensure compliance with Nunavut's Official Languages Act and the Inuit Language Protection Act. This is a monumental task that the governments of Nunavut and Canada absolutely must support.

In the land of the Qimmiq, one of world's oldest dog breeds, languages and cultures travel to and fro. They coexist, enriching this majestic land with their extraordinary sounds. Inuktut in its many forms, French and English resonate throughout the territory, representing the diversity of our country and our ability to live together.

[*English*]

In the land of the *qulliq*, the traditional Inuit lamp, I met the inspiring Leena Evic, owner of the Pirurvik Centre, which is a language training company that offers Inuktut language learning through a process that is both spiritual and restorative. It is an eloquent example of the inseparable link between language, culture and identity.

In the small community of Apex, Ann Meekitjuk Hanson spoke to me about the future of the Inuktitut language which she imagines with optimism and kindness.

In the land of inukshuk, I also met young artists who use throat singing to express their love of the land.

[*Translation*]

I also met with members of the Francophonie in Nunavut, people from all over, from Acadia, Quebec, Cameroon and more, people who embrace this land with passion and devotion, a community with the wonderful Trois-Soleils school at its heart.

Esteemed colleagues, as you can tell, I fell in love with Nunavut and its people, who draw creative energy, strength and spirituality from the land to steward, heal, repair and build the future.

[*English*]

Today, I dream of flying away again on the wings of the great steel bird to meet up with these people and learn more because this trip was just the beginning — the beginning of a journey that will transform me forever.

Qujannamiik, Nunavut.

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a group of students from the "Centre régional d'éducation des adultes Kitci Amik." They are the guests of the Honourable Senator Audette.

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

Hon. Senators: Hear, hear!

• (1420)

[*English*]

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Benedict Rogers and Sam Goodman. They are the guests of the Honourable Senator Housakos.

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

Hon. Senators: Hear, hear!

HONG KONG WATCH CANADA

Hon. Leo Housakos: Honourable senators, in recent years, I've had the honour and pleasure of working with an extraordinary group of people who have fully committed themselves to defending the freedom and human rights of others. They do so not for their own benefit, but because it's the right thing to do. As a matter of fact, at times, it has come at a personal cost, including threats and intimidation of not only themselves but also their loved ones.

Although based in the United Kingdom, Hong Kong Watch has done an extraordinary job reaching across global borders, including right here in Canada. Through their advocacy and community-engagement work, they strive to bridge the gap between newcomers from Hong Kong and the Canadian government and parliamentarians. They also publish original research and regularly update parliamentarians and government officials on the human rights situation.

In the past year, Hong Kong Watch has launched the Youth Initiative program, successfully advocated for Canada's Hong Kong open work permit pathway, drawn attention to and asked for Canadian pension funds to divest from Chinese companies linked to human rights violations and advocated for Canada to hold accountable Hong Kong and Chinese officials responsible for human rights abuses.

Hong Kong Watch also continues to urge the government to expand and extend the "lifeboat" scheme Stream B path to permanent residency and waive police certificate requirements that continue to create obstacles for Hong Kongers wishing to move to Canada.

When it comes to the safety of the growing Hong Kong community in Canada, Hong Kong Watch continues to raise cases of threats and intimidation by the Chinese Communist Party, including urging the government to adopt a foreign agent registry and a reporting hotline.

With an estimated 50,000 Hong Kongers having landed in Canada over the past two years, including Hong Kong Canadians returning home to Canada, and with many more expected to arrive in the coming months and years, Hong Kong Watch is expanding its mission of defending fundamental freedoms and human rights, and speaking up for Hong Kong Canadians who face intimidation and threats from the Chinese Communist Party right here on Canadian soil.

With that, it's my honour to announce the launch of Hong Kong Watch Canada. The official launch is happening at a parliamentary reception this evening, to which you're all invited. I really encourage you to come by and say hello. It's an opportunity to meet the Hong Kong Watch team, including our friends from across the pond, Ben Rogers and Sam Goodman, who are here today; as well as the members of the new Canadian chapter: Max Wu; Katherine Leung; Aileen Calverley; and former Miss World Canada, Anastasia Lin.

Colleagues, I again encourage you to join us this evening. Until then, I will close my remarks today with a quote from one of this evening's hosts, Ms. Calverley:

> Our fight against authoritarianism is not only advocacy work for a faraway place done from a distance. It has reached the shores of Canada and is impacting the lives of Canadians. I am tremendously grateful for the support from parliamentarians from all sides in our work. I am pleased and excited to officially launch the Canadian chapter of Hong Kong Watch – it is important work and it is time to do so.

Thank you, colleagues.

ROUTINE PROCEEDINGS

THE ESTIMATES, 2023-24

SUPPLEMENTARY ESTIMATES (A) TABLED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Supplementary Estimates (A), 2023-24.

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

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

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2024;

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

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

BANKING, COMMERCE AND THE ECONOMY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF MATTERS RELATING TO BANKING, TRADE AND COMMERCE GENERALLY WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Pamela Wallin: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Commerce and the Economy be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on business investment in Canada, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

INDIGENOUS PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF THE FEDERAL GOVERNMENT'S CONSTITUTIONAL, TREATY, POLITICAL AND LEGAL RESPONSIBILITIES TO FIRST NATIONS, INUIT AND MÉTIS PEOPLES WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Brian Francis: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Indigenous Peoples be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate an interim report relating to its study on the constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Metis peoples, no later than June 13, 2023, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

NATIONAL SECURITY, DEFENCE AND VETERANS AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF ISSUES RELATING TO SECURITY AND DEFENCE IN THE ARCTIC WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Tony Dean: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security, Defence and Veterans Affairs be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report related to its study on issues relating to security and defence in the Arctic, including Canada's military infrastructure and security capabilities, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

QUESTION PERIOD

PRIME MINISTER'S OFFICE

NATIONAL SECURITY AND INTELLIGENCE COMMITTEE OF PARLIAMENTARIANS

Hon. Donald Neil Plett (Leader of the Opposition): My question for the Liberal government leader concerns the National Security and Intelligence Committee of Parliamentarians, or NSICOP.

Mr. Leader, the Prime Minister and his ski buddy, the made-up rapporteur, have told Canadians that NSICOP would be the perfect place to do in secret what a public inquiry into Beijing's interference could do in front of all Canadians. There are currently two vacant seats reserved for senators on NSICOP, and that has been the case for months. The last two times this committee was set up, the Prime Minister refused to appoint a senator from the official opposition. Now, he is once again dragging his feet on the third try.

Leader, why is the Prime Minister waiting to fill the seats on NSICOP, and why does he continually refuse to do the right thing and appoint a senator from the official opposition?

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

The Prime Minister's prerogative is to choose the members of NSICOP, which he has done, having taken input from all recognized parties and caucuses.

• (1430)

The NSICOP membership currently comprises representatives from all parties in the other place. Indeed, there are two vacancies, and when the Prime Minister has made the decision and is ready to announce it, he will.

Senator Plett: You are right. It is his prerogative. The question that I asked was: Why does he refuse? If the Prime Minister truly believed the line he is selling to Canadians that NSICOP is the best place to investigate what he knew about Beijing's interference all along, he would quickly fill the vacancies on this committee. He would make sure this committee included a senator from the official opposition, the second-largest group in this chamber. He would also act on NSICOP's reports and recommendations. Instead, he appoints senators from each of the groups, excluding the official opposition. This is what he has done the last two times.

The Prime Minister does none of the things that I mentioned, because his main concern from the start, leader, has been covering up the truth about Beijing's interference and intimidation.

Leader, what is the Prime Minister afraid of that he won't name a Conservative senator to the committee?

Senator Gold: Senator Plett, thank you for your question. We should not, and I do not, presume what decisions the Prime Minister will make with regard to the two vacancies, but I shall take the opportunity, with great respect, to challenge some of the assertions and assumptions that you make, both with regard to the motivations of the Prime Minister and, indeed, the report that the Honourable David Johnston has provided just last week.

The report contains very important analysis and information for the benefit of Canadians with regard to the challenges that we face as a country, the many steps that the government has taken over many years to address the challenge of foreign interference as well as identifying gaps in the way in which security information is processed and transmitted upwards to the Prime Minister. It also sets out a next phase of public hearings, and, indeed, refers specifically to NSICOP and to NSIRA.

The Honourable David Johnston properly points out that these two institutions, with the security clearance that they enjoy, can have access to top secret, classified information, and that will include cabinet documents to which they have not had reference before, as well as an invitation to all opposition leaders who are willing to receive that top clearance for themselves to have access to all of the information that the Special Rapporteur reviewed in coming to his conclusion that there was no evidence whatsoever that the Prime Minister knew of the allegations that were published in the reports.

I assume the Honourable Leader of the Opposition has read the report, but for those of you who have not yet read the report, I do commend it to you. It is an extraordinarily useful contribution to Canadians' understanding of how we in Canada deal with intelligence information and how we can do better.

FINANCE

INTEREST COSTS ON FEDERAL DEBT

Hon. Leo Housakos: My question is for the government leader. Now that we have confirmed from the answer you have given the Leader of the Opposition here in the Senate that your government doesn't care much about dealing with foreign interference, let's try another subject matter, which is the record that your government has set when it comes to food banks in this country and the pummelling that the middle class and the poor are receiving in light of these terrible economic policies of your government.

I am going back to a question I asked before the break, and I'm hoping, now that you have had a week to reflect on it and maybe go to your Liberal colleagues in the Prime Minister's office or maybe even called your Minister of Finance, you can answer the question. It's a simple question. Can you tell the Senate and Canadians how much your government, the Trudeau government, is paying in interest payments on the debt for this fiscal year?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. Again, the attribution to the government for the problems of food banks really beggars belief. The cost of living for Canadians is a serious issue and should be addressed in a serious way by serious people.

The fact is the government has invested properly and prudently in assisting Canadians. Canada's economic performance remains enviable, and the government's position is that the cost to manage the debt is easily managed by virtue of the strength of the Canadian economy and is more than amply justified by the good work and measures that it has introduced for the benefit of Canadians.

Senator Housakos: Government leader, it is really remarkable that three weeks after getting this question, you can't answer in a transparent and honest forthwith fashion. It's not a complicated question.

I think I understand why your government refuses to answer the question. I would be embarrassed as well if I were part of a government that is paying $44 billion of interest this fiscal year on the debt that you have doubled since you have come into power. I would be ashamed to actually come up with that number. You have had ample opportunity to answer the question.

I can understand the shame, because in this fiscal year your government is about to spend as much money on the interest on the national debt as you are in health transfer payments, which explains why one in five Canadians — and I would venture to say one in four in some provinces — don't even have a family doctor.

I have another question for you, and it's an even simpler one. If you look at this current fiscal situation, your government's spending is almost even on interest payments on the debt and health transfer payments.

In 2015, I was a member of this chamber when the government at the time was spending $27 billion in interest payments on debt that previous governments had accumulated. It was less than two thirds of what they were paying in health transfer payments to the provinces.

If you weren't a Liberal government representative in this chamber and you were an average Canadian, which one of those two fiscal pictures would you prefer to have as a Canadian citizen?

Senator Gold: Thank you for your question. I think Canadian citizens answered those questions in a series of elections.

The fact is, colleagues, that the investments that this government has made with the support of all parties in this place and in the other place through the pandemic and through our recovery have resulted in Canada emerging from that worldwide crisis with a strong economy and well positioned for the future. The investments that this government has made to help Canadians through the difficult economic times that we're experiencing, whether in food prices or housing costs, have also helped Canadians escape or at least mitigate the worst impacts of that.

This is a question for which neither the government, nor I as the government's representative, should be ashamed.

It is an appropriate exercise of good government to help Canadians through difficult times and to make sure that the economy is well positioned to withstand and flourish in the uncertain days, months and years ahead.

ENVIRONMENT AND CLIMATE CHANGE

METHANE EMISSIONS

Hon. Mary Coyle: Senator Gold, in 2021, the federal Liberals committed to establishing a global centre of excellence on methane detection and elimination. As you well know, methane is emitted by venting and leaking during oil and gas production as well as from forms of agriculture and from landfill sites. Methane represents about 13% of Canada's greenhouse gas emissions, which is very significant.

Canada is already home to many experts in methane measurement, including Dr. David Risk of St. Francis Xavier University's Flux Lab, who won a Clean50 award for his team's work measuring the methane emissions of over 7,000 sites in the oil-and-gas-producing regions of Canada. The Commissioner of the Environment and Sustainable Development recently reported that the methodologies used by Environment and Climate Change Canada may be underestimating methane emissions from the oil and gas industry by anywhere from 25% to 90%. Despite the clear need for more research and the commitment, the centre was not included in the 2023 federal budget.

• (1440)

Senator Gold, is the federal government still committed to establishing a centre of excellence on methane detection and elimination? Can we expect to see it in this year's Fall Economic Statement?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. Slashing, reducing methane emissions is one of the cheapest and fastest ways to reduce emissions and to combat climate change, as you properly point out. That is why the Government of Canada has worked with various stakeholders and partners to implement regulations in the oil and gas sector.

I'm advised that the government is on track to reduce methane emissions from the oil and gas sector by 75% by 2030, which is just about the most ambitious target in the world.

As for the specifics of your question, Senator Coyle, I'll bring them to the attention of the minister.

Senator Coyle: Thank you very much. I look forward to hearing the answer. Will it be in the Fall Economic Statement or not?

In October 2021, the Government of Canada announced a commitment to reduce oil and gas sector methane emissions, as you have said, by at least 75% by 2030. New federal methane emissions goals are expected later this year. However, the provincial equivalency agreements with Alberta, British Columbia and Saskatchewan allow those provinces to use their own tailored provincial regulations designed to meet the previous federal goal of 45% reduction in methane emissions by 2025.

Senator Gold, could you tell us if and how the federal government will be collaborating with the provincial governments to support them in their efforts to reach these goals and also in increasing the ambition of their provincial regulations to match the federal 2030 commitment?

Senator Gold: Thank you for your question. Environmental regulation and jurisdiction of the environment is a shared one. This government works with all willing provincial and territorial governments with the common objective of reducing emissions, promoting climate change and promoting a transition to a sustainable, greener economy. Nowhere is that more important than in the oil and gas sector, which is in many ways a leader in innovation in this area.

With regard to your question, Canada's emissions reporting, as you would know, is prepared in accordance with the United Nations Framework Convention on Climate Change and is based upon science.

With regard to the more specific aspects of your question, I'll bring those to the attention of the minister.

[*Translation*]

FOREIGN AFFAIRS

CANADA-SAUDI ARABIA RELATIONS

Hon. Julie Miville-Dechêne: Senator Gold, two years ago, the Senate adopted a motion calling on the government to grant Canadian citizenship to Saudi political prisoner Raif Badawi, but nothing has been done to follow up on that motion.

For the past five years, diplomatic relations between Canada and Saudi Arabia have been suspended because of something Minister Chrystia Freeland tweeted about Mr. Badawi. However, it has now been announced that normal diplomatic relations will resume.

Senator Gold, now that diplomatic relations have been restored with Saudi Arabia, does the Government of Canada intend to grant Raif Badawi Canadian citizenship or is the price of this return to normal our silence with regard to the Saudi regime's human rights violations?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question, Senator Miville-Dechêne. As I've said many times, the Government of Canada remains very concerned about the case of Raif Badawi, continues to follow it closely, and will continue to defend his cause.

In that regard, the government has raised and continues to raise Mr. Badawi's case with Saudi Arabia's highest authorities and it has made several requests for clemency on his behalf. We sincerely hope that Mr. Badawi will be reunited with his family. As for your question, we will bring it to the minister's attention.

Senator Miville-Dechêne: Thank you for that information. Now that diplomatic relations have been restored, Canada will soon have an ambassador in Riyadh. This seems, at the very least, like an opportunity to intervene directly with the Saudis, in person, on Mr. Badawi's behalf.

Raif Badawi was imprisoned for his political views. When will the government issue a temporary passport or grant him safe passage so that he can finally be reunited with his wife and children, who have been forced to live without him in Quebec for over a decade?

Senator Gold: Once again, the government wants to see Mr. Badawi reunited with his family. I'm sure that the restoration of diplomatic relations will result in increased advocacy on his behalf. That is certainly our hope.

[*English*]

AGRICULTURE AND FORESTRY

BUSINESS OF THE COMMITTEE

Hon. Sharon Burey: I rise today to ask a question of the Chair of the Standing Senate Committee on Agriculture and Forestry.

Senator Black, as Chair of the Standing Senate Committee on Agriculture and Forestry, I want to commend you and your committee and, indeed, the Senate for undertaking its critical study on soil health. After all, soil health is human health.

As part of the terms of reference for this study, food security is an area of focus. Given our recent experiences during the pandemic of food shortages and supply chain problems, and the continued dramatic increases in the cost of food, my question, Senator Black, is this: Is the committee considering doing a study on food security following the completion of its study on soil health?

Hon. Robert Black: Thank you, honourable colleague, for the question and for your dedicated work on the Agriculture and Forestry Committee. And thank you for your important statement earlier today.

Fellow senators, as has been noted, food security is on the terms of reference for the Senate Agriculture Committee's study on soil health. Canadians and the world know and appreciate the hard work of farmers, producers and processors to keep food on our tables three times a day. The connection between soil health and food security continues to be raised by our members and by the witnesses we have heard from during our meetings. I do as well hope, though, to see the Senate approve an additional study on food security at some point in the future.

I want to give a shout-out to our colleagues on the Agriculture Committee in the other place, who completed a succinct and effective study on food security last month. I would encourage you to check that out. It notes correcting labour shortages, increasing support for local and regional food systems and protecting and monitoring Canada's vast grasslands and wetlands as key supports that the government can do.

I do appreciate the question, senator, and hope to continue to speak about food security in the committee and here in the Senate Chamber. Thank you very much.

PRIME MINISTER'S OFFICE

ROLE OF GOVERNMENT REPRESENTATIVE

Hon. Marty Klyne: My question is for Senator Gold. In our debate on April 25, you expressed concern that eight years into the independent Senate reform, our Rules have received minimal updates. For example, the Senate is unable to vote on non-government bills if even a small group of senators seek to prevent a vote. In 2019, one such filibuster killed 15 House of Commons' private members' bills. In 2020, Senators Sinclair and Dalphond proposed a reform to bring fairness and transparency to our process for independent initiatives. Their model is based on the rules of the House of Commons and the 2014 proposal of the Conservative Senate caucus and Senator Joyal.

With many non-government bills languishing on the Order Paper, is it time to change the Rules?

Hon. Marc Gold (Government Representative in the Senate): Thank you for raising this question. First, I would note in reference to the comment that I had made to which you referred that I was not speaking about the Rules in general but specifically about the fair and equitable recognition of parliamentary groups in the various processes under our Rules, where I do think there is a broadly shared sense of urgency.

Having said that, properly processing non-government bills is an important part of the work that we do in the chamber and one that's valued by parliamentarians in the other place and by Canadians alike. Senator Harder, for example, has written about the Senate's silent or "pocket" veto on private members' bills that come to us from elected members of the other place and how its exercise has harmed the reputation of the Senate in the past.

My office, the Government Representative Office in the Senate, has long supported the principle that law and non-government business should be debated and considered fully by this chamber and that bills should be able to move forward appropriately following proper debate and study. Although the Government Representative Office would like to see non-government legislation debated in a timely way, currently, the management of non-government business is an area that is to be taken up collectively by all groups and senators. It is my understanding that there are ongoing discussions amongst the deputy leaders and scroll coordinators about moving several non-government bills forward.

• (1450)

If you'll allow me an observation, which I would stress is my view alone, I think there are two problems with the way that we handle non-government business: The first is the one you have identified, where non-government bills can be stalled until there is a negotiated settlement, or until more robust or concerted procedural action. The second is a sense that I know is broadly shared — in many cases, non-government bills are expedited in a way that is not fulsome at times in order to make good on deals that have been made. It is often the case that private members' bills that pass the Senate are rarely amended, and that's not because they are perfect. We do see government legislation receiving much more scrutiny and levels of consideration.

With regard to specific changes in the Rules on other business — and I apologize, colleagues, for the length of this response, but I think it's important — we, in the Government Representative Office, are always open to policy engagement with colleagues. I recall the proposal that you raised with me several years ago, which was creative, very well put together and built off a proposal backed by former Senator White. I also recall that others have floated different and interesting ideas, including the notion of adopting a lottery system similar to that in the other place.

In order for the Senate to be in a position to move forward on changes relating to the treatment of other business, there is a need to garner a sense of where the consensus lies in terms of preferred policy options. If only to distill where such a policy consensus may lie, I would certainly encourage our Senate Rules Committee to take up the issue, examine the proposal that you mentioned and evaluate the practices and methods used by our colleagues in the other place, as well as any other perspective that could lead to a modernized approach.

Senator Klyne: Senator Gold, you may have answered this point, but could you comment on this? Maybe it's an opportunity to underscore something.

In one of his final speeches to this chamber, the Honourable Murray Sinclair said, ". . . the Senate should proceed with adopting fair and transparent rules regardless of whether there is unanimity."

He continued:

> The benefit of a government procedural avenue for internal reforms would be that such a process could more readily involve a conclusion after a reasonable period of time.

Can you comment on that?

Senator Gold: Thank you. I do agree. First of all, consensus does not necessarily mean unanimity. Unanimity should not be a threshold for change in the Senate — that would simply be a recipe for paralysis. However, as I just said, on the issue of our approach to other business, given the different proposals that have been circulated in the past, I think there needs to be a process of engagement that would yield a policy consensus, or at least to see where one might lie. Again, I would encourage the Rules Committee to take up this issue.

You mentioned Senator Murray Sinclair; he was an important voice in this chamber. His vision of the Senate as Canada's council of elders is certainly one vision that could inform our debate as we continue our efforts to modernize the Senate, and for the Senate to better correspond to contemporary needs and reality.

[*Translation*]

CANADIAN HERITAGE

PUBLIC ORDER EMERGENCY COMMISSION

Hon. Claude Carignan: My question is for the Government Representative in the Senate. On May 18, I filed a complaint with the Commissioner of Official Languages for non-compliance by the Public Order Emergency Commission with respect to the translation, on its website, of the English documentation submitted by the Prime Minister's Office and the Privy Council, including an extremely important document, a far from insignificant one, namely the memorandum invoking the Emergency Measures Act, which was the basis for cabinet's decision.

This memorandum was written in English only. It is redacted, in part, but the part that's not redacted is in English only, which isn't very useful for francophones.

Minister Petitpas Taylor said that this was unacceptable. If that's so, will the government commit to producing the French translation of the English documentation that is on the Public Order Emergency Commission website and was submitted as evidence?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. I completely agree with Minister Petitpas Taylor's opinion. As for your question, I will ask the minister directly.

Senator Carignan: I'd also like to ask you a question about the testimony. The English testimony was translated into French, but the French testimony hasn't been translated into English. Obviously, that reduces the impact of the testimony of those who chose to speak French. Their message hasn't been disseminated or published in the same way as the English testimony.

Over $324,000 was budgeted for translation, so will the government commit to translating the French testimony into English, especially since the Privy Council Office is responsible for the archives of the Public Order Emergency Commission?

Senator Gold: Once again, I share your concern, esteemed colleague. I'll add that to my questions to the minister.

[*English*]

FOREIGN AFFAIRS

FOREIGN INTERFERENCE

Hon. Donald Neil Plett (Leader of the Opposition): Leader, my next question concerns the cover-up released by the Prime Minister's made-up Independent Special Rapporteur on Foreign Interference. The fix was in from the start, and we could all see it happening. The Trudeau government will do all it can to never allow a public inquiry into Beijing's meddling in our elections.

In his report and remarks to the media, the Special Rapporteur blamed the media and the opposition. He said whistle-blowers at the Canadian Security and Intelligence Service, or CSIS, were motivated by malice. He looked at only some of the leaks, and the words "Pierre Elliott Trudeau Foundation" do not appear in his report. All of this is taken straight from Prime Minister Trudeau's playbook. He could have written the report himself. He needn't have bothered with the Special Rapporteur.

Leader, why should the made-up Special Rapporteur and this cover-up carry more weight than the majority of the members of Parliament who voted for a public inquiry?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The Government of Canada has confidence in the Special Rapporteur, the Honourable David Johnston, and in the quality of his report — which, again, I urge those in this chamber and Canadians to read.

I will have to continue to state — although it is becoming tiresome — that the imputations and challenges to the integrity of both the former Governor General and of the Prime Minister, as well as the use of words like "cover-up," "fix" and all of that, are beneath the dignity of this chamber. The issue of foreign interference is a serious issue. This government has taken it very seriously, and, indeed, for those of you who have taken the time to read the report, you will notice that in section VI(2), there is a long list of the initiatives that this government has taken to address foreign election interference and more to come, as announced by the Special Rapporteur.

Serious issues that affect our security and well-being need to be addressed in a serious way by serious people. The innuendos and imputations of lack of integrity simply fall far short of that standard.

Senator Plett: We all know, leader, that it is indeed inconvenient to have an opposition in this house — that is your problem. You are tired of answering questions; we are tired of asking questions that you either don't know or refuse to answer. Why don't you call the Prime Minister and get the answers if you don't know them? The made-up Special Rapporteur asked a judge if he was in a conflict of interest due to his long-standing ties to the Pierre Elliott Trudeau Foundation and the Trudeau family. Was anyone surprised that the judge is the Special Rapporteur's close friend who has his very own links to the Pierre Elliott Trudeau Foundation? The made-up Special Rapporteur also hired a lawyer to assist in his work. Did it honestly surprise anyone to learn that the lawyer donated more than $7,500 to the federal Liberal Party since 2006?

An Hon. Senator: No.

Senator Plett: This is ludicrous. Wouldn't it be great if the Trudeau government showed as much effort when working to protect Canadians as they do trying to cover up — and, again, I'll use that word — the fix —

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

Senator Plett: Yes, I have a question. The Prime Minister never wanted a public inquiry. He has gone to great lengths to avoid one because he benefited from Beijing's interference.

• (1500)

Leader, here is the question: The Prime Minister designed this whole farce to absolve himself. According to the polls, a majority of Canadians want the public inquiry, but your Liberal government has basically said that they're wasting their breath. Isn't that right? I know you don't want to answer it, but have the courage to do the right thing.

Senator Gold: I will answer it. You are wrong, dead wrong. Once again, I wish that the opposition in this place was not —

Senator Plett: You wish there was no opposition.

Senator Gold: No, I'd be happy if there were an opposition that was as independent as you claim to be. I wish there were an opposition that did not put partisanship upon the protection of Canadian national security. I wish we had an opposition or a Leader of the Opposition in the other place who had the courage to read the information as opposed to protecting himself —

Some Hon. Senators: Oh! Oh!

Senator Gold: — protecting himself so that, without the proper basis, he could spin whatever tales that he would, unencumbered by any exposure to the evidence, which he has been invited to read.

The Hon. the Speaker: The time for Question Period has expired.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, first, I would like to say something. I want to remind senators that, during Question Period — and I will refer you to rule 4-8(1). I'll read it again:

> During Question Period, a Senator may, without notice, ask a question of:
>
> (a) the Leader of the Government, on a matter relating to public affairs;

I just want to remind senators of that. Also, if you're asking a question to a committee chair, it's, ". . . on a matter relating to the activities of the committee."

So, please, I'd like to remind you that that is the case per rule 4-8(1)(a) and (c). Thank you.

Senator Plett, did you have a point of order?

Hon. Donald Neil Plett (Leader of the Opposition): No, Your Honour. You addressed my point of order. It had to do with the question being asked of a committee chair on a question about whether they will take on something as opposed to what they are dealing with, but you addressed it. Thank you, Your Honour.

Hon. Brent Cotter: Your Honour, on the point of order, it's quite clear the question has two components to it, including the component allowed under the Rules, and the chair answered the question to that end.

The Hon. the Speaker: I don't think Senator Plett raised a point of order. He was just commenting.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table the answers to the following oral questions:

> Response to the oral question asked in the Senate on March 21, 2023, by the Honourable Senator Wallin, concerning Canada Post.
>
> Response to the oral question asked in the Senate on March 28, 2023, by the Honourable Senator Martin, concerning the Canada Emergency Business Account.

PUBLIC SERVICES AND PROCUREMENT

CANADA POST

(*Response to question raised by the Honourable Pamela Wallin on March 21, 2023*)

Public Services and Procurement Canada (PSPC):

The government established the *Canadian Postal Service Charter* in 2009 to outline its expectations regarding Canada Post's service standards in providing postal services to Canadians, while committing to review it every five years to assess the need to adapt it to changing requirements. In 2018, the government affirmed that Canada Post was expected to continue to meet the existing expectations laid out in the Charter.

The government undertook public opinion research in 2022 to capture updated views of Canadians about the mail and their expectations of Canada Post, especially in the wake of the COVID-19 pandemic that has significantly accelerated Canada Post's transition away from lettermail to a parcels-dominant business.

The purpose of the polling was to obtain input from Canadians so the government can fulfil its commitment to conduct a regular review of the *Canadian Postal Service Charter* every five years and to track a government mandate commitment that is to: *Ensure that Canada Post provides the high-quality service that Canadians expect at a reasonable price and better reaches Canadians in rural and remote areas*.

None of the questions asked should constitute an indication of future direction, policies, or active consideration.

FINANCE

CANADA EMERGENCY BUSINESS ACCOUNT

(*Response to question raised by the Honourable Yonah Martin on March 28, 2023*)

Export Development Canada (EDC)

Accenture has received $208,087,624.97 in contracts to administer the Canada Emergency Business Account (CEBA), including $71 million that Accenture will receive under the current contracts set to expire in January and February of 2024. Export Development Canada (EDC), a financial Crown corporation governed by a board of directors, operating at arm's length from the Government of Canada, made the full decision to contract and negotiate the contracts with Accenture related to the administration of the CEBA. Accenture provided staff augmentation and technology services, not consultant advice.

Accenture joined the CEBA team at the program's onset and was instrumental in developing a successful program supporting nearly 900,000 small businesses totalling over $49 billion of financial support. The complex nature of the program's requirements necessitated both dedicated internal and external resources that would allow the program to be developed and launched expeditiously. Accenture provides several core services such as maintaining back-end digital platforms, servicing the customer call centre, and developing resources and tools for applicants. Given Accenture's role in CEBA to provide ongoing technology services, EDC expects a Maintenance and Support contract to be negotiated to support ongoing collection activities.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to the order adopted December 7, 2021, I would like to inform the Senate that Question Period with the Honourable Marco E. L. Mendicino, P.C., M.P., Minister of Public Safety, will take place on Wednesday, May 31, 2023, at 2:15 p.m.

[*Translation*]

CRIMINAL CODE
SEX OFFENDER INFORMATION REGISTRATION ACT
INTERNATIONAL TRANSFER OF OFFENDERS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Busson, seconded by the Honourable Senator Coyle, for the second reading of Bill S-12, An Act to amend the Criminal Code, the Sex Offender Information Registration Act and the International Transfer of Offenders Act.

Hon. Pierre-Hugues Boisvenu: Honourable senators, I rise today as critic of Bill S-12, An Act to amend the Criminal Code, the Sex Offender Information Registration Act and the International Transfer of Offenders Act, introduced by the Honourable Marc Gold, Leader of the Government in the Senate.

Honourable senators, this bill is a response to the Supreme Court of Canada ruling in *R. v. Ndhlovu*. The court struck down the provisions requiring automatic registration of every person found guilty of or not criminally responsible for designated sexual offences. It also struck down the provision requiring that certain offenders be included, in perpetuity, in the National Sex Offender Registry.

The bill proposes three changes to the Criminal Code. First, it amends the criteria governing the automatic registration of sex offenders, in response to the Supreme Court of Canada decision. According to the government, this amendment ensures that the National Sex Offender Registry remains operational while respecting the Canadian Charter of Rights and Freedoms.

Second, the bill changes the rules of law related to publication bans. Judges will have an obligation to ask the prosecutor if victims want a publication ban. The judges will also have an obligation to ask the prosecutor if victims want information about their case to be shared after sentencing.

Finally, the bill imposes certain additional obligations on sex offenders on the national registry. For example, sex offenders intending to travel abroad will have to provide notice of their intentions 14 days before their departure.

Honourable senators, while I commend the Canadian government's initiative in responding to the Supreme Court of Canada's decision and its intention to improve victims' rights, I do have some reservations about the scope of Bill S-12.

I question the government's claim that it is seeking to strengthen the National Sex Offender Registry. I think this is more about ensuring compliance with the Supreme Court of Canada's decision, with no real objective of more adequately monitoring the many dangerous sexual predators on the loose, who reoffend all too often, as Canadian crime statistics show.

One of the points I take issue with is the new rules for automatic inclusion on the registry. The Trudeau government is authorizing automatic registration, with no possibility of appeal, only for repeat offenders and offenders who have committed crimes against minors. This approach seems limited to me, and seems to totally deny the reality of sexual violence against women.

According to the Research and Statistics Division, women are sexually assaulted more often: There are 37 incidents per 1,000 women compared to 5 per 1,000 men. That is seven times higher. In the Canadian territories, women were about three times more likely than men to have been sexually assaulted at least once since the age of 15. That's about 18,000 women compared to about 6,000 men. Let's not forget that women aged 18 to 24 are the most likely to be sexually assaulted.

I would also point out that the majority of sexual assaults are not reported to the police and that many women suffer in silence. Over the past few years, sexual assault has become an increasingly common crime in Canada. That's why I think it's simplistic to limit automatic registration without recourse to minors and repeat offenders. This suggests a one-dimensional interpretation of crime that does not take into account sexual violence against women, which keeps going up year after year, as I just said.

Colleagues, I will now turn to the provisions proposed in Bill S-12 relating to the rules of law on publication bans.

First, victims shouldn't be held legally responsible for telling their own story. This issue must be addressed in Bill S-12 to guarantee that victims can freely express themselves without fear of reprisal. In March 2021, a victim in Kitchener-Waterloo was charged, prosecuted and found guilty of breaching the conditions of a publication ban for emailing a transcript of court proceedings to their family and friends. The sentence was struck down on appeal due to a technicality, but this story very clearly demonstrates that victims of crime are not considered by our justice system, and that they can be revictimized by those who are supposed to defend and protect them.

Second, the victim's consent must be required before a publication ban is issued in their name. Many Crown attorneys impose publication bans at the start of a court case, at the first appearance of the offender, more often than not in the absence of the victim.

• (1510)

Therefore, victims are not informed or consulted, which fails to respect their rights to information and participation that are enshrined in the Canadian Victims Bill of Rights. They are simply excluded from the court decision and silenced, even though they are directly affected and should be the first to be informed.

To address this, Bill S-12 simply proposes consulting the victim, when it should be clarified that consent is necessary. Victims should have the choice to publicly share their stories if they feel it is in their best interests to do so. No one should have the right to prohibit or limit that freedom under the pretext of wanting to protect them. In cases where consent cannot be obtained for various reasons, the bill should provide that the victim be informed of the consequences of the publication ban and how it can be lifted if the victim so wishes.

In addition, colleagues, the bill should have simplified the process of lifting a publication ban, which is long and tedious. The victim shouldn't have to go back to a judge to ask that a ban be lifted; a simplified process must be included in Bill S-12.

In May 2021, a victim from Ottawa, Morrell Andrews, asked the Crown prosecutor associated with her case for a hearing to lift the publication ban, but the prosecutor said that she wasn't sure about the procedure or policy in effect or whether the Crown would consent to lifting the ban. After making the same request directly to the judge at the sentencing hearing, Ms. Andrews was told that the judge was no longer in a position to do so.

When a third Crown prosecutor finally asked the court to lift the publication ban, the alleged criminal's defence lawyer opposed the request and was allowed to present arguments as to why the ban shouldn't be lifted. That lawyer never gave her consent for a publication ban.

Is it normal for the aggressor to control the victim's decision? That is unacceptable and Bill S-12 would perpetuate this injustice, which was criticized in Quebec by Justice Guibeault in a similar case.

In 2021, a victim from Victoria, Kelly Favreau, appeared in person before the Supreme Court of British Columbia to ask for her publication ban to be lifted. She discovered the existence of this ban four years after the end of the legal proceedings. She stated that this process again infringed on her freedom and that she felt revictimized by the justice system. The alleged perpetrator in her case was authorized to present arguments explaining why the ban should not be lifted. The victim had never consented to a publication ban.

These publication bans are supposed to be a tool to protect victims and they should never be used against them. When a victim requests the lifting of a publication ban, a process should automatically be put in place by the justice system to study the request and discharge the victim of all responsibility.

In a broader perspective, I deplore the lack of commitment by the Trudeau government to improving victims' rights.

In Bill S-12, the government seems to have only retained a fraction of what was recommended in the report entitled *Improving Support for Victims of Crime* prepared by the other place's Standing Committee on Justice and Human Rights. It completely disregarded the progress report on the Canadian Victims Bill of Rights released by the former federal ombudsman for victims of crime.

Bill S-12 shouldn't be an opportunity for the Trudeau government to claim that it is improving victims' rights across Canada. It hasn't done anything for eight years, and Bill S-12 won't do any more. First of all, the National Sex Offender Registry and improving victims' rights are two separate issues that should be dealt with in separate bills.

The Minister of Justice needs to introduce legislation that seriously reflects the two reports I mentioned. He should also draw inspiration from my bill, Bill S-205, to do more for victims of crime.

I'm concerned by the Minister of Justice's response to the report entitled *Improving Support for Victims of Crime*.

Colleagues, I'd like to quote a passage from the conclusion in the minister's response letter. It reads as follows:

> Given the nature of the Committee's recommendations and the various agencies who have the authority to implement them, it is our intention to continue to support dialogue, discussion, and partnership-building across all levels of government on the Report's findings.

This is an empty response from the minister, who hasn't committed to introducing legislation that would implement the recommendations of these two reports, which, I would point out, are in no way controversial and would improve the rights of victims of crime.

In other words, Bill S-12 should have been an opportunity to strengthen the National Sex Offender Registry, to propose more stringent legislative measures against offenders, to give law enforcement more tools to better identify offenders and to enact bans on offenders being near schools, parks or other places where vulnerable people, such as children, might be.

I challenge the idea that recidivism among these people is low and remains stable. Many women and children across Canada experience sexual assault every day but don't report it. Sexual assault is part and parcel of intimate partner violence. Over the past four years, 60% more women have been murdered in Canada, and recidivism has gone up just as much. It's like 1 + 1 = 2.

I said as much at the beginning of my speech. I also hear about this from the many people who share their stories with me every week. I hear from women and men who tell me about their experiences, their plight, their sadness and their frustration with a justice system that fails them all too often, a system in which they have no faith. That, senators, is why they don't report these crimes.

I would remind you, honourable senators, that the Senate recently passed Bill C-5, which allows sex offenders to serve their sentence at home rather than in prison.

Many cases were reported in Quebec after the bill was passed, and the Quebec justice minister asked the federal government to take action in the interest of protecting female victims of sexual assault or domestic violence by ensuring that offenders are not allowed to return home.

This type of measure should never have been accepted by the Senate without amendment because it only serves to accentuate victims' lack of confidence in the justice system. We are partly to blame for the fact that many victims do not report their aggressor. How can you now tell a woman to report her sexual predator when he would now have the opportunity to serve his sentence from the comfort of his own home?

I'd also like to remind senators that the rate of level 1 sexual assault increased by 18% compared to 2020 and that the rate of sexual assault at levels 1, 2 and 3 is the highest it has been since 1996.

I'd like to share the story of a family that I met in Camrose, Alberta, on April 11. It is the story of a 29-year-old man named Cody McConnell, who lost his 24-year-old wife, Erica Busch, and his only son, Noah Lee McConnell, who was only 16 months old. We are talking about two sordid murders committed by a repeat sexual offender while unlawfully at large.

Cody McConnell and his fiancée were happy young parents, overjoyed by the arrival of their new child. They were building a new life together centred around Noah, in the joy and happiness that the arrival of a new child can bring. They had just moved into a new apartment to be closer to Cody's work. Unfortunately, no one informed them that they had just moved next to a dangerous sexual predator.

The man was a repeat offender, with 24 criminal convictions, including a 2013 conviction in Edson for aggravated sexual assault. He had been incarcerated in a federal penitentiary before being released in 2017. While he was on release, the Edmonton Police Service issued a press release warning the public about the danger posed by this sexual predator and his risk of reoffending against a woman or child.

• (1520)

Even though he was registered on the National Sex Offender Registry, the offender fell off the police's radar in 2020. No one knew where he was nor whether he was complying with his conditions. He was far from Edmonton and lived near a children's park and a school. No one in the public justice system was concerned about this dangerous sexual predator anymore.

Ten days after the family moved, on September 16, 2021, when Cody came home from work, there was no news from his wife, his apartment was empty and there was no sign of his wife or child.

A few hours later, after conducting an investigation, the police found the lifeless bodies of Erica and their only son Noah, who, as I said, was 16 months old. Both were murdered by this serial sex offender who had been left without supervision.

This tragedy never should have happened. It is the failure of an entire system and, unfortunately, this is not the only case in Canada. I could provide dozens of examples of other cases.

Does Bill S-12 include measures in the event that a sexual predator doesn't inform the authorities when they move? The answer is no.

Does Bill S-12 include measures to convict a sexual predator who doesn't provide their new address and who moves to a location near a school or park? The answer is no.

Could Bill S-12 have prevented this tragedy? The answer is no.

The bill does provide for an arrest warrant to be issued if a justice is satisfied that there are reasonable grounds to believe that a person has contravened any of sections 4 to 5.1 of the Sex Offender Information Registration Act. However, there's no provision for the supervision of a sexual offender over an extended period of time to ensure that they abide by the conditions of their order and to ascertain if a sexual offender has moved without informing the authorities.

Honourable senators, one day Canada will have to recognize a fundamental principle that I have subscribed to since the murder of my daughter Julie by a repeat offender who was unlawfully at large. I will share it with you.

When a citizen who has repeatedly committed serious crimes is released and is considered at high risk of reoffending, they can no longer have the same freedoms enjoyed by honest law-abiding citizens who respect others.

One day, a government that really cares about Canadians' safety, a government that truly wants to take action, will recognize this fundamental principle of social justice and the right to protection. Unfortunately, neither this bill nor this government will make that happen.

In conclusion, honourable senators, this bill is entirely lacking in vision. The government is merely responding to a Supreme Court ruling because it is compelled to act and to do so by the October 28, 2023, deadline.

Earlier I told you about a family that experienced an appalling tragedy that should never have happened. This is not the only case of its kind. In the interest of public safety, the Trudeau government must do its homework and introduce a bill that contains much tougher measures against dangerous sexual predators and repeat offenders.

The Standing Senate Committee on Legal and Constitutional Affairs must take the time to study this bill in depth and make the necessary changes to restore the faith of victims of crime, families and the general population in our justice and public safety systems.

Thank you.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

[*English*]

SUBSTANTIVE EQUALITY OF CANADA'S OFFICIAL LANGUAGES BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Cormier, seconded by the Honourable Senator Miville-Dechêne, for the second reading of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts.

Hon. Judith G. Seidman: Honourable senators, I rise today to speak at second reading of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts.

For years, Canada's two official language minority communities, francophones outside Quebec and anglophones in Quebec, have sought to have the Official Languages Act updated. Bill C-13 modernizes the act and attempts to respond to these minorities' needs and priorities.

However, these proposed changes are not minor and should not be adopted by us, colleagues, without thorough study. This bill rewrites half a century of official languages policy based on the bedrock principle that the two languages have equal status and rights in law. The clearly stated goal of the new policy is one of substantive equality.

As the Law Society of Ontario summarizes:

> In Canada, court decisions at all levels make it clear that both the *Charter of Rights and Freedoms*** and human rights legislation aim to achieve "substantive" rather than a "formal" equality.

> Substantive equality . . . requires "acknowledgment of and response to differences that members of a particular group might experience" in order to be treated equally.

The realities around the risks to French culture and language in Canada are significant. However, the changes in this bill do more than advance substantive equality — they put English-speaking minority communities in my home province at risk.

According to the 2021 census, English is the first official language spoken by over a million Quebecers. Approximately 600,000 live in the Montreal economic region, but there are small communities of English speakers throughout the province. For example, there are over 7,500 Quebecers whose first official language is English in Gaspésie—Îles-de-la-Madeleine; over 4,800 in the Côte-Nord; over 24,000 in Nord-du-Québec; over 3,300 in Mauricie; and over 5,400 in Abitibi-Témiscamingue. There are also English-speaking Quebecers in Bas-Saint-Laurent, Capitale-Nationale, Chaudière-Appalaches, Estrie, Centre-du-Québec, Montérégie, Laval, Lanaudière, Laurentides, Outaouais and the Saguenay-Lac-Saint-Jean.

The struggles of Quebec's English-speaking communities are not well known. Fortunately, parliamentary committees have studied these issues twice in recent years. In 2011, the Standing Senate Committee on Official Languages released a report entitled, *The Vitality of Quebec's English-Speaking Communities: From Myth to Reality.* And in 2018, the House of Commons Standing Committee on Official Languages released a report entitled, *Toward a Real Commitment to the Vitality of Official Language Minority Communities.*

Representatives of rural communities told our Official Languages Committee that it is difficult to access government services in English, that many young people leave and do not return and that economic prospects are poor for those who stay. We heard that the only English-language primary school in the Lower St. Lawrence has no gym, no music room and no library, and in some regions, students attending English schools spend as much as three hours a day on school buses.

Yet, as Graham Fraser, who was the Commissioner of Official Languages of Canada from 2006 to 2016, told the House committee in their study:

> There is . . . a challenge when it comes to recognizing the reality of anglophone communities in Quebec. There is a sort of erroneous historical impression that the anglophone communities of Quebec are made up of rich landowners and are the owners of large corporations who live in Westmount and do not speak French. In fact, the statistics show that outside of Montreal, anglophones in communities all over Quebec are less prosperous and less educated than francophones, and have higher unemployment and poverty levels than francophones. They have exactly the same problems accessing government services in English as do francophone minorities elsewhere.

• (1530)

In 2021, in this context, the Quebec government introduced Bill 96, An Act respecting French, the official and common language of Québec. Passed in 2022, this bill amended Quebec's Charter of the French Language. Most significantly, Bill 96 pre-emptively invoked the "notwithstanding" clause to forestall any Canadian Charter of Rights and Freedoms challenges. This enables the Quebec government to override constitutionally guaranteed rights and freedoms without fear of court challenge.

It was then, in the context of the Quebec Charter of the French Language having been thus amended, that English-speaking Quebecers were disappointed and disturbed to find the Quebec charter itself referenced in the amendments to the Canadian Official Languages Act. The charter is referenced in Bill C-13 not only once but in three places. Most noteworthy is the reference in the bill's purpose. These references do nothing to strengthen or promote the rights and freedoms of French-speaking Canadians.

Though the bill references the constitutional provisions that apply to Quebec, Manitoba and New Brunswick, the Quebec Charter of the French Language is the only piece of provincial legislation mentioned by name. This is a problem because the charter could be further amended by a future Quebec government in ways that are even more harmful to the English-speaking community, yet the reference in our Official Languages Act would remain. This change also creates an asymmetry between the rights of official language minority communities, or OLMCs, within and outside Quebec.

As the Honourable Michel Bastarache, former justice of the Supreme Court of Canada, told the Senate Official Languages Committee during their most recent pre-study of Bill C-13:

> I am personally opposed to a reference to a provincial act in a federal act. I believe that the federal language regime is very different from the provincial regime. The role of the Commissioner of Official Languages is very different from the role of the Office de la langue française. . . .
>
> . . . The Quebec Official Language Act, with respect to languages other than French, is more a statute on non-discrimination. It is not an act pertaining to the promotion of English, whereas the federal act promotes minority languages.
>
> When the very purpose of each of the acts is not the same or not compatible, I can't see the point of it. If the government agrees with certain provisions of the Quebec act, it merely needs to adopt those provisions itself.

Furthermore, because Bill C-13 integrates the Quebec Charter of the French Language into the Official Languages Act, it is said to de facto integrate and sanction the pre-emptive use of the "notwithstanding" clause. It is primarily for this reason, honourable colleagues, that this bill must be studied by our Legal and Constitutional Affairs Committee. We must carefully examine the potential ramifications of this novel endorsement.

The government was warned not to take this path. When Canadian Heritage released a reform document entitled *English and French: Towards a substantive equality of official languages in Canada* in 2021, the Commissioner of Official Languages, Raymond Théberge, responded:

> I . . . share the concerns of Quebec's English-speaking community that the addition of asymmetrical components to the Act will undermine the equal status of English and French. I therefore strongly recommend that the government focus on substantive equality rather than legislative asymmetry in order to protect OLMCs across Canada and foster the development and vitality of both of Canada's official languages. This will help my office to intervene, when necessary, to maintain the important balance between our two official languages.

Despite the commissioner's warning, the reference to the Quebec Charter of the French Language has been included in Bill C-13. It now falls to us in the Senate, colleagues, to study Justice Bastarache's suggestion to remove the reference to the Quebec Charter of the French Language and instead insert those provisions that officials think should be added to our Canadian Official Languages Act.

Bill C-13 also enacts the use of French in federally regulated private businesses act. This new act sets out rights to communicate in French and obtain services in French from federally regulated private businesses and to carry out one's work and be supervised in French in those businesses. This act will apply first to federally regulated private businesses in Quebec before being extended to those in regions with strong francophone presence.

Federally regulated private businesses include banks, ferries and buses that cross international or provincial borders as well as telecommunications, for example, telephone and internet companies. So, francophones — first in Quebec and then in regions with a strong francophone presence — will have the right to obtain services from and work in French in these businesses.

I note that the definition or quantification of a "strong francophone presence" remains to be defined in the regulations.

Furthermore, the new act states that federally regulated private businesses in Quebec can instead choose to be subject to the Quebec Charter of the French Language. This particular change underscores the asymmetries being introduced in Bill C-13.

Honourable senators, in closing, I urge all of you to consider that the Constitution gives the Senate two distinct tasks. The first is to act as a counterbalance or check for the cabinet and Commons. Our founders recognized the importance of protecting the right to political dissent from possible attacks by a majority embodied in the House of Commons.

The second is to represent the regions of Canada at the federal level. As former Quebec politician and professor Gil Rémillard and co-author Andrew Turner explain in an essay contained in *Protecting Canadian Democracy: The Senate You Never Knew*:

> The Fathers . . . wanted to assign the Senate the important function of ensuring that minorities, originally the Anglophone population of Quebec and Francophone minorities in other provinces, would be represented in the Senate.

It was on this condition — that the Senate would protect the interests of minorities even when the majority in the House did not — that the Canadian bargain was struck. Protecting minorities, including the English-speaking minority in Quebec, is our raison d'être.

Honourable colleagues, this bill can be improved. It can be changed in minor ways that ensure the principle of substantive equality while protecting the rights of the English-speaking minority in Quebec. So I therefore ask that we do our jobs and send this bill for study to both the Standing Senate Committee on Official Languages and the Standing Senate Committee on Legal and Constitutional Affairs. Thank you.

Hon. René Cormier: Would Senator Seidman accept a question?

Senator Seidman: I certainly would.

Senator Cormier: Thank you, Senator Seidman. First, I want to congratulate you and thank you for your dedication and commitment to official languages. You have been on the Official Languages Committee for years, and you have done a lot of work. You are dedicated to the anglophone community in Quebec.

Considering that the Official Languages Committee's mandate is broad and allows it to examine any matter relating to official languages in general — which includes constitutional language rights guaranteed by the Constitution Act, 1867 and the Canadian Charter of Rights and Freedoms — considering it is mandated to review the application of the Official Languages Act and the application of its regulations, and considering that the Official Languages Committee has paid particular attention to legal and constitutional questions during its pre-study of the bill, don't you think that this committee is better equipped to exclusively examine this piece of legislation?

Senator Seidman: Thank you. I'll just say very briefly I understand why you are asking the question, but I also suggest to you that, for example, we get a budget bill here and we send it to various committees for a reason — because committees have their specialties. They have experts on those committees who can analyze portions of a bill in accordance with those specialties. Legal and Constitutional Affairs has the specialty and expertise to understand those constitutional issues that could be at risk in this bill. So from that point of view, their understanding would be better suited than Official Languages, in my humble opinion.

• (1540)

The Hon. the Speaker: The time has expired. Are you asking for five more minutes, Senator Seidman?

Senator Seidman: I suppose if my colleagues want me to, I will ask for five more minutes.

[*Translation*]

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: Yes.

[*English*]

Senator Cormier: It's a short one. Érik Labelle Eastaugh, François Larocque, Michel Bastarache, Benoît Pelletier, Robert Leckey, Michel Doucet, David Robitaille and Mark Power are all experts who have testified before the Official Languages Committee during its pre-study and provided evidence on legal and constitutional issues surrounding the bill.

Senator, with the expertise on that committee — you know the members of the committee — and considering its capacity to invite experts to look at the amended bill, don't you now trust that the committee, with all that expertise — and some of the members of that committee being there for many years — is well equipped, better equipped and indeed the best equipped to exclusively examine this piece of legislation?

I recognize the expertise of Legal and Constitutional Affairs and the colleagues who are on that committee, but we have been working on this bill — this act — since 2017. We are well equipped to study it. Can you comment on this?

Senator Seidman: Thank you. With all due respect to committee members and to you, most honourable chair, who are absolutely devoted and committed to this issue — and I well respect that, believe me, and I respect the expertise of all members on that committee and all the experts who have come before that committee. But I could ask the question: Don't we feel the same way about all our members of the National Finance Committee? A budget bill doesn't exclusively go to that committee. It goes to various committees who have the expertise to perhaps see it in a somewhat different light. That would be my answer to you.

Hon. Percy E. Downe: I have one other question. In all your years here in the Senate and in all my years here in the Senate, I have never experienced before where the sponsor of the bill and the critic of the bill have been chair and deputy chair of a committee. Have you seen that before? Do you think that's another reason it should go to the Legal Committee? I'm not questioning the qualification of the committee members. They are very competent as well. But I have never seen that before.

Senator Seidman: Thank you, senator, for the question. I have been here since 2009, and I cannot recall a situation such as that. And I would never call into disrepute the members of that committee, whether they be chair or deputy chair. They are honourable, and I have total respect for them and their ability to deal with these issues.

I do believe, though, that this bill should go to both of those committees, Legal and Constitutional Affairs as well, because of their ability to analyze the potential constitutional problems in this bill. Thank you.

Senator Downe: Just for the record, I am concerned. Sometimes it's a perception of the conflict as opposed to real conflict that could be a problem. In this case, I think it is.

The Hon. the Speaker: Is that a question?

Senator Downe: No.

[*Translation*]

Hon. Renée Dupuis: Senator Seidman, would you take another question?

Senator Seidman: Of course.

Senator Dupuis: Thank you for your presentation.

Here is my question. Is there not a big difference between a budget bill that's referred to different committees to study their part of the issue — each part that's referred to them — and this particular situation where you would request that the Standing Senate Committee on Legal and Constitutional Affairs, on which I sit, redo a study that was already done several years ago by the Standing Senate Committee on Official Languages?

[*English*]

Senator Seidman: Thank you for the question. The Official Languages Committee did a pre-study on Bill C-13, that is correct. The bill that returns is somewhat changed, with many more amendments and additional references to the Charte de la langue française. I feel that it is never harmful in a situation of such high-risk to the English-speaking community in Quebec to have a highly expert, very specialized approach to the potential constitutional issue around reference, for the first time in a federal piece of legislation, only to Quebec's Charte de la langue française.

The Hon. the Speaker: Senator Seidman, your time has expired. There are two other senators who wanted to ask a question. Are you asking for more time?

Senator Seidman: No, I can't. Thank you.

Hon. Tony Loffreda: Honourable senators, I rise today to speak to Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts.

As a lifelong resident of Montreal whose third language is French, I felt personally compelled to say a few words on this bill.

[*Translation*]

First and foremost, I want to make sure there's no doubt in people's minds. I'm very proud to be a Quebecer, proud to speak French, proud to live in a province where French is the common language of the people and the official language. Most of all, I'm proud and honoured to represent Quebec in the Senate. I consider myself extremely fortunate to have been born and raised, to have been educated, to have had a career and to have raised a family in Quebec. I'm very grateful for that.

I want my message to be clear: I think protecting and promoting French in Quebec and across Canada is essential. The fact is, francophones are a minority in Canada, and we must do everything in our power to ensure the vitality of the French language.

My comments today have nothing to do with the need to better protect French language rights. On the contrary, I support and endorse the objectives of Bill C-13 and the gains it will provide to francophones as soon as it is passed.

Rather, I very humbly rise to defend another language minority in the country, the one we often forget, the anglophone minority in Quebec.

[*English*]

We all saw what happened in the other place a few weeks ago when the entire House voted in favour of Bill C-13 with one exception: Anthony Housefather, the Member of Parliament for Mount Royal, my neighbouring riding, who in good conscious voted against the bill.

Bill C-13 is a very important bill that will change linguistic rights in Canada. Amendments to the Official Languages Act are long overdue, and I congratulate the Senate's Official Languages Committee for the comprehensive study it conducted on it a few years ago. I know that the study was very well received across the country.

My remarks today will focus exclusively on the inclusion of Quebec's Charter of the French language in Bill C-13. Along with many in my community, I am concerned that the bill includes three references to the Charter. I am also a little disheartened that the bill is almost silent on English rights in Quebec, which begs the question: Has the government given up on a fully bilingual country?

I think most of us are quite familiar with the amendments made to the Charter of the French language with the passage of Bill 96 last June at the National Assembly of Quebec. English-speaking minorities in Quebec felt targeted, and in some ways personally attacked, when the provincial government introduced and adopted that bill which pre-emptively used the "notwithstanding" clause — section 33 — of our Canadian Charter of Rights and Freedoms. Forty years ago, the late Morris Manning, a legal authority in Canada, was also uneasy about the inclusion of the "notwithstanding" clause in our Charter. He said:

> If our freedom of conscience and religion can be taken away by a law which operates notwithstanding the Charter, if our rights to life and liberty can be taken not in accordance with the principles of fundamental justice, what freedom do we have?

• (1550)

Mr. Manning was onto something.

In my assessment, the intention behind the pre-emptive use of the clause is to avoid any challenge by those who would argue that Bill 96 is discriminatory or contrary to the Charter of Rights. As Mr. Housefather explained, this basically deprives Quebecers of their rights to go to court if their Charter rights are violated and to have the court order a remedy. In my humble opinion, if a government pre-emptively uses the clause, they know there is a potential for court challenges.

I understand that section 33 is part of our Charter, and governments have the right to use the "notwithstanding" clause, but I strongly believe using it should be as a last resort. Some of our colleagues in the other place agree. The Attorney General of Canada is not favourable to the pre-emptive use of the notwithstanding clause either. Last fall, when the Ontario government used the clause in a labour dispute, he clearly stated that section 33 of the Charter was meant to be a last word for a legislature, not a first word. He explained that using it pre-emptively is exceedingly problematic and "completely eviscerates judicial scrutiny."

His colleague the labour minister also thought the use of the clause on workers was used in a "cavalier manner" and was "an affront to democracy," as it was only meant to be used "in the most extreme circumstances." And yet, for whatever reason, the Government of Quebec, using section 33 in Bill 96, did not attract the same level of criticism. Why?

As John Ivison wrote in the *National Post*:

> There is a place for the notwithstanding clause, but it should not be reached for by provincial justice ministers to camouflage the defects in their legislation.

As Russell Copeman, executive director of the Quebec English School Boards Association and a former MNA, said before our Official Languages Committee last fall:

> . . . I don't think one succeeds in promoting and protecting a language — which one must do in Quebec — by reducing the rights and access to service of the linguistic minority community.

He goes on to explain that this is precisely what Bill 96 did. As he put it:

> . . . that's one of the reasons why many of us feel that the explicit reference to the Charter of the French Language, as amended by Bill 96, is inappropriate in Bill C-13.

I think it's wrong — or, at the very least, rare and confusing — for a federal law to include a reference to a provincial law that uses the "notwithstanding" clause. I'm not a lawyer, so I can't speak to the constitutionality of this inclusion. However, I am a legislator — like all of us here in this chamber — and I'm afraid the Liberal government may be establishing a troubling precedent and may be leading us down a slippery slope.

In fact, I would even argue that including the Quebec charter in the federal law is in some respects an endorsement of Bill 96, and some experts agree.

[*Translation*]

Before the House of Commons committee, attorney Janice Naymark raised a very interesting point about the reference to Quebec's Charter of the French Language in Bill C-13. She suggested that this reference muddied the boundary between federal and provincial jurisdictions. She also said that by incorporating references to Quebec's Charter of the French Language into the Official Languages Act, the federal government was indirectly supporting Quebec's Bill 96 and, as such, was implicitly legitimizing it. You won't be surprised to learn that I've been bombarded with email and calls from acquaintances, former colleagues and residents of Montreal who have expressed serious reservations about Bill C-13 since its introduction more than a year ago. I'm following this file closely.

[*English*]

In fact, I even had the opportunity to attend meetings of our Official Languages Committee last fall as it conducted its pre-study of Bill C-13. When I asked Robert Leckey, Dean at the Faculty of Law at McGill University, to share his views on the inclusion of the Charter of the French Language in the bill, here is what he said:

> One of the striking things about Bill C-13 is that it refers to the Charter of the French language. . . . It's kind of elevating the Charter of the French language by treating it like it's part of the Constitution, and to me, by the time you are doing that, if you are referring to it in such an approving fashion, I do think you are kind of putting Parliament's stamp of approval on it.

[*Translation*]

Professor Leckey is not alone in this opinion. On October 3, the Standing Senate Committee on Official Languages heard from eminent jurist Michel Bastarache, former justice of the Supreme Court of Canada. Here's what he said when I suggested that including a reference to Quebec's Charter of the French Language in the Official Languages Act could be interpreted as indirect support from the federal government. He said, "I am personally opposed to a reference to a provincial act in a federal act." Then he added the following:

> When the very purpose of each of the acts is not the same or not compatible, I can't see the point of it. If the government agrees with certain provisions of the Quebec act, it merely needs to adopt these provisions itself.

For his part, Benoît Pelletier, Professor of Law at the University of Ottawa, former MNA and Minister responsible for Canadian intergovernmental Affairs, Francophones within Canada and the Reform of Democratic Institutions in the Charest government, said he was, and I quote:

> . . . in favour of some reference to the application of the Charter of the French Language, including in a federal act.

Although his opinion differs from Justice Bastarache's in this respect, Mr. Pelletier shares Mr. Leckey's view that the reference to Quebec's charter in the federal statute gives legitimacy to the provincial statute. If this is indeed the case, I still say that any reference to the provincial act should probably be removed from Bill C-13.

[*English*]

Just yesterday, I received a letter from the English Montreal School Board, or EMSB, reminding that the incorporation by reference of Quebec's Charter of the French Language in the federal law represents a serious flaw. The EMSB is concerned that federal legislation would be subject to a provincial law and that other provinces could be free to legislate their own restrictions on official language minorities.

Honourable colleagues, how often are we reminded of our role as protectors and defenders of minorities? Senators are here to give a voice to the voiceless, which is why I felt compelled to share with you the legitimate and deep concerns of the English-speaking minority in Quebec. We are not subjected to electoral constraints and pressures, and we are thus able to examine government legislation with the utmost openness and impartiality.

I have no doubt our Committee on Official Languages will take the necessary time to review Bill C-13 and I hope it will give serious consideration to the issue I raised today. And as Senator Seidman also advocated for in her speech, sending the bill to the Legal and Constitutional Affairs Committee should be explored. I say this not to delay the passage of the bill — I support the overarching intention of the bill — but I would feel much more comfortable if this legal and constitutional issue was properly and fully reviewed.

The Quebec Community Groups Network, or QCGN, a not-for-profit organization linking English-language groups across Quebec, is also advocating for this. In a May 15 news release, it renewed its concerns with the law's incorporation by reference to Quebec's Charter of the French Language, arguing that:

> It is in this provincial legislation where we find constraints to English-speaking Quebecers' rights, and C-13 lends its support to that.

As Marc Garneau, who recently stepped down as my MP, reasoned, to incorporate a provincial law into a federal law ". . . is not logical, and it does not make for clarity." We have a responsibility to seek that clarity.

I would invite us all to consider what Dean Leckey told us in committee on October 24, 2022, when referring to the inclusion of the "notwithstanding" clause in the Quebec Charter of the French Language. He reminded us that:

> . . . the Charter of the French language in its current form . . . involves this sweeping override of all the Charter rights that are amenable to override in the Canadian Charter and all the rights in the Quebec Charter of human rights and freedoms that you can derogate from. That's part of what the Charter of the French Language now means and represents.

He challenged all of us in committee: If that's not what we want to endorse with the passage of Bill C-13 and if we don't feel right about it, maybe we need to think about those references.

Perhaps it is up to us in the Senate to achieve what the House was unable to do when amendments to remove the references were defeated by the opposition parties. I earnestly implore us to examine these important constitutional issues judiciously, objectively and, as the QCGN puts it, in a "dispassionate manner."

So far, I have heard no convincing argument as to why the references need to be included in the bill. On the contrary, to avoid any misunderstanding, to ensure clarity and logic and to reduce judicial confusion and complications, it might make more sense to remove the references altogether, which in no way would detract from the bill's central objectives, even though some advance that their inclusion is completely inoffensive from a judicial point of view.

• (1600)

I remain steadfast in my belief that these references do nothing to promote the rights and freedoms of French-speaking Canadians, either in Quebec or elsewhere. It only harms the largest linguistic minority in the country.

[*Translation*]

Colleagues, I will close by reiterating my support for official language minority communities across Canada. Most importantly, I want to tell francophones and francophiles in Quebec that I sincerely believe in the need to protect French and that I hope that Bill C-13 will eventually be given Royal Assent. However, I want the bill to be properly studied in committee and for the concerns that I raised today to be thoroughly examined. Thank you.

Senator Cormier: Would Senator Loffreda take a question?

Senator Loffreda: Yes, of course.

Senator Cormier: Senator Loffreda, thank you for speaking about the concerns expressed by the anglophone community in Quebec, particularly regarding the inclusion of references to the Charter of the French Language in Bill C-13. My question is fairly simple. Did I understand correctly from your speech that you're suggesting that the Chair of the Official Languages Committee invite legal experts to clarify concerns regarding the inclusion of the Charter of the French Language in Bill C-13?

At the same time, did I also understand correctly that you're suggesting that the committee chair, who is also the bill's sponsor, vacate his seat, which he intends to do, to ensure that there is no appearance of conflict of interest?

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

Senator Loffreda: Yes.

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

Hon. Senators: Agreed.

Senator Loffreda: Thank you for the question. The answer is yes because we are here to analyze the bill. As I used to say in my former life, we're going to have to live with all this for a very long time. It's not a matter of days, weeks, or months and that's why we have to do things right. Either we do this properly or not at all. So I believe this is an option we should look at.

I also agree with Senator Seidman, who's of the opinion that, in addition to the expertise of the Legal and Constitutional Affairs Committee — as is already done at the National Finance Committee and the Banking Committee — we study several bills, with one committee being ultimately responsible for gathering the opinions of others who have some expertise that your committee may not have.

[*English*]

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I rise briefly to speak to Bill C-13, an act for the substantive equality of Canada's official languages. I want to thank all who have spoken before me and contributed to the debate on this important bill.

This legislation is an important milestone in Canada's long journey toward true equality between speakers of English and French — in law, in fact and in the daily experiences of Canadians from coast to coast to coast. The context of our debate about Bill C-13 is, in part, that of a digital age in which English has become the language of globalization, commerce and popular culture. It's a challenge facing many linguistic communities around the world, but it's one felt acutely by francophones in Canada — not least by those who live in majority English provinces in our majority English country on this majority English continent.

The context of this debate is also Canada's long history of hostility and discrimination toward people who speak French, going back to the 18th century when British policy sought overtly to assimilate or expel them. This discrimination persisted after Confederation and well into the latter part of the 20th century when most of us were already of age. One example includes the denial of constitutionally protected minority language education rights in Manitoba, which persisted for almost a century until they were restored by a Supreme Court of Canada decision in 1985. One can also cite the shameful abolition of French-language instruction in New Brunswick and in Ontario at the turn of the previous century. There are many other examples.

Colleagues, francophone communities have fought for years to establish institutions and secure basic rights, including the right to education in their own language. In doing so, they've had to overcome both the ugliness of prejudice and the bitterness of indifference.

Let me tell you one story — one story can illuminate the stories of so many: In 1966, Micheline Saint-Cyr moved from Hull — now Gatineau — to Toronto with her husband and five children. Were they greeted favourably by their neighbours? No, they were not. This was reported in the *Toronto Star*, by the way. When they arrived, neighbours threw eggs at them, lit fires in

their garage and scrawled graffiti on their home with slurs like "Frogs live here." Faced with that reception, Micheline didn't give up, or fold her tent and her family's; she applied herself. She worked with other francophone parents to establish community institutions, including a French cultural centre and Toronto's first French public school — l'École secondaire Étienne-Brûlé — which her children attended in spite of the fact that the school regularly received bomb threats.

The bravery and determination of Micheline Saint-Cyr paid off for her community and her family. Today, in Etobicoke, there is a school that bears her name, and, in this building, there's an office that bears the name of her grandson — my chief of staff — Éric-Antoine Menard.

Colleagues, the efforts of Micheline Saint-Cyr and so many others have paid off for us here in Canada. Our country's bilingualism is a tremendous national asset, both domestically and internationally, notably giving us an entry and influence in institutions and parts of the world that would otherwise be largely beyond our grasp. As former Governor General Michaëlle Jean has put it, the French language is "a bridge, a strategic vehicle, a powerful lever, and a tremendous opportunity."

But the health of Canada's bilingualism is not something that we can afford to take for granted. That's why, more than 30 years since the last major reform of the Official Languages Act, Bill C-13 seeks to respond to social and demographic trends affecting our country, and to better affirm Canada's aspirations in matters of official languages.

Assembling Bill C-13 was a collective effort. In recent years, researchers, minority language communities and various stakeholders collaborated and inspired the content of the legislation, which is designed to protect official language minority populations. Our chamber has played a significant part in that process. From 2017 to 2019, the Standing Senate Committee on Official Languages undertook an exhaustive study about the prospect of modernizing the act. Then, in a follow-up study, the committee examined a 2021 document entitled *English and French: Towards a substantive equality of official languages in Canada*, which outlined potential reforms and was tabled by Minister Joly, who was the Minister of Economic Development and Official Languages at the time. Bill C-32 was later tabled, but died on the Order Paper. That legislation was then significantly reworked, improved and introduced in its current incarnation last year.

In its pre-study of Bill C-13, the Official Languages Committee held eight meetings, heard from 41 witnesses and received 41 briefs before tabling its report in the chamber late last fall.

Colleagues, Bill C-13 contains key measures to address the decline of French in Canada. It clarifies and strengthens the part of the Official Languages Act designed to promote official languages, and it enhances supports for official language minority communities — all official language minority communities. It also compels federal institutions to improve compliance with their obligations under the act.

[*Translation*]

The Official Languages Act states that one of its purposes is to, and I quote:

> **(a)** ensure respect for English and French as the official languages of Canada and ensure equality of status and equal rights and privileges as to their use in all federal institutions, in particular with respect to their use in parliamentary proceedings, in legislative and other instruments, in the administration of justice, in communicating with or providing services to the public and in carrying out the work of federal institutions;

• (1610)

This paragraph clearly shows that the notion of substantive equality is the norm in language law. According to jurisprudence, this equality stems from section 16(1) of the Canadian Charter of Rights and Freedoms, which states that English and French are the official languages of Canada and have equality of status and equal rights and privileges.

[*English*]

The English and French languages benefit from substantive equality of status in Canada. However, to make equality a reality, the government must take positive steps, steps that take into account the vulnerability of the French language and of francophone minorities in Canada and in North America.

The case law, which includes Supreme Court of Canada decisions, has time and again recognized this vulnerability and, on several occasions, stated a need for additional efforts and government action. Bill C-13 addresses this need and takes proactive steps to protect minority-language communities and further the goal of equal status for French and English.

As Érik Eastaugh, Professor of Law at the Université de Moncton, stated in his testimony before the Standing Senate Committee on Official Languages:

> That doesn't mean that the guiding value isn't equality. It simply recognizes that equality, in concrete terms, in practical terms on the ground, requires asymmetry in measures adopted by the government, and that's recognized in all fields.

Let's talk about the reality on the ground. Now, I would like to speak to you as a Quebec anglophone who grew up and still lives in Quebec, and as a Quebec senator who represents a unique section of the Canadian mosaic made up of Quebec's anglophone communities.

Now, as I said at the beginning of my remarks, there is no question that English is the predominant language in Canada and, if you will, the *lingua franca* in much of the world.

At the same time, the English-speaking communities of Quebec have valid concerns and face distinct challenges — concerns and challenges, frankly, that are not obviated by the fact that English is predominant elsewhere in this country.

Fifty years ago, over 13% of Quebecers had English as a mother tongue; today, the number is 7.5%. To be sure, mother tongue is an imperfect barometer. These numbers clearly indicate a significant decline in our communities' demographic weight. This has been most pronounced outside the Montreal area, where English-community institutions are less robust, English-language services are harder to access and — in some places — dwindling numbers of senior citizens are all that remain of once-thriving anglophone communities.

There are also economic indicators that should give us pause. They were referred to by Senator Seidman. Last year, the Provincial Employment Roundtable found that English-speaking Quebecers had an unemployment rate fully 2% higher than francophones — 8.9% as opposed to 6.9% — and a median income $2,800 lower. These disparities are, again, most notable in rural areas, as well as among young adults and within racialized anglophone communities.

Colleagues, I don't mention all of this to be alarmist. The sky is not falling on Quebec anglophones. As minority-language communities go, ours is, on the whole, in comparatively good position. It's always going to be a tricky situation because anglophones and francophones in Quebec are both simultaneously part of a minority and part of a majority. Both communities are used to feeling vulnerable and, frankly, to having our sense of vulnerability questioned, if not sometimes indeed belittled. Still, most of the time, we get along pretty well in Quebec. We enrich each other's lives every day.

My point is simply that we should be clear-eyed about the real and unique challenges faced by Quebec's English-speaking communities. However, my expectation, colleagues, is that under the Official Languages Act as amended by Bill C-13, with the support of new funds under the Action Plan for Official Languages, and hopefully with the support of the provincial government, these challenges can and will be addressed.

Honourable senators, Bill C-13 preserves the rights of Quebec's English-speaking communities; moreover, it contains notable improvements, such as those made to Part VII of the Official Languages Act, which articulates specific commitments to the protection of both English and French minority communities, their rights and their institutions.

This ranges from interpretive clauses instructing the importance of taking into account the English-language minority community in Quebec in section 3(1), protecting the continuum of education; bolstering and clarifying the government's obligations under the act towards the English-speaking communities and others; protecting the Court Challenges Program, which is a vehicle for the vindication of minority rights in language and would and can benefit the English-speaking community; supporting the institutions of official language minority communities, and those include, of course, those in Quebec and providing new powers as well to the Commissioner of Official Languages.

Moreover, Bill C-13 does not affect the specific rights that the English-speaking community has in Quebec; indeed, this is a constitutional asymmetry that's built into and reflected in section 133 of the Constitution Act, 1867, which provides for the protection of language rights of anglophones in Quebec in the administration of justice, before the judiciary and within the National Assembly, including providing for legislative bilingualism in our province. These rights, not enjoyed by most French-speaking minorities outside Quebec, remain fully in effect.

Now, we have heard outside this chamber and, indeed, today, of the concerns raised about the references in the bill to Quebec's Charter of the French Language. But, colleagues — and here I say this with respect, and I wear my constitutional lawyer's hat as much as any other — we have to be clear about what these references mean, what they do and what they don't do. These references are statements of fact. They're factual references, if you will allow me that phrase. In no way do they incorporate the Quebec charter into Bill C-13.

In legal terms, these are references of fact and observations of fact. They are not, to use legal terms, an incorporation by reference. No, this does not incorporate parts of the Quebec charter into Bill C-13. In no way does that do that, period.

Bill C-13 recognizes the reality that is part of the context within which language rights live and breathe in this country, and the context within which Bill C-13 attempts to modernize and promote the equality of our two official languages. It recognizes the reality that the Charter of the French Language exists as an important element in a province which houses a French-speaking majority. It does not make federal institutions, much less this law, subordinate to the Quebec charter.

As Warren Newman, a senior Justice Department official, said at committee in the other place:

> I don't see that federal services from federal institutions would be in any way compromised by the mere mention of the fact that the Charter of the French Language and other linguistic regimes are matters that the government recognizes as part of the overall context.

Bill C-13's reference to the Charter of the French Language does not limit communications or services in English to Quebec's English-speaking communities, because these are governed by sections 16(1) and 20 of the Canadian Charter of Rights and Freedoms and, as I had mentioned already, section 133 of the Constitution Act, 1867, as well as Part IV of the Official Languages Act.

Bill C-13 also does not limit access to English education as guaranteed by section 23 of the Charter. The references in fact do not endorse the Quebec charter, much less its subsequent invocation of the "notwithstanding" clause.

• (1620)

With the greatest respect, there are no constitutional issues raised by the references to the Quebec charter. They are references of fact and as part of the context within which this bill is meant to live.

[*Translation*]

As noted by the Commissioner of Official Languages of Canada, Raymond Théberge, Bill C-13 reflects the different language regimes of our regions, whether it is the Charter of the French Language in Quebec, section 23 of the Manitoba Act or even the constitutional amendment made by the only officially bilingual province, New Brunswick.

Naturally, we can't speak about our linguistic differences without recognizing the realities and the vulnerabilities of Indigenous languages.

[*English*]

As has been noted over the course of this debate, English and French are, by virtue of our Constitution, Canada's two official languages. But they are by no means Canada's only languages, and they are — let's be frank — languages brought to these lands by colonial powers. Indigenous languages were being spoken here long before anyone from England or France knew that this continent even existed. And for far too long, Canadian governments have not only failed to protect Indigenous languages, but, for much of our history, actively sought to eliminate them.

Finally, in 2019, Parliament adopted the Indigenous Languages Act, which recognizes Indigenous language rights and supports efforts to revitalize Indigenous languages and promote their use. At the same time, Parliament created the Office of the Commissioner of Indigenous Languages, whose mandate is to help promote and protect Indigenous languages and to review complaints made under the Act.

To support these efforts, the government allocated $840 million through 2025-26, with $117.7 million ongoing. Bolstered by these investments, the number of federally funded Indigenous-language initiatives increased from 301 in 2019-20 to over 1,000 today.

These are positive, albeit initial, steps, with more work under way. The bill currently before us, Bill C-13, is distinctions-based legislation which seeks to protect and promote French and English. Bill C-13 is explicit, stating:

> Nothing in this Act abrogates or derogates from any legal or customary right . . . with respect to any language other than English or French, including any Indigenous language.

It further states:

> Nothing in this Act shall be interpreted in a manner that is inconsistent with the maintenance and enhancement of languages other than English or French, nor with the reclamation, revitalization and strengthening of Indigenous languages.

Colleagues, it is entirely valid for senators to ask questions about how Bill C-13 might impact or interact with Indigenous language rights and with efforts to protect Indigenous languages. I expect that the minister and her officials will be glad to provide answers on this subject at committee and to discuss the government's consultation process, which I understand included engagement with the Assembly of First Nations, Inuit Tapiriit Kanatami and the Métis National Council, as well as the Commissioner of Indigenous Languages, among others.

Ultimately, our collective goal must be to have thriving Indigenous-language communities and thriving French- and English-speaking communities in majority and minority settings throughout Canada. The law we passed in 2019 advances the first objective, and Bill C-13 would advance the second.

Colleagues, this bill was an electoral promise the government made in 2021, and it received near-unanimous support in the other place, with 301 MPs in a minority Parliament voting for the bill at third reading. It responds to Quebec's concerns about protecting its linguistic distinctiveness; it responds to the challenges faced by francophone communities outside Quebec; it respects the historic and constitutional rights of Quebec's English-speaking communities; and it respects the rights of Indigenous peoples and the good work being done to protect Indigenous languages under the Indigenous Languages Act.

The purpose of this legislation is to preserve and promote the vitality and development of the two major official language communities in Canada.

[*Translation*]

We must support our official language minority communities, which include Quebec's anglophones. However, we see the significant fragility of French in the country, and it is for that reason that Bill C-13 supports the substantive equality of English and French in order to protect these communities. All of this fulfills an important duty of the federal government, which is to promote and protect our linguistic duality, our history, our heritage, our culture and our legacy.

[*English*]

When both of Canada's official language communities are strong and vibrant in minority and majority situations, we all reap the benefits. That's why I urge senators to support this important bill, which will promote and protect French- and English-speaking communities across this country.

I thank you for your attention, colleagues.

Hon. Jim Quinn: Thank you for that speech, because it helped bring some clarity for me with respect to why Bill 96 is referenced in the legislation. The explanation I thought was very helpful insofar as the distinction of French in the province of Quebec.

But as a New Brunswicker, I worry about other parts of the country that may not understand Bill 96 and its importance to underscore the importance of the French language in Quebec.

Why would we not stress the importance of English and French across Canada, specifically in a province like New Brunswick where it is the official position of the provincial government that French and English are the languages of New Brunswick? I'm just a little worried that there could be confusion

in some parts of Canada that may not have a very noticeable French presence or in other areas of the country where, perhaps, English is more dominant than French.

Senator Gold: Thank you for your question. If I understand your question, Senator Quinn, Bill C-13 explicitly refers to the bilingual status of New Brunswick. As I've tried to outline in my speech, throughout the whole structure, the DNA of this bill is to promote the substantial equality of both English and French throughout this country, regardless of where folks live.

The reality in this country is that, in areas of provincial jurisdiction, there is a great disparity in the services that are offered, whether in education, government services or, indeed, in the legislature to those who find themselves in a minority language situation. That's why it was important for the drafters of this bill and the parliamentarians who supported it in the other place that the law reflected the true juridical context within which the lived experience of minority-language communities lives. Those who live in New Brunswick have at least formal equality of status in all respects. Those who live in some provinces have virtually no legal guarantees and certainly not constitutional guarantees. And many who live outside of Quebec would only dream of having the institutions that we in the English-speaking community were able to build over centuries and that still, despite the challenges, serve our community well.

We as legislators have a duty to analyze and study legislation properly, obviously, to make sure that we understand properly what we're doing. In that regard, I look forward to the committee's study of Bill C-13.

The law is very clear in its objectives to promote the equality of English and French. It is very clear in the measures it places to enhance what the federal government can do to support English and French across this great country. It is also clear that it does not derogate from rights, whether it's Indigenous-language speakers, minority-language speakers or acquired English-community rights in Quebec.

Hon. Ratna Omidvar: I wish to ask Senator Gold a question, if he will take one.

• (1630)

Senator Gold: Of course.

Senator Omidvar: Thank you, Senator Gold.

I am not a member of the Official Languages Committee. I don't have the deep knowledge of the bill that my colleagues — who have spoken — have.

I understand what you have said: The reference to Quebec's Charter of the French Language in the bill is not a political accommodation or a substantive accommodation; it's a reference to fact and context. So far, I think I interpreted you correctly. I'm not a lawyer — I'm trying to explain it to myself in plain language.

My question is as follows: Does this set a precedent for future legislation to reference a provincial law that applies only to one province within a federal law that applies to all others?

Senator Gold: Thank you for the question. I would be surprised if there weren't examples of this in other federal statutes, but I don't want to assert that's the case because I haven't done that kind of research.

The important point, Senator Omidvar, is that this is, as you correctly point out, simply a factual reference so as to provide the proper context. It has no legal force or effect. Therefore, it is not setting any kind of precedent that has legislative significance. It responds to the unique circumstances that gave rise to this bill, as well as the need to modernize the legislation.

As well, colleagues, it was also a product of a legislative process in the other place that involved not only the government, but also all of the opposition parties that participated, over many years, in the elaboration and drafting of this legislation.

I date myself by quoting Alfred E. Neuman from *MAD magazine* to say, "What, me worry?"

In my respectful opinion, there is nothing to be concerned about juridically, legally and legislatively here.

I understand; I come from the English-speaking community in Quebec. I have family members who are challenging me on this bill and, indeed, who are involved in public advocacy — taking a position different from the position of the government — and I feel it very well.

I understand what is triggered by the references, but, in fact, the law is clear — and as legislators, we have to be clear. The law preserves and protects English rights in Quebec to the fullest extent that the federal Parliament has jurisdiction to do so. The references are simply to provide the proper context for the linguistic regimes within which minorities have to live, whether it's in provinces with no official recognition of constitutional bilingualism, as in New Brunswick, or in provinces like Quebec where there is an official language legislated in law through Quebec's Charter of the French Language.

Senator Seidman: Senator Gold, would you take a question?

Senator Gold: Yes, Senator Seidman.

Senator Seidman: Thank you. I appreciate your certainty as you stand here very definitively assuring us that there is no issue with the reference to Quebec's Charter of the French Language. I would like to assure the huge English-speaking community of Quebec, and many others, with such certainty. The way to do that is to have the legal testimony at a committee with those who are skilled enough to ask the right questions of constitutional experts. Would you not find that to be an appropriate way to deal with the uncertainty in the community?

Senator Gold: Thank you for the question. I don't believe that it would be necessary or appropriate — in this case — to send it to another committee in addition to the Official Languages Committee.

There are clearly committee members with expertise who have studied the issues. It is also the case that any senator can participate in those meetings, and, therefore, those with a legal background who have an interest in this can be present either as a senator or as a substitute for members in their group. Equally important, the committee will have the ability to bring those experts to testify.

I am not one to exaggerate; when I say with certainty that these are factual references and do not incorporate, in any respect, the provisions, I speak from a lifetime of experience in law and in legal texts — and that will be the testimony I fully expect to hear before the committee.

Hon. Pamela Wallin: I have a question for Senator Gold.

I would like your explanation for this: I'm going through "rapportage" on the committee discussions on the other side. Bill C-13 establishes targets for bringing more francophone immigrants to French-speaking parts of the rest of Canada. Could you tell me how that would work?

Senator Gold: Thank you for your important question. Immigration is an important vehicle through which our country grows and develops. Unfortunately, the recent census data shows that there is a very concerning decrease in the use of French outside of Quebec. In order to promote and support those francophone communities, especially outside of Quebec, it is imperative that they receive the benefit of the revitalization that francophone immigration would bring to them.

This has been a policy of the government, quite independent of Bill C-13, for some time. It's a priority to increase francophone immigration so as to halt the decline of French in the country.

In 2022, the government reached its target of 4.4% of francophone immigrants outside of Quebec, and in that year, Canada welcomed a record number of more than 16,300 francophone immigrants outside of Quebec. In addition, with the Action Plan for Official Languages 2023–2028, the government is planning to invest large sums in new measures in order to promote francophone immigration to Canada.

If this bill receives Royal Assent, as I hope it does soon, these plans will be put into place, measures will be introduced and indicators will be developed to guide the actions of the government. Indeed, these are actions, if I remember correctly, that our Senate committee studied, promoted and called for.

I should add, by the way, that the measures to increase francophone immigration across Canada were also enhanced and strengthened by several amendments in the other place.

That's a long-winded answer, and I'm not sure I answered your question specifically because some of the measures will have to await the coming into force of this law, as well as the action plans that have been developed, but it's a commitment of the government.

Senator Wallin: This is the concern: Without understanding how this might be enforced or put into place, it leaves a lot of questions. If you establish a target for francophone immigration — regardless of the country, or the needs they may or may not be meeting in other parts of the country — how would you establish a target for bringing francophone immigrants into the province of Saskatchewan? How would you decide that? How would you assess that? How would you enforce that?

• (1640)

Senator Gold: Thank you for your question. All the provinces and territories welcome, want and need immigrants and a healthy immigration policy in order to flourish, develop and grow. In that regard, I have every confidence that the Government of Canada will work with interested governments and territorial and provincial governments to better understand their particular needs, whether it's economic or other indicators that would best suit their needs. It will also take into account the needs of those French-speaking communities, for example, in your province and elsewhere, who will also play an important role in identifying their needs and identifying how they can assist in the integration of immigrants once they arrive.

This is not a question of enforcing. It's a question of encouraging and using the government's jurisdiction over immigration to make sure that its immigration policy reflects the needs of this country, and not only the economic needs of a particular region or province but also the demographic needs of the minority communities and the French-speaking communities that live outside of Quebec.

[*Translation*]

Hon. Michèle Audette: Would Senator Gold take a question?

Senator Gold: Absolutely.

Senator Audette: Thank you very much, Senator Gold.

This is a very emotional topic for me, but I believe that you will understand that Innu-aimun is also an official language in my heart. My other half, my Quebec half, reminds me that it is important to also protect French throughout Canada.

It is my Innu half that will ask you a question, Senator Gold.

Quebec has nations, chiefs and also the First Nations Education Council, which has 22 First Nation member communities. They are currently suing over the Act respecting French, the official and common language of Québec, and have filed an application for judicial review to defend their position on the act. This will have direct consequences for education in our schools and our communities. I would like you to comment on the following scenario, as it frightens me. I am not a legal expert, but when I see a bill that becomes law and that specifically mentions a provincial charter or law, I wonder if that government can say, "Now, the federal government gives you full recognition, so I'm sorry, but you are covered by the Official Languages Act, and one of those languages is French." I am speaking on behalf of Quebec's First Peoples.

Senator Gold: Thank you for the question.

I fully understand the concerns, not only of your community, but also of Indigenous communities in Quebec and elsewhere.

The short answer is no. A government can say anything it likes, but that is absolutely not the case when it comes to legal facts.

The reference has no bearing on the process under way in Quebec and, more broadly, on the application of the Charter of the French language in Quebec. It is solely a matter of provincial jurisdiction and Bill C-13 respects that. I can add — and no doubt this issue will be addressed in committee — that there are a lot of measures in this case that seek to encourage and support Indigenous communities in their efforts to ensure they have the opportunity and the ability to work in their language, to be supervised in their language and to be protected by the changes brought about by Bill C-13, for example, within the context of their existing employment in the public service.

Thank you for the question. In my opinion, the answer is simple and straightforward.

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

Senator Audette: Yes.

You know, before joining the Senate, I observed everyone in this chamber with a great deal of passion. There is the United Nations Declaration on the Rights of Indigenous Peoples Act. Many of you wondered whether this bill met the test of the United Nations Declaration on the Rights of Indigenous Peoples Act. If not, how can we ensure that a commissioner of Indigenous languages can also collaborate with the Commissioner of Official Languages so that, in certain provinces, the Commissioner of Indigenous Languages also has some power? I know that we are talking about Bill C-13, but I would have liked to see some parallels or important relationships. I imagine we will be able to discuss it as part of this study. As a jurist, you mentioned it, and you may have some advice to give us.

Senator Gold: Thank you for the question. I understand very well, in a diverse country like ours, how important it is for all the institutions that share similar objectives to communicate with each other and for collaboration to be established as needed and where appropriate.

Having said that, I would like to emphasize that the raison d'être of Bill C-13 is the two official languages and their legal status in Canada.

As I've already mentioned, there were consultations, but I don't want to claim that this was done within the framework of the United Nations Declaration on the Rights of Indigenous Peoples Act. It's a bill that deals with other matters, notwithstanding the fact that it respectfully recognizes the acquired and constitutional rights of Indigenous peoples.

The other component I talked about in my bill on Indigenous languages relates to the commissioners and all the resources that will be brought in — This is another vital and important bill that's still in its early stages, meaning that it isn't quite ready yet. Some projects do exist, and there have been some successes. There's still a lot of work to be done. We hope all this will continue and even progress a little more quickly, but we have to distinguish between the two camps. A patchwork of measures will do neither Bill C-13 nor the Indigenous languages bill any good.

[*English*]

Hon. Denise Batters: In the briefing note on Bill C-13 submitted to the House of Commons Standing Committee on Official Languages, the Barreau du Québec stated this:

> It has been suggested that amendments to the Supreme Court Act or the Official Languages Act could affect the notion of "composition of the Court" as interpreted by the Supreme Court in Reference re Supreme Court Act, ss. 5 and 6, further to Justice Nadon's appointment. Thus, the addition of a bilingualism requirement to any of these statutes would, in their view, have to go through the constitutional amendment process (seven Canadian provinces with at least 50% of the population).
>
> While we do not take a position on this constitutional issue, we would like to emphasize that it deserves particular attention to ensure that any amendments requiring bilingualism of Supreme Court judges are successful, not counterproductive.

I also note that in my home province of Saskatchewan, the last Supreme Court justice that was appointed from Saskatchewan was Emmett Hall in the 1960s, before I was born. He served until 1973. Given the low rate of bilingualism in Saskatchewan, we want to ensure that we have the best jurists on the Supreme Court of Canada. We need to assess that.

With those important issues to consider, why shouldn't this bill be studied at our Standing Senate Committee on Legal and Constitutional Affairs?

Senator Gold: Thank you for raising the issue of the court because I think it will also give me an opportunity to correct what I think is a slight misunderstanding of the provisions of this bill as it applies to the court.

To answer your question directly, no, I don't believe that the issues that you have raised justify sending it to the Legal Committee, and I'll explain why.

• (1650)

With respect to the judiciary, the provisions of this bill remove an exemption that existed for the Supreme Court of Canada that was placed in the original act and, at the time, was thought to be "temporary," absolving the court as an institution from the same requirements that other superior courts had. That is, to give effect to the constitutionally protected rights of litigants to be heard and understood in the language of their choice without the aid of an interpreter. What is perhaps not understood — and I apologize,

Senator Batters, if I'm putting words in your mouth, or others; I don't mean to. But this does not mean that every judge appointed to the Supreme Court or any other Supreme Court must be bilingual, fluent or otherwise. That is not what the legislation requires. It is an institutional obligation on the court as an institution that when it hears cases, the litigants before the court must be ensured that they are able to address the court and be understood without the benefit of an interpreter.

I'll give an example. It happens, happily, that the Supreme Court of Canada in today's composition has nine judges — three from Quebec, three from Ontario, as is our practice, custom and law — who are all functionally bilingual, but it is not actually a requirement and wouldn't be a requirement. It would be a requirement that the panel of judges who hears a case be a panel that is able to hear and understand testimony, whether in English or French, without the benefit of an interpreter. For example, the quorum for a case at the Supreme Court of Canada, as you know, is five. There is nothing in Bill C-13 that requires that every future judge, where it's the Supreme Court or of any superior court — because those provisions have been in place for some long time — must be fluently bilingual. It is conceivable that a Supreme Court judge may be appointed if they only speak French and perhaps an Indigenous language. Although I don't think there has been a unilingual French judge on the Supreme Court since Confederation, there have certainly been unilingual English judges. But that is not precluded by this so long as the court, as an institution, when it structures its panels — which is typically under the jurisdiction of the Chief Justice — has the ability to satisfy the institutional obligation that is now imposed upon the Supreme Court from which it had been exempted temporarily under the Official Languages Act of 30 years ago.

Senator Batters: As such, then, Senator Gold, would you please ask the Justice Minister, Minister Lametti, to provide us with that confirmation that it is not a requirement of Bill C-13 that Supreme Court justices must be bilingual?

Senator Gold: I'm sure this question will and can be both asked and answered at committee, but it is clearly in the law. Again, as I have noted, the provisions here that remove the exemption have been in place for federally appointed judges for decades and it is certainly not the case that all federally appointed judges have had to have been bilingual. It wasn't like that in the past, nor will it be in the future, whether for the Superior Court of Justice in Ontario or Supreme Court of Canada.

[*Translation*]

Hon. Jean-Guy Dagenais: Honourable senators, I rise today in support of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts, at second reading.

My support of this bill does not mean that I think it is a comprehensive solution for protecting the French language in Canada. However, it contains enough positive elements that it should not be dismissed out of hand either. In my opinion, Bill C-13 is a step forward that should be taken today, particularly given the fact that it took eight years for this update to be introduced.

That being said, I am no fool. Bill C-13 will not fix the demographic decline of French in Canada in just a few months or years. Francophone communities across the country are not just going to start getting all the services that have been promised in the new law in their language with the snap of a finger.

Bill C-13, as we received it in the Senate, will be a worthwhile tool, as long as the government gives our politicians and institutions the funding they need to meet the many commitments that will come into effect.

I would remind honourable senators that the Parliamentary Budget Officer has expressed doubts that the objectives set out in Bill C-13 will be achieved, given the rather modest amounts committed to that end in the most recent federal budget. Implementing and ensuring respect for the Official Languages Act in a country as big as Canada is a costly challenge.

Unfortunately, we must realize that the application of the provisions of Bill C-13 will become a significant economic issue in the years to come, and it will be our duty to remind the government of its commitments and obligations. As citizens and as politicians, we will have to ensure that the current government and those to follow will take concrete action to stop the demographic decline of francophones.

Canada's Official Languages Act must not be a mere piece of paper to be bandied about only during an election campaign or even in regulatory or legal debates to demand that everyone's rights be respected. Bill C-13 must be a way of life in Canada and must become, in time, a proud legislative achievement for a country that has become as multicultural as ours.

Although we have to be patient in some respects, at this point I am so pleased that Bill C-13 will grant a new right to work and be served in French in Quebec and in regions with a strong francophone presence across the country. Working and living in one's own language in a bilingual country should not be a battle, but a way of being.

I also want to say how happy I am with the new powers that will be given to the Commissioner of Official Languages to compel and punish federal institutions that do not comply with the Official Languages Act. This is a major and, frankly, long-awaited change. At last we will have new provisions that will greatly facilitate the application of the Official Languages Act.

Although I am satisfied with the new requirement for the government to appoint bilingual judges to the Supreme Court of Canada, I am nevertheless disappointed that this mandatory bilingualism will not apply to the Governor General of Canada or the Lieutenant Governor of New Brunswick. In my opinion, these two office-holders simply must be able to communicate with citizens in both official languages. However, it would appear that the 1982 Constitution prevented adding such provisions to the new version of Canada's Official Languages Act. I find that quite unfortunate.

We will have to continue to rely on the current government to ensure that the two official languages' criterion is applied to these appointments. Unfortunately, the latest appointments have demonstrated that a prime minister has the political ability to say certain things but then do the opposite.

I want to come back to the political aspect of passing Bill C-13. I'm pleased to see that all the members in the other place — with the exception of one, whom I will talk about later — voted in favour of Bill C-13. That means that 300 elected representatives from across the country have passed this bill to modernize our country's Official Languages Act. I want to stress that 300 MPs from across Canada voted in favour of the bill; it's very important to remember that.

I think it's important to note here that all political parties in the other place voted in favour of Bill C-13 after obtaining meaningful amendments from the government. Clearly, the last-minute compromises and additions yielded significant results, given that the Government of Quebec expressed its satisfaction and desire to see Bill C-13 passed by the Senate before we rise for the summer, which is fast approaching.

Historically, language issues between Ottawa and Quebec have been very controversial. However, with this series of 11 amendments negotiated in good faith and included in the bill, we are seeing the emergence of a new political dynamic that we were not accustomed to.

• (1700)

Obviously, no one could argue with the fact that the federal government needed to intervene to stop the decline of one of the country's two official languages, French. This decline is not just happening in Quebec.

In this context, any law or initiative to protect and promote the use of French in Canada must be commended and supported, whether it be at the federal or provincial level.

It became a national and cultural emergency to do something to ensure that the historic bilingual character of our country lives on.

When I go back a bit, there are two points that seem important to me in Quebec's support for Bill C-13.

First, there is the tacit recognition of Quebec's power to legislate in order to protect and promote French within its territory, while maintaining the rights of the province's anglophone community.

Second, Bill C-13 now includes certain aspects of Quebec's Charter of the French Language, which target federally regulated businesses that hire employees not only in Quebec but in all areas of the country with a strong francophone presence. Airlines, railways and banks will be particularly affected by these new provisions.

Bill C-13 is not one-sided. It regulates and guarantees rights and services to minority communities in Quebec and across the country, whether those communities are anglophone or francophone.

I think it is a shame to have to say this again, but francophones were just as involved as anglophones in founding Canada, and their language needs to be respected and protected. I am talking not just about Quebecers, but also about the Acadian community and every francophone community in Ontario, Manitoba and throughout our great country.

Unfortunately, at the risk of repeating myself, there will always be fringe politicians who see efforts to protect the French language as a threat to their right to live in English. We saw a fine example of that in the other place.

What surprises me is that some of them live in Quebec, including the only MP who voted against Bill C-13 in the other place and who wanted to get rid of the references to the Charter of the French Language because he is convinced that the Quebec government is bent on taking away anglophones' rights.

I just want to say that that member and those who support him, whether overtly or covertly, have an especially insulting attitude toward francophone Quebecers. Why? Because they don't seem to realize that, as anglophone Quebecers, they have access to two anglophone universities in Montreal, namely McGill University and Concordia University. They also have access to an anglophone university in Sherbrooke, Bishop's University. They also have access to anglophone colleges and anglophone schools, and they even have a constitutionally protected school board.

When these anglophone Quebecers go out, shop or deal with the government, they can do it in their own language. If they need to go to court, they can do it in English, without restrictions, without interpreters and without delays. Do francophones get as many rights and public services when they are the minority in other provinces? I believe that you know the answer.

To close this chapter, I just want to remind them of the striking revelation from Air Canada's president and CEO, Michael Rousseau, who confessed that he had lived in Montreal for 14 years without ever having to speak French.

I think that the MP's attempt to marshal a political uprising against Bill C-13 because he believed that his language is under threat in Quebec was an act of political naivety. I believed that period was over.

Quebec's anglophone community has always been treated better than francophone and Acadian communities in other provinces.

I would add that that has always been the case and will continue to be the case even after the passage of the new Official Languages Act.

In closing, I want my colleagues to remember that a language can't survive unless it's taught properly and spoken every day. It should not be a struggle to live and speak in French in Canada. It is a right, a constitutional right that must now be strengthened.

I therefore ask you to vote in favour of Bill C-13 when the time comes, and then to join me in remaining vigilant in order to ensure that its content is implemented as set out in the bill.

Thank you for listening.

Hon. Raymonde Saint-Germain: Honourable senators, in any country, language — or languages, plural, in Canada — is the essence of our cultural expression, identity and strength.

In rising today to speak to Bill C-13, An Act for the Substantive Equality of Canada's Official Languages, I want to immediately recognize the important role that our two official languages, English and French, play in our country. I hope that this debate will continue to be constructive and calm, anchored in a sound understanding of the scope of the bill, the evolution of Canada's demolinguistic situation and the need to act.

I won't revisit the historical evolution of our language rights today, as Senator Cormier, the bill's sponsor, skilfully walked us through that in his speech at second reading. He outlined the benefits this law brings to the country and, in particular, to its minority language communities. He also demonstrated the need for the reform proposed today in Bill C-13.

Let's be clear about the scope of this bill. Bill C-13 seeks to promote and protect the French language, require bilingualism in federally regulated private businesses, support minority language communities and their institutions, both anglophone and francophone, all while recognizing the reality of Canada's current linguistic dynamics.

Why is this reform necessary? The reality that can't be ignored is that the French language is in decline throughout Canada. That is the unequivocal finding of the 2021 census. Across the country, French as the first official language spoken fell from 22.3% during the 2016 census to 21.4% in the 2021 census. The same trend can be observed in Quebec, the only majority francophone province, where French as the first language dropped from 83.7% in 2016 to 82.2% in 2021. By comparison, the use of English has increased steadily, rising from 74.8% to 75.5% of the total population of Canada between 2016 and today.

This is not a new phenomenon, but it confirms that the decline in the number of francophones in Canada is accelerating. This decline is hitting the Quebec nation and francophone communities outside Quebec particularly hard. Let's face facts. Quebecers, but also Acadians and other francophones from New Brunswick, Manitoba, Ontario, Saskatchewan, and everywhere else, in short, all francophone communities in our country are negatively affected by this linguistic and demographic dynamic.

What solutions does Bill C-13 offer? Bill C-13 acknowledges this reality and promotes substantive equality of the two official languages. To achieve that, it proposes a tailored approach that is described as asymmetrical on many levels to promote and protect our two official languages, English and French, and it also pays particular attention to official language minority communities.

• (1710)

It is very important to clarify the situation. Treating the two official languages asymmetrically does not create injustice. Treating them symmetrically does. Given the situation we are in today and the data on the decline of the French language, it would be unfair and even inconsistent to pretend otherwise.

The principle of linguistic vulnerability is deeply rooted in the jurisprudence of our highest court. In *Ford* and *Nguyen*, the Supreme Court of Canada wrote, and I quote:

> . . . the general objective of protecting the French language is a legitimate one within the meaning of *Oakes* in view of the unique linguistic and cultural situation of the province of Quebec:
>
> [T]he material amply establishes the importance of the legislative purpose reflected in the *Charter of the French Language* and that it is a response to a substantial and pressing need. . . . The vulnerable position of the French language in Quebec and Canada . . . .

The Supreme Court used a report from the Office québécois de la langue française on linguistic evolution to help justify its decision in *Nguyen*. That report states, and I quote:

> In both the Canadian and North American contexts, French and English do not carry the same weight and are not subject to the same constraints in respect of the future. The durability of English in Canada and in North America is all but assured. That of French in Quebec, and particularly in the Montréal area, still depends to a large extent on its relationship with English and remains contingent upon various factors such as fecundity, the aging of the population, inter- and intraprovincial migration and language substitution.

The federal government's decision to propose an asymmetrical approach to promoting and preserving our official languages in Bill C-13 is based on a solid factual and legal foundation.

[*English*]

It is also necessary to assert that an asymmetrical approach in favour of French is not synonymous with a loss of rights for English-speaking citizens, particularly minority anglophones in Quebec, whose situation is very dear to my heart. English-speaking Quebecers will absolutely retain their rights under the Canadian and Quebec Charters. I could not tolerate my fellow English-speaking Quebecers having their rights endangered or infringed, but this is simply not the case.

Bill C-13 is, in fact, beneficial for the English-speaking minority in Quebec because it includes commitments to linguistic minorities such as advancing formal, non-formal and informal opportunities for members of English and French linguistic minority communities to pursue quality learning in their own language throughout their lives, including from early childhood to post-secondary education.

Furthermore, it should be remembered that Quebec — which is the most bilingual province in Canada because actually 44.5% of Quebecers are bilingual in French and English — offers fundamental rights and protections to its English-speaking communities in its own legislation. Our colleague Senator Dagenais eloquently referred to these protections. Those rights and privileges relate to education, administrative services, health services and others. The community also counts on strong and healthy institutions such as bilingual municipalities, hospitals and universities.

I think it is important to be reminded that Bill C-13 has no impact on those rights provided for in the Quebec charter and by the Quebec government, and that a debate on our Official Languages Act is not the place to discuss topics pertaining to Quebec politics or Quebec's concept of living together.

Why is Bill C-13 such a historic bill? Bill C-13 is truly a historic realization because it comes from true collaboration between numerous stakeholders, including the federal government, the Quebec government and the representatives of linguistic minorities all around the country. All these actors came together in recognition for the need to reform the Official Languages Act. This bill is eagerly awaited all around the country and was adopted with quasi unanimity in the other place, a great achievement in itself.

As a senator from Quebec, I am happy to have witnessed such a great collaboration between the federal government and the Quebec government. Agreements between the two have sometimes been difficult to reach, to say the least, particularly when it comes to linguistic issues, but I am glad to have seen the two working toward a common objective, the promotion and protection of French all around Canada, an ideal in which I'm happy to see the Quebec government being a proactive actor.

This agreement is reflected in the amendments proposed at committee to clauses 54, 57 to 59 and 71 of the bill, relating to federally regulated private businesses, which is the focus, the main scope of this bill.

Bill C-13 will bring a new standard for those federally regulated private businesses in Quebec and in francophone areas, ensuring that those businesses respect both the rights of Quebecers to work in the official language of Quebec and the rights of French minorities to receive services in their native tongue, which is not actually the case. Today, the report tabled by the federal Commissioner of Official Languages is very probing with regard to this situation and this unfairness for francophones.

All of this is done without infringing on the rights of anglophones. Essentially, Bill C-13 recognizes that the federally regulated private sector has a role to play in order to promote and protect French.

Bill C-13 is far from being Quebec-centric but focuses, and rightly so, on French-speaking communities outside of Quebec. It will ensure that consumers can communicate with federally regulated private businesses in French and provide language-of-work rights for francophone employees all around Canada.

The bill, as I have said, specifically includes a commitment to support the vitality of official language minority communities, that is, francophone communities outside of Quebec and English-speaking communities in Quebec.

What about Indigenous languages? Obviously, I recognize the need for protection and promotion of Indigenous languages and the rights of the Indigenous peoples who speak them. Having said that, I don't believe the reform of the Official Languages Act proposed in Bill C-13 is the right avenue to address this issue. Promoting French doesn't impede on the application of Indigenous languages or the rights of Indigenous communities to use them. Both can be done simultaneously. They are not mutually exclusive.

In 2019, we at the Senate passed the Indigenous Languages Act. This is what I believe to be the efficient and appropriate legal instrument to consider in regard to Indigenous languages. If reform is needed, and improvements are requested, the solution would be to work through this law again to further protect and promote Indigenous languages. As such, you will find in me an ally in the Senate.

Why is a bilingual country worth fighting for? I began my intervention by saying that bilingualism was fundamental for Canada's culture and its identity. I believe it unequivocally. It is not only important within Canada; it's also one of our main attributes on the international level. Our languages open doors for us everywhere we go. Thanks to the English language and our historical ties to Britain, we are members of the Commonwealth, where we exchange and promote our interests with 55 other countries and nations. Thanks to our French heritage, we are also members of the Francophonie with its 54 members, 7 associate members and 27 observers.

Those ties are essential for Canada. Each one of our two official languages allows us to exchange, trade, connect, share our culture and develop strong diplomatic ties. It also helps to attract immigrants, workers and students. It truly distinguishes us worldwide.

[*Translation*]

In conclusion, as you can see, I fully support the principle of Bill C-13, An Act for the Substantive Equality of Canada's Official Languages, and I urge you to refer it to the Standing Senate Committee on Official Languages as soon as possible. I would also like to take this opportunity to thank the members of that committee for their excellent and intensive work on the pre-study of the bill and the report they produced.

• (1720)

I will also answer a question a senator asked earlier about a committee chair sponsoring a bill. I can confirm that the Chair of the Standing Senate Committee on Official Languages, with his trademark ethical sensitivity, has asked to step down from chairing that committee and has ensured that another senator will assume that position. The senator who asked that question also asked whether we knew of a situation where the sponsor of a bill was also the chair of the committee. I will reply by citing a recent event. The Chair of the Standing Senate Committee on Transport and Communications and sponsor of Bill C-11 chaired the meetings where that committee studied that bill.

I am sure that when the members of the Official Languages Committee analyze this bill, they will put in the same high-quality work on all the important aspects of the bill. Honourable colleagues, in conclusion, the changing demographics of our country point to an unequivocal decline in French. Bill C-13 is the fruit of a delicate collaboration, and it is necessary to ensure the equitable development of both of our official languages. It seeks to achieve equality and equity in the linguistic dynamic of our official languages. In this case, equality

means that Canadians can be served by the federal government in the official language of their choice, regardless of what province they live in.

Francophones need this bill, but ultimately, Canada as a whole will benefit.

Thank you. *Meegwetch*.

(On motion of Senator Martin, debate adjourned.)

STRENGTHENING ENVIRONMENTAL PROTECTION FOR A HEALTHIER CANADA BILL

BILL TO AMEND—MESSAGE FROM COMMONS—AMENDMENTS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-5, An Act to amend the Canadian Environmental Protection Act, 1999, to make related amendments to the Food and Drugs Act and to repeal the Perfluorooctane Sulfonate Virtual Elimination Act, and acquainting the Senate that they had passed this bill with the following amendments, to which they desire the concurrence of the Senate:

1. *Clause 2, pages 1 and 2*:

(a) on page 1, add the following after line 16:

"**(2.1) The sixth paragraph of the preamble to the French version of the Act is replaced by the following:**

qu'il s'engage à adopter le principe de précaution, si bien qu'en cas de risques de dommages graves ou irréversibles, l'absence de certitude scientifique absolue ne doit pas servir de prétexte pour remettre à plus tard l'adoption de mesures effectives visant à prévenir la dégradation de l'environnement;";

(b) on page 2, add the following after line 36:

"Whereas the Government of Canada is committed to openness, transparency and accountability in respect of the protection of the environment and human health;";

(c) on page 2, add the following after line 41:

"Whereas the Government of Canada is committed to implementing a risk-based approach to the assessment and management of chemical substances;".

2. *Clause 3, page 3*:

(a) replace line 3, in the English version, with the following:

"not be used as a reason for postponing cost-effective";

(b) add the following after line 13:

"**(a.3)** in relation to paragraph (a.2), uphold principles such as principles of environmental justice — including the avoidance of adverse effects that disproportionately affect vulnerable populations — the principle of non-regression and the principle of intergenerational equity;".

3. *Clause 4, page 3*:

(a) add the following after line 28:

"***healthy environment*** means an environment that is clean, healthy and sustainable. (*environnement sain*)";

(b) add the following after line 28:

"***precautionary principle*** means Principle 15 of the 1992 Rio Declaration on Environment and Development, which provides that the lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation if there are threats of serious or irreversible damage. (*principe de précaution*)".

4. *Clause 5, pages 3 and 4*:

(a) on page 3, add the following after line 42:

"**(1.1)** Without limiting the generality of subsection (1), the implementation framework shall set out

(a) the process under subsection 76.1(1) in respect of the protection of the right to a healthy environment.";

(b) on page 4, replace line 9 with the following:

"intergenerational equity, according to which it is important to meet the needs of the present generation without compromising the ability of future generations to meet their own needs;";

(c) on page 4, replace lines 13 and 14 with the following:

"**(c)** the relevant factors to be taken into account in interpreting and applying that right and in determining the reasonable limits to which it is subject,".

5. *Clause 5.1, pages 4 and 5*:

(a) replace line 27 on page 4 to line 3 on page 5 with the following:

"**5.1 (1) The portion of subsection 13(1) of the Act before paragraph (a) is replaced by the following:**

13 (1) The Environmental Registry shall contain notices and other documents published or made publicly available by the Ministers or either Minister under this Act, and shall also include, subject to the *Access to Information Act* and the P*rivacy Act*,";

(b) on page 5, replace lines 8 and 9 with the following:

"registry is publicly accessible and searchable and is in electronic form.".

6. *Clause 10, pages 6 and 7*:

(a) replace line 26 on page 6 to line 23 on page 7 with the following:

"**(1.1)** The notice may include a requirement that the plan prioritize the identification, development or use of safer or more sustainable alternatives to the substance, group of substances or product.";

(b) on page 7, replace lines 28 to 35 with the following:

"**(3) Subsection 56(4) of the Act is replaced by the following:**

(4) The Minister shall publish in the Environmental Registry and in any other manner that the Minister considers appropriate a notice stating the name of any person for whom an extension is granted, whether the extension is for the preparation or the implementation of the plan, and the duration of the period of the extension.

(4) Section 56 of the Act is amended by adding the following after subsection (5):

(6) A notice under subsection (1) may include a requirement that the person to whom the notice is directed file with the Minister, within the periods specified in the notice, written reports on their progress in implementing the plan.".

7. *Clause 10.1, pages 7 and 8*: delete clause 10.1.

8. *Clause 11.1, page 8*: delete clause 11.1.

9. *Clause 14, page 9*:

(a) replace lines 9 to 15 with the following:

"81, add a substance to the Domestic Substances List if

(a) the substance was included on the version of the Revised In Commerce List that was prepared by the Minister of Health after the end, on November 3, 2019, of acceptance of substance nominations to that List and that is referred to in the *Canada Gazette*, Part I, Volume 152, Number 44, as the static list;

(b) the substance is not referred to in Annex I to the notice entitled "Removal of substances with no commercial activity from the Revised In Commerce List" published in the *Canada Gazette*, Part I, Volume 156, Number 8; and

(c) no conditions specified under paragraph 84(1)(a) in respect of the substance are in effect.";

(b) replace lines 18 to 27 with the following:

"**(2)** The Minister may, by order, designate any person or class of persons to exercise the powers set out in subsection (1).".

10. *Clause 15, page 10*:

(a) replace line 23 with the following:

"conditions, test procedures and laboratory practices to be followed for replacing, reducing or re-";

(b) replace lines 26 to 28 with the following:

"classification of a substance as a substance that poses the highest risk.".

11. *Clause 16.1, page 12*: replace lines 3 to 21 with the following:

"**68.1 (1)** The Ministers shall, to the extent practicable, use scientifically justified alternative methods and strategies to replace, reduce or refine the use of vertebrate animals in the generation of data and the conduct of investigations under paragraph 68(a).

(2) For the purposes of subsection (1), methods and strategies to refine the use of vertebrate animals include minimizing pain and distress caused to vertebrate animals used in the generation of data and the conduct of investigations under paragraph 68(a).".

12. *Clause 19, pages 15 and 16*:

(a) on page 15, replace line 25 with the following:

"and publish a plan with timelines";

(b) on page 15, replace line 29 with the following:

"**(b)** that specifies the activities or initiatives in rela-";

(c) on page 15, replace lines 37 to 41 with the following:

"the development and timely incorporation of scientifically justified alternative methods and strategies in the testing and assessment of substances to replace, reduce or refine the use of vertebrate animals.";

(d) on page 16, delete lines 1 and 2;

(e) on page 16, replace line 16 with the following:

"paragraph 68(a), including the manner in which the public may be provided with information regarding substances or products including, in the case of products, by labelling them.";

(f) on page 16, add the following after line 30:

"**(7.1)** The Ministers shall review the plan within eight years after it is published and every eight years after that.";

(g) renumber the subsections of section 73 and amend all references accordingly.

13. *Clause 20, pages 17 and 18*:

(a) on page 17, replace line 21 with the following:

"**(3)** The Minister shall delete a substance from the List,";

(b) on page 17, replace lines 23 to 25 with the following:

"specified on the List, if

(a) an order is made under subsection 90(1) adding the substance to the list of toxic substances in Schedule 1; or

(b) the Ministers no longer have reason to suspect that the substance is capable of becoming toxic.";

(c) on page 18, replace lines 1 to 4 with the following:

"**(2)** The Ministers shall consider the request and decide whether to add the substance to the plan developed under section 73 or deny the request.

(2.1) Within 90 days after the day on which the request is filed, the Minister shall inform the person who filed the request of the decision, how the Ministers intend to deal with it and the reasons".

14. *Clause 21, page 20*: add the following after line 34:

"**(8)** If more than two years have elapsed after the publication of a statement under paragraph (1)(a) without the Ministers having published a statement under paragraph (6)(b), the Minister shall publish in the Environmental Registry a statement made jointly by the Ministers indicating the reasons for the delay and an estimated time frame within which the statement under paragraph (6)(b) is to be published.".

15. *Clause 22, page 21*:

(a) replace line 26 with the following:

"amended and the reasons for the amendment in the Environmental Registry and in any other";

(b) add the following after line 27:

"**(3)** The Minister shall include in the annual report required by section 342 a report on the progress made in developing any subsequent proposed regulations or instruments.

(4) The report on progress referred to in subsection (3) shall include an update on estimated timelines and reasons for any delay.".

16. *Clause 29, page 24*: replace line 37 with the following:

"respecting preventive or control actions, including actions that lead to the use of safer or more sustainable alternatives for the environment or human health, in relation to a".

17. *Clause 39, page 31*:

(a) replace lines 2 to 17 with the following:

"106, add a living organism to the Domestic Substances List if

(a) the living organism was included on the version of the Revised In Commerce List that was prepared by the Minister of Health after the end, on November 3, 2019, of acceptance of substance nominations to that List and that is referred to in the *Canada Gazette*, Part I, Volume 152, Number 44, as the static list; and

(b) no conditions specified under paragraph 109(1)(a) in respect of the living organism are in effect.

(2) The Minister may, by order, designate any person or class of persons to exercise the power set out in subsection (1).";

(b) replace lines 20 to 23 with the following:

"tion 105(1), 105.1(1) or 112(1) is not being manufactured in Canada or imported into Canada the Minister may delete the living".

18. *New clause 39.01, page 31*: add the following after line 34:

"**39.01 Subsection 106(9) of the Act is replaced by the following:**

(9) The Minister shall, as soon as possible in the circumstances, publish in the *Canada Gazette* a notice stating the name of any person to whom a waiver is granted and the type of information to which it relates.".

19. *Clause 39.1, pages 31 and 32*: replace line 35 on page 31 to line 15 on page 32 with the following:

"**39.1 The Act is amended by adding the following after section 108:**

108.1 (1) If the information that the Ministers assess under subsection 108(1) or (2) is in respect of a vertebrate animal or a prescribed living organism or group of living organisms, the Ministers shall consult any interested persons before the expiry of the period for assessing that information.

(2) Before undertaking consultations, the Minister shall publish a notice of consultation in any manner that the Minister considers appropriate.".

20. *Clause 44.1, page 35*: replace lines 21 to 25 with the following:

"**(g.1)** prescribing a living organism or group of living organisms for the purpose of subsection 108.1(1);".

21. *Clause 50, page 39*: replace lines 14 to 16 with the following:

"**(2)** A request for confidentiality shall be submitted, with reasons taking into account the criteria set out in paragraphs 20(1)(a) to (d) of the *Access to Information Act*, in writing and contain any supplementary information that may be prescribed.

(3) The Minister shall review a statistically valid representative sample of requests granted under subsection (1) and determine whether, in respect of each of those requests, the person who made the request demonstrated that it concerned any of the following:

(a) trade secrets of any person;

(b) financial, commercial, scientific or technical information that is confidential information and that is treated consistently in a confidential manner by any person;

(c) information the disclosure of which could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, any person; or

(d) information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of any person.

(4) If the Minister determines that the person who made the request did not demonstrate that the request, in whole or in part, concerned information described in any of paragraphs (3)(a) to (d), then, for the purpose of any part of the request that does not concern such information, the request is deemed not to have been made.

(5) The Minister shall include in the annual report required under section 342 the number of requests made under subsection (1), the number of requests reviewed, the number of requests that, in whole or in part, were deemed not to have been made and a summary of the information disclosed under sections 315 to 317.2.

(6) The Minister may, by order, designate any person or class of persons to exercise the powers and perform the duties and functions set out in this section.".

22. *Clause 53, pages 40 and 41*:

(a) on page 40, replace line 1 with the following:

"**317.1 (1)** The Minister may disclose the explicit chemi-";

(b) on page 40, replace line 14 with the following:

"**(2)** The Minister may disclose the explicit biological";

(c) on page 40, replace line 27 with the following:

"**(3)** The Minister shall disclose the explicit chemical or bi-";

(d) on page 41, add the following after line 29:

"**317.3** The Minister shall include in the annual report required by section 342 a report respecting the explicit chemical or biological names of substances and the explicit biological names of living organisms disclosed under section 317.1 or 317.2.".

23. *Clause 55, pages 41 and 42*:

(a) on page 41, replace line 32 with the following:

"55 Subsections 332(1) and (2) of the Act are";

(b) on page 42, delete lines 15 to 35.

24. *Clause 57, pages 43 and 44*: replace line 14 on page 43 to line 4 on page 44 with the following:

"**342.1** The Minister shall include in the annual report required by section 342 information related to

(a) consultations with aboriginal peoples and aboriginal governments, including a summary of the key issues raised, in relation to matters under this Act,

(b) the administration of this Act in respect of aboriginal peoples and aboriginal governments, including the measures taken to advance reconciliation as reflected in section 35 of the *Constitution Act, 1982* and in the *United Nations Declaration on the Rights of Indigenous Peoples Act*, and

(c) the key findings or recommendations of any report made under an Act of Parliament in respect of the administration of this Act and aboriginal peoples and aboriginal governments.".

25. *Clause 67.1, page 51*: delete clause 67.1.

26. Schedule 1, page 53: delete the reference to "section 68.1" in the references after the heading "SCHEDULE 1".

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

(On motion of Senator LaBoucane-Benson, amendments placed on the Orders of the Day for consideration at the next sitting of the Senate.)

• (1740)

[*English*]

BILL TO AMEND THE FIRST NATIONS FISCAL MANAGEMENT ACT, TO MAKE CONSEQUENTIAL AMENDMENTS TO OTHER ACTS, AND TO MAKE A CLARIFICATION RELATING TO ANOTHER ACT

SECOND READING—DEBATE

Hon. Marty Klyne moved second reading of Bill C-45, An Act to amend the First Nations Fiscal Management Act, to make consequential amendments to other Acts, and to make a clarification relating to another Act.

He said: Honourable senators, on the unceded territory of the Anishinaabe Algonquin people, I'm honoured to rise as sponsor of Bill C-45. This legislation amends the First Nations Fiscal Management Act of 2006, helping support economic reconciliation and greater prosperity for First Nations.

Bill C-45 contains important measures to enhance the statute's opt-in fiscal frameworks for the 348 scheduled and participating First Nations and any new entrants. Most importantly, this bill will also create the First Nations infrastructure institute.

I will start today by situating this bill in the bigger picture of economic reconciliation. Then, in the second part of my speech, I will explain Bill C-45's improvements in relation to tax authorities, financial management, economic information, borrowing and infrastructure development and maintenance. All of this sets the table for greater access to capital and mainstream funding and investments, as well as First Nations' meaningful realization of social and economic rights and equity. In turn, this shift can help First Nations prosper, supporting the revitalization of languages, cultures and ceremonies.

In the big picture, the statute that this bill would amend is an alternative to the Indian Act framework and one that is consistent with the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP. Indeed, as the preamble notes, the bill will help implement multiple articles of UNDRIP. Essentially, the First Nations Fiscal Management Act provides participating First Nations with a legislative and institutional framework through which they can assert their jurisdiction in financial management, taxation and access to capital markets.

• (1750)

By enhancing this framework, also noted in the preamble, Bill C-45 responds to Call to Action 44 of the Truth and Reconciliation Commission in relation to self-determination and economic reconciliation. The preamble also acknowledges traditional Indigenous models of taxation and sharing, including the word *taksis* in the Chinook trading language.

It is of fundamental importance to me, as sponsor, to highlight that First Nations-led institutions led the co-development of Bill C-45 through six years of hard work and consultations, including engagement with the 348 participating First Nations.

On today's commencement of Senate debate, congratulations to Ernie Daniels, President and CEO of the First Nations Finance Authority; Harold Calla, Executive Chair of the First Nations Financial Management Board; Manny Jules, Chief Commissioner of the First Nations Tax Commission and Allan Claxton and Jason Calla of the First Nations Infrastructure Institute Development Board and their teams. Three of those organizations already exist under the act and will receive important modernization measures via this bill.

The legislation will also establish a fourth organization in relation to infrastructure. Along with the participating First Nations, this is their bill.

Thank you as well to Minister Miller and his team for advancing Bill C-45 on behalf of the government and to the other place for their unanimous support. I hope senators will join me in honouring these shared efforts and the consensus reflected in this bill by passing Bill C-45 before the summer.

This legislation is cause for optimism as our country works toward economic reconciliation. In 2021, with Bill C-15, Parliament upheld legal protection for Indigenous rights through UNDRIP. That historic change was a pivotal response to a long-term injustice. It restored Indigenous nations' legal rights to self-government, social and economic rights and equity regarding their lands, waters and resources, including for responsible development.

Again, that all aims toward prosperous communities and supporting flourishing languages, cultures and ceremonies.

The UNDRIP action plan is due to be released this June. Senators should expect an economic component further to the Indigenous Peoples Committee's observations from two years

ago. For example, I hope to see the action plan engaging with the National Indigenous Economic Strategy unveiled last year by a coalition of 25 Indigenous organizations and their 107 calls to economic prosperity.

Complementing the breakthrough of UNDRIP, Bill C-45 supports financial pathways to greater self-determination, prosperity and well-being for many First Nations. For example, this bill can help communities build and grow their tax base, raise revenue for services, regulate services, start or purchase businesses and invest in infrastructure to improve quality of life and support commercial opportunities. All such changes toward greater prosperity can go hand in hand with traditional knowledge, values and culture. Moreover, the changes in this bill can fully complement the realization of self-government via section 35 constitutional rights and UNDRIP.

Of note, Bill C-45 responds directly to issues raised by Senator Tannas on May 16 in our Senate inquiry celebrating success stories of Indigenous businesses and entrepreneurs. Senator Tannas noted that First Nations businesses often don't have access to capital to finance on-reserve assets. Bill C-45 enhances one avenue of financing by continuing to develop and support the First Nations Finance Authority, a lender to qualifying nations.

Before I get into the bill's details in the second part of my speech, I will share two concrete examples of how the First Nations Fiscal Management Act can be a game changer.

My first example comes via Member of Parliament for Sydney—Victoria Jaime Battiste, Parliamentary Secretary to the Minister of Crown-Indigenous Relations, who is the first Mi'kmaw member of Parliament. On debate in the other place, Mr. Battiste shared the following experience of Membertou First Nation in Cape Breton. About 10 years ago, Membertou received the First Nations Financial Management Board's first-ever financial systems certification. That certification provided the community with access to long-term, affordable capital, allowing Membertou to refinance and reinvest in business developments. The results have included an $8.2-million elementary school, a 90-lot housing development and a $9.5-million highway interchange opening access to further commercial developments on Membertou's land.

Membertou went on to build one of the largest sporting venues on Cape Breton as well as a state-of-the-art bowling alley.

That said, perhaps Membertou's greatest economic achievement was the acquisition of Clearwater Seafoods in 2021. That $1-billion acquisition was achieved with six other First Nations, all part of the First Nations Finance Authority under this act. Membertou Development Corporation is now home to 12 corporate entities.

My second example of success under the First Nations Fiscal Management Act is Siksika Nation, east of Calgary. In 2016, Siksika Nation opened the long-awaited new Chief Crowfoot School. The original school suffered damages from flooding, was overcrowded and had heating problems. Thanks to Siksika Nation's commitment to obtain First Nations Financial Management Board certification, it was able to access financing through the First Nations Financial Authority to build the new school. Today, Chief Crowfoot School offers students various services, including speech and language, a dental therapist, a family liaison, a parent-student support worker and weekly visits from an elder to share traditional and cultural teachings. Siksika language and culture are also offered for each grade to promote pride and respect for Siksika heritage.

This example is a social success, but it's also an economic one, considering the brighter future these students will be able to access. Early in life, an excellent community-led education instills identity, pride and hope in these students in the Siksika Nation. First Nations in Canada need more stories like that across the country.

In addition, First Nations under this act have realized billions of dollars in investment and the assessed value of their reserve lands now exceeds $15 billion. Thousands of laws have been passed under the act, and 150 First Nations administrators have graduated from the Tulo Centre of Indigenous Economics in Kamloops, B.C.

Loans to First Nations from the First Nations Finance Authority have resulted in the creation of over 20,000 jobs and an economic output of $4 billion through nine provinces and the Northwest Territories. On that point, I remind senators that, in 2021, Senator Harder's Senate Prosperity Action Group noted a performance target of Indigenous businesses contributing $100 billion to the Canadian economy compared to the current estimated $32 billion. Let's help reach that goal with Bill C-45.

At the House committee, Manny Jules of the First Nations Tax Commission quoted his father, Chief Clarence Jules, from 1965. His advice for First Nations was, "We must be able to move at the speed of business." I can personally attest to this need for nimbleness in seizing economic opportunities from my experience in mainstream business as a corporate banker, commercial lender and as a developmental lender in Indigenous economic development.

However, colleagues, it is not only First Nations who can benefit from the First Nations Fiscal Management Act and the amendments in Bill C-45. This legislation can lead to shared opportunities and benefits for the entire country. For example, the act can support First Nations' co-ownership of ventures developing critical minerals needed for the green transition, along with other net-zero capital located on First Nations'

territory. Bill C-45 will support more First Nations in being able to enjoy better interest rates when borrowing through the First Nations Finance Authority.

The journey toward economic reconciliation now offers Canadians, Indigenous and non-Indigenous alike, generational opportunities for employment, partnerships, investments and environmental progress. To illustrate that, last year, RBC reported that Indigenous territories hold at least 56% of advanced critical minerals projects, 35% of top solar sites and 44% of better wind sites. Business leaders and investors should run, not walk, to consult Indigenous nations on those opportunities.

Colleagues, let's turn to the details of Bill C-45. I begin with a quote from Harold Calla of the First Nations Financial Management Board at the House of Commons Standing Committee on Indigenous and Northern Affairs, where he gave a good summary of the act and the bill.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it is now 6:00, and, pursuant to rule 3-3(1), I am obliged to leave the chair until 8:00, when we will resume, unless it is your wish, honourable senators, to not see the clock.

Is it agreed to not see the clock?

Some Hon. Senators: No.

The Hon. the Speaker: Honourable senators, leave was not granted. The sitting is therefore suspended, and I will leave the chair until 8:00 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

BILL TO AMEND THE FIRST NATIONS FISCAL MANAGEMENT ACT, TO MAKE CONSEQUENTIAL AMENDMENTS TO OTHER ACTS, AND TO MAKE A CLARIFICATION RELATING TO ANOTHER ACT

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Klyne, seconded by the Honourable Senator Audette, for the second reading of Bill C-45, An Act to amend the First Nations Fiscal Management Act, to make consequential amendments to other Acts, and to make a clarification relating to another Act.

Hon. Marty Klyne: Colleagues, let's now turn to the details of Bill C-45. I begin with a quote from Harold Calla, of the First Nations Financial Management Board, at the House of Commons Standing Committee on Indigenous and Northern Affairs. He gave a good summary of the act and the bill:

> These amendments build on the achievements of Canada's most successful piece of Indigenous-led legislation. A huge part of this success lies in the FMA's optionality for first nations that choose, on an individual basis by band council resolution, to be scheduled to the act. There are no financial enticements to do so, just an individual nation's desire to have good financial management that is recognized to meet international standards, to be able to borrow from the First Nations Finance Authority or to levy local revenues to fund first nations government services.

Mr. Calla continued:

> With the passage of these amendments, nations will be able to choose expert advice and support for building and maintaining infrastructure. The optionality of this legislation also provides evidence of its success. Nearly 350 first nations have chosen, one by one, to be scheduled to the FMA. That is over 60% of the first nations that are part of the Indian Act.

Specifically, Bill C-45 makes the following five proposals:

The first is expanding and strengthening the mandates of the First Nations Tax Commission and the First Nations Financial Management Board, such as letting them take on economic research and data-collection functions to facilitate evidence-based planning and decision making, enhancing their ability to offer advice in support of self-determination and granting them the authority to conduct their annual meetings virtually.

The second proposal is updating the chairperson position of the First Nations Financial Management Board to a full-time position, with accompanying compensation, and ensuring strong and diverse Indigenous representation on the board.

The third is combining two existing debt reserve funds — one to protect borrowing with local revenues such as property taxes, and the second for borrowing with other revenues like oil and gas — into a single fund relating to own-source revenues to simplify and lower the cost of pooled borrowing by First Nations. The changes also clarify that only borrowing members with outstanding loans can be called upon to replenish the safeguard fund in circumstances that it had to be used, in the event that multiple First Nations may default on their loans.

Proposal number four is enhancing First Nations' authority to make and enforce laws, including expressly through court orders, regarding revenue collection and the provision of services on-reserve. These changes will allow nations to create local revenue laws beyond real property taxation and/or to regulate services in relation to, for example, the provision of water, sewer, drainage, waste management, animal control, recreation, transportation, telecommunications and energy.

The final proposal is creating a fourth institution under the act called the First Nations infrastructure institute as a centre of excellence to help participating First Nations and other interested Indigenous groups access the necessary tools and resources to develop and maintain strong, sustainable infrastructure.

This last proposal aims to help close the $30-billion infrastructure gap between Indigenous and non-Indigenous communities. As Allan Claxton, Development Board Chair for this forthcoming institute, told the House of Commons Committee:

> The problems with the current first nation infrastructure systems are well known. Infrastructure on reserves takes too long to develop, costs to much to build and does not last long enough because it's not built up to the proper standards. This contributes to a series of poor health, social and economic outcomes.
>
> We are proposing to establish the First Nations Infrastructure Institute . . . to tackle these problems.
>
> FNII has been designed to build on the successes of the FMA model. It will also be optional to all first nations.

Senators, this institute will also be available to nations with self-governing and modern treaty agreements. In addition, the infrastructure institute can support Métis and Inuit projects should that be of interest to their communities, as eligibility for these types of service offerings would not be limited to those scheduled to the act to date.

At the House of Commons Indigenous and Northern Affairs Committee, Minister Miller noted that the development board for the First Nations infrastructure institute has already set up a successful pilot project with the Chippewas of Kettle and Stony Point First Nation in southern Ontario. This First Nation is developing a feasibility study, business case and procurement options for water and waste water assets. The hope is that this is only the beginning of this initiative's path to adequate infrastructure for First Nations, supporting the quality of life and economic opportunities that many Canadians take for granted. That is what economic reconciliation is all about.

To conclude, I remind this chamber that this consensus and opt-in bill is the product of extensive consultations and determined First Nations leadership. The other place passed Bill C-45 unanimously and expeditiously. The Senate should do the same.

On a personal note, I believe that Canada, as a nation of nations, is building up a head of steam to advance economic reconciliation. As obstacles are removed and rights are recognized, Indigenous nations, organizations, business leaders, entrepreneurs and youth are creating their own paths to success.

In the Senate, we have a part to play. The Prosperity Action Group's 2021 report is a Senate policy initiative towards inclusive and sustainable wealth creation across Canada. The report aims to set the conditions whereby a rising tide lifts all ships and no one is left behind, including other racialized or marginalized communities.

In addition, senators from across the country are celebrating the success stories of Indigenous businesses and entrepreneurs in an ongoing speech series in this chamber. I urge colleagues to add your voices to our inquiry, lifting up and heralding Indigenous businesses in your region.

Therefore, colleagues, let's build on all this momentum by moving quickly and with a united spirit on Bill C-45. Together, let's pass this legislation into law before the summer, making a powerful statement and bringing practical change towards economic reconciliation. Thank you, *hiy kitatamihin*.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to speak to Bill C-45, An Act to amend the First Nations Fiscal Management Act, to make consequential amendments to other Acts, and to make a clarification relating to another Act.

Rarely does a bill cross our chamber that has received unanimous support in the other place, yet Bill C-45 has done just that. Partisanship has been set aside in recognition of the good work of the organizations this bill purports to expand and in acknowledgement of the important work Canada must still do to reconcile itself with its colonial past.

This bill will expand the roles of the three First Nations Fiscal Management Act institutions: the First Nations Financial Management Board, or FMB; the First Nations Tax Commission, or FNTC; and the First Nations Finance Authority, or FNFA. It will also establish a fourth institution, the First Nations infrastructure institute, or the FNII.

The First Nations Fiscal Management Act — or FMA — institutions are Indigenous-led organizations that aim to provide the resources, administrative tools and guidance to instill confidence in First Nations' financial management and reporting systems to support economic and community development. The actions of the organizations support economic reconciliation and create pride in Indigenous ownership, nation building and Indigenous individuals' self-actualization.

We all recognize the inherent right of Indigenous peoples to maintain and develop their political, economic and social systems or institutions; to be secure in the enjoyment of their own means of subsistence and development and to engage freely in all their traditional and other economic activities.

• (2010)

Economic reconciliation is an important pillar in overall reconciliation. It represents Canada's efforts to reverse the archaic and paternalistic Indian Act and its consequences that effectively removed First Nations from the national economy. Indigenous peoples want to address their own issues with their own resources and to return a sense of self-sufficiency and honour that has been stripped away by the paternalistic, archaic and irreparably broken Indian Act.

Reconciliation must be centred on the future of Indigenous peoples, and I am glad we have Indigenous-led organizations like the FMA institutions to lead the way. The FMA is the most successful First-Nations-led example of implementing First

Nations jurisdiction through optional legislation, as within 15 years it has grown to the voluntary participation of nearly 300 First Nations from across Canada.

The FMA was founded on four basic principles and objectives that continue to guide policies, standards and proposals for institutional, fiscal and legislative changes.

First, through the First Nation institutionally supported jurisdiction, the FMA provides a framework and process to establish, implement and protect First Nation optional jurisdictions. Jurisdictional space is created for First Nations to occupy with their own legislation supported and protected by the FMA institutions. The FMA institutions provide knowledge, efficiencies, capacity and advocacy that individual First Nations would have difficulty achieving on their own. In this way, the FMA supports effective and applied self-determination for interested First Nations.

Second, the FMA supports First Nation economic growth through a strong First Nation investment climate. This investment climate is characterized by lower costs of doing business; standards to support increased trade and provide certainty; access to long-term capital; sustainable business grade infrastructure; available information to support investment, financial management and administrative capacity; and quality local services at a fair price.

Third, the FMA establishes a revenue-based fiscal relationship like other governments in Canada. Key features include a connection between clear revenue powers and expenditure jurisdictions, incentives for economic development, First Nations institutionally supported systems for transparency, statistics and accountability, and transfers to ensure national service and infrastructure quality standards.

Last, the FMA is an optional process for First Nations. This creates an institutional incentive for motivation and improvement and respects the self-determination of each First Nation.

With respect to the bill, it does several important things. First and foremost, it establishes a fourth institution under the FMA, the First Nations infrastructure institute, or FNII.

First Nations face a staggering infrastructure gap of at least $349.2 billion. Inaction will only make the problem worse, and it's clear that top-down, government-driven programs have failed to respond to the massive need. At the House committee, Mr. Allan Claxton, Development Board Chair of the FNII, had this to say:

> The problems with the current first nation infrastructure systems are well known. Infrastructure on reserves takes too long to develop, costs to much to build and does not last long enough because it's not built up to the proper standards. This contributes to a series of poor health, social and economic outcomes.

He also said, "High-quality public infrastructure is important for the health and sustainability of our communities."

The FNII's mission would be to provide the skills and processes necessary to ensure Indigenous groups can effectively and efficiently plan, procure, own and manage infrastructure on their lands. Through FNII's team, optional capacity support services would be available to all Indigenous governments and entities, including best practices for maximizing economic benefits not just for First Nations but for regional economies as well.

Bill C-45 also expands the First Nations Tax Commission, the FNTC, to support First Nations that choose to increase their fiscal powers beyond real property taxation. It would also open FNTC to be able to offer services to self-governing First Nations, municipalities and other orders of government.

The legislation would continue expanding and modernizing the services of the FMB, the Financial Management Board, to meet the needs of First Nations and other Indigenous groups and entities. This would be an optional pathway for tribal councils, modern treaty nations and self-governing groups to build their administrative, financial and governance capacity through the risk-managed support of the FMB, as 342 First Nations — 348 expected by the end of the week — have chosen to do. This legislation is a key step to the FMB being able to support innovative projects of collaborative entities such as the Meadow Lake Tribal Council, which is comprised of nine First Nations.

Mr. Harold Calla, Executive Chair of the FMB, summed it up during his testimony thus:

> These amendments build on the achievements of Canada's most successful piece of indigenous-led legislation. A huge part of this success lies in the FMA's optionality for first nations that choose, on an individual basis by band council resolution, to be scheduled to the act. There are no financial enticements to do so, just an individual nation's desire to have good financial management that is recognized to meet international standards, to be able to borrow from the First Nations Finance Authority or to levy local revenues to fund first nations government services.
>
> With the passage of these amendments, nations will be able to choose expert advice and support for building and maintaining infrastructure. The optionality of this legislation also provides evidence of its success. Nearly 350 first nations have chosen, one by one, to be scheduled to the FMA. That is over 60% of the first nations that are part of the Indian Act.

The bill will also establish a statistical function within the FNTC and FMB. The socio-economic gap between Indigenous and non-Indigenous Canadians is a barrier to economic

reconciliation. A lack of readily available data and statistics makes the problem worse: Decision makers, such as the chiefs and councils in First Nations governments, do not have access to the kind of information they need to understand the causes, solutions and complexity of the socio-economic gap — and close it. By providing economic and fiscal data, all levels of government will be better informed.

Bill C-45 also would provide First Nations with additional powers to ensure compliance with their local revenue and service laws, such as enabling First Nations to apply to courts of competent jurisdiction for court orders directing persons or entities to comply with their local revenue and services laws and to collect amounts owing to the First Nations under their local revenue laws. It would allow First Nations to use these provisions to enforce all their local revenue laws, not just laws in respect of taxes, charges or fees. First Nations would be empowered to enforce their laws respecting the provision of services, including using "stop work" and "do work" orders and the discontinuance of services.

Finally, changes are proposed that would enable First Nations scheduled to the First Nations FMA to also be signatories to the Framework Agreement on First Nation Land Management, the FNLM.

Conservatives have long supported economic self-sufficiency and economic reconciliation as an essential off-ramp from the Indian Act. The 2021 Conservative election platform supported the creation of a First Nations infrastructure institute along the same lines as the one proposed in Bill C-45 and supported the expansion of FMA institutions' mandates and powers to enhance the work they do in establishing accountability and transparency for First Nations.

• (2020)

Our 2019 Conservative election platform spoke to the importance of Indigenous communities accessing capital for economic development to reduce the socio-economic gap between their Indigenous and other Canadian communities.

As I mentioned earlier, Bill C-45 was passed in the House of Commons with all-party support. Amendments at committee were clarifying in nature and agreed to by the bill's proponents. I know that the Senate will do its due diligence in scrutinizing Bill C-45, and I hope we will reach a similar conclusion.

It's time for action, and it's time to return a sense of self-sufficiency and honour to a people that have had it stripped away by the paternalistic, archaic and irreparably broken Indian Act. It's time to restore to Indigenous people more control of their land, money and decision making.

[Senator Martin]

Manny Jules, Chief Commissioner of the FNTC, in his closing testimony concluded with this comment:

> Your support for these amendments demonstrates that my ancestors were right when they wrote in a letter to the prime minister, Sir Wilfrid Laurier, in 1910, that by working together we can make each other "great and good."

Thank you.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Klyne, bill referred to the Standing Senate Committee on Indigenous Peoples.)

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

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

Hon. Dennis Glen Patterson: Honourable senators, I rise today in reply to the Speech from the Throne.

When the Right Honourable Mary Simon stood in this chamber and delivered her speech, she spoke in Inuktitut. She opened her address urging action on reconciliation. She pushed us to move beyond platitudes and sound bites to actually achieve change. To quote Her Excellency:

> Despite the profound pain, there is hope.
>
> There is hope in the every day. Reconciliation is not a single act, nor does it have an end date. It is a lifelong journey of healing, respect and understanding. We need to embrace the diversity of Canada and demonstrate respect and understanding for all peoples every day.
>
> Already, I have seen how Canadians are committed to reconciliation. Indigenous Peoples are reclaiming our history, stories, culture and language through action. Non-Indigenous Peoples are coming to understand and accept the true impact of the past and the pain suffered by generations of Indigenous Peoples. Together they are walking the path towards reconciliation.

Colleagues, I believe that language is a vital aspect of culture and identity, so it is incumbent upon us to do our utmost to protect, promote and revitalize Indigenous languages.

When I was minister of education for the Northwest Territories, the Government of Canada, represented by the then Indian affairs and Northern development minister, the late Honourable John Munro, made a special trip to Yellowknife in 1982 to meet with our cabinet to inform us that Canada would take action to legislate official bilingualism in the Northwest Territories.

I remember telling Minister Munro in response that while the benefits of official bilingualism would be welcome in my constituency, where there is a significant francophone population, if the Government of Canada would not correspondingly support and recognize Indigenous languages also in need of recognition and support in the N.W.T., federal unilateral action would amount to a declaration of war. "We have more tanks than you do!" the minister told me, jokingly, but agreed to consider my plea for parallel federal support for Indigenous languages and helped authorize a meeting with the secretary of state to discuss ongoing federal support for Indigenous languages.

At that time, I served in our cabinet with the Honourable Richard Nerysoo, who was then Premier of the Northwest Territories. We came to Ottawa and negotiated with the then secretary of state, who was also our esteemed former colleague senator Serge Joyal, and came away with a contribution agreement for a significant $16 million to support Indigenous languages. This was the so-called Territorial Language Accord, which has since then continuously provided federal support for French language enhancement for our small percentage of French speakers in Nunavut — roughly 4% — and roughly equal support for the enhancement of Inuktut languages in Nunavut, the first languages of a significant majority of our 85% Inuit population.

For our part of the deal, the N.W.T. government passed the Official Languages Act, which recognized nine Indigenous languages in addition to French and English as the official Aboriginal languages of the territory. This carried over when the territory later divided, and Nunavut was created. Canada's newest territory passed its own Official Languages Act in 2008, which recognized Inuktut, Inuinnaqtun, English and French as the official languages of Nunavut.

A key element of the Act is the inclusion of language in section 3, which states:

> . . . the Official Languages of Nunavut have equality of status and equal rights and privileges as to their use in territorial institutions.

That same year, the Government of Nunavut passed the parallel Inuit Language Protection Act. The then minister of languages, the Honourable James Arreak, released a document entitled *Uqausivut*, which was meant to serve as a road map for language protection and revitalization for the territory. It explained how the Official Languages Act and the Inuit Language Protection Act would work in tandem to provide the legislative framework required to see Inuit languages flourish.

The document clearly laid out the intent of these bills by stating:

> While respecting the equality of Official Languages, the *Inuit Language Protection Act* was designed specifically to ensure respect for unilingual Inuit, particularly Elders, to reverse language shift among youth, and to strengthen the use of Inuktut among all Nunavummiut. The Act was unanimously approved by the Members of the Legislative Assembly of Nunavut in September 2008, and is now law in Nunavut.
>
> As one of Canada's founding languages, Inuktut is also an irreplaceable part of the national heritage, and contributes to the richness and diversity of life in this country. Canada recognized this fact, and the need to protect and support Inuktut, when it signed the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* in 2005, and, more recently, when it endorsed the *United Nations Declaration of the Rights of Indigenous Peoples* in November 2010.

The act requires, and I stress this, every organization — which includes by definition "a public sector body, municipality or private sector body," and a "public sector body" means "a federal department, agency or institution" — to "provide, in the Inuit Language, . . . customer or client services that are available to the general public."

The act goes on to say that every organization shall be bound by the language and signage obligations laid out in the act.

Sadly, honourable colleagues, this is not the reality we live in today in Nunavut. Inuit are not able to access federal government services in their preferred first language. During the Aboriginal Peoples Committee's study of Bill C-91, the Indigenous Languages Act, former Nunavut languages commissioner Helen Klengenberg shared a legal opinion with the committee studying the Bill — an opinion which stated clearly that Canada was equally obligated to adhere to the Inuit Language Protection Act as an organization operating within the territory. Accordingly,

the committee, with the support of this chamber, reinforced this by attempting to ensure that essential federal services could be provided in an Indigenous language with a reasonable qualification where numbers warrant. However, that amendment was removed in the House under the former majority Liberal government.

• (2030)

It is of great concern to me that the Government of Canada will not honour Nunavut's Inuit Language Protection Act enacted by the duly elected Legislative Assembly of Nunavut. I often have to deal with complaints from unilingual Inuit who have problems accessing federal government services and programs.

There is no accommodation for the Inuit elders who face language barriers in accessing government programs now delivered through the Income Tax Act. This is partly why I believe that studies have shown that 30% of Nunavut residents — the highest proportion in the country — do not file tax returns. We all know those returns are difficult enough to access and understand for folks who speak English or French.

A very disturbing example of how the Inuit face prejudice — due to Canada's failure to honour its clear obligations under the Nunavut Inuit Language Protection Act — came to my attention in the last federal election campaign in 2019. At a polling station in Iqaluit, the entire signage at the polling station was in English and in French only — with no signage whatsoever in the Inuktut language. An elder who was at the poll to vote complained to the staff about this blatant failure to respect the third official language — Inuktut — at the poll. She was given a pencil and asked to voluntarily translate the election signage, and handwrite the information on the sign into Inuktut.

When the Indigenous Languages Act was presented and studied in the Senate, Inuit participants in the committee study complained that while it was commendable that the bill addressed the weakened state of many Indigenous languages in Canada which are in danger of extinction due to small numbers of speakers and disuse, it is also essential that the federal Indigenous Languages Act address the needs of Indigenous languages which currently have a better footing and are being more widely used in daily life — recognizing that those languages, like Inuktut, should also be recognized and supported in the new legislation. Inuit Tapiriit Kanatami's efforts to have these unique needs of the Inuit, whose language is healthy compared, sadly, to many First Nations languages in Canada — which is recognized in the appendix that Inuit Tapiriit Kanatami proposed to be added to the bill — were not supported and not included in the bill. As Nunavut Tunngavik Incorporated President Aluki Kotierk explained:

> Nunavut Inuit, in close collaboration with others across Inuit Nunangat, have made every effort to work constructively with the Government of Canada to develop Bill C-91. Although we have attempted to engage in the process in good faith, this bill was, by no means, co-developed with Inuit.

Ms. Kotierk added:

> This legislation, which is intended to help reverse the steady slide of Indigenous languages into disappearance, does not address issues of access to public services in Indigenous languages and does not reflect the needs which have been clearly communicated by Inuit.

While having the pleasure of hosting our colleague Senator Cormier in Iqaluit last week, I learned that the previously established funding amounts disbursed annually between Canada and the Northwest Territories — and now Canada and Nunavut — have persisted for all these years until recently. The last bilateral agreement for Nunavut was from 2016 to 2020 — a four-year agreement instead of the previous pattern of a five-year agreement. More recently, the renewed agreement has been reduced to two years.

There is a strong concern in the Government of Nunavut that the federal government will now be pushing, as they have done in the Yukon and the Northwest Territories, to have Nunavut's funding for official languages be sourced from the meagre national fund established under the Indigenous Languages Act — which is primarily geared to supporting struggling and threatened Indigenous languages. This would be contrary to the long-standing bilateral agreement between Canada and the Northwest Territories — and through the Northwest Territories, and now Nunavut — to respect French and English as official languages in our territories, but also it would seriously erode support for the Indigenous language of the majority of our population in Nunavut.

Colleagues, we have begun debating Bill C-13 this week. It's a good day to talk about languages and the long-awaited amendments to the Official Languages Act which, of course, is primarily about Canada's two official languages. But it was noted by Senator Gold, and others, that the bill also contains a non-derogation clause to affirm that the bill will not derogate from the rights of Indigenous language speakers. That's good, but we must be on guard to protect and enhance our Indigenous languages as well.

I'm pleased to have this opportunity, through my reply to the Throne Speech, to put on the public record — as one who personally knows the history of official languages and Indigenous languages in the Northwest Territories, and now Nunavut — my profound concern that Canada must honour the solemn agreement which was made over 40 years ago, where territorial governments accepted official bilingualism for the minority of its French-speaking citizens in return for Canada's commitments to also provide corresponding support for the recognition and enhancement of Indigenous languages, including, in my territory, Inuktut.

Honourable senators, it's not enough to say that we support Indigenous languages in theory. We need to ensure that the government follows through with the actions required in order to ensure that we continue to properly resource the measures necessary to provide that support. I, for one, will continue to push the Government of Canada to honour and respect the obligations that everyone doing business in Nunavut, including the federal government, has under the Inuit Language Protection Act.

I'm delighted that Senator Cormier was there with me in my constituency last week to learn about the importance of both Inuktut and Canada's two official languages in Nunavut. I will count on him for support in this cause.

Thank you, honourable colleagues. *Qujannamiik*. *Taima*.

(On motion of Senator LaBoucane-Benson, debate adjourned.)

EMPLOYMENT INSURANCE ACT
EMPLOYMENT INSURANCE REGULATIONS

BILL TO AMEND—TENTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Agriculture and Forestry (*Bill S-236, An Act to amend the Employment Insurance Act and the Employment Insurance Regulations (Prince Edward Island), with a recommendation*), presented in the Senate on May 17, 2023.

Hon. Robert Black moved the adoption of the report.

(On motion of Senator Clement, debate adjourned.)

[*Translation*]

JANE GOODALL BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Klyne, seconded by the Honourable Senator Harder, P.C., for the second reading of Bill S-241, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (great apes, elephants and certain other animals).

Hon. Raymonde Saint-Germain: Colleagues, I'm well aware of the late hour, so I'll ask for your attention for only a short period.

I rise to speak today on the principle of Bill S-241, the Jane Goodall act. As you know, this bill seeks to prohibit the practice of keeping in captivity over 800 species of wild animals, such as elephants and big cats, in Canada.

• (2040)

I'd like to draw your attention to a few points of interest that, in my opinion, should be thoroughly examined during the committee study.

[*English*]

Colleagues, I am aware that, in essence, S-241 is a good bill. In fact, most zoos, zoological institutions and animal welfare organizations generally agree with its objectives. In his speech at second reading, Senator Klyne eloquently presented Bill S-241 and its coalition of supporters as "a big tent that puts animals first." I like this analogy and salute Senator Klyne's openness to working hand in hand with zoological institutions for the benefit of animals.

I also take this opportunity to personally thank Senator Klyne for his compelling answers to the many questions I asked him further to my meetings with some stakeholders. I appreciate that you took the time, senator, to reassure me, which, in turn, will make for a shorter speech.

I'm reassured that the planned implementation of this bill is measured and balanced and doesn't impose drastic action. For example, it proposes to phase out elephants in captivity, which will give zoos time to adapt while not forcing the 20 elephants currently in captivity in Canada to be taken out of what is sometimes the only habitat they have ever known. I know the Granby Zoo in Quebec has already begun this transition, and I salute them for their initiative.

However, after listening to the arguments made by senators in this chamber and being contacted by stakeholders, I can't help but notice that some issues need to be addressed and clarified regarding this bill. Notably, I listened to Quebec stakeholders and heard their concerns. In Quebec, there are some major zoos and zoological institutions. As I have mentioned before, most of them support Bill S-241. Off the top of my head, I can think of the Zoo de Granby, the Montréal Biodôme, Parc Omega and the Zoo sauvage de Saint-Félicien.

There is also, however, one institution, Parc Safari, that has expressed some criticism and, I must say, some very valid concerns. Parc Safari is a unique institution in the sense that it has a very large area of land for the animals to roam in. In terms of land capacity, few can compare, either in Quebec or anywhere else in Canada. Parc Safari defines its mission as a means of conservation of endangered species, offering spaces and habitats as close as possible to the natural habitats of those animals. It is also a place to develop knowledge about those species and their reproduction. Over the years, Parc Safari has used its knowledge and experience to help endangered species reproduce, and they have sent some animals back into the wild — both in Canada and abroad — where nature intended them to be. That is not what I would qualify as a roadside zoo. On the contrary, it is rather a respectable institution dedicated to animal conservation.

It is important that zoological institutions like the Parc Safari be given a special status — one that recognizes their contributions to science and animal welfare and differentiates them from a regular zoo.

I know that Bill S-241 provides some solutions to this issue. In section 10.1(1), the bill would establish a legal framework for animal care organizations, and this framework recognizes the purpose of those organizations. Those chosen organizations would be designated by the minister and would have to promote

wild animal welfare, support conservation, provide rehabilitation to injured or distressed animals, offer sanctuary to animals in need, conduct non-harmful scientific research and engage in public education. As well, they would have to satisfy numerous other eligibility criteria listed in section 10.1(2) of the bill.

I urge the committee to carefully study this section of the bill so that deserving organizations will be able to obtain this animal care organization status, which will ultimately benefit those captive animals.

It was also brought to my attention that provincial norms for zoos and animals in captivity can be widely different from one province to another. During my interaction with stakeholders, I was told that the Quebec ministry of agriculture, fisheries and food, which is the department responsible for caring for zoos, had recently imposed strict and rigorous conditions for animals in captivity. Many Quebec zoos have invested or are in the process of investing large sums of money to comply with those rigorous norms of the Quebec government. It seems unfair for those zoos and zoological institutions, after having invested large sums of money to comply with provincial captivity regulations, to lose this investment due to federal legislation making it illegal for some species to be held in captivity. I would like the committee to look at this situation and maybe for the federal government to work with the provinces to make the situation right and reassure those institutions that those investments will not have been made to no avail.

Colleagues, I support the principle of this bill. I believe that wild animals belong in the wild. I also believe they are entitled to respect and to a decent quality of life. I think Bill S-241, which has been on our Order Paper since March 24, 2022, will be overwhelmingly positive for animal protection and Canada's reputation worldwide. That being said, we need to work in collaboration with zoological institutions and zoos for the benefit of animals. Those institutions still have a role to play in educating the public on endangered animals and the issues they face all around the world. Colleagues, I trust that the committee will thoroughly study these concerns, and I'm looking forward to their report to the Senate.

Thank you. *Meegwetch*.

(On motion of Senator Martin, debate adjourned.)

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Brazeau, seconded by the Honourable Senator Housakos, for the second reading of Bill S-254, An Act to amend the Food and Drugs Act (warning label on alcoholic beverages).

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I will also be brief considering the time, but I do want to say a few words about the bill that Senator Brazeau has introduced: Bill S-254, An Act to amend the Food and Drugs Act (warning label on alcoholic beverages). I want to thank Senator Brazeau for bringing this legislation forward for our consideration and for his leadership on this important issue.

As indicated in the title of the bill, Bill S-254 will amend the Food and Drugs Act to require a warning label to be placed on alcoholic beverages. The legislation mandates four components for this labelling requirement. One, the label must indicate the volume of beverage that, in the opinion of the department of health, constitutes a standard drink. Two, it must note how many standard drinks are contained in the labelled package. Three, the label must indicate the number of standard drinks that, in the opinion of the department of health, should not be exceeded in order to avoid significant health risks. Finally, the label must include a warning from the department of health that there is a direct causal link between alcohol consumption and the development of fatal cancers.

• (2050)

Colleagues, I doubt that there is anyone in this chamber who has not seen first-hand the ravages of alcohol abuse. It has been mentioned by other senators who have spoken to this. It is a terrible scourge on our society which is all too common and extracts a heavy price from those who fall into its clutches.

We heard from a number of senators who shared their personal stories about their experiences, and I am certain that the rest of us could all add our own stories as well.

However, I want to point out that the objective of this legislation is not to launch a campaign against the consumption of alcohol or to revisit the question of prohibition. As Senator Brazeau said in his speech, he is not on his high, moral horse preaching abstinence, but rather he is concerned with reducing the number of cancers in Canada.

The preamble lays out the scope of this bill clearly in three statements. The first is that " . . . Parliament recognizes that a direct causal link exists between alcohol consumption and the development of fatal cancers . . . ."

Next, the preamble states that:

> . . . in light of the serious public health risks posed by alcohol consumption, the public must have accurate and current health information in relation to alcohol consumption in order to make informed decisions about consuming alcohol . . . .

Finally, the preamble says, " . . . affixing a warning label to alcoholic beverages is an effective way of making consumers aware of this health information . . . ."

On the first point, there is no debate. A direct causal link exists between alcohol and cancer, and although awareness of this fact remains low, this is not a new discovery. It has been 35 years since the International Agency for Research on Cancer classified alcohol as a Class I carcinogen. Literally hundreds of studies have confirmed this fact since then.

On the second point, there is also no debate. The public should have accurate and current information about the health risks of consuming alcohol. But for whatever reason, this is currently not

the case. In fact, according to Cancer Care Ontario, only one third of Canadians are aware that they can lower their risk of cancer by reducing their alcohol consumption. Other studies put this number as low as 25%.

However, this is only one of the health risks when it comes to alcohol consumption. There are many others, such as damage to the liver, brain, heart and stomach; high blood pressure; reduced resistance to infection; decreased appetite; disturbed sleep patterns; anxiety; depression; suicidal depression; fetal alcohol spectrum disorder and more.

Canadians should be aware of these risks and understand how to minimize them. However, colleagues, whether a warning label is an appropriate and effective way of informing the consumer of the health risks associated with alcohol consumption remains an open question. At last count, there were at least 47 countries around the world that have already implemented health warning labels on alcohol products, including the United States, Australia, Portugal, France, Japan, Israel, Brazil and, of course, many more.

The United States has had health warning labels on alcohol products since 1988 when it passed the Alcohol Beverage Labeling Act. But whether Canada needs to follow suit is not clear for a couple of reasons. First of all, there is a significant lack of consensus on what constitutes a low-risk level of alcohol consumption. Only a few months ago, this number in Canada was 10 drinks per week for women and 15 drinks a week for men. Then, in August of last year, the Canadian Centre on Substance Abuse and Addiction recommended this be changed to two drinks a week regardless of your gender. The current recommendation in the United States and the U.K. is still 2 drinks a day, whereas in Australia it is 10 drinks per week.

Everybody claims to be basing their guidance on science, and yet there doesn't seem to be a consensus on what the science says. One analysis notes:

> In almost every well-conceived and controlled study done, it was found that when ex-drinkers were not included in the referent group (and the group consisted only of lifetime abstainers) . . . . there is a cardioprotective effect for regular light to moderate alcohol consumption.

The analysis also concluded that light to moderate consumption contributes significantly to reduced all-cause mortality.

Colleagues, from my own experience, my doctor has told me that one glass of wine per day will help my blood pressure. Two glasses of wine per day will increase my blood pressure. I had a perfect solution. I went and bought a larger glass, but he said that wasn't the answer to my problem.

Now, I know there is a fair degree of disagreement on this issue. But that is just my point. It would be wrong to push ahead without first having a consensus on this science and the public buy-in.

It is clear that if you are looking for no risk, then you should not drink at all. But what is the appropriate level of alcohol consumption if a person is content with low risk? That answer is not clear.

The second reason for questioning whether health warning labels are an effective way of informing consumers about the risk of alcohol consumption is because the results of the current research on labelling are mixed. We are not venturing into uncharted waters here, colleagues. As I noted earlier, there were at least 47 countries around the world who have already implemented health warning labels on alcohol products. And it would be wise to consider their experience and learn from their efforts.

A recent study entitled *Alcohol Health Warning Labels: A Rapid Review with Action Recommendations* was published last September in the International Journal of Environmental Research and Public Health. The study reviewed the existing research on health warning labels located on alcohol containers and found 2,975 non-duplicate citations. This is a significant body of evidence from which they examined 382 articles and focused their final analysis on 122 research papers.

What their review showed is that simply slapping a label on alcohol containers is not necessarily a winning strategy. There is a spectrum of variables which needs to be considered when contemplating alcohol warning labels. One example is the label's design: Where is the label located on the container? How much space does it use? What is the font size? What is the colour? Does it include a logo or an image? All of these were factors in the effectiveness of the label.

The results were not always what you think they might be. For example, they found that using shocking pictures such as those which we have all seen on cigarette packages are not necessarily effective.

> . . . negative imagery should be used with caution, since it does not appear to be generally beneficial in influencing the behaviour of those viewing the label.

Part of the reason for this outcome was the issue of believability and acceptability. If the label was not believable or acceptable, it was less effective.

Furthermore, in addition to the design of the label, there is the question of content. What message do the text and images convey? Bill S-254 mandates four aspects of the content of the message, but there are many more which are also possible. What about the dangers alcohol consumption poses to pregnant mothers? What about impairment, risk of hypertension, liver disease or heart disease? What about warnings that alcohol can be addictive? When it comes to labelling alcohol, you could easily focus on any of these issues and all of them are important. So what do we do? In spite of all the data, there remains significant uncertainty. Quite simply, the research is not conclusive.

• (2100)

Alcohol labelling does not always bring the results you think it will. For example, negatively framed messages had the greatest influence on those who were heavier drinkers. With young drinkers, strong warnings have been found to have a boomerang effect where exposure to the warning actually led to a higher positive perception of the product. In fact, one 2009 study found that young adults used standard drink information to maximize

rather than minimize their alcohol consumption. The label helped them decide where they would get the most bang for their buck and they ended up increasing their consumption rather than decreasing it. They mainly used the labels to identify drinks with the most alcohol and the lowest cost so they could drink less liquid, get intoxicated faster and spend less money. This finding was corroborated in a 2014 Canadian study where researchers found that 46% of participants said they would use standard drink labels to identify the least expensive alcohol.

Honourable senators, the obvious lesson here is that labelling does not always give you the outcome you would expect. Rather than giving us a conclusive path forward, the existing research seems to indicate that there is much that we do not know about alcohol warning labels.

However, colleagues, this bill does address a very important subject matter. I do not think any decisions should be made before it is examined at committee. I really believe, colleagues, this is a perfect bill for a thorough study at committee to hear from witnesses what their recommendations are.

With that, honourable senators, I would like to see this bill move to committee at the earliest opportunity so that the committee can do a thorough study and report back to us. Thank you.

(On motion of Senator Moncion, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Batters, seconded by the Honourable Senator Wells, for the second reading of Bill C-291, An Act to amend the Criminal Code and to make consequential amendments to other Acts (child sexual abuse and exploitation material).

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I'm very pleased to participate at second reading debate on Bill C-291, An Act to amend the Criminal Code and to make consequential amendments to other Acts. I want to thank Senator Batters for sponsoring this bill and for her work and advocacy on this file.

The protection of children against sexual abuse and exploitation of any kind has been a top priority of the government, and I am glad to lend my support and the support of the Government of Canada to Bill C-291, which will give us additional tools in putting an end to such abuses.

The protection of children against sexual abuse and exploitation is also a priority for the international community. The Government of Canada works closely with its international partners to combat online child sexual exploitation. I am also pleased that Canada is a state party to several international instruments that seek to protect children from sexual exploitation. These include the United Nations Declaration of Human Rights, the United Nations Convention on the Rights of the Child as well as its Optional Protocol on the sale of children, child prostitution and child pornography and the Council of Europe's Convention on Cybercrime.

[*Translation*]

While it is incredibly disheartening, it should come as no surprise that the pandemic led to an increase in sexual offences against children, in part because new technology has made it even easier to commit these crimes. In the 2021-22 fiscal year, the RCMP's National Child Exploitation Crime Centre received 81,799 complaints, disclosures, reports and requests for assistance relating to the sexual exploitation of children on the internet, representing a 56% increase over the previous fiscal year and a 854% increase compared to 2013-14.

[*English*]

As Senator Batters outlined in her speech, Statistics Canada police-reported crime data from 2020, which includes the first year of the pandemic, indicates that incidents of making or distributing child pornography had increased by 26% in 2021 compared to 2019. Possession of or accessing child pornography increased by 44% in 2021 compared to 2019, and represents a 146% increase since 2017. These numbers, colleagues, are profoundly disturbing.

We must take measures to fight sexual exploitation of children. Clearly, we need to have comprehensive and robust criminal laws against it, we need to have strong and effective law enforcement and we need to continue to advance and support measures that seek to support victims.

Canada's existing laws against child pornography are amongst the strongest in the world. But even with that, we as legislators should always be assessing and reassessing if even these laws can be further strengthened. That is why I appreciate that Bill C-291 is before us now because I see it as trying to make a small but important change that will help us more accurately and effectively name and prevent child sexual exploitation through child pornography.

There has been, over the years, both domestically and internationally, a move away from the term "child pornography." There is a view that the term child pornography is too similar to regular pornography, which is, of course, legal when made by consenting adults and does not constitute obscene material. Therefore, the trend is towards terms that are more descriptive of the harm of pornography when children are in any way involved.

The Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, commonly known as the Luxembourg Guidelines, suggest using "child sexual exploitation material" as a more general term to encompass:

> . . . material that sexualises and is exploitative to the child although it is not explicitly depicting the sexual abuse of a child.

[*Translation*]

Another example from the international context is Article 34 of the United Nations Convention on the Rights of the Child, which requires states parties to undertake to protect the child from all forms of sexual exploitation and sexual abuse. This measure is set out in detail in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The protocol requires states parties to criminalize the production, distribution, transmission, importation, exportation, exploitation, offering, sale or possession of child pornography for the purposes set out in the convention.

[*English*]

Following that example is the Five Eyes intelligence alliance, of which Canada is a member, which established Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse.

Looking at domestic legislation from other countries, the question of terminology is not settled. Neither the United Kingdom nor Australia, who are both state parties to the Optional Protocol, use "child pornography" in their domestic legislation. The U.K. uses the term "indecent photographs," and Australia uses the term "child abuse material."

• (2110)

In short, many terms are used in international fora and by our international partners to mean the same kind of material — material that involves the sexual exploitation and abuse of children. Moving away from the terminology "child pornography" would not place Canada out of step in the international arena. However, when considering Canada's broad Criminal Code definition and protections, it is important that any new term accurately describes what is already established in the jurisprudence and in the plain text of the provision itself.

The Criminal Code definition includes materials such as written and audio forms of child pornography that either advocate sexual activity with children or whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a child. This latter category of materials normalizes the sexualization of children and, in part, helps fuel the demand for child sexual abuse materials and therefore puts more children at risk.

Bill C-291 proposes to change the term "child pornography" to "child sexual abuse and exploitation material." Although this is a simple change in terminology without substantive alteration to the definition, there is some complexity associated with it. For example, the Luxembourg Guidelines, in its foreword, recognize that changes to existing terms such as "child pornography" — especially established legal terms with a long history of judicial consideration — might cause confusion or hinder the prevention and elimination of child sexual exploitation if bad actors exploit legal technicalities. It is vitally important that any new term capture the full scope of Canada's law as well as the jurisprudence on that term from the last 30 years.

[*Translation*]

I am aware that changing the terminology will also have repercussions on federal regulations and provincial and territorial laws in Canada. The term "child pornography" and the reference to section 163.1 of the Criminal Code appears in at least 50 provincial and territorial pieces of legislation. If the bill is passed, the provinces and territories may need some time to change their legislation to be consistent with the new terminology.

[*English*]

I want to conclude by expressing my thanks to the other place for providing us with an opportunity to review the Criminal Code's definition of "child pornography" as well as the way that the provision is incorporated into both federal but also provincial and territorial legislation.

Once again, Senator Batters, thank you for accepting to sponsor this bill, and I hope we can refer this to committee as soon as possible. Thank you.

(On motion of Senator Clement, debate adjourned.)

THE SENATE

MOTION TO STRIKE A SPECIAL SENATE COMMITTEE ON HUMAN CAPITAL AND THE LABOUR MARKET—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Harder, P.C.:
>
> That a Special Senate Committee on Human Capital and the Labour Market be appointed until the end of the current session, to which may be referred matters relating to human capital, labour markets, and employment generally;
>
> That the committee be composed of nine members, to be nominated by the Committee of Selection, and that four members constitute a quorum; and
>
> That the committee be empowered to inquire into and report on such matters as may be referred to it by the Senate; to send for persons, papers and records; to hear witnesses and to publish such papers and evidence from day to day as may be ordered by the committee.

(On motion of Senator Martin, debate adjourned.)

CHALLENGES AND OPPORTUNITIES OF CANADIAN MUNICIPALITIES

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Simons, calling the attention of the Senate to the challenges and opportunities that Canadian municipalities face, and to the importance of understanding and redefining the relationships between Canada's municipalities and the federal government.

Hon. Marty Deacon: Honourable senators, I rise to speak to the inquiry calling the attention of the Senate to the challenges and opportunities that Canadian municipalities face and to the importance of understanding and redefining relationships between Canada's municipalities and the federal government.

I thank my colleague Senator Simons who introduced this inquiry, and, as I listened to her and others, I became more concerned about the issue. That is, the necessity of ensuring municipalities have the fiscal and political resources they need to lead Canada to a more prosperous, connected and innovative future.

Almost six years ago, as part of my installation as a senator I chose to represent the Region of Waterloo. This was a simple decision. I would represent seven municipalities and townships: They are connected and interrelated, and a regional approach was my best strategy. It also made me very accountable to quickly ensure I knew and understood the variety of needs across these townships. My understanding of these issues has certainly been put to the test several times.

I have made it a priority, like all of us, to know our community, the diversity of needs and the common issues, but, more importantly, the role and interconnection of each town and city. I have learned much from my meetings with seven mayors, along with well-known organizations large and small. My visits to 32 businesses and organizations during COVID were insightful beyond all measure.

The Region of Waterloo is comprised of three cities and four townships: The cities of Cambridge, Kitchener and Waterloo, and the townships of North Dumfries, Wellesley, Wilmot and Woolwich. This mid-sized community is in the heart of southwestern Ontario's greenbelt. What I love is that we have the amenities of a large urban centre while maintaining the charm and character of a smaller rural community.

Imagine this for a moment: I can walk out my front door and continue to walk or cycle for a few minutes before I reach several university campuses, trails that can take me all the way to Guelph in the west or to Brantford or Hamilton in the south and deep into farming communities to the north. This is encompassed in one beautiful scenic trail system resulting in a community of communities connected by high-quality transit, cycling and walking trails with the captivating Grand River running throughout.

In a few kilometres, I can visit tech innovation hubs boasting the best and brightest talent from around the world, think tanks like the Perimeter Institute for Theoretical Physics and the Centre for International Governance Innovation. If I cycle only a little further, I can travel back in time, moving quickly from award-winning architecture to a peaceful rural landscape of dirt roads and the horse-and-buggy world of our Mennonites. I can even purchase fresh flowers, homemade sausages, maple syrup, apple butter, cheese and Mennonite furniture and quilts at the roadside or in the large markets.

The Grand River winds through most of the region, a total of 365 hectares. You can travel the Grand by canoe or by the Cambridge to Paris Rail Trail. Live theatre, museums and Canada's longest continually operating farmers' market can be found in this area.

Kitchener, in the central area, is the region's largest city: industry, collaboration and entrepreneurship are at the heart of the city. Many festivals, including the buskers, line the streets during the summer.

The local museum, the Kitchener Museum and the Centre in the Square host top talent, artisans and performers from around the world. A few minutes down the road, Chicopee ski hill provides a great winter skiing, tubing and summer hiking experience.

I would like to highlight our four smaller townships as well. Natasha Salonen is the Mayor of Wilmot Township. She speaks very proudly of her community:

> The people who live in Wilmot make me proudest of our township. It is not only a very small town feel with rural roots, but we are a community who comes together to support one another and make Wilmot such a wonderful place to live, work, play and raise a family.

She continues to describe the location along the Nith River beside larger cities. They provide the green space and agricultural industry to keep food on the table for those in Ontario. They are proud of their cultural events that draw people from afar, including the Mennonite Relief Sale, Moparfest and the New Hamburg Fall Fair.

We talked quite a bit about the relationship between municipal, provincial and federal governments. In Mayor Salonen's words:

> The relationship between municipalities and the federal government is foundational to ensure Canada remains such a wonderful country to live in. I would argue that the goals of all levels of government is to improve the lives and wellbeing of all Canadians. Having a close relationship is mutually beneficial as we can help each other. It is said that municipal is the level of government closest to the people and that as we fulfill our mandates, with strong federal ties, we can also provide unique insight into federal policy and programs that could be enhanced, are working or perhaps need to be created.

• (2120)

Moving along the Nith River, Sue Foxton is the Mayor of the Township of North Dumfries, known as the community of Ayr to many. The homes are unique. It is a peaceful area. Fireflies still flutter through the summer months. Ayr is one of the rare communities in Canada that still hosts a huge school fair every year, and 2024 will be the two hundredth year of this fair.

While they are a very proud hockey community, Mayor Foxton is most proud of the heart of her people. Regardless of hardship or success, this is a community that respects the space of everyone.

Recently, Ayr desperately needed a new arena. The goal was to raise $1 million. The community pulled together, became aware of how important this was to their kids and raised $2.5 million instead.

As the mayor puts it, "As we plan, as we prepare and respond, as we do, our children learn that they can do."

When we look at the role that municipalities play, Mayor Foxton is very clear:

> The strong, purposeful, and two-way connection with the federal government is essential to the forward building of our municipalities, but this is way more than monetary. We must see and know our leaders, our representatives — who are you? We have not had a senator in over 70 years. What does this mean for us? What could it mean? How does it amplify our communities and the important connections for our towns, our provinces and territories, our federal decision makers and back? Our elected officials must remember why they were elected, where they come from and remember the impact of every federal and provincial decision.

When I reached out to each community leader, I listened to them talk about trust, empathy, communication, consultation and the supreme importance of feeling connected and responsible to someone and something much bigger than themselves.

Some of this language is not new, but the stakes — the impact of poor decisions, of information and disinformation and of fatigue — have never been greater. Great sacrifice is made in leading municipalities, and this is something we can never forget.

Over the past month, I have had some very difficult conversations. Every mayor and municipal leader I spoke with was able to give very provocative examples of the impact of federal decisions that made their work difficult or outright impossible. I pushed this hard to make sure I understood what I heard. Overall, they observed better relationships with provincial and territorial premiers. The general belief is that this relationship really improved as an essential part of the pandemic and recovery. The concern, though, is whether the effort will be made to communicate, to have premiers meet and to have mayors and the Federation of Canadian Municipalities continue to be at the table. Or will we slow it down and revert to business as usual as time wears on?

For everyone one of us in the chamber, this inquiry reminds us of questions we may be asking ourselves over and over again: How are we making ourselves, as individuals and as a collective, accountable to and for our municipalities? How are we ensuring we are representing the needs of our communities and our municipalities? Are we consulting and inviting feedback that leads to a good bill review and follow-up process? Honestly, I believe we fall short on this promise to Canadians, but together we can really do something about this.

From my municipality discussions, housing, homelessness, treatment of seniors, end-of-life and long-term care, the welcoming of new Canadians, recent childcare announcements and services like food banks have all shared incredible stories of trying to patch together the best they can with limited resources and unanticipated announcements and legislation.

A few weeks ago, I visited the local Maison Sophia Reception House, a place that manages all the intake for hundreds of Afghan refugees, new Canadians and others. Something as simple as the facility, the hotel they stay in, the management and the facility not being able to get a commitment from Immigration, Refugees and Citizenship Canada — IRCC — for more than four months puts their success in deep jeopardy.

An already-challenged health care system is pushed to the brink as we know the most vulnerable new Canadians arrive with many physical and emotional health needs. The promise to bring in hundreds of thousands of new Canadians without seamless, well-communicated federal support at times sets families and communities up for failure.

These are a few small examples that highlight what works well for communities and where things can fall apart quite quickly. At present, the challenges around housing can be a prime example of this.

This past weekend, over 1,500 municipal elected officials came together in Toronto for the national Federation of Canadian Municipalities conference. Following this, I was reminded of all our common municipal challenges that come with a rapidly growing Canada. One of the biggest common threads was the priority for a new road map for a better-working country. The fiscal framework must be re-examined. The shoe no longer fits.

Municipalities want to lead to find the right tools to unlock the right kind of housing supply, to tackle homelessness, core infrastructure and climate change. The strongest message of the weekend was the message to the federal and provincial orders of government to continue to engage with municipalities in a national conversation regarding a new fiscal framework for municipalities. Their fiscal tools are simply outdated and are not designed to meet our modern challenges.

As parliamentarians, we all work hard to make sure we value our communities. We are trying to communicate the important links, the work we do and why we do the work we do, but this inquiry is about our municipalities. They must have the fiscal and

political support to thrive while being efficient and effective. No matter the size of the municipality or the size of each one of your communities, the solution is the same: all governments working together in a respectful manner.

Municipalities are truly our first responders and are at the front lines of our politics. They are where business is done in our country. They are the economic engines of innovation for our confederation. Let us never forget this. Let us demonstrate that we understand this and that we all play an important role in the successes and struggles that are occurring every day from coast to coast to coast.

Thank you, *meegwetch*.

(On motion of Senator Clement, debate adjourned.)

INTIMATE PARTNER VIOLENCE

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Boniface, calling the attention of the Senate to intimate partner violence, especially in rural areas across Canada, in response to the coroner's inquest conducted in Renfrew County, Ontario.

Hon. Mary Coyle: Honourable senators, I rise this evening to speak to Senator Gwen Boniface's Inquiry No. 10 on the subject of intimate partner violence.

Let first let me introduce you to the situations of three women who experienced intimate partner violence in Nova Scotia, two of whom are still living, and one who tragically died just in the county next to my home county.

Here is what the first woman wrote about her experience:

> For my first job interview at the CBC in 1981, I spent an unusual amount of time making sure I had just the right outfit: a collarless jacket trimmed in the style of a white Chanel suit. I paired it with a dark blue blouse that I could button right to the top. It wasn't just a fashion choice. I needed to hide the bruises. There was a purple ring of them around my neck with my husband's fingerprints left there after he tried to choke me a few days earlier.
>
> At one point, he'd attacked me on a short vacation, and then left me behind. I returned home on an overnight train convinced that I could save our marriage by pledging to be a better wife. But he had his own message for me when I got home: He told me that if I didn't leave, he'd kill me. "It's just a matter of time," he said.

As for the second woman:

> If we had a fight, he put the gun to my head to scare me and said he could blow off my head.
>
> So I was scared. I'm not going to say anything.

And after years of enduring abuse:

> He arrived at the cottage, he ripped off the blankets, yanked her by the hair onto the floor, kicked and punched her. "Get dressed," he demanded. He shook gasoline all over the home and pulled her by the wrist out the door to the next-door warehouse. The log home exploded in flames. He ripped off her sneakers and dragged her by the hair. She squirmed out of her coat and raced into the darkness tripping and falling. He dragged her again, handcuffing her and firing his gun on the ground next to her and threw her into the back of the mock RCMP car.

And now, in the case of the third woman, we unfortunately don't have her voice, because she was silenced before she could be heard. We know that in May 2016, her husband was sent to Ste. Anne's Hospital near Montreal to try to stabilize his ongoing PTSD symptoms, including his struggle to manage his emotions. At that point, her husband had disclosed to medical practitioners that he was having nightmares about his wife cheating on him, and, in those dreams, he would kill her in retaliation. Her husband was an Afghanistan war veteran who ended up killing her, their daughter, his mother and then himself.

• (2130)

We do know that she had made contact with the Naomi Society in Antigonish, which provides support to people who experience intimate partner violence. She wanted to know how to obtain a peace bond. She had been clearly aware that she was in danger.

Some of you may have guessed who these three women are. The first woman, with the carefully hidden ring of bruises on her 24-year-old newlywed neck, is none other than the nationally and internationally acclaimed CBC journalist Anna Maria Tremonti. She was describing her efforts to hide evidence of her pain and her shame during the interview with the CBC Halifax's "Information Morning" show, which launched her successful career with that national broadcaster. She only recently went public with her personal story of intimate partner violence, including a podcast series called "Welcome to Paradise."

The second woman is Lisa Banfield, the long-time common-law spouse of the perpetrator of Nova Scotia's mass murders. She had endured years of violence at the hands of her partner, and, as we know, she was the first victim of his violent rampage, which resulted in the brutal and senseless killing of 22 Nova Scotians — the worst mass murder in Canadian history.

Lisa Banfield survived his rampage by escaping into the woods that night in Portapique in rural Nova Scotia. She was later further victimized by our justice system.

The third woman is Shanna Desmond from Upper Big Tracadie in Guysborough County, Nova Scotia. An African-Nova Scotian woman, she was a nurse, a mother and the wife of Afghanistan war veteran Lionel Desmond. As was the case with the tragic Renfrew County stories of Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam that we heard Senator Boniface recount in her speech, the intimate partner violence that Shanna Desmond experienced was fatal.

In her speech, Senator Boniface highlighted the case of the murders of the three Renfrew County women — all former intimate partners of the same man — and set those against the context of the epidemic of intimate partner violence in Canada. She articulated particular concerns about intimate partner violence in rural areas, where there's often a lack of access to support services, as well as how difficult it is to seek help on an anonymous basis in a small town.

She spoke about the coroner's inquest into the deaths of the Renfrew County women and the 86 recommendations for change, including those related to the creation of an emergency fund for survivors, providing annual, sustainable funding to service providers, with recognition of differences in rural and urban realities; second-stage housing for survivors; education and training for justice system personnel on issues related to intimate partner violence, including unique rural factors; and the importance of expanding cell service and high-speed internet as a matter of enhancing safety for women in rural and remote areas.

Senator Boyer shared information on intimate partner violence against Indigenous women, and she also highlighted important Indigenous responses to that violence. Senator Seidman used a public health lens to show the significant gaps and bias in data, as well as the under-representation of women in research.

Senator Hartling spoke about her own experience of working with women victims of intimate partner violence in New Brunswick. She spoke of the often overlooked but critical issue of coercive control. My intention is to highlight some of the lessons from the cases of the three women in Nova Scotia. My emphasis will be on the findings and recommendations of the Mass Casualty Commission that relate to intimate partner violence.

Colleagues, as a reminder, intimate partner violence includes a range of behaviours, including emotional, financial, psychological, physical or sexual violence perpetrated by an intimate partner. The overwhelming majority of intimate partner violence perpetrators are men, and the overwhelming majority of their victims are women.

The intimate partner violence described by Anna Maria Tremonti was one of repeated physical attacks, as well as the psychological manipulation she experienced at the hands of her former husband. It not only left her bruised and battered, but also overwhelmed with shame and self-blame. One of the main reasons she kept her painful secret for decades was her fear that, as a woman looking to advance her career in journalism, she would be accused of bias. She now says:

> I believe my own experience made me a more empathetic and nuanced reporter, but the assumption of a harmful bias remains in many newsrooms when it comes to gender-based violence.

She also states:

> When we talk about objective journalism, whole cohorts of journalists have made the long overdue observation that objectivity is a white man's subjective construct.

The matter of intimate partner violence in the case of the death of Shanna Desmond is being examined as part of the Desmond Fatality Inquiry. The inquiry's mandate is to try to prevent future deaths by considering whether the systems that the family interacted with, including health care and domestic violence prevention, ought to be changed. The final report on that inquiry is anticipated in the near future.

Questions guiding the inquiry include the following: Did Lionel Desmond's spouse Shanna, daughter Aaliyah and mother Brenda have access to appropriate domestic violence intervention services? Did the many health care professionals and police officers who interacted with the family have the necessary training and information to spot the risk of intimate partner violence? Should a man with profound and complex PTSD symptoms, recently released from an in-patient psychiatric program, have been able to legally purchase a firearm?

While we don't yet have the report on that inquiry, we do know that some witnesses have indicated that systemic failures and racism played a role in the tragic chain of events that resulted in the murders of Shanna, her 10-year-old daughter, her mother-in-law and also her husband's suicide.

Finally, colleagues, we turn to the Nova Scotia Mass Casualty Commission. Some of you may recall that at that time, Senator Colin Deacon, Senator Kutcher and I sent a letter to federal Minister Bill Blair and Nova Scotia Attorney General and Minister of Justice Mark Furey in early June 2020 — calling for the Government of Canada and the Government of Nova Scotia to launch a joint public inquiry into the Nova Scotia mass shootings and related events, as was requested by the families of the victims.

The Mass Casualty Commission, a joint public inquiry, was established that year. Its final report, entitled *Turning the Tide Together* — all 300 pages of it in seven volumes, including 130 recommendations — was released two months ago. Many of the commission's recommendations focus on the RCMP, as was expected. On the topic of this inquiry, the report called for:

> . . . a greater focus on addressing and preventing the root causes of violence in our communities, including gender-based violence, intimate partner violence, and family violence . . . .

The report says:

> . . . there is a growing body of evidence that many men who commit mass casualties have previously committed gender-based violence, intimate partner violence, or family violence.

And many mass violence events begin with an attack on a specific woman. It points out that "Misogyny and unhealthy traditional conceptions of masculinity are root causes of mass casualty incidents." It also acknowledges that "the division between public and private violence is illusory and problematic."

The commission indicates that the first step in preventing mass violence is "in recognizing the danger of escalation inherent in all forms of violence." It also calls for a "prevention-oriented public health approach" to the issue, which should include treatment for perpetrators.

Further, the commission concludes:

> . . . that mandatory arrest and charging policies have failed in significant ways and have had unintended impacts that contribute to our collective and systemic failure to protect women and to help women survivors protect themselves.

• (2140)

In her article on the commission's report, Canadian feminist lawyer Pamela Cross says:

> It is gratifying to see how often the Commission report refers to the CKW inquest and its recommendations – maybe some of them will get the attention they deserve housed within this higher profile report.

I do not have sufficient time today to go through all the commission's recommendations related to the prevention of intimate partner violence, but I can assure you they are worth studying and acting upon. Sustained, annual funding for community-based groups and experts in the gender-based advocacy and support sector is underlined as essential, as is the strengthening of firearms regulations.

Of paramount importance are the commission's recommendations regarding accountability and ensuring the actual implementation of the recommendations. In that regard, the commission report proposes the establishment, by statute, of an independent and impartial gender-based violence commissioner with adequate, stable funding and effective powers, including the responsibility to make an annual report to Parliament.

Honourable colleagues, as I bring my remarks to a conclusion today, I want us all to take note of the valuable and potentially life-saving recommendations of the many inquiries, inquests and commissions on this epidemic of intimate partner and gender-based violence. Among them, the May-Iles inquest, the Renfrew County inquest, the Nova Scotia Mass Casualty Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls.

Colleagues, let's keep in mind the three women I spoke about today — Anna Maria Tremonti, Shanna Desmond and Lisa Banfield — the many other women in Canada impacted by this violent epidemic and our next generation of girls in Canada.

Honourable colleagues, let's continue to work together so that the young girls of today can grow into women, who can count upon the right to live in safety in their communities and, most importantly, to live in safety in their own homes.

Thank you*, wela'lioq*.

(On motion of Senator Clement, debate adjourned.)

[*Translation*]

BUSINESS AND ECONOMIC CONTRIBUTIONS MADE BY INDIGENOUS BUSINESSES TO CANADA'S ECONOMY

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Klyne, calling the attention of the Senate to the ongoing business and economic contributions made by Indigenous businesses to Canada's economy.

Hon. Pierre J. Dalphond: Honourable senators, I am pleased to speak to Senator Klyne's inquiry, which seeks to recognize the contribution of Indigenous businesses to the Canadian economy and more particularly to that of Quebec. Despite how late it is, I hope everyone will enjoy my remarks.

I will address three points: first, the context of economic reconciliation; second, Indigenous Economic Development Corporations; and third, examples of Quebec-based companies that are a model for others.

I will begin by talking about the global context. Within the boundaries defined by the colonial governments of what is now our country, where Indigenous peoples were well established long before Jacques Cartier's arrival, Indigenous groups had their own economic relationships. However, colonial regimes, with their concepts and their laws, imposed different visions on these peoples and deprived them of full economic participation.

Moreover, the colonizers set up a system of land and wealth appropriation built on low compensation and under conditions that did not respect the rights of Indigenous peoples. When our system of governance was established in 1867, it was accompanied by racist policies and laws based on the principle of the supremacy of the white man and his religious, cultural and economic beliefs, which led notably to the residential school system, prohibition of the use of Indigenous languages and practices, and other forms of assimilation.

It's time to talk about reconciliation, especially economic reconciliation, as called for by the Truth and Reconciliation Commission of Canada's Call to Action 92.

[*English*]

Canada has received strategic directions and made progress on these goals in recent years. In 2021, Senator Klyne and others addressed economic reconciliation in our debate on Bill C-15 respecting the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP. Senator Klyne spoke about the importance of involving Indigenous business organizations in the UNDRIP action plan. We are looking forward to the government plan that will hopefully deliver on that commitment.

We also heard from Senator Klyne today about the importance of Bill C-45.

Senators, Indigenous entrepreneurs and business owners are key to self-determination and increasing Indigenous participation in the Canadian economy. This participation must be a priority for Canada. The Canadian Council for Aboriginal Business reported in its *Business Reconciliation in Canada Guidebook* of 2019 that the national Indigenous economy is growing exponentially, contributing over $30 billion to Canada's GDP in 2019. As the Senate Prosperity Action Group noted in its 2021 report, Indigenous business leaders have set a $100 billion performance target.

[*Translation*]

This brings me to my second point, which relates to Indigenous Economic Development Corporations. These companies are owned and operated by Indigenous communities. They invest money from the community in community-owned projects, such as holding companies and social purpose parent companies. The Canadian Council for Aboriginal Business estimates that there were nearly 500 Indigenous Economic Development Corporations in Canada in 2020, 79% of which had generated profits in the previous year. In addition, 70% had business partners who hired workers from Indigenous communities, and more than 85% offered support services to community members.

[*English*]

With these statistics in mind, I move to my third topic: some successful Indigenous businesses in Quebec. The Listuguj Mi'kmaq fishery on the Restigouche River and Chaleur Bay is a multi-million dollar industry. It was the focus of a recent APTN documentary series. In 2021, the Listuguj government signed the rights reconciliation agreement on fisheries, acknowledging its Aboriginal and treaty rights to fish. We hope that, one day, we'll see the same in Nova Scotia. The agreement further acknowledged that the Listuguj First Nation has a sacred and inherent responsibility for the stewardship of the land, waters and living things in their traditional territory.

According to a CBC article, with the agreement in place, the Listuguj Mi'gmaq Rangers, empowered by Indigenous law, meet fishing boats at the wharf and count lobsters every day during the lobster season. They collect 10% of the total catch to distribute it among the Mi'kmaq community of about 4,000 people. Community members cook the lobsters and deliver them to elders or are picked up by their families. The remaining 90% of the catch is sold commercially.

This is a success story of a community operating a prosperous industry based on its inherent and constitutional rights.

The second Indigenous business working in Quebec that I want to highlight is Avataa Explorations & Logistics Inc. AEL is a family-owned Inuit consulting firm in Nunavik that specializes in site assessments and remediation and sells fishing and hunting permits. The company's Inuit family founders are outdoor enthusiasts who have lived all their lives in the North and are raising their family there.

• (2150)

AEL has a strong corporate social responsibility policy, which includes organizing community, social, educational and cultural activities for youth. In addition to this community impact, AEL has a large economic impact. It partnered with Sanexen Environmental Services Inc. to incorporate Avataani Environmental, which provides logistics, remote workforce camp and catering and environmental services to the mining and exploration industries. The partnership balances local traditional knowledge with technical expertise and provides holistic solutions to a wide range of environmental issues.

The third organization I would like to mention is CREED, the Cree Real Estate Entrepreneurship Development Program of the Eeyou Istchee Cree government. North of the village of Nemaska, near James Bay, but far southwest of AEL in Nunavik, the Grand Council of the Crees allocates a significant amount of funding to local Cree entrepreneurs.

The CREED program grants up to $100,000 to James Bay and Northern Quebec Agreement beneficiaries whose businesses are based and operated in Eeyou Istchee as long as they work in private home construction, renovations, home materials, financial services, landscaping and design and commercial real estate.

As Grand Chief Abel Bosum said at the Senate committee pre-study on UNDRIP in 2021:

> It has been precisely because our rights have been acknowledged and because we are recognized to be fully legitimate participants in the economy and in the political life of our region that we have contributed to the journey toward peaceful coexistence and social harmony.

Before concluding, I'll quickly tell four stories of smaller Indigenous businesses of note operating in Quebec: a restaurant, a bookstore, a beauty brand and an internationally renowned designer.

The next time you are near Quebec City, make a reservation at Sagamité, an Indigenous-owned restaurant. The original location is in Wendake — a well-known place to our colleague Senator Audette — an urban reserve 25 minutes northwest of downtown Quebec City, and the second restaurant is in a stone-walled building in Old Quebec. The restaurants use food to introduce guests to the culture of the Huron-Wendat, with a menu

highlighting the First Nation's traditional diet of wild game, including deer, caribou, moose, along with fish, native plants, herbs and berries.

Before a fire destroyed the original Wendake location in 2018, the business had seen its profits increasing by 20% to 35% per year. Owner Steeve Wadohandik turned the fire into an opportunity to expand the space. He doubled the number of his employees and recruited from the Wendake community. He and his partner now also own two nearby boutique hotels in Old Quebec.

A second smaller business is Sequoia, an Indigenous beauty brand founded by Michaelee Lazore in 2002. The company is 100% owned and operated by Indigenous women. Their products are scented with sweetgrass, cedar, red clover, blackberry and sage. The design, production and packaging are all done locally. The production is sustainable, and the ingredients are ethically sourced. She now has a shop in Kahnawake and also sells online throughout North America.

[*Translation*]

The third business is Librairie Hannenorak, which is also located in Wendake. It is the only bookstore located in an Indigenous community in Quebec.

The bookshop has a special section for Indigenous books, some of which have won the Governor General's Award.

[*English*]

Finally, you may have heard of Mohawk designer Tammy Beauvais. She is a fourth-generation artisan and designer based in Kahnawake. Sophie Grégoire Trudeau owns one of her capes. In 2016, she gifted another one of Ms. Beauvais' beaded capes to Michelle Obama, featuring three glass beads that belonged to Ms. Beauvais' great-grandmother. Ms. Beauvais' website features bespoke feather dresses, bags, ties, blankets and jewellery and includes her own designs and those of other Indigenous designers.

[*Translation*]

In conclusion, the examples I just spoke about represent only a fraction of the contributions of Indigenous businesses and also represent the hope that they will serve as examples for other Indigenous entrepreneurs.

Thank you, Senator Klyne, for initiating this inquiry. We must recognize the economic achievements of Indigenous peoples and work together to make economic reconciliation a reality. When Indigenous businesses prosper, all Canadians prosper.

I also support Bill C-45, which was introduced today and which seeks to provide Indigenous communities with more modern and effective instruments to create Indigenous wealth. Thank you. *Meegwetch*.

(On motion of Senator Patterson (*Nunavut*), debate adjourned.)

(*At 9:58 p.m., the Senate was continued until tomorrow at 2 p.m.*)

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