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Tuesday, April 25, 2023

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Tuesday, April 25, 2023

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

Prayers.

SENATORS' STATEMENTS

NATIONAL TOURISM WEEK

Hon. Karen Sorensen: Honourable senators, I'm proud to join tourism operators in marking Tourism Week. Representatives from the industry are in Ottawa this week, highlighting the contributions tourism makes to our economy, communities and country and what it will have to offer in the future. It's no exaggeration to say that Canada is powered by tourism. Tourism has created jobs in every province and territory, employing 1 out of 10 workers. Pre-pandemic, the sector created 748,000 direct jobs and supported 2 million more. But the benefits aren't just economic. From coast to coast to coast, tourism sustains our communities and allows our Canadian culture to thrive as we share our traditions with visitors from across the country and around the world.

However, the sector has had a very challenging few years and is not out of the woods yet. If we want tourism to thrive, we need to address labour shortages while also investing in our tourism assets so that Canada can continue to offer the cutting-edge, one-of-a-kind experiences we've become known for worldwide. We also need to support success stories like Indigenous tourism, which is in high demand among domestic and international visitors and is a powerful vehicle for Indigenous economic development and cultural revitalization. As well, we need to promote Canada as a destination at home and abroad and incentivize industry to host their conferences and events here.

I learned yesterday at our event that the Shaw Centre in Ottawa has been rated the number one conference centre in the world, which was so interesting. I didn't have that tidbit of information.

We were happy to see support for tourism in the most recent federal budget, and we're looking forward to seeing the government's Federal Tourism Growth Strategy. Canada's attractions are world-class, and the beauty of our natural wonders is unparalleled, as is the welcoming spirit of our people. I encourage everyone to join me in standing with our tourism operators as they present Canada to the world.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Raymond Mong and Christina Chong. They are the guests of the Honourable Senator Woo.

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

Hon. Senators: Hear, hear!

INVICTUS GAMES

Hon. Marty Deacon: Honourable senators, last Thursday, any of you walking past Ottawa City Hall would have seen an impressive array of uniformed soldiers and athletes congregating in the main hall. It was at this event that the True Patriot Love foundation briefed key parties on their preparations for the 2025 Invictus Games that will be held in Vancouver and Whistler. Here, they highlighted the impact and legacy that the games will have on service members, veterans and their families from around the world.

The Invictus Games continue to inspire our veterans to reach new heights since their founding in 2014. They have demonstrated the important healing power of sport while also generating a wider understanding and respect for those who have served their country. Many of us in the chamber have had the honour of sitting down with our veterans to hear their stories and find out how so many have struggled upon returning home. Sometimes, you can see these injuries, but other times they are quite hidden.

Operational stress injuries like PTSD run high in our returning soldiers, and while we've made advances in how these can be treated, there is still so much work to do. Adaptive sport has been shown to be a powerful tool in the recovery process. It gets our injured veterans engaged and active. It gives them a goal to work for and allows them to once again don a uniform of the country they so proudly served.

The games are also uniquely focused on the family and friends of those who are competing. In 2015, I met hundreds of family members along with Invictus athletes. They stayed with the athletes, which is a very unique games model. The Invictus movement is about helping not just the service member in their recovery but also the family. I will recall fondly my time with the Prime Minister meeting our Invictus team in the rotunda of Centre Block way back in 2018 shortly before they boarded their Invictus flight to Australia.

The 2025 games in Vancouver and Whistler will be remarkable. This being Canada, it will be the first ever winter Invictus Games, opening up a number of new events for our veterans from around the world to train for. In their preparations, games organizers are also working alongside the Musqueam, Squamish, Tsleil-Waututh and Lí'lwat Nations on whose traditional territories the games will be held. This furthers the recommendations laid out in the Truth and Reconciliation Commission's Calls to Action and ensures Indigenous protocols are respected in all aspects of the games.

Colleagues, the word "invictus" means "unconquered." It embodies the fighting spirit of ill and injured service personnel and what these tenacious men and women can achieve post-injury. I think we can all agree that those who compete have already overcome obstacles many of us will thankfully never face. Their bravery and valour in their service to our country have already marked them for excellence. It will be an honour for our country to host them in 2025, and I am certain everyone in this chamber will join me in wishing them the best in their training and preparation for these games.

Thank you. *Meegwetch*.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of John Philpott and Sam Dugestani. They are the guests of the Honourable Senator Ravalia.

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

Hon. Senators: Hear, hear!

[*Translation*]

SENATE SERVICE MILESTONE AWARDS CEREMONY

Hon. Pierrette Ringuette: Honourable senators, last Friday, Senate Human Resources gave out certificates of appreciation for the first time since the pandemic. Many senators attended the event, including our Speaker, George Furey, our Clerk, Gérald Lafrenière, as well as Pascale Legault and Philippe Hallée.

[*English*]

It is no small feat and very worthy of recognition to devote so much to public service: 130 Senate employees from our offices and Senate administration received awards for 10, 15, 20, 30 and 40 years of service. I can't name everyone in the time I'm allowed, but I would like to congratulate those within this chamber that we see daily as we sit here and whom we seek advice from.

• (1410)

They include the Usher of the Black Rod, Greg Peters, 40 years of combined service; our Law Clerk and Parliamentary Counsel, Philippe Hallée, 30 years; Till Heyde, 25 years of service; Jodi Turner, 20 years of service; Adam Thompson, 20 years of service; and Shaila Anwar, 15 years of service.

It is with great appreciation that I stand here today to thank all of you for your hard work and devotion to this institution and all the work we do for this great nation.

Colleagues, most of the recognized 130 employees we do not see. They are the hard-working employees who work behind the scenes, be it with IT, finance, the minutes of our proceedings, client services, mail, printing, planning, cleaning, et cetera. I think I speak on behalf of all my colleagues when I say that our jobs would be impossible without you and the extraordinary support you provide every day and, more often than we may like, some nights also.

While we senators may be the face of the Senate, the staffers we work with are the brains and the soul that make this place the grand chamber of sober second thought that it is. It is our staff's institutional knowledge, sound judgment, keen insight and unwavering support that is the strength behind us and behind this institution.

To all our staff, thank you for your hard work, your devotion and for continuing to make the Senate such a great place to work. It's a pleasure to work with you also. Thank you. *Meegwetch*.

Hon. Senators: Hear, hear!

[*Translation*]

EARTH DAY

Hon. Rosa Galvez: Honourable senators, I rise today in this chamber to talk about the importance of Earth Day, which was celebrated on April 22. Over 50 years have passed since the first Earth Day, and yet, the nine planetary boundaries that are necessary to our survival are under unprecedented threat. We are already existing outside the safe operating space for four of those boundaries, including the loss of biodiversity and climate change.

We cannot afford to delay taking action. Canada, like the rest of the world, must take bold action to deal with the climate crisis. As senators, we have a responsibility to act, not just for ourselves but also for future generations.

We need to adopt a new economic approach that is fair, sustainable and equitable. We need to transition to a low-carbon future, while ensuring that no one is left behind. That means that we need to invest in clean and resilient technologies and infrastructure and ensure a just transition for workers and communities.

[*English*]

Financial institutions have a catalyzing role to play in providing the necessary funding for this transition. We need a financial sector that is aligned with the Paris Agreement goals and that integrates climate impacts in decision-making processes. This will help us be more competitive with other jurisdictions, such as Europe and the United States, that have already modernized their regulatory frameworks.

Even the multilateral banks such as the World Bank, the Inter-American Development Bank and the Asian Development Bank are already aligning their activities with the Paris Agreement.

We must also recognize the importance of protecting nature, biodiversity and the ecosystems that sustain life on earth and represent more than 80% of our GDP. This means preserving and restoring lands, reducing pollution and protecting oceans and forests.

Colleagues, the climate crisis is the greatest challenge of our time and will require an unprecedented transformation. It will take us out of our comfort zone, yes, but it is also an opportunity for us to come together and build a better future. Let us use this Earth Day to reaffirm our commitment to protecting our planet and to working together towards a sustainable future for us all.

Thank you*, meegwetch*.

QUESTION PERIOD

(Pursuant to the order adopted by the Senate on December 7, 2021, to receive a Minister of the Crown, the Honourable Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities, appeared before honourable senators during Question Period.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, we welcome today the Honourable Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities, to ask questions relating to his ministerial responsibilities.

Pursuant to the order adopted by the Senate on December 7, 2021, senators do not need to stand. Questions are limited to one minute and responses to one-and-a-half minutes. The reading clerk will stand 10 seconds before the expiry of these times. Question Period will last one hour.

MINISTRY OF INTERGOVERNMENTAL AFFAIRS, INFRASTRUCTURE AND COMMUNITIES

MANDATE OF THE INDEPENDENT SPECIAL RAPPORTEUR

Hon. Donald Neil Plett (Leader of the Opposition): Welcome, Minister LeBlanc.

Minister, the Prime Minister's made-up Independent Special Rapporteur on Foreign Interference has been silent since being named to this post on March 15.

This is, of course, just what the Prime Minister wanted by naming an old family friend, neighbour and Trudeau Foundation member to the position. The terms of reference for the made-up Special Rapporteur say that he is "to provide reports on a rolling basis." Minister, think about all the serious revelations about Beijing's interference in our country that have been reported in the last six weeks. It is obvious that a public inquiry is required, yet we have heard nothing from the Special Rapporteur.

Minister, what communication has taken place between the Special Rapporteur and your government since March 15? Have any reports or recommendations been brought forward? Has he interviewed any ministers or their staff?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Your Honour, through you, obviously to Senator Plett asking the question, I hope you will indulge me a few moments at what may be the last time I have the privilege of being invited to your chamber with you as presiding officer. Senator Furey and I have been friends for over 30 years, and I'm only 55 years old. Senator Furey has been a political mentor for me and a good friend, and our families have become friends. Your Honour, I wanted to acknowledge your remarkable service to Canada as you prepare to leave this chamber and to say that it has been a privilege to work with you and see the first Newfoundlander and Labradorian preside over one of Canada's parliamentary institutions. I wish you in your retirement, sir, nothing but success and good health and happiness.

Hon. Senators: Hear, hear!

Mr. LeBlanc: Your Honour, perhaps you will allow me to answer very specifically Senator Plett's good question. It won't surprise honourable senators that I don't share all the premises of his question. Characterizing the former Governor General who has served in honourable ways in different academic and public institutions as a family friend of the Prime Minister diminishes his service and his integrity. Canadians will judge that.

He has been hard at work. I have had a number of exchanges with officials supporting him, with counsel supporting him. He is meeting with me and cabinet colleagues in the coming days. I know he has been meeting with senior officials. As the Prime Minister indicated transparently at the time he was selected to do this important work, Canadians will see from him in the coming weeks a report on the question of whether further public or other inquiries would be helpful in reassuring Canadians about our democratic institutions. This will be an ongoing effort, and we expect him to be transparent and open with Canadians over the coming weeks and months.

Finally, I hope senators have taken note that his terms of reference were deliberately broad and inclusive to allow the Right Honourable David Johnston to follow the evidence, to go where he thinks it is important to go in order to provide the best advice to the government and to Canadians.

• (1420)

Senator Plett: Minister, the terms of reference also state that the rapporteur is authorized "to receive written submissions on these issues from interested persons." I would hope that "interested persons" include whistleblowers, candidates who were targeted by Beijing's interference or Canadians who have been harassed and intimidated here in our own country by the Chinese Communist Party. However, minister, it's impossible to find a mailing address or an email address where those submissions can be sent.

Minister, do you know how "interested persons" can get in touch with the Prime Minister's Special Rapporteur?

Mr. LeBlanc: I will be happy to share that information with senators through you, Your Honour, or through the Clerk.

He has reached out to me, and I have had an active discussion with him. On the one hand, we can't say he has an independent role and have the government prescribe from whom and how he would receive information, but the ability for Canadians, including those identified by Senator Plett, to have access to the Right Honourable David Johnston and provide him advice and information is important, so I will ask the Privy Council Office that very good question of how people can offer advice publicly or submit evidence to him. That's an important part of his work. I'll also make sure that senators have that information.

CANADA INFRASTRUCTURE BANK

Hon. Elizabeth Marshall: Minister, welcome to the Senate of Canada.

In the lead-up to the creation of the Canada Infrastructure Bank in 2017, we were told by your government that the bank would attract $4 to $5 of private investment for every dollar of government funding. As you know, this has not been the case — far from it, in fact. When the CEO of the Infrastructure Bank appeared before our Senate's National Finance Committee in February, he told us that he believed that it would take decades to move to the 4-to-1 ratio.

When you appeared in a House committee in February of last year, you acknowledged you weren't satisfied with the bank's ability to raise funds from private investors. Therefore, minister, since you weren't satisfied with the bank's ability to raise funds from the private sector, have you asked the Infrastructure Bank when they expect to reach the 4-to-1 ratio? If so, what did they tell you? If you didn't ask them, why didn't you?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Thank you, senator. Of course, I asked them. I had a lengthy meeting last Tuesday with both the Infrastructure Bank CEO and the board chair, Ms. Tamara Vrooman. We went over exactly that kind of question and others.

I still share the disappointment that a number of people have expressed regarding the ability of the Infrastructure Bank to leverage in the proportions that — you're absolutely right, senator — were announced in the budget decision that created the bank. The ratios have not been reached yet.

I think the bank — and I've said so publicly — has had some growing pains. It was slow to get moving; it has been slow to stand up. I see and I hear from premiers, mayors and people in the energy sector of examples where it is becoming more accessible, more obvious and more available as a potential source of funding, but I still think they have work to do. I've shared that with the bank.

I am encouraged by the fact that they have now attracted almost $9.7 billion in private and institutional investments, and they have advanced work on 46 projects.

It's never fast enough. Many of those are multi-year projects that require a considerable ramp-up. Regardless, I certainly share the concerns of Canadians that this is an interesting investment vehicle, but one that needs to be deployed more rapidly and more visibly.

I'll continue to work with the bank. We're going to name new directors, I hope, in the coming weeks as well, and that will certainly be my message to them.

[*Translation*]

FEDERAL-PROVINCIAL-TERRITORIAL COLLABORATION

Hon. Raymonde Saint-Germain: Welcome, minister.

I am interested in federal-provincial affairs, intergovernmental affairs, that are part of your portfolio. In the emergency context of the pandemic, governments at all levels were forced to come together for the common good of the people and to come to an agreement while respecting jurisdictions.

I'd like to hear your vision for the future. Can we build on the achievements in federal-provincial relations that this pandemic has brought about? How do you envision the next steps in negotiating the most pressing files in a way that respects jurisdictions and is effective?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Thank you, Mr. Speaker, and thank you for the question.

You're absolutely right. The COVID health crisis resulted in all levels of government working together in a way that had never happened before. It was in the best interests of Canadians.

I believe that it was a successful example of Canadian federalism. At one point, I was attending the weekly teleconferences with the premiers and Prime Minister Trudeau.

You're also absolutely right that the federal government became the financier for all sorts of programs that, in the past, would probably have been well and truly under provincial jurisdiction. I see this in my work as an MP. Canadians increasingly see — and not entirely correctly — the federal government as a court of appeal for provincial decisions that are within their constitutional jurisdiction. I worry about returning to the proper way of doing things and obviously finding a way to work collaboratively with my provincial and territorial counterparts.

I recognize, however, that it is harder to go back. Canadians expect us to work together, including on child care, on infrastructure projects and on climate change. There's a greater appetite to work together.

SENATE VACANCIES

Hon. René Cormier: Good afternoon, minister. Welcome to the Senate.

Minister, given that the Constitution guarantees the equitable representation of regions in the Senate and that you stated in this chamber that it is important that minority language communities be properly represented as senators are appointed;

Furthermore, given that there is a constitutional convention that francophone and Acadian communities have the right to representation in the Senate;

Given the constitutional specificity of New Brunswick on language rights and considering also the economic and social inequalities between the northern and southern parts of our province;

Finally, given that the seat of Acadian senator Paul McIntyre, who retired in 2019, has not been filled, depriving the regions of Restigouche and Chaleur in northern New Brunswick of representation in the upper chamber;

When will the Prime Minister recommend to the Governor General of Canada the appointment of a francophone senator from northern New Brunswick who will represent the interests of this region?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Thank you, Senator Cormier, for your question. I also want to commend the work you do for francophone minorities in the country, especially our dear fellow Acadians, as part of your service here in the upper chamber. I fully share your concern over the representation of minority groups here in the Senate.

I believe we are on the eve of making appointments and I hope you will be very pleased with the decisions the Prime Minister is making. I don't want to elaborate, of course. I learned in politics that it is best not to speak for your boss and to allow his appointments to speak for themselves. Based on my discussions with him, he is aware of the constitutional principles you mentioned.

As far as the geography of our province is concerned, we could also discuss that at length. I think that linguistic balance is important. We might find different ways of adjusting the geography, the geographic specificity. Ultimately, we will see what happens in the Prime Minister's appointments. I understand the urgency to take action. I'm not saying that we should fall behind, but the linguistic issue is important and we might disagree slightly on the geography, but we will see what happens when the appointments are announced.

[*English*]

CANADA'S INFRASTRUCTURE

Hon. Jim Quinn: Good afternoon, Minister LeBlanc. My question relates to the Chignecto Isthmus Climate Change Adaptation Project. Historically, the federal government paid 100% of the capital costs for dikes and dams in the Tantramar area under the 1948 Maritime Marshlands Rehabilitation Act.

• (1430)

The Parliament of Canada has the declaratory power such that the federal government will assume responsibility for works that are for the general advantage of Canada. This is a vital trade corridor and transportation link that benefits our national economy. The new Champlain Bridge, although located solely in Quebec, has been declared to be for the general advantage of Canada, and the federal government is paying 100% of the $4.2 billion cost of the bridge rather than 50%, and there are other examples.

The premiers of New Brunswick and Nova Scotia wrote to you on March 14 asking for the federal government to pay 100% of the cost of the Chignecto Isthmus project as part of the federal government's constitutional obligations. As a fellow New Brunswicker and a key member of the federal cabinet, will you promote and support the premier's request for 100% funding for the Chignecto Isthmus project?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Thank you for the question, Senator Quinn, and for the work you do in the Senate for our province. You've correctly identified this infrastructure project as a national priority. Some months ago, I began a conversation offering a 50% contribution, potentially through a disaster mitigation and adaptation fund at the Department of Infrastructure. It shouldn't surprise you that the premiers came back and say we'd like 100%.

To your colleague's question about federal-provincial jurisdictional issues, the provinces don't hesitate to quickly send a bill to Ottawa. COVID has given them an opportunity to continue to expect the federal government — some of these provinces, by the way, including ours, criticize the Government of Canada for having a deficit, but at the same time they are running surpluses and continue to send us bills. I think we need to have some coherence in how we manage the fiscal realities of the Government of Canada and our provincial and territorial partners. These provincial governments benefit from huge surpluses at a time when the federal government is running multi-billion-dollar deficits. I think a 50% contribution to what is also a municipal infrastructure challenge for the cities of Sackville, New Brunswick and Amherst, Nova Scotia, I am confident that we can recognize a way to do it.

I replied to the provinces that their example of the Confederation Bridge wasn't a good one. But senator, I will look further into your declaratory power. I think that is an interesting angle, which I, frankly, hadn't thought of. I will ask the Department of Justice to help me look into that.

SENATE VACANCIES

Hon. Jane Cordy: Thank you, minister, for being with us today. My question is a follow-up to that of Senator Cormier's. Minister, the founding principle of Confederation was based on proper representation for all regions in government. Representation by population in the House of Commons was balanced by regional representation in the Senate of Canada. In fact, minister, historians have said that without regional representation in the Senate, Confederation would not have occurred in 1867. Unfortunately, we have seen those principles

being increasingly ignored over the last six years. We now have a Senate with 16 empty seats, with two more in the next few weeks.

I'm going to ask you today about the Atlantic region. Minister, three Senate seats in New Brunswick are vacant, which means 30% of New Brunswick's seats are vacant. Three seats are empty in Nova Scotia, which means a 30% vacancy in Nova Scotia. Prince Edward Island is missing 50% of their representation, two out of four. And one third of Newfoundland and Labrador's seats will be vacant within the next few weeks. That means that one in every three Atlantic seats in the Senate will be vacant, some for more than three years.

Minister, when will the Prime Minister restore regional representation in the Senate and fill those vacant seats? This would not be acceptable in the House of Commons, and it should not be acceptable in the Senate.

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Senator Cordy, thank you for the question and your understandable and reasonable concern around those vacancies. As an Atlantic Canadian, I share your view of the importance of our region, but it's true of other regions. I totally share your analysis of the terms of Confederation and the role that this chamber plays in balancing out an increasing trend in the House in which I sit for the populous provinces and regions. This is an example, senator, where we need to move expeditiously.

As I say, I am confident that in the coming weeks, maybe in the coming days, you will have the good news of some exciting colleagues that will join you here. In conversations that I have had, I'm enthusiastic about the quality of women and men who want to serve with all of you in the Senate who apply through a transparent application process that many of you went through yourselves. My understanding from the officials at the Privy Council Office that run this process is that we're victims of our own success in some cases, Senator Cordy. In my province, there were dozens and dozens of very qualified people that came forward asking for an opportunity to serve.

We have been slower than we should have been, and need to be, to properly receive the advice of these advisory groups, but the good news is that I think we're getting near the end of that process, and good news is coming very quickly.

CANADA DISABILITY BENEFIT

Hon. Judith G. Seidman: Welcome, minister. As I'm sure you know, we are in the process of studying Bill C-22, the Canada disability benefit act, at committee. We have heard from many stakeholders who are concerned that once Canadians begin receiving this benefit, the provinces and territories will decrease their existing disability benefits and supports.

Minister Qualtrough told our committee:

> There are different eligibility criteria in every province and territory. There are different definitions of disability, different treatments of other income, different reduction rates, etc.

I'm asking you, as Minister of Intergovernmental Affairs, have you been involved in talks with the provinces and territories regarding the Canada disability benefit? Is there a way to ensure that there will be provincial and territorial collaboration, that they will sign on quickly and, importantly, with no clawbacks? Thank you.

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Senator, thank you for the question. I entirely share your concern around what could be a very significant and innovative support for some of the most vulnerable Canadians, those living with disabilities.

When my cabinet colleague, Minister Qualtrough, whom you referenced, talks at caucus and our full cabinet meetings and paints the economic and social circumstances of many of these people that require this additional support, it behooves all of us — and I applaud the work that this chamber is doing as well — to think of the ways that we can best support those people. This is a significant step in the right direction, but it would be, as you noted, perverse if at the same time provinces and territories either reduced their own support or replaced what we're hoping is incremental federal support by a corresponding reduction in provincial supports.

To your specific question of whether I have been involved with Ms. Qualtrough, the answer is yes. In discussions with our cabinet colleagues, including the Minister of Finance, have we talked about instruments where we could encourage the provinces — compel, of course, would be a mean word — to join us in that effort of better supporting these people? I'm encouraged by those conversations, including conversations with big provinces like Ontario and other provinces. I think we'll get to the right place, but you're right, we need to remain very much focused on this.

[*Translation*]

BATHURST REGIONAL AIRPORT

Hon. Rose-May Poirier: Good morning, minister. Welcome to the Senate, and thank you for being with us this afternoon.

My question is about the situation at the Bathurst Regional Airport.

As you know, the Bathurst airport is in danger of closing if it doesn't receive approximately $1 million in funding. Before the pandemic, the Bathurst airport was doing well and had ambitious plans for the future, but since then it has been fighting for survival.

This airport is an economic engine for the region. It is critical that the Bathurst airport remain open for northern New Brunswick.

As Minister of Intergovernmental Affairs, Infrastructure and Communities, and given that you are from New Brunswick, can you tell us whether the federal government intends to help the Bathurst airport before it is too late?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Thank you for the question, senator. I'm glad to see you in fine form here with us today.

I can assure you that we are well aware of the economic importance of the Bathurst airport. My colleague, MP Serge Cormier, often talks to us about it. I had discussions with him and my colleague, Minister Ginette Petitpas Taylor, on this subject a few weeks ago.

• (1440)

As you know, during the COVID-19 pandemic, our government was very generous with regard to airports, as it should have been and as it had to be in order to ensure that this essential infrastructure was still able to operate once the pandemic was behind us.

We are facing challenges when it comes to air services in our region. I'm no economist, but I believe that that is partly due to the pandemic and partly due to the decline in the regional service offering by a number of airlines.

I met one of the vice-presidents of Air Canada recently at the Canadian Chamber of Commerce. This is a major challenge in every region of Canada, both in the regions of Quebec and in our region. Yes, we are trying to work with the Bathurst Regional Airport so that we don't lose this infrastructure, but the problem is twofold because we need to revamp the airport and find a way to encourage airlines to use the airport space that is available. There's no use in keeping the airport open if there are no airlines there providing services.

We'll continue to do what is necessary to keep the airport operational.

QUEBEC CITY-LÉVIS TUNNEL

Hon. Julie Miville-Dechêne: Mr. LeBlanc, you are the Minister of Intergovernmental Affairs, Infrastructure and Communities and therefore Quebec City's third link project concerns you directly.

The Government of Quebec has just announced that it is abandoning the idea of a road link in favour of a tunnel for public transit only. We still know little about this project: We don't know the route, the mode of transportation, the volume of traffic or the cost estimates. To be frank, we don't even know if Coalition avenir Québec is going to move forward on this.

I know it is impossible for you to say whether the federal government will finance this hypothetical project, but could you indicate what criteria will be used by your government? Specifically, how will the issue of social licence be evaluated?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Thank you for the question, senator. I appreciate your description of the various versions of a project that has existed only theoretically for several years now. There's no doubt that the Quebec government's recently announced decision to move towards a project that is limited to public transit offers potential opportunities for federal funding that would not be so readily available if it were a provincial highway extension.

As you said, no specific project has been presented. The environmental impact needs to be studied. This is a megaproject from a financial standpoint. My colleagues from Quebec City often talk about this in caucus and in cabinet, in the case of Mr. Duclos.

We will wait and see whether a project is ultimately presented, and we will ensure, as you correctly pointed out, that social licence is assessed, both at the municipal level and at the provincial level.

However, I must point out that our collaboration with the Quebec government on these types of projects is very encouraging, whether it is the Quebec City tramway or the pink metro line in Montreal. There has been a great deal of collaboration and a lot of discussion about priorities.

[*English*]

CANADA DISABILITY BENEFIT

Hon. Frances Lankin: Welcome, minister. I'm going to follow up on Senator Seidman's question about Bill C-22, the Canada disability benefit act, and ask you to perhaps expand a little bit on the comment that you made. You said to compel the provinces — we're talking about not clawing back — would be mean.

Now, I know you're playing with the words a little bit there and we want to look to federal-provincial cooperation, but I will tell you what was mean. In the province I represent, Ontario, when I was a member of the Ontario legislature and I saw a particular government cut social assistance rates by over 20%, bringing people below poverty lines, that was mean. I've seen a range of clawbacks put in place, taken out of place and put back in place in provinces and territories across this country.

This is a real area of concern. If we shift to federal payments only to see them clawed back at the provincial level, the people we're trying to help are not moving ahead. I wonder if there is more, then, gentle suasion. Do you have the power under the health transfers, for example, to make it a condition —

The Hon. the Speaker: Senator Lankin, your time has expired.

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: I don't want to pretend that the health agreements that we just negotiated with the provinces are somehow going to be put into the balance as we seek to collaborate with provinces, as I said in response to your colleague, on a way to support some of the most vulnerable people in the country. I obviously took note of what some jurisdictions have done in their own social services envelopes across the country at a time when people very much needed that help.

We remain optimistic. Certainly, my colleague Carla Qualtrough has funding envelopes for training, for example. The Government of Canada transfers billions of dollars to provinces in training money. It's an active measure. I think it's largely from the EI account, but that's one vehicle where we support provincial and territorial governments in workforce development.

There are so many ways we have to collaborate with the provinces. I don't foresee us finding ourselves in a situation where a provincial government would want to, in a perverse way, diminish this help that I hope the Parliament of Canada will want to extend to these vulnerable people. We're starting from a positive, optimistic posture, but we're not naive that we may need the right tools at the right time. I'm encouraged, at least initially, by this desire of the provinces to partner with us, and we'll try and maintain that goodwill.

MAINTENANCE OF INTERNATIONAL INFRASTRUCTURE

Hon. Jim Quinn: Minister LeBlanc, unlike Ontario and Quebec, New Brunswick has an unequal responsibility for the upkeep of international bridges that fall under federal jurisdiction. New Brunswick bears 100% of the costs for all 10 international bridges in the province, and New Brunswick has more international bridges than any other province.

In 1990, the federal government transferred the ownership and maintenance of five of those bridges between Maine and New Brunswick to the Government of New Brunswick, who also received a one-time payment of $5 million. In hindsight, this was a very bad deal for the province, but as we all know, bad deals have been undone and changed by governments in the past.

To put things in perspective, Ontario and Quebec combined have responsibility for only 3 of their 16 international bridges. Today, the federal government is paying 100% of the cost for both the Canadian and American portions of the Windsor Gordie Howe International Bridge.

As a fellow New Brunswicker, do you not agree that federal support for New Brunswick's international bridges should be reassessed as a matter of fairness?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Thank you again, Senator Quinn, for a thoughtful question that is important for our province of New Brunswick. My department has responsibility for the Windsor-Detroit Bridge Authority in the construction of that megaproject, the Gordie Howe International Bridge. That project has run into some considerable headwind. I believe it may soon be an example of a successful international undertaking, but the scale of that megaproject is much different than these bridges that you're referring to in our province.

I take note that in 1990, it was the McKenna provincial government with the federal government of the Right Honourable Brian Mulroney who made that decision. We have seen that across the board in small-craft harbours. The federal government, including the successor Liberal government — Doug Young from our province — made a virtue of downloading a bunch of public infrastructure on community groups and local authorities, with what seemed at the time like a significant amount of money. Then — surprise, surprise — 30 years later, as you know, Senator Quinn, from your experience as a senior public servant running the Port of Saint John, these expenses are not predictable into the future.

I haven't received a request from the Government of New Brunswick yet. By saying that, I'm quite sure that Premier Higgs will quickly send me a letter. He's never shy to send a letter to the Government of Canada identifying ways that we can spend federal money in the province of New Brunswick.

• (1450)

I would look at that. As I said, I hadn't reflected on it, other than to take note of the larger examples you gave, but for decades it's been a tendency across the board for successive governments to leave smaller orders of government with what had traditionally been federal assets and federal responsibilities.

SENATE VACANCIES

Hon. Wanda Thomas Bernard: Thank you, Minister LeBlanc, for being here today. My question is going to follow up on questions that Senator Cormier and Senator Cordy voiced about vacancies in this chamber, specifically from Atlantic Canada. I thank you for your very promising response; however, I want to ask something more specific.

Although I have witnessed and welcomed a number of senators from more diverse communities during the last six years since I've been here, I see a glaring gap in the Senate when it comes to two historically under-represented groups: First, there are no representatives in the Senate from the Acadian-Nova Scotian community. This is a gap. Secondly, for the first time in Canadian history, we actually have six African-Canadian senators here in this chamber, but there are no African-Canadian men.

Mr. Minister, what is the selection committee doing to ensure the applications of historically under-represented groups are considered, especially from the Atlantic provinces?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Senator Bernard, thank you for a very thoughtful question, the premise of which I share entirely.

Our process has, I hope, encouraged a wide variety of Canadians to think that they can serve honourably in this chamber, including those that represent historically under-represented communities in this very place. And that's part

of a larger societal effort across the country to be more inclusive and to recognize that institutions evolve and have not always accommodated the kinds of people that we would seek to serve in our country.

Your service is an example, and it should only be the beginning of a greater effort. I totally share the premise of your question. I am confident, as an Acadian myself, that I understand the importance the Acadian community in Nova Scotia having representation in this place. Senator Comeau, whom I liked very much, served honourably and did a great job for the people of Nova Scotia and francophones when he served here. I'm hoping that is the kind of good news that may be coming to this chamber soon.

I also take your comments around other areas where we can encourage a greater representation. I will certainly share those with the Prime Minister. You will understand that we don't direct the independent advisory groups, other than to set the broad parameters, exactly as you articulated so well, senator.

CANADA INFRASTRUCTURE BANK

Hon. Yonah Martin (Deputy Leader of the Opposition): Minister, over the years I've asked a number of questions about the Canada Infrastructure Bank. In a Senate Question Period in February, I asked about the secrecy surrounding its mandated five-year review, which you are currently leading. According to documents obtained through Access to Information by the Canadian Union of Public Employees, your review began behind closed doors in June of 2022. Since then, there has been very little information given on the process being followed or about the public engagement undertaken.

Minister, how long was the public consultation period that ended March 31? Did it start on March 13, which was the only date your department tweeted about? If it started earlier, why wasn't it more widely promoted? As well, will the contracts awarded by the bank to the consulting firm McKinsey & Company be part of your review?

I didn't receive answers in February, so I'm hoping you will give us answers today. Thank you.

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Senator, thank you for the question.

You're right that the legislated review of the Canada Infrastructure Bank after five years was properly mandated by the legislation that created the bank. It did not mandate a wide public review. It was a review that Infrastructure Canada was to undertake. It is one that, from my regular updates, has been extensive and has included interactions — and I'm going by memory, because I don't have the notes in front of me, but it was something that we talked about with the Deputy Minister of Infrastructure and Communities, the CEO of the Canada Infrastructure Bank and the chair very recently.

I will be tabling in Parliament the results of that review by the end of June. I will find for you, senator, the precise dates in terms of when the public consultation began. We have received dozens and dozens of submissions from provincial authorities, municipal authorities and institutional pension funds, for example.

I'm encouraged by what I have been told the uptake has been so far, but I will ensure that you have the precise details of when those windows opened and how people were able to access it. I think within less than two months you will have a very transparent and, I think, thoughtful review based on the information that we have received and that, of course, we would share with parliamentarians and look forward to discussing at the appropriate committees, either of this chamber or in the other house.

SUPPORT FOR MUNICIPALITIES

Hon. Stan Kutcher: Welcome, minister. I am asking this question on behalf of Senator Moodie, who is ill and not able to be with us today.

Minister, your mandate letter acknowledges the need to ensure municipal priorities are reflected in the federal agenda. Indeed, municipalities play an important role in ensuring that Canadians have access to crucial services and a good quality of life.

Minister LeBlanc, what is the Government of Canada willing to do to support large municipalities — like Senator Moodie's hometown of Toronto — who are currently under the strain of providing key services without the resources to do so? Specifically, she would refer to social services, of which they are in dire need, such as mental health and addictions care.

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Senator Kutcher, thank you for the question, and thank you for the extraordinary work that you have done as a clinician, as a professor and as an advocate in the whole area of mental health, mental wellness and addictions. In our region, you are an iconic figure in that work, and your presence here speaks to the importance, I think, that all Canadians share in terms of the precise issues you mentioned.

In terms of the Government of Canada's support for municipalities, this year alone, we're transferring almost unconditionally $2.4 billion of what had previously been referred to as the gas tax. It's now no longer linked to the excise tax on fuel. It's a transfer from the Consolidated Revenue Fund. That is just one example.

In my discussions with the former mayor of Toronto, I think it represents between $400 million and $500 million for the City of Toronto. I want to double-check that I am giving you an accurate number. That is just one example where the Government of Canada directly partners with municipal governments.

You will understand that provinces are also jealous of their relationship with municipalities that are not a constitutional order of government but that are created by provincial statutes. Some provinces are a little more sensitive than others on that issue.

The ability of the Government of Canada to directly fund a social service in a city is complicated. It doesn't mean we shouldn't partner with provinces, particularly around the issues of refugees, of people who come and use up municipal services in a way that might properly be a federal responsibility. I know your work with my colleague Dr. Carolyn Bennett on the mental health and addictions file tells me that we also have good news coming, senator, with respect to those priorities as well.

PROTECTION OF ATLANTIC SALMON

Hon. David Richards: Thank you for being here, minister.

I first want to mention that my wife and I were fortunate enough to have dinner with your father at Rideau Hall the night I was awarded the Governor General's Literary Award for Non-fiction, about fishing on the Miramichi, long considered, of course, the greatest Atlantic salmon river in the world, and I will always remember the graciousness and absolute kindness of your dad.

Unfortunately, the river I wrote about no longer exists, and there are a few reasons for this: one is the horrid increase of predatory striped bass that are devastating our young salmon at the mouth of the northwest Miramichi, and the uncontrolled seal population at the mouth of the Miramichi Bay, off Escuminac or Neguac. Painfully worse, there is an almost glib disregard for this by both our subsequent fisheries ministers from both parties at our Department of Fisheries and Oceans, or DFO.

This is not just a local irritation but one that should have raised some real national concern. I have pleaded for six years for definitive action to be taken in order to control the striped bass population, even a culling of seals, and preserve our salmon and an entire way of life for our fishermen and our Indigenous people.

• (1500)

I urge you, while there is still time, to take up this cause, and, if you do, I will award you the title of honorary Miramichier, sir.

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Thank you, Senator Richards. I had the privilege of being in Miramichi on Friday to announce an exciting infrastructure project — an almost $63 million federal-provincial-municipal project around a recreation centre in that great part of our province.

Thank you for your kind comments about my father.

My wife had the privilege of serving with your sister on the Provincial Court of New Brunswick, and they became good friends. She very much valued her companionship and advice as a senior judge in our province.

I also share your concern and have heard it frequently, not only when I — for two years — was the Minister of Fisheries and Oceans, but also subsequently around those predatory threats on the Atlantic salmon population. I'm not a scientist; I totally accept the statement of fact that you have laid out.

I have correspondence directly related to that — which I saw at my office in Shediac on the weekend — from the Miramichi Salmon Association. A friend of mine who sits on the board of the Atlantic Salmon Federation spoke to me about that on Sunday afternoon when I saw him in Moncton.

I will absolutely talk to my colleagues because it's not only a Department of Fisheries and Oceans Canada, or DFO, issue — it is a much broader economic, environmental and fisheries management issue for our province. The importance of Atlantic salmon and the experiences that the great, mighty Miramichi River represents to not only Canadians, but also people from around the world, has been significantly impacted.

Let me get back to you with the specific incremental, improved measures around seals and striped bass because I share your view, senator, that this has to be a priority for our government.

[*Translation*]

FEDERAL-PROVINCIAL-TERRITORIAL COLLABORATION

Hon. Diane Bellemare: Welcome, minister. I was looking at your mandate letter earlier. You face incredible challenges with respect to federal-provincial relations, infrastructure and communities. I was thinking that the bilateral relations with each of the provinces and territories may not be an adequate tool for meeting these challenges in a major economic context where there are imminent crises, including the climate crisis.

Have you thought about creating a somewhat permanent consensus-building forum for the federal government, the provinces and territories and the private sector, a sort of economic and social council like they have in more than 70 countries around the world?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Thank you for your question. You're quite right. Bilateral relations between Canada and the various provinces and territories, at certain times and in certain files, can be a vehicle for advancing shared priorities.

I'm fortunate to have very friendly personal relationships with several provincial and territorial premiers including, for example, Ontario's Premier Ford and Saskatchewan's Premier Moe. I would say that we've become friends as a result of my work with them. This doesn't mean that these relationships are always easy.

The idea of creating a multilateral forum for the issues you identified so clearly, and that don't affect just one province in particular, is very interesting. We already hold federal-provincial-territorial meetings with ministers of infrastructure, the environment, transport, and internal trade, a position I once held. These are opportunities for the federal government and its partners in the federation to meet.

The idea of having a round table with other partners, and not just those representing different levels of government, is very interesting. This forum could include the private sector and NGOs, for example, to fight climate change. I'll be very pleased to speak to my colleague, Minister Guilbeault, and with other

colleagues who have exactly this type of relationship, which is more multilateral than just unidirectional or bidirectional, with the provinces. Thank you for the question.

[*English*]

MANDATE OF THE INDEPENDENT SPECIAL RAPPORTEUR

Hon. Donald Neil Plett (Leader of the Opposition): Minister, a few minutes ago, you committed to sharing the contact information for the Special Rapporteur as per the terms of reference that I suggested. You agreed to share that contact information with us in the Senate.

The terms of reference say "interested persons." I'm hoping, minister, that this information will be shared with the Canadian public. I would like your commitment that it will be, in fact, shared with the Canadian public as per the reference letter because, if it isn't, minister, would you not agree that it will, again, look like another cover-up?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Your Honour, it won't surprise you that I don't share Senator Plett's pessimism.

Again, this is the Catch-22. We have an independent Special Rapporteur in whose integrity, independence and judgment I have full confidence, and I think most Canadians do.

The government shouldn't proscribe the details of how he executes the function that the government gave him. However, his ability to receive information from interested persons is, as Senator Plett properly identified, a fundamental part of his terms of reference.

You'll forgive me, senators; I don't micromanage the website of the Special Rapporteur, or whom he hires to help him with his work. That is properly done in his independent judgment — that was a term of reference.

When the Right Honourable David Johnston was the Governor General, he opened up and made Rideau Hall accessible in a way that, I think, made all Canadians proud. I would think he would be sensitive to the importance of the transparency of the important work that he's doing.

I will be sure that officials at Privy Council share with the independent Special Rapporteur Senator Plett's concern regarding how these persons would properly access or be able to submit information to him. I'm very confident that the Right Honourable David Johnston will have the judgment to do what is appropriate with that request.

ACCESS TO HIGH-SPEED BROADBAND NETWORKS

Hon. Nancy J. Hartling: Minister LeBlanc, welcome to our Senate.

First of all, I want to acknowledge the very welcomed federal contribution for our new recreational complex centre in my home community of Riverview; it's excellent news.

Today, my question relates to New Brunswick in regard to better access to high-speed internet, especially in rural areas. I understand that the responsibility for implementing the government's Universal Broadband Fund is the mandate of your colleague Minister Hutchings. However, you may have some intel about this.

Specifically, New Brunswick is proudly one of Canada's most rural provinces with 50% of people living in rural areas. Although access to high-speed internet in our province is improving, there remains a large digital divide.

Many communities just 20 minutes from Riverview — my home — continue to have service levels well below the 50-megabyte target. High-speed internet is essential for many reasons, such as for our economy and our education system, but also, as frequently mentioned in recommendations, for reducing the risk of intimate partner violence for women in rural areas, as well as services, which concerns me greatly.

What can you tell me about the government's efforts to improve rural internet connectivity in New Brunswick? Thank you.

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Thank you for the question, and thank you for your comments about the recreational centre project in Riverview. It was a big priority for my colleague and your friend Ginette Petitpas Taylor. I am glad that was announced a couple of weeks ago.

Your concern around rural access to high-speed internet is absolutely an important one, and it is one that the government shares. You are right; in our province, 20 minutes from Riverview, in Albert County, or even if you head north into Kent County in a different direction from your hometown, there are challenges.

We have invested, as a government, billions of dollars in this space. It's never enough, and it's never fast enough. I think we've made very considerable improvements, but we have a lot of work to do.

• (1510)

The Canada Infrastructure Bank is also looking at potential investments in that space as well. It may help some of the telcos obtain the financing that might make these projects more expeditious or faster. I share your view, senator, that it is not only about the economic development or the ability of small- and medium-sized businesses in some of these more rural communities to properly operate. There is a public safety component, which COVID showed all of us. I learned more about these challenges in the context of intimate partner violence and vulnerabilities because of COVID, and access to these services has to be part of that. We'll continue to do all the work that we can and to incent other partners as well. I'm encouraged as well by provinces and territories wanting to occupy this space with us.

HEALTH TRANSFERS

Hon. Rebecca Patterson: Minister, thank you very much. My question is in regard to your intergovernmental provincial and territorial role, specifically as it relates to the Canadian Armed Forces health system. As you're probably aware, the fourteenth health system in Canada is actually a federal one. As we are moving forward, the Canadian Armed Forces have always consistently delivered some services but then purchased the rest at exponentially increased rates from the provinces, as well as a few provinces that require a substantial yearly dispensation in order to provide care to Canadians who actually pay taxes within those provinces.

As you know, since 2018, we've been trying to negotiate a reasonable rate with provinces, as the Canadian Armed Forces have been excluded from the Canada Health Act for all the reasons we understand.

As of February 7, the Prime Minister announced the one-time payments to the provinces via the Canada Health Transfer, now Bill C-46 before the Senate. He also announced the government's intent to come to bilateral agreements with each province individually on health care funding. Since then, as we've heard, most if not all provinces have signed agreements with the federal government.

Minister, were the rates of reimbursements by the Department of National Defence to the provinces for the provision of health care to members of the Canadian Armed Forces part of those signed agreements?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Your Honour, through you to Senator Patterson, thank you for that interesting question. It's not a policy area on which I have very precise knowledge. I will ask my colleague Jean-Yves Duclos as well as Anita Anand, the defence minister. I didn't understand — and I come from New Brunswick where, you can imagine, with a military base as important as Gagetown — what that would represent to the provincial health system in Fredericton, where the senator sitting behind you resides. I know these have been sources of frustration between the Armed Forces' health services and provinces and territories. I had a sense of the concern you identified.

The good news, senator, is that the agreements that we have reached with the provinces and territories are agreements in principle. The binding bilateral detailed agreements are still being negotiated. The provinces wanted to sign agreements in principle. It allowed them to book the federal money in their budgets. They responded quickly to what the Prime Minister offered, and Jean-Yves Duclos and I did a quick trip around the country to 13 provincial and territorial capitals. We were very happy with the agreements in principle, but the detailed agreements are still to be negotiated.

I'll take that question back and make sure that Jean-Yves Duclos, who is leading those detailed bilateral negotiations, gets the information from the Canadian Armed Forces. It is an interesting subject and one I didn't know a lot about, but I'll ensure we do the appropriate follow-up. Thank you for the question.

[*Translation*]

HOUSING AND INFRASTRUCTURE

Hon. Michèle Audette: *Kuei*, minister. Calls for Justice 4.1 and 4.8 of the National Inquiry into Missing and Murdered Indigenous Women and Girls urge your department to respect the social and economic rights of Indigenous women and girls and to ensure that Indigenous people have the services and infrastructure necessary to meet their needs, such as access to safe housing, clean water and adequate food.

How much has your government or department invested or spent, and what concrete action has your department taken to respond to the Calls for Justice that I just mentioned? Thank you.

Hon. Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, Infrastructure and Communities: Thank you for that important question, senator. You're absolutely right. Quite frankly, the lack of core infrastructure in many Indigenous and northern communities, whether it be housing, clean drinking water or access to community infrastructure, continues to surprise Canadians, particularly when they see the difference between the infrastructure in Indigenous communities and that in other communities. In some big cities, it's also difficult to have infrastructure that is culturally adapted to the needs of the Indigenous communities who live there. However, it is possible to do both at the same time.

I will get back to you with specific details on the investments my department is making in infrastructure. I'm sure you understand that the Department of Indigenous Services also has an important role to play when it comes to infrastructure, whether it be in health care or other areas. My colleague, the Minister of Housing and Diversity and Inclusion, also has important responsibilities.

I don't want to minimize my responsibilities or the important investments that we've made in many of my department's programs. You deserve a detailed answer, and I'll be pleased to give you one. I know that this is just a drop in the bucket when it comes to the work we need to do, but I'm confident in saying that you will soon see the bar being set higher when it comes to investments. That doesn't mean that we are going to stop, but I will give you more detailed information in that regard.

[*English*]

The Hon. the Speaker: The time for Question Period has expired, and I'm certain senators will want to join me in thanking Minister LeBlanc for being with us today.

Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET—STUDY ON THE CANADIAN FOREIGN SERVICE AND ELEMENTS OF THE FOREIGN POLICY MACHINERY WITHIN GLOBAL AFFAIRS—NINTH REPORT OF COMMITTEE PRESENTED

Hon. Peter Harder, Deputy Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Tuesday, April 25, 2023

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

NINTH REPORT

Your committee, which was authorized by the Senate on Thursday, February 24, 2022, to examine and report on the Canadian foreign service, respectfully requests funds for the fiscal year ending March 31, 2024.

Pursuant to Chapter 3:05, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

PETER M. BOEHM

Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix A, p. 1425.*)

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

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

AUDIT AND OVERSIGHT

BUDGET AND AUTHORIZATION TO TRAVEL—EIGHTH REPORT OF COMMITTEE PRESENTED

Hon. Marty Klyne, Chair of the Standing Committee on Audit and Oversight, presented the following report:

Tuesday, April 25, 2023

The Standing Committee on Audit and Oversight has the honour to present its

EIGHTH REPORT

Your committee, which is authorized, on its own initiative, to supervise and report on the Senate's internal and external audits and related matters, pursuant to rule 12-7(4), respectfully requests supplementary funds for the fiscal year ending March 31, 2024, and requests, for the purpose of such study, that it be empowered:

(a) to travel outside Canada.

Pursuant to Chapter 3:05, section 2(3)(b) of the *Senate Administrative Rules*, your committee presents herewith its budget report.

Respectfully submitted,

MARTY KLYNE

Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix B, p. 1435.*)

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

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

[*Translation*]

BUDGET IMPLEMENTATION BILL, 2023, NO. 1

NOTICE OF MOTION TO AUTHORIZE CERTAIN COMMITTEES TO STUDY SUBJECT MATTER

Hon. Raymonde Gagné (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, notwithstanding any provision of the Rules, previous order or usual practice:

1. in accordance with rule 10-11(1), the Standing Senate Committee on National Finance be authorized to examine the subject matter of all of Bill C-47, An Act

to implement certain provisions of the budget tabled in Parliament on March 28, 2023, introduced in the House of Commons on April 20, 2023, in advance of the said bill coming before the Senate;

2. in addition, the following committees be separately authorized to examine the subject matter of the following elements contained in Bill C-47:

   (a) the Standing Senate Committee on Banking, Commerce and the Economy: those elements contained in Clauses 118 to 122 concerning cryptoasset mining in Part 2, and Divisions 1, 2, 6, 7, 26, 33 and 37 of Part 4;

   (b) the Standing Senate Committee on Energy, the Environment and Natural Resources: those elements contained in Divisions 20 and 36 of Part 4;

   (c) the Standing Senate Committee on Fisheries and Oceans: those elements contained in Subdivisions A, B and C of Division 21 of Part 4;

   (d) the Standing Senate Committee on Foreign Affairs and International Trade: those elements contained in Divisions 4, 5, 10 and 11 of Part 4, and in Subdivision A of Division 3 of Part 4;

   (e) the Standing Senate Committee on Legal and Constitutional Affairs: those elements contained in Divisions 30, 31, 34 and 39 of Part 4, and in Subdivision B of Division 3 of Part 4;

   (f) the Standing Senate Committee on National Security, Defence and Veterans Affairs: those elements contained in Division 24 of Part 4;

   (g) the Standing Senate Committee on Social Affairs, Science and Technology: those elements contained in Divisions 8, 13, 14, 15, 16, 17, 18, 19, 25, 27, 28, 29, 35 and 38 of Part 4; and

   (h) the Standing Senate Committee on Transport and Communications: those elements contained in Division 2 of Part 3, and Divisions 22 and 23 of Part 4;

3. each of the committees listed in point 2 that are authorized to examine the subject matter of particular elements of Bill C-47:

   (a) submit its final report to the Senate no later than June 2, 2023; and

   (b) be authorized to deposit its report with the Clerk of the Senate if the Senate is not then sitting;

4. as the reports from the various committees authorized to examine the subject matter of particular elements of Bill C-47 are tabled in the Senate, they be placed on the Orders of the Day for consideration at the next sitting, provided that if a report is deposited with the Clerk, it be placed on the Orders of the Day for consideration at the next sitting following the one on which the depositing is recorded in the *Journals of the Senate*;

5. the aforementioned committees be authorized to meet for the purposes of their studies of the subject matter of all or particular elements of Bill C-47, even though the Senate may then be sitting or adjourned, with the application of rules 12-18(1) and 12-18(2) being suspended in relation thereto; and

6. the Standing Senate Committee on National Finance be authorized to take any reports tabled under point 3 into consideration during its study of the subject matter of all of Bill C-47.

• (1520)

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE APPLICATION OF THE OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS AND DIRECTIVES

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

That, notwithstanding the order of the Senate adopted on Tuesday, December 14, 2021, the date for the final report of the Standing Senate Committee on Official Languages in relation to its study on the application of the *Official Languages Act* be extended from June 15, 2023, to December 31, 2025.

[*English*]

BANKING, COMMERCE AND THE ECONOMY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF MATTERS RELATING TO BANKING, TRADE AND COMMERCE GENERALLY

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

That, notwithstanding the order of the Senate adopted on Thursday, December 16, 2021, the date for the final report of the Standing Senate Committee on Banking, Commerce and the Economy in relation to its study on matters relating to banking, trade, commerce and the economy generally, as described in rule 12-7(10), be extended from June 30, 2023, to December 31, 2025.

NATIONAL SECURITY, DEFENCE AND VETERANS AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATING TO NATIONAL DEFENCE AND SECURITY GENERALLY

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

That, notwithstanding the order of the Senate adopted on Thursday, February 10, 2022, the date for the final report of the Standing Senate Committee on National Security, Defence and Veterans Affairs in relation to its study on matters relating to national defence and security generally, including veterans' affairs, as stated in rule 12-7(17), be extended from June 30, 2023, to December 31, 2025.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF VETERANS AFFAIRS

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

That, notwithstanding the order of the Senate adopted on Thursday, February 10, 2022, the date for the final report of the Standing Senate Committee on National Security, Defence and Veterans Affairs in relation to its study on:

(a) services and benefits provided to members of the Canadian Forces; to veterans who have served honourably in the Canadian Armed Forces in the past; to members and former members of the Royal Canadian Mounted Police and its antecedents; and all of their families;

(b) commemorative activities undertaken by the Department of Veterans Affairs Canada, to keep alive for all Canadians the memory of Canadian veterans' achievements and sacrifices; and

(c) continuing implementation of the *Veterans Well-being Act*;

be extended from June 30, 2023, to December 31, 2025.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY NEGATIVE IMPACT OF HEALTH DISINFORMATION AND MISINFORMATION ON SOCIETY AND EFFECTIVE MEASURES TO COUNTER THE IMPACT

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

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the negative impact of health disinformation and misinformation on Canadian society and what effective measures can be implemented to counter this impact; and

That the committee submit its final report on this study to the Senate no later than May 31, 2024, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: consideration of Motion No. 96, followed by all remaining items in the order that they appear on the Order Paper.

ONLINE STREAMING BILL

TIME ALLOCATION—MOTION—DEBATE

Hon. Marc Gold (Government Representative in the Senate), pursuant to notice of April 20, 2023, moved:

That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for the consideration of the motion, as amended, to respond to the message from the House of Commons concerning the Senate's amendments to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.

POINT OF ORDER

Hon. Donald Neil Plett (Leader of the Opposition): Your Honour, I rise on a point of order. Thank you.

Your Honour, my point of order pertains to the notice of motion given by the Leader of the Government in the Senate on April 20, when he notified the Senate that he would be moving time allocation on Bill C-11. At the time, Senator Gold said the following:

> Honourable senators, I wish to advise the Senate that I have been unable to reach an agreement with the representatives of the recognized parties to allocate time to the motion, as amended, to respond to the message from the House of Commons concerning the Senate's amendments to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.
>
> Therefore, I give notice that, at the next sitting of the Senate, I will move:
>
> > That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for the consideration of the motion, as amended, to respond to the message from the House of Commons concerning the Senate's amendments to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.

• (1530)

Your Honour, although it is no secret that this government wishes to ram this bill through as quickly as it can in order to avoid — I'm happy that Senator Lankin finds some humour in this — the continued embarrassment over its unpopularity, Senator Gold's notice of motion does not correctly apply the *Rules of the Senate* and, in fact, violates them.

In this regard, there are three things, Your Honour, that I would like to bring to your attention.

First is that Senator Gold's notice of motion did not follow the prescribed format. As I mentioned, when Senator Gold gave notice of the motion, he stated:

> . . . I wish to advise the Senate that I have been unable to reach an agreement with the representatives of the recognized parties to allocate time to the motion . . . .

Yet, section 7-2(1) of the Rules states clearly:

> At any time during a sitting, the Leader or the Deputy Leader of the Government may state that the representatives of the recognized parties have failed to agree . . . .

Your Honour, the prescribed format for the notice of motion under rule 7-2(1) is quite clear. Because the notice of motion by Senator Gold does not respect the required form, it is invalid. As everyone knows, there are precise ways to give a notice of motion, and the table, of course, can provide that script for all of us. Senator Gold deliberately chose not to follow the script — not to follow the language provided for in the Rules. I would then argue that since proper notice was not given, Senator Gold cannot move the motion today.

My second point, Your Honour, is that in addition to not following the form prescribed by the *Rules of the Senate*, Senator Gold's motion did not meet the necessary prerequisites. As I already noted, section 7-2(1) of the Rules states:

> At any time during a sitting, the Leader or the Deputy Leader of the Government may state that the representatives of the recognized parties have failed to agree to allocate time to conclude an adjourned debate . . . .

Your Honour, I do not wish to use unparliamentary language here. We have people who are quick to jump to that and call points of order on that. Allow me just to say that in making this statement, Senator Gold misled the Senate. Senator Gold never offered, privately or publicly, formally or informally, to meet to discuss a timeline for debate on this motion.

Please allow me to provide some details and context on the discussion I had with Senator Gold on his motion in reply to the House message on Bill C-11.

Your Honour, on Monday, April 17, I had a meeting with Senator Gold along with the leaders of the other recognized groups. He asked us what our plans were on this motion. I made it clear to all present, I think, that I could not give a definitive answer until we had seen the motion. We had just come off a two-week break. The government had lots of time to draft their motion. On Monday night, the motion had not been drafted, and we were told that. We were told that we would have it by midnight.

What Senator Gold was asking us to do was commit how and when we would vote on a motion that we had not seen. I finally received the motion on Tuesday morning. It was sent out the night before to my chief of staff. I think he received it around ten o'clock at night; I'm not sure of the time. I got it in the morning.

Later that day, Senator Gold called about that and other matters and suggested that we should meet sometime to discuss this matter. My first suggestion was that we have a meeting on Monday — yesterday — to discuss this. Senator Gold suggested that was a little late for his preferred time and that he would like to meet earlier. I replied that I could make myself available on Thursday if he wanted to meet, and he indicated that he would get back to me. He never did.

Hearing one of the bells on Thursday afternoon — late afternoon — I went across to see Senator Gold in this chamber. His deputy leader was there with him. I asked him if he thought we should have a short meeting. His response — and I don't want to say this as verbatim — was along the lines of "now is not the time."

You will also recall, Your Honour, that it was the deputy leader of the de facto government group in the Senate that moved a motion last Thursday to adjourn the debate on Senator MacDonald's subamendment. It was not the Conservatives. You will further recall that the Conservatives originally opposed the adjournment. We were happy to have the question called on Senator MacDonald's subamendment. However, it was adjourned, so we could not do that.

Immediately after the adjournment, Senator Gold rose in this place and moved his notice of motion. After only six hours of debate on a bill where we had had 140 witnesses appear at committee and over 70 hours of testimony and without any formal or informal attempt to reach an agreement on the timeline for the debate, Senator Gold rose in this chamber and stated that he could not reach an agreement with me — or recognized parties, of which I am the only one.

Your Honour, on every controversial bill that has come through this place since approximately 2017, I have been at the negotiating table and helped negotiate with the Leader of the Government and to come to mutually acceptable arrangements, and this includes negotiating second reading on Bill C-11, along with the timelines at committee and, indeed, Your Honour, at third reading. This regularly happened as well with Senator Gold's predecessor, Senator Harder.

However, when the message comes back from the House of Commons on the same bill, Senator Gold does not have the decency to pick up the phone and call me. Instead, he misrepresents the facts to this chamber in an astonishing and self-serving way.

Senator Gold says we have failed to agree, but I would note that there has been no failure to agree because there have been no discussions on the need to allocate time on the motion in question. Consequently, there has been no opportunity, Your Honour, to either agree or disagree. Although we are becoming quite accustomed to the fact that this government does not take seriously the need to consult, I do not think that diminishes the requirement of this rule for the government to do so.

The Rules do not permit the government to impose time allocation simply because the recognized parties do not adhere to the government's preferred schedule. The language in the Rules is clear. The government can only use rule 7-2(1) when there is no agreement, Your Honour. In order for agreement not to be reached, there must at least be a discussion that includes a proposed timeline.

On this point, Your Honour, I would like to draw your attention to a number of citations, practices and authorities, although I am certain you have reviewed all of these. If not, I'm sure you will review these yourself. Regardless, I believe it is important to place them on the record.

• (1540)

In commenting on time allocation, the *Companion to the Rules of the Senate of Canada* quotes the following from page 660 of the *House of Commons Procedure and Practice*:

> While it has become the most frequently used mechanism for curtailing debate, time allocation remains a means of bringing the parties together to negotiate an acceptable distribution of the time of the House.

Although referencing procedure in the House of Commons, it is quite clear by its inclusion in the *Companion to the Rules of the Senate of Canada* that the same expectation applies to this chamber, Your Honour.

Time allocation is a means of bringing the parties together to negotiate. Your Honour, I regret that no such bringing together of such parties happened, nor were there any negotiations. Instead, we have a unilateral decision by the Government Representative in the Senate to curtail debate on a motion that is of significant interest to many senators of all groups as well as to all Canadians.

This is not only inappropriate, it is against the Rules. Since Senator Gold never proposed nor discussed any timeline for debate on his motion on Bill C-11, he cannot use the provisions of rule 7-2. I suspect, Your Honour, that the government leader in the Senate will object to this argument by suggesting he did not need to make a proposal or have a discussion, but that he merely needed to observe that there is no agreement. That is incorrect, Your Honour.

First of all, it is incorrect in principle — and, again, I draw your attention to page 171 of the *Companion to the Rules of the Senate*, which quotes *Erskine May Parliamentary Practice, 24th Edition*, on page 469, which notes the following:

> In addition, the impact of allocation of time or programme orders is to some extent mitigated either by consultations between the party representatives informally or in the Business Committee or the Programming Committee in order to establish the greatest possible measure of agreement as to the most satisfactory disposal of the time available.

We see in the paragraph preceding this quote that the spirit of the rule permitting the government to move time allocation is couched in the need to balance the claims of business with the rights of debate. That balance is critical in maintaining societal respect for the role of Parliament, and obligates the government to engage in actual consultations prior to invoking the rule.

I would note, Your Honour, that this principle has been reaffirmed numerous times in practice in this chamber. I would like to draw your attention to two of those. The first one is a reference on page 171 of the *Companion to the Rules of the Senate*.

On September 20, 2000, Speaker Molgat made the following ruling on a point of order regarding a notice of motion to allocate time. Note that, at that time, rule 7-2 was known as rule 39(1).

In his ruling, Senator Molgat said the following:

> Insofar as the point raised by the Honourable Senator Kinsella is concerned, I refer specifically to rule 39(1), which simply states that if "the Deputy Leader of the Government in the Senate, from his or her place in the Senate, may state that the representatives of the parties have failed to agree to allocate a specified number of days or hours," that allows the deputy leader to give notice.
>
> Honourable senators, the deputy leader has stated that an agreement has not been reached. I have no means of knowing whether an agreement will be reached. All I have before me is a motion stating that if they have reached no agreement at this point, the rule has been followed and the terms have been set out. Therefore, I rule that the point of order is not valid.

I raise this citation, Your Honour, because a cursory reading of it seems to indicate that there is no need for the government to engage in consultations, but rather that it must only state that an agreement has not been reached. This, however, is incorrect.

Speaker Molgat was simply noting that he had no way of knowing whether an agreement had been reached, and he did so in the context of knowing full well that the parties had engaged in consultation. This was first acknowledged by the Deputy Leader of the Government earlier in the day on September 20, 2000, when he stated:

> . . . my counterpart, the Deputy Leader of the Opposition, and I have been in discussion pursuant to my attempt to reach an agreement on the time to be given for third reading consideration of Bill C-37. We have been unable to reach such an agreement, but we will continue our discussions.

Senator Kinsella, who was the Deputy Leader of the Opposition at the time, went on to affirm this fact when he said:

> The rule envisages some serious discussions to decide on the timeline for proceeding with a piece of government legislation.

Your Honour, in this case, we see that there was no disagreement between the government and the opposition over the fact that an attempt to reach an agreement through discussion and negotiation was first necessary before a notice of motion could be made for time allocation. The only issue at hand during that point of order was whether a notice could be made before such discussions were finished.

In that context, Speaker Molgat's ruling made perfect sense, as noted by Senator Hays:

> To interpret rule 39 as one that is only applicable when the relationship on a particular item of discussion is totally intractable would not be consistent with the spirit of the rules, or rule 39, or the spirit of doing business in this chamber.

He then went on to say:

> Honourable senators, I simply say that discussions have taken place and they have not produced a conclusion on this side. In representing the government side, I feel that is adequate.

Your Honour, I would agree that Senator Hays is correct: If discussions had taken place and they had not produced a conclusion, then the conditions of rule 7-2 have been met. But, as I pointed out, that is not what happened with the notice of motion I am addressing today. Senator Gold made little or no attempt to discuss a timeline with me. Consequently, he has not met the prerequisites to invoke rule 7-2.

The second speaker's ruling that I would like to draw your attention to — since I believe it is germane to this issue, Your Honour — took place on February 19, 2004. In that instance, Speaker Hays was also considering a point of order on a notice of motion for time allocation. Once again, the question at hand was not whether discussions had taken place but whether the discussions were adequate. At the time, the rule — rule 39(1) — read:

> . . . the representatives of the parties have failed to agree to allocate a specified number of days or hours for consideration . . . .

The Deputy Leader of the Opposition, Senator Kinsella, was arguing that specific criterion had not been met.

But once again, the question was never whether consultations had taken place but whether they were adequate. In his response, Speaker Hays said the following:

> Senator Kinsella's point underlines the importance of precision in terms of reference to the rules. The presiding officer finds himself in an awkward position of who to believe, which is not an area I want to enter.
>
> I will accept the notice of motion, but I will do it with this caution: Having listened to the exchange between the house leaders, I admonish them and other senators to pay close attention to the rules and to observe their requirements.

Speaker Hays accepted the notice of motion because both parties acknowledged that discussions had taken place. In doing so, he underscored that when referencing the Rules, precision is important.

• (1550)

Your Honour, I am asking that the same close attention be paid to the Rules in this case because, as I have noted, Senator Gold has failed to do this by not consulting, and his Notice of Motion is not in order with the Rules.

I have one final point to make, Your Honour, under our Rules. It is a disagreement between the recognized parties that triggered the use of time allocation. Rule 7-2(1) states:

> At any time during a sitting, the Leader or the Deputy Leader of the Government may state that the representatives of the recognized parties have failed to agree . . . .

The term "recognized party" is defined in "Appendix I: Terminology of the Rules" as follows:

> A recognized party in the Senate is composed of at least nine senators who are members of the same political party, which is registered under the Canada Elections Act, or has been registered under the Act within the past 15 years.

Your Honour, the Rules also contain a definition of what a "recognized parliamentary group" is. In fact, these terms are used throughout our Rules, making a clear distinction between a recognized party and a recognized group. Herein lies our dilemma, Your Honour. There is only one recognized party in the Senate, and that, Your Honour — and there are those in this chamber who are not happy with this — is the Conservative Party of Canada. The other three organized caucuses are parliamentary groups.

There cannot be a disagreement between recognized parties if there is only one. That is simple. I argue with myself occasionally, and I win most of those arguments. That is not the case here.

Over the last years, several changes were made to the *Rules of the Senate*. A lot of them pertain to the new reality of having not only parties, but also groups in the Senate. Yet, no such change was made to rule 7. This, Your Honour, was not an oversight. The Senate decided, in its wisdom, not to change the provision of rule 7, and I urge you, Your Honour, to simply follow the rule — and decide that with only one recognized party in the Senate, there cannot be disagreement. Therefore, on that point, Senator Gold's motion is out of order.

Secondly, Your Honour, even if there was some convoluted way of interpreting parliamentary groups as the equivalent of recognized parties, Senator Gold's motion would still be out of order.

There was never a meeting of the four parties or groups to discuss the timelines for the passage of Bill C-11, so there cannot be either agreement or disagreement under this scenario at this point.

Finally, what the government is asking you to do, Your Honour, is to not only rewrite the Rules to read "groups" where the word "parties" is, but to also see the Leader of the Government as one of those parties when this is not how the rule reads.

Senator Gold is a non-affiliated senator. He is neither the leader of a recognized party, nor the leader of a recognized group. He even says that he is not the Leader of the Government — he is a non-affiliated senator.

Non-affiliated senators have no recognized role in discussions pertaining to time allocation, Your Honour. Let me repeat that for all senators here: Non-affiliated senators have no recognized role in discussions pertaining to time allocation.

As mentioned in the sixth edition of *Beauchesne's Parliamentary Rules & Forms*, on page 162, and as quoted in the *Companion to the Rules of the Senate of Canada*, "The wording representatives of the parties . . . does not include independent Members." As an independent member, when Senator Gold says, "I cannot reach an agreement," it is entirely irrelevant, as he does not have the standing under rule 7 to be part of any agreement or disagreement.

You will note that the Leader of the Government is not mentioned in section 7 of the Senate Rules as a necessary participant in an agreement or disagreement to trigger time allocation. This means that his role in such a Senate with respect to rule 7 would simply be to take note that an agreement has or has not been struck, and to give the notice required.

As I said, the current majority in the Senate has been ruling since 2016, and there has never been an attempt, Your Honour, to change the language of section 7 of the Senate Rules.

Furthermore, it was only a year ago, Your Honour, that the government opened up the Parliament of Canada Act and made amendments, and yet they did not change this part. Why?

Now the government and its senators have the gall to ask you, Your Honour, to make changes to the *Rules of the Senate* through this Notice of Motion. However, Your Honour — with the absolute, utmost respect — your role as defined in section 2 of the Senate Rules is to rule on points of order. You have no mandate to rewrite the *Rules of the Senate* simply because the government of the day thinks it might be convenient to pass the buck to you, Your Honour, and ask you to do that.

Frankly, I find this attempt to ask you to rewrite all of section 7 of the Rules quite offensive. It is very unfortunate, Your Honour, that Senator Gold would put you, on the eve of your retirement, in a position where you are being asked to do something which is not within your power to do. They are asking you to do the job of the Rules Committee and, thereafter, the entire Senate. It would not surprise me, Your Honour, if you were currently under a lot of pressure from the government leader here in this Senate — Senator Gold — and the Prime Minister's Office to follow their wishes on this matter. I urge you, and I plead with you, Your Honour, to not yield to those pressures.

As you know, Your Honour, in 2014, the Liberal leader Justin Trudeau said the following:

> If the Senate serves a purpose at all, it is to act as a check on the extraordinary power of the prime minister and his office . . . .

If there is one truly independent senator in this chamber, Your Honour, that is you. You have done a tremendous job, as was stated even earlier today, in being independent, and in making rulings that were clearly thought through and that showed your independence.

You are leaving soon. I urge you, Your Honour, not to mar your excellent reputation and impartial track record by rewriting the *Rules of the Senate* in the eleventh hour of your tenure — rather than respecting and enforcing them.

I know, Your Honour, that you will do the right thing, and I look forward to your ruling on this matter. Thank you.

Hon. Marc Gold (Government Representative in the Senate): Thank you, Senator Plett.

Before I begin my substantive comments, I would like to note some of the attributions that Senator Plett made: that I had misrepresented things to the Senate, that I lacked decency and that it was self-serving. I fully expect in my remarks to address the various points that he made. I will dispel those baseless characterizations, and I say this in sadness rather than in anger.

In regard to the first point, the motion that I moved today for which I gave notice yesterday was drafted with the assistance of our able colleagues at the Chamber Operations and Procedure Office. To assert that it was somehow deficient in form is baseless.

• (1600)

Second, Senator Plett's second point with regard to the statement that no agreement had been reached also is without foundation. I will share with you, honourable senators, what transpired last week.

As Senator Plett correctly notes, we had a leaders' meeting on Monday. On Monday, I stated to all my leadership colleagues that it was the government's desire to have the debate on the message conclude by the end of last week. I put that on the table because when we look back at the history of how this Senate has dealt with messages from the House, on average, we have disposed of them in less than two days. At that time, as Senator Plett also mentioned, the leadership had not yet seen a copy of the message that we were proposing to debate and pass by the end of last week. When I asked for input from the leaders, as I always do, as to how many speakers they might have, Senator Plett said, "We haven't seen the memo; why are you hiding it?" — I will leave all of that aside — "When we see the memo, we will get back to you." He promised all the leaders on Monday that, upon seeing the memo, he would provide us with the information that I had requested. The memo, as Senator Plett correctly notes, was distributed some hours later that evening.

On Tuesday at scrolls, we asserted again our desire to have the vote conclude by Thursday. There was no commitment on the part of the Conservative Party. At some point during the week — and Senator Plett glosses over this, but I feel duty-bound to tell you — Senator Plett and I had a conversation where Senator Plett advised me that there was no way that this bill would be passed by the end of the week. That was a clear statement. On Wednesday, we repeated to scrolls, which the deputy leaders and legislative deputies attend, that we still held to the view that the Senate ought to dispose of this and vote on this by the end of the week — again, no commitment. On Thursday, we made the same statement to scrolls, again with no response.

Honourable senators, those of you who were here or who might have been absent but watching it on SenVu knew full well how the debate did or, maybe more accurately, did not progress once we started debate on the motion. It was adjourned, and very little debate from the Conservative side happened except for the amendments and the subamendments, which we all witnessed, and the bells that accompanied that.

Those are the facts with regard to what actually transpired. If, in fact — and it is not, in fact, the case — it was the case that a motion to allocate time allocation required consultation with other groups and leaders, it certainly had been done and satisfied the rule. There was no feedback, despite promises from Monday, and a clear statement that it would not pass last week, despite our continued insistence that it was our desire and expectation.

Now, I will return to this point in due course, but I want to turn to the broader point, the third point of Senator Plett. If you will allow me this, it is a root-and-branch attack on the ability of the government to ever use the tool of time allocation, apparently on grounds that since we are not a recognized party and we are unaffiliated — and there had been no agreement amongst recognized parties, of which there was only one — my only job is therefore as a passive taker of information. That is the way in which I would like to frame my remarks.

It is unfounded in terms of notice. The notice provision was valid as per the motion drafted by COPO — the Chamber Operations and Procedure Office — and presented in this chamber. The prerequisites that I will explain at greater length, under the rules, had been satisfied. Fundamentally, the position that Senator Plett and the opposition is taking is inconsistent with both the letter and the spirit and intent of the Rules, and is inconsistent with the proper functioning of the Senate.

I'm going to make the case today, honourable senators, that the interpretation of the Rules that has been presented by my colleague opposite is erroneous. As I said, it undermines the true spirit, the true intent and the meaning of Chapter Seven of our Rules. Before I tackle the nuts and bolts of the procedural question, allow me to admit that I'm somewhat perplexed and confused by the case that we've heard from Senator Plett.

Ever since the government launched this initiative toward a more independent and less partisan Senate, the Conservative Party in this chamber has fought tooth and nail for the recognition of the role of the opposition. For eight years, we have been told time and time again that the government-opposition dynamic is a fundamental, necessary and foundational feature of the Senate. The Westminster model has been invoked time and time again, as if it answered that point. Time and time again, this argument has been instrumentalized and weaponized to delay, disrupt, stifle and impede reasonable modernization of our Rules. To say that the Senate decided not to modernize the Rules or to leave things in place is rich. Those of us who have been around the Rules Committee table and others have seen how those initiatives were blocked, precisely on the grounds that any modernization failed to privilege the historic and deemed necessary government-opposition dynamic.

Yet today, as part of a long practice in history of delay and obstruction to kill this bill — let us be frank — as part of this publicly stated commitment, the argument is designed to undermine the role of the government by stripping it of the only procedural tools that it has to facilitate the timely review of government business, to countervail delay tactics and to serve Canadians in this chamber. The outcome of this argument would be nothing less than to leave government bills in limbo and the Senate as a whole hostage to tactics that are planned and coordinated by Conservative House of Commons leadership at weekly meetings of their national caucus. Again, those are the facts, colleagues, and those that are listening.

The image of our world here in the Senate and the Canadians whom we serve that we're presented with through this point of order is one in which the sacrosanct official opposition has all the tools under the sun to prevent a proposed government bill from being passed, but the government has no procedural means of breaking an impasse, even if supported by a large majority in this chamber. A Westminster system for me, but not for thee. That is what the motion really tells us.

• (1610)

That being said, notwithstanding the glaring lack of policy coherence in the position put forward by Senator Plett, the crux of this matter is one of interpretation. This is a matter of interpreting our Rules, and that is perhaps the only thing that

Senator Plett and I are going to agree on, although we don't agree on how the Rules should be interpreted. However, this is about interpretation.

I argue that the interpretation by Senator Plett is erroneous because it will undermine the spirit, intent and meaning of Chapter Seven. It is a thoroughly narrow, overly rigid interpretation of rule 7-2 and Chapter Two. It seeks to remove, as I've said — forgive me for repeating myself — the Government of Canada's ability to seek the dispatch of the nation's business with time allocation.

The specific and clear intent of rule 7-2 — the entire scheme of Chapter Seven, colleagues — is to confer upon the Government of Canada, not to the leader of a political party, the ability to ensure that government business be decided upon. The point of order that was raised today is based exclusively on a literal, rigid interpretation and approach to rule 7-2.

Now, I don't believe that's the way we should interpret our Rules. But I will begin with my remarks on my own literal reading of rule 7-2 because although it is clear that a literal meaning of the Rules is not the approach taken by the courts that apply to Canadians, one might argue that's fine and we shouldn't apply it to our legislation or our Constitution, but to the *Rules of the Senate*, my goodness, that's different.

Well, in my opinion, that is not a correct approach. If it's good enough for our Constitution and our statutes, then a sensible approach to interpretation should be good enough for our Rules. The primary point of modern approaches to interpretation is to seek the true intent and the true objective of the Rules.

Let me quote rule 7-2(1). It provides as follows:

> At any time during a sitting, the Leader or the Deputy Leader of the Government may state that the representatives of the recognized parties have failed to agree to allocate time to conclude an adjourned debate . . . .

From a literal standpoint, colleagues, the rule does not state that the representatives of the recognized parties have failed to agree "with each other or among themselves." That's not what the rule says. In fact, the Rules don't even allow a leader that's not the Leader of the Government to invoke time allocation.

[*Translation*]

The French version of this rule does not provide that the Leader of the Government must announce that the representatives of the recognized parties failed to agree, and I quote, "with each other," to allocate time.

[*English*]

As such, the point of order, in effect, seeks to read into the Rules something that is not there: the words "with each other" in English and the words "entre eux" in French. This interpretation is clearly, therefore, incorrect. And to the contrary, it is clearly implied under the plain meaning of the rule that the leaders of the recognized parties must have an agreement with the Leader of the Government. The whole point of Chapter Seven is to provide a tool for the government to break dilatory delays.

Absent that agreement, the Leader of the Government may state that the representatives of recognized parties have failed to agree to allocate time. It is at all times under the plain meaning of rule 7-2 implied that they must disagree with the Leader of the Government. As I said in my opening remarks, there was never an agreement with the government leader at our leaders' meetings, at one-on-one conversations with Senator Plett or at scrolls to agree that the debate would conclude this week. I remind you that rule 7-2 does not talk about agreement on the motion. It's on the debate that has been adjourned.

Now, at the very least — although I believe my literal reading is the preferred one — the rule is certainly not as clear as my honourable colleague has implied. If that's the case, any lingering ambiguity should be resolved in a logical and purposive manner. Indeed, where the language of a rule when applied in a given context creates or generates ambiguity, then it is proper to look at the general purpose and intent to choose among several possible meanings that appear more in tune with the general intent.

Before I get there, colleagues, there is another aspect of the plain meaning of rule 7-2 that would defeat this point of order. The rule does not provide that I, as Leader of the Government, must prove or demonstrate that the representatives of the recognized parties have failed to agree to allocate time. It merely provides that I must state that the representatives of the recognized parties have failed to agree to allocate time.

[*Translation*]

In French, rule 7-2 states that my only responsibility, before triggering the process for allocating time, is to "state" that the representatives of the recognized parties have failed to agree to allocate time.

[*English*]

Let me repeat in English. The only requirement that is set out in the Rules is that I state that there has been no agreement. That is my only burden.

On September 20, 2000, as Senator Plett has already invoked, Speaker Molgat had to assess the receivability of a motion to allocate time in which the existence of leadership consultations had been called into question, as they are today. I will quote again from Speaker Molgat and his ruling:

> Honourable senators, the deputy leader has stated that an agreement has not been reached. I have no means of knowing whether an agreement will be reached. All I have before me is a motion stating that if they have reached no agreement at this point, the rule has been followed and the terms have been set out.

Hence, colleagues, I must not prove, convince, confirm or explain why, how or if the representatives of the recognized parties — or the representative of the recognized party in this case — have failed to agree to allocate time. So long as I, the Leader of the Government, have stated that the leaders of the recognized parties have failed to agree to allocate time to conclude and adjourn the debate, I have fulfilled the formal requirement of rule 7-2, and I may give notice as I did of the

motion to allocate time. Once I've done so under a literal reading of the plain meaning interpretation of rule 7-2, the time allocation procedure has been validly triggered.

So if, as was suggested by my colleague, we are to rely on a purely literal reading of the rule, it is clear, in my humble opinion, that I've met my burden under the language of the rule.

However, notwithstanding all of that, I am strongly of the view that the analysis of a rule that applies to our parliamentary proceedings should not end with an assessment of its plain meaning, especially, colleagues, where this assessment would lead to an absurd outcome or one that is contrary to the clear and true intent of the rule itself. To do otherwise would be a disservice not only to our Rules, but to the body — the Senate — that the Rules are there to regulate.

Given this, in my view, the first consideration should be to favour a reading of the rule that fulfills its purpose. If you will indulge me, colleagues, I believe that it would be helpful to our Speaker, in the context of this particular point of order, to examine Canada's laws of statutory and regulatory interpretation. In my humble opinion, these laws are relevant because this is the framework we have chosen to adopt in order to make sense of the laws and regulations that have been adopted by us, by Parliament and by provincial legislatures.

Now, it's true that these rules are not technically binding on the *Rules of the Senate*, but they do provide, colleagues, a guide as to how we, as a country, view the interpretation of legal norms. For example, decades ago, Parliament adopted An Act representing the interpretation of statutes and regulations. Section 10 of that act is particularly instructive. It states as follows:

> The law shall be considered as always speaking . . . so that effect may be given to the enactment according to its true spirit, intent and meaning.

Section 12 of the act further provides:

> Every enactment is deemed remedial, and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.

The Supreme Court of Canada has also endorsed the purpose of approach as a primary tenet of legal interpretation, making it clear that judges should go beyond the legislative text and consider the object and context of the statute at issue. For example, one of the court's landmark cases on legal interpretation is *Rizzo Shoes*, where the court said the following:

> . . . Elmer Driedger in *Construction of Statutes* (2nd ed. 1983) best encapsulates the approach upon which I prefer to rely. He recognizes that statutory interpretation cannot be founded on the wording of the legislation alone.

• (1620)

One might argue that this approach is limited to statute and regulation and it shouldn't apply to parliamentary rules. To this argument, again, I would say, "Why not?" Why should we limit the interpretation of our Rules to a literal reading where that reading would lead to an absurd result, inconsistent with the object and purpose of the rule?

I would also point those who would argue for such a rigid and inflexible reading of rule 7-2 to existing authorities on the interpretation of parliamentary rules. I concede there is not that much on record in this regard. But there is one ruling delivered by the Speaker in the other place on April 14, 1987, that I believe we ought to follow in this evolving Senate.

At the time, Speaker Fraser reflected on the reconciliation of differences between legislative rules and the evolving nature of the political landscape and he said the following:

> When interpreting the rules of procedure, the Speaker must take account not only of their letter but of their spirit and be guided by the most basic rule of all, that of common sense. . . .
>
> . . . It is, when all is said and done, the profound sense of what is appropriate under certain circumstances and which is acceptable to reasonable people.

If there is any rule of interpretation that we ought to adhere to in this place, colleagues, it is the rule of common sense.

Implicitly, it is this rule of common sense that our own Speaker followed when he ruled on the question of the titles of Senators Bellemare and Mitchell, Legislative Deputy to the Government Representative and government liaison respectively. In his wisdom, the Speaker said:

> Although details of practices relating to political affiliation have evolved over time, the basic principle remains that the Senate has shown a level of flexibility to accommodate senators' reasonable wishes. This can be particularly important at times that the political landscape is evolving at a pace that exceeds the institution's capacity to make formal changes. A level of accommodation is required to take account of this fact. . . .
>
> . . . formal requirements need not always be rigidly binding. There can, within reason, be a level of adaptability that takes account of specific circumstances. Indeed the Senate has shown such flexibility in the past, and continues to do so. We have benefited from this.
>
> . . . flexibility on such points can be reasonably understood as being in keeping with our parliamentary tradition and practice.

Colleagues, to put it bluntly, the interpretation of rule 7-2 put forward by my esteemed colleague is excessively literal, incredibly narrow and entirely inconsistent with both the coherence of Chapter Seven of the Rules and the purpose of time allocation. More than anything, it fails the test of common sense. It is not an exaggeration, colleagues, to posit that this interpretation, were it to be accepted, would lead to nothing less than a complete perversion of rule 7-2.

Colleagues, I do not believe that there is any doubt in this chamber as to the legal position I occupy. I occupy the position of Leader of the Government in the Senate, proudly styled with the title of Government Representative, to reflect the necessary and positive shift to a less partisan Senate. The two are interchangeable and — I should and would add — are now provided for by law.

As Speaker Furey noted in his ruling on the government deputy leader and Government Whip in the Senate:

> In the days since this point of order was raised, Senator Harder has been addressed as both the Government Leader and the Government Representative. Under either title, no one was in any doubt who senators were speaking to.

The Government Representative Office in the Senate has been carrying out a range of other parliamentary functions reserved for the government which have never been disputed. These include the following: Rule 4-13(3), allows for the Leader or the Deputy Leader of the Government to reorder the sequencing of government business, as we did today and have done on so many occasions.

Rule 14-1(1) allows for the Leader or the Deputy Leader of the Government to table documents concerning the "administrative responsibilities of the Government."

As noted on page 75 of *Senate Procedure in Practice*:

> When the Senate has completed its business for the day as set out on the *Order Paper and Notice Paper*, the Deputy Leader of the Government usually moves a motion to adjourn the Senate.

Presently, it is the legislative deputy who has been handling adjournment proceedings.

Colleagues, in exercising my responsibilities as "the Leader of the Government" — which is how the opposition had been addressing me for three and a half years, until just recently I've been addressed as representative of the government — by participating in Question Period, which is reflected in rule 4-8(1), is it the official opposition's desire that I not participate in Question Period to answer on behalf of the government?

Under rule 9-10, the Government Whip in the Senate, the government liaison, has the ability to defer a standing vote.

In relation to rule 12-24, the Leader of the Government in the Senate also tables government responses to committee reports where requested.

As noted on pages 67 to 68 of *Senate Procedure in Practice*, only the Leader or Deputy Leader of the Government can "give notice of a government motion" and are normally responsible for placing government bills on Orders of the Day upon receipt of messages from the House of Commons.

Both the Government Representative and legislative deputy are active participants in the "usual channels," such as the scroll meetings at which government business is discussed. Not one of these roles has ever been challenged in this chamber.

Yet, we're now debating whether I have the ability to exercise another government tool, that of time allocation. It is undisputed, colleagues, that time allocation has always been reserved for the government only and for government business only.

Its existence is the product of the fact that a particular category of business, that of government business, is given preferential treatment. Its existence is not a by-product of which recognized party may be in power. It exists for the Government of Canada, which I represent, regardless of its political stripes and regardless of how it chooses to present itself in the Senate, as the government has decided to do in its efforts to create a less partisan and more independent Senate. This is a fact, colleagues, that is overwhelmingly supported by the authorities.

As noted on page 107 of *Senate Procedure in Practice*, "Only the government can propose time allocation and only for its own business."

In October 2013, Speaker Kinsella was called upon to rule on the receivability of a "disposition motion" that proposed to establish a process to deal with motions under other business that proposed to suspend three senators. In his ruling, Speaker Kinsella spoke of "the government's time allocation powers."

The speaker ruled that it would not be in keeping with the Rules and practices of the Senate to allow a process that could result in the application of the government's time allocation powers to non-government business.

He added:

> It is significant to note that under Chapter 7 of our Rules, the Government has, as already mentioned, the option of initiating the time allocation processes in relation to items in the category of Government Business.
>
> Honourable senators, there is a coherence in our Rules. Government business has priority, and there are mechanisms to facilitate its dispatch. . . .
>
> Given the Government's important role, it has specific means, already discussed, to secure the dispatch of its business. . . .

These points have similarly been made by our recently departed colleague and procedural expert Senator Joan Fraser. She is the one who had raised the point of order. On debate, Senator Fraser said:

> Chapter Seven of our Rules is all about time allocation, and it is very clear from the outset that time allocation is all about the handling of government business. It is very clear: Only the government can propose time allocation and only for its own business — only for government business.

It also bears mentioning that in the debate on that point of order, former Senator Cowan, then-Leader of the Opposition, argued that our Rules make a clear distinction between government and other business, giving the government certain tools to advance its business:

> Our Rules legitimately provide to the government a means to facilitate the management of the government's agenda. Our Rules give to the government a priority for their business. Government business comes first and it must be dealt with appropriately, even though sometimes we don't like it. The government is given the tools, including time allocation, closure, the "guillotine" and cutting off debate. They have that power and they can use it.
>
> They should use it, in my judgment, more judiciously than they have, but nonetheless, that is a power they possess. That's a power that is in the rules. It isn't a power that comes from the sky somewhere. It is a power that this chamber, in its wisdom, has given the government for the purpose of facilitating the management of the government's business.

Another Speaker's ruling, issued on June 26, 2015, by our esteemed colleague the Honourable Senator Housakos also speaks to the nature of time allocation.

In that case, Speaker Housakos was called upon to rule on the receivability of a government disposition motion that would apply to a non-government bill, Bill C-377.

In his ruling, which was overturned by this chamber, Speaker Housakos decided that the disposition motion would subject non-government business to "the powerful tools of which the Government can avail itself," adding that:

> The tools that the Government has to facilitate the passage of its business were granted to it by the Senate in 1991. They include, for example, control over the order in which government business will be called and, most significantly, the power to propose time allocation.

• (1630)

On December 8, 2015, former senator Joyal outlined many of the functions carried out by the government leader in the Senate. Specifically, he noted that:

> The government leader is the only one who is entitled or has the "privilege" to move allocation of time. If there is no government leader, there is no allocation of time as our rules stand right now. . . .

I would also remind honourable senators of the comments made in this chamber by Senator Housakos on Senator Plett's point of order relating to Bill C-210:

> The only person who has the power of guillotine in this place and the power of time allocation and closure is the government. They own that right, because they won a sovereign election. . . .

As the former chair of the Rules Committee, I thank Senator Housakos for providing us with even further clarity with respect to the true intent of Chapter Seven of our Rules.

Senator Batters made it clear in the past that, in her view, under the current time allocation rules, as Leader of the Government, I can come to an agreement with the opposition on time allocation. This was in the context of a discussion involving the expansion of Chapter Seven to parliamentary groups, which are currently excluded from the process.

I quote Senator Batters:

> . . . this time allocation agreement would be between the Leader of the Government and the leader or representative of the opposition party because that's the only recognized party. To have a time allocation agreement with all the representative parliamentary groups would absolutely be the thing that would dilute the power of the opposition probably the most of anything here. Obviously Senator Gold would like that, but we cannot agree to this in any way, shape or form. . . .
>
> When the government cannot get agreement and feel that they need to resort to time allocation to have a particular bill, which may be very contentious and may already have been debated for a considerable period of time, and they need to move on the legislative agenda to have something brought to a vote, when they are not able to do so in other ways, they can then pay the potential political price for invoking time allocation.
>
> Any senator in the chamber can disagree, cause delays and things like that, within reason. But then, of course, the government then has the ability to proceed on with the time allocation procedure, which is already set out in our Rules.

While I'm in the generous spirit of thanking colleagues, let me thank Senator Plett for the clarity of the perspective that he shared with the media in February 2022 with respect to my ability to propose time allocation. As reported by *iPolitics*, Senator Plett said:

> We can force Sen. Gold to try [to] move time allocation. If the caucuses don't support his time allocation, then we can continue.

Colleagues, from my standpoint, there is a clear understanding in this place that the government and its designated point person — whether styled as government leader or Government Representative — may invoke the tool of time allocation.

Honourable senators, the Government of Canada has not disappeared from this chamber and the government is not merely a political party. The tools that are set out in our Rules exist for the purpose of allowing the Government of Canada to dispatch the business of Canadians through the chamber.

Finally, I would also note that the Speaker, when faced with conflicting interpretations and authorities, must consider the interests of the Senate. On March 23, 2004, Senator Hays assessed the application of the "same question rule" on bills that

deal with similar subject matters, as well as differing interpretations that existed in different parliamentary authorities. His ruling is instructive. He stated:

> How can we sort out these conflicting provisions and statements? I am not really sure that we can. It may not be possible to square the circle. The role of the Speaker is to ensure that best practices are followed while at the same time protecting the interests of the Senate. . . .

Our consistent practice in this chamber has been that the Leader of the Government may agree or disagree with other leaders on time allocation on government business, and that is a best practice. I would submit that, if accepted, the point of order would establish a most dangerous precedent. It would neutralize an entire section of our Rules, with the risk of leaving the business of Canadians in limbo in this chamber, with little to no remedy to a government that has the full confidence of the elected House of Commons. This is patently not the true spirit, intent nor meaning of Chapter Seven and, in particular, rule 7-2.

In sum, Your Honour, I submit to you that the clear intent of this point of order is to eliminate the government's power to invoke time allocation — yet the true intent of rule 7-2 is to confer this power on the government. The interpretation presented to us so eloquently by my colleague fails the test of basic common sense. Therefore, I submit that the point of order is ill-founded.

In conclusion, honourable senators, the debate on this point of order is also an unfortunate reminder — and here I stand in sadness and not in anger — that parliamentary groups, representing more than 80% of the Senate, continue to be completely excluded from important processes under Chapter Seven of our Rules. There is simply no sound policy basis for that exclusion — which is unfair, inequitable and, frankly, discriminatory. On that score, the terms set out in Chapter Seven of our Rules belong to a bygone era.

A full eight years into the launch of the reform toward a more independent and less partisan Senate, changes geared toward remedying the inequity in our Rules have consistently been slowed, stymied and brushed aside.

Some Hon. Senators: Hear, hear.

Senator Gold: That, too, fails the test of common sense.

However, I am hopeful, as I expect that, in due course, this chamber will decide that there has been enough waiting. We have much work before us to continue to modernize the Senate of Canada. Let's get to it.

Thank you, Your Honour, for indulging me.

Hon. Leo Housakos (Acting Deputy Leader of the Opposition): Thank you, Your Honour. Now that we've had the very liberal interpretation of the Rules, here come the facts.

Honourable colleagues, now, all of a sudden, Senator Gold has embraced his position of government leader. For seven years, he and his predecessors were running away from that wonderful, powerful position — which is, of course, a legitimate one in the Westminster parliamentary system and legitimate in our own chamber, but he has been running away from it for a variety of reasons.

The truth of the matter is that this chamber has become a majority chamber appointed by the governing party. The reason you have not taken steps over the last eight years to make changes to how time allocation is applied, Senator Gold, is very simple: It is because you have had a very cooperative opposition throughout this time.

Some Hon. Senators: Oh, oh!

Senator Housakos: You can laugh and find it funny, but one day you will find yourselves in opposition and you'll realize there is a job to be done. Let me tell you, we passed the vast majority of government legislation quickly — especially through 2016-17, when we didn't have a majority of Trudeau-appointed Liberals sitting in this chamber. This happened because there was a cooperative opposition.

You can laugh all you want. Throughout that process, Senator Plett always negotiated with Senator Gold and his predecessor, Senator Harder. However, there comes a point in time when the opposition draws a line in the sand. You're absolutely right; it's well within the right of government to use time allocation. I'll repeat that it is a legitimate tool of the Westminster parliamentary system.

Senator Gold, I thank you for highlighting my wonderful ruling back in 2015. You're absolutely right; I said in the ruling what I say today, consistently, that it's a legitimate tool of the government — except at that particular point in time we had an honest, transparent and accountable government that named the government leader in this chamber, the deputy government leader and a government whip.

More important to the Rules, Senator Gold, this chamber had a governing Conservative caucus. All of us who understand Westminster parliamentary rules around the world know that it is our political parties that form governments and elect our prime ministers. By the way, our legitimacy comes from those prime ministers who appoint us to the Senate through the process of political parties.

Thank you for that ruling, but read it in context and in its entirety.

Second, in your liberal interpretation of the Rules — vis-à-vis the negotiations that Senator Plett referred to in terms of trying to find agreement between government and the opposition — the word "government" is nowhere in those Rules that were drafted in 1991. The Rules were prescriptive and clear: A political party is required to trigger time allocation. This is not something we're making up, Senator Gold.

• (1640)

Unless something has changed in the past hour that I'm not aware of — I did check before I came in here — on the Senate website, Senator Gold, you remain identified as "unaffiliated." I'm pretty confident that anyone watching the televised proceedings today will also see a banner under Senator Gold's

name that says "unaffiliated." It doesn't say "government leader." Yes, you went to deep lengths and, yes, we moved points of order that questioned the ill-thought-out approach of the government playing peekaboo with this chamber, with modelling the government leader as a representative.

You created that context where you have become nothing more than someone who receives information and doesn't share any with this chamber. I think the words you used are some "passive taker of information." We didn't force that upon you. It's the Prime Minister who forced it upon you and this chamber in the 2015 election when he played partisan politics with this institution. And that's a reality.

Some have acquiesced to that political agenda. We've played along because we understand we lost three successive elections, and it was incumbent on the opposition to make this place work, so we gave a little bit. But there are certain limits.

We've all heard Senator Gold and his predecessor Senator Harder say it in media interviews and in this very chamber that they are not affiliated with any political party. Just one example comes from Senator Gold at exactly 2:45 p.m. on June 15, 2021, when being questioned about a former Green Party member, who had espoused some pretty anti-Semitic views, crossing the floor and being welcomed to the Liberal government caucus. Senator Gold, you responded by saying:

> At the risk of being pedantic, I represent the government in the Senate. I'm not a member of the Liberal Party.
>
> As for the decision of the party to accept that member and under what circumstances, those questions should properly be directed to the Liberal Party.

Do you remember that? Of course, it isn't just that she wasn't welcomed into the Liberal Party, as I said, but she became a Liberal caucus member, a member of the government. But you took no accountability for that. Regardless, there you have it in his own words, colleagues.

Senator Gold in his role as government leader or Government Representative, depending on the day, is not affiliated with the Liberal Party or other political party recognized by Elections Canada. I'm not making this up. And that is the base requirement — the most fundamental requirement — for Senator Gold to be able to play a role in advocating time allocation. It's clear in the Rules. It's not ambiguous, not open to Liberal interpretations, not open to Conservative interpretations, just independent factual interpretations.

If that changes here today, or if there ever is a ruling that changes that, I fully expect that a communiqué will immediately go to the Senate Communications Directorate and Senate broadcasting to have Senator Gold, Senator Gagné, Senator LaBoucane-Benson and all identified properly on the website and the televised proceedings of this institution being accountable and transparent to the public that you represent the government.

Even after that, it doesn't even give you the right to time allocation. You have to have the biggest Liberal caucus, along with your $2 million budget on behalf of the government, to be able to allocate time, Senator Gold, and with agreement. This is the rule — if you have agreement. You don't have the right to have an agreement because you are not the government leader in the chamber to negotiate. But if you have agreement, rule 7-1(1), Your Honour, states:

> At any time during a sitting, the Leader or the Deputy Leader of the Government may state that —

— and I highlight —

> — the representatives of the recognized parties have agreed to allocate a specified number of days or hours . . .

And, without agreement, rule 7-2(1) states:

> At any time during a sitting, the Leader or the Deputy Leader of the Government may state that the representatives of the recognized parties have failed to agree to allocate time to conclude an adjourned debate on either . . .

I'm not a lawyer, but that's pretty clear.

In accordance with the rule governing time allocation, the only role for the Leader or Deputy Leader of the Government under our current structure is to inform the chamber of the decision of the current Leader of the Opposition as to whether he wishes to impose any time allocation.

The rule clearly states, whether with agreement or without agreement, that the Leader or the Deputy Leader of the Government may state that the representatives of recognized parties have agreed or have failed to agree to allocate time. It does not state that the Leader or Deputy Leader of the Government is part of making that determination. But the recognized political parties have to do that.

If that were the intent of the rule, it would read, "having come to an agreement with," or "failing to come to an agreement with."

None of that wording is there. The wording of the rule purposely distinguishes between the representatives of the government and the representatives of recognized parties. Yet it does not say the agreement or lack thereof must be between government and recognized parties. It clearly leaves the government on the proverbial sideline of that decision, making clear the current wording of the rule — only the representatives of recognized parties can come to an agreement on time allocation. That's the rule.

For clarity's sake, Your Honour, we have the definition of "recognized party" in Appendix I, in case anyone has any ambiguity:

> A recognized party in the Senate is composed of at least nine senators who are members of the same political party, which is registered under the Canada Elections Act, or has been registered under the Act within the past 15 years. . . .

That's pretty clear, right? We respect, at least, Elections Canada's laws. At least most of us do.

Continuing with Appendix I:

> A recognized parliamentary group in the Senate is one to which at least nine senators belong and which is formed for parliamentary purposes. A senator may belong to either one recognized party or one recognized parliamentary group. Each recognized party or recognized group has a leader or facilitator in the Senate.

You will notice that the definition even makes the distinction — and this is important — between recognized parties and recognized parliamentary groups.

Colleagues, again, we did that in cooperation in order to accommodate a very political agenda that has been imposed on this parliamentary institution.

That's important because, again, the rule governing time allocation mentions only representatives of the recognized parties — i.e. those affiliated with a political party as recognized by the Canada Elections Act.

Last I checked, the ISG — Independent Senators Group — the CSG — Canadian Senators Group — and PSG — the Progressive Senate Group — are not recognized by Elections Canada. You can apply if you would like to, but you're not. Only government can allocate time in our Westminster model, and governments are formed by political parties elected in the House of Commons. And, of course, by extension, the Prime Minister, as I said earlier, gives us our legitimacy by appointing us in this chamber. Political parties — nowhere in the rule are representatives of parliamentary groups mentioned.

As I said, we've had seven or eight years. We've opened the Parliament of Canada Act. There didn't seem to be any urgency at the time to change that. We've had eight years to change the way time allocation has been operating in this chamber. There is no ambiguity around this.

And before anyone jumps to their feet to say this must have been an oversight, a lot of time, effort and resources have gone into changing the *Rules of the Senate* over the years. These particular rules did not slip our attention. It was not by accident that representatives of recognized parties were singled out when it comes to making an agreement on time allocation. If you don't wish to take my word for it, how do you explain that we did distinguish and include the leaders of recognized parliamentary groups as it pertains to speaking times during debate on motion of time allocation? So we had the debate.

Rule 7-3(1)(f), Your Honour, states that during debate on the motion without agreement:

> (i) the Leader of the Government and the Leader of the Opposition may each speak for up to 30 minutes, and
>
> (ii) the leader or facilitator of any other recognized party or recognized parliamentary group may speak for up to 15 minutes . . .

So there we referred to leaders of recognized parties and recognized parliamentary groups. In other words, they are not interchangeable in this place. That was decided a few years ago with everyone's participation.

Therefore, when the rule states that the agreement, or lack thereof, must come from the leaders of the recognized parties in our current composition, that leaves only the representative of the Conservative caucus. That was not our choice. That was imposed on this place by the current Prime Minister. He might not like it today. The Government Representative today might like to be the government leader. You might even like to have a Liberal caucus today of 60 members to go with the $2 million budget, but you don't have it.

It does not include the Government Representative by virtue of your own insistence. You did this. Your government did this; we didn't.

If we're still not satisfied with the intent of the wording of this rule and whether there is some ambiguity there for the rule to be interpreted, I'll refer you to the then-government leader's testimony at the now-defunct Modernization Committee on May 23, 2018. Senator Harder was addressing, amongst other things, possible ways to make proceedings in the chamber more efficient through the establishment of a business management committee. Obviously, that was not the direction that the Senate went, but it was clear that the notion of time allocation was on our minds. Again, it's not like this one slipped by without consideration.

• (1650)

Senator Harder did testify at that time whatever approach we took must safeguard ". . . every senator's individual right to debate, scrutinize, propose amendments and oppose."

That would certainly explain the wording of the rule on time allocation in protecting the opposition's role in determining it, especially when you consider that Senator Harder went on to say that the rule should also safeguard ". . . the government's ability to have a say in the process of debate . . ." as it prepares to identify its own priorities. The duration of the bells, the deferral of votes as well as allowing members of the government leadership to sit as ex officio on committees — increasingly, he said nothing about the Government Representative playing a role in time allocation.

All of that is to further establish that the rule governing time allocation that singles out the representatives of recognized parties as the sole participants in any agreement was and is deliberate.

I have one final note, and it also comes from Senator Harder's testimony at the Modernization Committee. Senator Harder spoke about the changes to the Parliament of Canada Act to

reflect the new rules the Senate was establishing for itself, rightfully pointing out that any such changes would require the consent of both chambers of Parliament. Senator Harder said:

> Because the Senate is a self-governing body, it is not for the government to unilaterally come forward with its own view of amendments to the Parliament of Canada Act that could affect the inner workings of the Senate.

Senator Harder stated that he agreed with our eminent former colleague Serge Joyal that any changes should come from the Senate itself and sent to the House to include in any legislation.

Senator Harder then cited the Leader of the Government in the House, the Honourable Dominic LeBlanc, from his own committee testimony on February 24, 2016, Your Honour. Minister LeBlanc stated:

> I would be amenable to suggestions that Senate colleagues would have or whatever process you, Madam Chair, or your colleagues think is appropriate. . . .
>
> You'll appreciate that it's not up to somebody who is serving in the House of Commons to come and suggest to senators how you may want to change or adjust your own Rules. . . . I would be happy to work collectively or collegially to ensure that if the government brings in a bill to amend the Parliament of Canada Act, we at the same time fix, amend, modernize or correct whatever you or your colleagues think might be important . . . .

Colleagues, Your Honour, our rule on time allocation is clear. It was put in place with the agreement of the Senate and in accordance with the reality of there no longer being a government caucus or a government leader who identifies as being affiliated with the governing party. This isn't a holdover rule that hadn't had time to change. We've made changes to reflect that it is no longer a chamber of political caucuses only.

If the government is allowed now to invoke time allocation, we are allowing the government to set the rules in this chamber with no barriers. I don't just think it's out of order; I would go so far as to say it is a breach of our privilege and a breach of the principles in this institution, which is we respect the rules of Parliament.

Even if you and everyone else in this chamber believes the government leader should be allowed to invoke time allocation regardless of their affiliation or lack thereof, that is a rule change that should not be decided in this manner. There are proper procedures. We can send this to the Rules Committee to be properly studied and allow that committee to report back to the chamber and follow the rules of Parliament.

In doing this now, the government is placing the Speaker as well, as my honourable colleague Senator Plett said, in a very untenable position. It is not his role to write or to overturn the Rules, Senator Gold, especially at the whim of someone from the other chamber — the Prime Minister — who is enforcing rule changes in this institution.

At the end of the day, Senator Gold, the Prime Minister has appointed a majority of senators in this chamber whose rhetoric fits the government's. They articulate the government positions, they vote overwhelmingly for the government positions. We fund right now the leadership of the government in this chamber even though it has denied for seven and a half years that they are the government until, of course, today you have embraced government, so I don't understand why this peekaboo charade continues to go on in this institution.

If it does — if there is a genuine willingness for independence — let's show it and make sure that we don't trample over the basic written Rules because this is a place of lawmaking, Your Honour. And if we as a place of lawmakers don't respect our own Rules, how in the world are we going to have any legitimacy as an institution in the eyes of Canadians?

Thank you, Your Honour.

The Hon. the Speaker: Senators, we have now reached 90 minutes of debate on this very important point of order that was raised by Senator Plett. I have four other speakers that we're going to hear from — Senator Saint-Germain, Senator Batters, Senator Dalphond and Senator Cotter — but I would caution senators that a number of important points have already been made more than once and repetition of those points is not really adding much to the debate.

Hon. Raymonde Saint-Germain: Honourable senators, I will make my comments complementary to those of Senator Gold, with whom I fully agree.

My first point will be to the last point of Senator Plett, which is that this chamber has no government leader.

I believe that we have passed the stage where this objection is valid. I do believe that it should have been raised at the earliest possibility, which would have been either November 2015, or, at the very least, at the beginning of this current Parliament, because Senator Plett and Senator Housakos and many colleagues here have each and every day called Senator Gold "government leader," and obviously it is clear that Senator Gold is the Government Representative and that he holds the powers and responsibilities prescribed in our rules to the Leader of the Government. The precedent has been set and it is now part of our parliamentary conventions.

Furthermore, the Parliament of Canada Act — the PCA — which defines the rules, customs and regulations of the Parliament of Canada itself, has been amended and now recognizes on the same level the senator occupying the position of Leader of the Government in the Senate or Government Representative in the Senate. The definition of the Leader of the Government in the Senate in the companion of our Rules is as follows:

> The Senator who acts as the head of the Senators belonging to the Government party. In modern practice, the Government Leader is also a member of Cabinet. The full title of the Government Leader is "Leader of the Government in the Senate."

Senator Gold is regularly treated as the Leader of the Government. He is afforded unlimited speaking time. Senator Gagné regularly exercises powers vested in the government leader and deputy leader position.

There is no doubt that Senator Gold is the head of the senators belonging to the government party. The PCA has been amended. His title is now recognized and the PCA has precedence over the *Rules of the Senate* and obviously over the website of the Senate.

To the second point regarding negotiations, I concur with Senator Gold. I have been, as have my other leaders colleagues, participating in the leaders' meeting and it is clear that there have been offers and attempts to negotiate further to this message. I won't refer to previous negotiations where all leaders agreed when we signed gentlepersons' agreements, but this time it was clear there were attempts. I was not witnessing the bilateral meetings between Senator Plett and Senator Gold, obviously, but to that point, I'd like to refer you to a ruling by Speaker Kinsella on September 20, 2000, further to a point of order raised by the then-deputy leader.

Senator Kinsella ruled:

> . . . the deputy leader has stated that an agreement has not been reached. I have no means of knowing whether an agreement will be reached. All I have before me is a motion stating that if they have reached no agreement at this point, the rule has been followed and the terms have been set out. Therefore, I rule that the point of order is not valid.

I do believe, Speaker, that you are in the same type of situation, because as the Speaker of the Senate, you are not part of our negotiations. You are not part of our meetings. It is not your role to read our emails, our texts or to listen to all of our conversations.

• (1700)

Your role is to be given a motion indicating that there has been a failure to agree to allocate time to conclude and adjourn debate, and this is why, on this ruling, I refer you to Speaker Kinsella's ruling on September 20, 2000.

On another point, it is clear, even from the Leader of the Opposition's comments, that there have been efforts to modernize the *Rules of the Senate of Canada* to reflect the practices of the Senate. There are 14 instances of "recognized parties" or "parties" in the *Rules of the Senate*. The only place this is not followed by the words "recognized parliamentary group" is pertaining to time allocation. I do not believe it is the intent of the Senate to render the entire sections on time allocation entirely inoperable by this inadvertent omission.

Again, I reiterate that the point of order regarding the status of the Government Representative should have been raised sooner, at the first opportunity, which is very far from us, either at the end of the year in 2015 or at the beginning of the next Parliament.

Thank you.

Hon. Denise Batters: Your Honour, I rise to speak in support of Senator Plett's point of order.

As has been mentioned, the employment of the Senate rule in question, rule 7-2, requires two triggers: One, the Leader of the Government must consult with the representatives of the recognized parties; and, two, the "representatives of the recognized parties" must have failed to come to an agreement to allocate time to conclude a debate.

In the case of Senator Gold's motion of time allocation without agreement, neither of these criteria were fulfilled. "Recognized parties" is not a synonym for "recognized groups." The *Rules of the Senate* define "recognized parties," as we have already heard a couple of times before, as:

> . . . composed of at least nine senators who are members of the same political party, which is registered under the *Canada Elections Act,* or has been registered under the Act within the past 15 years.

Clearly, of the five parliamentary groups currently in the Senate, only the opposition Conservative Party of Canada caucus qualifies as a recognized party under that definition.

As Senator Plett has stated, Senator Gold did not consult the Conservative opposition seeking agreement on a timeline for the conclusion of the debate on the Bill C-11 message. Therefore, the first criterion was not met.

Whether Senator Gold approached other parliamentary groups seeking consent would be immaterial. If he did not seek agreement with our Senate Conservative caucus leader, Senator Gold did not fulfill the clearly prescribed dictates of that Senate rule.

Furthermore, since he did not consult with Senator Plett — the representative of the only "recognized party" in the Senate — Senator Gold cannot correctly state that there is "no agreement on time allocation," as per rule 7-2(2), and he cannot then, in turn, properly move a motion to allocate time.

Although Speakers in the past have declined to rule on the nature, the quality or quantity of consultations between parties on time allocation, certainly there must still be some sort of an approach to seek agreement before the government leader can announce that the recognized parties have failed to agree, thereby engaging the rule. Otherwise, the rule is completely meaningless. The government could just impose time allocation whenever it wants, without the need for rules governing the process.

In parliamentary terms, time allocation is about as serious as it gets. It drops the guillotine on debate, the most precious of our democratic freedoms in this place. It would be absurd if the rules regarding its usage were meaningless. Clearly, this is not what was intended.

In 2014, in the shadow of the Senate expenses scandal, the then third party Liberal leader Justin Trudeau chose to sever the Senate Liberal caucus's ties to the Liberal Party of Canada for his political expediency. During the 2015 election, Trudeau proposed his new independent Senate model.

When the Liberals became government after that election, he put that plan into action, with Peter Harder as his transition team head. Since then, the Trudeau government has gone to great

lengths to make it clear that Prime Minister Trudeau's new Senate appointments are not affiliated in any way with the Liberal Party. They are to be "independent" and "non-partisan."

They frequently claim that the Senate government leader is distanced from any partisan ties. The Government Representative Office, or GRO, now only has a caucus of three.

Given this, I contend that the members of the Government Representative Office, including the Government Representative himself, would also not qualify as "representatives of the recognized parties" and, therefore, that he would be precluded from moving time allocation at all.

It is important to closely consider the wording of rule 7-2(2). The *Cambridge Dictionary* defines "agreement" as "a decision or arrangement, often formal and written, between two or more groups or people."

Therefore, it is not possible to have an agreement of one representative alone — in this case, Senator Plett. Nor is the term "recognized party" in Senate rule 7-2(2) indicative of an entity who is party to a contractual legal arrangement.

In the political institution of the Senate, "recognized party" states affiliation with a political party, as specifically identified in the Appendix of the *Rules of the Senate.*

Time and again, the Government's Representative in the Senate has assured us of the GRO's lack of partisan attachments. The three members of the GRO caucus identify their political affiliation as "non-affiliated," including on the Senate website, in the Senate Chamber and committee broadcasts as well as on the Government Representative Office's web page.

There, among the "Frequently Asked Questions," a heading asks, "Why are the members of the GRO listed as non-affiliated rather than as members of a party?"

The answer states:

> The governing party's caucus in the House of Commons does not caucus with Senators, a decision that was made to reduce partisanship and increase independence in the Senate.

The government members of the Senate have intentionally not aligned themselves with the Liberal government's registered party. They can't turn around and piggyback on it now for the purpose of shutting down debate on the most controversial legislation.

Prime Minister Justin Trudeau established the new Senate appointment system this way intentionally, in an attempt to distance the Liberal Party and his Liberal government from the Senate expenses scandal. When he first appointed senators under this new system, the Prime Minister proclaimed it in his 2016 press release:

> The Senate appointments I have announced today will help advance the important objective to transform the Senate into a less partisan and more independent institution . . . by removing the element of partisanship, and ensuring that the interests of Canadians are placed before political allegiances.

Prime Minister Trudeau's then-government leader in the House of Commons, Dominic LeBlanc, said when announcing the changes to the Senate appointment system in December 2015 — and please forgive the rough translation:

> As the Minister noted, the appointment of the first non-partisan senators will revitalize the Senate and help change the tone in early 2016. More independent senators will join their ranks later in the next year. The government is pleased to facilitate this change by appointing its representative to the Senate from the ranks of new non-partisan recruits.

Minister LeBlanc continued in English:

> The government looks forward to leading this change by appointing one of the new independent Senators to be appointed, as my colleague said, hopefully very early in the New Year to be the government representative in the Senate.

When he appeared with the then Minister of Democratic Institutions Maryam Monsef at the Senate Rules Committee in February 2016, House leader LeBlanc reiterated:

> We will be appointing a government representative from amongst these first five independent senators appointed under this new process. This senator will act as the government representative in your chamber . . . . However, unlike perhaps a traditional government leader function, this individual will not be bound by party or political ties, as has been the case in the past.

The Trudeau government's clear intent was that new appointees, including even the individual chosen to fill the role of the Leader of the Government in the Senate, would be divorced from their official Liberal Party of Canada affiliation.

In fact, the very first of the assessment criteria listed on the Trudeau government's website for Senate appointees under "Merit-based criteria established by the Government" is entitled "Non-partisanship." It explains:

> Individuals must demonstrate to the Advisory Board that they have the ability to bring a perspective and contribution to the work of the Senate that is independent and non-partisan. . . .

Right from the start, and consistently throughout, the Trudeau government has trumpeted non-partisanship as fundamental to its new Senate appointment process.

The first self-styled "Government Representative," Senator Peter Harder, spoke often of his distance from Liberal partisan ties. When he appeared before the Senate Modernization Committee in September 2016, Senator Harder testified:

> I believe that my task is not to be affiliated with a particular party or caucus or partisan identification . . . .

He also said:

> . . . I would compliment Prime Minister Trudeau for the initiative that he has taken both . . . in providing an arms-length independent nomination process . . . and to have removed his party caucus from the national caucus, by underscoring the institutional independence of our chamber versus the other chamber, by appointing a representative, not a leader, who is independent in origin, not partisan . . . .

• (1710)

In his maiden speech in the Senate in April 2016, Senator Harder stated:

> Unlike any . . . past Leader of the Government in the Senate, I sit as an independent. I do not belong to any political caucus. . . .
>
> To fulfill my duties, I do not need to be a member of a political party and will not be a member of a national caucus or any political caucus.

When he appeared before the Senate's Internal Economy Committee in April 2016 to request funding for the Government Representative Office, I asked Senator Harder if he intended to ask the new Trudeau-appointed senators to form a government caucus. This was his answer:

> Absolutely not. It's not my job to form a caucus or to direct independent senators in a particular organized fashion.

Senator Harder further asserted the government's break with its partisanship in his April 2018 discussion paper.

He wrote:

> The current Government's approach to the Senate seeks, through the removal of a party-affiliated government caucus and the appointment of independent senators who have no personal stake in the election of a political party, to foster the conditions that will allow the Senate to leverage its unique qualities and demonstrate to Canadians its value as a complementary body of sober second thought.

In 2019, the Government Representative Office released a progress report on the new Trudeau Senate. It noted:

> A crucial difference between the new and the old system is underscored by the absence of party discipline directed to independent Senators on voting and other legislative matters. Previously, Senators largely accepted direction on how to vote from party leadership. This is still the case with Conservative Senators. In contrast, independent Senators (whether they are unaffiliated, members of the Independent Senators Group or the Independent Senate Liberals) are not directed how to vote and do not coordinate partisan strategy with Members of Parliament. . . .

The Government Representative Office also stated:

> Of the three Senate groups — the ISG, the Independent Senate Liberals and the Conservatives — only the 29 Conservative Senators continue to sit as members of a national political caucus, devoted to the election of their House of Commons colleagues. . . .

It is obvious that the Trudeau government regards the Conservative senators as the only recognized party in the chamber. This did not change once the independent senate liberals morphed into the Progressive Senate Group, or PSG, nor with the birth of the Canadian Senators Group, or CSG, comprised of senators who had come from the Conservative and what used to be the Liberal caucus. As we know, they have since been joined by some Trudeau-appointed independent senators as well, but the CSG proudly proclaims freedom from party affiliation.

Senator Gold, who would later go on to be the second Government Representative, said of partisanship in 2017 that:

> . . . it has taken on a particular importance because of the arrival of a new group of senators, of which I am one, who are not affiliated with any political party, who are not members of a political caucus and who define ourselves as non-partisan.

Just last fall, Senator Gold reflected on his distance from partisan ties in the role as the second Government Representative in the Senate. He said during a meeting of our Senate Rules Committee in October 2022 that:

> My ability to have unlimited speaking time has been an important tool that I've had to use, and my predecessor as well . . . . It's rather important, even more important than it was, maybe, because I don't have a caucus to control.

At a November 2022 Senate Rules Committee meeting, Senator Gold reiterated his freedom from political ties to the government. He said:

> . . . this government, which I have the privilege of representing, made a decision and a choice to disconnect the Senate from the control of the government at the time and, in that regard, to seek to establish more independence and less partisanship. Yes, the consequence of that is that I don't have a caucus and I don't control votes. That is a decision of this government . . .

The Trudeau government first proposed changing the Parliament of Canada Act to reflect this new non-partisan reality in the Senate via their Bill S-4. In May 2021, when I questioned

the Trudeau government house leader Dominic LeBlanc at the Committee of the Whole on why the government neglected to define the new roles in this legislation, he replied:

> . . . the Senate is perfectly capable itself to define those roles in their own rules and for the people who are ultimately appointed to those functions to decide in collaboration with different groups in the Senate and their colleagues in a particular group, for example, the kind of roles that they want to undertake and the work that they want to do. We didn't think it would be particularly prescriptive to have job descriptions or lists of particular functions. . . .

Bill S-4 and its successor, Bill S-2, also aimed to change the Emergencies Act provision regarding the composition of the parliamentary review committee. Under the existing Emergencies Act provisions at the time, the committee was to be comprised of at least one member from each recognized party in the House of Commons and:

> . . . at least one senator from each party in the Senate that is represented on the committee by a member of the House of Commons.

Only the Senate Conservative caucus qualified for a seat on the committee according to this party-affiliated definition. As a result, there is no representation from the Government Representative Office on this committee currently sitting. The Senate leaders had to strike a deal to allow for the inclusion of representation from the Independent Senators Group — ISG — PSG, and CSG when the review committee began its work in March 2022, as these groups were not affiliated with the party leader.

The provision of the Emergencies Act governing review committee membership did not officially change to allow these non-partisan Senate groups until it was passed in the Budget Implementation Act — Bill C-19 — at the end of June 2022. Similarly, the only recognized party in the existing *Rules of the Senate* is also the Conservative opposition caucus, representing the Conservative Party of Canada, the party of the official opposition in the House of Commons.

Last fall, at Rules Committee in the Senate, Senators carefully considered the rules triggering time allocation. Many of the leaders of the parliamentary groups were present at those meetings, including Government Representative Marc Gold. Some participants pushed hard to change the Rules to also include parliamentary groups in the required agreement for time allocation. However, no consensus on the matter was reached and therefore the existing Senate rule stands, requiring only an agreement of recognized parties.

We can also look to the rules governing time allocation in the House of Commons for further clarification. Standing Order 78(1) is the rule governing a motion for time allocation after reaching agreement with ". . . representatives of all parties. . . ."

Notably, Beauchesne's *Parliamentary Rules and Forms* notes at page 162 that, "[t]he wording 'representatives of the parties' in Standing Order 78 does not include independent Members." Further, the House can also give us guidance on the requirement for consultation before the government invokes time allocation. I refer to the same *House of Commons Procedure and Practice* quote that Senator Plett referred to regarding bringing the parties together to negotiate. There would be no "bringing the parties together to negotiate" if the government were not required to consult the other party members first.

In closing, Your Honour, I urge you to find Senator Gold's motion invoking time allocation on the Bill C-11 message out of order. He did not approach our Conservative Senate leader, the representative of the Senate's only recognized party, seeking agreement for ending debate, and Senator Gold therefore could not have failed to reach agreement for time allocation as he indicated to the Senate in his motion.

Furthermore, the Senate government leader cannot be the Schrödinger's cat of the Senate, tied to the governing Liberal Party for the purposes of representing a recognized party under Senate rules while simultaneously claiming independence from all political affiliation. For seven and a half years, the Liberal government and both Senate Government Representatives have been adamant that there is no partisan tie. Therefore, I submit that it is out of order for Senator Gold to bring a motion of time allocation at all.

Thank you.

Hon. Pierre J. Dalphond: Honourable senators, I'm the fourth or fifth one to speak, but I promise I'll be the shortest one.

I understand that Senator Plett's point is about the prior right or entitlement to have Senator Gold enter into some negotiation with him before moving motions on rule 7-2(1), and it is his right to have you check if this prior right was complied with. With respect, I disagree with this thesis, and I will briefly explain why, relying on the Rules and the previous ruling made by Senator Molgat that Senator Saint-Germain as well as Senator Plett have referred to.

Chapter Seven of the *Rules of the Senate*, on time allocation, provides that only the "Leader or the Deputy Leader of the Government" may propose a motion for time allocation. Chapter Seven contemplates two situations: the Leader of the Government or the Deputy Leader of the Government moves the motion with the agreement of the representatives of the recognized parties or groups or without such an agreement. Nowhere in the Rules is there a duty or obligation for the Leader of the Government to attempt to come to an agreement with the representatives of the other groups on the time frame prior to introducing a motion without an agreement.

A government representative may always choose to proceed without an agreement if he or she determines that to obtain one would be impossible. But it comes at a price. A debate might follow that will last for two and a half hours, whereas if the motion is moved further to an agreement, the question has to be put immediately, without debate or amendment, as stated in rule 7-1(3).

• (1720)

When the Government Representative in the Senate chooses to proceed without an agreement, this matter is straightforward — procedurally — as the point at issue is the occurrence of a

statement of disagreement, rather than an invitation to conduct a factual inquiry about the likelihood of an agreement, most likely involving the disclosure of confidential discussions.

Your Honour, to state that, I rely upon the ruling on a point of order made by one of your predecessors, Speaker Molgat, on September 20, 2000, referred to by Senator Plett and Senator Saint-Germain, but I will read it again because I don't think the true meaning is what Senator Plett pretends it is:

> Insofar as the point raised by the Honourable Senator Kinsella is concerned, I refer specifically to rule 39(1), which simply states that if "the Deputy Leader of the Government in the Senate, from his or her place in the Senate, may state that the representatives of the parties have failed to agree to allocate a specified number of days or hours," that allows the deputy leader to give notice.
>
> Honourable senators, the deputy leader has stated that an agreement has not been reached. I have no means of knowing whether an agreement will be reached. All I have before me is a motion stating that if they have reached no agreement at this point, the rule has been followed and the terms have been set out. Therefore, I rule that the point of order is not valid.

The validity of that ruling is confirmed by the French text of our rule 7-2(1):

[*Translation*]

This rule indicates that the leader or deputy leader may "state that the representatives of the recognized parties have failed to agree." It is a simple statement of fact. The parties could not agree.

[*English*]

In the alternative, Your Honour, assuming that our Rules require you to enter into an inquiry about the potential of an agreement about time allocation — and I don't believe they do — let me add that such a prior step doesn't have to be attempted when an agreement appears impossible. In law, there is this well-known principle: "To the impossible, no one is bound."

In this present case, Senator Gold, the Government Representative — who is always called the Leader of the Government by the Conservative group — has decided to move a motion for time allocation without the agreement of the representative of the Conservative group, being of the opinion that such agreement is impossible. That conclusion is so reasonable that it cannot be disputed — at least not seriously. The Conservative group had moved an amendment and, a few minutes later, an amendment to that amendment in order to force two additional separate debates on top of the motion of Senator Gold in response to the message from the House of Commons. In addition, there were various votes to adjourn the debate, including a one-hour bell each time rather than a shorter period, which were forced upon us.

In other words, senators of the Conservative group have shown clearly that they want to prolong the debate as much as possible, and no time limit is acceptable in their view. In such a context, Your Honour, it is clear to me that the Government Representative, Senator Gold, can state without any hesitation that the representative of the Conservative Party in the Senate has shown that an agreement to allocate time is not acceptable to them and, therefore, no agreement is possible.

Otherwise, the only way to conclude would be for Senator Plett to stand up today and state that he agrees with the motion to allocate six hours to debate the message from the other place. Then, if the representatives of the other groups were also to agree, the question would be put to an allocation of time, without debate or amendment, as stated in rule 7-1(3).

But, obviously, this is not what the Conservative senators are asking for.

Finally, I will speak about the attempt to distinguish between the Office of the Leader of the Government and the Office of the Government Representative in the Senate. A lot is said about the Appendix to our Rules — that's interesting, but let's start with the basic principles of law. First, there is the Constitution, and we cannot derogate from this. Second, there are laws adopted by Parliament; we cannot derogate from those. Our Rules must be read according to the laws that apply to us and the ultimate law: the Constitution.

The Parliament of Canada Act provides, after its amendment in 2022, at section 62.4(1):

> Despite section 62.3, beginning on July 1, 2022 there shall be paid to the following senators the following additional annual allowances:
>
> (a) the senator occupying the position of Leader of the Government in the Senate or Government Representative in the Senate, unless he or she is in receipt of a salary under the *Salaries Act*, $90,500 . . . .

Your Honour, it's interesting to read that piece of legislation. The first position that is referred to in this provision is in paragraph (a), and it refers to the position of "Leader of the Government in the Senate or Government Representative in the Senate." For Parliament, this is the same position, and it occurs at the same place in the Parliament of Canada Act. Moreover, it comes with the same salary. Why? It is because it discharges the same functions. It is so clear to me that I don't even have to quote from *Rizzo & Rizzo Shoes Ltd*. — the Supreme Court case that says that if an interpretation raised yields to an absurd conclusion, that is an interpretation that the court cannot retain.

That is exactly what we are asked to do today.

I object to that, and I will say that it will not live long in a courthouse. Since we're talking about an act of Parliament, I submit to you, Your Honour, that you are in the same position as a judge: You must give a proper interpretation, and a reasonable one, to this piece of legislation. What has been proposed is nothing but unreasonable; it is unreasonable all the way.

If it walks like a duck and if it quacks like a duck, it is a duck.

That is what we have before us, Your Honour. This point of order is really against all interpretations of our Rules and cannot be accepted.

Thank you very much, Your Honour. Thank you. *Meegwetch*.

Hon. Brent Cotter: Your Honour, I didn't have the time that others had to plan their submissions on this matter. I will be brief and focus exclusively on inviting your approach regarding the interpretation of this question.

Senator Plett offered a strongly literal interpretation of the Rules on this question — so literal that he was even charmed by the absurdity of one or two of his own points. I confess that I was charmed as well and chuckled over in this corner.

Senator Gold, as part of his response, offered a literal interpretation as well. It was one literal interpretation duelling another, which suggests, "All I have to do is state a thing." Now, that might be literally true, but I much prefer the observations of Senator Dalphond that there has to be something reasonable on that basis. Your Honour, I would invite you — on those questions — to reject each of those points.

Your Honour, I think it would not honour the institution of the Senate for you to apply a purely literal interpretation. As I think Senator Dalphond identified, you are an arbiter of the statutory interpretation of this question. I want to quote a passage from the same case that Senator Gold referred to. With the greatest respect, I think it is a better passage that makes this point; it also makes the same point that Senator Dalphond articulated.

• (1730)

This is a quote from a case called *Rizzo & Rizzo Shoes Ltd.* in the Supreme Court of Canada by a highly respected, not particularly — let me just say a highly respected judge, Justice Iacobucci. This case is often referred to as the leading case of statutory interpretation in Canada on the subject of absurdity. This is what Justice Iacobucci had to say:

> It is a well established principle of statutory interpretation that the legislature does not intend to produce absurd consequences.

— in my view, the gutting of Senator Gold's role on this question —

> . . . an interpretation can be considered absurd if it leads to ridiculous or frivolous consequences, if it is extremely unreasonable or inequitable, if it is illogical or incoherent, or if it is incompatible with other provisions or with the object of the legislative enactment . . . .

Let me go further in reference to the leading commentator on the subject of statutory interpretation, somebody by the name of Sullivan:

> Sullivan echoes these comments noting that a label of absurdity can be attached to interpretations which defeat the purpose of a statute or render some aspect of it pointless or futile . . . .

I think that is exactly what is being advanced in this case. I think Senator Gold's main argument, with which I agree, is that the substantive, purposive interpretation is what is called for here. I endorse that point of view, and I urge it upon yourself as Speaker in this ruling. Thank you very much.

Some Hon. Senators: Hear, hear.

[*Translation*]

Hon. Claude Carignan: I want to take up Senator Dalphond's and Senator Cotter's point. One of them said that if an interpretation yields an absurd conclusion, then it is the wrong conclusion. Senator Cotter talked about absurd interpretations that are illogical or incompatible with the object.

Rule 7-1 provides for two situations: with agreement or without agreement. With agreement, we sit down, we negotiate as is the custom and as often happened when I was leader of the government. The other situation is when there is no agreement. The rule that addresses the absence of agreement states the following:

> **7-2(1)** At any time during a sitting, the Leader or the Deputy Leader of the Government may state that the representatives of the recognized parties have failed to agree to allocate time . . . .

I repeat, the leader may state "that the representatives of the recognized parties have failed to agree." The interpretation being given here is that they don't need to talk to each other, that they don't even need to attempt a discussion before announcing their lack of agreement. That seems illogical to me. It seems to defeat the purpose of rule 7-2(1), which specifically provides that when the leader stands up, they must state that they have had a discussion, that they have made an attempt to come to an agreement — in this case with the Leader of the Opposition because that is the only recognized party — and that they haven't been able to reach an agreement. That's the very basis of rule 7-2.

As you know, the *Rules of the Senate*, we know them well, you know them well, I know them rather well having written them from start to finish in the French version — You surely remember the revision work we did to rewrite the rules. I was on the committee with Senator Joan Fraser and we reviewed the Rules section by section, ruling by ruling. In each situation, we talked about negotiating in good faith, and the Rules are there for the parties to talk to one another.

In fact, that's why, for private bills, we must negotiate. We must negotiate to move them forward. This part of the Rules was drafted in such a way as to promote negotiation. The way it is currently being interpreted, when there was no attempt to negotiate, that is called taking the other side by surprise. Indeed, when the notice was given, no one on this side expected it because there was no attempt at negotiation or discussion, which is essential if we want to follow the letter of rule 7-2 and the spirit of the Rules, according to which senators must try to conclude agreements and talk to one another. By all accounts, that's not what happened here.

I read the ruling by Speaker Molgat that Senator Kinsella raised, but there was at least some negotiation there. That is not the case here. This is the first day of debate and, quite frankly, when the debate was adjourned and Senator Gold gave notice, we were extremely surprised because there had been no discussion. In fact, I asked my leader if he'd been part of a discussion in that regard and he said that he hadn't.

Senators can't stand up and announce that there's no agreement if there hasn't been any discussion at all. That is essential for enforcing the Rules. Otherwise, we're giving the leader permission to lie. I know that's not a parliamentary word, but we're just having a discussion here. The leader could say that there was no agreement with the recognized parties and that would trigger the guillotine or time allocation motion. That is not the spirit of the Rules and that is not the custom and practice of the Senate.

That was previously my job, and that of Marjorie LeBreton before me, and I never saw notices of time allocation without any exchanges or any discussion. I documented these discussions and ensured that I had notes about the exchanges. These are the customs and practices that have governed the leaders of the government and the other recognized parties. There must have been exchanges before making such a statement. They cannot suddenly, the first day of the debate, make that kind of statement.

I submit this respectfully, Your Honour. I apologize for being late. I had some problems on the way here that delayed my arrival. I didn't hear all the other arguments, but I wanted to express my own this evening. Thank you.

[*English*]

Hon. Frances Lankin: A number of the points that are relevant to your decision and your ruling have been made. I won't repeat those. I will try to set a couple of more points on the record for both context and support for the proposition that Senator Gold has put forward — that your job is to interpret, and that there are some important "spirit of the Senate" rules and existing practices that we need to consider.

First, I would say this to Senator Carignan's point, and Senator Batters has raised this as well. Both of them have said categorically that there was no consultation and no discussion of when the message on Bill C-11 would come to a vote. I believe that not to be the case. I very specifically heard Senator Gold, in his own words, give us a chronology last week, which included a discussion both at scroll meetings and at leaders' meetings and a statement from Senator Plett that this will not be done by Friday, when that was clearly the intent put forward by the government at this point in time.

Therefore, I don't know how Senator Batters or Senator Carignan, other than what they have heard from their leader, would have any first-hand information on that. The information I have is from general discussions within our group on understanding how things are proceeding for the week. I clearly came away with the impression that those discussions were ongoing. I think you're not in a position to go beyond what the honourable senator has said. He made it very clear how those discussions took place last week.

• (1740)

The next thing I want to speak to is the issue of practices in this chamber. We've heard much about the fact that rule 7-2 hasn't been amended to specifically include, for example, the reference to recognized groups whereas other ones have. I would suggest to you that if you look back — and I think you would know this from rulings that you've made in this chamber in the past — that for some considerable months before any of the language was changed, we operated on a basis that had been arrived at as a consensus, let's say, in this chamber that we would, in fact, recognize the recognized groups, there would be facilitators and there would be people who would speak on rotation on bills and a range of things, which set the practice in place before the actual language was changed. I would ask you to keep this in mind because in the spirit of the Senate that we're moving towards, it's important that we can continue to move our understanding of how we operate with each other and what is in the best interest of Canadians in terms of how this Senate operates, and not get tied down at the Rules Committee, which everybody says is the committee where things go to die.

One of the reasons that things perhaps go to die there is because — and I heard it again in Senator Batters' statement and I heard it from my early days in the Rules Committee from Senator Frum over and over again — this is a consensus committee. Well, consensus does not mean that one group has a veto, and that's been the way it's operated. We have moved to practices, and those practices should be understood. The opposition caucus has clearly demonstrated its practice of negotiating with the leader representative of the Senate. They've clearly shown their respect for the powers and worked with the powers. Today, although I know they've been waiting for this motion to come along for a long time to raise this point of order, they now want to put forward another proposal.

Last, I want to speak about the context in which this is being raised. Senator Dalphond actually did that for me, so I'll just add to that. We are in a context of a clear dilatory use of the Rules for some time around trying to defeat this bill or stopping it from coming to a vote for many reasons. I don't need to become political in my analysis, but there are political reasons that I would warrant that are important to the opposition and I respect their exercise of their view of what's important. However, that context means that, in fact, this particular point of order — as the one last week that we heard — is, in fact, a dilatory use of the Rules. This is all about delay. It would be more than ironic; it would be, as people have said, an absurd outcome to see a dilatory use of the Rules attempt at delay to bring about an inability of the government to exercise its right to bring debate to a close at the end of time.

In response to Senator Plett's comment that the government is ramming this through, this is a bill that — let alone what happened in the House of Commons — in the Senate had 138 witnesses, four clause-by-clause considerations, 31 meetings, 67 hours and 30 minutes, pre-study, study and it goes on. The number of amendments that were debated was 73. The number of amendments that were adopted was 26. Those amendments were debated here at third reading, they went to the other place and we have a message back.

We are now at the very end of this process, which is just the message, and you can see the efforts that the opposition are going to, in my contextual argument, for further delay. I would argue that it would completely undermine the role of the Senate and our job to deal with government legislation as a priority. Thank you.

[*Translation*]

Hon. Renée Dupuis: Your Honour, I'd like to raise a point that hasn't been addressed so far. In your consideration of the point of order raised earlier today, I draw your attention to the fact that there is a discrepancy between the English and French versions of rule 7-2(1) of the *Rules of the Senate*.

In your consideration of this point of order, I'd like you to clarify this matter. In your interpretation of the question, I would like you to examine in particular the two different versions. The English version, which reads "have failed to agree," doesn't mean the same thing as the French version, which reads "n'ont pu se mettre d'accord pour fixer un délai."

I wanted to bring this to your attention. I don't want to take up any more of your time. Thank you.

[*English*]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I thank Senator Plett for raising this point of order. I thank all senators who have participated. It has been quite a lengthy and extensive debate. I understand from the table and from the scroll meeting this morning that there will not be an agreement not to see the clock. I'm wondering if we could have the consent of the Senate to suspend now until eight o'clock, which will give me some time to put together a lot of what I have heard today.

Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Agreed. The Senate will suspend until 8 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I am ready to rule on Senator Plett's point of order. Let me start by thanking all of you for your input on this important matter. Since this notice was given last Thursday, I have been reviewing a range of issues relating to our time allocation process, and my ruling is the result of my own reflection and your arguments.

I believe that there are, in essence, two issues involved in the point of order: first, the procedural requirement to indicate a lack of agreement; and, second, the fundamental issue of whether Senator Gold, as Government Representative, can initiate this process at all.

On the first point — the matter of agreement and consultations — rule 7-2(1) states that, "At any time during a sitting, the Leader or the Deputy Leader of the Government may state that the representatives of the recognized parties have failed to agree to allocate time to conclude an adjourned debate …" on an item of Government Business.

In terms of any requirements for consultations or agreement, the wording of rule 7-2(1) is quite specific. The test is whether there has been a failure to agree to allocate time. A ruling of September 20, 2000, dealt with this concern. Speaker Molgat noted that the senator making the statement must be taken at their word. The Speaker went on to say: "All I have before me is a motion stating that they have reached no agreement at this point, the rule has been followed and the terms have been set out." This was sufficient for debate on the time allocation motion to go ahead. The same analysis applies in the current case.

Having dealt with this initial issue, I will turn to the second concern in the point of order, which is the basic issue of whether Senator Gold can even initiate — or has a role in — the processes under Chapter 7 of the Rules.

As made clear in a ruling of May 19, 2016, regarding government positions in the Senate, Senator Gold, as Government Representative, is indeed Government Leader. The Government Representative routinely exercises the rights and responsibilities of that position.

Appendix I of the Rules defines the Government Leader as "The Senator who acts as the head of the Senators belonging to the Government party." The very definition of the Government Leader thus makes clear that the senator occupying that position has a role that is analogous to, if not equivalent of, that of a party leader.

Appendix I recognizes that the definitions it contains are inherently flexible and depend on context, specifically stating that the definitions are to be interpreted in light of circumstances. The procedures for time allocation, which were introduced into the Rules in 1991, exist to allow the government the option of requesting, when it thinks appropriate, that the Senate agree to set limits to the duration of debate on an item of Government Business.

In light of the basic objective of the time allocation process, and the definitions in the Rules, it is appropriate that Senator Gold can play the role envisioned in Chapter 7 for the Government Leader.

It is also important to underscore that the government is not able to unilaterally impose time allocation on the Senate. Time allocation is proposed by the government, and the Senate itself must agree, or not, to the motion. Allowing the motion to go forward can, therefore, be understood as broadening the range of options open to the Senate. The government would have to

explain and defend its proposal, which senators can then accept or reject. If senators reject the government's proposal, debate continues according to normal practices.

In summary, honourable senators, the intent of Chapter 7 favours allowing debate on Senator Gold's proposal to continue, which would widen the range of choices available to the Senate, and fits within the definitions contained in our Rules. The ruling is, therefore, that the motion is in order and debate can continue.

Hon. Donald Neil Plett (Leader of the Opposition): This is truly a dark day for the Senate of Canada.

With respect, Your Honour, you said that the government leader says — or you refer to belonging to the government party. Senator Gold, of course, does not belong to the government party. By his own admission, he doesn't belong to the government party.

I am extremely disappointed that this ruling would have come down without it being in writing. Clearly, this was — please, senators. I respect your right to your opinion. Have respect for mine. Except for yours, possibly. I'm getting a little tired.

Your Honour, I have the utmost respect for you, even though I may struggle with respect for others, but I want to have the utmost respect for this chamber and everybody here. And just because we, as the opposition, have a role to play as the opposition, which Senator Lankin has been a part of and, when she was a member of the opposition, did what this opposition party does, and she has a very short memory.

Senator Lankin: I never said —

Senator Plett: Nevertheless, Your Honour, I have the utmost respect for you personally. I said I would try to respect your ruling. I will. However, at this point I will also exercise my right, Your Honour, and with the highest deference to your position, I find it sad that just weeks before your retirement, you have been put into a position that I personally don't believe — would you like to speak, Senator Lankin? I will sit down and give you the floor.

Senator Lankin: To speak on your behalf? Absolutely.

Senator Plett: You would speak on my behalf. And you will put —

Your Honour, I ask that Senator Lankin refrain from interrupting me while I am speaking. I think this is a serious issue. She may not.

Your Honour, I have the utmost respect for you personally. I have the utmost respect for the position you have been put in and that you should not have been put in. I understand why you are in this position, Your Honour. I understand the pressures that you have been put under. You and I will leave this chamber tonight as friends, respecting each other. I will be your friend when you retire, and I will wish you all the best. But today, Your Honour, I find it necessary that, pursuant to Rule 2-5(3), I do wish to appeal your ruling.

An Hon. Senator: Shame.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, order, please.

Some Hon. Senators: Shame on you.

Senator Plett: Shame on you.

The Hon. the Speaker: Order, please. Honourable senators, the question is as follows:

Shall the Speaker's ruling be sustained? All those in favour of the Speaker's ruling will please say "yea."

• (2010)

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

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

An Hon. Senator: One hour.

The Hon. the Speaker: The vote will take place at 9:10 p.m. Call in the senators.

• (2110)

Speaker's ruling adopted on the following division:

YEAS
THE HONOURABLE SENATORS

Arnot	Gold
Audette	Greenwood
Bellemare	Harder
Bernard	Hartling
Boehm	Klyne
Boniface	Kutcher
Bovey	LaBoucane-Benson
Burey	Lankin
Busson	Loffreda
Cardozo	Marwah
Clement	Massicotte
Cordy	McCallum
Cormier	McPhedran
Cotter	Mégie
Coyle	Miville-Dechêne
Dagenais	Omidvar
Dalphond	Osler

Dasko	Pate
Deacon (*Nova Scotia*)	Patterson (*Ontario*)
Deacon (*Ontario*)	Ravalia
Dean	Ringuette
Dupuis	Saint-Germain
Forest	Smith
Gagné	Sorensen
Gerba	Woo
Gignac	Yussuff—52

NAYS
THE HONOURABLE SENATORS

Ataullahjan	Martin
Batters	Oh
Carignan	Plett
Housakos	Poirier
MacDonald	Richards
Marshall	Seidman—12

ABSTENTIONS
THE HONOURABLE SENATORS

Quinn	Verner
Tannas	Wallin—4

POINT OF ORDER

SPEAKER'S RULING RESERVED

Hon. Leo Housakos (Acting Deputy Leader of the Opposition): I rise on a point of order calling upon rule 2-9(1) and rule 2-9(2) in Chapter Two of the *Rules of the Senate*. My point of order, Your Honour, deals with a Senate intervention that has, in my opinion, created a dispute between two senators. During the course of debate in this chamber, we have a senator who, in my opinion, was maligned and injured. In particular, that is covered under rule 2-9(2).

Your Honour, throughout the years that I've been in this chamber — now going on my fifteenth year — I have never seen this degree of partisanship and vicious personal attacks, which I've seen over the last little while. This is a place of Parliament. We've had some very acrimonious debates throughout the years. I sat in that chair as Speaker when many of those acrimonious debates took place between the government on one side and the opposition on the other. Let me tell you, there weren't any doves in the Liberal opposition at the time. There were some fierce debaters — people like Senator Mercer, Senator Fraser and Senator Mitchell. Senator Cordy, at the time, was pretty good at doing her job as the official opposition.

We would sit late into the month of June, and we would have the opposition doing what they thought they needed to do on behalf of Canadians. We had the majority in this chamber, at the time, doing what we thought we had a mandate to do by the elected people. Yet, at no point in time did we impugn motive. At no point in time did we accuse leaders of the official opposition of lying or misleading. That is what happened this evening, Your Honour.

We had a member of this chamber on their feet, whom the Speaker had recognized — an honourable member in this place — and in the heat of partisan political debate, we know there is heckling, and sometimes we get carried away, but I think it is wholly unacceptable to have a member of this chamber speak disparagingly of another member, particularly calling into question their integrity and stating that the point of order that this particular individual was articulating at the time was a lie.

I know you've recently undertaken deep reflection regarding what is parliamentary language and what isn't, Your Honour. I expect that we will have a ruling on that at the same speed that we had a ruling on how we use time allocation.

There has also been a tradition — and correct me if I am wrong, Your Honour — that when a colleague points disparagingly at another during debate, the Speaker would call them to order. That was the practice when I arrived here. That was the practice I exercised when I was the Speaker. I know, Your Honour, that you do grant us a great deal of latitude in debate and in the rules of this chamber, but I think it's incumbent, colleagues, on all of our parts here, that we can disagree on issues. We're not on the same side of the political spectrum, despite the fact that there is an overwhelming number here who are independent. The truth of the matter is we are on different sides of all the debates. That's our job. That's what we come here to do. We are here to do that vigorously.

• (2120)

I am one who loves vigorous debate. I love engaging in vigorous debate, but I also encourage vigorous debate back and a clash of ideas. If I cross that line, I expect the Speaker to call me to order, and I will be the first to apologize if I ever impugn the motive of any individual in this place, or if I ever show behaviour that is unbecoming of a senator.

I rise with hesitation, Your Honour. Going forward, if we don't calm the temperatures down and start respecting decorum and the basic rules of this institution, debate will continue to really slide down the slippery slope.

It's a point of order that's important, and I leave it with you, Your Honour, to do what you see fit with it.

Hon. Marc Gold (Government Representative in the Senate): Your Honour, just a point of clarification. Am I not correct that since your ruling was just upheld, we're actually now on debate on Motion No. 96? Am I correct?

The Hon. the Speaker: Senator Housakos rose on a point of order. I hadn't called you yet for debate.

Does any other senator wish to comment on Senator Housakos' point of order?

[*Translation*]

Hon. Claude Carignan: I agree with my colleague Senator Housakos. This chamber is an honourable place, an exemplary place in Canada where we debate respectfully. When we rise to express an opinion, present a point of view or, in this case, support a motion moved by the Leader of the Opposition, we expect our point of view to be listened to with respect. When the debate is over or the bells ring for a standing vote, we don't expect anyone to cross the aisle, come see us, point their finger at us and argue in an intimidating manner. As Senator Housakos said, I've never seen anything like it in 14 years.

We must show respect for each other. We must respect each other's opinions under the rules. We appealed your ruling. Honourable senators may not realize this, but your role is not the same as that of the Speaker of the House of Commons. Once the Speaker of the House of Commons delivers a ruling, it's final. However, the Speaker of the Senate is a senator like any other. He has the right to his opinion and we have the right to ours. That is why senators have the right to appeal a Speaker's ruling. The Speaker of the Senate is a senator like any other. He can even participate in debate and vote. The Speaker is a senator like any other and we have the right to express our disagreement without being threatened, intimidated or singled out. We must follow the rules. We must show respect for each other. We are an honourable chamber and we must behave in an honourable way in accordance with the rules of debate.

[*English*]

Senator Gold: On the point of order.

My apologies, colleagues. Members in the opposition have been heckling speakers — whether it's me or any members — for years and interrupting us when we try to speak. In this very debate, Senator Plett impugned my integrity. He said that I misled this chamber, which was not true. He said that I moved this for my own personal motives — "self-serving motives" was the term I believe he used. That is speaking very much to motives. It saddens me to have to rise to even remind this chamber of what we all heard.

I think that what happened after the vote is a matter that is something that grown-up parliamentarians can possibly tolerate. I do not think it rises to intimidation, as you have characterized it. In that regard, Your Honour, I hope that you can dispose of this point of order quickly.

This is just yet one other attempt by the opposition to delay proceedings, to deny us as senators our democratic right to pronounce on a bill that has been before us for a very long time. It's standing in the way of the Senate doing its job on behalf of Canadians. Thank you.

Hon. Donald Neil Plett (Leader of the Opposition): I was not going to rise on this point of order. I was going to let you make a ruling. For some reason the government leader — which he is now hopefully going to be styled as forever and a day, and we will certainly be making that request to Internal Economy that everything is changed here, that he is now the government leader, because, of course, in your ruling you styled him as such — but that's not what I'm speaking to.

Senator Gold just simply referenced my comments as somehow being relevant in this point of order. My comments that I made about Senator Gold were during my speech. He had the opportunity to debate those comments, and he did that forcefully and vigorously.

I said earlier today, Your Honour, I may not agree with Senate colleagues, but I will defend to the death your right to your opinion.

Senator Gold has an opinion of our conversation. I have a different opinion. I relayed to this chamber what my opinion was, and he relayed what his opinion was, and they were completely opposite. One of them clearly cannot be entirely correct, and the other one possibly entirely false. I'm not sure. I had an opinion of something, and he, according to what he is saying, had a different opinion.

That is not what this point of order at all, Your Honour, was related to. The exchange that Senator Gold and I had in this chamber was about a point of order that I legitimately raised on an issue that has been a long-festering issue for seven or eight years.

Senator Housakos and then Senator Carignan spoke to an issue that happened by other senators, not Senator Gold making disparaging comments possibly towards me. I take no exception to what Senator Gold said in any of his speech, and I hope he doesn't take exception to what I said. But I hope, Your Honour, that you will entirely ignore the comments that Senator Gold just made in regard to this point of order because they were entirely irrelevant to this point of order.

[*Translation*]

Hon. Raymonde Saint-Germain: I'm flummoxed by the reason for this point of order. As far as I'm concerned, we're referring to events that apparently took place today. My recollection is that while senators were speaking, several senators were commenting on the remarks from this side of the House. I have no recollection of having heard a derogatory remark or seen a threatening attitude, as was just said, by any senator before the sitting was suspended. In my opinion, if the Senate sitting is suspended, there's no reason to raise a point of order.

Hon. Julie Miville-Dechêne: I was very surprised by Senator Housakos' point of order and Senator Carignan's speech on the issue of respect. It is very rare on this side of the House — well, it doesn't happen.

During Question Period, from where I sit, I always hear, generally speaking, noises and comments that show a consistent lack of respect for Senator Gold's answers.

• (2130)

I'm telling you this because from where I am, I see everything. If there was some disrespect in the exchange that you're talking about — which I doubt — that is something we see every day in QP, absolutely.

[*English*]

The Hon. the Speaker: Honourable senators, the point of order that was raised by Senator Housakos and spoken to, so far, by two or three other colleagues is a very narrow point of order. I know we could be here for a much longer time listening to more comments, but I believe I've heard enough to take it under advisement. There is also an outstanding ruling which will be coming shortly pertaining to language in the chamber as well, but I believe I've heard enough for the night. Thank you, colleagues, for your input.

We return to debate on Motion No. 96.

ONLINE STREAMING BILL

TIME ALLOCATION—MOTION ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Gold, P.C., seconded by the Honourable Senator Gagné:
>
> That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for the consideration of the motion, as amended, to respond to the message from the House of Commons concerning the Senate's amendments to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I rise tonight to speak to Government Motion No. 96, which proposes to allocate a further six full hours of debate respecting the motion in response to the House's message to the Senate on Bill C-11.

Colleagues, I'm moving this motion out of a sense of duty, not one of pleasure, but I also move this motion firm in the conviction that the government has acted properly and with the utmost respect for the Senate's legislative process; firm in the conviction that we in the Government Representative Office, or GRO, have done so quite literally every step of the way; firm in the conviction that I am not proposing the curtailment of genuine debate; and firm in the conviction that it is necessary now to break through a clearly orchestrated pattern of deliberate obstruction so that we can finally move to a democratic vote.

The decision to apply time allocation to any item of government business is one I do not take lightly. I think I can say this with some credibility given that the GRO has not invoked time allocation before.

However, I am entirely comfortable that this is the responsible course of action before us. Tonight, I'm going to focus my remarks on two aspects of the issue that we in the GRO feel are important to underscore. First, I want to speak to the context and process that has brought us to this motion today. Second, I wish to address the mechanics of the motion and the purpose of Chapter Seven of our Rules, that is the chapter that provides for time allocation.

Let me begin with the context. Colleagues, in doing so, I want to bring you into my confidence. I want to share with you the reasoning behind several strategic decisions that we made in the GRO concerning the process around the study and debate of Bill C-11, including the exhaustive amount of time that this chamber has spent considering this bill.

Quite a long time ago, honourable senators, we in the GRO made the decision that, in dealing with this legislation, we would do our very best to try to shelter the work of the Senate from an overly charged, partisan political arena in the other place, and to try to do whatever we could to allow senators from all groups the opportunity to contribute constructively to the legislative process.

[*Translation*]

At the very beginning, as soon as the Senate received former Bill C-10, the bill's sponsor, Senator Dawson, and I were very clear with the government that the Senate was going to take as much time as necessary to study the bill.

Despite what might have been transpiring among the political parties in the House of Commons, we made sure that the Senate took all the time that was necessary — I think we kept our word and then some — as of May 2022, with our proposal to conduct a pre-study in the Senate.

[*English*]

On May 31, 2022, the Senate adopted a motion authorizing the Standing Senate Committee on Transport and Communications to undertake the pre-study on the subject matter of the bill. The committee was afforded all the necessary procedural authorities, including the ability to meet while the Senate was sitting or adjourned to maximize its time and ensure that a comprehensive work plan could be developed.

The committee did not hold its first meeting with witnesses until June 21, 2022, nearly three weeks after the original motion had been adopted. Having launched the pre-study, the GRO expended significant political capital at the highest level of government to secure the time that the Senate needed based upon a written agreement reached in June of last year with the Leader of the Opposition in this place, which was signed by all leaders, for a final third reading vote in November of 2022.

I have that agreement with me here today, colleagues, for anyone who might wish to confirm its authenticity. Paragraph 5 of the agreement stipulates:

> With respect to the Senate's consideration of Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts: [. . .] achievement of a 3rd reading Senate vote no later than Friday, November 18th, unless debate has collapsed earlier.

At the bottom of this agreement, one can see the signatures of Senators Tannas, Cordy, Saint-Germain and myself. It is also signed by Senator Plett, committing the Conservative Senate caucus in his capacity as leader of the official opposition.

As we all know, during the summer adjournment period, the Conservative Party of Canada selected a new leader. With that leadership, it was evident that the terms of the agreement would no longer be respected.

[*Translation*]

The bill was introduced at first reading in the Senate on June 21, 2022, so about eight months ago, and has been studied and debated extensively.

On September 21, 2022, the bill's sponsor, Senator Dawson, began the second reading debate, and the bill was either debated or continued for 12 legislative session days after that, finally passing second reading in the Senate on October 25, 2022.

Between the months of June and December 2022, the Standing Senate Committee on Transport and Communications held 31 meetings, including the pre-study and actual study of the bill, along with nine meetings for clause-by-clause study, for a total of 67 hours and 30 minutes.

[*English*]

The committee heard from nearly 140 witnesses from various backgrounds including traditional broadcasters and newer online platforms, leaders in the arts and cultural communities, academics and researchers, online content creators, Indigenous stakeholders, union leaders and government officials, as well as Canadians with disabilities and those in minority groups.

Throughout this process, I remained optimistic that the terms of the original agreement would be respected. However, while I do not know when the instruction was given to the opposition to break the Bill C-11 agreement, the Conservative leadership did not formally communicate to us that the agreement was no longer valid until very close to the November 18 deadline.

Colleagues, throughout the fall, I had regularly raised Bill C-11's timeline at the leadership table. For many weeks, we got evasive responses. We had heard rumours and speculations of a potential breach, but we continued to have faith in the signed agreement until the very end. But with no agreement in place in November, we accepted, very reluctantly, to give the Senate more time through December and into the new year.

Following our return from the Christmas break, the Senate adopted Bill C-11 at third reading on February 2, 2023.

• (2140)

Honourable colleagues, I want to be clear and unequivocal with you. I did not accept the additional time for the benefit of the official opposition who, by November, were engaging in a full-out filibuster at the committee.

We chose to come to the terms of a new agreement because that was the only pathway that would ensure that senators operating independently of partisan objectives, and with a genuine desire to seek improvements to the bill, would have a genuine opportunity to do so at the clause-by-clause stage. Time allocation would have punished not only the filibustering senators, but also those senators working constructively. We simply were not prepared to do that. We did not wish to do that and we did not do that.

As I said, our goal from the beginning on Bill C-11 was to ensure that the process itself could unfold in as non-partisan a way as is possible, and that senators would be able to do their jobs, the jobs for which we were summoned here to do. We delivered on this. With a new agreement in place, amendments and subamendments were pulled. We managed to complete the process properly. The amended bill was sent back to the other place on February 2, 2023.

After a month, colleagues, of careful consideration and due diligence by the government, it provided its response to the Senate's work by accepting 20 of the 26 amendments in total. It was sent back to this chamber with the support of the New Democratic Party and the Bloc Québécois.

That now brings us to the message before us. I want to stress, upon receipt of the message and in keeping with my role as Government Representative, I consulted with the leadership of all groups in good faith to try to implement a constructive timetable to consider Bill C-11 at the message stage.

Upon receipt of the message from the other place, I made my expectations very clear that the Senate ought to have a thorough debate that would have had us vote on the motion by the end of last week. That has been in line with the Senate's customary approach to the disposition of messages from the other place in a timely fashion.

Colleagues, let me put this in perspective for you. During the Forty-second and Forty-third Parliaments, the Senate spent an average of less than two sitting days debating messages from the House of Commons. That statistic includes several substantial and controversial bills, like Bill C-45, the Cannabis Act; Bill C-69 on environmental assessments; Bill C-48 on the oil tanker moratorium; Bill C-14 and Bill C-7 on medical assistance in dying and Bill C-6, which implemented immigration reforms, to name but a few.

Regrettably, despite this and the very strong precedent that has existed in terms of the times that we've devoted to messages at this stage of our process, I was neither able to yield an agreement on a vote by the end of last week, nor was I even provided with a hint of a signal on what the intentions were of the opposition, or on the numbers of speakers or amendments.

As I mentioned in an earlier speech today, colleagues, I raised this bilaterally with the Leader of the Opposition last week. It was made clear that there would be no agreement to get this resolved by the end of last week.

We also sought, as I mentioned as well, to have assurances on a similar timeline at our scroll discussions — again, radio silence, to no avail.

Instead, debate was adjourned by the opposition for two consecutive days last week without any speaker taking the floor. This is despite a full two-week break to prepare for debate, and the message from the House being public knowledge for more than a month.

It also is despite the fact that the Government Representative Office, or GRO, shared its procedural intentions in an open and transparent fashion with all Senate groups, including the text of the motion in response to the message and the text of a motion in amendment that was drafted in collaboration with Senator Tannas.

On Thursday, colleagues, we were treated to the all-too-familiar merry-go-round of amendment and subamendment, followed by another adjournment motion and a motion to adjourn the Senate, which took us into the night and disrupted other items of business that senators might have wished to address.

Had we decided to do nothing, colleagues, I suspect we would all be here today rinsing and repeating this sad, sorry state of affairs and sequence of events.

Colleagues, while I have tried to remain optimistic that common sense would prevail at this stage of the message, I'm not naive. I am not surprised given the public statements by the Leader of the Conservative Party urging senators to prevent this bill from passing.

The Leader of the Conservative Party in the other place in a video posted to Twitter on March 30 stated the following in relation to Bill C-11, after its adoption in the House of Commons:

> We have some real free speech warriors there, led by Leo Housakos, the great Spartan warrior, who held the thing up in the Senate for almost a year — a good part of the year. It's going back to the Senate right now. He's going to fight like hell to stop it from passing it.

This is in addition to an active website entitled KillBillC11.ca, authorized in the name of Conservative Member of Parliament Rachael Thomas which calls upon the Senate to defeat the bill despite being duly passed by the elected House of Commons.

Let us not be naive about the context before us. There is an ongoing effort to kill this bill and to prolong this process for as long as possible for the sole purpose of partisan advantage.

As the context I have described shows, the GRO has been constructive. The record will show that the Senate conducted a considerably thorough study and successfully made numerous amendments to the bill. We have done nothing to curtail debate.

As the context also shows, we have also been on the receiving end of broken promises and deliberate procedural gamesmanship. This is where Chapter Seven of our Rules comes in, and this is where I turn our attention now.

With respect to the time allocation motion before us, it is important that we understand and that Canadians who are watching us understand exactly what it is that I am proposing.

The motion would provide for an additional six hours of debate, after which the Senate will be able to vote democratically on the subamendment by Senator MacDonald, the amendment by Senator Plett and the main motion that I spoke to last week. I don't think there's anything abusive about this proposition. In practice, there is ample time for every senator in the opposition caucus to speak up to their maximum allotted time, with the Leader of the Opposition receiving up to 30 minutes to speak under this motion.

Under this motion, every member of the opposition, and all senators, have 10 minutes to speak to this phase of the process, and the Leader of the Opposition has 30 minutes. The time that we now have to debate gives ample opportunity for each and every opposition senator, and others, to speak. Now, during the time-allocated order — the six-hour debate — normal speaking times will apply as part of the six-hour debate.

Conceptually, it is important to be clear about the purpose of time allocation, because it is a tool that may be used abusively but that may also be used very legitimately in context where a chamber is prevented from reaching a decision.

Colleagues, I would argue that Chapter Seven of the *Rules of the Senate* was created for cases just like this one: cases where there is a history of dilatory tactics, cases where the objective has become delay for delay's sake, cases where the procedural intentions of a party are being withheld from colleagues and cases where there is an effort to kill legislation through procedural delay.

It's true: Time allocation gets a bad rap, and that's largely because of its heavy-handed use by successive majority governments to stifle genuine debate, including in this chamber. It is important to remind ourselves that the original purpose of time allocation was not only to allow a government majority to manage the finite time of a legislative chamber, but also for the legislative body itself to overcome the use of tactics deliberately geared at delaying the progress of government legislation.

In a paper entitled *Sober Second Thinking: How the Senate Deliberates and Decides*, Senator Harder explains:

> . . . if excessive time allocation is to be reviled, so too should tactics of delay that stifle substantive policy debates. Time allocation and dilatory obstruction are two sides of the same coin. Unfortunately, under current Senate rules, absent time allocation, obstructionist senators can postpone votes by adjourning debate virtually indefinitely. Attempts to call for an immediate vote to move legislation forward can be filibustered, leading to stare-downs that can last for many days and monopolize the Chamber's time.

• (2150)

Having been here for some years now, colleagues, I know exactly what that looks like. To name just a few examples, one needs only to think back to our debates around bills like Bill C-16 on transgender rights, Bill C-45 on cannabis legislation, Bill C-210 on a gender-neutral national anthem, Bill C-262 on the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, and Bill S-203 on ending the captivity of whales and dolphins.

In the same paper, Senator Harder further notes:

> Ultimately, to use such delay tactics to impede legislative review is not sober second thinking. Senators engaging in such practice do not showcase the "complementary" legislative role that the Canadian Constitution requires the Senate to perform. At a pivotal time in the Senate's history, such practice is also damaging to the institution's culture, encouraging needless conflict and distracting the Chamber from its public purpose.

In a nutshell, colleagues, time allocation can be either curative or abusive, and context is everything. Now, I don't know about you, but I do not feel like last Thursday's round of bells was a particularly efficient use of the Senate's time and publicly funded resources.

Moreover, colleagues, as precedent demonstrates, there is nothing extraordinary about time allocation. In fact, it has been regularly applied to various stages of government business — and in many instances under the previous government after little or no actual debate. However, since the Forty-second Parliament, both under myself and my predecessor, Senator Harder, time allocation has not been invoked once — not once on a single item of government business. I believe this has been a testament to our desire to find collaboration and consensus on moving the government's legislative agenda forward in a timely manner. Regrettably, sadly, this is no longer the case with respect to Bill C-11.

Colleagues, you are undoubtedly going to hear from some in this chamber that invoking time allocation on a bill of this magnitude is paramount to stifling debate and not in keeping with the Senate's role of sober second thought. Let me put this in historical perspective. The previous government, represented by the members opposite me, invoked time allocation on 22 separate occasions alone during the Forty-first Parliament — in some cases after only a single day of debate at a particular stage of a government bill.

In the case of Bill C-19, a bill which had sought to eliminate the long-gun registry and reflected an electoral commitment of the former government, Senator Carignan, then Deputy Leader of the Government, gave notice of a motion to allocate time after only a single day of debate at third reading, even before the critic was afforded an opportunity to speak. In justifying the need for time allocation, Senator Carignan outlined his perspective on April 3, 2012, as follows:

> I believe that it was important to set a time limit, a sufficient amount of time in which senators could debate and express their opinions, as they were able to do previously at second reading. There have been many debates on both sides of this issue, but we should be able to end this debate, once and for all, within the time allocated so that we can pass this bill, ensure that the will of Canadians is translated into a reasonable and effective bill, and move on to other bills that are just as important to Canadian society.

Therefore, if we are to apply Senator Carignan's logic, given the considerable debate this chamber has had on Bill C-11, the Senate ought to have the right in the face of procedural obstacles to have this bill adopted in a timely way to reflect the will of the elected house.

Indeed, our colleague Senator Plett made a very strong point that the time allocation process does indeed provide a window for senators to debate legislation in the face of apparent delay. On June 11, 2014, Senator Plett noted the following on a motion to time-allocate Bill C-23, known as Fair Elections Act, after only one day of debate at third reading. Senator Plett said:

> I would like to say that in fact time allocation opens debate. We are now debating. We are debating time allocation. We will debate the motion. In fact, adjourning debate is stifling debate. That is what the opposition tries time and time again if they don't have any other avenue — let's adjourn this.

In the same speech, he later said, "When you can't reach an agreement, you have to do something."

Colleagues, for all these reasons, I believe now is the time to do something. The Government Representative Office, or GRO, has supported the Senate during Bill C-11's legislative journey every step of the way. The GRO ensured that the senators operating in good faith could get their work done properly, and this was demonstrated time and time again, as I outlined earlier. Now, colleagues, I'm asking your support to bring this to a conclusion with six additional hours of debate and a democratic vote on the message from the House of Commons, a message supported by the government, the New Democratic Party and the Bloc Québécois, all of whom campaigned on a platform to reform the Broadcasting Act, which is the subject of the message before us.

Colleagues, it is time to do something. Thank you for your kind attention.

Hon. Leo Housakos (Acting Deputy Leader of the Opposition): I have a question for Senator Harder — I mean, Senator Gold. You're interchangeable.

The Hon. the Speaker pro tempore: Senator Gold, will you answer questions?

Senator Gold: I'm very reluctant to not answer questions, but I'm also mindful that we have a finite amount of time. I will take one question out of respect for the senator who has asked me and for the institution. Then, however, with your indulgence, I'm not going to take any further questions to give everyone else who wishes to speak on this time to speak.

Senator Housakos: Again, government leader, the tradition and history of this place are that the government leader, especially on bills and motions as important as this, indulge the Senate and take questions. I take exception with a number of the things you said in your speech. If you don't give the opposition an opportunity to address them with questions and answers, again, it creates that frustration that we have in this place.

I just want to deal with a couple of issues. You brought up how the opposition uses adjournments in order to stifle things. Every group in this place, when they want to stifle something, slow something down, take their time with it or negotiate it, take an adjournment on motions. It is nothing new. The government does it, the opposition does it, and, of course, since 2016, all groups do it.

The other thing is that I love the fact that you're actually starting to pay attention to Pierre Poilievre's videos. But what I take exception with is that you think it is somewhat partisan that Pierre Poilievre, the leader of the opposition in the House of Commons, is publicly involved in a public debate opposing a government bill that Rachael Thomas, the critic on Bill C-11 in the House of Commons is on video —

I am asking a question, Your Honour, but I would like to give him some context. Colleagues, again, there is a tradition in this place of allowing some context in questions and answers.

The government leader said that Pierre Poilievre and Rachael Thomas in the other place were out there campaigning against Bill C-11. Are you equally offended when Prime Minister Trudeau and Minister Rodriguez put out their videos or when they defend in the public arena and talk about how Bill C-11 is a good thing? Are you equally offended?

Senator Gold: Thank you for your question. You have misunderstood the point I was trying to make, so thank you for the opportunity to clarify it.

The context within which we're debating time allocations — the context is the deliberate campaign to kill this bill. This is not an example of speeches being adjourned or time being taken to prepare a speech in order to make sure the contribution is constructive for the advancement of the bill. I cited your leader's characterization of you as a "Spartan warrior" to illustrate the point that it is no secret, certainly not to members in this chamber. It is one thing to oppose a bill. It is another thing to enlist this body in an effort to kill a bill that has the democratic approval of the majority of the House of Commons and to do so while pretending to be simply seeking to improve the bill.

• (2200)

With the greatest of respect, you may be happy with the title of "Spartan warrior." I would rather see myself as a defender of democracy, and time allocation is an appropriate tool to be used to combat dilatory, obstructionist delay tactics for purely partisan reasons. It is an appropriate tool to give this Senate and the senators who are summoned here to do work on behalf of Canadians the ability to pronounce, first, on whether or not they agree with the government's proposal to add six more hours of debate and then have the question called, and, ultimately, at the end of the day, the senators have the right to pronounce whether or not they will accept my proposal to accept the message from the other house.

We were brought here to do work on behalf of Canadians. We were brought here to exercise judgment, and in that regard this motion that I am urging you to support is one which will give us an opportunity to do the job for which we were summoned here, the privilege to serve Canadians and to stop a never-ending campaign, a campaign that would never end but for the invocation of time allocation for the benefit of Canadians. Thank you.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I'm not sure how to start this. We have a government leader who is wanting to move a bill forward, who says, "I will answer one question and then I will not answer any more questions."

Excuse me. Did you want to continue debate? Thank you.

Senator Gold said — and Hansard will show that he said — he would refuse a second question. Now he's saying that time ran out again. That is somewhat fudging the truth, Senator Gold. You said you would not accept a second question.

I find that very disconcerting when the government leader refuses to answer questions from members opposite, and yet he is the one who is a "defender of democracy." Hallelujah! Thank you that Senator Gold finally came to the chamber to defend democracy because I don't know how this chamber could possibly have operated for the last 150 plus years without Prime Minister Trudeau's appointments — "independent appointments" who have voted 96% in favour of the government and yet sit in this chamber and say they are independent, over and over again.

We have still four, maybe five, senators left who have admitted that they would love to still be in a Liberal caucus, but because of Trudeau's wonderful reformed Senate, they have chosen to go to their own caucuses.

We've had a few members leave, and they now vote, occasionally, for Liberal budgets. I don't understand that either. I don't understand where this Senate has improved in the last few years.

My most memorable times in this Senate were my spats with my good friend Senator Terry Mercer, who was every bit as partisan as I am. Senator Ringuette knows it. So does Senator Cordy. So does Senator Massicotte. They know how partisan Senator Mercer was, and yet we were best friends because we understood this is a political chamber and we had two political parties here that went toe to toe and debated legislation and, on occasion, brought in time allocation.

I, for the life of me, don't understand why Senator Gold is somehow trying to frame this as we are opposed to time allocation. We are not. We have supported time allocation many times. Ask Senator Carignan. We got appointed on the same day in 2009, and Senator Seidman.

We have seen time allocation. We supported it on our side and on the other side. That is not the issue, Senator Gold. The issue is you have no right. The Constitution, the *Rules of the Senate* say you have no right. You sit there one day as, "I'm an unaffiliated senator, I am an independent senator, I'm not a member of the government," yet you are carrying the water of the government, and you are here telling us you have the right.

No, you don't. I read the Rules today. It doesn't matter how badly we want to change those Rules. What you did today, government leader, is you forced our Speaker to rewrite the

Rules. That is what you, government leader, will go down in history as. You forced our Speaker to rewrite the Rules. Because it doesn't matter what the Speaker says of this issue; it doesn't change what the Rules say. The Rules say "recognized parties." You are not part of a recognized party. You can't have it both ways. "One day I'm part of a recognized party. One day I'm a Government Representative. The next day I'm a government leader. Today I will answer your questions. Tomorrow, when you question me about CBC, I will say, 'Well, I don't answer for CBC.'"

Someday, Senator Gold, you're going to have to accept what you are, admit what you are.

Senator Carignan: To be or not to be.

Senator Plett: I would not want to repeat what Senator Dalphond said. Somebody might again suggest it's unparliamentary language. But Senator Dalphond alluded to something like "if it quacks like a duck and swims like a duck, it's probably a duck."

As I said earlier, we plan fully — so I will put everybody here on notice — on asking that Senator Gold be restyled as the "Leader of the Government in the Senate." That's what he professed to be today. Yes, I agree, Senator Lankin. We finally got it. That is what the Speaker said today.

Senator Gold, you're going to have a hard time next week saying you are not the government leader.

Again, we're not opposed to time allocation. Shortening debate on something that has gotten six hours of debate is not necessary.

This bill got into the Senate — well, there was a deal signed in the spring when we agreed to committee meetings in September. Now, the committee didn't meet. It became evident in November that more meetings were needed, including for Indigenous witnesses, who had been overlooked, as Senator Klyne pointed out, at that point at committee — something the government did over there. They again neglected to consult with the Indigenous people, so now they had to slow things down.

They broke their word. You say I broke my word on a signed deal. You somehow only get certain facts there. You know why that deal was broken. I told you why that deal was broken. It was because the Government of Canada, the Liberal Party of Canada — Justin Trudeau and his cronies — broke the deal in the other place.

How long did it take the House? Message was sent on February 2. Amendments were known since December 14. The House adopted the message on March 30 — three and a half months after, Senator Gold, the amendments were known. Debate on them started on April 18, and Senator Gold put an end to that on April 20. And somewhere this is the opposition's fault.

When the opposition does their job — as one of the great Liberal prime ministers of this country Jean Chrétien said, the job of the opposition is to oppose. We do our job, and members there say that we're filibustering, or we're doing something wrong. We're doing our job.

• (2210)

I was sent to this place to do something. Senator Gold, you were sent here. You clearly feel that you have received a mandate. You have received direction from the Prime Minister, and you're doing your job. I respect that part of what you're doing.

But why, colleagues, can you not accept and respect what the opposition is doing?

We don't dislike individuals in this chamber. Here's one thing about Senator Mercer and I: When I attacked Senator Mercer in the chamber, he never took that personally. He never thought, "Don doesn't like me." This was a political exchange, and when the Senate debate was over, we went out and had a beer. We travelled together, and we were on parliamentary associations together. For almost all of my time that matched Senator Mercer's time, we were on the same committees, and we dealt together on those committees — on the Agriculture Committee and on the Transport Committee. We did great work on those committees.

I don't know how often I have heard today that the Prime Minister has made this a more non-partisan chamber. This chamber has never been as partisan as it is today, colleagues.

An Hon. Senator: Hear, hear.

Senator Plett: It has not — and I don't say that as a shot at any senator here, but I cannot make an argument here without senators taking offence and saying, "Don Plett is attacking me." I'm sorry, but that's not what I'm doing.

I'm attacking the Liberal Party of Canada because I believe they are the worst thing for this country; I believe that. I respect your beliefs — respect mine. I believe this Prime Minister is the very worst prime minister that this country has ever had, and that includes his dad — and he and I didn't get along. But at least when Pierre Elliott Trudeau was the Prime Minister, I felt that we had an adult in charge of our country.

I say that here, and that is somehow unparliamentary, and we're being bad people because we express our opinions — because we're political.

Senator Gold wants to have the power to do this, but he didn't have the power before. Now, our Speaker has rewritten the Rules to give him the power to cut off debate. Again, it doesn't matter how you feel about it. Two hours ago, you did not have the right to do what you can now because of the Rules — one individual rewrote the Rules, whether you like that or not. You can shake your head all you want; that is simply the fact of the matter.

The Rules are clear. When it says "recognized parties," Senator Gold, it doesn't matter; that's not a big word to change — recognized parties, or recognized groups.

I think Senator Dalphond somehow interpreted recognized groups having the same power and the same rights as recognized parties because the leaders of the recognized groups received a raise in pay. And Senator Gold receives $92,000 for being the Leader of the Government. I don't know where that plays into it,

but the fact of the matter is that the other recognized groups do not have the same power that the opposition has or the same power that the government has. That was intentional.

Senator Harder was very much instrumental in opening up that Parliament of Canada Act, and when Minister LeBlanc was here today, many of us had conversations with the minister at that point. He made commitments to me; I won't share them here, but he made commitments to me. He said, "This is what we want. This is as far as we want the chamber to go." They recognized four groups. They didn't want to go beyond that; they made it clear. Senator Saint-Germain will attest to that, as will Senator Tannas, I'm sure, and Senator Cordy. They will attest to this being what Minister LeBlanc said: "We don't want to go beyond that."

If they wanted you to have the power that you have now gotten through the back door — you couldn't get through the front door — they would have given it to you. They would have dealt with it.

Today, Senator Lankin said, "Why send it to the Rules Committee? That's where things go to die" — and we can't have a committee that works on consensus. Why? We had committees that worked on consensus when we had the two most partisan parties in Canada, and they were the only parties here. We dealt on consensus. Everything that we did at the Standing Senate Committee on Internal Economy, Budgets and Administration — Senator Housakos, you were there, and Senator Furey was there — was done by consensus. That was with two political parties. Now, all of a sudden, when we have a non-partisan chamber, we can't deal on consensus anymore.

Colleagues, think about that for a while when you say that you are making this chamber less partisan — because you're not.

I'm admitting to what I am: I'm a Conservative. I'm proud to be a Conservative. I'm proud to have conservative values. If you are proud to have liberal values, then stand up and say that. Don't tell us that you are independent and you will vote your own way, and then you vote — 96% of the time — in favour of the government.

Senator Gold said that we had a deal, or at least he indicated a deal. In my previous life, I did a lot of negotiating. I negotiated on behalf of municipalities, and I negotiated on behalf of different organizations. When there was a negotiation, there were two sides, at least, talking.

The fact of the matter is, colleagues, that Senator Gold did say, without question on last Monday, that he would have liked to have had this bill passed by last Thursday. There's no question — no denial there.

Typically, Senator Gold asks Senator Saint-Germain first regarding what she's planning to put up for speakers. He then asks me. He then typically goes to either Senator Tannas or Senator Cordy and asks for their opinions — he did that. I will not share their opinions; I will only share mine. I said, "Senator Gold, we don't have a motion for this. You're asking me to tell you how many speakers we're going to have, and I don't have a motion. I would like that, and then I'll be prepared to debate this and discuss it." I don't think anyone can deny that's the conversation. He didn't know why.

One of the senators said, "It will be a two-line motion. It doesn't take a long time." And I said, "You're right. How long would it take you to write that?" It would take my staff about 10 minutes. This government has had two weeks, and they haven't written this two-line motion. Why?

Then, I have to raise my suspicions a bit: Why aren't they giving us a motion? It is a very simple thing. So I said, "Tomorrow, when we see that motion" — because I was told we would have it before midnight. I didn't have it before midnight. My chief of staff did, but I was in bed when he got it. God love him, he didn't wake me; he waited until the next day to give me the motion.

That day, we debated that motion. Senator Tannas offered an amendment. The next day, the government accepted that amendment. Talks were going on. Senator Gold called me about that amendment and whether or not we would support it. I suggested to him to at least wait until tomorrow — and we probably will, but I would like to wait until tomorrow because I would like to contemplate because I haven't talked to my caucus. I'm not wanting to put words in your mouth, Senator Gold. He said, "Okay, let me think about that." Then he called back and he said, "No, we're planning on going ahead today." I said, "Okay, Senator Gold, but we can't support that today, so we will take the adjournment and we will likely pass it the next day," which we did. We passed it the next day. We didn't have a vote; we agreed to it. Senator Gold said, "Don, I think you and I should talk further this week."

• (2220)

Honourable senators, I say this honestly. I did not believe that he was still thinking he was getting a bill on Thursday. I said, "Yes, we should. I would be happy to talk." I said maybe we would talk before our leaders' meeting next Monday. He said, "Well, I think we should talk earlier. I said, "Okay, maybe we can talk Thursday." But, I said, "Senator Gold, I hope you understand that we're not ready to call question on this on Thursday." I'll be the first one to admit that.

There's no negotiation there, colleagues. We haven't even started debate. We have not even started debate in this chamber, and he wants, in one day, for me to agree to something that has taken two-and-a-half or three years' time? How on earth the Speaker could make a decision today on that is beyond me because Senator Gold gave us less than 30 hours to deal with a bill that had been around for three years? Is this how rulings are supposed to be done?

Again, it doesn't matter, honourable senators, what side of the political spectrum we're on. We have an obligation to Canadians. The Conservative Party of Canada speaks for 7 million-plus Canadians. We won the popular vote in the last two elections. We have a duty — an honour-bound duty — to speak on behalf of those 7 million Canadians, and there will be more in the next election. We have a duty, and for us to be considered as people

who are filibustering and as people who are not cooperating in the Senate because we are defending Conservative values, I really find that disconcerting.

I've been asked lately — and I know that many of you would encourage that I take the advice of some people and say, "Don, why are you beating yourself over the head? Why don't you retire from the Senate?" I know there are probably those who would be happy to give me a going away present if I did that, but I say there are still more good days than bad. I still have hope. I said that to a couple that was in my office today. I still believe that I am speaking on behalf of many Canadians, and I want to continue to support those Canadians. I want to speak on behalf of those Canadians.

Again, this is not about whether or not we support time allocation. I have never said, Senator Gold, that we don't. I fully expected, Senator Gold, that if we did not move this bill forward in the next week or two — and you and I have had those discussions, Senator Gold. You and I had those discussions just a few months ago when you offered. You said, "Don, if you need some help, I can probably help you." There was no question that we were anticipating that we'll have a limited amount of time to debate this bill in this chamber before you would at least try time allocation.

Would we have done the same thing we are doing today? Yes, we probably would have because I still believe you don't have the right. By the rules, you don't have the right on a number of issues, which I pointed out earlier. We would have still made that argument. But you, Senator Gold, would have given us an opportunity — you would have given Canadians an opportunity that you are taking away from them, not the opposition. We are here ready to debate this.

Yes, I presented an amendment the other day. I presented a very reasonable amendment, and that amendment was to simply go back to the government one time and say that we expect you to accept our amendment. That was the amendment. There was nothing untoward about that amendment. The fact of the matter is we all know procedures, and we needed to make sure that we wouldn't be — Senator Lankin and I go back to a private member's bill a few years ago where she got the better of me. Full marks. I hold no grudges.

Do we have to make sure that won't happen? Yes. Is that in any way an intention to filibuster this for three months? No. We knew full well, Senator Gold, that there would come a time when you would probably — unless we allowed this to go forward — do what you did tonight, and we would have hoped that we would have gotten what we believe was the right ruling. You obviously believe you got the right ruling, and that's fine. We'll do another battle on another day.

However, for you to do this after six hours of debate — six hours, not on the very first day of debate — to refuse to talk to the Leader of the Opposition, refuse to come to the Leader of the Opposition. When this happens — I talk to the House leader in the other place all the time. When Mark Holland plans on doing time allocation, he lets Andrew Scheer know, as well as the other House leaders. What do you do? I come across the floor on Thursday, right in front of your desk and I said to you, "Senator Gold, should we have a meeting?" Now is not the time. Half an hour later, your notice of motion comes forward, and you suggest that we aren't to be trusted? That we aren't the honourable people? I consider that very questionable.

I asked you at that time if we should meet. Whether that bill passed on Thursday or whether that bill passes today, this Thursday, next Tuesday or even next Thursday, what difference does that make? Unless the Prime Minister is running scared and he wants to get out of Ottawa for a while, and he says, "Senator Gold, Senator Furey, you had better help me out here. We can't be in Ottawa." You're shaking your head. We'll see whether there is any relevance to that at all because other than that, Senator Gold, what difference on a bill that's been here for three years does another week make? I can't understand that.

You could have come to me, Senator Gold, at any point and said, "Don, if you don't give me this bill by this time, I'm going to invoke time allocation." That would have been the professional and honourable thing to do. I would have accepted that. I would have stood here and I probably would have torn my shirt like I am now and say that you don't have the right to do that, but at least that would have been the proper way to do that instead of backdooring. That doesn't go away.

You suggest I broke a deal. No, the government broke a deal. You know very well — and I won't raise it — about the deal that you broke to me one time, Senator Gold. I would be very careful how often you tell me I broke a deal before I start talking about that one because that one was a whole lot more personal than this one. You don't want that brought up on the Senate floor, Senator Gold. I would be careful in how often you tell me that I have broken a deal. I broke no deal. The government broke a deal. The government did not do their consultations. So I said, Senator Gold, the government did not own up, did not do what they were supposed to do and did not do what they said they had done, so we can't go forward with this. It had nothing to do with Pierre Poilievre's videos or Senator Housakos's videos. It had to do with standing up for Canadians.

• (2230)

This is censorship gold on a censorship bill.

Let me end off on this, Senator Gold, and you can turn around and say the same to me: You will reap what you sow. In the next election, you will reap what you sow. This Senate will again become a chamber of sober second thought where people will respect each other, and that will happen after the next election, whether you like it or not. People will again respect each other here, whether they are on one side of the government or the other. We will have respect, even if we get angry like this over the course of the evening. I will fly Friday morning with a couple of my Manitoba colleagues, and we will rub shoulders and tell each other how much we love each other on the weekend, and then on Monday or Tuesday we'll come back here and do what we're doing here today because that, colleagues, is the way this chamber should work. Thank you very much.

[*Translation*]

Hon. Raymonde Saint-Germain: Thank you, Your Honour. Colleagues, even though I've been in this chamber for a bit more than six years, I rise for the first time to speak to a debate on a time allocation motion. This, a priori, leads me to make two important observations. The first is that time allocation is an exceptional process, a powerful and draconian tool with definitive consequences. My second observation is that this measure was treated with the restraint that is required of the government's representatives, Senators Harder and Gold successively. It should be noted that this is the first time this exceptional practice has been used since this government came into power in 2015 and since the commencement of the Senate reform.

[*English*]

I will begin my intervention on this first time allocation motion in the Senate from this government by stating that I concur with many points brought forward by Senator Marc Gold in his speech today as well as in the one he gave last Tuesday when the message from the other place on Bill C-11, the online streaming act, was introduced in this chamber. I will not repeat every argument from Senator Gold, but I will insist on one point: how our role and actions as senators are bound by the Salisbury Convention and our complementary nature to the elected House of Commons.

Bill C-11, it can't be denied, was part of the electoral platform of the Liberal Party of Canada. In fact, it had already been introduced before the last election, then known as Bill C-10, and was widely debated in the other place. As such, we can only conclude that Canadians elected this government with full knowledge of the intent of the bill and the fact that it would be introduced again in a new Parliament. Consequently, as senators, we can closely review the bill, propose changes and amendments, hear from experts and witnesses and we can express our concerns, as we have been doing. However, we can't act in a way that would cause this bill to be defeated or die again on the Order Paper by way of dilatory tactics.

The Salisbury Convention is a guide, a reminder to show restraint in front of the will of an elected house in our bicameral Westminster system of Parliament.

I'm surprised when I hear senators who are usually so keen to defend the virtues of the classic Westminster system suddenly ignore one of its guiding conventions because it suits the partisan interests of the day.

Colleagues, it is with regret that I have to say that this time allocation motion is justified and even forced upon us under the circumstances. It is proposed today not by the choice of the government but because of the abuse of delaying tactics coming up to this point.

While time allocation is used to limit debate, no one can seriously argue that Bill C-11 and Bill C-10, for that matter, were not debated enough. In the previous Parliament, Bill C-10 was debated on eight different days at the other place from November 2020 to June 2021. In committee, it was studied for 62 hours and a total of 142 witnesses were heard. Its successor, Bill C-11, had even more scrutiny as it was debated on the other side of the Hill for 10 days from February 2022 to June 2022, 80 witnesses were heard and over 100 amendments were discussed and considered.

In the Senate, our Standing Senate Committee on Transport and Communications had 31 meetings for 67 hours and 30 minutes; 64 amendments were discussed and 26 were adopted.

In the chamber, we debated this bill at six different sittings between June 2022 and February 2023.

What else is there to say? The following: The notion that Bill C-11 is unpopular or unwanted by the Canadian public is false. It is, in fact, quite the contrary. Polls have shown that a majority of Canadians support Bill C-11 and its objective to regulate broadcasting on the internet. One of the polls, commissioned by *The Globe and Mail* last year, found that 63% of Canadians supported this push to regulate internet content, while only 37% were opposed to it. And by that I don't mean that 37% of Canadians do not need to be heard, but I do believe they have been heard. This is particularly true in my home province of Quebec, where an overwhelming majority of stakeholders and artists are eagerly awaiting Royal Assent for Bill C-11.

Now let me take a moment to talk to you about our group and the rigorous work we did at the Independent Senators Group with this piece of legislation. I would like to thank particularly our members who have worked tirelessly to improve the bill at the Transport Committee: Senators Clement; Cormier; Dasko; Miville-Dechêne, the deputy chair; Simons; Sorensen and the others from all groups who have studied it and expressed themselves in the chamber. You have done so well maintaining an independent and critical mindset and voting according to your conscience and own personal opinions. I can say proudly that you have fulfilled the work expected of us as senators. Throughout this study, we at the ISG have always shown willingness to scrutinize the contents of the bill, resulting in what I believe to be a comprehensive study.

Not one witness wishing to testify before the committee was turned down. None of the debate was cut short, numerous amendments were presented and a good number of them were included in the final form of this bill. This resulted in better legislation for the benefit of Canadians: A total of 64 amendments were proposed, and 20 out of 26 amendments were adopted at the House of Commons.

On a less positive note, colleagues, while many senators were working to improve Bill C-11, some colleagues had different objectives. What exactly is at play here? Let me be clear: I have no doubt they are acting in good faith, truly believing that this bill is bad and that it should be defeated by any means. However, colleagues, although we would have liked all our amendments to be adopted by the other place and the government, it is time to move forward. The forced time allocation motion being debated today is the only way to break the deadlock and move on the adoption of the message we received beyond the pace of a turtle slowly going from one one-hour bell to another.

Let's now speak about democracy. First and foremost, we are here to protect democracy. We are not elected representatives. Every one of us is well aware of this fact. We are, however, members of an institution of sober second thought — a thoughtful, reflective partner to the elected chamber. We are still very much a part of the parliamentary system of Canadian democracy.

• (2240)

At the base of every democratic system is the concept of a vote. This is what we are being asked to do by the other place — vote.

Good evening, Senator Plett.

Now, some colleagues know that they will lose a free and democratic vote in this chamber. We have already adopted a version of this bill at third reading, and the odds are that if we were to take a vote on this message, Bill C-11 would most probably be heading toward Royal Assent. These senators are doing everything in their power to prevent a vote. Is it really democracy to promote disinformation and demagogy with incendiary remarks while refusing to proceed to a vote? I know my language will shock some of my esteemed colleagues, but I must say it clearly for the record and for Canadians watching this debate. Bill C-11 is not an attack on free speech or freedom of opinion. Let's not fall prey to demagogic attacks.

At third reading in this chamber, it was said that Bill C-11 would bring us back to the age of Cicero — a dangerous time where free thinkers would pay for their dissidence to a regime with the loss of limbs. I, rather, see Bill C-11 as a step into the 21st century and a new age of communication and broadcasting. I see it as a way for our Canadian artists and creators to shine and to be promoted fairly. I see it as long overdue.

So if dilatory tactics and demagogic fear mongering can impede a vote on a message from an elected house, are we as senators fulfilling our democratic role? Do we really believe that this is the way to restore the credibility of the Senate? Is this what is expected of us as non-elected parliamentarians, to delay legislation adopted by the representatives of the people?

[*Translation*]

As we say in French, to ask the question is to answer it.

[*English*]

The answer is obvious: Of course not.

Colleagues, if we don't limit debate today to ensure that a vote is held, I'm afraid we might never get the chance to fulfill our duty as parliamentarians and vote on this message. This would be a great disservice to democracy.

[*Translation*]

In conclusion, today we're asking that a vote be held. We're asking that there be respect for parliamentary democracy, that a vote be held completely free of limits on debate, and also that there be a vote on the message from the House of Commons so that a decision is made about the future of Bill C-11.

I began my speech by highlighting the exceptional nature of this motion and its forced nature. In my view, limiting parliamentary debate must remain an exception.

However, I reiterate that the circumstances forced the representative of the government, a democratically elected government, to use this draconian option that is found in our parliamentary rules. Now the time has come to conclude the debate on the response of the government and of the chamber of elected members to the amendments to Bill C-11, the Online Streaming Act, that we proposed to them, and to continue our work on other legislation while looking to the future.

Thank you. *Meegwetch*.

[*English*]

Senator Housakos: Would Senator Saint-Germain take a question?

[*Translation*]

Senator Saint-Germain: Of course.

Senator Housakos: Thank you, senator.

[*English*]

I listened to the story being told by Senator Saint-Germain and even earlier by Senator Gold about how, "Thank God for the ISG — the Independent Senators Group — that we had such robust witnesses come before the committee; we had so many witnesses; we had so many meetings; we had so many amendments," and so on and so forth.

But the truth of the matter, colleagues, is at the end of the day, if it wasn't for our filibuster, if it wasn't for our fighting at every turn at committee and in this chamber, we would have had a vote. If I would have listened to my colleague and the very capable deputy chair, we would have had a vote on this bill a year ago, because it was so urgent to pass.

I was asked every month —

The Hon. the Speaker pro tempore: Senator Housakos, do you have a question?

Senator Housakos: Of course I have a question. I wouldn't get up on my feet without having a question.

Senator Saint-Germain, at the end of the day, we've had many instances as a chamber where we put forward amendments, and the amendments put forward — that we supported as well — by your colleagues in your committee were watered-down amendments to protect user-generated content compared to the ones that were defeated.

So my question is: Why wouldn't the Senate just insist one more time to the government to listen to those — as you pointed out — thousands of user-generated content creators and witnesses and tell the government that we insist on these reasonable amendments as proposed by the ISG senators and

supported at committee by all of us and tell the government it is in the interest of the voices of reason in the country that they support those amendments?

Senator Saint-Germain: Thank you, Senator Housakos, for this question. This is a good question, and I would concur with you that we at the Senate have done thoughtful work.

I had the opportunity to say that no witnesses were denied the opportunity to be heard by the Transport and Communications Committee. Congratulations to all members of this committee.

At the same time, we need to listen to the witnesses and interpret their testimonies for what they were. We realized that all across the country, industry, artists and many stakeholders were in agreement with the bill, especially with some amendments that the committee listened to and this chamber listened to. But at the same time, at the end of the day — and I would refer to the Westminster convention and to our parliamentary system — we did our work and we presented the amendments to the government. Of 26 amendments, 20 were agreed to, and at the end of the day, if you do not agree to defer to the other place and to the government, you have a decision to make, and this decision is for you to be a candidate at the next election.

Hon. Jane Cordy: Honourable senators, I will take a brief time to join in the debate this evening on Senator Gold's time allocation motion. To be clear from the outset, I speak for myself, not on behalf of the members of my group. Our members are free to vote as they see fit, but I will be supporting the motion.

While it will seem for many in the Senate like this is new, it really is not. I've been in this chamber long enough to have seen both sides of this debate. For example, in 2014, when my friend, the Leader of the Opposition, stated:

> I would like to say that in fact time allocation opens debate. We are now debating. We are debating time allocation. We will debate the motion. In fact, adjourning debate is stifling debate.

That, of course, was when Stephen Harper was Prime Minister.

I have argued in the past against time allocation and the frequency of time allocation, particularly under the previous government. Senator Gold spoke in his speech about the frequency. I would have preferred an agreement, as I'm sure we all would have, that allowed everyone to have their piece, and then we voted. Since that option is not available, I have to consider all the factors in this particular situation before us. I've also considered that this is the first time that time allocation has been brought forward by the Senate leader, Senator Gold.

Senator Harder gave notice of time allocation, but it was withdrawn before it came up for debate. Unlike previous time allocations — and there were certainly a lot of them — this is not a stage for substantive debate on the legislation. In fact, it is a debate on time allocation.

Honourable senators, we're now debating a motion to accept the message from the other place. Considerable time and effort has gone into weighing the merits of this legislation, both in the chamber and in committee hearings. As others have said, the Transport and Communications Committee — and I'm taking these statistics from Senator Housakos's own speech on the committee report — held 31 meetings in total and heard from 138 witnesses. They received 67 briefs. In total, the committee met for nearly 68 hours. Clause-by-clause consideration lasted nine meetings. Committee members considered 73 amendments, and 26 were adopted. Certainly, there were a lot of witnesses and lots of time for questions and lots of debate at the committee and in this chamber.

Our former colleague Senator Dawson was tasked with shepherding this bill through the Senate and did a fine job of seeing Bill C-11 to the end of third reading in this chamber, and we, as senators, have done our due diligence and sent our amendments to the other place. Most were accepted and some were rejected. Two were amended, and then in the natural way of things in the past, the Senate defers to the elected members in the other place.

• (2250)

For those saying that we have not yet had time to debate the message received from the House of Commons, I would disagree. We have spent far less time debating in far more complicated circumstances. When Bill C-69 passed through this chamber, it was just as contentious, as some of you may recall. There, as noted by our former colleague Grant Mitchell in his speech about the message on June 17, 2019, the government "accepted 62 amendments outright and another 37 with some modification for a total of 99."

One other senator spoke that day and it was adjourned. On June 20, debate resumed with one and a half hours of speeches, a 15-minute bell and a vote. That was it. In the end, this chamber accepted the will of the elected members in the other place and did not insist on its remaining amendments, all in less time than we will be debating this time allocation motion.

If Senator Gold's motion passes, I would argue that we can easily complete our deliberations on this message in the six hours ahead. I would be surprised, actually, if that time period is filled.

Our right to speak is not being curtailed in any tangible way. I am very comfortable with this path forward today. I consider time allocation in this instance an acceptable solution, and I will be voting for the motion to be adopted. Thank you.

Hon. Pamela Wallin: I do want to say a few words about closure, or time allocation in this case, in part because we gathered as a group, and we have a lot of new members in our group and in the Senate. I think if we even set the legislation aside for a moment, it is important that we understand the principles on which this place operates.

I believe that time allocation should be deployed with caution and restraint, and only when all other options have been exhausted; so too should challenges to the Speaker of this chamber when he offers his considered opinions and rules.

We in this place are here tonight because some of us feel very strongly about a particular piece of legislation. It is, in my mind, not a partisan issue. Bill C-11 touches us in a very personal and particular way. I've spent most of my adult life in the business of journalism and media. I have strongly held views. They are not partisan views. You may believe, as the government claims, that this is simply an update of the Broadcasting Act. For me and others, it is a threat to free expression. That does not make me a demagogue. I worked in the business; I understand this bill.

Free expression is not just a slogan. It's not just free speech on a banner. Free expression is very much a two-way street: the right to speak freely, but the right to hear a wide range of views, to inform ourselves and to share our ideas that may differ. That is at the core of a democracy.

So whether it is the bill or the use of time allocation, the issue is pretty fundamental to how this place operates. What we are seeing is a clash of two fundamental principles of our parliamentary tradition. Governments are, indeed, elected and should expect to pass their legislation in a reasonable amount of time. But when governments run roughshod, they can expect resistance. That is what happened in the other place with the committee process.

Time allocation is a bit of an offshoot of closure, I guess. It is a tool that the government has every right to use, but so too does the opposition have a right to use the tools available to them to delay votes and to have hour-long bells before we vote, as annoying and as frustrating as that may be. It comes back to the age-old debate about the role of the Senate. It is our job to offer — or even impose from time to time — sober second thought, whether the government likes it or not. We are not obliged to defer to the other place. That is a choice we will make in this chamber.

I must say that what has particularly struck me in this debate is about the behaviour of the House of Commons committees. The process was nothing short of appalling. Debates were summarily shut down and motions were passed in secret. Debate was suspended and witnesses were sent home. It makes the obligation for us in this chamber all the more powerful and important. To give voice to those who were denied a voice — that is our job. That is what the very definition of the Senate is. It is very core to our role as parliamentarians. We are not a secondary house. We're not something that is just an add-on to the process that goes on in the other place. We have a role as parliamentarians.

For many of us, this bill is a problem. Some of us find it truly offensive. But in the end, we also realize that the government will have its way. It will be a little messy. It is certainly not efficient, but democracy is messy. We must consider the consequences of our actions on both sides of the two that are debating here. If the government wants its bills passed, it should engage in discussion and negotiation. I don't like the fact that tomorrow our committees will probably be cancelled so that we will carry on debate. If you want your legislation passed, you should create the circumstances where our committees can sit. The opposition needs to consider the implications of that as well.

A mind greater than mine once said, "The first act of all persuasion is clarity of purpose."

This will not be our last controversial debate over legislation, but we owe all of those whom we represent that clarity of purpose, to have an honest debate. But more importantly, to respect the fundamentally different views that Canadians and senators can hold about this bill or about the right of government to limit debate because if you cannot offer people a vision of what they should do, you won't be able to persuade them about the things they shouldn't do. That is a challenge to our leaders in this place, and it's a challenge to each and every one of us. Thank you.

Senator Housakos: Thank you, colleagues. I echo all the words that were expressed so eloquently by Senator Wallin. None of us are taking positions based on partisan politics; we're taking positions in defence of Canadians. I have said that throughout the course of the debate on Bill C-11. I have not hidden my intentions in regard to Bill C-11, protecting freedom of speech and protecting what Canadian digital-first creators can post and view on the internet. I would rather be having a debate on the content of the bill this evening, as I've had throughout every process, instead of having a discussion on time allocation with a government leader who has professed to not be a government leader but a government representative.

Throughout the process, he has said that he doesn't represent the government, that he's just an independent — you've said this on a number of occasions. You have a shocked look every time I say that you have denied being a partisan government leader; that you are a representative of the government and you don't represent the Liberal Party of Canada in this chamber. You have said that. You have said you're not the government leader, yet now we have you calling for time allocation by using a rule that only a leader of a Liberal caucus governing party in the chamber should be using.

• (2300)

Now, to be clear, because I want to be specific on this particular motion, I don't oppose it. I think it's a wonderful tool. I said it when I was the Speaker in the past, and I said it when I was a member of a majority governing caucus — many of you are not members of a majority governing caucus, but in a very lucid way you're all supporters of this Liberal government. You show it with your rhetoric and your speeches and, most importantly, you show it with your voting pattern. There is nothing wrong with that.

Back to the point that Senator Plett and many of us have been trying to make throughout the evening, we're okay with the government saying they're the government. We're okay with Liberals saying they're Liberals. It's not an insult. I know these days it's a little bit tough to acknowledge that you're a Liberal, but at the end of the day, it's a party that has had a long history in this country. I don't see why we have this peekaboo process that we're going through and this smoke and mirrors of saying, "We're not one day but we are another day." At the end of the

day, when Canadians are going to judge you, they judge you on your vote. That's a reality, government leader, and we can't deny it.

There's always frustration when we bring it up. I think the most important part of our work here is to be transparent and accountable to the Canadian public; to say where you stand on issues and vote clearly.

We've been transparent. Bill C-11 is a terrible bill, and when we get the time allocation — unfortunately, we'll have a short period of time — we will again express clearly why it's such a terrible bill. We've had witnesses and testimonies about what a terrible bill it is. I understand the government doesn't want to talk about it because the government wants to make sure that bills like these that are not popular get swept under the rug and get moved along as quickly as possible. That's when governments use time allocation.

Senator Saint-Germain, the truth of the matter is you use the word "democracy." Democracy in this chamber is not about voting. I hate to break it to you. If you look at the last two or three elections, this chamber represented the democratic makeup in none of those elections. In 2015, there was an overwhelming majority Liberal government, and this chamber did not represent that reality for a few years. It still functioned to the best of our ability because of compromises of the opposition. In 2019, there was a minority Liberal government. In 2021, this current government won with 32% of the vote, the lowest percentage in the history of the country. So, this chamber, with 75% appointed senators from the governing party, do you think every vote we take on government legislation represents democracy? Please. It represents the will of the government.

That's one important aspect of the Senate. They appoint a government leader to make sure the legislation moves along, as well as a deputy government leader, now modelled as a legislative — I don't know what the title is. But we know one thing: You are ex officio. You come to committees, at clause-by-clause consideration, and you defend the government position. And you do it very well, Senator Gold. There is nothing wrong with that. Just like most of the senators whom Prime Minister Trudeau has appointed feel an obligation to support his agenda — and I believe most of you feel compelled as well because you share those political values. But democracy, Senator Saint-Germain, in this chamber, is expressed in debate, not by voting. Voting is just one small element where the government, at the end of the day, wins the day regardless of the numbers. But it's in debate that democracy happens.

I learned that the hard way because in 2008, when I was brought here, I was sitting in a majority Conservative caucus, like many of you are right now, appointed by a prime minister, and there are many of you with the same view of the world. I was very frustrated for a few years with Senator Mercer, Senator Dawson and Senator Fraser, and I kept asking myself how come they only have 30% of the house here and they're telling us what we have to do and what we can't do. We're the government. Let's have a vote. Enough. Let's move on. That's not democracy.

I learned over time by speaking to guys like senator Lowell Murray and senator Serge Joyal — have you ever heard of them? They were giants of parliamentary democracy and they explained to me, "You know what, senator? I know you're up there in the third row, and there are 60 Conservatives, and you're fed up, but we're articulating on behalf of stakeholders, Canadians and, more importantly, we recognize the principle in democracy that power corrupts, but absolute powers corrupts absolutely."

It is, of course, natural for Prime Minister Trudeau to be sitting in Langevin Block, as did Prime Minister Harper back in 2014, and ask, "Why are those guys delaying my stuff over there? Giddy up. Let's get on with it." But you know why they were delaying things back then? It doesn't matter if it was bills like Bill C-377, on which you referred to my ruling when I was Speaker, or stuff that we're doing here on behalf of stakeholders. We're talking on behalf of millions of Canadians who come and express themselves. If there's any value in this institution, it's when every day of the week there are a few hundred or a few thousand Canadians who think that there are people in here advocating for them.

You don't measure that. The barometer for that kind of democracy isn't because you have 70 votes, Senator Gold. We might have 15 votes, but we represent millions of voices. So the argument about how we need to get on with democracy — democracy comes in many forms, particularly in an unelected chamber. I remind everybody that we are on very thin ice with the Canadian public and have been for a long time because they always question the value of this institution.

Bill C-11 is one of those bills that we cannot pretend there was consensus on. We cannot pretend there was clarity. To this day, there is a lot of uncertainty, and this place has an obligation, not on a partisan basis — yes, Senator Gold, the other place is a hyper-partisan place, but it's incumbent on us to not be hyper-partisan. I know you feel we are because we keep insisting that the government listens to reason, but we're not doing it because Pierre Poilievre asked us to. We did it because of the thousands of people I meet on a daily basis.

I'm going to Toronto this weekend. I'm doing round tables on Bill C-11. I invite you to come with me and meet the groups of Canadians. These are not card-carrying members of the Conservative Party. They are young Canadians concerned about expression, freedom of speech, what we're going do with algorithms, how they're going to be manipulating the platforms they're using to communicate, why all of this is being done, and the cost and impact it will have, and we'll have those debates in the few hours you've allocated for us this week.

Colleagues, another element here that's important is that every time the government leader rises and speaks, he uses words to refer to the Trudeau government as "curative" and "progressive." Maybe you don't even realize you're doing this, but when you were referring in your remarks earlier, you were talking about the action of the Trudeau government as curative, as doing God's work, essentially, on Bill C-11, and we need to carry on. I invite you to go back and listen to it. In the same breath, you were talking about how the opposition was obstructive and abusive of our powers.

If that's the starting point of a fair and open debate in an institution like this — when the government is calling us abusive, when the government is saying that we're obstructionist and we're partisan — those are the terminologies you're using in your allocation when you're speaking to us. Yet the government is curative and wonderful, and we're obstructing democracy in its finest form. That's when the frustration builds. This is the kind of discussion we spend more time on than we do on the actual content of the bill, government leader. This is where, of course, frustration kicks in.

I just want to reiterate that I don't have a problem with the premise of the motion as long as it's done in an honest and transparent way. Register as a government leader. Build your government caucus. You only need nine; I think you'll find nine people who will admit they're Liberal. Thank you.

Hon. Tony Dean: Honourable senators, I rise today to speak to the time allocation motion for Bill C-11. This is, to say the least, an extraordinary day in the chamber, and yet, in some ways, more of the same.

I will start by saying that I support the motion. Our Conservative colleagues — and they are our colleagues — have once again laid out just about everything that they don't like about an independent Senate. And it has also become more evident as the day has gone by that our Conservative colleagues would have been happy to see the demise of this bill. I certainly don't feel the same way.

• (2310)

"We should have changed the Rules," as we were told earlier today. Well, we gave that a try, and we faced a barrage of obstacles. That's probably to be expected because our Conservative friends found every possible way to shut that down at the Rules Committee. They like the world just the way that it is, and I understand that — that sort of goes with being Conservative and change-resistant.

Our Conservative colleagues made the case that the Government Representative in the Senate did not have the power to move time allocation because he's a non-affiliated senator; he's not a member of a political party. They would have preferred to see a Government Representative Office, or GRO, with no powers, while conveniently retaining all the powers that they have to delay. That would be very convenient, indeed, wouldn't it? That is what we have heard today.

Not surprisingly, our Conservative colleagues are no strangers to time allocation, and we've heard that already. It was first adopted in the Senate in 1991. Since then, it has been used 68 times. During the Forty-first Parliament, under the previous Conservative government, notice of motion for time allocation was given 24 times in the Senate. On two of those occasions, the notice was withdrawn. Therefore, time allocation was used 22 times by Conservative senators during the Forty-first Parliament.

Senator Gold has noted some of the more aggressive and fast-tracked Conservative time allocation motions — and it was on some quite important bills: Some of the bills in question included Bill C-23, the Fair Elections Act, which made sweeping changes to the Canada Elections Act; and Bill C-51, the Anti-terrorism Act, 2015, which expanded state powers, policing and national security powers, while undermining civil liberties and democratic rights. Both bills received Charter challenges after their swift passage.

This was business as usual for our Conservative colleagues. So I find it a little bit rich that our colleagues have seen the light, temporarily at least, in accusing the government of shutting down debate on a bill which, as we've heard already, has been before Parliament for two years, has been addressed by 142 witnesses and has had significant time for debate and deliberation — and which was an electoral promise in the last election. It is our duty as senators to ensure that the bill can reach a final vote.

This is the first time in seven years, obviously, that the Government Representative has invoked time allocation. We've heard that this followed many attempts to come to an agreement, to negotiate and to move the bill to a final vote. Time allocation is not what any of us would have wished for, but, after a significant amount of review, the Government Representative obviously decided, as is his right, that there is interest in moving this to a vote using the tool he has at his disposal: time allocation. We know, and the Speaker has confirmed tonight, that this is eligible in the Rules.

We have heard that Bill C-11 is the most debated piece of legislation in Canadian history. Consequently, none of us can reasonably say that we haven't had enough time to study the bill. Our colleagues in the chamber have spoken at length about the clear objectives of the bill, as well as the very technical details in which this legislation will create new regulatory requirements for Canada's legacy broadcasters and online social media platforms. We have learned, colleagues, all that we are going to learn, and it's time to bring the bill to a final vote.

Balancing rules is obviously important in any context but, among other things, some rules have established an unproductive and conflict-based Senate in which the ability of the official opposition to endlessly delay the progress of bills — through the use of adjournments — is theoretically offset by the government's ability to time allocate, while cutting short debates on bills. At their very worst, our current Rules permit a single senator to delay and frustrate proposed legislation for months and — as we've seen in some cases — years by depriving the Senate from even voting on it. We've seen many examples of that.

Tonight, it's clear once again that Senate Conservatives have been unhappy about the shift to a more independent and less partisan Senate from the outset. It's no surprise, is it?

Tonight, we heard that Senator Plett — I'm glad that you find this so amusing — is still lamenting the loss of the "take turns in power" duopoly. We had to argue, and we had to negotiate — when we came here as independent senators — for office space, for resources, for committee seats and, in the longer term, for more equity in the complex world of rules in this place. Nothing came easy, so spare us the advice to "Just go and change the Rules if you don't like them."

It doesn't end there, does it? We also entered a Senate still reeling from a scathing Auditor General's report on spending scandals, ethics issues, a Senate Administration leadership structure without a single point of accountability and a dark cloud of sexual harassment. That's the context that we walked into.

Independent senators tackled these long-standing, long-ignored issues one at a time. The long-delayed recommendation on an independent audit function has been addressed. We fought hard and achieved support for a much stronger workplace harassment policy in the face of considerable delay and opposition. We have a Senate that is healthier and more efficient.

So, colleagues, while some in this place lament the old duopoly, they obviously feel comfortable with the same old hard-nosed politics. By the way, I don't believe for a moment that in the last few years of the Stephen Harper government, it was a golden time of sweetness and light for the Liberal opposition in this place. That's fair enough, I think.

Let me conclude by saying that, like other independent senators, I'm grateful that I don't have to take instructions from Pierre Poilievre, as I do not have to take instructions from Justin Trudeau. I would not have it any other way. I'm working with my colleagues in this place to do the best job I can for Canadians, bringing a policy-based approach to our work as opposed to a political one.

My final note is that I have a great deal of respect for my colleagues in every caucus and group in this place. We can do great things together if we work more effectively and more efficiently together.

The us-versus-them nature of some remarks that we have heard over the last months and years — and that we have heard this evening — tells me that we have some way to go in achieving this, but I still believe it's worth our work. Thank you, colleagues.

Senator Housakos: Would Senator Dean take a question?

Senator Dean: No.

Senator Housakos: He's afraid.

[*Translation*]

Hon. Diane Bellemare: Honourable senators, I rise to speak to the motion to allocate time for the consideration of the motion, as amended, to respond to the message from the House of Commons regarding Bill C-11. First of all, I'm very impressed by the senators' eloquent debate.

I intend to vote in favour of this motion to allocate time. This is a historic day on the road to modernizing the Senate, to making it a less partisan Senate. I will say a little more later to address some of the comments made by my Conservative colleagues.

Today we have, in a sense, broken a glass ceiling in our process of modernizing the Senate. We're voting on a motion to allocate time in the context of a Senate with four groups plus the Government Representative. This is an entirely new situation. In the past, time allocation motions were passed with only two groups in the Senate, the Conservatives and the Liberals. One of the two parties always had a majority, so the time allocation motion was passed in order to speed up the debate.

• (2320)

At that time, both caucuses were affiliated with their party; they had party meetings. The government's goal was to try to get their bills passed here, or studied, but fairly quickly. Now, with several groups, it is impossible to move as quickly. It's not easy for a government to impose its will. I think that's the difference between the Senate of today and the Senate of yesterday. In the Senate of the 41st Parliament and prior, because the government often held a majority in both Houses, it could impose its will. The only way for the opposition party to make its point was to use delay tactics, and the time allocation motion was there to prevent those delay tactics.

In today's environment, everything has changed, and I think as long as there are groups in the Senate that are using strategies together with their colleagues in the other place, there is a very real possibility that stalling tactics will be used. Chapter 7, which deals with time allocation motions, is an eminently important tool to deal with this issue of delay tactics that are so frustrating because they prevent debate, they prevent us from playing our role as a chamber of sober second thought, and they also keep us from voting.

Today, with the Speaker's ruling, which was supported by everyone, we have shattered a glass ceiling. This doesn't mean that we will use this practice often. I don't believe that the Government Representative in the Senate and his small team are interested in doing so, because it won't necessarily work given the number of groups. Therefore, the motion for time allocation without agreement will be used when there are delay tactics.

However, if all groups work to truly exercise their role of sober second thought, perhaps one day we won't use rule 7-2, but rule 7-1, time allocation with agreement to indicate that there's been sufficient debate. As there are no limits, we will be able to take the time needed. Our imaginations will ensure that we have orderly debates, such as those on medical assistance in dying, the bill to legalize cannabis and other bills.

The intent of my intervention is simply to highlight this point, especially for new senators who are perhaps wondering what they have gotten themselves into. I believe that today is an important day, but I don't believe that this practice will be used often.

Therefore, I will be voting in favour of the motion. Thank you.

Hon. Senators: Hear, hear.

Hon. Claude Carignan: I'd like to say just a few words, given the late hour, to clarify some things. The first is that much is being made of the fact that this is the first time a time allocation motion is being used since the Trudeau government came to power. I would point out that the reason is simple: It's because the Rules don't allow it. That's why there hasn't been a time allocation motion before now, simply because the Rules are quite clear on the matter. I understand that Senator Gold used some manœuvre today to move a motion, but the fact remains that the Rules are very clear.

Second, much has also been made of using time allocation for bills. We are at the response to a message from the House of commons stage, a stage that couldn't be more final for a bill — something we rarely see in fact. It has rarely happened that a message is sent to the House of Commons with amendments, only to have it returned to the Senate, followed by a reply.

If memory serves me, I've never seen a time allocation motion used at the response to a message from the House of Commons stage. At times rule 7-1 has been invoked on a bill, on amendments or at various reading stages, but I've never seen it used on a message from the Commons.

That is rather disappointing because this debate was going fairly well, beyond the matter of whether we took too much time or too little. Senator Gold mentioned that he'd reached an agreement with the leaders and that the bill had to be passed before the 10th or 11th, but that didn't happen.

That's fortunate, actually, because the debate continued and amendments were proposed by the other group. I no longer know what to call it because there are many groups with different names. Sometimes I get mixed up, but they all have colours that resemble the Senate chamber. These amendments were adopted and sent to the other place, and most of them were accepted. The debate was therefore not in vain. The fact that it went beyond the initial deadline set out by the government leader made it possible to continue the debate and propose amendments that were accepted by the House of Commons.

Although I don't agree with the fact that senators were able to propose other amendments, the debate was still conducted properly and that led to improvements to the bill. What's more, even though I think that the bill needed more amendments, the fact remains that a consensus will be reached by a vote. I'm sad that this is happening at the very end of this process. We're at the message stage. Everything was going well. We had some success. Not me as a Conservative, because I obviously don't agree with everything in the bill, but at least the process was complete, it was carried out in a respectful way, and we were able to make some improvements to the bill, many of which were accepted by the House of Commons. Now we're at the very end of the process and we're tripping at the finish line. We stopped running. The race stops here. I think that is a disgraceful end to a process that was nevertheless done by the book.

Senator Bellemare spoke of delay tactics. I invite you to read Serge Joyal's book on the Senate. The Senate's power to pass a time allocation motion is an important act to ensure fulsome debate within the context of the process that takes place here in this chamber.

I find it unfortunate that we're ending this whole process with time allocation on a bill that's specifically related to freedom of expression, especially when we were just days away from wrapping up debate. It's also unfortunate that the Leader of the Government is using a time allocation motion to respond to a message to the House of Commons. I find that sad, and it's the first time I've seen a time allocation motion at this stage. I don't think it was the right time to set this precedent.

• (2330)

Again, Your Honour, I think we have to be respectful of the rules and respectful of each other, but this is a disappointing end to what has been an exemplary process up to this point.

[*English*]

Hon. Peter M. Boehm: Honourable senators, I rise tonight at this late hour not to offer any new groundbreaking analysis on this well-debated topic of time allocation, but simply to join other colleagues in offering my opinion.

This has been a contentious and at times heated debate, as has been the case with Bill C-11, generally. While there is much disagreement about the use of time allocation, it is clear that all senators in this chamber are acting in what they believe to be the best interest of Canadians.

I support the motion. I do not agree with the argument that the government is stifling debate, because the facts simply do not support that assertion. Colleagues, the Standing Senate Committee on Transport and Communications has done extraordinary work in studying Bill C-11, both in comprehensiveness and length. In the Senate alone, along with a pre-study of Bill C-11 that began on May 31 of last year, Transport and Communications held 31 meetings on the bill from the time it began its study on October 25, 2022. It heard from 138 witnesses over the course of 67.5 hours of meeting time. Beyond this incredible number of witnesses who appeared before the committee, it received another 67 written submissions. Of the 31 meetings held, 9 were just for clause-by-clause consideration, which began on November 23 of last year.

During clause-by-clause consideration, 73 amendments were proposed, 26 of these 73 proposals were adopted to a total of 11 different clauses. There were 13 subamendments proposed, of which 2 were adopted, along with 8 recorded votes.

Let us all spare a thought for the fortitude of the procedural clerks and other committee staff who handled all of that. Colleagues, those statistics do not even take into account the eight days overall during which debate occurred on the messages between the Senate and the House of Commons between February 2 and April 19 of this year.

There is also, of course, the work of the House of Commons Standing Committee on Canadian Heritage. That committee heard from 80 witnesses in 32 hours over 12 meetings from the time it began its study on May 24, 2022, and debated approximately 100 amendments in its three clause-by-clause sessions, which began on June 14 of last year. It also received 52 written submissions. That, colleagues, is just Bill C-11.

Of course, there was also a full study done on Bill C-11's predecessor in the last Parliament, then Bill C-10, at the House of Commons Standing Committee on Canadian Heritage, and the Senate began second-reading debate before the dissolution of the Forty-third Parliament.

The Senate has spent more time on Bill C-11 — everyone has said this — than it has on any other piece of legislation in its 156-year history.

Honestly, colleagues, what more is there to say? The Senate, especially the members of the Committee on Transport and Communications, has more than done its work. The committee listened and debated, and so has the Senate. To argue that the government is crushing debate is simply not true.

This is the first time this government has invoked time allocation in the Senate since the start of the Forty-second Parliament in December 2015, nearly seven and a half years ago. In the Forty-first Parliament, however, under the previous government, time allocation was invoked 21 times in less than four years. It seems that support for time allocation depends on where you sit in the chamber.

I will close by reiterating again, colleagues, that time allocation is appropriate in this situation, where the bill in question has been so thoroughly and exhaustively debated, with its principle being debated over two different Parliaments. There is nothing left to say on this bill that has not already been said many times. I thank you, colleagues.

[*Translation*]

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

Senator Carignan: Yes.

Senator Boehm: No, thank you, Senator Carignan.

Senator Carignan: That's not up to your—

[*English*]

Hon. Denise Batters: Honourable senators, I rise today to speak on the government's motion to invoke time allocation on the Senate's debate on the message from the House of Commons on Bill C-11. As you have heard throughout this debate, the Senate's amendments on Bill C-11 were the product of an intensive committee study process. The Standing Senate Committee on Transport and Communications heard nearly 70 hours of testimony from 140 witnesses, with 67 additional written submissions on this topic. The committee studied this issue tirelessly.

Since we received the message, the product of that committee study, back from the House of Commons, we've debated for only six hours before Senator Gold gave notice of the government's intent to invoke time allocation. The Senate government leaders, first Senator Harder and now Senator Gold, have boasted for years about this government's disdain for invoking time allocation and the lack of necessity for them to ever employ it. So why is the government choosing to invoke time allocation now?

After almost eight years of governing, it is appalling that the Trudeau government is choosing to impose time allocation in the Senate for the first time on Bill C-11, of all bills. With this move, the Trudeau government is censoring debate on a censorship bill.

The irony is not lost on Canadians, honourable senators. Canadians have lost a lot of trust in this Trudeau government as this legislation has worked its way through Parliament. The backlash from Canadians has been fast and furious, as citizens, and especially young people, resent the government's attempt to interfere with the content Canadians can access and produce online.

Honourable senators, I know your email inboxes and telephone voice mail are just like mine: overflowing with emails and phone calls from Canadians opposed to Bill C-11. It is sometimes overwhelming, but it is indicative of the fact that many Canadians understand that their freedom of access to information and their freedom of expression are at risk with this legislation. People, especially young people, routinely stop me to register their opposition on this bill, not only Conservative-leaning people but also lots of people who have previously voted for the Trudeau government, as well as those who haven't ever been engaged in politics before.

Canada's domestic online content producers — musicians, artists and influencers — are largely united against this bill because of the negative implications this bill has in limiting their reach online and, in turn, curtailing their livelihoods.

Time allocation is one of the most political parliamentary procedures. Many senators in this chamber assert themselves as independent and devoid of partisan affiliation, but they will ultimately turn and vote for the use of the legislative guillotine on Bill C-11 simply to support this Trudeau government.

Honourable senators, don't be fooled. Time allocation is just the government's very blunt tool to cut short debate and force their agenda through Parliament.

In this place, one of our roles as senators is to safeguard and preserve the rights and interests of minorities that may be overrun in a House of Commons elected by representation by population. How is invoking time allocation in accordance with that aspiration, honourable senators? I submit that it runs roughshod over the very minority interests senators are sworn to protect.

Why is the Trudeau government pushing so hard to see that Bill C-11 passes both houses of Parliament as soon as possible? The timing is perhaps curious, but not difficult to understand. Canada is in the midst of a national affordability crisis, where Canadians are finding it difficult to secure the very necessities of life, like a roof over their heads and food on their tables. Meanwhile, the Trudeau government has increased the cost of bureaucracy by 50%, yet finds itself embroiled in the biggest public service strike in Canada's history, something that could only be accomplished by the most incompetent money managers in the Trudeau government.

Once Bill C-11 is passed, I suspect the Trudeau government will move to prorogue Parliament soon in an attempt to lower the heat and distract from its many scandals — and they're really dodging quite a few scandals, honourable senators.

First and foremost, of course, is the alleged Beijing election interference scandal that continues to dog Prime Minister Trudeau, following him like a bad stench. Tied into that is the mess that his family's Trudeau Foundation has devolved into. We're told one day that the Prime Minister hasn't been involved with the Trudeau Foundation for ten years, even though his brother signed the agreement for a questionable donation that points right back to the Chinese Communist government. In fact, you might even be tempted to give the Prime Minister the benefit of the doubt, until you open the newspaper and discover his office hosted a meeting of the Trudeau Foundation and senior government officials right within the confines of his Prime Minister's Office.

• (2340)

Every day seems to bring more bad news for this Prime Minister, and we know that answering for his behaviour is not high on the list of his list of priorities. Prorogation has the advantage of keeping the Prime Minister well away from a pesky and intrusive opposition and media questions on Parliament Hill. Instead, he can hide away out of view, waiting until his Special Rapporteur magically reveals, just before the May long weekend, that — surprise — there is no need for a public inquiry into Beijing election interference, leaving the Prime Minister free to go to as many $9,000-a-night luxury beach villas as he wants. Surf's up.

Meanwhile, with Bill C-11 rammed through Parliament, the long arm of the Trudeau government will have the ability to manipulate and influence the information Canadians see and produce online, just in time for another election. How fortuitous.

Honourable senators, you don't have to provide Prime Minister Trudeau with political cover by passing this legislation. Our Senate produced 26 very solid and reasonable amendments to Bill C-11 after weeks of careful study, research and witness testimony. What did the Liberal-NDP majority in the House of Commons do with them? Sure, they accepted 20 of the 26 amendments, which sounds like a win, until you look closer and discover that they rejected some of the most substantive amendments. That included the most important amendment on exempting user-generated content, proposed by two Trudeau-appointed senators, Senator Miville-Dechêne and Senator Simons, from the largest group in the Senate.

The Trudeau government passed the amended bill back to the Senate, and now it is once again our choice to make. The government still refuses to protect user-generated content in the actual legislation, instead insisting that appending such a promise in the wording of the motion will suffice. The motion reads:

> That the Senate take note of the Government of Canada's public assurance that Bill C-11 will not apply to user-generated digital content and its commitment to issue policy direction to the Canadian Radio-television and Telecommunications Commission accordingly . . .

Honourable senators, I wasn't born yesterday. I've seen Prime Minister Trudeau's Liberal promises come and go. Do you remember electoral reform, 2 billion trees, clean drinking water on all reserves and a carbon tax capped at $50 per tonne? It's funny how those promises just vaporized into the ether. This one will too.

The Trudeau government wants senators and, by extension, Canadians to just trust them, kind of like how the Senate government leader consulted with our leader before declaring a failed agreement and moving time allocation — that kind of trust? There is no reason to think that this Liberal promise will hold up any better than any of the many other broken Liberal promises.

The Liberals forced this message through the House of Commons side and now they are forcing it through the Senate with this imposition of time allocation. Honourable senators, here is your chance to prove your independence. We have the opportunity and the obligation to push back for the benefit of all Canadians who value freedom of thought and expression. If those of you who were appointed by Prime Minister Trudeau vote with the government to shut down debate, consider that to be the last vestige of the independent Trudeau Senate. You hold the majority here, so you decide. Here is hoping you choose wisely. Thank you.

[*Translation*]

The Hon. the Speaker: Do you wish to speak or ask a question, Senator Audette?

Hon. Michèle Audette: I'd like to ask Senator Batters a question.

The Hon. the Speaker: You have one minute.

Senator Audette: With pleasure. I'm very tired. Senator Batters? No? Okay. That's democracy for you.

[*English*]

Hon. Frances Lankin: Honourable senators, I've listened very carefully to the discussion tonight. It has ranged from a clear discussion of the merits of using time allocation at this point in time into discussions about reform of the Senate, where we're headed or where we should be headed. There is no doubt there is a lot of disagreement in this chamber still. I live in hope that we will continue to have these discussions and perhaps come to a point where we can see a road forward together.

One of the things I would like to say about the speeches I've heard tonight is that there isn't one of them with which I didn't agree with some elements of what people said. I also disagreed with some elements of what people said.

One of the things that makes it difficult for me with my particular temperament and not being able to keep quiet when Senator Plett says certain things — of course, he can't keep quiet when I say certain things either; it's good across the floor — is when a position of the meritorious behaviour of the opposition is put forward as only speaking on behalf of Canadians. We all speak on behalf of Canadians. There are Canadians who have polarized views on this particular piece of legislation before us, as there is on others.

This is on both sides; I include this for the GRO — the Government Representative Office — as well as for the opposition: There isn't a monopoly on representing what Canadians think. There are tons of scorn heaped upon us from people opposite who say that we're not independent and put a partisan label on us. That would suit their purposes in terms of their concerns about a loss of official opposition status in a reformed Senate. We understand that those are the things at stake, but all of the people here represent voices of Canadians.

Your job, as has been said, is to bring forward and highlight the voices of Canadians who are not heard through other processes. That does not mean that we will necessarily all agree with what all of those voices have to say. It's like just a couple of hours ago, maybe it was, when Senator Plett took a shot at me and said that I said that the Rules Committee worked on consensus and that should never happen. Well, no, but I don't think the Rules Committee works on consensus; I think the Rules Committee puts forward a position of working on a consensus and certain people say, "No, no, no. We don't have a consensus." For me, that is exercising a veto, essentially.

We have these tensions, and I think they come primarily from a different understanding and desire for the direction of the Senate.

When it comes to what that means at this moment with the time allocation motion in front of us, I have a history in partisan politics and I hate time allocation motions. I think people should be responsible enough to take the debate as far as it needs to go to hear the variety of voices and to ensure that we have a deliberative discourse that allows us to hear each other.

There is nothing about how this chamber operates that actually supports that.

When I got here, I was appalled when I saw this practice where one person would speak and another person would stand and take the adjournment. It would sometimes be two or three weeks before we got back to that person. How do you listen to each other and ensure you have a coherent debate going forward? I was told that senators needed time to prepare after what they heard.

Maybe it's not a good example — maybe it's just the example that I lived in the Ontario legislature — but when we had debates and discussions when a bill came forward, we worked at it and didn't skip around and adjourn and not come back to it. We talked things through. We got to a point where, responsibly — most of the time — the points had been made. They'd been heard in committee; they made sure there was a full range of witnesses. In fact, every group was able to put forward names, so you could tell there was a full range of views coming forward. Then we debated it out in the legislature, and we came to the point where we voted.

The problem here — and the reason it sticks in my craw that I'm going to support time allocation — is because I have seen with this bill that we have had fulsome debate. In fact, nobody has really talked about the fact that there was a bill in the prior Parliament — Bill C-10 — that was the same as this. It has been around a few times here. We've had fulsome debate in this chamber. We had fulsome committee hearings. If that makes up for something that was lacking in the other chamber, as Senator Wallin pointed out, then we have done that; we have made up for that.

I think the characterization that I heard earlier tonight from the leader of the opposition, namely that the government was ramming this through, was unfortunate. I don't think that is an accurate description. We are at the message stage. For those who are listening and wondering what this is all about, we don't have the bill before us right now. We are debating putting a time limit on how long we can debate about the message that came from the other place, and the question, fundamentally, is do we accept the message or send it back? And yet, a number of people there would propose that the six hours that have been set aside, one, is not enough; two, is the representative ramming it through; and, three, is not respectful of the voices. None of that, in my view, is true.

• (2350)

I wish we would have an opportunity to have a real debate about the vision of reform in the Senate. If the opposition is tired of feeling like they're not respected in the things they say, I would say that I respect them in the things they say. I don't often respect them in the things they do in terms of how they conduct themselves in this place, but I have to say that sometimes I descend to the same level. I apologize for that, Mr. Speaker. You're the one who has to worry about that the most.

But I would love to have that discussion. I'm not opposed to seeing opposition voices and the Conservative values brought forward. I believe in cognitive diversity. I believe in having all these views on the table. I do oppose you trying to label who I am in my politics, like the colleague directly across from me who tonight said, "You're a Liberal." That's interesting. I voted Conservative, and I've voted New Democrat. Sorry, Prime Minister, I've never voted for your party.

Don't tell me who I am. I have my own values and politics, and I bring them to bear in the best way I can in the spirit and respect of what I think this chamber is about. The basic problem is that I don't think we have an agreement about what this chamber is about.

Thank you very much, Your Honour.

[*Translation*]

Hon. René Cormier: I rise to speak to the time allocation motion. I'm not doing so thinking of the government nor the Leader of the Opposition. I'm not doing so thinking of the Leader of the Government in the Senate nor the chair of the Standing Senate Committee on Transport and Communications. I'm not doing so to convince or prove to anyone in this chamber that I'm an independent senator. I've spent part of my life defending my identity and it is not in this chamber that anyone is going to impose an identity on me that I don't identify with.

When I think about the people in my province and in Canada, I have much more important work to do. I rise thinking about the artists and the cultural sector that participates, thanks to their creations, in their vision of the world and their humanism, the economic, cultural and social development of our country and the development of our culture in the world.

The points raised over the past few hours have highlighted anew the important issues around modernizing the Senate. The need to modernize our institution becomes apparent when we end up in situations like this and I thank all those who elevate the debate constructively.

I rise as a senator with a background in the arts and culture, but above all as a member of the Standing Senate Committee on Transport and Communications, which studied Bill C-11 and was first to tackle this bill in the pre-study that began on May 31, 2022.

The Standing Senate Committee on Transport and Communications heard from 138 witnesses and held 31 meetings, including nine meetings for clause-by-clause consideration. We spent a total of 67.5 hours in meetings. This made it possible for the committee to carry out an exhaustive study, and I weigh this word carefully. We heard the testimony of content creators, broadcasting experts, representatives from academia and former presidents and commissioners of the CRTC; associations representing artists and workers in the music and audiovisual sector; associations representing the interests of Indigenous, Black and racialized people; persons with disabilities; and official language minority communities.

The Standing Senate Committee on Transport and Communications did a considerable amount of work, and I was impressed by the work of the committee members, the expertise around the table, the diversity of viewpoints, the pertinence of the questions and the value of the changes. I thank all committee members for their remarkable work.

In addition to the work that was done upstream and during the committee study, my team and I received numerous calls and emails from concerned artists, associations in the audiovisual sector, directors and producers in the music and music publishing sector, in both anglophone and francophone communities. They all asked us to pass Bill C-11 quickly.

As evidence of that, I will repeat the short sequence of public testimony that Senator Dalphond highlighted in one of his speeches last week, which speaks to the sentiment of the cultural sector around Bill C-11.

On March 31, after the other place adopted the message proposed by the government, Bill Skolnik, the co-chair of the Coalition for the Diversity of Cultural Expression, said, and I quote:

> In a climate of acrimony and misinformation, we salute the work and courage of the elected officials who, for the past two years, have tirelessly supported the cultural sector and ensured the sustainability of our cultural sovereignty.

Hélène Messier, the other co-chair of the same organization, said, and I quote:

> Over the past few months, Senators have conducted a rigorous analysis of the bill and made some improvements. We salute their work, but invite them today to take note of the decisions of the elected officials and to move the bill in its current state towards Royal Assent as quickly as possible.

At a time when *The Globe and Mail* recently published an article saying that Bill C-11 is likely the bill that's been studied the longest in the history of the Senate, I can't help but commend the patience and resilience of those in the arts and culture community who are affected by Bill C-11 in some way. We can't

leave Canada's music and audiovisual communities out in the cold. That is not an option. They have waited far too long for this bill.

Every week that Bill C-11 isn't passed means that the CRTC has one less week to begin its work of consulting stakeholders. It will take the CRTC about two years to complete this monumental work. Once these consultations are complete, the mechanisms that will allow platforms to contribute to Canadian content and its discoverability will finally see the light of day. In other words, that is when our artists and cultural community will finally be able to benefit from this bill.

Acadian culture forms the core of my identity. Acadian music has been my livelihood and is what has allowed me to stand before you today. It has shaped my people, the Acadian people. The music industry in Acadia has developed through the initiatives of a structured set of networks and professionals who have discovered and supported Acadian talent.

I'd like to quote a passage from a book entitled *L'état de l'Acadie*, which gives an overview of Acadia today.

> At a time when the music industry has been completely transformed and online listening is leading to a drop in revenues and jeopardizing the ecosystem of the music industry, particularly that of the most fragile players who perform in francophone minority communities, the solution undeniably lies in regulations that promote a more equitable sharing of revenues among the various components of the music industry.

Bill C-11 is the starting point of an important societal and cultural project. The time allocation motion was carefully considered and I believe it is supported by solid arguments. I believe that I've expressed in this intervention the reasons why I find six hours to be insufficient. When we're in the process of creating something, we reach a point where we've asked ourselves questions, where we want to go further and we want to delve even deeper. However, when we create something and think of the public waiting on us, we say to ourselves that it is time to adopt this creation, in this case Bill C-11. Thank you.

[*English*]

The Hon. the Speaker: Honourable senators, as you know, two and a half hours were set aside for debate on this particular motion. It is now two minutes away from the time when we are required to vote. Unless some senator wishes to enter debate for two minutes, I will put the question now. Shall I put the question now?

Some Hon. Senators: Agreed.

The Hon. the Speaker: It was moved by the Honourable Senator Gold, seconded by the Honourable Senator Gagné that, pursuant to rule 7-2, not more than a further six hours of debate be allocated for the consideration of the motion, as amended, to respond to the message from the House of Commons concerning the Senate's amendments to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.

• (0000)

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Do we have agreement on a bell?

An Hon. Senator: With leave, now.

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

Hon. Senators: Agreed.

The Hon. the Speaker: The vote will take place now.

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Arnot	Gold
Audette	Greenwood
Bellemare	Harder
Bernard	Hartling
Boehm	Klyne
Boniface	Kutcher
Bovey	LaBoucane-Benson
Burey	Lankin
Busson	Loffreda
Cardozo	Marwah
Clement	Massicotte
Cordy	McCallum
Cormier	McPhedran
Cotter	Mégie
Coyle	Miville-Dechêne
Dagenais	Omidvar
Dalphond	Osler
Dasko	Patterson (*Ontario*)
Deacon (*Nova Scotia*)	Quinn
Deacon (*Ontario*)	Ravalia

Dean	Ringuette	Housakos	Plett
Dupuis	Saint-Germain	MacDonald	Seidman
Forest	Smith	Marshall	Wallin—12
Gagné	Sorensen		
Gerba	Woo		
Gignac	Yussuff—52		

NAYS
THE HONOURABLE SENATORS

Ataullahjan	Martin
Batters	Oh
Carignan	Pate

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

(*At 12:08 a.m., pursuant to rule 3-4, the Senate adjourned until later this day at 2 p.m.*)

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