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Tuesday, June 11, 2024

The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Tuesday, June 11, 2024

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

Prayers.

SENATORS' STATEMENTS

PRIDE MONTH

Hon. Wanda Thomas Bernard: Honourable senators, I rise today, grateful to be on Algonquin Anishinaabe territory, to celebrate Pride Month. Today, I acknowledge the ongoing struggles and triumphs of the 2SLGBTQIA+ community over so many years. But Pride Month is a time to honour the courage, resilience and contributions of individuals who fight for acceptance, equality and equity.

I was inspired by the recent statements from Senator Bellemare and Senator McBean. They highlighted the transformative power of acceptance by family and communities. Their stories reminded me of two former colleagues with very different outcomes that underscore the importance of creating open and supportive environments.

One was the tragic suicide of a colleague with whom I had worked closely. Unbeknownst to us, he struggled with depression as a result of his family rejecting him when he came out to them. The fact that he did not feel safe enough to come out to his colleagues, despite all of us being social workers, was a wake-up call, and it was a profound reminder of the need for all of us to, quite frankly, do better. Today, I honour his memory and the important lesson that his untimely death taught us.

The other story brings me joy. It is a story of immense courage of a social work professor who paved the way for change. Professor Brenda Richard was the first openly gay professor at Dalhousie University, and likely one of the first openly gay social workers in all of Nova Scotia. When I joined the Dalhousie School of Social Work in 1990 as the only person of African descent, Professor Richard and I formed a strong bond as outsiders, and we became allies in the fight for rights.

Professor Richard was an incredible role model and advocate for the queer community, having the courage to be herself when it was not safe to do so. She showed such humility and tenacity as we worked for over 10 years to have the 2SLGBTQIA+ community included in the school's affirmative action policy. Her actions helped pave the way for changes that we see and experience today. She taught me about being an unwavering ally. She was a great support and a beacon of hope and strength for so many.

Colleagues, please join me in expressing deep appreciation to Professor Brenda Richard who was, in the words of Tina Turner:

... simply the best
Better than all the rest

Thank you.

Hon. Senators: Hear, hear.

NATIONAL BLOOD DONOR WEEK

Hon. John M. McNair: Honourable senators, I rise today to discuss something that's near and dear to my heart: This week marks National Blood Donor Week across Canada. I want to highlight the importance of donating blood. There are three core components of a blood donation. There are red blood cells, plasma and platelets. Most of you are familiar with red blood cells, but may be less familiar with plasma and platelets.

Plasma goes to patients who require a transfusion, and it is also used in the manufacturing of medicines needed by those with conditions such as bleeding disorders, severe burns and immunodeficiency.

Platelets are a component of the blood that helps with clotting. In a healthy person, new platelets are continuously being produced and old platelets are removed within the body. Those who have low platelets or platelets that don't function properly — for example, someone undergoing chemotherapy — need transfusions as part of their treatment.

Our national blood authority is Canadian Blood Services, which was established in 1998 and is an independent, not-for-profit charitable organization responsible for ensuring that patients across our country have safe and reliable access to the high-quality blood, plasma, stem cells and organs and tissues that they need.

Canadian Blood Services provides blood and blood products for transfusion, manages a formulary of plasma protein and related products used in a wide array of medical conditions, and also manages stem cell registry services and cord blood banking.

As June is also Pride Month, I want to draw attention to the Canadian Blood Services recent apology to the 2SLGBTQIA+ communities for a former policy which prevented all sexually active men who have sex with men, and some trans people, from donating blood and plasma.

In 2022, evidence was submitted to Health Canada to clearly demonstrate a change in policy was both safe and necessary, and a change in criteria was implemented. All donors are now asked the same questions about sexual behaviour regardless of sexual orientation or gender.

I would like to congratulate Canadian Blood Services on their efforts to create a more inclusive donation policy, and for acknowledging the role they played in discriminating against

queer communities. This is an important step forward in righting the wrongs of a harmful policy and I welcome it, as I'm sure many other Canadians do.

Colleagues, there is always a need for more donors. I encourage you to donate if you are able, and remember, as Canadian Blood Services will tell you frequently, "It's in you to give." Thank you. *Meegwetch*.

Hon. Senators: Hear, hear.

• (1410)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Randy, Lydia, Ray and Agnes Wolgemuth. They are the guests of the Honourable Senator Plett.

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

Hon. Senators: Hear, hear!

GOVERNMENT OF CANADA WORKPLACE CHARITABLE CAMPAIGN

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, last week we paid tribute to the courageous Canadian men and women in uniform of the past for their resilience, commitment and contributions. I strongly believe it is our duty to hold their legacy in our hearts in order to show our appreciation.

I also believe, colleagues, that we need to look at the present and recognize the current security heroes amongst us right here in the Senate. We need to acknowledge the courage and dedication of the Canadian men and women in uniform from the Parliamentary Protective Service and the Senate's Corporate Security Directorate for their ongoing efforts in keeping us safe.

Colleagues, I believe everyone will agree that we are surrounded by professional security teams who are friendly, efficient and yet extremely professional. Day after day, the guards go above and beyond to make us feel safe and secure when we are in the Parliamentary Precinct.

I want to take this opportunity today to say thank you for always making us feel safe. I also wish to thank our wonderful Corporate Security Directorate, that works tirelessly on security operations.

A lot of the work to maintain a safe and secure environment for all of us is done behind the scenes. Today I felt it was fitting to take the opportunity to thank them for their dedication, vigilance and professionalism. Please know that your hard work does not go unnoticed and that it is appreciated. I've often said that the Senate has the best security team, which is something I truly believe. Their unwavering commitment to ensuring our safety is commendable.

Colleagues, the Senate's Corporate Security Directorate is holding its sixth annual golf tournament on Thursday, June 27, which is something near and dear to my heart. This event supports the Government of Canada Workplace Charitable Campaign, but it also provides us with an excellent opportunity to actively show our gratitude to the Senate's security team. I would like to encourage everyone to participate by either joining us for a round of golf, by donating to the cause or, possibly, by sponsoring a hole.

Colleagues, please reach out to Julie Lacroix, Director of Corporate Security, to see how you can support this charitable event. Everyone is welcome to join us: staff, administration, senators, family and friends. Registration is open until this Friday. I believe we could all use a change from our daily activities after months debating different motions in this Red Chamber. Let's gather on the greens of the Manderley golf course for a day of outdoor fun, relaxation and friendly competition. By participating, you will not only have a great time; you will also contribute to a worthy cause. Let's all come together on June 27 to support the Senate's Corporate Security Directorate Workplace Charitable Campaign. Thank you, colleagues.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Maxwell LeBlanc, grandson of the Honourable Senator Hartling. He is accompanied by his other grandparents, Donna and Ed Fitzgibbon.

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

Hon. Senators: Hear, hear!

JUVENILE DIABETES RESEARCH FOUNDATION

Hon. Nancy J. Hartling: Honourable senators, many of us have grandchildren and love them dearly.

[*Translation*]

Our families are very important, our grandchildren especially so.

[*English*]

Today I rise to share with you a little about one of my heroes my grandson Max, and about the Juvenile Diabetes Research Fund, or JDRF.

For several years, I have been involved with the All-Party Juvenile Diabetes Caucus. We work closely with the JDRF and their biennial Kids For a Cure event that takes place right here on the Hill. From across Canada, kids with type 1 diabetes come to Ottawa to visit Parliament and meet with MPs and Senators to talk about needed research dollars and gain our support. The JDRF was founded in 1974 by parents of kids with type 1 diabetes. Now they're celebrating 50 years of successful advocacy.

Type 1 diabetes is an autoimmune disease that requires multiple daily insulin injections. It requires many skills, tools and commitment to change. Three hundred thousand Canadians have type 1 diabetes, with new cases growing at 4.4% per year. Though diagnosis typically occurs in youth, many adults go on to develop type 1 diabetes.

While there is no cure, just over a 100 years ago doctors Frederick Banting and Charles Best discovered insulin, which quickly became a life saver. We are at a critical juncture in Canada where researchers are hopeful that a cure is possible in the near future. I'm pleased that we have a national framework for diabetes in Canada, but it's crucial that we follow through with consistent funding for research.

Max, my grandson, who is with me today, is 11 and has type 1 diabetes. He was diagnosed when he was 2 years old, and it was very difficult for Max and his parents. He is now teaching us how to manage his diabetes.

He travelled from B.C. with his other grandparents Ed and Donna to meet me in Ottawa and then we travelled to New Brunswick to participate in the JDRF Walk For a Cure this past Sunday. JDRF holds over 50 walks in cities across Canada to raise funds for research. Their motto is "Let's Turn type one into Type None." We had an exceptional time in Moncton on the walk. We walked with llamas, too, which was really fun. I want to thank the Moncton organizers.

Max showed me how he changes his site and sensor, uses his insulin pump and carefully decides what he will eat and adds carbs so the insulin adjusts. Sometimes he has to eat in the middle of the night to keep his blood sugar stable. It's 24-7, 365 days a year. Max, like the many kids with type 1 diabetes I have met, faces many challenges daily. Parents also have to be very supportive.

Max is a very outgoing 11-year-old who volunteers at a seniors' home, visiting Ruby. He plays soccer, curls and loves video games and his dog Molly. He is kind and thoughtful. He has tons of energy, but often nights are interrupted with high or low insulin readings that need adjustment. When travelling, he is required to bring many pieces of equipment, insulin refills and snacks. Airport security is also difficult with an insulin pump.

Every July 1, Max hosts a fundraiser with his parents at his dad's restaurant in Invermere, B.C., to raise funds for JDRF. He is committed and positive.

I am so proud of you, Max. You are my hero, and I love you.

Hon. Senators: Hear, hear.

[Senator Hartling]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Ripudaman Singh Minhas, who is accompanied by team members of the Our Kids' Health network. They are the guests of the Honourable Senator Burey.

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

Hon. Senators: Hear, hear!

[Translation]

OUR KIDS' HEALTH NETWORK

Hon. Sharon Burey: Colleagues, today I want to talk about an issue that matters very much to me, both personally and professionally, namely, the importance of parity between physical and psychological health care. I also want to draw your attention to the efforts of the Our Kids' Health network, an initiative that is moving us toward parity and equity.

[English]

When I speak about mental health, substance abuse and addiction parity, this is inclusive of esteem and equity. This is an issue that Canadians care about. Indeed, the Canadian Mental Health Association reports that by the age of 40 years 50% of Canadians will experience a mental illness, and 70% of mental health disorders start in childhood.

A recent poll found that timely access to publicly funded mental health services is important to 90% of Canadians, and more than 8 in 10 Canadians strongly support the concept of mental health parity. However, Canada only spends 7% to 9% of health care dollars on mental health, while in countries like the U.K. it is 13%.

As you know, the COVID-19 pandemic laid bare inequities and challenges in our society. According to Dr. Ripudaman Minhas, an associate professor of pediatrics at the University of Toronto, the new president of the Pediatricians Alliance of Ontario and project lead of Our Kids' Health network, Indigenous people, Black and racialized Canadians experienced isolation and distress and had diminished access to evidence-based supports and networks. By recognizing the gap in existing resources, his team launched Punjabi Kids' Health in 2021.

• (1420)

With support from the Public Health Agency of Canada in 2022, Our Kids' Health, or OKH, expanded their initiative by introducing nine additional channels — Arabic, Black, Cantonese, Filipino, Hispanic, Inuit, Mandarin, Punjabi, Tamil and Ukrainian — forming Our Kids' Health Network at Unity Health Toronto's St. Michael's Hospital, with engagement from the World Health Organization's digital health innovation branch. OKH is now a global social-media-based health initiative

that offers accessible, reliable and relevant child health information, including mental health information, to families of diverse backgrounds.

Supporting initiatives like these battles misinformation and disinformation, improves health equity and parity and ensures that no one is left behind. It underscores the saying that there is no health without mental health.

Finally, colleagues, I am convinced that when we truly put our minds, talents and resources together, there is no problem we can't solve. Innovative solutions such as Our Kids' Health Network connect the dots and point the way to achieving parity of esteem and equity in our health care systems.

Thank you, *meegwetch*.

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Indigenous youth participants of the national Indigenous Leadership Policy Advocacy Fellowship of the Indigenous Connectivity Institute. They are the guests of the Honourable Senator McPhedran.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Major-General Jamie Speiser-Blanchet, Deputy Commander of the Royal Canadian Air Force; incoming Honorary Colonel Renee van Kessel; and Colonel Margaret Jacula. They are accompanied by other members of the RCAF and are the guests of the Honourable Senator Patterson.

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

Hon. Senators: Hear, hear!

ROYAL CANADIAN AIR FORCE

Hon. Rebecca Patterson: Honourable senators, I rise today to mark Air Force Day on Parliament Hill and to invite you all to join me in celebrating Royal Canadian Air Force members, past and present, some of whom are here with us today, for their service to Canada.

It is a banner year for the RCAF: April 1, 2024, marked 100 years of service for the Royal Canadian Air Force. Since its inception in 1924, the RCAF has served Canadians faithfully in times of peace and war. The centennial milestone is an opportunity for us to celebrate and honour the RCAF's distinct role throughout history because a nation's story is built upon its past, on the labours of those who have been willing to serve.

While it's easy to look back at the accomplishments of the past, there is much to recognize and celebrate in the present. Whether it is through undertaking air combat missions in Kosovo, Libya or Kuwait, the RCAF continues to contribute to global security and peace. The RCAF has also been there in times of international disasters, such as the earthquake in Haiti, where they evacuated civilians, and during COVID, when they repatriated Canadians from all over the globe. Domestically, the RCAF provided support and performed evacuations during last year's disastrous wildfire season.

I do not need to tell you that if you are lost or in trouble, seeing the yellow and red paint scheme of an RCAF search and rescue aircraft is a huge relief. You know you are going to be okay.

That is why days like this, when parliamentarians can interact with RCAF personnel and share stories, are so important. As politicians, it's easy for us to talk about taxpayers and taxpayers' money when we invest in defence and security, but remember that it is a Canadian we're talking about — one who has agreed to put their life on the line in that cockpit, driving that tank or sailing that frigate. Think about that when you stand up to debate issues regarding the Canadian Armed Forces.

In a world where the security landscape changes rapidly, and conflicts old and new are flaring up, we need to support the people in uniform now more than ever. Colleagues, the RCAF members are entrusted with protecting Canada and everything we love. They deserve the resources required to perform that charge.

To the RCAF members, we appreciate the hardships you face, and I know, because of who you are, you can be counted upon when called. What you bring to the fight is your passion and excellence, which are unmatched by anyone else in the world.

Thank you and happy birthday to the Royal Canadian Air Force!

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Krenare Recaj and Sarah Elizabeth Weber. They are the guests of the Honourable Senator Deacon (*Ontario*).

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

BUDGET IMPLEMENTATION BILL, 2024, NO. 1

NINETEENTH REPORT OF INDIGENOUS PEOPLES COMMITTEE ON
SUBJECT MATTER DEPOSITED WITH CLERK DURING
ADJOURNMENT OF THE SENATE

Hon. Brian Francis: Honourable senators, I have the honour to table, in both official languages, the nineteenth report of the Standing Senate Committee on Indigenous Peoples, which deals with the subject matter of those elements contained in Divisions 25 and 26 of Part 4 of Bill C-69, An Act to implement certain provisions of the budget tabled in Parliament on April 16, 2024.

(Pursuant to the order adopted May 9, 2024, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting of the Senate.)

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

THIRD REPORT OF COMMITTEE PRESENTED

Hon. Judith G. Seidman, Chair of the Standing Committee on Ethics and Conflict of Interest for Senators, presented the following report:

Tuesday, June 11, 2024

The Standing Committee on Ethics and Conflict of Interest for Senators has the honour to present its

THIRD REPORT

Your committee, which was authorized by the Senate on May 8, 2024, to propose changes to the *Ethics and Conflict of Interest Code for Senators* to take account of the amendments to rule 12-26(1) of the *Rules of the Senate* adopted by the Senate on that day, now recommends:

- (1) that subsection 35(5) of the Code be replaced with the following:

“Presentation and adoption of motion

35 (5) The Leader or Representative of the Government in the Senate, seconded by the Leader of the Opposition in the Senate and the leader or facilitator of the recognized party or recognized parliamentary group with the most members — other than, if applicable, the recognized parties or recognized parliamentary groups to which either the Leader or Representative of the Government in the Senate, or the Leader of the Opposition in the Senate belongs — shall present a motion on the Committee’s full membership to the Senate, and that shall be deemed adopted without any debate or vote.”; and

- (2) that the Law Clerk and Parliamentary Counsel be instructed to update the consolidation of the Code as soon as practicable to reflect this amendment and be empowered, in updating the consolidation, to renumber the provisions as necessary and to correct any grammatical or typographical errors, as well as to make any other changes of a non-substantive nature that may be required. The consolidation will be available on the website of the Senate Ethics Officer.

Respectfully submitted,

JUDITH G. SEIDMAN

Chair

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

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

[*Translation*]

BUDGET IMPLEMENTATION BILL, 2024, NO. 1

EIGHTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL
RESOURCES COMMITTEE ON SUBJECT MATTER
DEPOSITED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Paul J. Massicotte: Honourable senators, I have the honour to table, in both official languages, the eighth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, which deals with the subject matter of those elements contained in Division 28 of Part 4 of Bill C-69, An Act to implement certain provisions of the budget tabled in Parliament on April 16, 2024.

(Pursuant to the order adopted May 9, 2024, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting of the Senate.)

• (1430)

[*English*]

COMMONWEALTH PARLIAMENTARY ASSOCIATION

COMMONWEALTH WOMEN PARLIAMENTARIANS WORKSHOP ON
CHAMPIONS FOR GENDER EQUALITY: ACHIEVING
EQUAL PARTICIPATION IN COMMONWEALTH PARLIAMENTS,
DECEMBER 6-8, 2023—REPORT TABLED

Hon. Rosemary Moodie: Honourable senators, I have the honour to table, in both official languages, the report of the Commonwealth Parliamentary Association concerning the Commonwealth Women Parliamentarians Workshop on Champions for Gender Equality: Achieving Equal Participation in Commonwealth Parliaments, held in Dar es Salaam, Tanzania, from December 6 to 8, 2023.

BILATERAL VISIT TO BARBADOS AND SAINT LUCIA,
MARCH 3-9, 2024—REPORT TABLED

Hon. Rosemary Moodie: Honourable senators, I have the honour to table, in both official languages, the report of the Commonwealth Parliamentary Association concerning the Bilateral Visit to Barbados and Saint Lucia, held in Bridgetown, Barbados and Castries, Saint Lucia, from March 3 to 9, 2024.

[Translation]

ENERGY, THE ENVIRONMENT AND NATURAL
RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING
SITTING OF THE SENATE

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

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to meet on Tuesday, June 11, 2024, at 6:30 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

QUESTION PERIOD

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

SUSTAINABLE DEVELOPMENT TECHNOLOGY CANADA

Hon. Donald Neil Plett (Leader of the Opposition): Government leader, last week, in response to one of my questions about the Trudeau government's green slush fund, you said, "As soon as the government found out about these allegations, Innovation, Science and Economic Development Canada acted quickly."

In fact, the Trudeau government's utter incompetence led to this scandal in the first place, leader. The Auditor General's report clearly states the department ". . . did not sufficiently assess and monitor . . ." how the Liberal insiders at this slush fund awarded funding from taxpayers.

Leader, will the Trudeau government respect the motion adopted by the House of Commons yesterday and deliver all the documents to the RCMP for investigation? Leader, yes or no?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The government, of course, is aware of the motion that was adopted. At this juncture, I'm not in a position to answer as to how the government will respond.

Senator Plett: Unfortunately, you can never respond on behalf of the government you represent.

The Auditor General also stated that "the department did not monitor conflicts of interest at the foundation." In fact, the Trudeau government was warned not to make one of their friends the chair because the slush fund was already doing business with her. Leader, they appointed her anyway, and she approved \$217,000 to her own company. That's corruption, leader, isn't it?

Senator Gold: No, I don't agree with your description, but that person is no longer holding that function.

FINANCE

ASIAN INFRASTRUCTURE INVESTMENT BANK

Hon. Donald Neil Plett (Leader of the Opposition): I'm wondering why she's no longer there.

Leader, it has been almost a year since Minister Freeland announced an immediate halt to Canada's activities at the Asian Infrastructure Investment Bank. By that point, the Trudeau government had already given this Beijing-controlled bank a quarter of a billion dollars from Canadian taxpayers and received zero in return. On June 14, 2023, Minister Freeland said a review would be taken expeditiously. Instead of making a decision, however, Trudeau and his inept government stalled for time in December by announcing the review would be expanded.

Leader, this farce has gone on long enough. What is stopping the Trudeau government from withdrawing from this bank today? Are they afraid to admit they shouldn't have joined in the first place?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The review is under way, and when the review is completed, the government will announce whatever next steps are appropriate.

Senator Plett: You're certainly not wasting any time not answering questions today.

Leader, this is the height of "not worth the cost." We have record food bank usage. Think of what our country could have done with a quarter of a billion dollars. I suspect the Trudeau

government has done absolutely nothing to bring these taxpayers' dollars home. Is that the reason they won't withdraw Canada from this bank — because they would have to admit that we won't get our money back?

Senator Gold: As I said, senator — at the risk of repeating myself — there is a review under way, and the government will make whatever appropriate announcements following the conclusion of that review.

[Translation]

PUBLIC SAFETY

COERCIVE CONTROL

Hon. Julie Miville-Dechêne: Senator Gold, femicides are on the rise in Quebec, where seven women were killed in the first four months of this year. In Canada, a woman is killed in an act of violence every six days. For years, women's groups have been advocating for the criminalization of coercive control, which encompasses actions intended to intimidate, manipulate, humiliate or isolate the victim, actions that are often a precursor to physical violence. Bill C-332, which is being debated this very day in the House of Commons, would make coercive control a new criminal offence.

What is the government's position on the notion of coercive control and on adding it to the Criminal Code?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. I want to make it clear that coercive and controlling behaviour is manipulative and dangerous, and it puts lives at risk. Frankly, there is an epidemic of gender-based violence in Canada. More needs to be done to ensure women's safety.

The short answer to your specific question is that yes, the government supports Bill C-332 with amendments.

Senator Miville-Dechêne: I'm pleased to hear that.

Why hasn't the government undertaken this work, since the issue has been discussed for years? In the United Kingdom, for example, where coercive control is now criminalized, there has been a 30% increase in requests for assistance and the conviction rate is rising. There is one concern, however. The Canadian Bar Association believes that the concept of coercive control is too vague. What do you think?

Senator Gold: To answer your question more broadly, the government has taken a number of steps, including launching a federal strategy to bring together all federal partners in a whole-of-government approach to end gender-based violence. This strategy is in addition to more than \$600 million over five years to develop a national action plan.

[Senator Plett]

• (1440)

[English]

EMPLOYMENT AND SOCIAL DEVELOPMENT

CANADA DISABILITY BENEFIT

Hon. Brent Cotter: Regarding the Canada disability benefit, Senator Gold, when Minister Qualtrough introduced this legislation, she said we have an opportunity to “. . . lift hundreds of thousands of working-age Canadians with disabilities out of poverty.”

Speaking on this same topic, the sponsor of the bill in this house said we have a chance “. . . to change the world for hundreds of thousands of our fellow citizens who really need us. . . .”

In April, the government indicated that of the 1.6 million Canadians with disabilities living below the poverty line, fewer than 40% would even be eligible. Also, last week, the government's own information indicated that the total number of adults who would be lifted out of poverty by this bill is 25,000.

Can you help to square the celebratory message from two very distinguished parliamentarians with the budget announcement?

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

Again, I rise to express the government understands the disappointment with the announcement of the amounts in the first phase of this historic program. There is no question that the government understands that Canadians living in poverty require a combined contribution from both the federal and provincial governments and the support services that the provinces, territories and municipalities provide.

This is the first phase of the program. The amounts that were allocated in this budget responded, in part, to the importance of staying within certain budget parameters, but it is only the first step. The government will continue to work with its partners to improve and expand this program for the benefit of those Canadians living with disabilities.

Senator Cotter: I have a brief supplementary. When the announcement came out in the budget, Senator Gold, it was a six-year commitment. Should we anticipate, based on your observation about steps and stages, that additional resources will be made available long before that six-year period expires?

Senator Gold: I'm not in a position to speculate as to what funding decisions will be made in the future, but again, the government remains committed to doing what it said it would, which is to take steps forward — along with the provinces and territories — to assist those living with disabilities and alleviate the financial situations they find themselves in.

PRIME MINISTER'S OFFICE

NATIONAL SECURITY AND INTELLIGENCE COMMITTEE OF PARLIAMENTARIANS

Hon. Percy E. Downe: Senator Gold, the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs, Dominic LeBlanc, has offered to show the full report of the National Security and Intelligence Committee of Parliamentarians to the leaders of all political parties in the House of Commons.

Will the same opportunity be extended to the leader of the Independent Senators Group, Senator Saint-Germain; the leader of the Canadian Senators Group, Senator Tannas; the leader of the Conservative caucus, Senator Plett; and the leader of the Progressive Senate Group, Senator Dalphond, so they can see the names of all parliamentarians who have worked on behalf of foreign governments?

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

I will simply say that my office has made inquiries on this subject and in this direction, and I am awaiting further response. I will advise you and the chamber as soon as I get the response. My office has been dealing with this proactively. I don't have the answer for you quite yet.

Senator Downe: Given the urgency of the situation, Senator Gold, and given that I am sure these leaders would want to expel any members of their respective groups who have been named by our intelligence services, would you pick up the phone, call Minister LeBlanc and then advise the Senate? Would you make a commitment that within the next 48 hours, these four leaders can view the full, unredacted report of the National Security and Intelligence Committee of Parliamentarians?

Senator Gold: Thank you. I can assure this chamber that I am dealing with this with complete dispatch and the urgency that this important question warrants. However, I cannot make commitments of that kind.

As senators know, there are security clearances that must be passed and other documentation and assurances that may need to be provided before anyone — including myself — would have access to that material.

[Translation]

FINANCE

TRANSFER PAYMENTS

Hon. Diane Bellemare: Senator Gold, I have a question that you will likely have to answer in writing.

Given the major employment transitions that the provinces have to fund as a result of technological changes, climate change and other changes, what does the offer that the federal

government recently made to provinces at the Forum of Labour Market Ministers include with respect to the various agreements, whether they come from the EI fund or provincial treasuries?

Has the funding of these agreements changed over time? Did the federal government reduce the amounts transferred to the provinces under these agreements following the pandemic? If so, by how much?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. That is complicated, particularly when it comes to discussions between the Government of Canada and government representatives, such as ministers and public officials and their provincial counterparts. These are discussions that aren't necessarily made public until an agreement is finalized. There's no doubt that all of the provinces and territories and their employment organizations are dealing with the changes that you mentioned, and I will ask the minister that question directly as soon as possible.

[English]

PRIVY COUNCIL OFFICE

NEWSPAPER ARTICLES

Hon. Donald Neil Plett (Leader of the Opposition): Leader, last week I received an answer to a written question that I originally placed on the Senate's *Order Paper and Notice Paper* on March 16, 2021 — over three years ago. It asked for information about articles appearing in the media outlets that were, in fact, ghostwritten by federal employees. The answer shows that the Trudeau government paid thousands of taxpayer dollars for this fake news.

For example, Canadian Heritage said it spent over \$48,000 to publish news articles in the *Ottawa Citizen* written by government employees between January 1, 2020, and November 23, 2021.

Leader, you often lecture us about misinformation. How do you justify spending taxpayers' dollars on blatantly fake news?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. I don't believe I lecture you as much as you lecture me, but be that as it may — the record will speak for itself.

I'm not in a position to comment on whether the stories to which you refer were "fake news" or not, nor to comment on what was commissioned by the contracts to which you refer. However, I'm very glad — notwithstanding that it took some time — that you received the answer that you requested and have the right to receive.

Senator Plett: This practice wasn't confined only to the Department of Canadian Heritage. For example, Global Affairs Canada spent almost \$15,000 in the same time frame. The Canadian Radio-television and Telecommunications Commission, or CRTC, spent \$8,000 in 2021.

Leader, this is within your control and power, as it would be to pick up your phone and call Minister LeBlanc.

Do you commit to finding out how much these departments have spent on fake news since November of 2021 and where it appeared, and will you table that information in the Senate?

Senator Gold: I certainly will make inquiries to follow up on the responses that you got. That is as much as I'm able to commit today.

INFRASTRUCTURE AND COMMUNITIES

DISASTER MITIGATION AND ADAPTATION FUND

Hon. Yonah Martin (Deputy Leader of the Opposition): Leader, in November 2021, communities across British Columbia were devastated by unprecedented floods and landslides. At the time, I asked you in Question Period about the Trudeau government's assistance to these communities, and your positive response at a difficult time was welcomed.

Last week, the mayors of Abbotsford, Merritt and Princeton held a joint press conference. They informed the public that their respective applications for funding under the federal Disaster Mitigation and Adaptation Fund had all been denied.

• (1450)

Leader, it's safe to say these communities are shocked by this rejection. Why has the Trudeau government chosen not to honour the promises it made three years ago? Will your government reconsider?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I am sorry to hear that those particular applications were not funded, but the government's program to which you refer — the Disaster Mitigation and Adaptation Fund — has already provided \$2.8 billion to 115 projects across the country, and it will continue to work with partners to finalize those.

I'm not in a position, senator, to comment on the reasons why these particular applications were not accepted, but the government is holding true to its promise to assist communities, as evidenced by the amount of money that has already been provided to support well over 100 projects across the country.

[Senator Plett]

Senator Martin: I hope that these three applications will be revisited. It's very important for them.

It's hard not to think of these B.C. communities in light of the Auditor General's report about the green slush fund. She reported that, on dozens of occasions, Liberal insiders approved tens of millions of taxpayers' dollars for companies in which they had an interest. How do you explain this blatant waste and cronyism to these communities being denied the help they were promised by the Trudeau government?

Senator Gold: Inappropriate allocation or awarding of contracts is not acceptable — period — regardless of connections that one might, or might not, make with other government programs. The government took action in that area. It has handed over the fund to a Crown agency, and has every confidence that things will be done properly going forward.

FISHERIES AND OCEANS

FISHERIES AND AQUACULTURE CLEAN TECHNOLOGY ADOPTION PROGRAM

Hon. Iris G. Petten: My question is for the Government Representative in the Senate. Senator Gold, back in May 2023, more than 200 leaders in aquaculture and fisheries came together in Ottawa with a shared ambition to grow Canada's ocean economy to \$220 billion by 2035. This initiative — called Ambition 2035 — was informed by the blue economy joint vision by the Fisheries Council of Canada and the Canadian Aquaculture Industry Alliance.

Senator Gold, how is the federal government supporting this initiative?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. Our oceans are important in so many ways to our country and to our economy. They have the potential, as we know, to be part of climate solutions. They absorb more carbon than all rainforests combined, create opportunities for coastal and inland communities and contribute to a more sustainable and prosperous blue economy. The government will continue to support the development of new technologies and enhance innovation across the blue economy to help propel growth.

Recently, the Minister of Fisheries, Oceans and the Canadian Coast Guard announced over \$3.5 million in funding for 18 initiatives under the Fisheries and Aquaculture Clean Technology Adoption Program. This will support small-sized and medium-sized businesses in their efforts to incorporate new, innovative and clean technologies in their business operations.

NATURAL RESOURCES

INDIGENOUS CONSULTATION

Hon. Paul J. Prosper: My question is for the Leader of the Government in the Senate.

Senator Gold, on the website for the Nova Scotia government's Office of L'nú Affairs — the provincial equivalent to Crown-Indigenous Relations and Northern Affairs Canada and Indigenous Services Canada — the office states:

On August 31, 2010, after a three-year pilot period, the thirteen Mi'kmaq communities through the Assembly of Nova Scotia Mi'kmaq Chiefs signed an historic agreement with the Governments of Canada and Nova Scotia. The Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference lays out a consultation process for the parties to follow when governments are making decisions that have the potential to adversely impact asserted Mi'kmaq Aboriginal and treaty rights.

Senator Gold, a letter from Mi'kmaq leadership — from June 4, 2024 — clearly states these terms of reference were not followed for Bill C-49. My question is: why?

Hon. Marc Gold (Government Representative in the Senate): Senator Prosper, thank you for your question and for bringing this matter to our attention. As you know, Minister Wilkinson will be appearing before a committee later this week. He has already circulated — to all the leaders of the chamber and to members of the committee before which he will be appearing — some comments and responses to issues that were raised in the letter to which you referred, as well as in the letter that you shared with some of us in this chamber.

The minister will be far better positioned to explain his view of the engagement and consultations that have taken place over the years with regard to this bill, and as set out in his letter to the leadership and members of the committee.

Senator Prosper: Thank you, Senator Gold. Given the importance of the meaningful inclusion of Indigenous voices in our parliamentary studies, as well as the lawful requirement of the Crown to use the established protocol for consultation and your government's repeated statements about reconciliation, will your government agree to my June 5 request to change the leadership deal on the timing of certain bills to allow Mi'kmaw leadership to testify in September once they have had a chance to study this complex bill?

Senator Gold: Senator Prosper, as you and I have discussed over the weekend, I have brought this matter to the attention of the leadership. We are in discussions on this matter. I really have nothing more to say at this juncture.

EMPLOYMENT AND SOCIAL DEVELOPMENT

CANADA DISABILITY BENEFIT

Hon. Andrew Cardozo: My question is for the Government Representative in the Senate, and it's regarding the economy and the disability benefit.

I want to mention three indices regarding the economy that the Trudeau government, in some sense, has delivered upon. Inflation is down to 2.8% — down from 8.1% just two years ago. The interest rate, as defined by the Bank of Canada, is down to 4.75%, and the unemployment rate is steady at about 6.2%. There is still hardship in a lot of areas, and one in particular is regarding the status of people with disabilities.

It was reported last week in response to a question from MP Mike Morrice that only 25,000 people will be assisted by this benefit. It was also raised earlier today. I wonder if you can tell us why the government will not reconsider the low amount of \$200 and why —

The Hon. the Speaker: Senator Gold, your response?

Hon. Marc Gold (Government Representative in the Senate): First of all, thank you for your question, and thank you for underlining some of the improvements that we see in our economy. It is also the case, as you remind us, that many Canadians are still struggling in far too many areas for any of us to feel complacent or sanguine about.

As I have answered on many occasions with regard to your question, the government understands that the amounts that have been budgeted for the disability benefit — as the federal component of the support that Canadians with disabilities can, should and will be receiving — is only the first step. The government is engaged to continuously review this program to ensure that it delivers.

Senator Cardozo: My supplementary question is on the same issue. Given the apparent growing strength in the economy, don't you think now is the time to change that strategy? It really goes toward giving people hope and giving people confidence in our government institutions.

Would the government be prepared to make those changes in the next couple of days while the budget bill is still being voted on in the House of Commons?

Senator Gold: It is unrealistic to assume that the government, at this late stage, would make those changes. As I have said on many occasions, it is a multi-year program. This is a historic first step, and the government will do what is necessary in a prudent and responsible way to address the issues and the concerns that have properly been raised in this chamber, and outside of it, with regard to this disability benefit.

Senator Plett: I'm wondering whether you actually write Senator Cardozo's questions for him.

NATIONAL DEFENCE

CANADIAN ARMED FORCES

Hon. Donald Neil Plett (Leader of the Opposition): Leader, in the wake of the eightieth anniversary of D-Day, it is striking to see how Canada's standing as a trusted and reliable defence partner has faded under this NDP-Trudeau government.

• (1500)

Former Liberal MP Andrew Leslie is a retired lieutenant-general in the Canadian Armed Forces. He, leader, puts the blame squarely on the Trudeau government and recently told the *National Post*:

The current prime minister of Canada is not serious about defence. Full stop. A large number of his cabinet members are not serious about defence. Full stop.

Our NATO allies are despairing. Our American friends are frustrated.

Leader, is he right?

Hon. Marc Gold (Government Representative in the Senate): The person to whom you refer had served his country notably, and I'm not going to challenge his right to his opinion, but facts speak differently, colleagues. Defence spending under this government is up. We are much closer to approaching the 2% NATO level than ever before in our history.

I have said this before, and I don't like to do this, colleagues, but you can go back to Hansard, where you will find comparisons between the level of defence spending as a percentage of GDP under the previous Conservative government and this government. Those figures alone indicate that this government, since it came into office, has continued to invest to a greater degree and to a higher percentage of our GDP than the previous government. Is it enough to satisfy every retired officer or our NATO allies? Perhaps not, but the government is heading in the right direction with its investments.

Senator Plett: We are truly blessed that we will be able to see very shortly what the new Conservative government will do and how their defence spending will go, and I'm looking forward to that, as I'm sure you are.

This incompetent Trudeau government stewardship of our national defence has been one of pure negligence. Our forces are short about 16,000 troops, leader. Our army is hollowed out. Entire air squadrons are being shut down because they don't have enough personnel. Leader, if this isn't negligence, what is it, and where are they spending the money when we don't have it?

Senator Gold: The government is spending money on new generations of fighter pilots, on ships that defend our northern sovereignty. Again, colleagues, it is spending money at a much higher percentage of our GDP, notwithstanding even the pandemic years, than the previous government ever did.

FISHERIES AND OCEANS

REGULATORY AUTHORIZATION

Hon. Marilou McPhedran: Senator Gold, as an unaffiliated senator, I was not allowed to ask a question of the Minister of Fisheries and Oceans when she was here, so thank you for taking my question about the Fundy Ocean Research Centre for Energy, or FORCE.

Last year, news broke that U.K.-based Sustainable Marine Energy, recipient of some \$28 million in federal funding from Natural Resources Canada to develop tidal technology, was forced to halt operations and declare bankruptcy, reporting that the federal Department of Fisheries and Oceans, or DFO, would not coordinate with Natural Resources or the Province of Nova Scotia on the regulatory authorizations the company required, contributing to the failure.

A DFO task force to study regulatory hurdles made recommendations in March, including to align DFO approvals with provincial and other departmental standards. Is DFO now implementing all task force recommendations?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. I'm not in a position to answer it, but I will certainly make inquiries with the relevant minister and department as soon as I can.

Senator McPhedran: Thank you. Just very briefly, Senator Gold, in addition to the question I raised on a recommendation, if I could add this one, please: Is DFO acting on the recommendation to increase authorization approvals to 15 years to promote stability and investor confidence? And is it acting to increase decision transparency?

Senator Gold: I will certainly add that to the questions. Thank you again.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I have the honour to table the answers to the following oral questions:

Response to the oral question asked in the Senate on September 21, 2022, by the Honourable Senator Saint-Germain, regarding the funeral of Queen Elizabeth II.

Response to the oral question asked in the Senate on October 4, 2022, by the Honourable Senator Housakos, regarding the Islamic Revolutionary Guard Corps — Immigration, Refugees and Citizenship Canada.

Response to the oral question asked in the Senate on October 4, 2022, by the Honourable Senator Housakos, regarding the Islamic Revolutionary Guard Corps — Public Safety Canada.

CANADIAN HERITAGE

FUNERAL OF QUEEN ELIZABETH II

(Response to question raised by the Honourable Raymonde Saint-Germain on September 21, 2022)

The Table of Precedence for Canada is an instrument related to ceremony and protocol. It does not determine who is able to act for the Governor General or for the Prime Minister.

In accordance with the provisions of the *Constitution Act, 1982*, the Governor General may appoint deputies to exercise the powers, authorities and functions of the Governor General. Traditionally, the Chief Justice and other Justices of the Supreme Court of Canada are appointed as deputies to the Governor General. In addition, a small number of senior officials in the Office of the Secretary to the Governor General are also appointed as deputies, but with limited powers.

In the case of the Prime Minister, the Acting Ministers Minute lists which Ministers will act for the Prime Minister in the event he is unable to perform the functions of his office.

FOREIGN AFFAIRS

ISLAMIC REVOLUTIONARY GUARD CORPS

(Response to question raised by the Honourable Leo Housakos on October 4, 2022)

Insofar as Immigration, Refugees and Citizenship Canada (IRCC) is concerned:

IRCC works closely with government partners to screen applications for individuals who are responsible for human or international rights violations or who pose a threat to the safety and security of Canadians.

The Government of Canada has also implemented new measures to respond to Iran's ongoing human rights violations. On November 14, 2022, the Minister of Public Safety announced the designation of Iran as a regime that engages in gross or systematic human rights violations and terrorism under the IRPA. The regime's designation renders senior officials of the Islamic Republic of Iran inadmissible.

On June 22, 2023, Bill S-8 received royal assent, ensuring that individuals sanctioned under the *Special Economic Measures Act* for grave breaches of international peace and security are inadmissible to Canada and strengthening IRCC's ability to prevent entry to Iranian individuals subject to sanctions.

Finally, a total of 175 individuals and 192 entities have been sanctioned via the *Special Economic Measures (Iran) Regulations* as of August 30, 2023, including senior Iranian

officials and prominent entities that directly implement repressive measures, violate human rights, and spread the Iranian regime's propaganda and misinformation.

(Response to question raised by the Honourable Leo Housakos on October 4, 2022)

Public Safety Canada (PS)

The Government uses multiple instruments to hold Iran accountable for its actions that support terrorism and violate basic human rights.

On November 14, 2022, the Government of Canada listed the Iranian regime and its top leaders – more than 10,000 officers and senior members – as perpetually inadmissible to Canada for their engagement in terrorism and systemic and gross human rights violations under the *Immigration and Refugee Protection Act* (IRPA).

As of January 2024, Canada has sanctioned 442 Iranian individuals and entities under the *Special Economic Measures Act* (SEMA). Since October 2022, Canada has imposed 16 rounds of SEMA sanctions targeting 153 individuals and 87 entities at all levels of Iran's security, intelligence, and economic apparatus. These measures effectively freeze any assets the listed individuals and entities may hold in Canada.

Iran also continues to be designated as a state supporter of terrorism under the *State Immunity Act*.

The Islamic Revolutionary Guard Corps' (IRGC) Qods Force and other Iran-backed proxies continue to be listed as terrorist entities under the Criminal Code.

The Government will pursue all the tools at its disposal to keep pressure on Iran to cease its egregious behaviour.

[Translation]

ORDERS OF THE DAY

PHARMACARE BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator McBean, for the second reading of Bill C-64, An Act respecting pharmacare.

Hon. Flordeliz (Gigi) Osler: Honourable senators, I would like to begin by recognizing that we are gathered on the traditional and unceded territory of the Algonquin Anishinaabe people, who have lived on this land since time immemorial.

I rise today to support the principle of Bill C-64.

[*English*]

My speech today will have three parts: first, a short background on the Canada Health Act and how that framework relates to the current gap of national pharmacare in Canada; then an outline of how access to contraception improves health; and finally, I will touch on a few areas of Bill C-64 where I believe further scrutiny is required.

To start, it is important to understand the Canada Health Act in relation to this piece of legislation. Bill C-64 states that the minister is to consider the Canada Health Act along with the principles of accessibility, affordability, appropriate use and universal coverage when collaborating with provinces, territories, Indigenous peoples and other partners and stakeholders toward national universal pharmacare.

Consideration of a national prescription drug plan is not new. In 1961, the Royal Commission on Health Services, also known as the Hall commission, recommended a national health policy and a comprehensive health care program, thus laying the foundation for the Canada Health Act. One recommendation from the Hall commission was that prescription drugs be included as a benefit of the proposed health system.

Fast-forward to 1984 and the enactment of the Canada Health Act, which established the funding framework from the federal government to the provinces and territories, as well as the principle of single-payer health care. It also set out the criteria and conditions that the provinces and territories must fulfill to receive their full federal cash contribution available under the Canada Health Transfer. Keep that phrase in mind — “criteria and conditions” — as I will elaborate later.

Under the Canada Health Act, insured health services include medically necessary hospital, physician and certain surgical-dental services, but not prescription drugs, hence the gap that Bill C-64 is attempting to fill. Some of you are likely familiar with the 2019 report of the Advisory Council on the Implementation of National Pharmacare, better known as the Hoskins report. It emphasizes that:

We are the only country in the world with universal health care that does not provide universal coverage for prescription drugs.

While the latter half of that statement is true in that Canada does not have universal coverage for prescription drugs, it is important to note that Canada does not have a universal health care system.

And this is from the Government of Canada website:

Canada does not have a single national health insurance plan. Rather, the 13 provinces and territories have their own health insurance plans, which share certain common features and basic standards of coverage defined by the *Canada Health Act*

Furthermore, alongside the 13 provincial and territorial health insurance plans, the federal government provides funding and some direct health care services to certain population groups, including First Nations people living on reserves, Inuit, serving members of the Canadian Forces, eligible veterans, inmates in federal penitentiaries and some groups of refugee claimants. Again, keep those groups in mind.

• (1510)

Now, moving on to the second part of my speech on how access to contraception improves health. Contraception saves the lives of women and babies by reducing both maternal mortality and infant mortality.

To start, contraceptive use reduces the number of abortions, especially those that are unsafe and lead to maternal deaths. Nearly one quarter of Canadians are of reproductive age, and nearly half of all pregnancies in Canada are unintended. Seventy per cent of people seeking abortions report no insurance coverage for contraception.

Although many Canadians have some form of insurance coverage, incomplete coverage impacts access. Requiring insurance companies to cover a 12-month supply of a contraceptive prescription has been associated with a 30% reduction of unintended pregnancies.

Additionally, data from the United States shows that even small out-of-pocket costs reduce the use of contraceptive services and medication, especially among low-income and uninsured women.

Family planning has contributed to substantial declines in global maternal and infant mortality. The ability to plan and time pregnancies provides health benefits for both mothers and babies.

Several studies show that both maternal and infant mortality risks increase with short birth intervals. For instance, beginning a pregnancy within six months of a live birth is associated with an increased risk of premature birth and low birth weight for the newborn.

Family planning reduces maternal mortality by reducing parity — that means the number of births — which then decreases the number of times a woman faces the morbidity and mortality risks associated with childbirth.

Finally, a few words on the economic benefits of contraception. A report by the Institute for Women's Policy Research lists the economic effects of contraceptive access. The report is based on research that identifies causal impacts on educational attainment, labour force participation, career outcomes, earnings, poverty and effects on the next generation.

In the 1960s, expanded contraceptive access for women led to increased women's college enrollment by an estimated 12 to 20%. Access to the birth control pill allowed women to delay childbirth, boosting their investment in education and careers.

Contraceptive access accounted for 15% of the increases in women's labour force participation and nearly one third of the rise in women entering professional fields like medicine and law from 1970 to 1990.

Now, moving on to the third part of my speech, allow me to highlight two reasons why I look forward to studying this bill in committee.

First, the projected cost and lack of a compliance and enforcement mechanism in Bill C-64 should undergo further scrutiny. The Parliamentary Budget Officer has estimated that the first phase of national universal pharmacare will increase federal spending by \$1.9 billion over five years. Yet, despite the almost \$2 billion increase in federal spending, I find accountability lacking in Bill C-64 as it does not contain language on compliance and enforcement.

Recall earlier how the Canada Health Act sets out the criteria and conditions that the provinces and territories must fulfill to receive their full Canada Health Transfer. The Canada Health Act lists five criteria of public administration: comprehensiveness, universality, portability, accessibility and two conditions on information and recognition.

If the federal minister of health is of the opinion that a province or territory's health care insurance plan does not meet one of the five criteria or does not meet the two conditions, the minister may refer the matter to the Governor-in-Council. If the Governor-in-Council agrees, they may direct that any cash contribution to that province or territory for a fiscal year be reduced or direct that the whole of any cash contribution to that province or territory for a fiscal year be withheld.

In short, if a province or territory does not fulfill the Canada Health Act's criteria or conditions, the federal government may reduce or withhold their Canada Health Transfer.

Furthermore, the Canada Health Act provides that a provincial or territorial health care insurance plan must not permit extra billing or user charges by health facilities or health care practitioners. Amounts charged to patients in the form of either extra billing or user charges must be deducted from the cash contribution made under the Canada Health Transfer.

Bill C-64 aims to provide universal, single-payer, first-dollar coverage. Unlike the Canada Health Act, however, Bill C-64 does not contain language on compliance and enforcement.

I question how the provinces and territories will be held accountable. What recourse does the federal government have if a province or territory fails to uphold the principles set out in clause 4 of the bill? What will happen if patients continue to have upfront, out-of-pocket expenses like an insurance co-pay or a pharmacy dispensing fee?

One would assume that co-pays and dispensing fees will be included in the discussions held between the federal minister of health and provinces, territories, Indigenous peoples and other partners and stakeholders.

But as parliamentarians, we cannot make assumptions when it comes to passing legislation. This leads to the second reason I look forward to the committee study on this legislation — to gain more information from the minister and government officials on the future bilateral discussions.

As mentioned earlier, the federal government provides funding and some direct health care services to certain populations including First Nations people living on reserves, Inuit, serving members of the Canadian Armed Forces, eligible veterans, inmates in federal penitentiaries and some groups of refugee claimants.

Clause 5 of Bill C-64 outlines the funding commitment in which the Government of Canada commits to maintaining long-term funding for the provinces, territories and Indigenous peoples, with funding for the provinces and territories provided primarily through agreements with their respective governments. But other than Indigenous peoples, Bill C-64 does not detail a commitment to long-term funding for the other federal populations. Perhaps these groups are the "other partners and stakeholders" referred to in clause 4, but coverage for federally funded populations should be further explored in committee.

To conclude, I support improving health through better access to affordable medications. But with Bill C-64 in its current form, questions remain. How will provinces and territories be held accountable for the federal funds transferred to them? What will the compliance and enforcement mechanisms be, especially if they are not entrenched in legislation? Will all federal populations have a commitment from the Government of Canada to improve access and affordability of prescription drugs and related products?

Honourable colleagues, I hope you join me in supporting Bill C-64.

Thank you. *Meegwetch.*

Some Hon. Senators: Hear, hear.

Hon. Rosemary Moodie: Honourable senators, I rise to speak to Bill C-64, An Act respecting pharmacare.

I want to thank Senator Pate for her work as sponsor of this bill and for the valuable overview of the topic and the bill she has given us.

My goal today will be to provide insights that I hope will be helpful as we continue to study this bill, especially when it comes to the Standing Committee on Social Affairs, Science and Technology.

Honourable colleagues, you will know that Canada is the only country in the world with universal health care that does not include coverage for prescription drugs. Senator Pate highlighted the ways in which pharmaceutical products have become a necessary part of health care. Yet, we have not evolved medicare to respond to the need to ensure that Canadians have the drugs they need.

Access to drugs that are effective is not a “nice-to-have.” Colleagues, let’s be clear: We should consider this a human right.

• (1520)

In Canada, a patchwork system has evolved through hundreds of thousands of private insurance plans and public plans over the past many decades. Insurance companies, industry and others will tell you that 97% of Canadians are covered by insurance plans. I would urge you, colleagues, to view those numbers with much skepticism.

The truth is that one in five Canadians is effectively uninsured, and there are a number of reasons why. Although some may have some insurance, the copays they are required to pay limit their access; the coverage they have is insufficient for a full year of prescriptions; or, as we heard is the case with contraceptives, drug coverage is impacted by a parent or other family member. This leads to cost-related non-adherence — or, to put it differently, the inability to take the drugs you need because you can’t afford to do so.

No Canadian should be faced with this challenge. No Canadian should have to choose between taking medicine for their heart disease and buying groceries for their family. The fact that millions of Canadians do face this challenge tells us that our large patchwork of private and public schemes is failing us.

Not only does this patchwork fail to provide access to drugs for many Canadians, it also provides inadequate access for those who do have some form of coverage. For example, someone in a management position will have better coverage than someone on the factory floor because, in our current setting, prescription drug coverage is sometimes treated as an employee benefit, rather than the provision of access to vital drugs.

Frankly, colleagues, the system that we have today is not meeting the needs of Canadians. All Canadians should have access to the drugs they need.

This patchwork system is not only failing to provide access to some and providing unequal access for others; it has also resulted in Canada spending far more on drugs than we should have to.

Colleagues, it may surprise you to learn that we spend more on drugs than countries like Australia, the United Kingdom and the Netherlands. In fact, according to the Canadian Institute for Health Information, or CIHI, drugs are the second most

expensive part of our health care system, after hospitals. In 2023, almost 14% of health spending in Canada was on drugs. Public drug systems spent a total of \$17.2 billion in 2022.

Why is this? A primary reason is that public-private mixed systems like those we see in the United States, Germany and Switzerland cost more.

Another reason is that insurance companies negotiate confidential reimbursements with manufacturers to recuperate funds when drugs are expensive, effectively de-incentivizing them from negotiating lower prices. Whatever the reason, it is clear that we are spending too much on the drugs that we can access, while many Canadians continue to have little or uneven access to the drugs they need.

Colleagues, the reality as I have described it has been the status quo in Canada for many years. How do we move forward from these issues and build a system where every Canadian can access the drugs they need?

I would refer to the first recommendation of the Hoskins report, which states:

The council recommends the federal government work with provincial and territorial governments to establish a universal, single-payer, public system of prescription drug coverage in Canada.

The council proposes the five fundamental principles of medicare, embodied in the *Canada Health Act*, be applied to national pharmacare

Universal: all residents of Canada should have equal access to a national pharmacare system;

Comprehensive: pharmacare should provide a broad range of safe, effective, evidence-based treatments;

Accessible: access to prescription drugs should be based on medical need, not ability to pay;

Portable: pharmacare benefits should be portable across provinces and territories when people travel or move; and

Public: a national pharmacare system should be publicly funded and administered.

Honourable senators, with Bill C-64, Canada is taking a step toward what the Hoskins report proposed. Nevertheless, I want to be clear that we should not proceed down the road of strengthening the patchwork model, as some have proposed. This would only lead to poorer and more uneven access at higher costs for Canadians. In fact, public systems stepping in to cover the cracks and pay for more expensive drugs amounts to expecting the public to take on a greater financial burden while private insurers continue to draw profits. Why should Canadians accept this approach?

I wish to draw from the example of the U.K. There, outpatient prescriptions come with a copay of about US\$13, while hospital prescriptions are entirely free. There are also mechanisms to keep

costs low for those who have a heavy burden of prescription, and many don't have to pay at all, such as children, seniors and those with disabilities.

This system is a strong example of a universal, single-payer, publicly administered system and provides much greater overall value. In fact, in 2021, the U.K. system spent US\$517 per capita, while the Canadian system spent US\$865 per capita. This example demonstrates that including national pharmacare as part of our health care system can provide access to medicines while lowering overall costs.

Colleagues, this brings us to Bill C-64. In some senses, it is an underwhelming bill that leaves us with questions.

I would describe Bill C-64 as effectively doing several things. First, it provides the guidelines to build a national pharmacare system. This includes, for example, important conditions such as working with provinces, territories and Indigenous peoples; and considering principles such as accessibility, affordability and appropriate use. It also gives the minister authority to enter into agreements for “. . . related products intended for contraception or the treatment of diabetes . . .” and the responsibility to consult with the Canadian Drug Agency.

The minister is given many responsibilities in this bill, but it should be noted that the minister does not have to wait for the mandate given to him by Bill C-64 to begin discussions with key parties.

Second, Bill C-64 lays out certain key principles for pharmacare — namely, that it should be a universal, single-payer, first-dollar program.

Finally, Bill C-64 puts forward contraceptives and diabetes-related medication as the pilot project for pharmacare, the first items of what should become an expanding formulary.

Colleagues, this is promising in some respects, but I have many hesitations about whether this bill truly puts us on the road toward universal pharmacare.

The first is the significant ambiguity in the bill. It is not immediately clear whether Bill C-64 will lead to a truly single-payer, publicly administered system or simply fill in the gaps so that “universal access” becomes an umbrella term incorporating both public and private plans.

The Parliamentary Budget Officer, in his March review of the bill, stated that:

The new program will cover 100% of the expense on diabetes and contraception medication for those who currently do not have public or private drug plan coverage and for those who currently do not fill their prescriptions due to cost related reasons. The latter group is assumed to be

14% of total prescriptions. The program will also cover the out-of-pocket portion of prescription costs for those who have public or private drug plan coverage.

Is this the case? Is the plan to fill in gaps or to provide universal coverage to all, regardless of whether they have an existing private plan?

The technical briefing held last week with government officials raised even more questions for me. It is not clear whether or not the government plans to bring in the needed overhaul, versus simply expanding what the provinces are already doing. The briefing has led me to question whether the government is, in fact, committed to a specific direction or whether it may choose to change course and apply different principles sometime down the road. This, for me, is very concerning. I look forward to asking the minister and his officials more questions at committee.

• (1530)

Building on this ambiguity, I would question the government's commitment to public administration of pharmacare. Colleagues, I cannot overemphasize that public administration of pharmacare is an essential principle and is key to ensuring access to drugs for all Canadians.

Private insurers are not incentivized to work toward lower costs, minimize administrative fees or challenge manufacturers on the cost-effectiveness of drugs in the same way that public plans do.

To be clear, this is not to demonize private insurers by any means, but it is to highlight that as businesses, their interests are markedly different than the public's interests.

Having said this, I strongly urge us to ensure public administration is and remains a keystone of pharmacare.

Honourable colleagues, I support universal pharmacare and the intentions of Bill C-64. I believe this bill should become law, but we have important work to do to make sure that the bill is as strong and as clear as it can be so that universal pharmacare can become reality.

I look forward to seeing this bill before the Social Affairs Committee, and I welcome senators interested in this bill who are not on the committee to join us so that together we can strengthen this bill for all Canadians. Thank you, *meegwetch*.

Hon. Fabian Manning: Would Senator Moodie take a question?

I want to thank both Senator Osler and Senator Moodie for their speeches. I won't pretend for a moment to have the experience that both of you have in health care, but I am always concerned about the delivery of health care and the announcement of plans, the announcement of programs. And I'll talk about the dental program for one moment. I have had a half dozen calls to my office in the last month from seniors who cannot participate in the program for lack of insurance or even from some who have some insurance, but that it is not covered by their insurance, and now we're talking about a pharmacare program.

I want to know if you feel confident that Bill C-64 will give to vulnerable Canadians — seniors in many cases — the opportunity to participate in the pharmacare program because it sounds wonderful at the outset sometimes, but the reality of what happens down the line is concerning for me. I just want to know what you think about that. Thanks.

Senator Moodie: Thank you, Senator Manning. I think there is a lot of potential in Bill C-64. I think it can deliver on exactly what you speak about, but we have to be very clear in the language of the bill that there can be no exceptions taken, that in fact the approach is going to be a consistent one, in principle at least, across provinces.

The provinces will negotiate how they deliver their health care, so how they actually end up in terms of delivery is going to perhaps look differently, but I think that if we are strong with the bill —

The Hon. the Speaker: Thank you. The time for debate has expired.

(On motion of Senator Martin, debate adjourned.)

**DEPARTMENT OF EMPLOYMENT AND SOCIAL
DEVELOPMENT ACT
EMPLOYMENT INSURANCE ACT**

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Dalphond, for the third reading of Bill S-244, An Act to amend the Department of Employment and Social Development Act and the Employment Insurance Act (Employment Insurance Council), as amended.

Hon. Hassan Yussuff: Honourable senators, I rise today to speak at the third reading of Bill S-244, dealing with the creation of the employment insurance council.

Colleagues, I want to start by thanking our colleague Senator Bellemare for the work she has done on behalf of employers and workers in putting this bill forth. However, as she said in her speech at third reading, “This is not my bill. This bill was built with the employers and the union organizations.”

Simply, senators, this bill is a consensus agreement between employers and employee groups, who are the only two parties that fund the Employment Insurance system in this country. Bill S-244 is not some grand public policy idea dreamed up by one senator to do good for workers and business. It is just the opposite; it is a common-sense policy that was developed over five years from the bottom up by the very stakeholders this bill is about — workers and employers. The bottom-up, not top-down, approach in developing the bill is emblematic of what it hopes to achieve.

Colleagues, this bill simply creates an advisory table to give workers and employers, who fund the Employment Insurance system, an opportunity to discuss shared labour market issues and come up with consensus solutions for the government to consider in developing policies that aim to help workers and employers.

The principles of social dialogue and tripartism are ones that I strongly believe in. That is why I fully support Senator Bellemare’s bill, and I would like to take a few minutes to tell you why.

Senators, I want to start by posing a few questions I would like you to consider in deciding on the merits of this bill: Do you believe that promoting dialogue among groups with different opinions helps solve problems? Is providing an opportunity to develop relationships between labour market partners that foster trust and mutual understanding good or bad for public policy? Last but not least, are bottom-up solutions more likely to succeed than the top-down approaches?

I believe if you view this bill through the lens of these questions, you will see the merit in what it proposes to do — simply create a tripartite advisory council that promotes social dialogue to find common ground on how to deal with the increasingly complex issues we face in the labour market and the economy.

• (1540)

For myself, I have lived the experience of social dialogue, representing workers and working in tripartite structures for decades. I can attest to the benefit of them for not only workers but employers and governments.

Senators, the reality is that the economy continues to change in dynamic ways that we don’t quite understand to a large extent. We are also seeing labour market transition measures that are happening within certain regions that are more profound than in other parts of the country, and workers are trying to figure out where they are going to work and what their skill level is.

In attempting to address some of these issues, the federal government transfers large sums of money to provinces through Part II of the Employment Insurance fund. The employers and workers who fund that money know transfers are happening, but there has been no conversation with them and the federal government about the goals of these funds, let alone the programs being developed to achieve them.

I think Senator Bellemare’s bill is forcing a very fundamental question to be asked: Shouldn’t workers and employers who fund government programs designed to help them have a say in their stated goals and design? Every worker and employer group I have spoken with believes they should have a say and the advisory council that this bill would create is the best way to do that.

I want to remind colleagues that this bill is asking for something we used to have: a dialogue at a national level. It is not a new thing. By the way, people are having dialogues without the government.

Just this past March, Senator Bellemare, along with Senator Cardozo and I, hosted a skills round table with representatives of major employee and employer groups. You think the government would want to be in the room, taking part in the dialogue with these stakeholders. Every major employer and employee group in the country were present. They were all in agreement — they support this bill and want it passed.

I believe the Quebec model of social dialogue has been mentioned in debate and in the committee study of the bill. That is a model we can learn a lot from because it is one that has survived changes in government because the Quebec social partners insisted that it did. They wanted to keep the dialogue going for the greater interests of workers, companies and the province.

Federal governments come and go, but the table where there is dialogue disappears every time the government changes. I think that is wrong.

Other successful European governments have shown us that the tripartite system based on social dialogue is the foundation of a successful economy. I find it somewhat ironic that I am giving this speech today in support of encouraging government to institutionalize social dialogue in the Employment Insurance system through a public bill at the same time that I am the sponsor of a government bill — Bill C-50, the Canadian sustainable jobs act — that has at its core the institutionalizing of a tripartite-plus jobs partnership council to provide the government advice through the stated principle of encouraging social dialogue.

In the case of Bill C-50, the government believes that social dialogue is a must if we want the transition to a low-carbon economy to succeed for workers, businesses and communities. I would argue the same is true for Bill S-244 in that social dialogue is critical for workers and businesses to succeed in the future economy.

In conclusion, colleagues, I want to thank Senator Bellemare again for the work she has done on this bill and for her efforts to promote social dialogue in the Employment Insurance system to make it more fair, effective and accountable to its stakeholders, workers and employers.

From artificial intelligence to climate change, the world of work is undergoing transformative changes in this country and throughout the world. We will need the collective and cooperative efforts of all the tripartite partners to ensure we have the right policies that are effective, fair and equitable to all. Strong social dialogue will be key to ensuring that happens by providing a formalized process through an advisory council for workers and employers to give meaningful input to government.

As I said in my second reading speech, I firmly believe that only solutions that are widely shared and underpinned by successful social dialogue will be truly effective and equitable to all. That is because social dialogue helps build relationships that, in turn, not only help foster trust but also ownership and accountability by all stakeholders involved in the creation of policies that directly affect them.

Colleagues, based on my over 25 years representing workers, I believe Bill S-244 will strengthen — not weaken — the Employment Insurance system. It seeks to build trust and accountability to find practical, real-world solutions that make sense for all parties. Senators, worker and employer representatives from the Canadian Labour Congress to the Canadian Chamber of Commerce have been crystal clear — they want to see this bill passed.

When you have lockstep agreement from parties that often disagree, parliamentarians and the government should not only welcome it but do everything in our power to support it. That is why, colleagues, I ask you to support passing this bill. Thank you so much.

(On motion of Senator Martin, debate adjourned.)

CHIGNECTO ISTHMUS DYKELAND SYSTEM BILL

THIRD READING—DEBATE

Hon. Jim Quinn moved third reading of Bill S-273, An Act to declare the Chignecto Isthmus Dykeland System and related works to be for the general advantage of Canada, as amended.

He said: Honourable senators, I rise today to begin third reading of Bill S-273, An Act to declare the Chignecto Isthmus Dykeland System and related works to be for the general advantage of Canada.

First, I want to thank the many witnesses and my colleagues on the Transport and Communications Committee. Their input and questions led to amendments that I proposed and that our committee chair reported upon last week. I believe that those amendments are responsive to that input and make the bill that much stronger.

However, before I start to discuss the riveting aspects of the Constitution or to provide comments on Senator Cotter's statement at second reading that the Chignecto Isthmus is one of the hardest words in the English language to pronounce — and, I will also add, to spell — I want to tell you a story about what this bill really is and what it isn't.

This bill is not directly about money. The Constitution limits our ability as senators in introducing money bills. This bill is really about fairness and understanding. It is about representing a regional issue that might not otherwise make its way into our parliamentary system. It is about doing our jobs as each of us

represents a region of Canada, with the vast majority of us doing so as independent senators — something the Fathers of Confederation might be surprised by as our institution continues down the path of modernization.

These are simple concepts that I cannot believe I have the privilege of standing before you today to highlight, as they are of fundamental importance.

Colleagues, to be frank with you, I am humbled by the fact that I stand before you in the Senate of Canada. Admittedly, if it were not for a twist of fate resulting from an accident while serving aboard a Canadian Coast Guard vessel as a 21-year-old fellow, I might not be here — please hold your applause. The accident changed everything for me. It presented that fork-in-the-road scenario, except the fork had a sign that pointed in a direction I knew would eventually be followed, steering me away from my life's goal of becoming a harbour pilot in my hometown of Saint John, New Brunswick, just like my dad, uncle and generations before me. My life's plan — probably like most of my honourable colleagues with whom I have the pleasure of serving today — would be led to believe that I am not supposed to be here.

I grew up in an impoverished area of Saint John, on the shores of our port. I know what it means to come from not only a region that has fewer opportunities but from a family that should have had limited opportunities in life. My siblings and I were fortunate to have parents who steered us in directions that included hard work, decency, compassion and, notably, education. Our mother had a firm hand on the tiller of our lives' journeys, ensuring as best as she could that we steered clear from trouble. Believe me, in my case, I look back and recognize she had to have both her hands on the tiller of my life.

• (1550)

All of us worked hard because we understood that we wanted to be the best we could be, and higher education required the resources to dare dream of going to the University of New Brunswick, St. Francis Xavier University, Dalhousie University or nursing school. I have five sisters and a brother — three doctors and three nurses — and then there was me.

I started my post-secondary education in Dalhousie's pre-med stream, and, while finishing that path, I knew I was destined to go out to the sea. What I mean by that is not my former role as the CEO of Port Saint John, but, simply, I was destined to be a sailor, sailing ships out of Saint John to other ports of call in Atlantic Canada, the western hemisphere and, indeed, around the world.

I share this story with you because, while not unique for families across this great nation, it does symbolize — for me — that we Maritimers have to work harder to be seen and heard.

The strategic location of the Chignecto Isthmus is well known to sailors. In fact, one of the first debates in this very chamber in 1867 was about the creation of a canal between the Bay of Fundy and the Northumberland Strait to reduce shipping times. As New Brunswick Senator Frank Black said in 1929, the Chignecto canal project was the oldest canal project in North America. The

first road ever constructed in North America was in this area. As far back as 1686, a canal across the Chignecto Isthmus was recommended by the French government.

In 1868, the Government of Canada inquired about building a canal along the isthmus, and it recommended that the canal was of vital importance to the development of intercolonial trade in the country. In 1870, the federal commission stated, "Inseparably connected with the growth of intercolonial trade is the construction of the Baie Verte Canal."

Today, it is known as the Chignecto canal.

The federal commission continued:

The advantages that must accrue, not merely to the Dominion as a whole, but to the commerce of the Maritime Provinces, are so clearly pointed out by the Boards of Trade of all the leading cities of Canada. Such a canal would reduce the shipping route between Montreal and Saint John by 500 miles. Clearly the area is of national importance.

We often think of the Intercolonial Railway as being the linchpin of why the Maritime provinces joined Confederation. It is the same rail that goes through the Chignecto Isthmus today, which is protected by a series of dykes and aboiteaux constructed by the Acadians in the 1600s to control the world's highest tides, create farmland and protect people and communities.

However, during the Confederation debates at the Quebec Conference in 1864, the delegates of New Brunswick and Nova Scotia stressed the importance of this canal being built as a condition of Confederation. Unfortunately, senators, due to financial depression and the waning influence of the Maritimes, this canal was not built. Parliament did pass a project to create a Chignecto ship railway to transport ships across the isthmus, and they used the declaratory power. Sadly, that, too, was never completed.

Colleagues, as a sailor in my youth, I can attest to why the Chignecto Isthmus is of national importance, and, had a canal been built, it would have transformed the economy of the Maritimes. Instead, we have the Intercolonial Railway — in its present form, it's the main CN line — as well as the Trans-Canada Highway linking Canada to Nova Scotia and the Port of Halifax through New Brunswick.

Senators, a freak accident resulted in my taking that fork I mentioned earlier, and, to paraphrase Stan Rogers, I ended up in a situation where "I'll go to sea no more." It meant that I was now fated for desk jobs, and I joined the offices of the Canadian Coast Guard in Ottawa. There, I first became acquainted with a situation that any one of my colleagues from Atlantic Canada can relate to: Does Ottawa truly understand Eastern Canada?

Now consigned to desk jobs, this basic question of understanding stuck with me. It led to me coming to Ottawa with the goal of rising through the ranks of the public service, but in a way where I never forgot my roots, and where I could help my colleagues from Ottawa understand the Maritimes and ensure that decisions are made in a fair and equitable way.

Colleagues, why are the simple ideas of fairness and understanding so hard to implement such that we — Maritimers and Newfoundlanders — have to raise our voices in order to be heard? It seems that at almost every opportunity, the federal government turns a blind eye to the struggles of the East, or presents mountains to climb in the hope that we will be heard and supported.

I have a basic premise where, since Confederation, the influence of the Maritimes has been in decline from the most important thing that motivates a government: seats in the House of Commons. More seats means that a region's concerns are more easily understood, and, with that, it creates an implicit understanding of fairness for the region.

Senators, the Maritimes is the only region in Canada that has significantly lost seats since Confederation. In 1867, Nova Scotia and New Brunswick had 19 and 15 seats respectively. By 1872, this grew to 21 and 16 seats before decreasing to the 11 and 10 seats we have today.

Prince Edward Island, by contrast, initially declined joining Confederation in part due to concerns of its influence being impacted by the larger provinces. The 1873 terms of union between the Dominion of Canada and Prince Edward Island included the promise of two members of Parliament for the three counties of the province. What this means, senators, is that in 1873, P.E.I. had six members of Parliament. However, by 1913, the Island was reduced to three MPs.

Again, I stress that the Maritimes went from 43 seats in 1873 to 25 MPs today.

This inequity resulted in an amendment to the Constitution known as the Senate floor rule, where no province can have fewer MPs than senators, which is why Prince Edward Island has 4 MPs and New Brunswick only has 10 MPs today.

Colleagues, recall the words “fairness and understanding.” At the time of the proposal to introduce the Senate floor rule, both Prime Minister Sir Robert Borden and opposition leader Sir Wilfrid Laurier called it a fair compromise. Yet, history isn't that simple, colleagues. It was the view of my colleagues from Prince Edward Island that the province was entitled to six seats. Senator Benjamin Prowse from Prince Edward Island expressed this frustration of declining influence on debate of the senatorial floor clause.

He said:

I speak for the Government of Prince Edward Island and the people that I represent when I say that we do not now accept and will not accept in this settlement our claim for representation in Prince Edward Island. Our forefathers, the Fathers of Confederation, fought for six long years on the one contention that we should have six representatives, until the Dominion of Canada came to the little island with the white flag and conceded those six members. The Government today have acknowledged our claim by allowing us four, and we are only entitled to three. We do not come up here as serfs from the little province on the plea of poverty or being a small province. We come here as men to men, equal to any other part of the Dominion of Canada

claiming our just rights. We are not asking for any favours; we do not want any favours, but we do demand our rights that were conceded to us at the time of Confederation.

Senators, the current seats in the Maritimes represent a “fair compromise.” However, there is a second clause in the allocation of seats in the House of Commons that is decidedly unfair. The grandfather clause originally stated that no province could have fewer seats than it had in 1867. This was subsequently changed to each province having no fewer seats than in 2019. Thus, other provinces now cannot lose seats, meaning that they will not be in the same position as the Maritimes of having declining influence, and they simply have more voices at the table.

Would the “fair compromise” have been truly fair if Maritimers had known that, in the future, other regions would not have their seats reduced?

Senators, I raise this issue of electoral demographics to indicate that the Maritimes must continually and loudly advocate for things that are taken for granted in other provinces. As I said, as individuals and as a region, we simply have to work harder to be heard.

I will outline the broad support this bill has from Atlantic Canada, which also underscores the importance of this Senate public bill being passed in this chamber so that it can be sent to the elected chamber for their consideration.

This takes me to the heart of Bill S-273. Senator Clement and Senator Dasko said it best in committee: This bill and the related court reference are representative of a breakdown and failure of negotiations between the Province of New Brunswick, the Province of Nova Scotia and the Government of Canada. This bill does several different things — including invoking the declaratory power — but it is also a political means that we have to indicate to the members of the House of Commons and the government that there needs to be a change from the status quo, and this could help restart negotiations.

Colleagues, one of the things that was taken away from our deliberations in committee — and became public — was the insistence by my premier in New Brunswick that he wanted 100% of this project to be paid for. What we're doing today by looking at this declaratory power does not require the government to pay 100%. It requires them to do nothing, if they choose. Today, the deal is that there are 50-cent dollars that are at the limit of the Treasury Board's authority for the Disaster Mitigation and Adaptation Fund.

• (1600)

I'm talking about determining how we restart negotiations and have fairness, as we have seen through the recent billion-dollar funding announcement for the Quebec Bridge, which is presently under federal jurisdiction via the declaratory power. This brings to mind that Canada is committing to paying 60% of the costs — not 50% — with CN Railway providing 15% and the Province of Quebec paying the remaining 25%. There is room for negotiations to continue. The fact that the federal government is asking private sector users of the Quebec Bridge to contribute shows that there can be creative means to limit the expenditures of both levels of government while ensuring those private entities

that have a direct stake in the use of a critical transportation corridor pay as well. However, that's not for me to negotiate, but for the federal government to consider should the declaratory power be invoked by Parliament.

The declaratory power places the Chignecto Isthmus Dykeland System under federal jurisdiction, which means that it is different from a programming status than other pieces of critical infrastructure. It would be no different than the Gordie Howe Bridge or the Champlain Bridge. My point is that the declaratory power shows that the scale of the \$650-million Chignecto Isthmus Dykeland System project does not fit the scope of the federal Disaster Mitigation and Adaptation Fund, where large-scale projects start at \$20 million and projects like the isthmus can only be negotiated, as I said, at 50-cent dollars because that is the Treasury Board's authority under that program for projects such as the isthmus.

Again, per the 1886 example of the use of the declaratory power to build dykes in Montreal, the use of the declaratory power does not compel the Government of Canada to fund a project. However, it is useful as a starting point for negotiations.

Colleagues, some may have concerns as to whether the declaratory power is the appropriate tool in this circumstance. It absolutely is.

I reject the view that the dykeland system can be considered exclusively one continuous work that extends beyond a single province. Maritimers like to help each other, and the fact that New Brunswick and Nova Scotia are cooperating in developing an integrated series of dykes to protect the entire area is a testament to interprovincial cooperation. However, there is no legal obligation for the Province of New Brunswick, for example, to do so. They could easily repair the dykes on the New Brunswick side of the interprovincial boundary on the Musquash River — which divides Nova Scotia and New Brunswick, in the way of the isthmus — and lead Nova Scotia to flood. The provinces cooperate because they understand the importance of not being so provincial in perspective, and that this project is in the national interest given the critical nature of the transportation and communications infrastructure and the essential elements of protecting unique farmlands and ecosystems. Just as importantly, it is the significant heritage and cultural area for our Mi'kmaq citizens as well as Acadians.

Also, the declaratory power applies to the Gordie Howe Bridge, which connects to Michigan and is therefore not wholly within the province of Ontario. This does not invalidate its use.

Yes, honourable senators, there is a reference before the Nova Scotia Court of Appeal seeking to answer this question: Is the infrastructure which protects the interprovincial transportation, trade and communication links across the Chignecto Isthmus within the exclusive legislative authority of the Parliament of Canada? That is seeking a judicial determination of the scope of 92(10)(a) of the Constitution Act, 1867. However, that does not preclude us as parliamentarians from taking action using the declaratory power under 92(10)(c).

The courts and witnesses in committee are quite clear that it is for Parliament alone to determine whether a work is for the general advantage of Canada. I would add that if this bill quickly

becomes law, then there is no need for a determination by the courts over 92(10)(a). This means that Bill S-273 is a tailor-made solution for the Chignecto Isthmus that will not have unintended jurisdictional impacts that a reference case could. It provides a politically negotiated settlement rather than a judicially imposed determination.

Colleagues, if you are uncomfortable with the use of the declaratory power in general, or even in these specific circumstances, I want you to take comfort in the following: The bill has more support on the East Coast today than Confederation had at the time of Confederation. I do not say this lightly.

The four governments of Prince Edward Island, New Brunswick, Nova Scotia and Newfoundland and Labrador support the bill because of the criticality of protecting the trade route for vital supplies, as well as ensuring access to health care facilities such as the IWK Children's Hospital and other specialty medical services in Halifax. Both the Nova Scotia and New Brunswick legislative assemblies passed all-party resolutions supporting this bill.

The towns in the isthmus directly impacted by rising sea levels due to climate change, Tantramar and Amherst, also support the bill. The Union of the Municipalities of New Brunswick supports the bill out of a concern — which Senator Robinson raised in committee — that if the dykelands are paid for under the Disaster Mitigation and Adaptation Fund, then there will be no additional money left for infrastructure projects in Atlantic Canada as our allocation will be spent.

The Société de l'Acadie du Nouveau-Brunswick, the Fédération acadienne de la Nouvelle-Écosse and the Société Nationale de l'Acadie support this bill as well because:

. . . it provides a political signal that protecting Acadian cultural and heritage sites is in the national interest, where Senators are undertaking their constitutional role in representing regions and protecting minority language rights . . .

Senator Cormier will speak about this aspect in more detail later today.

Most importantly, colleagues, the First Nations support Bill S-273. I am often asked this question: What is the practical effect of Bill S-273? It uses the declaratory power and also allows for the Government of Canada to enter into contracts to help build, maintain or operate the dykeland system.

Chief of Fort Folly First Nation Rebecca Knockwood said the following in committee about why her community supports Bill S-273:

Considering the significance of this area for the Mi'kmaq, considering that the federal government's consultation and impact assessment process is more thorough and considering that we cannot afford to wait for the jurisdictional battle to be settled, the Mi'kmaq chiefs in New Brunswick would ask you to support the bill put forward by Senator Quinn. The land should be transferred to federal jurisdiction until this project has been completed. . . .

If the declaratory power is used, it means that the federal government would take the lead in respecting the duty to consult with the affected Mi'kmaq communities and leadership. The declaratory power is essential to this commitment toward reconciliation. Chief Knockwood is correct that the federal government would provide a more thorough consultation process. Further, because the impacts will occur on both sides of the interprovincial boundary, the federal government is best positioned to ensure proper coordination.

Amendments were made in committee at the request of Nova Scotia organizations representing the Mi'kmaq to address any concerns they had by ensuring that there is a non-derogation clause that respects section 35 of our Constitution concerning Aboriginal treaty rights, using limiting language to reduce the scope of emergency powers during construction and ensure that the Mi'kmaq can participate in the contracting process. Senator Prosper will be moving an amendment to the preamble to further reflect this commitment toward reconciliation.

Honourable senators, Atlantic Canada is speaking with one voice, asking both to be treated fairly and for you to understand that the Chignecto Isthmus is to the general advantage of Canada. We often look at the Senate as a place of sober second thought in our role as a revising chamber. However, the constitutionally entrenched role of the Senate to represent regional interests is even more important. The House of Commons will make the determination of whether they agree with us, but our unique design gives us the ability to introduce Senate public bills and allows us to raise issues that simply cannot be heard or understood at first glance by the House of Commons. The Maritimes have only 25 MPs, and as I said, this makes it more difficult for us to be understood.

Honourable senators, crucially, jurisdiction also confers a moral responsibility to act. Rising sea levels due to climate change are the most existential threat to Atlantic Canada. The same oceans that provide for our prosperity threaten to tear us apart.

• (1610)

The United Nations said that the Chignecto Isthmus is the second-most-threatened area in North America due to climate change, after the city of New Orleans.

The Government of Canada has a duty to keep this country together. The Maritimes are not junior partners in Confederation and deserve to be understood and to be treated fairly. The only way for the Senate to make this clear to the House of Commons is to vote yes for Bill S-273 and allow them to have their deliberations and make the final decision.

Thank you so much, honourable colleagues. I hope for and look forward to your support.

Some Hon. Senators: Hear, hear.

Hon. Colin Deacon: Would Senator Quinn take a question?

Senator Quinn: Yes.

Senator C. Deacon: I understand that over the 100 years leading up to 1990, ocean sea levels rose by about 10 centimetres, but since 1990, the rate has about tripled, so it's another 10 centimetres. That means the 400-year-old Acadian dykes are seeing more change, more rapidly, than before. Do you have data that speaks to that more eloquently than I can, to the urgency?

Senator Quinn: We heard evidence at committee where exactly that type of situation was described, and the numbers are, of course, in our transcripts. But sea-level rise is increasing faster and faster every year. I can say that with some certainty because when I started at Port Saint John in 2010, we had docks on the west side of our port that were dry. When I left in 2021, those docks were regularly covered with water. That's attributable directly to the sea level rise that I personally saw as the CEO of Port Saint John.

Senator C. Deacon: That causes me to recall a daughter of Saint John Catherine McKinnon, who made a Nova Scotian ballad quite famous in the 1960s. It causes me to think: If we don't act on this, will the rest of Canada be saying, "Farewell to Nova Scotia"?

Senator Quinn: I certainly won't attempt to sing that song here, but I will say that I have been asked about this. Here I am, a senator from southern New Brunswick, from the city of Saint John — the south end of Saint John. As young lads, Senator Cormier and I used to play street hockey together down in Saint John. It is a fond memory we both share.

The reality is that as a former CEO of Port Saint John, I could say that Nova Scotia's becoming an island might be to the advantage of my former port because they would get residual business. There's no question about that. But as I've said to people who asked me why I am taking this on, it's because I'm a senator in the Senate of Canada. I have to raise my level of understanding and vision to my region and to Canada and what's important to Canada.

That's why I've been championing this particular initiative. This area is so vitally important to our transportation system but also to the protection of the Trans-Canada Highway, the rail line that runs through there, the farmlands that have been established and, as importantly, to the people of the area, who know that their cities of Amherst and Sackville will be flooded — one at 35%, and one at 50-60%. We heard that in committee. That could lead to loss of life. It will lead to loss of property.

I am fully committed to doing my best in my job to represent this regional issue because otherwise it might not be heard. That's why I talk so passionately about getting this through the Senate. We're the Senate; we're not the elected chamber. If my colleagues here decide to pass this, the bill goes to the elected chamber. Let them have their debate. Let them decide whether this will go to the next step.

If it goes to the next step, it goes to cabinet. If cabinet decides to do something, they have that choice. They can decide to do nothing. They can decide to leave it where it is now, where negotiations have maxed out in terms of the money, the 50-cent dollars.

Again, I'm urging that we pass this bill so it gives a chance for additional negotiations. I don't expect that we will get 100-cent dollars. That's not what this is about. This is about fairness. This is about equity. This is about being treated fairly.

Two or three weeks ago, we heard about a well-deserving project being funded at 60% by the federal government. You have heard me speak about other projects that have been funded at 100%. I'm just looking for at least the fairness of what we witnessed at the 60% level. But that's not my decision. It's not the decision of parliamentarians. It will become the decision of our cabinet should they choose to go in that direction.

I say let's give them the chance in the lower chamber to have their debate. If it goes to the government, the government will decide.

Some Hon. Senators: Hear, hear.

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I rise today to speak very briefly on Bill S-273, the Chignecto Isthmus Dykeland System act. As we know, this bill proposes to declare the Chignecto Isthmus Dykeland System and related works to be works for the general advantage of Canada. It would invoke the federal declaratory power under section 92(10)(c) of the Constitution Act to enable the federal government to assert its exclusive legislative authority over this project.

Let me begin by thanking Senator Quinn for bringing this initiative forward and, more importantly, for shedding light on an area of the country that is important to Atlantic Canada. Its extensive transportation systems and parklands are important for economic growth and vitality in the region and for wildlife preservation and maintenance. This is deserving of greater understanding and, indeed, dialogue.

However, respectfully, the government does not believe that the mechanism being sought in Bill S-273 is the appropriate measure, and it cannot support this bill for several reasons, some of which I'd simply like to put on the record today.

Senator Quinn mentioned correctly that the invocation of the declaratory power would bestow legislative authority over the area but does not in and of itself carry a funding requirement. That is correct, but money is relevant to the bill and to the project and the need for remediation. The government is aware that the project will be an expensive one and that the provinces are hoping that the government will be forced, morally or otherwise, to assume the full cost of the work to be done.

Colleagues, as you know, Senator Quinn mentioned that both New Brunswick and Nova Scotia have applied for funding under the Disaster Mitigation and Adaptation Fund, a program under Infrastructure Canada. This is a collaborative cost-sharing

approach. It would enable the federal government to work with the provinces to find a middle ground, a common ground, for dealing with the financial components of this project.

I know their discussions have begun, and the federal government would be pleased to continue them.

Most importantly, and Senator Quinn alluded to it, the issue of jurisdiction over the isthmus is currently before the Nova Scotia Court of Appeal on a reference that was put to the court by the Government of Nova Scotia in July 2023.

The Government of Canada, along with a few other provinces, applied for and was granted intervenor status in this matter. It respectfully disagrees with Nova Scotia's position that legislative jurisdiction over the isthmus already rests with the federal government.

As such, it's the position of the Government of Canada that this issue should not be dealt with until the court has clarified the issue of jurisdiction. To do otherwise is to pre-empt the question that's currently before the Nova Scotia Court of Appeal.

Finally, colleagues, Bill S-273 would also likely impose new obligations on the government, and this could have the unintended consequence of setting a new precedent that would affect or could affect similar land systems in the future, including those that may be affected by climate change and require remediation.

For those reasons, the government cannot support Bill S-273 in its present form. The government believes the Nova Scotia Court of Appeal should hear arguments from all parties and intervenors and pronounce with an informed and adjudicated decision on that basis.

Thank you for your kind attention.

Some Hon. Senators: Hear, hear.

Senator Quinn: Senator Gold, will you accept a question?

Senator Gold: Yes.

Senator Quinn: Senator Gold, thank you for your short speech and intervention. I have to ask a multifaceted question.

• (1620)

I have referred to fairness, and fairness — to me — means that Atlantic Canada needs to be treated like the rest of Canada.

The second thing I want to raise is that there are other examples where the declaratory power was used in court proceedings. In this case, we're using two legitimate, separate pieces of the Constitution of Canada. I'm certainly not going to go toe to toe with you on the Constitution, Senator Gold; that's your area of expertise.

I propose that under subsection 92(10)(a) they are seeking a ruling as to whether this area can be treated as a system and have federal jurisdiction take priority.

As I said in my speech, right now this area could be dealt with individually by provinces, but the provinces understand and recognize that it needs to be dealt with as a system. There is no sense protecting Nova Scotia or, vice versa, New Brunswick if the other side is going to flood. It has to be done as a complete package. That is why Nova Scotia and New Brunswick made application to the National Disaster Mitigation Program, or NDMP. Why did they apply to NDMP? Because they were against a deadline. They had to submit an application by a certain date. At the end of the day, close to the deadline, they came together and submitted their application, and it resulted in being recognized for 50 cents on the dollar.

At the same time, they understand what I'm trying to achieve with subsection 92(10)(c) with respect to having the declaratory power invoked to allow jurisdiction for a number of reasons. As I indicated in my speech, it allows for action sooner rather than later.

Other than the filings, the court process has not started, as I understand it. We may be a long way away from actually having proceedings in a court. Every day that passes is important in terms of taking action. Would you not agree?

Senator Gold: You have learned your lessons well.

There is no need to worry about going head to head. Your reading of the Constitution is correct, so you will get no argument from me.

My purpose in making this speech was simply to put the government's position on the record because this is a complicated issue for the Government of Canada. It's complicated because there is much infrastructure in this country that is at risk due to climate change.

You mentioned the moral obligation, and that's really the thrust of the government's position. Comments about precedent are exactly that.

The government's position remains, however, that constitutional jurisdiction over the isthmus — an opinion on which was requested by the government of the Nova Scotia Court of Appeal — is necessary, but it doesn't preclude the political negotiations to which you referred.

Of course, fairness is important. I have nothing to add to your general comment. Every case and situation has to be looked at in its own right, and apples need to be compared to apples and oranges to oranges.

You mentioned the Quebec Bridge and other things. These are significantly different situations. I understand the impact that it may have on your reading of situations.

The government's position is as I have set out. I know that the leaders of the four groups have reached an agreement that this will be voted on at third reading, and I simply wanted to put the government's position on the table. It's going to the other place. They will have a chance to examine it, and I'm sure you and others will follow it with interest once it's in the other place.

Hon. Leo Housakos: Senator Gold, I listened to your remarks. I don't want to get involved in debate on this, but, number one, the declaratory powers have been used many times before in very similar instances, so it is constitutional. At our committee, we heard from a number of constitutional experts, and all of them said it's constitutional.

I have seen this game plan before from governments. I saw it from the previous government when they were trying to renege on fundamental responsibilities in terms of the Samuel De Champlain Bridge, because it was politically expedient, for a variety of reasons, not to invest in it and to try to push that off to the Quebec government.

The first question: Won't you agree that the declaratory power has been used many times?

Second, the Province of Quebec didn't have the wherewithal to rebuild the Samuel De Champlain Bridge, and it would be nearly impossible for any province. It required billions of dollars. Just like right now in Atlantic Canada, with regard to critical infrastructure like the Chignecto Isthmus — and we have heard from many witnesses that it touches a number of provinces, the whole region of Atlantic Canada — they don't have the wherewithal to go forward with a project like this. Why doesn't the government recognize that if we, as a federal government, don't step up on infrastructure building, what do we need the federal government for in this country?

Senator Gold: Thank you for your question. Let me be clear, as I thought I was.

Of course, the declaratory power is a legitimate exercise of the Constitution. It has been used 474 times, or thereabouts. Early on it was used for grain elevators — those in the West will recall that — and continued well into the 1980s. I never questioned the availability of that. The government is of the view that it's not the appropriate measure to deal with this.

I also agree, and I think I acknowledged — however briefly — the importance of the isthmus to the economy and communities in Atlantic Canada. It's an expensive project and it's a project that, in my understanding — and you heard it in the committee — is at risk because of rising sea levels and climate change.

I have also said that the government has a program in place to which both provinces have applied, and the government is prepared to negotiate and discuss with provinces an appropriate formula for getting the work done, just as the Government of Canada did with the Province of Quebec and the Canadian National Railway Company when it bought back one of the bridges in Quebec City for \$1.

This is an example of cooperative federalism at its best, and the Government of Canada believes that's the right approach in this project as well.

Senator Housakos: Will you take another question, Senator Gold?

Senator Gold: Yes, of course.

Senator Housakos: Clearly, this issue isn't a political one. It's at the essence of what Canada is all about, because infrastructure is what brings our country together. You can see that it is not political when in two legislatures — the legislatures of Nova Scotia and New Brunswick — all political parties unanimously voted and are standing in unison saying that they need the declaratory power to be put into place because the government isn't negotiating in good faith.

As you know, Senator Gold, we only go to court when people can't come to terms in good faith and come to an agreement. That's why it's before the courts. That's why the premiers in both provinces are calling on the representatives of the upper chamber as a last resort to put pressure on the government and say, "This critical infrastructure, facing climate change, needs to be addressed."

Senator Gold: First, Senator Housakos, I did not say that it was partisan or political. I was echoing Senator Quinn, who talked about political negotiations.

Second, I cannot accept your characterization that the federal government has not been "negotiating in good faith" or that that's the reason why the Progressive Conservative government of Nova Scotia asked its court to interpret or provide an opinion on whether the undertaking as a whole fell within the legislative authority of Canada automatically by virtue of subsection 92(10) (a).

In both respects, I don't disagree that addressing the problem in the isthmus and elsewhere in Canada where important infrastructure — whether it serves one province, many provinces or the country as a whole — is threatened by degradation caused by climate change is an important feature of what it is to be a country.

The federal government will do its part, along with the provinces and territories where appropriate.

Hon. Pierrette Ringuette: Senator Gold, will you take another question?

Senator Gold: Yes.

• (1630)

Senator Ringuette: Senator Gold, if my memory is correct, the reference from the Government of Nova Scotia to the Nova Scotia Court of Appeal was done well before this bill was introduced in the Senate. Isn't that the case?

Senator Gold: I believe that the reference to the Nova Scotia court — if my memory serves me correctly — was in July 2023.

Senator Ringuette: I'm trying to remember when this institution was asked to put down and vote on an issue that was before the courts. It's not our role to dictate to the courts what to say or to try to influence the courts. I am struggling very strongly with this because we have an issue that is in front of the court, and we're asking this chamber of Parliament to take a position on it.

Perhaps, Senator Gold, you can enlighten me, but in the 21 years I have been here, I haven't seen a similar situation.

Senator Gold: I may be disappointing you in my answer, though I appreciate the question. There are three subsections to section 92(10). Senator Quinn was correct to point out — as I did as well — that the case before the Nova Scotia Court of Appeal has to do with the first clause, subsection (a), which deals with transportation and communications undertakings that link provinces. The Government of Nova Scotia is asking the court to say that this falls within that definition.

You don't want to hear all the boring details about the jurisprudence and the uncertainty. I defer to Senator Plett on that.

Subsection 92(10)(c) is a separate matter, and regardless of whether it links provinces and regardless of whether it's an undertaking — which means the assembly of activities around a physical thing — things can be declared for the general advantage of Canada.

The point I'm making here is not that it's inappropriate in any constitutional way for us. It's that it would be better in the eyes of the government to wait for the court to rule on that fundamental question, which does not preclude ongoing discussions with the provinces over funding requirements for the project, rather than to take this step, which could have unintended — or perhaps intended, in some cases — knock-on effects that would, in the government's view, be unnecessary.

This is not, strictly speaking, a case where a narrow question is before the courts, and we are pre-empting that decision. But in a larger sense, the position of the government is that it would be appropriate to wait for that fundamental question to be answered and for the dust to settle. I hope that answers your question.

Senator Ringuette: Thank you.

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

Hon. David Richards: Will you take a question, please?

Senator Gold: I would be pleased to. Perhaps this will be my last question. I know there are other speakers. I meant to be brief. Out of respect, I'll take your question.

Senator Richards: It's a hypothetical. I know what your answer is going to be, but I'm going to put it out there, sir.

If this was a desperate problem — and it is between Nova Scotia and New Brunswick — and if it was between Highway 40 from Quebec going to Highway 401, would we even be discussing this today?

Senator Gold: The answer is yes, we would be. All senators, regardless of the regions or provinces you come from, have a responsibility to ensure fairness to all regions. Of course, we pay special attention to those areas we are most familiar. We represent our provinces or regions.

But I firmly believe — and I hope that it's true of all of us — that when we arrive here, we realize that we are in a federal institution, and our job is to make sure there is fairness to all regions regardless of where we come from. I sincerely believe that if the same circumstances were presented here, I imagine we would be having this discussion.

PUBLIC COMPLAINTS AND REVIEW COMMISSION BILL

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-20, An Act establishing the Public Complaints and Review Commission and amending certain Acts and statutory instruments.

(Bill read first time.)

[*Translation*]

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

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

CHIGNECTO ISTHMUS DYKELAND SYSTEM BILL

THIRD READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Quinn, seconded by the Honourable Senator Dagenais, for the third reading of Bill S-273, An Act to declare the Chignecto Isthmus Dykeland System and related works to be for the general advantage of Canada, as amended.

Hon. Julie Miville-Dechéne: Honourable senators, I'm speaking at third reading of Bill S-273, which was introduced by the Honourable Senator Quinn. Although I seriously doubted the bill's value initially, I chose to support this initiative at committee.

The bill would declare the Chignecto Isthmus Dykeland System to be for the general advantage of Canada, thereby invoking the federal government's declaratory power as set out in the Constitution Act, 1867.

We invited not one, not two, but three leading experts in constitutional law to the Transport Committee so we could draw on the broadest possible expertise. Professors O'Byrne, Leach and MacFarlane appeared before the committee, and all of them said it was entirely possible and in accordance with the rules to invoke the declaratory power to bring the Chignecto Isthmus system under federal law. Only one of the witnesses, Andrew Leach, considered such a designation unnecessary, as he felt that the isthmus is already under federal jurisdiction, given that it spans two provinces, New Brunswick and Nova Scotia.

Everyone agreed on three other points. First, declaring works to be for the general advantage of Canada achieves only one thing: It subjects them to federal legislation. Second, under no circumstances does the assertion of this declaratory power require the federal government to spend any money at all on the work in question. Third, the fact that an appeal has been brought before the Nova Scotia Court of Appeal to place the Chignecto Isthmus under federal jurisdiction in no way prevents parliamentarians from passing legislation. In short, there's no substantive constitutional or legal obstacle to this bill. The debate essentially revolves around politics, and each senator is therefore at liberty to take a position.

As I see it, this bill is purely political. By invoking the declaratory power in Bill S-273, Senator Quinn is trying to put more pressure on the federal government to be more generous in funding the isthmus dykeland rehabilitation and pay more than 50% of the cost. The fact that this bill has received the blessing of the premiers of New Brunswick and Nova Scotia makes it all the more political. I confess that I feel a little uncomfortable about getting so directly involved in a dispute between the federal government and the provinces.

Once again, Professor Macfarlane considers it outside the scope of our role as legislators. In this regard, he said, and I quote:

There are no distinct limitations on the various purposes a piece of legislation may have. Parliament is free to use legislation to hold government to account, to impose direct obligations on it, and I see no reason why legislation could not be used to impose an element of symbolic obligations or political obligations through legal instruments.

This declaratory power was used nearly 500 times since Confederation, as Senator Gold mentioned. Professor Nicole O'Byrne, from the University of New Brunswick, also indicated that, when Parliament invokes this power, it's an entirely political decision that's not reviewable by the courts. However, Professor O'Byrne also reminded us of the origins of the Confederation pact and its context. The construction of a railway connecting Halifax to Quebec was a condition for Confederation for the provinces of Nova Scotia and New Brunswick. This rail line, vital to the Maritimes' supply chain, crosses the Chignecto Isthmus which is being threatened by climate change. Professor O'Byrne added that, historically, the federal government has paid for most of the infrastructure work when the provinces were unable to do so.

• (1640)

Furthermore, the bill wasn't considered in a vacuum. In the middle of the committee's study, Prime Minister Trudeau announced to great fanfare that the federal government was going to repatriate the Quebec Bridge and pay the full cost of its rehabilitation, to the tune of \$40 million per year for the next 25 years. The bridge, he said, is critical infrastructure for the St. Lawrence River corridor. There's no doubt about that.

The next day, the Prime Minister went to Bathurst and met with local journalists who asked him why the federal government was funding 100% of the Quebec Bridge rehabilitation, but no more than 50% of the Chignecto Isthmus renovation work. The Prime Minister's answer surprised me. He said, and I quote:

It is a vital link, but it is also a provincial highway. . . . We will be there as a partner, but perhaps it would be better if the governments of Nova Scotia and New Brunswick took the fight against climate change more seriously. . . . Unfortunately, they are doing what too many Conservative politicians are doing, and that is looking for easy arguments so as not to have to make the necessary investments that their citizens need, investments that are their responsibility to make.

My jaw dropped when I heard that. Are we to understand that the federal government's decision to pay for the renovation of critical infrastructure depends on the provincial government's political stripe?

Are we back to the Duplessis days when we had to vote for the right party to get funding for our roads?

To me, it is clear that the Chignecto Isthmus straddles two provinces, that it has a rail line, that its history is closely connected to the Confederation pact and that it is as much in the general advantage of Canada than the old Quebec Bridge, if not more so.

As a Quebec senator who believes in fairness among the provinces, I wasn't happy with that differential treatment. I will therefore be voting in favour of Bill S-273 for all of the reasons that I mentioned.

Thank you.

Hon. Réjean Aucoin: Honourable senators, I'd like to begin by saying that I agree with Senator Quinn's comments. In addition, according to an article I read today about the Thwaites Glacier in Antarctica, although it was expected to melt in the next 100 or 150 years, experts believe it will melt faster than initially predicted. The sea flows 3.7 kilometres beneath the glacier, contributing to the 3.7-metre annual rise in sea level. The world is already losing 50 billion tonnes of ice annually, equivalent to a 4% rise in sea levels. The study was published this week.

Honourable senators, I'd like to take this opportunity to share my thoughts on the very important Bill S-273, sponsored by our colleague, Senator Quinn.

I consider it essential to rise today to discuss the vital importance of preserving the Chignecto Isthmus dykeland, and to recognize the central role this isthmus plays in Canada's economy.

The Chignecto Isthmus is the name of the stretch of land connecting New Brunswick and Nova Scotia. It is slightly above sea level. It includes a network of dykes and aboiteaux, installed in the late 1600s by the Acadians, perhaps some of my ancestors. It currently protects the isthmus' communities, infrastructure, private lands and natural resources.

The Chignecto dykes, with their rich history and crucial function, are much more than mere structures of concrete and earth. They are an infrastructure that protects an essential link between Nova Scotia and the rest of the North American continent, a link that should never be underestimated or neglected.

First of all, understanding the economic importance of the Chignecto Isthmus to Canada is key. This land and sea corridor is a major trade and freight corridor. The Trans-Canada Highway and CN rail line cross the Chignecto Isthmus, providing road and rail links across which some \$35 billion worth of goods, commodities and services flow every year.

These goods and commodities travel in both directions. They go from Newfoundland and Nova Scotia to the West, but the goods and commodities found in New Brunswick, Quebec and Ontario come from as far away as British Columbia. In addition, this strip of land is home to wind turbines and major power and telecommunications lines.

Every day, thousands of trucks haul goods essential to Canadians across the Chignecto Isthmus. Food, medical supplies, manufactured products and countless other goods are shipped through this strategic passage to Canadian and even U.S. markets, thereby contributing to the continuous supply of goods to cities and regions across the country. These goods play a vital role in Canada's economy. They support a wide range of industries from coast to coast to coast and create jobs in multiple sectors.

Considering its strategic position and importance to Canada, we believe that the work required to protect this land bridge from the climate changes we are witnessing is vital. That's where the Chignecto dykes come into play. These ingenious structures protect the land from floods and storms and, in doing so, ensure safe shipping by land and sea. Without them, roads could be flooded, railways damaged and ports rendered inaccessible, bringing the vital flow of goods across the country to a screeching halt.

Preserving the Chignecto Isthmus dykes is also critical to the environment. Not only do these dykes protect farmland and infrastructure, they also preserve fragile coastal ecosystems. By stabilizing the land and preventing floods, they protect natural habitats and the species that depend on them. In doing so, they help preserve the region's biodiversity.

Colleagues, it is our duty to preserve and protect the Chignecto Isthmus dykes for future generations. Their importance cannot be overstated. They are the very foundation of our economy and our security, ensuring the continuous flow of essential goods across the country. By investing in their maintenance and development, we are investing in the future of Canada as a whole.

In my view, the Canadian government has a constitutional responsibility to maintain this link, and the federal government's criteria for funding major transportation links should be the same in all provinces.

Therefore, it goes without saying that the Chignecto Isthmus and the works required to preserve it should be declared to be for the general advantage of Canada. This would enable the

provinces to negotiate with a single stakeholder, the federal government. As things stand, if one province completes its part of the necessary repairs but the other does nothing, a storm could seriously damage everything on both sides of the Nova Scotia-New Brunswick border.

• (1650)

In closing, I would urge you all to recognize the vital importance of the Chignecto Isthmus Dykeland System and to support the efforts to preserve it. The Chignecto Isthmus is a strategic land link that is threatened by rising water levels and climate change. By supporting this bill, we can ensure the sustainability of this important economic corridor and guarantee the prosperity of our nation in the years ahead.

Thank you very much.

Hon. René Cormier: Colleagues, I rise today to speak briefly at third reading of Bill S-273, An Act to declare the Chignecto Isthmus Dykeland System and related works to be for the general advantage of Canada, which was introduced in this chamber by my New Brunswick colleague, Senator Quinn, whom I thank. Much has been said, so I won't talk about economic development, the movement of goods and services or the road and rail link, even though I recognize how important these elements are to the region. On these matters, I endorse everything my Acadian colleague, Senator Aucoin, said, and I thank him for his remarks.

I would like to point out that the land on which I am speaking is part of the unceded territory of the Anishinaabe Algonquin people.

In light of the study duly conducted by the Standing Senate Committee on Transport and Communications, which included new facts related to this bill, allow me to clarify why I intend to support it. Let's not forget that this legislation would make the federal government responsible for the restoration of the Chignecto Isthmus dykes through a declaration by Parliament that these works are for the general advantage of Canada, in accordance with section 92(10)(c) of the Constitution Act, 1867.

I will begin by saying that I am well aware of the comments that my colleague, Senator Clement, made in committee about how this bill could reflect a serious breakdown in negotiations among the different levels of government. Obviously, I think that a collaborative approach is important for any issue that affects Canada as a whole.

[English]

I also read with interest the comments of Mr. Andrew Leach, a Professor in the Faculty of Arts and Faculty of Law at the University of Alberta, who appeared before the Transport Committee and according to whom this bill does not appear to impose any positive obligation for the federal government to maintain, fund or act in any other way to support the system.

One might also question the intrinsic usefulness of such a bill, especially since the dyke system could already fall under federal jurisdiction in accordance with paragraph 92(10)(a) of the Constitution Act, 1867.

[Translation]

Nevertheless, honourable senators, I recognize that a large number of key stakeholders in my region are calling for this legislative proposal. As it has often been said, we were all appointed to the upper chamber to represent our province or territory. The effective representation of regional interests is at the heart of our senatorial mandate and constitutes one of the pillars of this democratic institution.

It goes without saying that, if the legislative assembly of my province, which basically represents the general will of the people of New Brunswick, takes a stand on an issue that directly relates to our parliamentary work, then I think that I need to give that a certain amount of attention and deference.

In that regard, on May 17, a motion was unanimously adopted by the Legislative Assembly of New Brunswick to urge Parliament to pass this bill. The motion in question referred to the fact that the Chignecto Isthmus is a rail trade corridor of national importance and that it is particularly vulnerable to the effects of rising sea levels and increasingly intense severe weather events. All of the political parties in my province, without exception, support this bill. The Nova Scotia Legislature also adopted a similar resolution. In my opinion, this constitutes significant legislative action.

Our senatorial mandate also requires us to represent the interests of minorities and of groups generally under-represented in the other place, including Indigenous peoples and official language minority communities. I think you will agree with me that it is imperative for us to take their interests and needs into account in our public policy development processes.

In May, the Société de l'Acadie du Nouveau-Brunswick, or SANB, in collaboration with the Fédération acadienne de la Nouvelle-Écosse, or FANE, and the Société Nationale de l'Acadie, or SNA, which speaks for the Acadian people nationally and internationally, submitted a brief to the Senate Committee on Transport and Communications. This document offers unwavering support for Bill S-273.

One relevant passage of this brief reads as follows:

The *Chignecto Isthmus Dykeland System Act* is a major step forward for the preservation, and even more so for the protection, of this historically rich region. This region is also of great public interest, particularly given its nationally and strategically important infrastructure. Section 4 of Bill S-273 is clear on the subject: "The Chignecto Isthmus Dykeland System and related works are declared to be works for the general advantage of Canada."

[English]

As explicitly indicated by Chief Rebecca Knockwood from the Fort Folly First Nation before the Transport Committee, the Mi'kmaq chiefs of my province also support this legislation. I equally note that the amendments adopted in committee have considered the opinions notably expressed by Jessica Ginsburg, a lawyer on behalf of Kwilmu'kw Maw-Klusuaqn, KMK, which supports the Assembly of Nova Scotia Mi'kmaq Chiefs.

Through testimony and briefs, the Transport Committee also heard from other stakeholders favourable to this legislation, notably the Union of the Municipalities of New Brunswick, which represents 56 municipalities and almost 80% of the population, including communities along the Chignecto Isthmus.

[*Translation*]

Colleagues, while recognizing the importance of this region for the movement of goods and services and for strengthening the economic development of our region, and given the unique historical and cultural place that the Chignecto Isthmus holds in the collective imagination of the Mi'kmaq and Acadian peoples of this region, Bill S-273 reaffirms that the system of dykes and aboiteaux in the Chignecto Isthmus, which is still of immeasurable economic and heritage importance for the inhabitants of this region, particularly the Acadians and Mi'kmaq, is for the general advantage of Canada.

I fully support this principle, especially since this territory is central to the very identity of the Acadian and Mi'kmaq peoples and the Atlantic provinces. I therefore invite you to vote in favour of this bill. To show you just how important this territory is for the Acadian people in particular, I would also invite you to broaden your horizons to new possibilities for developing this unique territory. For ecological, economic, historical and heritage reasons, the three Acadian organizations I mentioned earlier are proposing the particularly interesting idea of creating a new national park on the Chignecto Isthmus.

In their brief to the Transport Committee, they say this innovative project will have three main benefits, and I quote:

... it would allow the Government of Canada to effectively protect the isthmus against the ravages of climate change through the coordinated participation of multiple departments and agencies, including Public Works and Infrastructure Canada and Parks Canada. It would also allow two heritage institutions—Fort Beauséjour and Fort Lawrence—to be combined on the same site. Lastly, it would preserve and promote the presence and activities of the Mi'kmaq and the Acadians of Beaubassin, including the network of dykes and aboiteaux erected over three centuries ago that continue to protect the isthmus

Also, as part of its study on the impacts of climate change on critical infrastructure in the transportation and communications sectors, I fervently hope that the Standing Senate Committee on Transport and Communications will give due consideration to this proposal in preparing its future report.

Honourable colleagues, I'll conclude with an anecdote from my childhood. My father often took us to Nova Scotia via the famous Chignecto Isthmus. I'll spare you the poetic rant and just say that my father was constantly reminding us how instrumental that particular place was in building our country and uniting the Atlantic provinces. Not to be biased, but he always highlighted the important role that Acadians played in the construction of these dykes, which helped make Canada what it is today, particularly in that region.

[Senator Cormier]

• (1700)

I must admit that I'm getting a little emotional over this, but at the same time, for all of the reasons that I gave here today, I would invite you all to vote in favour of this bill. Thank you.

Some Hon. Senators: Hear, hear.

[*English*]

Hon. Paula Simons: Honourable senators, no one should doubt that the Chignecto Isthmus is one of the most vital and most threatened pinch points in Canada. It is one of our nation's most important and essential transportation corridors, connecting Nova Scotia to the rest of Canada and allowing billions of dollars' worth of goods landed at the Port of Halifax to flow through Eastern Canada.

How important? How vulnerable? Let me share with you what we heard from one of the witnesses who appeared before the Transport and Communications Committee to speak to this issue, the Mayor of Amherst, Nova Scotia, David Kogon:

A flooded Chignecto Isthmus would disrupt the rail line, the Trans-Canada Highway, the power distribution lines, a natural gas pipeline and the windmills in the area.

He continued:

A significant portion of the town of Amherst, estimated at approximately 25% to 33%, would be flooded if the isthmus of Chignecto were to flood. Specific protection of the dikeland system safeguards the transportation corridor, Amherst and other nearby communities and vast areas of fertile farmland. The areas of land protected by the dikes are below sea level. If this area were to flood, the water would not recede; it would be permanent, with major consequences.

And he assured us this was not a fanciful projection:

There is an increased frequency of major storm events in recent years. Urgency is being placed on this issue due to concern that one of the next severe weather events will coincide with the high tide, which would breach the dikes and flood the isthmus permanently.

When I asked the mayor whether the isthmus was going to be overwhelmed by rising sea levels, he explained to me that the most real and present threat was more the increase in violent storms brought by climate change, which could overwhelm the dykes even at this sea level:

The vulnerability due to climate change is the issue. It's not that the dikes are destroyed, but they'll be overcome by one of these storms. So the rail line being in good condition, the road being in good condition and the power lines being in good condition will all be for naught when the flood occurs.

We are vulnerable. We could have a high tide, full moon and hurricane at any time. That's why we feel there is a major urgency to getting mitigation efforts started.

His colleague and neighbour Andrew Black, the Mayor of Tantramar, New Brunswick, spoke equally passionately about the threat. He testified:

The people of Tantramar count themselves lucky for living where we live, and the chocolatey mud flats, the stark flat beauty of the marsh and the teeming biodiversity of those areas have been engrained and interwoven into our history, art, music, culture, educational opportunities, tourism and economy.

But, he said:

. . . there is constant dread that it will all be washed away in one perfect storm. The Chignecto Isthmus . . . is a narrow piece of land that connects New Brunswick to Nova Scotia, stretching from the Bay of Fundy on one side to the Northumberland Strait on the other. Most of that land is well under sea level and it would take little effort to inundate it with floodwater. . . .

. . . we are all aware now after the floods of the past and a quickly changing climate that it is not a matter of "if" but a matter of "when" the isthmus will be under water.

So I do not for one moment question the urgency of this issue nor the vital need for timely action. I want to thank Senator Quinn for putting this issue on the national agenda and for all his work in championing the people who call the isthmus home or who rely upon it for their futures. And I don't blame him for feeling his region's concerns are not being heard. Believe me, as an Albertan, a representative of a province of 5 million people which has only six Senate seats, I empathize with that feeling.

But I rise today, nonetheless, to oppose this particular bill — not because I want to let the federal government off the hook but because this bill is not the way to force anyone in Ottawa to do anything at all, and because I do not think we should use the extraordinary declaratory power of the Constitution in a careless or fruitless way.

As former chief justice Sir Lyman Poore Duff wrote in 1929, the declaratory power is an authority of "a most unusual nature" which gives the federal government sweeping power to assume jurisdiction over what would otherwise fall within the exclusive control of a single province.

Section 92 of the Constitution lays out the division of powers — which things are in provincial jurisdiction, and which things are federal. Section 92(10)(c) provides that works and undertakings that:

. . . although wholly situate within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general Advantage of Canada or for the Advantage of Two or more of the Provinces.

Now, is the future of the Chignecto Isthmus dyke works a matter of national urgency? Absolutely. Would repairing and storm-proofing it be for the general advantage of Canada or for the advantage of two or more provinces? Who could deny it? But let me reread the words of the clause: ". . . although wholly situate within the Province . . ." And the Chignecto dyke works are, well, not wholly situate within one province. They link New Brunswick and Nova Scotia.

Now, there has been an attempt in the bill to imply that this is not true. The bill explicitly defines the Chignecto Isthmus Dykeland System as two distinct things:

(a) a dyke system intended for water management wholly situated in the Nova Scotia portion of the Chignecto Isthmus trade corridor; and

(b) a dyke system intended for water management wholly situated in the New Brunswick portion of the Chignecto Isthmus trade corridor.

Much though I respect and honour Senator Quinn's commitment to the people of the isthmus, that is not a very convincing argument.

Let me also quote from the testimony of Dr. Andrew Leach from the University of Alberta law school, who is both an authority on the history of the declaratory power and an expert in environmental economics:

Works — "physical things" — and undertakings — "an arrangement under which physical things are used" — can fall within provincial jurisdiction only if they lie wholly within that province. The system of dykes, aboiteaux, and culverts lies on both sides of the border but also, in the case of the Missaguash River water control structure, spans the border. . . . The Dyke System is "functionally integrated." There is no sense that the systems in New Brunswick and Nova Scotia could operate effectively or be updated independently of the other. . . .

In his written brief submitted to the committee, Dr. Leach cited a 1905 decision by the British Law Lord Edward Macnaghten, who was ruling in a case involving the use of declaratory power in regard to the works of Bell Canada. Macnaghten wrote:

. . . if they had been "wholly situate within the province," the effect would have been to give exclusive jurisdiction over them to the Parliament of Canada; but, inasmuch as the works and undertakings . . . were not confined within the limits of the province, this part of the declaration seems to be unmeaning.

And that, I fear, is the problem we face here. It is legally meaningless to require the Government of Canada to declare the dykeland system to be to the general advantage of Canada. The works are clearly not situated wholly within one province. Indeed, one could argue, as Dr. Leach did, and as provincial premiers have, that the dykeland system could already fall under federal jurisdiction.

Indeed, Parliament already decided it had jurisdiction when it passed the 1948 Maritime Marshland Rehabilitation Act related specifically to the isthmus. Both New Brunswick and Nova Scotia agreed and cooperated with the federal government in the administration of that act. One could argue that nothing has happened since that would suggest Parliament was wrong then, so it may well have jurisdiction now, despite the decision made in 1970 to turn jurisdiction back to the provinces at their own request. As Senator Gold said, we may have to let the Nova Scotia Court of Appeal figure that out.

But in the meantime, let me be crystal clear. Passing this bill would do absolutely nothing to require the federal government to fix the isthmus or to commit any more federal funds to the project. It might make a symbolic political statement of some sort, but I suggest that it is an inappropriate use to invoke the extraordinary power of section 92(10)(c) as a political ploy, as a mere tactic to shame the federal government into action.

As a matter of parliamentary propriety, we should not pass bills that functionally have no force or effect to do what we want them to do.

I believe the federal government should absolutely step up to fund the lion's share of this project. The isthmus is too vulnerable and too important to all of Canada to be left to the exclusive financial responsibility of two small provinces. And it is far too important to be snarled up in endless legal disputes. But this bill is not the right tool to fix the problem.

It is a long-standing legal tradition that "Parliament does not speak in vain," that we do not pass legislation that is superfluous or has no legal meaning or import. And this bill, alas, speaks in vain, at least when it comes to expediting or funding the isthmus project.

At the same time, it could have unintended and negative consequences, because if it came into force, it could create an unintentional legislative vacuum. As Dr. Leach said in his testimony:

As soon as this law were to be proclaimed, any provincial statutes in relation to this dykeland system are invalid from that moment forward. You may end up with a legislative vacuum. I don't know that there are federal laws planned in this area. I do think that's one thing to consider, that provincial legislation in relation to the dykeland system would be invalid if this bill were upheld.

• (1710)

His perspective was seconded by another committee witness, lawyer Jessica Ginsburg, a legal advisor to the Mi'kmaq. I asked her:

. . . Do you believe that if this bill were to pass that provincial regulations, environmental regulations and regulations around archaeological excavation would be effectively eliminated?

Her response was:

Of course, that's the concern, or that if they were eliminated that there wouldn't be substitute federal decision points in their place. It's not to say that the decisions have to be made provincially, but the federal government wouldn't usually regulate in the areas covered off by the provinces currently. That's the concern — that there would be a gap created.

Today, for the sake of argument, let us suppose that if S-273 were to pass, the federal government would move with extraordinary swiftness to fill the legislative vacuum. Let us, for the sake of argument, accept the idea that passing this bill just to embarrass the government into badly needed action on this file makes good political sense. I want us to consider the consequences of the precedent that we would be setting.

Now I also speak as an Albertan. Imagine that we create a model where the federal government could exert exclusive jurisdiction over any work or undertaking regardless of what the plain text of the Constitution actually says? I think we'd open a Pandora's box where some future government could potentially seize this example to extend jurisdiction where it might not be so welcome.

In the midst of our own clause-by-clause debate at committee, I argued that Bill S-273 was the wrong tool and that you should not use a rake to hammer a nail. Senator Cardozo had a witty rejoinder. He pointed out, "In an emergency, you could indeed use a rake to hammer a nail."

Well, you could. You could also hurt yourself quite badly in the process.

Let us try to stick with hammers to drive in our nails lest we run the risk of getting a prong in the eye. Thank you. *Hiy hiy.*

Hon. Jim Quinn: Would Senator Simons take a question?

Senator Simons: Absolutely.

Senator Quinn: Thank you, senator, and thank you for all the work you have done on this bill and all the excellent questions that you asked during our deliberations.

I would be remiss if I didn't outline for colleagues who weren't at the committee that there were three constitutional experts there that evening. I don't dispute one word that you have said with respect to Dr. Leach, but I would add that the other two witnesses were of quite a different view. Their view was that this was a valid tool to use.

The other thing that I want to raise and ask for your feedback on is I recognize you said that Professor Leach talked about a continuous, single system. Yet, the provinces of New Brunswick and Nova Scotia applied together in their application because of their singular responsibility for each section within their province.

Finally, could you comment on the declaratory power that was used in the Gordie Howe International Bridge example? That bridge is not within the Province of Ontario. It goes to Michigan and is being paid for 100% by the federal government.

Senator Simons: I will take those in reverse order and hope that I remember them.

Regarding the Gordie Howe International Bridge, in terms of what is in Canada, as I understand it, the bridge is entirely in one province. The fact that the federal government paid for it, as you well know, Senator Quinn, doesn't create a legal precedent that would require them to pay for the Chignecto Isthmus. I agree with you that the federal government needs to offer more than it already offered, but the declaratory power in no way compels them to do that. Indeed, if it did compel them to do that, we would need a Royal Recommendation to pass this bill through this chamber because we don't have the power to make the federal government spend millions and millions of dollars. The House can write their own legislation, but we don't have that power.

To go back to your question before that, which was about whether it's all in one province, it's clearly not all in one province. It's true that the two different provinces have responsibility for fixing their halves of it, but the system, the undertaking is thoroughly integrated. If one province fixed one half or decided that it was going to raise its dykes and the other province didn't, the system would fail. You need only look at a map to see how absolutely inextricably linked all of these systems are. To pretend that this is two systems each in their own province is creative, shall we say.

Hon. Paul J. Prosper: Honourable senators, I rise today to speak to Bill S-273, An Act to declare the Chignecto Isthmus Dykeland System and related works to be for the general advantage of Canada.

I want to recognize Senator Quinn for bringing forward this bill, which seeks to preserve an important trade and travel route by using tools available to the federal government.

We all heard Senator Quinn discuss why he feels strongly about the need to use the declaratory powers to bring this project under federal jurisdiction. I agree with him. It is not to absolve the provinces completely of their fiduciary responsibilities regarding the isthmus but to take on the brunt of a causeway project that is truly in the nation's interest.

I was amazed to learn during the Transport Committee study about regional examples of how climate change is endangering critical infrastructure and that an estimated \$100 million cross the isthmus daily.

The implications of what might happen to Canada and its economy should the isthmus become unpassable are staggering. It should be noted that the declaratory power and the notwithstanding clause are exceptional powers that should be used sparingly. However, I would argue that in this instance, it is warranted. This would not, in my opinion, create a precedent that would open the doors to other regions trying to take advantage of this same power for their areas that are susceptible to flooding.

As a lawyer, I would say that the use of this power makes sense in this instance due to the confluence of specific factors such as the economic importance of the region and its importance to specific people such as the Acadian people and the Mi'kmaq who have lived on that land since time immemorial.

As Senator Cormier said — and I'm paraphrasing in English — given the unique historical and cultural place that the Chignecto Isthmus occupies in the collective hearts and minds of the Mi'kmaq and Acadian peoples of this region, Bill S-273 reaffirms the idea that the Chignecto Isthmus dyke and aboiteau system, whose economic and cultural importance remains immeasurable for the inhabitants of this region, is in the general interest of Canada.

While the committee's meetings do occur at the same time as one of the other committees I sit on, I made time to attend committee hearings that are current to my region of Nova Scotia. I was able to attend one of the meetings on this bill where a young lawyer named Jessica Ginsburg was testifying on behalf of Kwilmu'kw Maw-Klusuaqn, or KMK, the organization working on rights implementation and undertaking negotiations on behalf of the Assembly of Nova Scotia Mi'kmaw Chiefs.

• (1720)

Ms. Ginsburg appeared alongside Chief Rebecca Knockwood, who represents Fort Folly First Nation — also known as Amlamgog — on the New Brunswick side of the isthmus; and Derek Simon of Mi'gmawe'l Tplu'taqnn Incorporated, or MTI, which is the New Brunswick equivalent of KMKNO.

Chief Knockwood spoke about the isthmus being a “. . . significant cultural area for the Mi'kmaq . . .” and how “. . . Chignecto . . .” is derived from the Mi'kmaq word “*Siknikt*,” meaning “the drainage place.”

Chief Knockwood went on to say:

Studies show that it was one of the most densely populated areas of Mi'kma'ki and was a centre for travel and trade. Mi'kmaw, including members of my community, continue to harvest in the area.

She continued, saying:

Today, the isthmus is known to host 44 federal and provincial species at risk as well as over 250 species of conservation concern in Nova Scotia and over 170 in New Brunswick. Many of these species are of particular significance to the Mi'kmaq.

All three witnesses representing the Mi'kmaq in this study were clear that deep and meaningful consultation is important moving forward.

It is the duty and honour of the federal Crown to take this on and ensure there is fulsome consultation.

I want to thank Senator Quinn and Mr. Lyle Skinner, his director of parliamentary affairs, for working so hard to incorporate meaningful amendments that address the concerns raised by the Mi'kmaq.

One amendment that KMKNO asked for, which was perhaps missed, may not have much impact in the operative part of the bill, but it is important nonetheless. It is always important to acknowledge the history of a place in order to recognize its importance to current and future generations.

In that same vein, I agree with KMKNO's suggestion to amend the preamble to state the historical and cultural importance of the region to Mi'kmaq and, as we heard today from Senator Cormier, Acadian people.

The inclusion of such a statement would ensure that it is understood by anyone reading the bill that there is more to the Chignecto Isthmus than trade. There is hunting, a history and a life that we must protect and preserve.

MOTION IN AMENDMENT ADOPTED

Hon. Paul J. Prosper: Therefore, honourable senators, in amendment, I move:

That Bill S-273, as amended, be not now read a third time, but that it be further amended in the preamble, on page 1, by adding the following after line 14:

“Whereas the Chignecto Isthmus is of critical cultural and historical significance to the Mi'kmaq and Acadian peoples;”.

Wela'liog. Thank you.

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

Hon. Senators: Agreed.

(Motion in amendment of the Honourable Senator Prosper agreed to.)

THIRD READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Quinn, seconded by the Honourable Senator Dagenais, for the third reading of Bill S-273, An Act to declare the Chignecto Isthmus Dykeland System and related works to be for the general advantage of Canada, as amended.

Hon. Michael L. MacDonald: Honourable senators, I am pleased to participate today in the discussion at third reading of Bill S-273, the Chignecto Isthmus Dykeland System act, championed by our colleague and my fellow Maritimer Senator Quinn. I do so as critic for this legislation.

It is encouraging, especially for those of us in Atlantic Canada, to see this important legislation steadily progress through our chamber's mechanisms of review. At this point in the process, I trust we are all well familiar with the frequently mentioned topographical term at hand, “isthmus,” which refers to a narrow strip of land that separates two large bodies of water and

connects two large land masses. In this case, the Chignecto Isthmus separates the Northumberland Strait in the Gulf of St. Lawrence from the Bay of Fundy to the southwest and connects the provinces of Nova Scotia and New Brunswick.

This geographical position and vital role of this isthmus are what make this discussion pertinent, colleagues.

As I outlined at second reading, this 13-mile-wide strip of land connecting Nova Scotia to the North American continent exists in unique circumstances. It is the only land link between Nova Scotia and the mainland of Canada and, as such, serves a vital role to industry and our economy. Over \$35 billion in trade transits the corridor annually, as well as 15,000 vehicles daily and millions of people annually.

The daily activity across this corridor directly serves both Nova Scotia and Newfoundland, and its importance cannot be overstated. This small strip of land is essentially a land bridge, and all roads, rail service, fibre optic telecommunications and pipelines transiting this region depend on this corridor.

Furthermore, this area sits only slightly above sea level, wedged between two large bodies of water — one of which having the highest, lowest and strongest tides in the world. This presents particular risks and vulnerabilities that must be mitigated to avoid catastrophic safety and economic consequences for Nova Scotia, Newfoundland and the rest of Canada.

It must be noted that although the need for a dyke system on the isthmus is not a solely modern necessity — some of the earthen dykes in the area were established by the Acadians and date back to the late 17th century — the risks to and pressures on the system are now exacerbated by the threat of rising sea levels and the increasing frequency of severe weather events on the Atlantic coast.

As I stated at second reading, scientists have noted that with ocean surface temperatures rising along the eastern seaboard, the Atlantic coast is becoming more susceptible to tropical storms and hurricanes. They are increasing in intensity and frequency, bringing heavy wind, rain, dangerous ocean swells and a trail of destruction for Atlantic Canadians.

We in the Maritimes are not unfamiliar with foul weather, but I can attest to the fact that these weather events — record rainfalls, tropical storms, hurricanes, snowstorms and even forest fires — are occurring more frequently than during any other period I can remember from my lifetime. It is understandable that the governments and residents of New Brunswick, Nova Scotia and Newfoundland have increased anxieties about the adequacy of the aging dyke system at Chignecto, and it is not without reason that there is an expectation that the federal government will take responsibility for the initiative.

I will refrain from repeating much of the historical background I provided in my second reading speech, but there is some historical context that is relevant to the matter at hand.

In 1948, after persistent pressure from Maritimers who recognized that the dykelands required significant enhancements, Parliament passed the Maritime Marshland Rehabilitation Act, which obligated the federal government to pay for 100% of the construction and reconstruction of dykes and dams in the area. Now, 75 years later, the same dykes need to be replaced, upgraded or reinforced at an estimated cost of \$650 million.

What would happen, colleagues, if there were a failure of the dated infrastructure? What if a weather event suddenly made this narrow corridor impassable? Nova Scotia would effectively become an island. Our lifeline would be cut. Newfoundland would also be greatly affected. Not only would this be devastating for the people and businesses of Nova Scotia and Atlantic Canada, it would have far-reaching consequences affecting our national economy and industries.

• (1730)

The Chignecto Isthmus is a vital trade and utility corridor for the entire country.

Since the federal government has the responsibility for interprovincial trade, the New Brunswick and Nova Scotia governments believe that Ottawa should take on 100% of the cost. But the federal government is only offering to cover 50% through the Disaster Mitigation and Adaptation Fund — which, of course, would drain it for any other projects that may need funding.

For reasons I'll outline, this is not only unfair, but also unjust and unequal.

Senator Quinn's bill proposes to declare the dyke-land system at Chignecto to be for the general advantage of Canada — a policy principle that has its foundation in our Constitution and which allows for the federal government to assume jurisdiction over works that it deems to be in the national interest.

The Fathers of Confederation provided Parliament with a declaratory power to determine works that are in the national interest, transferring jurisdiction for those works to the federal level. As we've discussed, what Senator Quinn is proposing is not unprecedented.

In 2014, the Harper government enacted the New Bridge for the St. Lawrence Act, in which it declares the Champlain Bridge in Montreal and related works to be for the general advantage of Canada.

Found to be structurally unsound, the future of the Champlain Bridge needed to be addressed, but the Government of Quebec and the City of Montreal claimed they could not afford the costs. However, the need was urgent and in the national interest, hence the decision of the Harper government to assist in the construction of the new Champlain Bridge and the use of the declaratory power in doing so.

This commitment by the Harper government, it must be noted, came with the reasonable and financially responsible understanding that the new bridge in Montreal would have a toll in order to recoup the hefty upfront costs paid for by the federal taxpayer. I believe that user-pay is the best way to finance locally

used infrastructure such as bridges. The City of Montreal could have used a toll structure on all of its bridges to control peak traffic flow and raise revenue.

However, as we now know, after the election of the Trudeau government, the decision to toll the new Champlain Bridge was dropped. Instead, the new Trudeau government gifted to Montreal an expensive and important piece of infrastructure that is unquestionably a municipal and provincial responsibility. The new bridge is to be paid for exclusively by the Canadian taxpayer, with the considerable price tag of \$4.2 billion.

Colleagues, do not hear what I'm not saying. I agree that the replacement of the Champlain Bridge was in the national interest and of vital importance to our economy and our country — although it is a municipal bridge and, thus, a provincial bridge and responsibility. However, the federal government has seen fit to use the declaratory power on a major infrastructure project and has footed the entirety of the massive costs. This is now a matter of precedent.

All regions, provinces and Canadians should be treated equally — especially when there is a well-established precedent of the federal government providing large sums of taxpayer dollars to one part of the country for infrastructure projects. There should not be an outright refusal to take responsibility for projects of a similar nature in the Atlantic region. The major difference is that the isthmus issue crosses provincial boundaries, which automatically makes it a federal responsibility. No sleight of hand is necessary for it to qualify.

Unfortunately, in my region, we are far too familiar with the feeling of second-class citizenship in the eyes of the federal government. But where there is precedent comes the reasonable expectation of equitable treatment, and that the government of our federation will provide equally for all Canadians.

Why is it fair today for Prince Edward Islanders and those who visit the island to continue to pay tolls, while other bridges paid for by the federal government are exempt — especially when infrastructure like the Confederation Bridge is, in actuality, the responsibility of the federal authority? These are reasonable questions.

The federal government has now covered the full cost of a new \$4.2-billion Champlain Bridge in Montreal, free of tolls, in order to maintain the economic corridor that it provides. With \$20 billion worth of annual goods crossing from the Island of Montreal to the south shore of the St. Lawrence, I accept the view that this was a justifiable federal investment.

In the interests of regional fairness, surely the same logic should be applied to vital infrastructure of national interest in the Maritimes. The Isthmus of Chignecto is a critical choke point, with \$35 billion of annual business, and the cost of the proposed solution is merely one seventh the cost of the Champlain Bridge.

Last month, the Trudeau government announced \$1 billion to purchase and maintain the Quebec Bridge in Quebec City, describing the infrastructure as “a critical regional transportation link, a strategic freight corridor, and an important element of the Canadian supply chain.” The description of that corridor sounds awfully familiar.

The new money to maintain another trade corridor in Quebec did not go unnoticed in Nova Scotia.

In response to the announcement, the Nova Scotia government released a statement expressing their continued frustration with the federal government and their neglect for our region, stating:

We deserve to be treated fairly, as other jurisdictions have been in the past. Today, once again, the federal government is choosing to neglect us as it favours others.

It continues:

The isthmus sees around \$100 million worth of goods pass through it every single day, including food that feeds Canadians, vehicles, forestry products, critical supplies for manufacturing in other parts of the country and more. It also allows people to travel to the province for important medical appointments, education and to access other Atlantic provinces.

It further states:

We have repeatedly asked the federal government to acknowledge its responsibility of this project as it is of national significance and if it were to be lost, the whole country would feel the impact.

The statement concludes:

The federal government has a responsibility to treat all Canadians equally and should not be favouring one province over another. I want to once again urge the federal government to show leadership and fully fund this project before it is too late.

In a CBC article, Premier Houston took direct aim at the Liberal members of Parliament representing Nova Scotia:

It starts to look more and more embarrassing for our Liberal members of Parliament in this province . . . to be part of a caucus who is being so unresponsive to such an important, important issue for the province that they represent.

At Transport Committee hearings on the bill, New Brunswick Premier Higgs shared in this frustration of lack of regional fairness, urging senators to recognize the need for equal treatment.

Premiere Higgs stated the following:

. . . the Government of Canada bears the ultimate responsibility for securing the isthmus, as it has done over the past 150 years to build roads and rails that connect this country from sea to sea to sea.

He continued:

A decade ago, Parliament used the declaratory power, causing the Government of Canada to assume full jurisdictional responsibility and make the policy decision to build and maintain the Champlain Bridge across the St. Lawrence River in Montreal, a project wholly located

within the province of Quebec. As a matter of regional fairness and respect, I ask that senators treat this request by the Atlantic provinces no differently.

Nova Scotia's Minister of Public Works, Kim Masland, also attended committee hearings where she further outlined the grounds for the federal government taking responsibility for the project as it is in the national interest. She spoke to the detrimental effects that a failure of the dykes at Chignecto would have on the supply chain and food security:

Many of our agricultural producers ship their products nationally using this corridor, helping to feed Canadians. Feed for livestock often comes from outside our province, which is critical to farming, especially in the poultry, dairy and beef sectors. Our farmers and communities also rely on the isthmus to transport food that's processed outside our province. The fresh Nova Scotia lobster, scallops and other seafood that have become a favourite across the country would not be available in restaurants and grocery stores. It cannot be overstated that without the isthmus, there will be serious challenges to the food supply chain. The goods that pass through it quite literally keep food on the shelves and people fed.

I will note as well that both the New Brunswick and Nova Scotia legislatures have unanimously passed resolutions supporting this legislation.

Our Transport Committee also heard from a variety of witnesses, including departmental officials, legal and academic experts and Indigenous representatives.

With regard to legal questions concerning constitutional authority and the use of the declaratory power, I believe Senator Quinn has provided valid and sufficient reasoning on the matter and an accurate summation of the supportive testimony heard at committee.

Colleagues, as I stated at second reading, but which bears repeating, it's not uncommon for Maritimers to feel forgotten or treated like second-class citizens by governments in Ottawa. In fact, it was foreseen by our Fathers of Confederation. When John A. Macdonald and the Fathers of Confederation met for two weeks in Charlottetown, a full six days were spent solely on the creation of the Senate and its composition. They established a Senate that is formed on the basis of regional representation. Although we are appointed by province, our representation is regional, and we have to remind ourselves that one of our duties is to ensure regional fairness.

• (1740)

This bill is not an attack on Quebec. It is not to say that Quebec should not be provided with suitable funds for infrastructure projects that are in the national interest. The point is that we have an infrastructure project in the Maritimes that is without a doubt in the national interest, and the federal government refuses to accept full responsibility for the project despite actively providing full funding for vastly more expensive projects in other parts of the country — projects that do not cross provincial boundaries, which are solely federal responsibilities under the divisions of powers in our Constitution.

The protection of this vital interprovincial corridor is in the national interest — that is plainly obvious — and when in the national interest, the standards that apply in one part of the country must apply in every part of the country.

I commend Senator Quinn for the leadership he has shown in championing this initiative. It is unfortunate, however, that we in Atlantic Canada would have to resort to a Senate public bill in this chamber in order to facilitate action and equal treatment from the federal government. The elected government, which presently controls the majority of seats in Atlantic Canada, should be taking the lead on this.

I support this bill as amended, colleagues, and I encourage you to do the same. Thank you.

Hon. Andrew Cardozo: Will the senator take a question? It's just a quick question. My apologies if you find it too soft. As a member of the Transport and Communications Committee, we had a really good opportunity to learn about this area. It's a very beautiful area of the country and, indeed, there is an urgent and pressing need here.

Do you have a sense of when this project needs to be done and how long it would take?

Senator MacDonald: I am of the opinion that this is probably a project that needed to be done yesterday. The longer we wait to deal with it, the more we're rolling the dice before something of a more disastrous nature occurs. I think we were ready to do this yesterday.

[Translation]

MOTION TO ADJOURN DEBATE NEGATIVED

The Hon. the Speaker pro tempore: Senator Gerba, do you have a question?

Hon. Amina Gerba: I move the adjournment of the debate to the next sitting.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator Gerba, seconded by the Honourable Senator Dalphond, that the debate be adjourned until the next sitting of the Senate. All those in favour of the motion please say "yea."

Some Hon. Senators: Nay.

(Motion negatived, on division.)

[English]

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Quinn, seconded by the Honourable Senator Dagenais, for the third reading of Bill S-273, An Act to declare the Chignecto Isthmus Dykeland System and related works to be for the general advantage of Canada, as amended.

Hon. Senators: Question.

The Hon. the Speaker: It is moved by the Honourable Senator Quinn that the bill as amended be read a third time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Do we have an agreement on the bell?

Some Hon. Senators: Fifteen minutes.

The Hon. the Speaker pro tempore: We have agreement on 15 minutes. The vote will occur at 5:58. Call in the senators.

• (1750)

Motion agreed to and bill, as amended, read third time and passed on the following division:

YEAS THE HONOURABLE SENATORS

Arnot	MacAdam
Ataullahjan	MacDonald
Aucoin	Manning
Batters	Marshall
Bernard	Martin
Boehm	McBean
Brazeau	Miville-Dechéne
Burey	Moodie
Cardozo	Osler
Carignan	Oudar
Clement	Pate
Cordy	Petitclerc
Cormier	Petten
Cotter	Plett
Coyle	Prosper
Dagenais	Quinn
Dalphond	Ravalia
Dasko	Richards

Deacon (<i>Nova Scotia</i>)	Robinson
Deacon (<i>Ontario</i>)	Ross
Downe	Seidman
Duncan	Smith
Forest	Sorensen
Gerba	Tannas
Gignac	Varone
Housakos	Verner
Kutcher	Wells—55
Loffreda	

NAYS

THE HONOURABLE SENATORS

Bellemare	Massicotte
Gold	McNair
Harder	Ringnette
Kingston	Simons
LaBoucane-Benson	Woo—10

ABSTENTIONS

THE HONOURABLE SENATORS

Lankin	Omidvar
Mégie	Saint-Germain—4

• (1800)

NATIONAL STRATEGY RESPECTING ENVIRONMENTAL RACISM AND ENVIRONMENTAL JUSTICE BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator Al Zaibak, for the third reading of Bill C-226, An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice.

Hon. Kim Pate: Honourable senators, I rise to deliver the comments of Senator Galvez with respect to Bill C-226, An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice. These are her words:

I speak with the intention to convince you to unanimously vote in favour of the bill, as we did in committee.

The purpose of Bill C-226 is to “. . . develop a national strategy to promote efforts across Canada to address the harm caused by environmental racism.” This is a significant issue that affects equity-deserving communities and impacts

Indigenous, Black, racialized and low-income populations, causing a myriad of harms unique to each community that suffers. This bill is an indispensable part of what must be Canada’s fundamental legislative scaffold, intended to address environmental injustices and ensure access to a clean and safe environment for all Canadians.

During our committee study of the bill, we heard testimony from Indigenous peoples, each with a unique lived experience of environmental racism. Their words throw light on their truths, and make clear Canada’s sad legacy and perpetuation of environmental racism. No more can we stand idly by while these communities across the country continue to endure the harms of environmental injustices.

I quote Chief Chris Plain from the Aamjiwnaang First Nation, who talked about the impacts on his community:

Over the past 100 years, lands and waters in Aamjiwnaang have been impoverished by over-exploitation. All facets of Aamjiwnaang’s environment are polluted, including air, land and water. Experts refer to Aamjiwnaang’s traditional lands as overburdened or saturated, meaning the area has reached a state that cannot accommodate any further pollution, and it is likely that Aamjiwnaang’s traditional lands reached this state many years ago.

Dr. Ingrid Waldron, Director of the Environmental Noxiousness, Racial Inequities and Community Health Project, provided the committee with an explanation for the perpetuation of these situations:

Environmental racism does not manifest in a vacuum isolated from other structural inequalities occurring in Indigenous and racialized communities. Rather, these structural inequalities lay the ground for environmental racism to take root and manifest over generations. These structural inequalities include policies and actions within our social structures or institutions that lead to underemployment and unemployment; income insecurity and poverty; over-policing and racial profiling; underachievement in the school system; food insecurity; housing insecurity; poor public infrastructure, such as lack of green space, trails and sidewalks; and poor health. Therefore, addressing these structural inequalities within our social structures that operate in tandem to enable environmental racism is important if we are to achieve environmental justice for racialized communities.

Environmental racism is a legacy of colonialism, and persists as a pillar of our societal values and of our wasteful capitalist economy. The notion that certain communities are less deserving of a healthy environment says — through action — that the people in these communities are of lesser value or lesser importance. This is unethical, if not criminal. We must expunge any such notions from our societal values and humbly walk this path to reconciliation, allowing communities impacted by environmental injustices to lead the way.

As important Canadian laws intended to protect the environment and ensure a healthy environment for all Canadians, the Impact Assessment Act as well as the

modernized Canadian Environmental Protection Act fail to require a holistic consideration of projects and developments, and instead allow for the siloing of environmental issues. Our current Western paradigm and colonial legal systems enable us to treat different industries in different ways, and further allow us to treat different environmental issues in different ways. This compartmentalization fails to recognize the broader cumulative environmental, health and social impacts of various projects and developments.

Bill C-226 will require us to take an intersectional and holistic look at the impacts of environmental laws and policies in Canada and will help us see the connection between this bill and laws like the Impact Assessment Act and the Canadian Environmental Protection Act, or CEPA.

• (1810)

The physical and mental health harms of environmental racism include but are not limited to endocrine, autoimmune, neurodegenerative and mental health disorders, cancers, neurodevelopmental and muscular disorders from exposure to toxins released into the environment, as well as childhood leukemia, cardiovascular diseases, neurological effects, congenital defects and severe respiratory illness linked to fracking. In addition, the mental and physical health impacts associated with a broken connection with the environment, including food insecurity, and the impacts on cultural identity that result from environmental degradation and devastation are severely felt, particularly by Indigenous communities.

During her testimony, Dr. Ingrid Waldron said of the bill:

Bill C-226's strength is that it is broad enough to capture the shared experiences of Indigenous, Black and other marginalized communities that have been impacted by environmental racism. Bill C-226 is simultaneously specific enough in its understanding of the importance of looking at the intersections of race, socio-economic status, environmental risk and health.

I agree with the academics, including Dr. Waldron, lawyers, health care professionals and numerous Indigenous community leaders who have all urged the swift passing of Bill C-226 without amendment.

Environmental justice policy in Canada is long overdue. In the United States, the environmental justice movement found footing in the early 1980s — some 40 years ago — when predominantly Black neighbourhoods started voicing concerns around toxic infrastructure projects surrounding their communities. By the mid-1990s, the United States federal government began addressing environmental justice issues with an executive order that established environmental justice offices in federal agencies including the U.S. Environmental Protection Agency and the U.S. Department of Justice. Canada has yet to properly recognize environmental racism and its impacts and lags 30 years behind the United States in addressing issues of environmental justice.

Colleagues, today we have the opportunity to embark on our own environmental justice journey alongside those most affected by environmental racism. We must not hesitate or delay. The people we represent are counting on us to do what is right and just.

The passing of Bill C-226 is a beacon of hope for all the communities who are impacted by a legacy of environmental injustices and for those seeking freedom from environmental racism today. It is unacceptable, however, to wait for the minister to table a report in two years. Both the Government of Canada and industry must take immediate action and, acting in good faith, must advance environmental justice through meaningful community consultation to bring equity to communities impacted by polluting industries and those actively seeking to protect themselves from new and additional environmental injustices.

The environmental, economic and social impacts of environmental racism on Indigenous communities, including loss of culture and language and poor health, are profound. Addressing environmental racism is an imperative aspect of reconciliation with Indigenous peoples. At the same time, Bill C-226 will offer protection from environmental racism to Black, racialized and low-income communities, who also suffer significant harms from environmental injustices. In due course, Bill C-226 will benefit all Canadian communities by providing the opportunity to be better protected.

I urge you all to support Bill C-226 and to pass it without delay.

Thank you. *Meegwetch.*

Some Hon. Senators: Hear, hear.

(On motion of Senator Martin, debate adjourned.)

FUTURE OF CBC/RADIO-CANADA

INQUIRY—DEBATE CONTINUED

Leave having been given to proceed to Other Business, Inquiries, Order No. 22:

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cardozo, calling the attention of the Senate to the future of the CBC/Radio-Canada.

Hon. Wanda Thomas Bernard: Honourable senators, I rise to speak to Inquiry No. 22 on the future of CBC/Radio-Canada. The perspective I will bring today is specific to the representation in the media of Black Canadians.

Colleagues, this level of positive representation has not always been the case. As Senator Cardozo said in his debate, it has been known as being too White. After many years of advocacy, we

have seen so much change in this organization. Many of us have fought for change and inclusion of year-round representation for Indigenous and Black communities.

Although I have seen much more Indigenous representation, today I will confine my remarks to the Black community.

Now, when I look at the CBC, I see so much effort to celebrate and honour Black voices and Black talent, journalism covering issues faced by Black Canadians on national radio and television. I turn on the radio in Nova Scotia, and I hear segments about Black communities in February for Black History Month, in August for Emancipation Day, and, most importantly, I see this content during all the months in between.

The CBC's "Being Black" film series, which contains short films about being Black in Canada, including Halifax, Montreal and Toronto, has given a platform to Black filmmakers and directors to share the complex lived experiences of Black Canadians. It can be all too easy to focus solely on hardship and discrimination, but initiatives like this allow for showing the nuance and complexity between discrimination and celebration, between hardship and joy.

The CBC has also launched their "Black Changemakers" profiles, which serves to highlight Black leaders in their fields. CBC is making a concerted effort to also celebrate Black joy, Black achievements and Black excellence. I believe that as a public broadcaster, they contribute to the creation of a more equitable Canada.

When we talk about anti-racism education, equity and inclusion, Black representation in the arts is a key component of this, giving other Canadians a glimpse into the lives of African-Canadians as told in their own words. In addition to news coverage and current affairs on radio, there are programs like "Diggstown," which was about an African Nova Scotian woman lawyer. I cannot tell you how proud African Nova Scotians were to watch that program over the three years that it was broadcast.

Programs like this hold incredible value for marginalized groups such as African Nova Scotians like no other representation, and the rest of Canadians get an opportunity to see the lives of other communities who have very deep roots in this country.

We know that for young children, seeing themselves positively represented in the media positively impacts their self-esteem. We must continue to build on this for the next generation.

CBC Nova Scotia has a community advisory board for Nova Scotia, consisting of 25 board members who are African Nova Scotians and persons of African descent. These incredible community members have been chosen to advise the CBC on their content, including specific reports and long-term editorial outlooks.

• (1820)

Colleagues, it is this type of commitment to Black representation across all of their platforms and media that our country needs as a public broadcaster. In some ways, I see this as just the beginning of something very powerful: funding a place where Black people can see themselves in media, and a place where the next generation of Black journalists can see themselves employed.

Colleagues, I see the future of CBC/Radio-Canada as essential to the fabric of Canadian culture, and as a key player in creating representative media and news coverage for African Canadians. I appreciate the programming that the CBC has developed with the intention of being inclusive and representative of racialized groups, and since I have seen the very positive changes in Black representation over the years, I have critical hope for our future.

Thank you, Senator Cardozo, for bringing this inquiry forward and for this opportunity to speak to it. Thank you.

(Debate adjourned.)

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-13(2), I move:

That the Senate do now adjourn.

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

Hon. Senators: Agreed.

(At 6:22 p.m., the Senate was continued until tomorrow at 2 p.m.)

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