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The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Thursday, September 19, 2024

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

Prayers.

THE VERY REVEREND THE LATE HONOURABLE LOIS M. WILSON, C.C., O.C., O.ONT.

The Hon. the Speaker: Honourable senators, before we proceed, I would ask senators to rise and observe one minute of silence in memory of our former colleague the Honourable Lois M. Wilson, who passed away on September 13, 2024.

I extend my deepest sympathies on behalf of all senators and all associated with this place to her loved ones.

(Honourable senators then stood in silent tribute.)

SENATORS' STATEMENTS

CANADIAN MEDICAL ASSOCIATION

RECONCILIATION WITH INDIGENOUS PEOPLES

Hon. Flordeliz (Gigi) Osler: Honourable senators, yesterday the Canadian Medical Association, or CMA, delivered a historic apology at a public ceremony on the traditional territory of the Lekwungen peoples, including the Songhees, Esquimalt and WSANEC First Nations.

The CMA examined its 150-year history and the systemic failures of medical care that have profoundly impacted and continue to impact First Nations, Inuit and Métis peoples.

In the words of Dr. Evan Adams, a First Nations physician:

The lives of Indigenous people in Canada have been powerfully shaped by racism. . . . Physicians are not exempt from self-examination of their role in harms against Indigenous Peoples historically in Canada — and must be, as health leaders, at the forefront of taking action to remedy past harms and ensuring equity going forward.

Some may ask, what is this systemic racism in health care? The Indian hospital system embedded systemic racism and discrimination in the Canadian health system by fostering racial segregation and conditions where Indigenous patients received substandard and unsafe care.

Medical experimentation was conducted on Indigenous children in residential schools, including studying the effects of malnourishment and withholding necessary care. Indigenous adults were subjected to medical experimentation without their consent, including the testing of experimental tuberculosis vaccines and treatments. Inuit were forced to relocate to

tuberculosis sanatoriums far from their homes, without community support, without their informed consent and against their wishes. Many died, and their remains were never returned home.

The CMA apology recognizes that harm to First Nations, Inuit and Métis peoples continues to this day through racism, negative stereotypes, intergenerational impacts, mistrust, lack of adequate access to health care services and under-representation of First Nations, Inuit and Métis peoples in the medical profession. The apology acknowledges how they fell short of ethical norms and standards of the medical profession, pledged action to improve Indigenous health and committed to meaningful reconciliation.

To quote the CMA's first Indigenous president, Dr. Alika Lafontaine, in these two-sided relationships, the weight of history needs to be shared:

There are parts of history that Indigenous Peoples must leave for settlers to carry, but there are many places where it's appropriate and needed for us to share the weight of change.

I had the privilege of meeting Senator Yvonne Boyer for the first time during my time as president of the CMA, when she was starting her work on Bill S-250, An Act to amend the Criminal Code (sterilization procedures).

In closing, I, too, commit to sharing the weight of history and change.

Meegwetch, thank you.

Hon. Senators: Hear, hear.

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY

Hon. Peter M. Boehm: Honourable senators, I rise today to speak about the Parliamentary Assembly of the Organization for Security and Co-operation in Europe, OSCE, that took place in Bucharest, Romania, earlier this summer.

The OSCE, in its present incarnation, was established in 1995, 20 years after its initial grouping as the Conference on Security and Co-operation in Europe coming out of the Helsinki Accords when the Cold War was at its peak.

The OSCE, comprising 57 member countries from Europe, North America and Central Asia, concerns itself with early warning; conflict prevention; crisis management; supporting democracy, including election observation; and post-conflict rehabilitation.

These issue areas are also addressed by its Parliamentary Assembly, which comprises delegates from the parliaments of member countries.

Short speeches are made, resolutions are debated and, uniquely in international parliamentary bodies, voted on.

It was a great honour for me to participate in the assembly in Bucharest, along with our Senate colleagues Judy White and Percy Downe and several members of Parliament.

We were led by Dr. Hedy Fry, who has headed Canada's delegation to this event for many years, including last year in Vancouver.

We were ably assisted and advised by Andrew Lauzon of Parliament's International and Interparliamentary Affairs Directorate as well as Anne-Marie Therrien-Tremblay and Nicole Sweeney of the Library of Parliament.

Colleagues, as you might expect, the war in Ukraine dominated our agenda, including resolutions regarding sanctions, seizure and repurposing of Russian assets, support to organizations providing services to victims of gender-based violence, environmental impacts of the war, kidnapped Ukrainian children and food security.

Other issues included the ongoing tensions between Armenia and Azerbaijan and other parts of the Caucasus, as well as concerning developments impacting the nascent democracy of Georgia. Moldova's vulnerability was also addressed.

Neither Russia nor Belarus participated, despite being members of the Parliamentary Assembly. In fact, Russia is actively working to impede the work of the OSCE and the operations of the organization itself.

We engaged and worked with other parliamentarians, expecting that our deliberations and resolutions would come to the attention of the executive branches of our respective governments and assist in their policy deliberations. Colleagues, that is what effective parliamentary diplomacy is all about.

• (1410)

More personally, I took great satisfaction in witnessing the dedicated advocacy and sense of purpose of parliamentarians from those countries that are still building their democracies, having freed themselves from the iron yoke of authoritarianism, who were determined not to return to that dark, repressive place.

It was always a great honour in my previous career as a diplomat to represent Canada. It continues to be a great honour to do so as a parliamentarian.

Thank you.

Some Hon. Senators: Hear, hear.

[Senator Boehm]

NEWFOUNDLAND AND LABRADOR

SEVENTY-FIFTH ANNIVERSARY OF JOINING THE CANADIAN FEDERATION

Hon. Fabian Manning: Honourable senators, today I'm pleased to present Chapter 80 of "Telling Our Story."

Friends, this year we are celebrating a major milestone in the creation of our country: 2024 marks the seventy-fifth anniversary of Canada joining Newfoundland and Labrador.

The road to Confederation was a long and tedious process. To this day, there are people in our province who say the referendum vote was rigged and at that particular time in our history, we were hoodwinked by the British government, who many believed were in bed with the crowd in Ottawa.

Inhabited for thousands of years by Indigenous peoples, the area known as Newfoundland and Labrador was briefly settled by Vikings around 1000 CE and later used by European fishermen and whalers, beginning in the 1500s. For several centuries, English and French settlers established villages throughout the land and fought over fishing rights and imperial control. France relinquished its claims in 1713 but retained some fishing rights until 1904.

In 1825, due to the large number of permanent English and Irish settlers, Britain changed Newfoundland's status from fishing station to official colony. In 1832, the colony was granted a representative government. Although an elected House of Assembly was formed, most of the power was held by the British-appointed governor and his handpicked legislative and executive councils. In 1855, Newfoundland achieved responsible government with power shifting to the elected House of Assembly.

Then in 1869, two years after the province of Canada united with New Brunswick and Nova Scotia, Newfoundlanders voted on whether to join Confederation. The idea was soundly rejected.

Following the sacrifices of the First World War, the Statute of Westminster declared the Dominion of Newfoundland an equal and independent nation within the British Commonwealth.

The First World War and the construction of the railway created enormous debt owed mainly to Canadian banks. The Great Depression made matters that much worse, so in 1933, the Newfoundland legislature voted to dissolve itself. Britain then appointed a Commission of Government with a governor and six commissioners to temporarily rule the dominion.

On June 3, 1948, Newfoundland held a referendum with three options: continuation of the Commission of Government, return to responsible government or Confederation with Canada. The Commission of Government option received the fewest votes and was dropped from the second referendum, which was held on July 22. Newfoundlanders voted in a slim majority with 52.3% in favour of joining Confederation. Our fate was sealed. Newfoundland officially joined Canada on March 31, 1949.

German philosopher G. W. F. Hegel said that all history has taught us is that we learn nothing from history, but Canada's great genius Northrop Frye claimed that we learn everything from our geography, that a people is formed by its geography and that where we are makes us who we are.

With that said, Newfoundlanders and Labradorians are known across this country for our generosity, kindness, sense of humour and work ethic. Many of my island people have helped build this great nation and contributed to its success.

As I had the opportunity to travel this forbidding and beautiful land, I know how fortunate I am to call Canada home, but rest assured, I am, first and foremost, a proud Newfoundlander and Labradorian. That should be of no surprise to anyone when my home is a place that is warmly referred to as "The Rock."

Thank you.

Some 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 Carsten Sorensen, husband of the Honourable Senator Sorensen, and their son Connor.

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

Hon. Senators: Hear, hear!

THE LATE DONALD MARSHALL JR.

Hon. Rodger Cuzner: Honourable senators, Canadians would first hear the name Donald Marshall Jr., or Junior Marshall, in 1971, when he was just 18 years old. From Membertou First Nation on Cape Breton Island, he was charged and wrongfully convicted in the murder of Sandy Seale in Wentworth Park in Sydney, Nova Scotia.

Throughout his 11 years of incarceration, Junior Marshall maintained his innocence, and through his determined efforts to clear his name, he was finally acquitted in May 1993 by the Supreme Court of Nova Scotia. His case made him the first high-profile victim of wrongful conviction in Canada, paving the way for others such as David Milgaard and Guy Paul Morin. Those years in prison took their toll on Junior physically, mentally, emotionally and spiritually.

I got to know Junior at the rinks of Cape Breton as he followed his family's hockey pursuits. He loved to be at the rink, but he found true peace and solace trekking the woods of Cape Breton and fishing the numerous lakes and streams.

In August 1993, after catching and selling eels near Antigonish, he was charged and convicted of doing so out of season and without a licence. That began a six-year battle over Mi'kmaq treaty rights that went, with the support and aid of the Nova Scotia and Atlantic chiefs, all the way to the Supreme Court of Canada.

In their landmark ruling, reached in 1999, the court upheld that the Crown had granted rights to the Mi'kmaq, the Maliseet and the Passamaquoddy peoples signed in the 1761 Peace and Friendship Treaties.

This week marks the twenty-fifth anniversary of that incredibly consequential decision. Your former colleague Senator Dan Christmas said the feeling that day in the wake of the decision was not so much turning the world upside down but more so turning it right side up.

Dr. Jane McMillan of St. Francis Xavier University says that the impact of the Marshall decision continues to allow First Nations to build capacity and strength toward self-government and self-determination for all First Nations in Atlantic Canada.

As a Nova Scotian, I can speak first-hand to the growth and development that is witnessed in First Nations communities. All Nova Scotians are benefiting from their success, and we are enriched by the continued celebration of their rich history and culture.

Today we remember Donald Marshall Jr. and appreciate his courage and all that he has done for his people. May his memory be a blessing.

Hon. Senators: Hear, hear.

SUMMER OF 2024

Hon. Ratna Omidvar: Honourable senators, I wish to reflect on a glorious Canadian summer before it disappears. What will not disappear, though, are my lasting experiences and impressions, which I wish to share with you.

I, along with other colleagues, had a truly transformational visit to Alberta, organized by Senator Scott Tannas. I had been to Alberta before, but this time I saw it through the eyes of colleagues who love it, understand it and strive to interpret it for us in this chamber. I came away with vivid impressions of unending space, beauty and grace on the one hand but also complexity and challenges on the other.

Nothing can quite compare with the first thrilling view of Lake Louise and the charm of Banff, but the real beauty was in talking to the people, the Hutterites, the farmers who are concerned about the future of the grasslands and the oil workers in Fort McMurray who are worried about the environment. As Jasper went up in flames later, I was able to see it a little differently through their eyes.

In Calgary, Senator Tannas organized a visit to the Calgary Stampede — a double first for me, I must say, because for that occasion, I bought my very first pair of blue jeans. They're not quite my style, I think you know, but I was rewarded amply by a number of cowboys tipping their hat to me and saying, "Howdy, ma'am," just like in the westens.

In Edmonton, Senator Simons, I was blown away by the enormous diversity and vibrancy of your city, and our visit to the Indigenous Peoples' Experience centre — which is a must for everyone — left an indelible mark on me.

Thank you, Senator Sorensen, for sharing your picture-perfect Banff. Senator Simons, and, of course, Senator Tannas, a very heartfelt thanks to you and your team for an incredible visit.

But that was not the end of my wonderful summer. I went to Nova Scotia as a guest of Senator Coyle, and, of course, it is not just Nova Scotia — it is glorious, unforgettable Nova Scotia. I visited the Canadian Museum of Immigration at Pier 21, which took me back in the history of our country through the lens of immigration. Then I visited tiny but perfect Antigonish, where I had a transformational chat with Tareq Hadhad, who came as a refugee and turned his kitchen into a manufacturing place and then a factory, taking his global brand Peace by Chocolate all over the world. Thank you, Senator Coyle.

• (1420)

So, colleagues, my summer was unforgettable. I hope yours was too.

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 John Bernard McNair, son of the Honourable Senator McNair, and Lisa Marie Auger, his daughter-in-law. They are accompanied by his grandchildren, Amelia and John Auger McNair.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

CRIMINAL CODE

BILL TO AMEND—TWENTY-SIXTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Brent Cotter, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, September 19, 2024

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

TWENTY-SIXTH REPORT

Your committee, to which was referred Bill C-291, An Act to amend the Criminal Code and to make consequential amendments to other Acts (child sexual abuse and exploitation material), has, in obedience to the order of

reference of Thursday, June 1, 2023, examined the said bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

BRENT COTTER

Chair

(For text of observations, see today's Journals of the Senate, p. 3025.)

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

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

INHERITED BLOOD DISORDERS AWARENESS DAY BILL

FIRST READING

Hon. Jane Cordy introduced Bill S-288, An Act respecting Inherited Blood Disorders Awareness Day.

(Bill read first time.)

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

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

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE INCLUSION OF INUKTUT ON FEDERAL ELECTION BALLOTS

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

That pursuant to section 18.1 of the *Canada Elections Act*, the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on Elections Canada's plans for a pilot project to include Inuktitut on federal election ballots in the electoral district of Nunavut; and

That the committee have permission, notwithstanding usual practices, to deposit reports on this study with the Clerk of the Senate if the Senate is not then sitting, and that the reports be deemed to have been tabled in the Senate.

[Translation]

QUESTION PERIOD

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to the order adopted by the Senate on December 7, 2021, Question Period will begin at 4:55 p.m.

[English]

ANSWERS TO ORDER PAPER QUESTIONS TABLED

HOUSING, INFRASTRUCTURE AND COMMUNITIES— WORKPLACE HARASSMENT COMPLAINTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 46, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding workplace harassment complaints — Infrastructure Canada, Canada Infrastructure Bank, Canada Mortgage and Housing Corporation, Jacques-Cartier Champlain Bridges Inc. and Windsor-Detroit Bridge Authority.

PRIVY COUNCIL OFFICE—INDEPENDENT ADVISORY BOARD FOR SENATE APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 90, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Independent Advisory Board for Senate Appointments.

FINANCE—2019 FALL ECONOMIC AND FISCAL UPDATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 91, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the 2019 Fall Economic and Fiscal Update.

FINANCE—STATISTICS CANADA'S LABOUR FORCE SURVEY

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 92, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding Statistics Canada's Labour Force Survey — Department of Finance Canada.

EMPLOYMENT, WORKFORCE DEVELOPMENT AND OFFICIAL LANGUAGES—STATISTICS CANADA'S LABOUR FORCE SURVEY

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 92, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding Statistics Canada's Labour Force Survey — Employment and Social Development Canada.

INNOVATION, SCIENCE AND INDUSTRY— STATISTICS CANADA'S LABOUR FORCE SURVEY

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 92, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding Statistics Canada's Labour Force Survey — Innovation, Science and Economic Development Canada.

PRIVY COUNCIL OFFICE— STATISTICS CANADA'S LABOUR FORCE SURVEY

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 92, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding Statistics Canada's Labour Force Survey — Privy Council Office.

FINANCE—TRANS MOUNTAIN PIPELINE EXPANSION PROJECT

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 95, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Trans Mountain pipeline expansion project.

FINANCE—BILL C-208

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 115, dated February 8, 2022, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding Bill C-208, An Act to amend the Income Tax Act.

PRIVY COUNCIL OFFICE— SUPPLEMENTARY ESTIMATES (A) 2020-21

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 125, dated February 8, 2022, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Privy Council Office.

FINANCE—ASIAN INFRASTRUCTURE INVESTMENT BANK

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 148, dated April 26, 2022, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Asian Infrastructure Investment Bank.

FINANCE—FEDERAL-PROVINCIAL DISCUSSIONS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 178, dated December 13, 2022, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding federal-provincial discussions — Department of Finance Canada.

PUBLIC SAFETY, DEMOCRATIC INSTITUTIONS AND INTERGOVERNMENTAL AFFAIRS—FEDERAL-PROVINCIAL DISCUSSIONS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 178, dated December 13, 2022, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding federal-provincial discussions — Privy Council Office.

• (1430)

ORDERS OF THE DAY

BILL RESPECTING CYBER SECURITY, AMENDING THE TELECOMMUNICATIONS ACT AND MAKING CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. John M. McNair moved second reading of Bill C-26, An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts.

He said: Honourable senators, I rise today as the sponsor of Bill C-26, An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts.

Colleagues, this is a bill of critical importance. Cyber-threats have become pervasive in our society. Over the past few years, we have seen increasingly sophisticated cyberattacks all across our country. They put our critical infrastructure at risk and impact Canadians' ability to go about their daily lives. There are numerous examples of cyberattacks, and I want to briefly mention a few of them.

In May of this year, a major pharmacy chain was the target of a ransomware attack and was forced to close all of its 79 stores for over a week. Many Canadians were put in the difficult position of being unable to fill vital prescriptions without any advance notice. Additionally, the hackers in that case released sensitive stolen employee data.

A somewhat different example was the ransomware attack that took down the Toronto Public Library's computer systems in October 2023. From a CBC article on the incident:

... the [Toronto Public Library] is the busiest urban public library system in the world. Members borrowed from its 11 million lendable items around 27 million times in 2022

The article continues that, in October 2023, cybercriminals encrypted their computer systems and stole employee data. The library didn't pay a ransom to restore its systems. Instead, it chose to rebuild them, and it did this while keeping its doors open to the public.

The Toronto Public Library provides vital services, including access to the internet and a free public haven, in addition to the books, CDs and DVDs that it loans out on a daily basis. It took four months for the library's services to come back online.

This past March, the City of Hamilton, Ontario, was the victim of a ransomware incident that knocked out several of its online services. While Hamilton's critical services were not affected, cyberattacks on municipal networks can lead to dangerous situations if they tamper with emergency, water or waste water systems.

In 2020, the municipal computer network for the City of Saint John was the victim of a ransomware attack that forced the city to disconnect itself from the rest of the world. I was living and working in Saint John at that time and remember the attack only too well. On November 13, criminal hackers executed a ransomware attack on Saint John's IT systems. Upon discovery, the city immediately severed its IT links to the outside world to prevent the virus from spreading. The city developed a temporary website to ensure municipal services were able to resume quickly. Alternative IT processes had to be developed rapidly, and Saint John managed to do this with a great deal of success.

An analysis completed by a third-party expert company determined that no personal identifying information — including such things as credit card numbers, bank account details and social insurance numbers — had been leaked or stolen. Furthermore, despite the cyberattack, almost all municipal services continued with minimal disruptions. This included services such as emergency response, garbage removal, provision of water, treatment of sewage, road repair, winter storm management, public transit and council meetings. The city quickly made the determination that repair of the existing systems was not an option given the degree of penetration of the virus. Instead, they, like the Toronto Public Library, decided to build a completely new network. That new network would allow them to take advantage of the latest innovations in cybersecurity and network design as well as remove the risk of any lingering virus remnants.

This incident forced Saint John to upgrade their cyberdefences. The city manager emphasized in an update to city council that it is no longer a question of “if” a corporation or entity will be attacked, but rather “when.” He further stated:

. . . there is no doubt that institutions with which anyone interacts will be breached and sometimes you will not even know about it. . . .

To that end, the city shared their lessons learned with many public and private sector organizations as well as provincial and federal stakeholders.

There has also been an increase in cyberattacks and activity at the provincial level. Earlier this year, numerous cybersecurity incidents were identified on the Government of British Columbia’s networks. Last year, Hydro-Québec was the victim of a cyber incident on its website. In 2021, Newfoundland and Labrador’s health care system was targeted, resulting in a significant IT systems outage for their health care system.

At the federal level, a number of government departments have also been targeted in recent months. And I am sure we all remember the 2020 announcement by the Government of Canada that cyberattackers had accessed and modified personal information held by the Canada Revenue Agency and Employment and Social Development Canada for financial gain. That attack compromised the sensitive personal information of tens of thousands of Canadians.

Colleagues, in this day and age, being online and connected is essential to all Canadians for the purposes of staying in touch with our loved ones, conducting business, paying bills and accessing needed services. Now more than ever, Canadians rely on the internet in their daily lives. Our critical infrastructure is becoming increasingly interconnected, interdependent and integrated with cyber systems, and the consequences of cyberattacks like the ones I have just mentioned have far-reaching impacts on our country.

These examples of cybersecurity attacks clearly indicate that all sectors are at risk: our banks, our utilities, our businesses and our governments. Simply put, it’s our entire critical infrastructure. And the number and sophistication of attacks are on the rise. The Communications Security Establishment has indicated that cybercrime is now the most prevalent and pervasive threat to Canadians and Canadian businesses.

Earlier this year, the Communications Security Establishment’s Canadian Centre for Cyber Security joined Five Eyes’ operational partners in warning that foreign state-sponsored cybercriminals are seeking to preposition themselves for disruptive or destructive cyberattacks against critical infrastructure in our respective countries. Malicious cyber-enabled activity such as espionage, data and intellectual property theft and sabotage pose significant threats to Canada’s national security and its economic stability. As was the case for the City of Saint John, it is no longer a question of “if” our systems will be attacked, but rather “when.”

Let me be clear about the policy gaps that Bill C-26 is intended to remedy. First, ministers in some critical infrastructure sectors, such as those responsible for the energy, finance and transportation sectors, all currently have a security mandate. The telecommunications sector does not, and it is obviously vulnerable to cyberattacks. This needs to be remedied. Second, during the 2016 public consultations that led to the 2018 National Cyber Security Strategy, industry highlighted the need for regulation in cybersecurity — a space that has largely been unregulated. Third, the government currently does not have a clear and explicit legal authority to compel action to address cybersecurity threats or vulnerabilities. This extremely hinders our ability to fight back. Fourth, it is not currently a requirement for organizations to report when they have been the target of a cyberattack. Mandatory reporting is essential to improve cyber-threat information sharing between the private sector and the Government of Canada to the benefit of both industry and governments.

Bill C-26 includes two complementary initiatives that will help equip governments and industry with the tools they need to respond to cyber-threats. Part 1 introduces amendments to the Telecommunications Act to add the promotion of security as an objective of the act and to create new authorities which could be used to secure Canada’s telecommunications system against threats posed by high-risk suppliers. This will bring the telecommunications sector in line with our other critical infrastructure sectors of energy, finance and transportation.

Amendments to the Telecommunications Act will authorize the Governor-in-Council and the Minister of Innovation, Science and Industry, through the use of cybersecurity directions, to direct telecommunications service providers to do anything, or refrain from doing anything, that is necessary to secure the Canadian telecommunications system.

• (1440)

Part 1 also establishes an administrative monetary penalty framework to promote compliance with orders and regulations made by the Governor-in-Council and the Minister of Industry to secure the Canadian telecommunication system. Importantly, it also provides specific rules for the judicial review of those orders and regulations.

This will allow the government, when necessary, to prohibit Canadian telecommunications service providers from using products or services from high-risk suppliers, meaning those risks are not passed on to users. For example, if this bill passes, it will give the government the ability to ban products/services from the Chinese providers like Huawei and ZTE.

Under these new powers, telecommunications service providers could be prevented from using or be required to remove all products and services from designated suppliers.

Part 1 also allows the government to take security-related measures, much like other federal regulators can do in their respective critical infrastructure sectors.

Part 2 of Bill C-26 enacts the new “Critical Cyber Systems Protection Act.” That act would establish a cross-sector regulatory framework, requiring designated operators in the federally regulated finance, telecommunications, energy and transportation sectors to protect their critical cybersystems.

Part 2 also, among other things, specifically authorizes the Governor-in-Council to designate any service or system as a vital service or vital system; authorizes the Governor-in-Council to establish classes of operators in respect of a vital service or vital system; requires designated operators to, among other things, establish and implement cybersecurity programs, mitigate supply-chain and third-party risks, report cybersecurity incidents and, most importantly, comply with cybersecurity directions. It also provides for the exchange of information between relevant parties, and it authorizes the enforcement of the obligations under the act and imposes consequences for non-compliance.

Part 2 also makes a number of consequential amendments to certain acts.

Currently, incident reporting by organizations is inconsistent, to say the least. Because of this, the federal government lacks a clear picture of the scope and depth of cyberattacks targeting critical infrastructure. Canadians rely upon and place trust in critical infrastructure operators to provide services and protect their data. Mandatory cyberincident reporting is about supporting operators in this responsibility.

The government will be able to provide timely cyber-threat information and mitigation advice to help operators secure their systems, making one organization’s detection another’s prevention.

In addition, this part of Bill C-26 also aims to serve as a model for our provincial, territorial and municipal partners to protect critical cyberinfrastructure in sectors under their respective jurisdictions. This could ideally avoid a patchwork system and streamline cybersecurity programs across government partners.

While Bill C-26 was supported by all parties in the other place, stakeholders suggested some amendments to strengthen the bill. Accordingly, the Standing Committee on Public Safety and National Security in the House adopted a number of amendments. Those include an amendment adding a reasonableness standard for the issuing of ministerial orders and cybersecurity directions; an amendment implementing review provisions to ensure that the National Security and Intelligence Committee of Parliamentarians, or NSICOP, and the National Security Intelligence Review Agency, also known as NSIRA, can review the government’s orders and directions; an amendment requiring the Minister of Industry and the Minister of Public Safety to table an annual report on the making of orders and directions issued; an amendment making explicit reference to the provisions of the Privacy Act; an amendment setting a baseline 72-hour deadline for affected critical infrastructure providers to notify the Cyber Centre of an attack — incidentally, that is consistent with U.S. reporting standards; an amendment committing the federal government to work collaboratively with the provinces and territories; an amendment clarifying the

applicability of the due diligence defence for companies that take all reasonable steps to protect their critical cybersystems; and an amendment updating information-sharing provisions to ensure that all confidential information provided to the government by regulated critical infrastructure providers will be kept confidential.

I am of the opinion that the adopted amendments appropriately address the concerns raised about a need for more oversight and transparency, as well as the need to protect privacy.

Bill C-26 has been drafted to respect privacy and civil liberty, while balancing the need to ensure Canadians’ safety and the national security of our country. Although privacy is protected through a number of constitutional and legislative instruments, amendments to the bill now provide even greater certainty that personal information and privacy will be protected in accordance with the Privacy Act.

The bill also now makes it clearer that confidential information must continue to be treated as such by anyone receiving it when it is necessary to be shared. Further, the amendments adopted will bolster transparency and, in doing so, ensure that Canadians can hold authorities accountable.

Honourable senators, from electronic espionage to ransomware, the threats to Canadians from malicious cyberactivity, including cyberattacks, are greater than ever. Bill C-26 will help critical infrastructure operators better prepare for, prevent and respond to cyberattacks. As 5G networks continue to be installed across Canada, the government is committed to helping seize the opportunities they present while also safeguarding Canadians from the risks. That includes taking significant measures to protect the cybersystems and infrastructure that everyone rightly relies upon.

Amending the Telecommunications Act to add security as a policy objective will bring telecommunications in line with other critical sectors of our economy. The amendments proposed to the Telecommunications Act will allow the government to mandate necessary actions to secure Canada’s telecommunications system. This includes prohibiting Canadian companies from using products and services from high-risk suppliers.

Furthermore, the new critical cyber systems protection act, or CCSPA, will be a major step forward in the protection of Canada’s critical infrastructure. The CCSPA will increase information sharing between industry and government by requiring designated critical infrastructure operators to report cybersecurity incidents to the Communications Security Establishment, the Canadian Centre for Cyber Security and industry regulators.

By improving the government’s awareness of the cyber-threat landscape in the critical, federally regulated sectors of finance, telecommunications, energy and transportation, the government will be better able to warn operators of potential threats so they can take immediate action to protect their systems and to protect Canadians.

In the 21st century, cybersecurity is a critical part of national security. It is the government's responsibility to protect Canadians from growing cyberattacks.

We all recognize that recovering from cybersecurity incidents is both costly and time-consuming. Accordingly, when it comes to improving cybersecurity, the interests of government and private industry are very much aligned. Nevertheless, an administrative monetary penalty framework has been added, and offence provisions will be established within both parts of the bill to promote compliance with orders and regulations. Summary and indictable offences would be punishable under the act by fines/imprisonment.

For example, Part 1 of the bill would make it an offence to contravene an order or regulation made by the Governor-in-Council or Minister of Industry. Part 2 of the bill would create a number of summary and hybrid offences for contravening specified provisions of the act. These include the offences of contravening a cybersecurity direction, disclosing information about the existence or contents of a cybersecurity direction and disclosing confidential information in circumstances not permitted under the act. In addition, an organization that fails to comply with mandatory reporting and/or fails to set up a cybersecurity program may face penalties.

Colleagues, to put it bluntly, without this bill, we remain an easy target for cybercriminals. Our Five Eyes allies are already miles ahead of us in bolstering their cybersecurity defences. We need to get on the same page. To summarize, Part 1 of Bill C-26 ensures that the telecommunications sector can be regulated for purposes of securing the Canadian telecommunications system and that the government can act swiftly in an industry where milliseconds can mean the difference between safety and risk.

• (1450)

Part 2 establishes a cross-sectoral approach to cybersecurity across four federally regulated sectors.

In short, this legislation will form the foundation for securing Canada's critical infrastructure against fast-evolving cyber-threats while spurring growth and innovation to support our economy.

Let's be clear: There is no shortage of bad actors who — whether with strategic, financial or criminal aims — would seek to exploit vulnerabilities in our cybersystems.

Nowadays, our cybersystems are understandably complex and increasingly interdependent with other critical infrastructure. Consequently, security breaches are far-reaching. Incidents like the ones I mentioned earlier have severe, lasting and alarming consequences for the entities involved, but more critically for the individuals whose lives were impacted.

A consistent cross-sectoral approach to cybersecurity is needed to address this complex issue. I believe this bill has found the right balance.

Bill C-26 will allow the government to take action against threats to the security of our telecommunications, transportation, finance and energy sectors and ensure Canada remains secure, competitive and connected while also aligning us with our Five Eyes partners.

Once again, colleagues, it is not a matter of "if" but "when" we do this.

I look forward to the timely passage of this bill after careful consideration at committee, and I hope my colleagues will support it.

Thank you, *meegwetch*.

Hon. Colin Deacon: Honourable senators, I would like to thank Senator McNair for his compelling second reading speech on this bill. Indeed, a lot of bad actors are out there and are more sophisticated than most of our good actors. The idea of a seamless, consistent set of standardized systems to protect cybersecurity and national security was well positioned by you.

Specifically, when there is a breach, operators must — in a period not exceeding 72 hours — report the cyberincident to the Communications Security Establishment, which is a good thing. We can have a consistent recipient of that information regarding cyber-breaches, but I contrast that with Bill C-65 — and I'm going to get to my question — where, for political parties, an unauthorized disclosure requires within no time frame, but as soon as feasible, informing the individual of the breach. There is no requirement to reach out to Communications Security Establishment Canada.

Do you have any insight or have you had a chance to speak to the minister? It's the same minister for both bills — public safety — as to why political parties have been separated out when they are holders of enormous amounts of private information on every Canadian citizen and they are targets, I would expect, of bad foreign actors. Why would the same provision not be in place in that regard? If you have any insight. Thank you.

Senator McNair: Thank you for the question. I do not have any specific insight on that issue. I haven't spoken to the minister about it, but I will raise it with officials and try to return to you with a response.

Senator C. Deacon: Thank you.

Hon. Denise Batters: Honourable senators, I'm the critic for this bill, but I only found out that you were making your sponsor speech about an hour before we were sitting today. I thought it was going to take place later, so I haven't had my critic's briefing yet. I'm not as up to speed on it as I would like to be able to ask you substantial questions on it. It's a big bill; it's 90 pages. I would have hoped for more detail on certain parts of this bill because I feel like it's a very wide-ranging and important bill.

My first question, Senator McNair, is this: There are many parts — as you described in your speech — that give the Governor-in-Council, that is, the cabinet, the power to do. In Part 1, you said that they're allowed to do anything to secure the Canadian telecommunications system. That's cabinet that's allowed those powers. Part 2 authorizes the Governor-in-Council to do this and the Governor-in-Council to do that. There are significant, wide-ranging powers that are being granted in this bill to the cabinet, the executive branch of government.

What kind of oversight is provided in Bill C-26 to oversee those major powers in the cybersecurity realm? I see a reference to judicial review in the bill's summary, but as you know, with your legal background, a judicial review application often comes with quite significant limitations to be able to access it.

Senator McNair: Thank you, senator, for your question and comment. I apologize that you didn't realize it was being done today. I also note your comments on the judicial review sections. An application is necessary in those cases.

There is — as I indicated — the review by the two agencies and the openness or transparency of filing an annual report from both ministers. I understand that it is a Governor-in-Council, as you said, but there are procedures in the act for somebody to bring forward an application for judicial review.

Senator Batters: Thank you. I will have to look more into that in terms of the National Security and Intelligence Committee of Parliamentarians, or NSICOP, and the National Security and Intelligence Review Agency, or NSIRA. You were saying that that was done as a result of amendments in the House of Commons committee. I would have thought there might be even more parliamentary oversight on this. If there is, could you check into that and let me know?

My second question would be this: Could you please tell us more about the potential criminal offences that someone could be charged with under this act?

Senator McNair: Thank you for the question. I will provide you with information on that. The thresholds or the maximum fines are quite high, and there was discussion about that at the other place's committee, but there is a reason for making sure there is enough flexibility to have appropriate fines in the case. I will obtain the specific information and forward it to you.

Senator Batters: You don't have the information now?

Senator McNair: I do have the act, but instead of taking the time to go through it at this stage, I'll respond later.

Hon. Paula Simons: Honourable senators, I would like to thank Senator McNair for bringing forward this timely and essential bill. My interest was piqued when you talked about the power to ban products and services. You mentioned Huawei as one potential example, and I wanted to understand what it meant to ban services. I'm looking at section 15 of the act, which is I think where this may be addressed, but I would like to be clear. Could this, hypothetically, give a government the power to ban a social media service such as TikTok or does this only apply to services used by designated operators?

Senator McNair: Thank you for the question. It's my understanding that it only applies to designated operators and would not extend to the other examples you mentioned.

The government's statement on record to date on telecommunications service makes it clear that the government considers some providers as high-risk suppliers, and the statement announces the intention to prohibit the use of designated products and services from those suppliers.

Senator Simons: I'm still somewhat confused. Does this mean that a telecommunications company like Rogers, Bell or TELUS couldn't sell or offer Huawei phones, but that people could buy them as independent consumers? I want to be clear because I find TikTok to be problematic. I stopped using the service well before the government was giving that direction to officials because I was concerned about what I had read about it. I want to understand what we're actually talking about when we're banning services.

• (1500)

Senator McNair: I believe it is services and not phones, as in your example. In terms of Huawei phones, I don't think any decision has been made with respect to that at this stage. It's the broader context of the services provided by the high-risk supplier.

Hon. Pat Duncan: Thank you, Senator McNair, for that very thorough presentation. I appreciate the opportunity to ask a question.

There is mention of high-risk suppliers. Does a list exist at the present time? The reason I'm asking is that, as I'm sure people are intimately aware — throughout both this chamber and the other place — communications throughout the North are particularly vulnerable. In some situations, access to things like the internet doesn't exist, or they are particularly vulnerable. When existing telecommunications fail, people flock to immediate solutions. Technology is rapidly evolving, and solutions are available from other places and other countries.

Does a list of the high-risk suppliers exist in an office somewhere? What happens when that horse has already left the barn, so to speak? What provisions are there if purchases have already been made?

Senator McNair: Thank you for the question, Senator Duncan. I am not aware of any list that exists at this stage. I will check with officials. We had a technical briefing on the first day back, and we put that question to them.

Remember, this includes only federally regulated suppliers or operators of the telecommunications system that they are dealing with at a very high level. In terms of the smaller ones that have made investments, they take that into account when they are about to make the cybersecurity direction, and they can put different conditions in there as far as timing. But for equipment that's already been purchased, my understanding is if they deem it to be high risk or at risk, they would like to see that phased out of the system over time, unless it is critical to have it phased out immediately. In your circumstance, I guess they would let them use equipment that operates and works as a solution.

Senator Simons: If Senator McNair wouldn't mind another question, I have been thinking about the fact that our geopolitics changes every time. Today's enemy is tomorrow's ally; today's ally is tomorrow's arch-enemy.

I am curious to know how we will establish this — I'm sure the bill explains it, and I apologize that I have not delved into it in enough detail. What are the criteria to decide what is high risk?

I'm thinking, for example, of our global dependency on Elon Musk's SpaceX and Starlink satellite system, which many Canadian telecommunications are also part of. Given Mr. Musk's increasingly erratic political behaviour, what do we do if something that is so essential to our communications infrastructure becomes something that is problematic?

Senator McNair: Good question, Senator Simons. I don't have an answer for you here today.

Realize that this bill, if it is enacted, is essentially the teeth necessary to do the enforcement. The next step will be setting the regulations and setting up some of the information as to how they are going to do that, and that's going to be done in consultation with service providers at the same time.

Hon. Hassan Yussuff: Senator McNair, first of all, let me start by thanking you for your maiden sponsorship of a bill. I appreciate the enormous responsibility, the reading and the background work that goes into this. It's a very complex piece of legislation, obviously. We will get a chance to scrutinize it at committee much more in depth than we are doing here in the chamber right now.

But I think it would be fair to say that Canadians are quite fearful, in general, about cybersecurity attacks on many of the services that they use throughout the country, whether it is a bank, their own government, the hospital or a municipal government to a large extent. I recognize the point you have made in terms of the power that will be granted to cabinet in regard to the things they may need to do which are not yet explicit in the bill.

My fundamental question comes back to this: I assume the departments have assured us that this bill is Charter-compliant in regard to what is entailed but also, equally, the potential powers that could be granted as a result of an order-in-council which may not cross that line that is so important for us in protecting us while, at the same time, ensuring that our more fundamental rights are protected under this legislation.

Senator McNair: Thank you, Senator Yussuff, for the question. I have read the Charter Statement, and the department does indicate that it is appropriate. There could be challenges, but with respect to any of the limitations at this stage, they are of the view that they are reasonable and justified in a free and democratic society. It is the balancing of privacy and civil liberties against the protection of cyber systems and our critical infrastructure in the country.

Senator Batters: Senator McNair, on the last point you just made — because I haven't looked at it yet — does the Charter Statement actually say, as you were saying, that it does violate but then it is saved by section 1? Can you clarify, please?

Senator McNair: I'm sorry if I wasn't clear on that. No, it doesn't say that.

Senator Batters: What does it say?

Senator McNair: The Charter Statement indicates that the legislation is appropriate.

(On motion of Senator Martin, debate adjourned.)

MISCARRIAGE OF JUSTICE REVIEW COMMISSION BILL (DAVID AND JOYCE MILGAARD'S LAW)

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. David Arnot moved second reading of Bill C-40, An Act to amend the Criminal Code, to make consequential amendments to other Acts and to repeal a regulation (miscarriage of justice reviews).

He said: Honourable senators, I rise to speak to Bill C-40, the miscarriage of justice review commission act (David and Joyce Milgaard's law). The goal of this legislation is to create an independent criminal case review commission that makes it easier and faster for potentially wrongly convicted people to have their applications reviewed. Currently, the Minister of Justice is responsible for reviewing miscarriage of justice applications. Through this legislation, an independent commission will take on this role.

This is not a new idea. In fact, the creation of an independent commission was discussed in this chamber years ago — in 2002 — in the context of Bill C-15A. That legislation included amendments to reform the ministerial miscarriage of justice review process, among other reforms.

At that time, the idea of establishing an independent commission, modelled on the one established in the United Kingdom, garnered quite a bit of support here in the chamber and also in the other place. However, the government of the day chose to reform the ministerial review process instead of creating a new body independent of the Department of Justice. It saw a major distinction between the role of the Home Secretary in the United Kingdom in overseeing the police compared to the role of the Attorney General of Canada who is not responsible for law enforcement.

• (1510)

Calls for making the miscarriage of justice review process more independent, efficient and transparent have not stopped, despite the 2002 reforms to this area of the law. Moreover, the number of miscarriages of justice identified and remedied in Canada is significantly smaller when compared to the number of successful remedies granted in the United Kingdom.

The Gender-based Analysis Plus, or GBA Plus, prepared for this bill points out that the Criminal Cases Review Commission received almost 32,000 applications between April 1997 and April 2024 in England, Wales and Northern Ireland. That is 27 years of experience. From these applications, 580 cases were referred back to the court and the conviction was overturned.

The Scottish Criminal Cases Review Commission received over 3,200 applications between 1999 and March 2024, leading to the successful referral of 96 cases back to the courts. That is 25 years of experience.

In Canada, since 2002, when the last reforms to this part of the Criminal Code were made, up until July 2024, approximately 200 applications were submitted for ministerial review. Of those 200 applications, 30 were referred back to the courts, and 24 of those 30 cases resulted in convictions being overturned, acquitted or stayed after referral. Six are still in progress and have not been resolved.

Digging deeper into those 30 applications, only 7 of the ministerial remedies granted in Canada were for racialized applicants and none of them were for women. These statistics do not correspond with the demographics of incarcerated people in Canada.

The report from the public consultations held prior to the development of this legislation highlighted that the current system of review has failed to provide remedies for women, Indigenous peoples and Black persons in the same proportion as they are represented in Canada's prisons.

According to the GBA Plus report, it appears that these groups in particular have been underserved and their miscarriages of justice not yet identified and remedied.

Here it is important to note the compounding factor of intersectionality. As a reminder, GBA Plus factors are identity factors that go beyond gender. They also include things such as race, ethnicity, religion, age, mental or physical disability, level of income and education. An analysis of these personal characteristics and the way they intersect shows that their presence can contribute to wrongful convictions. These factors could also contribute to the number of potential miscarriages of justice that have yet to be identified and could be anticipated by the new commission.

For example, in terms of gender, female victims of abuse have been found to plead guilty despite self-defence arguments which were available to them.

Similarly, systemic discrimination by means of over-policing has been determined to be one of the factors behind the overrepresentation of Indigenous persons and Black Canadians in Canada's criminal justice system.

When gender intersects with being Indigenous in the case of incarcerated Indigenous women, the Correctional Investigator reports that half of all federally sentenced women are Indigenous even though Indigenous women make up less than 4% of women in Canada.

Senators, this imbalance is not news to us. In fact, several of our colleagues in this chamber have worked on these issues, specifically Senator Pate, Senator Anderson, Senator Boyer, Senator Audette and Senator Jaffer. They have closely examined the particular circumstances of 12 Indigenous women as injustices and miscarriages of justice that should be reviewed by the Department of Justice, the Law Commission of Canada and/or the new miscarriage of justice review commission.

Bill C-40 includes several features that would enable the new commission to specifically consider the circumstances of Indigenous and Black applicants, as well as other GBA Plus issues generally. The structure of the new commission would consider several factors, including those raised in public consultations.

First, recommendations for the appointment of commissioners must seek to reflect the diversity of Canadian society. These recommendations should take into account considerations such as gender equality, and the recommendation should respond to the overrepresentation of certain groups in the criminal justice system by including Indigenous peoples and Black persons.

Commissioners must also have knowledge and experience related to the commission's mandate.

A commission comprised of commissioners from different backgrounds and life experiences, specifically reflecting the diversity of Canadian society, will strengthen inclusiveness and broaden perspectives in the decision-making process. It will also help to instill greater trust in the review body among applicants, the general population and racialized communities in particular.

The commission will have the duty to conduct outreach activities to the general public and to potential applicants, including those who are difficult to reach or have been underserved in the past. In order to proactively remove barriers to access, this outreach could consist of commission staff visiting prisons and other correctional facilities.

The commission's outreach duties are intended to raise greater awareness among diverse audiences about miscarriages of justice and the availability of a review.

Ultimately, greater outreach efforts should increase applications and, in turn, increase the identification of miscarriages of justice that should be remedied.

The duty to provide information to the public and potential applicants about miscarriages of justice in general is also intended to address systemic issues that cause miscarriages of justice and to help prevent future incidents from occurring. Importantly, the commission has an obligation to publish its decisions with information on the causes and consequences of miscarriages of justice.

Of particular note, the commissioners' obligation to publish is intended to engage all participants in the justice system who have a role to play in helping to prevent future miscarriages of justice.

The legislation also clarifies the scope of admissible applications to ensure that youth are eligible for a review, as well as persons who were found guilty following a guilty plea.

The scope of admissible applications is also being expanded to include persons who were found to be not criminally responsible on account of a mental disorder. The commission will also have the flexibility to make exceptions to the requirement that appeal rights have to be exhausted. This is based on factors specified in the legislation.

Bill C-40 will repeal the existing regulations under the current scheme which have been found to be onerous to meet, especially for applicants who are self-represented, are incarcerated, have lower levels of education, low income, mental health issues and so on.

The repeal of the regulations will also alter the existing stages of the review. It will simplify them and reduce the time needed to assess applications, particularly those that are less complex.

A key feature is that the legal test for referral has been changed in two important ways in order to provide greater access to justice by having the courts re-examine meritorious cases.

First, the threshold has been lowered from the minister being satisfied that there is a reasonable basis to conclude that a miscarriage of justice likely occurred to, in this model, the commission having reasonable grounds to conclude that a miscarriage of justice may have occurred.

Second, “the interests of justice” in the new test for referral requires the consideration of circumstances that are relevant to the applicant specifically and not just limited to considerations relevant to the administration of justice.

In making decisions, the legislation directs the commission to take into account, among other factors, the personal circumstances of the applicant and the distinct challenges that applicants who belong to certain populations face in obtaining a remedy for a miscarriage of justice.

Particular attention is given to the circumstances of Indigenous or Black applicants. Examples of personal circumstances and distinct challenges faced by certain populations could include Indigenous identity, the impacts of colonialism and residential schools, systemic racism, racial profiling, the effects of intimate partner violence, as well as underlying issues such as poverty, homelessness, addictions, mental health, age, gender and disability.

• (1520)

The commission will have the power and funding to support applicants in need, including by providing services in the community such as translation and interpretation services, food, housing and legal assistance in relation to making an application through this new process.

The commission will also have employees to provide information and guidance to applicants throughout the review process.

The support component of the commission’s mandate is intended to provide greater access to justice and meet the particular needs of applicants, many of whom, after years of imprisonment, face unique challenges in reintegrating into society.

The commission will be able to deliver culturally appropriate and accessible services in a decentralized way and not necessarily by electronic means.

The commission will also be required to notify victims. It will have a dedicated victim services coordination position to support victims. The victim services coordinator will offer, as much as possible, information and support as the victims need, taking into account GBA Plus factors that may be in play.

The commission will also be required to adopt specific policies relating to victim notification and participation in a manner consistent with the Canadian Victims Bill of Rights.

The commission will be required to gather GBA Plus statistics on applicants to monitor trends and for its annual report to Parliament. The content of the commission’s annual reports will provide greater transparency, oversight and accountability with respect to the commission’s work to make improvements where needed.

Colleagues, I believe that Bill C-40 will vastly improve the miscarriage of justice review process. I could speak about this at length, drawing from my experience as a Crown prosecutor, a provincial court judge, a treaty commissioner and a human rights commissioner, to go deeper.

For today, and in the interest of moving this legislation forward, I urge you to refer this bill to committee for study so it can continue to progress through Parliament toward Royal Assent as quickly as possible.

This bill is aimed at dealing with long-standing issues around wrongful convictions to produce a much better mechanism to deal with these issues and, ultimately, enhance the administration of justice in Canada.

Thank you.

Some Hon. Senators: Hear, hear.

Hon. Denise Batters: Thank you, Senator Arnot, for that speech. I would have liked to hear more. It was 15 minutes. You have 45. You could have talked about some of your previous experience, because it is a significant bill. I know you will concur, especially since you are from Saskatchewan with a significant legal background there. I am from Saskatchewan. Everyone from that province, in addition to many more people throughout Canada, is familiar with the case that generated this bill to begin with: the David Milgaard case.

You spoke about the GBA Plus document. My first question is this: What does the gender-based analysis part of that document prepared by the government say about the victims of these crimes, a large percentage of which would likely be women?

Senator Arnot: I can’t answer that question in any definitive way at the moment, but I would be happy to look into that.

I hope this bill goes to committee as soon as possible. It is important that it be dealt with. This is an important piece that needs remedy in Canadian society.

Senator Batters: Can you please tell us about the anticipated remuneration of the full-time chief commissioner that is being set up by the government under this new act, as well as for the other four to eight commissioners? They don't specify how many there may be. Those could be full-time or part-time positions. All of those positions would be appointed by the cabinet on the justice minister's recommendations.

Can you tell us about the remuneration for those positions?

Senator Arnot: I don't have the exact remuneration suggested for the chief commissioner or other commissioners. There has been \$83.9 million set aside, or \$18.7 million per year, to operate the commission. I can find out the exact numbers.

I hope that when I ask that question on your behalf, it will demonstrate that the salary is commensurate with the responsibilities that these commissioners will hold, which are a heavy burden.

Senator Batters: Do you think it is likely that the remuneration would be commensurate with that of a Superior Court judge or something like that? Is that what your last comment meant?

Senator Arnot: I can say this: I think this organization should be independent. The commissioners should be independent, as close to what judicial independence is understood as in Canada, because it is so important to maintain trust in the impartiality of the process.

Senator Batters: Thank you. You briefly made a reference to the annual budget. You said it was \$18.7 million, then over the next five years approximately \$83 million for those annual budgets. That was one of my questions.

There are certain significant steps that have to occur before the commission can start its work. Another question I have is this: What is the anticipated length of time it will take once the bill is eventually passed? How long will it take before this commission can start its work? Will it be months? Will it be years? What's the anticipated time frame?

Senator Arnot: I don't have an answer to that. I hope it would be as soon as possible. It is a daunting task with the ability to do in-depth investigations. It has a lot of responsibility and will have to engage a number of players to meet its mandate.

I don't know if there is an anticipated time from the passing of legislation to implementation. One would think it would be as soon as possible. Delay is only going to deny people a right to a review.

Senator Batters: Thank you. I also wish to ask you about what you indicated in your speech — given what I have heard about so far, settling into the critic's responsibility for this legislation — that the bill lowers the threshold for the review request. Under Bill C-40, it puts the threshold as the commission having:

. . . reasonable grounds to conclude that a miscarriage of justice may have occurred and considers that it is in the interests of justice to do so;

That's lower than for the current regime, which is “. . . a reasonable basis to conclude that a miscarriage of justice likely occurred . . .”

Given that significant difference — and you said it was to provide better access to justice in this respect — what impact could this have? We already know about the major court delays that exist throughout Canada.

Given the substantial number of cases that a lower threshold could provide and return to the courts to be heard again under this system, what impact could this have on the already significant problem of court delays that we have in Canada?

Senator Arnot: The foundation for this bill was created by a report in 2021 by former justice Harry LaForme and Juanita Westmoreland-Traoré, which outlined the need to adjust that threshold.

Even though the threshold has changed and could be seen as a little lower, it is still a very high threshold that must be met. Professor Kent Roach has been in front of the Legal and Constitutional Affairs Committee a number of times. He has described this bill as a very good start.

We will see that in the Canadian experience, we can't answer all these questions because we must have good, responsible professionals as the commissioners.

• (1530)

We will only gain that understanding and an answer to some of the questions you have raised with the experience which is built into the bill because there is an automatic 5-year review and, thereafter, at 10 years as well. That's about all I can say in response to that question at the moment.

Hon. Brent Cotter: Will Senator Arnot take a question?

Senator Arnot: Certainly. Will you like my answer?

Senator Cotter: I don't know yet.

I would like to begin with an observation that this is structured around and reflective of the wrongful conviction of David Milgaard, but there have been others before. In fact, Senator Cuzner talked about Donald Marshall Jr. eloquently today, and it is a reminder that this is a national challenge and that a national solution is intended here.

You will also be familiar with the association of lawyers for the wrongfully convicted led by the distinguished Toronto lawyer James Lockyer, recently renamed Innocence Canada, and a number of those cases are in the pipeline. I'm interested if you're able to know at this time whether those cases will continue in the pipeline under the old regime, or if there will be a transition to the new model that has this independence to it. Are you able to speak to that at this time?

Senator Arnot: I can't really speak to that in detail. I believe there will be a transition available for some who are already in the process. That would be the intent. This is going to be a better, more independent review.

Hon. Wanda Thomas Bernard: Would Senator Cotter take another question?

Senator Arnot: Yes.

Senator Bernard: Oh, I'm sorry, Senator Arnot. Look, you both have snow on the roof.

Senator Arnot, let me get to my question. You highlighted in your speech the overrepresentation of Indigenous and Black people in prisons, and we know that for many, for some, it's about the miscarriage of justice. Senator Cuzner reminded us today of the wrongful conviction of Donald Marshall Jr., and the review of that certainly highlighted the role that systemic racism played.

As we know, systemic racism is very nuanced. Does the bill speak to the issue of training around these issues for the commissioners?

Senator Arnot: That's a very good question. I don't think the bill speaks to that kind of training, but it does speak strongly to ensuring that the commissioners have a diversity of backgrounds. I expect that we'll see Black Canadians and Indigenous Canadians on this commission, people with those kinds of experiences who can relate to the issues and ensure that fair treatment will occur in the review process.

Certainly, misogyny and racism show up in a number of wrongful convictions, and Senator Pate's review of the Quewezance sisters' case is a classic example of that.

I can't be sure that these commissioners, who have criteria which are specific to this, and they would be because Black Canadians and Indigenous Canadians have great experience or a lot of experience — not great — on racism and know it personally and can identify it and, therefore, will see it when it comes before them from an applicant. So I am confident of that, but I can't say that there's any specific training for those commissioners in advance of their employment. One would hope that they're going to be of a high quality. I'm sure they will have great experience on these issues to be effective and ensure that Canadians seeking a review get a fair hearing.

Senator Bernard: I would like this to be a question that the committee explores when this bill goes to committee. Thank you.

Senator Arnot: I'll be a participant. I think my colleague Senator Cotter will be the chair, and we'll look into that. One would hope that people would have a good understanding of racism prior to their appointment.

(On motion of Senator Martin, debate adjourned.)

[Translation]

THE SENATE

JOINT COMMITTEES AUTHORIZED TO HOLD HYBRID MEETINGS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of September 18, 2024, moved:

That, notwithstanding any provision of the Rules, previous order, or usual practice, until the end of the day on June 30, 2025, any joint committee be authorized to hold hybrid meetings, with the provisions of the order of February 10, 2022, concerning such meetings, having effect; and

That a message be sent to the House of Commons to acquaint that house accordingly.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

ADJOURNMENT

MOTION ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of September 18, 2024, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, September 24, 2024, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1540)

STUDY ON SEAL POPULATIONS

EIGHTH REPORT OF FISHERIES AND OCEANS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE ADJOURNED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Fisheries and Oceans, entitled *Sealing the Future: A Call to Action*, deposited with the Clerk of the Senate on May 23, 2024.

Hon. Yonah Martin (Deputy Leader of the Opposition), for Senator Manning, moved:

That the eighth report of the Standing Committee on Fisheries and Oceans, entitled *Sealing the Future: A Call to Action*, deposited with the Clerk of the Senate on Thursday, May 23, 2024, be adopted and that, pursuant to rule 12-23(1), the Senate request a complete and detailed response from the government, with the Minister of Fisheries, Oceans and the Canadian Coast Guard being identified as the minister responsible for responding to the report, in consultation with the Minister of Foreign Affairs.

(On motion of Senator Clement, debate adjourned.)

LIFE OF GORDON PINSENT

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Manning, calling the attention of the Senate to the life of Gordon Pinsent.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I note that this is on day 15, so on behalf of Senator Manning I would like to adjourn the debate for the balance of his time.

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

Hon. Senators: Agreed.

(Debate adjourned.)

CANADIAN FLAG AS PART OF CELEBRATING NATIONAL FLAG OF CANADA DAY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cardozo, calling the attention of the Senate to the Canadian flag as part of celebrating National Flag of Canada Day.

Hon. Wanda Thomas Bernard: Honourable senators, I note that this item is at day 15 and Senator White wishes to speak to it. Therefore, I move that further debate be adjourned in the name of Senator White to the next sitting of the Senate for the balance of her time.

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

Hon. Senators: Agreed.

(Debate adjourned.)

[Translation]

FUTURE OF CBC/RADIO-CANADA

INQUIRY—DEBATE CONTINUED

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. Julie Miville-Dechéne: Colleagues, I rise today to participate in Senator Cardozo's inquiry on the future of CBC/Radio-Canada.

In May, the Minister of Canadian Heritage, Pascale St-Onge, announced the creation of a new advisory committee on the future of the public broadcaster. The committee will discuss questions dealing with funding, governance and mandate.

However, CBC/Radio-Canada has a very simple three-point mission in the existing legislation: to inform, enlighten and entertain. That is an eminently logical mission for a public radio or television broadcaster, and I don't see how it could be changed.

Today, I'm only going to talk about Radio-Canada, where I myself spent three decades working as a journalist, eventually taking on the role of ombudsman and publicly addressing complaints about journalists submitted by members of the public. As such, I firmly believe in the need for a transparent, accountable public broadcaster that serves the public.

Radio-Canada is an essential media outlet because it is a vector for francophone culture. A significant proportion of Quebecers still watch or listen to the public broadcaster, although young people don't tune in as much. Radio-Canada has 23.3% of the prime time market, compared to 26.8% for TVA, its main rival, but TV news audiences are declining, which is also the case for other traditional media.

First, I have to say that I was very disappointed with how slowly Radio-Canada and its all-news channel, RDI, reacted to the assassination attempt on the former president of the United States, Donald Trump, on July 13. Since I couldn't find any news in French, I turned to American networks like NBC and ABC, which were obviously broadcasting long live specials. Given that it has a larger budget than any of its private competitors, Radio-Canada needs to have sharper, faster reflexes when unexpected events happen.

When it was first created in 1995, RDI was broadcasting live news bulletins 24 hours a day. Even in the middle of the night, journalists, news anchors and hosts were talking about the news of the hour.

Needless to say, those days are long gone, and it's not for lack of resources. The July 13 attack took place in the early evening, at a time when news coverage should have been available almost immediately. Instead, we got to watch an excellent special feature 24 hours later.

In my opinion, this anecdotal situation reflects a sad reality, which is that for the past 20 years or so, Radio-Canada has been focusing almost all of its efforts and investments on entertainment rather than on news.

Every year, or rather every season, Radio-Canada introduces new dramas, sitcoms and variety shows. However, it is worth noting that the Radio-Canada TV station has not created any new public affairs programs since the investigative program *Enquête* premiered 18 years ago in 2006.

• (1550)

On January 30, while being questioned by members of Parliament about the anticipated \$125 million in cuts and the elimination of 800 positions shared equally between Radio-Canada and CBC, Radio-Canada vice-president Dany Meloul made that painfully clear when she stated: “We chose to make fewer cuts in independent production.”

At Radio-Canada, independent production always falls under the entertainment umbrella: drama, comedy and variety. The only TV programming still being produced in-house at Radio-Canada is news. In other words, Ms. Meloul and her management team have chosen to primarily cut news programming and protect entertainment.

Yet with all the conflicts and crises raging around the world, we could really use a weekly international news program or a show on social issues like immigration, domestic violence or the harms of social media for young people. Speaking of young adults, why not create a program by and for young people about the environment and the future of the planet they will be living on?

To enlighten us, why not create shows that are less superficial, featuring experts, academics, and big names from the world of business or politics who could encourage us to take a closer look at the world around us? The only major public television program is *Tout le monde en parle*, an entertainment program.

In short, the mission of Radio-Canada has to remain the same, but that’s not enough. We also need to make sure Radio-Canada’s management develops programming in keeping with that mission. Obviously, programs that educate or enlighten may get lower ratings than entertainment programs, but Radio-Canada’s mission is not to chase ratings. By focusing less on entertainment, Radio-Canada would give private networks more room to breathe and a larger share of advertising revenues, which they are calling for. In my opinion, it would work to everyone’s advantage, since advertising revenues account for a very small portion of Radio-Canada’s revenues anyway. A little while ago, the head of a French-language newspaper in Manitoba told me how much of the meagre advertising revenues in the region were being siphoned off by Radio-Canada’s regional website.

Worse yet, our news businesses have been in financial free fall for years. Since Radio-Canada is guaranteed taxpayer funding, not only does it have nothing to complain about, but it should also be more generous to others. For example, Radio-Canada is the only French-language channel with its own network of foreign correspondents. Those foreign posts are paid for by every Canadian taxpayer, not just those who watch Radio-Canada. Why

shouldn’t reports from correspondents in Paris, Istanbul or Asia be offered to the private networks for free? They wouldn’t be required to broadcast them, of course, but why deny their viewers a Canadian perspective on what’s happening around the world?

Radio-Canada now even has journalists just to write content for its website. This is quite remarkable for an institution that should, according to its own mandate, be devoted solely to radio and television. Of course, Radio-Canada should put any radio or TV content it wishes to broadcast on its site, but Radio-Canada now has large teams of editors and even reporters just to write for the site, in direct competition with our struggling newspapers. Why not offer these articles free of charge to French-language newspapers? Once again, this material was paid for by every Canadian taxpayer, so why shouldn’t they have the right to read those articles in their daily or regional newspapers?

I would also like to point out the vital importance, in my view, of preserving and even increasing the ability of Radio-Canada, the French-language network, to act and make decisions independently of the CBC, in a context where centralization is perceived as a way of saving money and protecting the public network from budget cuts. Having worked at that institution for more than 25 years, I’ve seen that Radio-Canada and CBC have very different ways of doing things, and the success of the French network depends on that.

To sum up, I want to emphasize two things. First, Radio-Canada’s mission has to remain the same, but its executives have to respect that mission and offer programming that reflects it. Second, I want Radio-Canada to keep getting the resources it needs to fulfill its mission, but since its content is funded by all Canadians, Radio-Canada should offer to share that content with privately owned newspapers and radio and TV stations, because in this day and age, in the world we live in, Canadians have never been in greater need of information and enlightenment. Thank you.

Hon. Senators: Hear, hear.

[*English*]

Hon. Andrew Cardozo: Will the senator take a question?

[*Translation*]

Senator Miville-Dechêne: Of course, senator.

Senator Cardozo: Senator Miville-Dechêne, thank you for your very interesting speech. Can you elaborate on your idea about sharing content with other broadcasters or newspapers?

Senator Miville-Dechêne: Well, I’ve been talking about it for the past few minutes, but the thing is, all taxpayers fund CBC/Radio-Canada’s content. Naturally, since the CBC and Radio-Canada are competing with other privately owned media outlets, they keep everything they produce for themselves. I’m thinking of international news in particular, since it’s the most costly TV content to produce. It’s extremely expensive.

In Quebec, for example, we have three television networks. Why couldn't this news content be offered to the other media outlets? The goal is to deliver the news to Quebecers and Canadians. In this case, international news is funded almost entirely by taxpayers because there's no advertising. International news isn't a money-maker.

People want new ideas. This is a new idea. Why not share? Maybe TVA wouldn't want to open its newscast with a report from Radio-Canada, maybe that wouldn't be possible, but smaller regional stations might be interested.

I'm in favour of sharing. I worked at Radio-Canada. We have far more funds than anyone else. The idea is to share. The same applies to written web content. I'm not making up anything new. Newspapers are complaining about unfair competition from Radio-Canada, whose original mandate was radio and television.

It's true that things have changed, but there are people writing articles. There are journalists producing news that does not necessarily get broadcast on radio or TV.

In this case, given the number of regional newspapers in Canada that are struggling, I think sharing would be an act of generosity on Radio-Canada's part. It should be even more generous considering the huge gap between its resources and the resources available to all the other print, TV and radio media.

Hon. Paula Simons: I would like to ask a question in French, but it will take a bit longer. When I was a young producer at CBC in Edmonton, I got to know my colleagues who worked for Radio-Canada. It was really difficult for them, because there were no resources for small stations in Edmonton like there were in Montreal.

Could you tell me how you think Radio-Canada should share resources? There are a lot of resources for Quebec, but it's absolutely vital for small communities like Edmonton, Bathurst or St. Boniface to have something in French as well.

• (1600)

Hon. Julie Miville-Dechêne: I will give a short answer because there are other questions. Personally, I am in favour of Radio-Canada being more generous toward francophones living outside Quebec.

It's true that a lot more money in Quebec is devoted to international news. Obviously, there's the matter of the percentage of francophone populations, and there are more listeners and more people in Quebec, but, in keeping with Radio-Canada's specific mandate, it is very important to serve the public and hire francophones who come from these regions. I have said that many times. It's important to have French, but especially the French that's spoken in Manitoba, Alberta and Acadia.

[English]

Hon. Donna Dasko: Would Senator Miville-Dechêne accept a question?

Senator Miville-Dechêne: Yes.

[Senator Miville-Dechêne]

Senator Dasko: I just wanted to ask you briefly about your view on advertising. You mentioned it just briefly, but I would like you to clarify. Do you think Radio-Canada should continue to rely on advertising? Perhaps you have a view about the CBC as well. It's a very contentious issue. Obviously, other media are not receiving the advertising that they used to; this organization is. What is your point of view? Thank you.

[Translation]

The Hon. the Speaker pro tempore: Senator Miville-Dechêne, your speaking time is up. Would senators agree to give the senator two more minutes so that she can answer the question?

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Leave is granted.

Senator Miville-Dechêne: Thank you, Your Honour. Yes, I think that the fact that Radio-Canada is also tapping into the dwindling pool of advertising revenue makes it harder for privately owned media outlets to compete. That is wreaking havoc on Quebec television, particularly in the private sector. I think that Radio-Canada should forgo advertising, but that would require compensation from the government. It is clear that broadcasters are finding it very hard to compete with Radio-Canada, which is already subsidized.

Hon. Leo Housakos (Acting Leader of the Opposition): Senator Miville-Dechêne, I listened with interest to your speech. There is no doubt that you support Radio-Canada and its importance for the francophone community in Canada. I completely agree with you, but you didn't talk much about CBC, the English network. You left that out.

In my opinion, the best way to assess how important a media platform is and what its abilities are is to look at the ratings. Radio-Canada has very high ratings, while CBC's ratings are shameful. They have been dropping for years. At the same time, the English network is the one getting the bulk of the budget and tax dollars. It makes more sense to put more money into a platform like Radio-Canada, which obviously meets a need. We need to limit the tax dollars that are going to the English network, which is becoming less and less useful for Canadians.

Senator Miville-Dechêne: Thanks for the question, which I am certain is not meant to trip me up. I focused on Radio-Canada because that's the side I know best. What you say about CBC is true: Its ratings aren't as high as Radio-Canada's. That said, that is not the only aspect worth looking at. Canadian culture must also be considered. English-speaking Canadians can't rely solely on the American media for information, because they do so at the expense of Canadian media. I find that hard to imagine.

I know this has been talked about on the Conservative side, but I also find it a little hard to imagine a country abolishing CBC and keeping Radio-Canada, when it's a bilingual institution. Radio-Canada serves francophones and CBC serves anglophones. I am totally opposed to your proposal. I don't think you can measure the importance of an institution by ratings alone.

Senator Housakos: What other ways are there to measure it? There's obviously a Canadian culture that shows up all the time on every platform out there. There are a lot of English-language options, and Canada's anglophone community is less and less likely to watch shows on CBC, which costs taxpayers \$1.4 billion.

On the other hand, we have Radio-Canada. I'm sorry, but I see them as two very distinct entities, one that serves the francophone community and the other that serves anglophone communities. Anglophone communities want nothing to do with CBC, and francophone communities across Canada are increasingly embracing this product. I think it makes perfect sense to eliminate one and leave taxpayers the other, because that's what they want.

Senator Miville-Dechêne: Do you really think Canadians would be okay with Radio-Canada, which serves the francophone minority, continuing to exist and getting full funding while the government shuts down CBC? I can't even picture that. In this country, we have two official languages, and both are supposed to be served. We'll see what happens, but I have to say I'm strongly opposed to that idea.

(Debate adjourned.)

MENTAL HEALTH, SUBSTANCE ABUSE AND ADDICTIONS PARITY

INQUIRY—DEBATE ADJOURNED

Hon. Sharon Burey rose pursuant to notice of June 19, 2024:

That she will call the attention of the Senate to ongoing concerns with respect to mental health, substance abuse and addiction parity in Canada.

She said: Honourable senators, it is an honour and a privilege to bring forward this inquiry. On June 19, 2024, I rose here to draw the Senate's attention to ongoing concerns with respect to mental health, substance abuse and addiction parity in Canada. I want to thank my team, the Library of Parliament research team, my Senate colleagues and the staff members who were so generous with their time as they patiently listened to my ideas and suggested ways to move this issue forward. In particular, I would like to thank Senators Lankin, Kutcher, Boyer, Hartling, Bernard, Cordy, Batters, Brazeau, Greenwood, Coyle, Black, Osler, Patterson, McCallum and Seidman, as well as my group, the Canadian Senators Group.

I also want to thank the organizations and individuals who generously shared their expertise and gave their time. Over the past six months, we met with roughly 200 people and 30 organizations. We reviewed 100 reports and spent over 600 hours working on this issue.

• (1610)

We consulted the Mental Health Commission of Canada, the Canadian Association of Social Workers, the Canadian Centre on Substance Use and Addiction, the Canadian Mental Health Association, the Centre for Addiction and Mental Health, the

Public Health Agency of Canada, the Office of the Chief Medical Officer of Health of Ontario, First Nations and Indigenous organizations, universities and people with lived experience, to name but a few. Some of these stakeholders will be taking part in the round table on mental health parity on September 20 at 1 p.m. I invite you all to attend.

[English]

The round table will be moderated by Dr. Paul Roumeliotis, the chief medical officer for eastern Ontario. Paul and I were pediatric residents together 40 years ago at McGill University at Montreal Children's Hospital. Who knew that all these decades later we'd be working together on such a monumental issue?

I want to salute former senator Percy Mockler. A few months after my appointment, he approached me just outside the chamber and, with that gentle voice and those piercing eyes, asked a crucial question: What did I want to accomplish here in the Senate? My response came right from the gut: "I want to work on mental health parity," I said. And Senator Mockler responded, "No one will know who you are until they know what you care about."

Let me explain why mental health parity is an idea whose time has come. At no other time in our lifetime has the pressing issue of mental well-being, mental health, substance use and addiction been on the minds and the lips of almost every Canadian. For more than 30 years, I was a pediatrician specializing in mental health. I saw first-hand the long wait times and lack of availability of in-patient and community mental and behavioural health services. I also saw the sometimes devastating consequences for children, teens and their families. I'll share a couple of stories.

There was a suicidal child — who tried to jump out of a moving car because of not wanting to go to school — who, as it turned out, had a severe, undiagnosed learning disability. There was a parent grappling with substance abuse who was unable to obtain child care in order to attend outpatient addiction treatment services.

I've not only treated patients with mental health problems, like so many Canadians, but I've also experienced it in my own family. We immigrated to this great country from Jamaica in July 1976. We were full of promise, as both my parents were well educated, with English as our first language. They should have easily found good jobs in their particular fields, but, as many of you know, that transition is not as easy as it should be.

My father was a brilliant man, a gifted orator and a voracious reader whose library was filled with books ranging from John Kenneth Galbraith's economics texts to ancient Greek history. But within four years of immigrating to Canada, he was diagnosed with a very severe depression and diabetes. Someone who was normally the first person up in the morning, who was impeccably dressed and extremely well organized and who never missed a day of work in his life could not get out of bed. Our family had never faced anything so daunting. However, thanks to a wonderful family doctor, who even made home visits, my father recovered in due course.

That experience stayed with me, and it was likely one of the reasons that I found myself answering the call in the 1990s to help build an in-patient and stabilization mental health and behavioural services program for children and families in my community, and later founding ADHD Windsor in 2006.

Many people have been working hard, trying to provide mental health, substance abuse and addiction care. But the outcomes that all of us desire — universal and equitable access to mental health and addiction services, a stepped care model, evidence-based treatment and support in the community, and better recovery outcomes — are increasingly out of reach.

The proportion of Canadians aged 12 and up who reported having poor or fair mental health doubled between 2018 and 2022. In a given year, 6.7 million Canadians — or one in five people — experience mental illness. By age 40, that number increases to one in two Canadians. Marginalized, Black and 2SLGBTQIA+ groups have an increased risk of mental health disorders. Indigenous communities are facing epidemic and record levels of mental illness, substance abuse disorders, overdose and deaths rooted in colonial, historical, residential school and present-day trauma.

As we should all know by now, 70% of mental health disorders start in childhood. There are 1.6 million children and youth in Canada who are estimated to have a mental health disorder, but Children's Mental Health Ontario reports that 28,000 children in Ontario are on wait-lists for mental health services, and some wait more than two years to access appropriate care. That's unacceptable.

A study by the Mental Health Commission of Canada found that the direct and indirect costs of mental illness in 2021 were a staggering \$90 billion and are projected to rise to over \$300 billion by 2041. The Conference Board of Canada reports that without timely investments, the lifetime cost of just one cohort of children with the onset of anxiety and depression at the age of 10 is close to \$1 trillion — that's trillion with a "T." It also finds that investments in children's mental health today, with a focus on accessible, inclusive programming for vulnerable populations, can save \$28 billion annually. Moreover, a submission by the Canadian Mental Health Association notes that every dollar spent on mental health returns \$4 to \$10 to the economy.

It is because of my personal and professional experiences that I am committed to doing everything I can to keep this issue a top priority at the federal level and with all Canadians. I hope to spark legislation that will make mental health parity a requirement.

Colleagues, like you, I know that the role of the federal government is to show leadership in defining a problem, building a framework and targeting funds for possible solutions. Recognizing that health care delivery is largely within provincial and territorial jurisdiction, any federal legislation would have to be done in consultation with the different levels of government as well as Indigenous governing bodies.

In 2006, the Standing Senate Committee on Social Affairs, Science and Technology delivered a landmark report entitled *Out of the Shadows at Last: Transforming Mental Health, Mental Illness and Addiction Services in Canada*. I was present when the committee chair, former senator Michael Kirby, brought those findings to Windsor. I now have the privilege of being a member of that very same committee, and I intend to build on that important work.

Over the course of this inquiry, I hope to hear from you, my esteemed colleagues, from your diverse areas of experiences and expertise about how we can raise the level of consciousness about the critical importance of mental health parity, how you define parity, and how we can connect the dots across the lifespan and the whole of society, as well as discuss the role of the social determinants of health, and how we can identify federal policies and legislative measures that can turn the vision of parity into reality.

What do we mean by parity? According to the Canadian Association of Social Workers, "parity" or "parity of esteem" means:

valuing mental health as much as physical health in order to close inequalities in mortality, morbidity or delivery of care.

In 1953, Dr. Brock Chisholm, the first director general of the World Health Organization, coined the phrase "without mental health there can be no true physical health."

The stated objective of the Canada Health Act is to provide universal and comprehensive health care to promote the physical and mental well-being of Canadians, although its true meaning has never been actualized. This is why this inquiry is so important.

In fact, the research evidence is very clear. Mental health and physical health are fundamentally linked. Patients with Type 2 diabetes mellitus, for example, are twice as likely to experience depression as the general population. In patients who are depressed, the risk of having a heart attack is more than twice as high as in the general population. Children with medical complexity have a higher risk of neurodevelopmental and mental health conditions, and they utilize more health and social services.

• (1620)

The federal government has recognized the need to act. It has pledged billions of dollars and agreed to shared priorities with provincial, territorial and Indigenous governing bodies, but it has so far fallen short.

The 2021 mandate letter for the then health minister directed him to establish a permanent Canada Mental Health Transfer to increase the availability of mental health services, in line with the Liberal platform to:

. . . ensure that mental health care is treated as a full and equal part of Canada's universal public health care system.

The 2021 Liberal election platform pledged an initial investment of \$4.5 billion. The Youth Mental Health Fund announced in Budget 2024 was a good start, but \$500 million over five years isn't close to what is needed.

In June, the Canadian Mental Health Association sent an open letter to the Minister of Health Mark Holland saying that:

. . . Canada has failed to put in place a federal legal framework providing mental health and substance use health care equal to physical health care.

Both the U.K. and U.S. have mental health parity acts, and it makes a difference. Canada spends only 7% to 9% of health care dollars on mental health whereas the U.K. spends 13%.

There is no time like the present to seize the opportunity to keep this at the top of the public policy and legislative agenda. So today, as we stand on the shoulders of those who have gone before, let us grasp the baton, rise up to build on the Canada Health Act and the Kirby Report, take the next step and continue the work of making mental health, substance abuse and addiction parity a reality in Canada — out of the shadows at last.

I look forward to hearing your stories, ideas and insights, and I hope you will consider attending our round table co-sponsored by Senator Seidman and Senator Kutcher tomorrow, September 20.

Thank you, *meegwetch*.

Some Hon. Senators: Hear, hear.

Hon. Ratna Omidvar: Senator Burey, first of all, many congratulations on a compelling argument and logic that you have presented with passion. I think that makes a difference.

My question is about accountability. As you know, health dollars from Canada flow through provincial governments, and in the past the federal government has provided funding for mental health services. The challenge is accountability. Will that be taken into account when you table your bill?

Senator Burey: Thank you so much, and thank you for speaking it into action. Tabling a bill, in the other place or here, that will be taken into account.

(On motion of Senator Martin, debate adjourned.)

The Hon. the Speaker pro tempore: Honourable senators, the Senate has come to the end of business of the day other than Question Period with the minister at 4:55 p.m.

Is it agreed to suspend the sitting until that time and to resume after a five-minute bell? Do you agree to suspend until we have the minister?

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: So ordered. The bell will ring at 4:50 p.m. to sit at 4:55 p.m. for Question Period.

(The sitting of the Senate was suspended.)

[*Translation*]

(The sitting of the Senate was resumed.)

• (1650)

BUSINESS OF THE SENATE

The Hon. the Speaker pro tempore: Honourable senators, before proceeding to Question Period with the minister, I would like to remind you of the time limits the Senate established for questions and answers in the order of October 3, 2023. During Question Period without a minister, a main question and response are each limited to one minute, while the supplementary question and answer are each limited to 30 seconds.

When the Senate receives a minister for Question Period, as is the case today, the length of a main question is limited to one minute, and the answer to one minute and 30 seconds. The supplementary question and answer are each limited to 45 seconds. In all these cases the reading clerk stands 10 seconds before the time expires.

I would also remind the Senate that rule 2-7(2) requires that when the Speaker stands the senator who has the floor must sit, which means that they must cease speaking until recognized again. To help ensure respect for this provision, I have given a direction that microphones be closed when the Speaker stands. This does not apply when a new senator is taking the chair.

I will now ask the minister to enter and take his seat.

QUESTION PERIOD

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

BUSINESS OF THE SENATE

The Hon. the Speaker pro tempore: Honourable senators, today we have with us for Question Period the Honourable Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs to respond to questions concerning his ministerial responsibilities. On behalf of all senators, I welcome the minister.

Minister, as I have noted to the Senate, a main question is limited to one minute and your response to one minute and 30 seconds. The question and answer for a supplementary question are both limited to 45 seconds. The reading clerk stands 10 seconds before these times expire. I ask everyone to respect these times. Question Period will last 64 minutes.

[English]

MINISTRY OF PUBLIC SAFETY

APPOINTMENT OF FINANCIAL ADVISER

Hon. Leo Housakos (Acting Leader of the Opposition): Minister, on September 10, Mark Carney signed on as your government's de facto finance minister, but he isn't a Privy Council Office appointment. Instead, he works for the Liberal Party of Canada, and, as such, he isn't subject to the Conflict of Interest Act.

One week after he started his job for the Liberal Party, we know why that distinction was made for "Carbon Tax Carney." On September 17, Carney, as Chair of Brookfield Asset Management, secured a deal with the Trudeau government that will see that company receive \$10 billion in taxpayer funds to set up an equity fund to oversee Canadian pensions — one week later.

As Minister of Democratic Institutions, did you have concerns about this arrangement? Was it your suggestion to not have "Carbon Tax Carney" as a PCO appointment or was it Justin Trudeau's? Whose idea was it to have "Carbon Tax Carney" work for your party so he would be shielded from the law you obviously knew he would break?

[Translation]

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Hello, Madam Speaker. I am very pleased to see someone from my province presiding in this chamber. Thank you for inviting me to be here.

[English]

Senator Housakos, it's great. This is a repeat of what I saw at 2:15 p.m. in the other place, same kind of silly little phrases: "Carbon Tax Carney." He is somebody who served Prime Minister Harper as Governor of the Bank of Canada.

• (1700)

I would think that you would be proud that eminent Canadians come forward to volunteer in a political party to participate in the political process. If you wish to make a series of derogatory comments under privilege and talk about him breaking laws, you can do so in this chamber. I would be more careful if you were to repeat it outside, saying that Governor Carney, in fact, broke the law. I'm happy that he's helping our government with economic growth policy and think Canadians should be reassured that people of his calibre step forward to volunteer in the political process. I would think you of all people would be happy when people volunteer in the political process.

Senator Housakos: Minister, the only thing that Mr. Carney — "Carbon Tax Carney" — has helped to do is grow the portfolio of the companies he represents, on the first day that he has been on this job.

When you were fisheries minister, you had your own conflict of interest scandal with the awarding of a lucrative fishing licence to a family member who didn't even own a boat, so you should know full well why these rules and conflict of interest guidelines are in place.

If it wasn't your idea to have "Carbon Tax Carney" subject to our ethics law, did you at least try to advise against this, or were you in full agreement with having him work for the Liberal Party of Canada and not the Government of Canada?

Mr. LeBlanc: Your Honour, I wouldn't propose to correct a senior parliamentarian like Senator Housakos. He knows very well that fishing licence was not awarded. He knows very well that the proponent was an Indigenous community and not an individual. So again, if you can invent a series of facts here —

As I said in the previous answer, I'm pleased that Mark Carney, somebody who served previous governments both in this country and with important allies of Canada in Europe in a very senior economic capacity, has decided to come forward and provide advice to a political party. As I say, some people here may be shocked by that. I wouldn't have thought that Senator Housakos would have been one of them.

[Translation]

INDEPENDENT ADVISORY BOARD FOR SENATE APPOINTMENTS

Hon. Claude Carignan: Minister, on May 25, 2021, a written question was placed on the Order Paper of the Senate about the supposedly Independent Advisory Board for Senate Appointments. The advisory board didn't even bother to produce a report on its activities or spending for two years, namely 2019 and 2020.

The written question asked whether the advisory board had submitted reports to the government during those two years and, if so, who had decided not to publish them and why. Yesterday, after three and a half years, an answer was tabled, saying that all of the reports of the Independent Advisory Board for Senate Appointments had been made public on its website. That was the end of the answer. Does the government really think it is transparent to answer questions this way? Is this a joke?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: On the contrary, you were part of a government that showed a lot less transparency toward Senate appointments. That's why the government promised Canadians an independent process.

Furthermore, most of the members of this advisory board are selected by the provincial governments. We thought this was an improvement to the appointment process.

When I look at the Senate today, I see men and women of outstanding calibre who were appointed under this very process. We are very proud of that, and I think the process has benefited Canadians.

Senator Carignan: I'm not sure you understood my question, but it was definitely not a translation problem.

No report on the committee's activities was tabled in 2019 or 2020. Will you make a commitment to provide these reports to us along with a real answer to these questions, or will we have to go through access to information?

Mr. LeBlanc: You take whatever measures you believe are important, senator.

I see the recommendations from these advisory boards. I will gladly raise this matter with the Privy Council because of the specific status of these notices. I'm not claiming that, in cases where certain people were not appointed, for example, all the reports or the process used by these boards will be disclosed, but I will be happy to ask the Privy Council.

I think this was an important improvement to Senate appointments and transparency. We gave Canadians the opportunity to apply for a seat in this place, where I am tremendously pleased to be today.

[English]

FOREIGN INTERFERENCE

Hon. Yuen Pau Woo: Good afternoon, minister. Can you give us an update on the implementation of Bill C-70, the Countering Foreign Interference Act, which was rushed through our chamber and yours at the end of June of this year? In particular, when will we have a chance to review the credentials of the foreign influence transparency commissioner designate and assess if this person will do the job in a way that does not stigmatize or discriminate against visible minorities?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Your Honour, through you, senator, thank you for a very good question. To honourable senators, thank you for the work you did in passing what the government thinks is one of the most significant modernizations of our intelligence capacity as a country.

Senator, you zeroed in on the foreign influence transparency commissioner, an essential part of that legislation. I recognize the urgency — and I've said so publicly — of having the designated

person before this place and the House of Commons. I thought it was a thoughtful amendment to ensure that parliamentarians absolutely participate in this process. As you said, the credentials of this person must be impeccable.

I completely share your concern, which I have heard from many others, around the importance of certain communities in Canada — visible minority communities in particular — feeling that this structure, which should be designed to protect them, could be something that they would feel targeted by.

I continue to work with the department and Privy Council to prepare a short list and look forward to putting before this house and the place where I serve the name of a very eminent and qualified Canadian that I hope will receive your blessing.

Senator Woo: I will pick up on your response and tell you that the rushed passage of Bill C-70 has been met with grave concern from civil liberties groups and ethnic minority communities. The latest example is an article published yesterday in *Policy Options* by a leader of the Muslim Association of Canada. What is your government doing to prevent or mitigate the potential harms of this over-broad and draconian law?

Mr. LeBlanc: Your Honour, it won't surprise you that I don't share the senator's characterization at the end of the question. "Draconian," and "over-broad" aren't words that I would have used. I think this was an effective, targeted piece of legislation that met with quick approval. You choose to say it was rushed through. I wouldn't propose to think that the government would rush something through this chamber. We haven't been that lucky on previous occasions.

I very much appreciated the work that was done here and in the House of Commons. I can speak to this because I was a witness to the multi-partisan work in the House of Commons, and I think this is an important legislative accomplishment.

FORCED LABOUR

Hon. Julie Miville-Dechéne: Minister LeBlanc, shipments of goods suspected of being the result of forced labour are being blocked at the U.S. border. According to experts who spoke to the CBC, those shipments are being redirected to Canada, where they have no difficulty entering the country. U.S. Senator Jeff Merkley, a Democrat from Oregon, even criticized Canada for being the back door that allows banned goods onto the continent.

Senator Merkley proposed a solution: that Canada and the U.S. share a list of companies suspected of forced labour and that the goods of these companies be automatically blocked at the borders of our two countries.

Will your government adopt this simple and effective solution? And if not, why?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Your Honour, through you to the senator, we have taken note of the United States senator's suggestion. I spoke to my colleague in the other place John McKay about this very issue as recently as earlier today. I am working with the department on the sort of first annual report that we must make, as was prescribed by the legislation.

In my conversations with officials of the Canada Border Services Agency who report to me and the Department of Public Safety, I've asked them to give me options directly on point with the question you posed, senator, and the issue raised by the United States.

• (1710)

Senator, I have also spoken on a number of occasions to the United States Secretary of Homeland Security Alejandro Mayorkas, who is responsible for U.S. Customs and Border Protection. He and I have as recently as a couple of months ago discussed a way to make sure there isn't a loophole so that people can't do indirectly what we collectively don't want them to do directly. I would be happy to work with you and other colleagues on the most practical and effective way to avoid exactly that.

Senator Miville-Dechêne: I'm still on the topic of modern slavery, and you've alluded to that. To date, 6,000 companies have submitted reports on the risk of forced labour in their supply chains, as required by Bill S-211.

Under this new law, you are required to report to Parliament by September 30, in about two weeks, to assess whether the law is being followed. Can you tell us approximately how many companies covered by the act have failed to report, and whether or not the reports submitted generally meet the requirements of the law?

Mr. LeBlanc: Your Honour, that's a very good question. At the front end of your question, senator, you said I have about two more weeks to come up with that exact report, and I know, of all people, you will be looking forward to that report being public.

I have seen drafts of that work. I have looked at it with my department, and I wouldn't propose to scoop my very own report that will be, of course, tabled within the deadline. Once you see that information and a lot more in that exact report tabled before the deadline prescribed by law, I would be happy to follow up with you on any other suggestions you have.

NATIONAL SECURITY AND INTELLIGENCE
COMMITTEE OF PARLIAMENTARIANS

Hon. Scott Tannas: Welcome, minister. Thank you for being here.

The government has provided an unredacted version of the report from the National Security and Intelligence Committee of Parliamentarians, or NSICOP, on foreign interference in Canada's democratic processes and institutions to all the leaders in the House of Commons, but the same courtesy has not been

extended to the leaders of the recognized groups in the Senate. Will you correct that and make the unredacted report available to the leaders in the Senate?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Your Honour, that was a question that came up when I appeared before your Senate National Security, Defence and Veterans Affairs Committee. You will appreciate that I am not the one who decides the distribution of this particular report, the unredacted version. There is a series of security requirements that are in place.

I raised that with officials of the Privy Council Office. That report is not a report that comes to me. I am not the decision maker in terms of how that report and to whom the unredacted version is released, but I'm happy to ask the question again.

Senator Tannas: It's even more puzzling that there is a process that's outside of your control and in the Privy Council Office. Somehow, Elizabeth May made the list, and leaders in the Senate did not.

Presumably, you've read the unredacted report yourself. Without disclosing any names, is any senator actually named in the report?

Mr. LeBlanc: Senator, full points for asking the question — very clever. You say, "Oh, I wouldn't want you to . . ." and, "But you know, if I were to . . ." I understand what you're saying. I'm obviously not in a position to answer that question.

To go back to the previous question, the NSICOP reports to the Prime Minister. It doesn't report to the Minister of Public Safety. The Privy Council Office would be the group that would advise the Prime Minister in terms of that work.

I took notice of Justice Hogue's comments about naming people as well. I saw her public comments. This is a sensitive area of concern. I think it would not be helpful — and it may be, in fact, illegal — to do indirectly what I can't do directly.

SENATE REFORM

Hon. Marty Klyne: Minister, I have a question about the ongoing Senate reform. In June, Senator Dasko shared a poll showing that 69% of Canadians want future governments to continue appointing independent senators. Only 5% of Canadians want a return to the partisan system.

In May, our Government Representative successfully initiated rule changes to ensure fair treatment of independent parliamentary groups within the new system. However, the Senate still does not have rules to ensure fairness, transparency and due diligence in our process for House of Commons private members' bills, which are easily filibustered.

Is this an area where you would like to see reform to ensure that appointed senators vote on elected MPs' bills, as Conservative senators proposed in 2014 and as Senator Dalphond and Senator Sinclair proposed in 2020?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Your Honour, thank you for the question. I also took note of that public opinion research that was published. I happen to share that view. I think that Canadians have been well served by the very good work done in this place over the last number of years. The appointments process and the kind of women and men who have applied to serve in this place and have been selected by the Prime Minister speak to the effectiveness of that process. I certainly am very proud of that and was happy to note that Canadians were as well.

I also think that our Government Representative is doing absolutely terrific work in this place, and he comes to the Cabinet Committee on Operations that I chair. He would update us, for example, on some rule changes that he was proposing and the progress that he was making working with colleagues here around those rule changes.

My cabinet colleagues are always interested in hearing from Senator Gold on Monday afternoon, but we would certainly not purport to offer advice to honourable senators as to the appropriate rules that you would decide to adopt. We would think it would be helpful and positive for this place to study private members' bills that come from the other place, but the mechanism to do that I would leave in your hands.

I'm happy to work with the Government Representative as we do effectively every week and sometimes many times a week. He had kept us updated around some of those rule changes, which we took to be very positive.

Senator Klyne: The government's independent Senate appointment process has advanced reconciliation by giving a greater voice to many Indigenous peoples in Parliament and federal law-making, with about 10% of senators now being Indigenous. Will the government commit to maintaining this level of representation, and would you encourage any government of the day to do the same?

Mr. LeBlanc: Your Honour, there are a number of very distinguished Indigenous Canadians who have come forward and serve in the Senate now. There were some that had served in this place in the past. I'm thinking of the first Indigenous senator, Len Marchand, who was a friend of my father's and somebody whom I knew as a kid, who passed away some time ago. There is a long tradition of Indigenous people serving with honour in the Senate.

I like the fact that so many Indigenous persons are currently serving in the Senate. I wouldn't purport to speak for future governments. I don't, of course, make the appointments, but I am happy when the government chooses Indigenous Canadians to serve here.

FIREARMS BUYBACK PROGRAM

Hon. Yonah Martin (Deputy Leader of the Opposition): I thought the first Indigenous senator was Senator Gladstone, yes? Okay.

Minister, a recent written response from your department to my colleague Senator Plett shows that the NDP-Liberal government's Firearms Buyback Program has now cost Canadians at least \$67 million without a single firearm being bought back by your government. In the written response, Public Safety Canada said that as of June 19, it had spent \$56.1 million on this program. As well, the RCMP said that it had spent just over \$11 million. This is an incredible amount of money to spend on a program that doesn't yet exist and which ultimately targets licensed, trained, law-abiding gun owners, not criminals.

Minister, will you scrap this program?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: No, Your Honour. No, absolutely not. In fact, we are going to launch the program. We are going to start with Phase 1 in the coming weeks, which will buy back from gun stores and gun dealers well over 10,000 guns that are now illegal and in their inventory. The government will compensate these businesses and proceed to dispose of these assault-style firearms.

It won't surprise you that I don't share your view that we are targeting law-abiding gun owners. I understand you repeat the partisan talking points from your leader's office. That's not the case. You know very well that's not the case, senator, and I hear those same phrases in the other place, but I'm happy to provide the same answers that we give in the other place. Canadians support these measures. We're proud of the program that we're going to launch. It was a commitment we made to Canadians in an election, and we've done a lot of good work to make this ready. I look forward to launching the details of the buyback program in the coming weeks.

• (1720)

Senator Martin: There are concerns among law-abiding gun owners, so this is an important issue. The response from your department shows that external consultants received almost \$11.5 million of the \$67 million that has been spent. Minister, would you table in this chamber information related to contracts provided to consultants under this program, and, for each contract, could you provide the name of the vendor, the value of the contract, the start and end dates and a summary of the work provided?

Mr. LeBlanc: When I announce the beginning of the buyback program, we will offer considerable details about how the program will operate and the amount of money that will be provided in terms of compensation.

This program does not, in any way, target sportspersons or Indigenous persons who hunt for sustenance or who practise a sport. This is designed to remove military-style weapons from

the streets. It was a campaign commitment that we made. We recognize that taxpayers' money needs to be spent judiciously, and that's exactly what we're going to do.

[Translation]

CRIME RATES

Hon. Leo Housakos (Acting Leader of the Opposition): Minister, Canada's crime rate has been going up since 2015. That's not an opinion, it's a fact backed by Statistics Canada.

The violent crime severity index rose by 6% in 2021 and by 5% in 2022. Level 1 sexual assaults increased by an alarming 18% in 2021 and jumped again in 2022. The homicide rate rose by 8% in 2022, reaching its highest level since 1992.

Minister, these numbers are not just shocking, they are terrifying. They prove that your government has failed. Why should we believe that you are capable of keeping Canadians safe when the stats show the opposite?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: I share Senator Housakos' concern about Canada's rising crime rate. This is a major concern for all Canadians and for our government. That is why we have invested additional resources in the RCMP and the CBSA. We are working with Canada's allies to stop cross-border crime, and it's challenging.

We strengthened a number of Criminal Code provisions in cooperation with the provincial premiers. I'm referring specifically to Bill C-48 on bail reform. I think that parliamentarians will always have to think about how to improve laws and add additional resources.

I find it rather ironic that Senator Housakos is asking a question about the rise in crime right after one about getting rid of certain gun control measures.

I find it ironic that those questions came back to back.

Senator Housakos: The real irony, minister, is that your government has failed time and time again on these issues.

Bill C-5 authorized the use of conditional sentence orders for serious crimes such as criminal harassment and sexual assault. Bill C-75 relaxes bail conditions. Bill C-48 is a hasty attempt to close the loophole that you yourself created in our now flawed bail system.

How can you defend your government's record when violent crime in this country is on the rise because of your policies, and it has been rising every year for quite some time now?

[Mr. LeBlanc]

Mr. LeBlanc: I understand the partisan tendency to blame the government for these disturbing increases in crime rates. I see Senator Housakos trying to make that connection, but many other countries are facing similar challenges.

I recognize that the government has a duty to support our law enforcement agencies and provide them with the tools and resources they need to combat the disturbing rise in crime rates. We will continue to do whatever is necessary, including, in some cases, legislative reforms.

[English]

IMPACTS OF ARTIFICIAL INTELLIGENCE

Hon. Rosemary Moodie: Welcome, minister. I would like to ask you about artificial intelligence and public safety.

As you know, artificial intelligence relies on data to inform its algorithms, and artificial intelligence systems are open to bias, especially if they are using open-source data. According to the Canadian Tracking Automated Governance register, there are approximately 303 automated tools being used by our government. Several of them are in the Canada Border Services Agency, or CBSA, and some are in the Royal Canadian Mounted Police, or RCMP.

The concerns about bias are real. Bias in these public safety agency tools could be incredibly detrimental to individuals in forming decisions that have lifelong impacts.

Is the government using open-source data to inform the algorithms of the automated AI systems you use, and what training or additional safeguards are in place to combat these potential biases?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Senator, your question is a very good one. I certainly share your concern about recourse to artificial intelligence or these algorithms that could, in fact, present circumstances of bias. We all work hard to remove systemic bias in government and public institutions. We certainly wouldn't want to use technology which, in a very ironic way, would propagate or propel these biases.

Your question is a technical one. I do not know which particular algorithms are used or whether the CBSA or the RCMP would be using these particular tools, but I would be happy to take that question under advisement and ensure that Public Safety Canada, the RCMP, CBSA and other law enforcement agencies provide you with that information. It's a very good question, and I wouldn't dare to make up an answer to a question as important as that.

NATIONAL ACTION PLAN ON COMBATTING AUTO THEFT

Hon. Rosemary Moodie: I will follow up on car theft. Auto theft continues to be a huge problem in Canada. Theft claims in Ontario have risen over 524% since 2018, surpassing \$1 billion in 2023. The government has announced a significant investment in an action plan to combat this issue. Have any of the earmarked funds been spent, and do you have any data on the plan's success to date? Has it been making an impact? Is further action planned?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Senator, the good news is that it is having a positive impact. We will be making an announcement about it in the upcoming weeks. I spoke to Ontario's Solicitor General and Premier Ford 10 days ago about this issue. Those funds have been and are being used. I met with Thomas Carrique, Commissioner of the Ontario Provincial Police, who is also the president of the Canadian Association of Chiefs of Police. He talked to me about the enhanced work they're doing because the Government of Canada has transferred tens of millions of dollars.

Équité Association and other groups will be making public encouraging statistics regarding this issue, but there is more work to be done and we'll continue to do it.

FOREIGN INTERFERENCE

Hon. Stan Kutcher: Minister, welcome. Today's indictment by the United States Department of Justice, which relates to the Kremlin's funding of a U.S. company with approximately \$10 million from Russia to manipulate Canadian and U.S. information spaces, notes that the founders of the company were two Canadians. They used these funds to pay Canadian entities to promote Russian disinformation and interfere in our democratic processes.

Will there be fulsome investigations of those in Canada who received this Russian money for these purposes, and, if so, has this investigation begun?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Your Honour, I thank Senator Kutcher for the question. I share the concern of many — I would hope all — Canadians about this clear example of disinformation being used as a foreign interference tool by the Russian government.

• (1730)

They, as you correctly noted, transferred these funds allegedly through a number of different shell companies, specifically to promote certain extreme right-wing views on social media sites.

I want to be careful. I took a call from the United States Attorney General Merrick Garland to thank Canada for the work that we had done with the American Department of Justice on this very issue. We talked about what more work we can do together around disinformation and foreign interference in the electoral processes.

In terms of which investigations, senator, are under way by the Royal Canadian Mounted Police, or RCMP, the Canadian Security Intelligence Service, or CSIS, or others, I want to be careful not to speak to specific investigations. The RCMP is in the best position to do that or to confirm whether or not there are investigations. I want to be clear that I'm not doing that. Those questions can be answered by law enforcement authorities.

But I can reassure all of you, through you, Senator Kutcher, that we will continue to support the law enforcement agencies in this important work, including our partners in the Five Eyes and the United States.

Senator Kutcher: Canada has placed Putin's personal think tank, the Valdai Discussion Club, and the Russian International Affairs Council on our sanctions list in September of 2023. It is alleged that some Canadians may have collaborated with these disinformation-driving organizations. Will the Canadian government ask that the foreign influence inquiry investigate Russian information and influence operating and targeting our democracy and society including activities associated with these two sanctioned organizations?

Mr. LeBlanc: Senator Kutcher, again, you ask a very important question. You have highlighted the role that Russia has played not only in our democracy but around the world. It is one of the foremost actors — CSIS and others have said so publicly — in this disinformation space, seeking to destabilize Western democracies. We're not immune from that.

The foreign interference inquiry, as senators will know, is an independent inquiry. The government doesn't direct them other than in the terms of reference which were negotiated with every political party in the House of Commons. The good news is I participated in that process, and I am confident that the terms of reference for the public inquiry would contemplate exactly the use of disinformation by hostile state actors, like Russia. I have every confidence that Justice Hogue will follow the evidence and look forward to her report at the end of December.

CHIGNECTO ISTHMUS

Hon. Jim Quinn: Welcome, Minister LeBlanc. My question is, not surprisingly, touching on the Chignecto Isthmus with respect to Bill S-273, which the Senate overwhelmingly passed in June. My question is not about funding or the Disaster Mitigation and Adaptation Fund. It's about federal leadership recognizing the cultural and historic significance of the area for Acadians and First Nations as well as reconciliations with First Nations by taking the lead respecting the duty to consult, not to mention the importance of transportation and movement of cargo that buttresses our economy.

In an interview with the *Telegraph-Journal*, you said that the province's reference question before the courts was frivolous. In June, Senator Gold said the government cannot support the bill until the court has clarified the issue of jurisdiction. Which is it? A frivolous court case or a case the government wants settled before it can support the bill?

There is a solution offer by passing Bill S-273. It provides an avenue for the government to decide whether they will step up to the plate and provide the leadership stakeholders want them to assume. Such a decision would provide the clarity that the provinces are seeking and, no doubt, end their court case. Why wouldn't your government support Bill S-273? Do you not believe Chignecto dike management in your own riding —

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Your Honour, through you to Senator Quinn, thank you for the question. Thank you for your work on this important issue. I was very proud on Tuesday of this week to announce an historic investment of \$325 million to support the work that the Provinces of Nova Scotia and New Brunswick want to do in this important area.

I have said publicly — and I have said so to Premier Houston and Premier Higgs — that the reference case to the Nova Scotia Court of Appeal is entirely within the purview of the Government of Nova Scotia. I wished they would have put the project out to tender instead of wasting money on lawyers to ask a non-binding question to their court of appeal. I don't propose to speak for Premier Houston, but we will be happy to work with them to get this work done.

I was reassured by Premier Higgs, who called his election today, that he will accept this money and proceed to do this important work.

I will continue to do what I can to advocate for this project. I understand the issues around the particular bill. I have had a conversation with our Government Representative in this place around that. We're less interested in questions of jurisdiction. We're more interested in ensuring that we can support this work as quickly as possible, but we think the provinces also have a responsibility to contribute and we're hoping they will.

Senator Quinn: In my question I was staying away from the issue of money and who pays and staying away from the discussions between the feds and provinces about who is paying what, where and when. My question is about jurisdiction. Can the federal government provide that leadership so that we have a consistent approach on things such as consultation with First Nations and protecting the cultural heritage important to the area for First Nations and for our Acadian people?

As our regional minister, why don't you step up and support the people whom we've heard at our committee who say they want the federal government to take on that role?

Mr. LeBlanc: Senator Quinn, you're right to raise the issue of consultations with Indigenous communities, supporting the Acadians and noting the significance of the Acadian heritage in this particular site.

I was in Gaspé, Quebec, a year ago and met with a Gaspesian family who talked to me about their roots that go back to Beaubassin, so I totally share that concern.

You have been a senior official on the Treasury Board. When the Government of Canada asserts jurisdiction over something, the bill usually follows. I don't think we should be naive about that.

We can have a discussion around the jurisdiction. I think there is an obligation to do the consultations; I totally share your view on that. But I think there is an obligation for the provinces also to contribute to this, and that's what we're hoping they will do.

RIGHTS OF FEDERALLY SENTENCED PERSONS

Hon. Wanda Thomas Bernard: Minister, thank you for being here. Minister LeBlanc, in June of this year, the Standing Senate Committee on Human Rights wrote to you to express our concern with the inadequacy of the government response to the committee's report entitled, *Human Rights of Federally-Sentenced Persons*.

The response did not take seriously nor address the various recommendations of the committee, which is particularly troubling considering the content, degree and severity of rights breaches witnessed and heard by the committee while completing the study. We continue to witness and hear this when we visit prisons.

Minister LeBlanc, when can we expect a fulsome response to the committee report clearly indicating the government's position on each recommendation and providing an explanation and a timeline for action?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Senator, thank you for raising an important issue around the rights of those federally incarcerated inmates. Like your colleagues on the committee and, I hope, like a number of parliamentarians, I have had the opportunity to visit these federal correctional facilities. I work with Correctional Service Canada on important issues around ensuring that the rights of those serving time in federal prisons are respected.

There is a series of measures in place. We have obviously taken careful note of the work done by the committee of this place. In terms of the government response, there is a tradition or a longstanding practice in some cases of grouping the federal response around a series of recommendations. Some of the recommendations and some of the evidence in the committee report touched on a number of different departments.

I can assure you that Correctional Service Canada, for which I have responsibility, absolutely treats the report, its recommendations, the work done and the evidence received from the witnesses who went before the committee with the utmost seriousness. We're always looking at ways to ensure that the rights of those serving in federal correctional facilities are respected. Your report will absolutely be part of that ongoing work.

Senator Bernard: Respectfully, minister, we're not seeing evidence of the recommendations being taken very seriously. We can certainly share with you any number of requests that we get from prisoners about their rights continually being violated. The

committee is very happy to meet with you and others to further review the recommendations and how we can address those very serious concerns.

• (1740)

Mr. LeBlanc: Senator, thank you for the offer to do that. I would be happy to accept an opportunity to meet with you and colleagues on the committee to talk about the report.

I would be happy to bring the Commissioner of Correctional Service Canada or other officials who should also be part of that conversation.

I entirely share the concern expressed in the report, and, as I said, it was expressed by a number of the witnesses whom we saw appearing before your committee. We can always continue to do that important work as a government.

Speaking for Correctional Service Canada, I have confidence in the work that they do. I have seen the difficult work that these women and men do, but I also share your sense of their obligation to ensure that the rights of the persons in their care are respected as well.

BAIL REFORM

Hon. Yonah Martin (Deputy Leader of the Opposition): Minister, in July, every provincial premier signed a letter asking your government to thoroughly review its weak bail reform law: Bill C-48. Their plea was sparked by the murder of 30-year-old Tori Dunn who was stabbed to death in her home in Surrey, B.C. Her alleged killer had been released from jail just days before, despite his long criminal history and the fact that he was facing other charges at the time of her murder.

Minister, why did you and the Minister of Justice dismiss this reasonable request from the premiers so quickly?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Senator, I speak with provincial premiers often in my capacity as the Minister of Intergovernmental Affairs. As I said, Premier Ford and I discussed this issue as recently as Friday, which was 10 days ago.

We had worked collaboratively following the Council of the Federation meeting; you are referring to the Council of the Federation meeting that was held this July. Over a year ago, the Council of the Federation also asked to work with us on important amendments around bail legislation, which we did collaboratively with the provincial governments. It was a positive exercise in the life of this Parliament.

We're always looking at ways to ensure that we have the right balance between respecting the constitutional rights of persons to be presumed innocent until proven guilty, while recognizing the important public safety requirement of keeping persons incarcerated before their trial — those decisions, as you know, are largely in the hands of provincially appointed judges. It can be reviewed by superior courts. There is a process in place. Provincial prosecutors can appeal decisions that they don't agree with.

It is not strictly a straight line between a legislative instrument. It is a very important issue for public safety. I share that concern, and I work with the premiers and others to ensure we have the right balance.

Senator Martin: An answer to a written question in the other place showed that 256 people were charged with homicide while out on bail or another form of release in 2022. This equates to 29% of all homicides committed that year.

Minister, what more will it take before your government takes seriously the consequences of your policies? Will you end catch-and-release bail?

Mr. LeBlanc: Again, senator, that is a phrase that your leader's office, or somebody, produces. Catch-and-release is something that — as senators from my province of New Brunswick would know — is usually applied to salmon angling. That would be the appropriate use for that phrase.

These decisions are made by independent judges. Prosecutors are the ones who object to the release of certain individuals. There is a judicial process that follows. There are appeal processes. Parliament has a responsibility to ensure that the laws with respect to repeat violent offenders are appropriate. I am happy to continue to work with parliamentarians to ensure that we have that part of the equation right.

[*Translation*]

GOVERNMENT RELATIONS

Hon. Claude Carignan: Minister, you are the Minister of Intergovernmental Affairs. The Trudeau government has centralized more, by far, than any other government in Canadian history. It has meddled in health, social issues, day care, university management, choice of professors, consumer protection, forest management, municipal relations, and the list goes on. You have no qualms about interfering in provincial jurisdictions, to the point where Premier Legault asked the Bloc Québécois to fire you this morning.

What is your view of the federal government? Is your government superior to the provinces?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Not at all, senator. On the contrary, I'm always careful to talk about orders of government, not levels of government, precisely because I want to acknowledge the very point you're making. However, our government decided to collaborate with the provinces across the country on certain shared priorities.

I have a very constructive relationship with Minister Jean-François Roberge. I like him a lot. I might see him next week in Montreal. We have built cordial, constructive relationships with our provincial counterparts, but we remain focused on the needs of Canadians for things like child care and many other services, some of them shared. When it's a matter of provincial jurisdiction, what we want to do is sign an agreement with the provinces to transfer federal funds. We've had some success with

that. As you know, I can't speak for the Bloc Québécois or for Premier Legault. They are perfectly capable of speaking for themselves.

Senator Carignan: Minister of cordial relationships, this week, your colleague, Marc Miller, called three provincial premiers knuckleheads. Nobody chastised him. The Prime Minister didn't chastise him, and he didn't apologize. There was no apology. Those are the words you people use in public. What do you call them in private?

Mr. LeBlanc: I call them my colleagues. I call Jean-François, Jean-François. In private, we have entirely cordial and, I believe, constructive conversations.

Senator, you forgot to mention that some Conservative premiers completely exaggerated the number of potential asylum seekers who will be relocated or who we will be working with the governments to relocate to their province. If a Conservative premier decides to scare people by horrendously exaggerating a tentative number from a discussion paper, I think it's entirely appropriate for my colleague to set the record straight.

IMPACTS OF ARTIFICIAL INTELLIGENCE

Hon. René Cormier: Welcome, minister. Minister, your government is investing in the development of artificial intelligence through its Pan-Canadian Artificial Intelligence Strategy. This technology is capable of transforming Canadian society, but it may also pose a significant threat to the integrity of our democratic institutions and our ability to protect them. As such, minister, what interdepartmental strategy are you implementing to ensure that this technology won't compromise the security and integrity of our democratic institutions? Most importantly, how will you make sure that all departments contribute to ensuring the integrity of our democratic institutions?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Senator Cormier, thank you for your very important question. I share your concerns that artificial intelligence could undermine the trust of Canadians in our democratic institutions in certain situations, or, worse still, play a role in depriving us of democratic institutions that are not only beyond reproach, but the envy of democracies around the world. I have every confidence in the work of Elections Canada and in the work of the departments.

Your question also mentioned the importance of the various departments within our government. In my case, it's security agencies and the RCMP. I know that my colleague, the Minister of Innovation, is deeply involved with various government departments on a horizontal basis, to use a bureaucratic term, specifically to ensure, as you said, that this technology and its potential to completely revolutionize things will not one day undermine the trust of Canadians or damage our country by supporting enemies of Canada, who try to sow doubt or spread disinformation.

[Mr. LeBlanc]

ELECTORAL SYSTEM

Hon. René Cormier: The next federal election is just around the corner. I think it will happen soon. Bill C-65, the Electoral Participation Act, targets the misuse of AI in the electoral process. Bill C-26 on cybersecurity passed second reading today.

Given your mandate, how can you reassure Canadians that you will have everything in place when the election is called to ensure the integrity of the electoral process, minister?

• (1750)

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: That's a very good question, Senator Cormier. You made your colleague, Senator Carignan, very happy when you said that the next election is just around the corner. You should have seen his smile. It was almost as big as yours.

I don't know when the next election will be. We don't intend to vote against our own government.

You mentioned two bills that are important for strengthening our democratic institutions, including Bill C-65, which I introduced. That bill is an important step in improving security against foreign interference and increasing voter turnout. I hope that we will have the opportunity to pass these bills in both chambers. We are not responsible for the delays that are happening in our legislature. I look forward to working with all parliamentarians.

[English]

FOREIGN INTERFERENCE

Hon. Peter M. Boehm: Minister, in my third reading speech on Bill C-70, I made a modest proposal: that the government ensure that parliamentarians and their staff in both houses receive detailed briefings on what constitutes the difference between foreign interference and exercising foreign influence as specified in the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. Do you think that is a good idea?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Senator Boehm, I think it is an excellent idea. You have a long experience as a senior official in our foreign affairs department. You, certainly more than I, would know the details around that important distinction because therein absolutely lies the challenge. The normal diplomatic representation that countries do, advocating in a perfectly appropriate context, does not constitute foreign interference, which has at its outset a malicious intent. In many cases, it is done in a non-transparent

way; proxy agents are often used. You would know from your previous work in our foreign affairs department, senator, examples that I wouldn't be familiar with.

The more we can help people understand that important difference, the more people can properly participate in what would be a very normal and positive democratic process, understanding the views of different governments and meeting with diplomatic officials who are advocating these points of view. So if it is parliamentarians in this place or in our place or people who work with them, they should be confident that they are doing so in the appropriate way and able to recognize the difference — which is very significant — between a malicious attempt to interfere in the affairs of Canada or the democratic process and absolutely normal and protected work that Canada does in other countries that we would welcome other countries to do in Canada as well.

Senator Boehm: Minister, thank you. Would you be prepared to ask your officials to see what best practices are in other jurisdictions — and I am thinking particularly among our Five Eyes partners — and see how they could be applied here?

Mr. LeBlanc: Senator Boehm, absolutely. I would do so with pleasure. We have a Five Eyes ministerial meeting scheduled for next week. I am happy to ask my department and groups like CSIS and others to prepare information on best practices. You are right: The Five Eyes would be the obvious place to start looking for those best practices. I would be happy to work with the appropriate representatives of the Senate and the House of Commons to make that information available in the appropriate way, both to senators and the people who work with you. I am happy to do that, senator. Thank you.

CYBERSECURITY

Hon. Colin Deacon: Thank you, minister, for being with us. It appears that global criminals find Canada to be an increasingly profitable country in which to conduct identity theft and fraud. This poses significant risks both to citizens' security and economic integrity. While your government has made important strides in bolstering our anti-money laundering and anti-terrorist financing, or AML/ATF, framework, generative AI is already enabling increasingly sophisticated cybercrimes.

My question relates to the gap in leveraging made-in-Canada solutions. Your mandate includes working with Minister Champagne to support intellectual property-intensive business as well as the adoption and scale-up of new technologies. Yet, according to The Canadian Press's recent analysis, leading Canadian cybersecurity companies are much more successful in selling to foreign governments than to their own.

What is your government doing to ensure that Canada's investments in cybersecurity research and innovation help to protect Canadians and not just those elsewhere?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Senator, thank you for the question and for properly noting the leadership of many Canadian companies in this important space. To pick up the question of the previous questioner, our Five Eyes partners have talked to me about how much the intelligence and law enforcement agencies in their jurisdictions appreciate the work that Canadian companies are doing. I certainly share your view that it would seem ironic that we could be selling this technology or know-how to foreign partner governments and not taking advantage of this innovation here in Canada.

As you correctly noted, the Minister of Innovation and I work in this area. A lot of the work is done by the Communications Security Establishment — as you would know, senator — which is an agency under the authority of the Department of National Defence. But I am happy to go back to my officials and talk to my colleagues Bill Blair and François-Philippe Champagne about how we can ensure that rather ironic circumstance won't be allowed to be perpetuated or continue.

I have also noticed a number of academic institutions, such as the University of New Brunswick and the Frank McKenna Institute there, have done terrific work with a number of private sector partners. I'm trying in my time to encourage this work and wouldn't want to inadvertently do something that would discourage it. I am happy to follow up on that very important question.

Senator C. Deacon: Thank you very much, minister. Are you aware that the Innovations Solutions Canada program — which is to put innovators in government and innovators in Canadian-funded businesses together to procure innovative solutions for big Canadian problems — was cut by 50% by your government in February in the reallocation of funding? This is one of the problems with respect to those programs that are working — \$1 invested there created \$1.50 in new taxes in five years and \$3 in GDP growth. Yet that program was cut, and it was one of the ways that we had some of this work happening, so it does require your attention. I'm hoping you appreciate that irony.

Mr. LeBlanc: The irony, senator, that I was referring to was that Canadian companies would be selling technology to other partner governments while being unable to do the same here. I wouldn't want you to attribute the irony to financial decisions that my colleague the Minister of Finance would make. That wasn't what I said.

I do recognize that our government has invested significantly in cybersecurity infrastructure. Every government must do so. Private businesses are massively doing that; businesspeople often talk to me about their own investments in this area. So I am happy to figure out the best way that we can encourage a Canadian private ecosystem that is very effective to also benefit Canadian companies and the Government of Canada.

FOREIGN INFLUENCE IN CANADIAN ELECTIONS

Hon. Rodger Cuzner: Thank you for being here, minister. I know this week marked year five of your significant bout with cancer and the treatments. It is great to see you here in good health and spirits.

Many of us watch with great dismay the happenings south of the border, where there seems to be a concerted effort to undermine the foundations of democratic institutions and, more specifically, Americans' confidence in their electoral system. I think Canadians continue to have faith in the integrity of their electoral system, but questions have been asked concerning foreign interference. I guess this coattails off the question posed by Senator Cormier.

Can you share with this chamber the specific actions that your government has undertaken in order to protect that integrity in our electoral system?

Hon. Dominic LeBlanc, P.C., M.P., Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs: Senator Cuzner, thank you for the question. You and I were serving in the other place five years ago, when I developed a very aggressive form of non-Hodgkin's lymphoma. You are right: It was five years ago yesterday that a 20-year-old German boy gave me 570 million stem cells at a hospital in Maisonneuve-Rosemont, Montreal. So if I am sitting here seemingly healthy five years later, it is thanks to that remarkable scientific and medical achievement. Thank you for noting that. When the doctors hook up the stem cell bag into your IV, they say, "Welcome to your second birthday," so yesterday I turned five. Thank you for identifying that, Senator Cuzner.

• (1800)

You're absolutely right. We do look to the United States and have conversations with the United States Attorney General, as I did two weeks ago, and with the Homeland Security Secretary around what we can do to learn from one another in strengthening our democratic institutions.

I think this is important to say, and we can't say it enough: I have enormous faith in the resiliency and the strength of Canadian democratic institutions. I am lucky enough to see the work of our security agencies up close. I see the strength and integrity of our democratic institutions. I see the work done by Elections Canada and provincial elections administration agencies. But I also see the remarkable work that Canadians do to understand and strengthen the capacity of our democratic institutions to elect governments in provinces, in municipalities and at the federal level.

We have taken, as you noted, senator, since we formed the government, steps that previously did not exist in terms of strengthening democratic institutions against foreign interference specifically. The Canadian Security Intelligence Service first talked publicly in 2013 about the risk of foreign interference. Our government was the first government to do something significant in this area.

Your Honour, your clerk forgot to stand up. I thought he was allowing me to —

Senator Cuzner: Minister, Bill C-65 amends the Canada Elections Act, and I'm pleased to see the effort to increase voter participation. Could you speak briefly about some of the provisions within that bill?

Mr. LeBlanc: Senator Cuzner, thank you again. Your colleagues spoke about this legislation. This is legislation that we think does two significant things. We took recommendations from the Chief Electoral Officer and from Elections Canada around strengthening democratic institutions from foreign interference, so things like banning, for example, cryptocurrencies, prepaid gift cards as ways to contribute, ensuring that there is greater transparency around financing in the electoral process. That is often a way that hostile actors seek to interfere in the Canadian democratic process, so the legislation has important elements in that regard.

It also makes things like mail-in ballots more accessible. Increasingly, Canadians want to be able to participate through the postal system in a way, of course, that ensures the highest level of integrity. Those are just a few examples, and there are so many more, Senator Cuzner.

[*Translation*]

The Hon. the Speaker pro tempore: Honourable senators, the time for Question Period has expired. I'm sure you'll join me in thanking Minister LeBlanc for being with us today, and in celebrating his five years with a clean bill of health. We will now resume the proceedings that were interrupted at the beginning of Question Period. Thank you, Minister LeBlanc.

Hon. Senators: Hear, hear.

(At 6:03 p.m., the Senate was continued until Tuesday, September 24, 2024, at 2 p.m.)

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