



# DEBATES OF THE SENATE

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(HANSARD)

Wednesday, September 25, 2024

The Honourable RAYMONDE GAGNÉ,  
Speaker

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## THE SENATE

Wednesday, September 25, 2024

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

Prayers.

[*Translation*]

### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, there have been consultations and there is an agreement to allow a photographer in the Senate Chamber to photograph the introduction of a new senator.

Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

### NEW SENATOR

**The Hon. the Speaker:** Honourable senators, I have the honour to inform the Senate that the Clerk of the Senate has received a certificate from the Registrar General of Canada showing that Pierre Moreau has been summoned to the Senate.

### INTRODUCTION

**The Hon. the Speaker** having informed the Senate that there was a senator without waiting to be introduced:

The following honourable senator was introduced; presented His Majesty's writ of summons; took the oath prescribed by law, which was administered by the Clerk of the Senate; and was seated.

**Hon. Pierre Moreau**, of Saint-Lambert, Quebec, introduced between Hon. Marc Gold, P.C., and Hon. Clément Gignac.

**The Hon. the Speaker** informed the Senate that the honourable senator named above had made and subscribed the Declaration of Qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

### CONGRATULATIONS ON APPOINTMENT

**Hon. Marc Gold (Government Representative in the Senate):** Your honour and colleagues, I am very pleased to rise today on behalf of the Government Representative Office in the Senate to welcome Senator Pierre Moreau.

Senator Moreau, you may have noticed that you are joining a group of Canadians with very diverse origins and perspectives, who all make a unique and valuable contribution to the Senate.

• (1410)

With over 40 years of legal and political experience, you are a very welcome addition to this chamber. Your many roles, including that of Minister of Municipal Affairs and Land Occupancy, Minister of Education and Higher Education, Minister of Transport — and I could go on — will have no doubt prepared you well for the meticulous work of examining and giving careful consideration to the many bills that you will have to study as a senator.

Honourable senator and colleague, throughout your career, you have selflessly represented your community. It is therefore quite fitting that you will be continuing that work in the Senate. Once again, on behalf of the Government Representative Office in the Senate, I want to welcome you to this chamber.

[*English*]

**Hon. Donald Neil Plett (Leader of the Opposition):** Honourable senators, on behalf of the opposition, I am pleased to rise in this chamber to welcome our new colleague Senator Pierre Moreau of Quebec.

Senator, welcome to the Senate of Canada. We look forward to working with you in your capacity as a representative of the province of Quebec in Ottawa. I say this because you have previously had the opportunity to serve Quebecers at the National Assembly of Quebec. Your career in politics and law has certainly prepared you well for this new chapter.

I strongly believe that your experience and knowledge of the fiscal austerity period in Quebec politics will, without a doubt, serve you and, more importantly, serve all Canadians well, especially following the policies and the type of governance we have seen under the Trudeau NDP-Liberal government here in Ottawa.

On June 6, 2003, during your first intervention at the National Assembly, you said you had made the choice to run in politics because until then, like many Quebecers, you had been helplessly witnessing the enlargement of the state based on the principle that the state believes it can do anything it wants and can intervene everywhere. Here we are, 21 years later, and your comments stand to be remarkably relevant here on the federal scene.

Over the last nine years, Canadians have witnessed a steep increase in federal government overreach. I am hopeful that you have kept your passion to push back on government overreach and that you will also push back in this chamber. As the son of a farmer, I trust that you know what it means to be resilient and hard-working. If Jean Charest and Dominique Vien decided to come to the Conservative Party of Canada, I gather that both you and Senator Gignac can do this as well.

Senator Moreau, welcome to the Senate of Canada.

[Translation]

**Hon. Raymonde Saint-Germain:** Honourable colleagues, Senator Moreau, I am deeply moved to welcome you as a new senator from Quebec. During my years in the Quebec public service, I had the privilege of watching you work in the National Assembly, on both sides of the chamber, and in the Quebec government as a cabinet minister.

I can only commend your talent, your skill and the positive impression you leave on everyone you meet. Your qualities and achievements are obviously what have brought you to this chamber, on the basis of merit.

[English]

Colleagues, today we welcome a senator from Quebec whose professional and human experiences are nothing short of remarkable. These experiences, in many respects, reflect a strong grasp of our Constitution, our parliamentary system and our legislation. A lawyer specializing in public and administrative law — including municipal law, which he practised for 22 years — Senator Moreau also dedicated himself to serve democracy as an elected parliamentarian.

A pre-eminent Quebec minister leading key departments, he was tasked with ensuring the advancement and respect of areas of jurisdiction at all levels of government. Under various titles, he was called upon to negotiate and to promote interprovincial cooperation and Quebec's interests at the federal level, namely, in his role as Minister of International Relations and La Francophonie, Minister of Municipal Affairs and Land Occupancy and Minister of Transport. He will undoubtedly be a key player in this chamber, notably when it comes to regional and provincial interests.

[Translation]

One of his feats — and an impressive one — is that, despite his many years of public service, during which he brought often complex issues to a successful conclusion, our new colleague is one of the few Quebec parliamentarians to remain popular after retiring from politics. He is so popular that he has been wooed back into service. This might have something to do with the fact that Pierre Moreau knows how to rise above partisan and electoral considerations.

Fans of “Mordus de politique,” a popular political program on the ICI RDI network, have come to appreciate him as an objective expert, an astute analyst and an excellent communicator. These are all qualities that will serve him well in this chamber, to which he will bring a wealth of multidisciplinary expertise and detailed knowledge of the situation on the ground.

Senator Moreau, on behalf of all members of the Independent Senators Group, congratulations. We look forward to working with you.

Thank you. *Meegwetch.*

[English]

**Hon. Scott Tannas:** Honourable senators, I welcome Pierre Moreau from the senatorial district of the Laurentides in Quebec to the Senate. Senator Moreau arrives here with an impressive amount of experience, both legal and political.

One of the quirky parts of our Constitution is that Quebec still has its senators appointed to represent 1 of 24 electoral divisions that existed more than 150 years ago prior to Confederation. One of those electoral divisions is called the Laurentides, and Senator Moreau has been tapped by the Prime Minister to represent this particular district.

For those keeping score, Senator Moreau is the thirteenth individual to come to this place from that senatorial division.

Upon close examination of the history of the Laurentides — which I did, by the way — it shows some distinct patterns about the pedigree and type of individuals to assume the mantle of “senator from the Laurentides.” Here is what I discovered.

Seven senators from the Laurentides held elected office before being named to the Senate. Most were members of the Quebec National Assembly or go way back to the legislative council. Senator Moreau is among this group of distinguished former political office-holders.

From this list of federal and provincial legislators, three senators from the Laurentides, including Senator Moreau, were also cabinet ministers in governments. Others had extensive knowledge in municipal affairs that they brought here. Just like Senator Moreau, some past senators were lawyers, educators and worked in the media. Five were non-affiliated or independent at the time, like you are now, sir.

The point I am making is that senators from the Laurentides have a common streak. They come here with a wealth of experience, know the ins and outs of politics and comfortably find a new home in this place. You're going to fit right in, and I believe you'll hit the ground running.

I have a last piece of information to share with Senator Moreau and with my colleagues, which may make him ponder his future contribution here in the Senate. It turns out that two senators from the Laurentides went on to serve as Speaker of the Senate. Who knows what your future holds for you as a senator from the Laurentides? On behalf of my colleagues in the Canadian Senators Group, or CSG, I welcome you to the Senate of Canada. Your perspectives, values, wisdom and experience are welcome here. We look forward to working with you.

**Hon. Pierre J. Dalfond:** Honourable senators, quite a pleasant aspect of my role as leader of the independent senators of the Progressive Senate Group is to welcome new members to this chamber. Last week, we welcomed five impressive new colleagues with very different life experiences, each eager to contribute to our work on behalf of Canadians.

• (1420)

Today we have an encore. It is my honour to welcome the last of the newly appointed senators, the Honourable Pierre Moreau. Maybe he is not the last one because there was another announcement at noon.

[*Translation*]

Our new colleague has roots throughout Quebec. He grew up in Verchères and studied law at Université Laval in Quebec City. He settled in the Montreal area with his life partner of over 40 years, the Honourable Michèle Monast, my former colleague at the Quebec Superior Court.

They have a second home in the Charlevoix region, which is part of his senatorial division, the largest in Quebec. We have heard quite a bit about it from our colleague, Senator Tannas.

Pierre has then become the second “honourable” in the family, but he’ll have to remind himself every day that he’s the one with the least seniority, especially when it comes to household chores. In 2003, he left his career in law for a 15-year stint as a member of Quebec’s National Assembly, holding several ministerial positions in the cabinets of Premier Charest and Premier Couillard. I have it on good authority that he was a workaholic, a minister with both hands on the wheel, and a formidable parliamentarian — a diligent man with a sense of humour and sometimes even an incisive edge.

He returned to Montreal to practise law but never lost his passion for politics. He was a daily panellist on the RDI network as a member of a team of high-profile former politicians. I heard from another reliable source that he was always the most prepared and he never uttered a falsehood. After a few seasons on television, he decided to focus on practising law and became a managing partner at his firm.

However, he missed serving the public good so he submitted his application for a seat in this chamber. Now he is here with us, ready to contribute to our work and to the modernization of the upper chamber of our Parliament.

On behalf of all senators and independent senators of the Progressive Senate Group, I welcome you to the Senate, Senator Moreau. We look forward to working with you. Congratulations and welcome.

**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 the Honourable Michèle Monast, wife of the Honourable Senator Moreau, their daughters, Élisabeth and Caroline Monast Moreau, his granddaughters, Jeanne and Madeleine Moreau Leduc, his brother, Jacques Moreau, and Jacques Dupuis, former deputy premier of Quebec. They are accompanied by other family members and friends of the Honourable Senator Moreau.

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

[ Senator Dalphond ]

**Hon. Senators:** Hear, hear!

#### THE LATE HONOURABLE FRANCIS FOX, P.C., K.C.

##### SILENT TRIBUTE

**The Hon. the Speaker:** Honourable senators, before we proceed, I would ask senators to rise and observe a minute of silence in memory of our former colleague, the Honourable Francis Fox, who passed away on September 24, 2024. On behalf of all senators and everyone associated with this place, I extend my deepest sympathies to his loved ones.

*(Honourable senators then stood in silent tribute.)*

[*English*]

### SENATORS’ STATEMENTS

#### NATIONAL DAY FOR TRUTH AND RECONCILIATION

**Hon. Brian Francis:** Honourable senators, September 30 marks the National Day for Truth and Reconciliation, also known as Orange Shirt Day, a solemn time to recognize the strength and resilience of generations of Indigenous peoples and, specifically, the survivors of Indian Residential Schools and other institutions who worked tirelessly to raise collective awareness about the atrocities perpetrated and continue to be at the forefront in the ongoing search for truth, justice and healing.

This day is also a time to mourn the children who disappeared or died while in the care of the state and churches and to insist that their bodies and spirits be now treated with care, respect and dignity.

While wearing orange shirts and attending public events are significant, real reconciliation demands much more than symbolic gestures. It calls for active participation by society at large, from advocating for real and lasting change across all sectors to holding each other accountable for commitments made.

A decade after the release of *The Final Report of the Truth and Reconciliation Commission of Canada*, only about 14 of the 94 Calls to Action have been completed. This progress has been mostly symbolic. Most of the crucial Calls to Action dealing with structural inequalities have been largely ignored.

The lack of political will and urgency to act on reconciliation has visible and harmful consequences. The persistent overrepresentation of Indigenous children in care and the unprecedented levels of violence and deaths faced by Indigenous peoples, in particular, Indigenous women, girls and 2SLGBTQIA+ people, are alarming examples.

When not much has changed in the lives of Indigenous peoples, it can be hard to believe that Canada is committed to building a new relationship. However, I remain hopeful. This hope is not born of naivety but of a belief in the determination of

Indigenous peoples to keep building a future where we can not only survive but thrive. But we cannot do it alone. The road ahead will be long and hard, and we need allies to stand with us. I urge everyone inside and outside this chamber to join us. We need actions, not words.

*Wela'lin.* Thank you.

**Hon. Senators:** Hear, hear.

[*Translation*]

### FRANCO-ONTARIAN DAY

**Hon. Lucie Moncion:** Your Honour, honourable senators, I rise today in recognition of Franco-Ontarian Day. Senator Moreau, you chose a date of significance to Franco-Ontarians for your swearing in, and I hope you will remember it for a long time to come.

I join with my community in celebrating our love for a language that stands out for its richness of colour, diverse accents and exquisite expressions. September 25 marks the anniversary of the first time that the Franco-Ontarian flag was raised back in 1975, at the University of Sudbury. Since then, the Franco-Ontarian flag has been a rallying force that symbolizes the pride and resilience of Ontario's francophones. Wherever it is flown, it embodies our culture, our place, and our contributions to the province's diverse communities.

In 2001, the flag was designated by the Ontario legislature as an official emblem of the province, and, in 2010, the Ontario legislature officially designated September 25 as Franco-Ontarian Day. This was about the majority recognizing the symbol and emblem of a minority, a symbol and emblem that is essential to that minority's development and vitality. The community comes together and shapes its future around these symbols. Politicians everywhere must therefore take care not to weaken minority communities' symbols of belonging by adopting polarizing policies or protocols. The northern Ontario municipality of Greenstone, which has permanently flown the Franco-Ontarian flag in front of its town hall since 2015, has decided to remove it. The community of Longlac did the same on February 12. In so doing, these decision-makers have demonstrated a narrow-mindedness and a blatant lack of respect for the francophones in this great region. What a privilege it is to be a francophone living in Canada, but also what a challenge.

Although we are resilient and very adaptable, we are also well aware of how fragile our status and our language are. We are proud of our roots, our accents, our contributions, and especially our diversity.

• (1430)

Quebeckers show their pride and celebrate their culture on June 24, Acadians on August 15, and Franco-Ontarians on September 25.

While we may be separated by provincial borders, we are united by our beautiful language, our "belle langue," that "offers a treasure of infinite wealth".

When one of our communities celebrates its pride and attachment to the French language, francophones across the country join in.

As Gilles Vigneault so eloquently put it, "La Francophonie is a vast country without borders."

On this day of celebration, I encourage all of you to express, in your own way, your pride in speaking French and in belonging to an inclusive and welcoming francophonie.

Have a wonderful Franco-Ontarian Day.

Thank you for your attention.

[*English*]

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Alexis Goosdeel, Executive Director of the European Union Drugs Agency, and Dr. Alexander Caudarella, Chief Executive Officer of the Canadian Centre on Substance Use and Addiction. They are the guests of the Honourable Senator Burey.

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

**Hon. Senators:** Hear, hear!

[*Translation*]

### EUROPEAN UNION DRUGS AGENCY CANADIAN CENTRE ON SUBSTANCE USE AND ADDICTION

**Hon. Sharon Burey:** Colleagues, it is an enormous privilege to welcome representatives of two important organizations to the Senate gallery today: Mr. Alexis Goosdeel, Executive Director of the European Union Drugs Agency, or EUDA, and his accompanying delegation, and Dr. Alexander Caudarella, Chief Executive Officer of the Canadian Centre on Substance Use and Addiction, along with representatives of this organization.

[*English*]

These two organizations are at the forefront of critical global efforts to address one of the most pressing public health and mental health challenges of our time. Substance use and addiction do not discriminate. They affect individuals, families and communities across all regions and socio-economic backgrounds, both here in Canada and around the world. The societal, health, justice, economic and human costs are enormous. It is estimated that 67,000 deaths per year are attributable to substance use in Canada and it costs Canada \$46 billion annually.

For over 30 years, Canadian Centre on Substance Use and Addiction, or CCSA, has played a pivotal role in shaping national strategies, policies and research that guide our country's response to substance use and addiction.

I would like to highlight some of their innovative work from a recent press release:

. . . In a first-of-its-kind initiative, the Timmins Summit saw elected leaders of small cities, health officials, service providers, drug policy experts, public safety providers and natural resource industry leaders develop the structure of the first municipally led, integrated standards for healthy and safe communities.

The European Union Drugs Agency, or EUDA, fosters international cooperation and strengthens global responses to drug-related challenges through an unparalleled level of data sharing and research collaboration. Their ability to unite 27 countries in a common cause reminds us that the fight against substance use is not bound by borders, but it is truly a global concern. Of particular interest to the EUDA is Canada's experience with cannabis legalization and community collaboration.

We must continue to advocate for policies that prioritize mental health, substance abuse and addiction parity, embrace harm reduction and place the dignity and well-being of individuals and community collaboration at the centre of our strategies.

To our esteemed guests, thank you for your tireless efforts and for the hope you bring to those who need it most.

Thank you, *meegwetch*.

**Hon. Senators:** Hear, hear.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Lucy Schindler, Kim Schindler and Leanne Lang. They are the guests of the Honourable Senator Cotter.

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

**Hon. Senators:** Hear, hear!

#### THE SASKATCHEWAN ACT

**Hon. Brent Cotter:** We are all originally from Kamsack.

Honourable senators, two years ago in this place, we passed a resolution amending the Constitution. It was only the eighth such amendment since our Constitution was patriated in 1982.

To refresh your memories, in 1880 — when none of us were present — a provision was embedded in the laws of our country that made promises to the Canadian Pacific Railway, or CP,

in exchange for building a railway from Ontario to British Columbia, fulfilling a commitment made by the Government of Canada in 1871 as a Confederation commitment.

Two of the promises made to CP were 1 million acres of land along the rail line and in today's dollars the equivalent of \$4 billion in cash. A third provision embedded in both the law and, amazingly, embedded by Canada in the constitutions of the three Prairie provinces gave CP an exemption from all manner of tax on CP's main line running across Manitoba, Saskatchewan and Alberta. This exemption from tax was to last "forever."

The continuation of this tax exemption was unjust by any measure, certainly unjust 125 years later and 125 years after the railway was completed. In recent years, Canadian Pacific — now the Canadian Pacific Kansas City railway sued the Prairie provinces for the enforcement of this exemption and went after Saskatchewan first.

Since the exemption was embedded in the Constitution, the Government of Saskatchewan could not itself correct the injustice through ordinary legislation. It could only be cured by a constitutional resolution in the Saskatchewan legislature and in both Houses of Parliament removing the exemption from the Saskatchewan Act, the document that constitutionally established the province of Saskatchewan.

We did just that unanimously in the Saskatchewan legislature and in the other place, and with a substantial majority of us here in the Senate.

The removal of the tax exemption was retroactive to 1986, covering the years for which CP was suing. CP challenged that decision of ours in court, arguing that the legislature of Saskatchewan and the Parliament of Canada did not have the power to make such a constitutional amendment and could not in any event make it retroactive. A surprising argument, actually, since it strikes at the very heart of our constitutional democracy.

Earlier this month, Justice Keith Kilback of the Court of King's Bench for Saskatchewan in a 53-page decision ruled decisively that the legislature of Saskatchewan and we, the Houses of Parliament, do have the power to do exactly what we have done and how we did it — that is, amend the Constitution to correct a long-standing injustice.

For this, I think I can safely share on behalf of all six senators from Saskatchewan, and indeed all of the people of our province, a heartfelt thank you. We have corrected a strange anomaly in our constitutional law that has caused our province to be less than whole in fiscal terms, and in so doing, by the way, saved the people of Saskatchewan roughly \$350 million.

As I say, thank you, *hiy hiy*.

**Hon. Senators:** Hear, hear.



**THE LATE COMMISSIONER  
THOMAS BERNARD O'GRADY, O.C.**

**Hon. Gwen Boniface:** Honourable senators, I rise today to honour the life of the retired Ontario Provincial Police Commissioner Thomas O'Grady who passed away at the age of 86.

Tom O'Grady's career in policing began at the age of 18 with the Royal Canadian Mounted Police, or RCMP, in Newfoundland. It ended with 10 years as commissioner of the Ontario Provincial Police, or OPP. The RCMP's loss was certainly the OPP's gain.

He oversaw many important changes to the OPP, particularly valuing diversity, the management of major criminal cases and the need for lifelong learning for police officers. He served the spectrum of governments in Ontario under premier David Peterson, premier Bob Rae and premier Mike Harris.

Tom O'Grady was a man of deep faith, guided by strong core values. As a leader, he was respected for his fairness, pragmatism and his quiet courage. He exemplified grace under fire.

Over the course of his 42-year career, he received many accolades including the Order of Canada. But Tom O'Grady's family was his proudest accomplishment — Betty, his beloved wife, their children and grandchildren.

Tom O'Grady was a stalwart supporter of the national police memorial, recognizing the need for families of fallen officers to have a place to gather, grieve and remember. During his 10 years as commissioner, nine OPP officers were lost in the line of duty. He never forgot them.

• (1440)

In his honour, I remind you that the Canadian Police and Peace Officers' Memorial Service will take place this Sunday, September 29, on Parliament Hill. This year, Constable Rick O'Brien's name will be added to the honour roll. Constable O'Brien was killed in the line of duty in 2023 while executing a drug-related search warrant in British Columbia. Prior to his seven years of service with the RCMP, he worked with at-risk youth. Left behind to grieve are his wife, Nicole, and their three children.

I invite all honourable senators to take a moment on Sunday to remember the 896 officers who have died while serving in our communities. May their sacrifice and that of their families never be forgotten.

Thank you, *meegwetch*.

**Hon. Senators:** Hear, hear.

**VISITOR IN THE GALLERY**

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Helen Forsey, daughter of the late Senator Eugene Forsey. She is the guest of the Honourable Senator Cardozo.

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

**Hon. Senators:** Hear, hear!

**NATIONAL DAY FOR TRUTH AND RECONCILIATION**

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, I rise today to commemorate the National Day for Truth and Reconciliation, a day of significance for our nation, which will be commemorated on September 30, 2024.

The history of Indigenous peoples in Canada is a story of resilience, strength and injustice. The dark chapters in our history have left deep scars that continue to affect Indigenous individuals, families and communities today. For too long, the experiences and suffering of Indigenous peoples in Canada have been marginalized, ignored and even denied.

National Day for Truth and Reconciliation reminds us that it is time to confront this painful history, to listen to the stories of survivors, learn from their wisdom and engage in meaningful dialogue.

The National Day for Truth and Reconciliation is not just a date on the calendar; it is a mandate for change, a call for us to collectively acknowledge the truth of our past and work toward a better future.

It is a day to reflect. It is a day to learn. It is a day to remember the children who never returned home from those schools and to honour the survivors, who have carried the weight of their trauma for generations.

This day is a testament to our commitment to acknowledge the painful truths of our past and work together to build a more just and inclusive future.

It is also a day of hope, a day that reminds us of our collective responsibility to seek reconciliation. It requires us to confront the systemic injustices that persist today, such as inadequate access to clean water, housing and education in Indigenous communities.

In closing, the National Day for Truth and Reconciliation is a day of reflection, of reckoning with our history and of committing to a more just and equitable future. Together, let us build a Canada where the wounds of the past are healed, where the truth is known and where reconciliation is not just an aspiration but a lived reality for all.

**Hon. Senators:** Hear, hear.

[Translation]

[English]

## ROUTINE PROCEEDINGS

### CANADA—NEWFOUNDLAND AND LABRADOR ATLANTIC ACCORD IMPLEMENTATION ACT CANADA-NOVA SCOTIA OFFSHORE PETROLEUM RESOURCES ACCORD IMPLEMENTATION ACT

BILL TO AMEND—TENTH REPORT OF ENERGY,  
THE ENVIRONMENT AND NATURAL RESOURCES  
COMMITTEE PRESENTED

**Hon. Paul J. Massicotte**, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Wednesday, September 25, 2024

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

#### TENTH REPORT

Your committee, to which was referred Bill C-49, An Act to amend the Canada—Newfoundland and Labrador Atlantic Accord Implementation Act and the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act and to make consequential amendments to other Acts, has, in obedience to the order of reference of June 6, 2024, examined the said bill and now reports the same with the following amendments:

1. *Clause 7, page 4*: Replace line 2 with the following:  
“section 5(1), section 29.1, subsection 41(7),”.
2. *Delete clause 28, pages 11, 12, 13, 14, 15 and 16.*
3. *Make any necessary consequential changes to the numbering of provisions and cross-references resulting from the amendments to the bill.*

Respectfully submitted,

PAUL J. MASSICOTTE

*Chair*

(For text of observations, see today's Journals of the Senate, p. 3052.)

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

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

## ADJOURNMENT

### NOTICE OF MOTION

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, October 1, 2024, at 2 p.m.

## QUESTION PERIOD

### FINANCE

#### ASIAN INFRASTRUCTURE INVESTMENT BANK

**Hon. Donald Neil Plett (Leader of the Opposition):** Government leader, your NDP-Liberal government's former finance minister; the current finance minister, Chrystia Freeland; and the de facto finance minister, Mark Carney, all thought it was a great idea to send a quarter of a billion dollars from Canadian taxpayers to the Asian Infrastructure Investment Bank.

Since March 30, 2021 — three and a half years ago — I have been trying to find out how many jobs have been created in our country as a result of Canada's joining this bank. Last week, I finally received a response. This incompetent NDP-Liberal government has no idea how many jobs were created. In fact, it looks like next to none were created.

Leader, of all the examples of wasted taxpayers' money over the past nine years, is this the worst one yet?

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

With the resources you have in the other place to support you, it would be ill-advised and out of place for me to try to do your job for you and your team.

I do appreciate your question and have every confidence that you have reached those conclusions without the benefit of my interventions.

**Senator Plett:** My resources? I am asking you to use your resources to give me an answer. You gave a quarter of a billion dollars to a tool of Beijing's Communist Party for nothing in return. “ArriveScam,” WE Charity, SNC-Lavalin, the useless Canada Infrastructure Bank, billionaire island, the green slush fund, and on and on — those are what my resources have found. Help me with your resources. Time is up for this NDP-Liberal government, isn't it?

• (1450)

**Senator Gold:** You have been asking for my opinion, not my resources. The record will show the question that you asked. To this particular question, the answer is no.

#### COST OF LIVING

**Hon. Leo Housakos:** Senator Gold, after nine years of Justin Trudeau, amongst other things like increased crime and a lack of housing, we have a record number of Canadians utilizing food banks. Sadly, more and more of them are young people, as well as people with good jobs who cannot get out from under the extra debt your government is crushing them with.

I met with about 100 university students in Toronto a few nights ago. They are feeling discouraged and disengaged, Senator Gold. These are our best and brightest, and they feel that there is no hope, at least not under your government. What do you say to those students, Senator Gold?

I know that you get irritated when you think that we are using talking points and slogans, so I challenge you to try to answer this without using PMO and Liberal Party of Canada talking points. Talk directly to those young Canadian students, who are lining up one after another in food banks in record numbers, and explain why their cost of living is off the charts because of this government's policies.

**Hon. Marc Gold (Government Representative in the Senate):** I have every confidence in young people and Canadians who, when they put their minds to it, understand the challenges that they face — as many do and as this government understands — and those who take the time to look at it seriously and understand the complex factors that have roiled the world's economies, not only Canada's. I also have confidence that students, with whom I have an ongoing affection and relationship, understand the difference between sober analysis and simplistic ideological rhetoric.

#### ENVIRONMENT AND CLIMATE CHANGE

##### CARBON TAX

**Hon. Leo Housakos:** The truth is, Senator Gold, your government thinks that this is all a big joke.

Yesterday, Minister Guilbeault confirmed, as the bad joke that it is, that you will actually be increasing the carbon tax again on April 1. It is not time for a carbon tax increase, Senator Gold; it is time for a carbon tax election. The Liberals don't mind testing the confidence of the House because they have bought off the NDP and the Bloc, and that is a fact. It is the confidence of the Canadian people that Justin Trudeau has lost, and he will do anything to avoid putting that to the test, won't he, Senator Gold?

**Hon. Marc Gold (Government Representative in the Senate):** As I get older, I get more nostalgic. I am nostalgic for the days when the Conservative Party of Canada actually believed in market economics. I am nostalgic for the days when senators in this chamber made contributions that were based more on policy than simply talking points from their leader.

#### PUBLIC SAFETY

##### CANADA FINANCIAL CRIMES AGENCY

**Hon. Tony Loffreda:** Senator Gold, I would like to ask about the government's commitment to establish the Canada financial crimes agency, or CFCA. This proposal was included in the Liberal Party's 2021 election platform, along with a \$200-million commitment over four years, starting in 2022-23. It was also included in the public safety minister's mandate letter, made its way into Budget 2023 and then into Budget 2024, in which the government proposed to provide \$1.7 million over two years to Finance Canada to finalize the design and legal framework for the CFCA, following last year's consultations. Senator Gold, when can Canadians expect the CFCA to be up and running?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question and for underlining that important initiative. I do not have an update but will certainly raise it with the minister at the earliest opportunity.

**Senator Loffreda:** Thank you. I will follow up on that question.

Until the CFCA is set up, what can you tell us about Canada's success rate in terms of money laundering charges, prosecutions and convictions, as well as the seizure of criminal assets? According to the government's *Updated Assessment of Inherent Risks of Money Laundering and Terrorist Financing in Canada*, there could be more than 2,000 organized crime groups operating in Canada.

**Senator Gold:** Money laundering is a serious problem, and Canada is not immune from being a target of those nefarious activities. I do not have statistics to share with you, colleague. Investigations that are underway will be pursued with diligence. I am not able to say more beyond that at this juncture.

#### JUSTICE

##### DIVORCE ACT

**Hon. Bev Busson:** My question is for the Government Representative. This spring, the UN Special Rapporteur on violence against women and girls urged countries, including Canada, to legislate to stop accusations of parental alienation from being admissible in family court. She explained that this discredited, unscientific pseudo-concept is often used by fathers as a tool to continue their abuse against their partners and children by blaming mothers' evidence of abuse for their negative relationships with their children. Using family

alienation as a factor, courts across Canada are forcing children to live with their violent fathers with negative and dangerous consequences.

Senator Gold, mothers and children deserve to be safe and free from this court-imposed abuse. Will the Minister of Justice and this government commit to implementing the UN recommendation by amending the Divorce Act to render accusations of parental alienation inadmissible in court?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question and for underlining this situation that affects too many faced with the breakdown of their families and the violence, intimidation and coercion that too often follows.

I am not aware of the current status of the review of the Divorce Act and these particular recommendations, but I will raise it with the minister when I see him as early as next week.

**Senator Busson:** Thank you very much for that answer. When you are with the minister, would you urge him to treat this with the highest priority and urgency it deserves?

**Senator Gold:** I will certainly pass on the sense of urgency.

## HEALTH

### PHARMACEUTICAL DRUGS

**Hon. Pamela Wallin:** I would like to follow up on a question I asked Senator Gold back in June 2023 about shortages and then the discontinuation of a life-saving emergency drug known as glucagon, which is used to bring a diabetic out of a reaction or coma. They replaced that product with a nasal spray that many simply cannot use. A replacement drug called GlucaGen was brought in on an emergency basis from the U.S. Supplies are dwindling and will cease at the end of December. Again, I ask you this: Can you please beg the Minister of Health to act before someone dies?

As you will recall, I nearly lost my niece in June 2023. We have tried as a family, I have tried as a senator and Diabetes Canada has tried to get answers from Health Canada, but there was no answer for the 3.5 million Canadians who have diabetes. Pharmacare won't help if there is no drug available to pay for or, more importantly, to administer. We need help.

**Hon. Marc Gold (Government Representative in the Senate):** Thank you, Senator Wallin. I do very well remember the terrible situation that your family found itself in.

I am glad that you have raised that question, and I will certainly raise it with the minister as soon as I can. I would encourage you to follow up with me on a regular basis. I will do my very best to get an answer as quickly as I can.

**Senator Wallin:** I assure you that we follow up on a daily basis, and there are no answers forthcoming. I really need you to intervene. Thank you.

[ Senator Busson ]

**Senator Gold:** Again, I will do my best. Give me the opportunity to do my best and I shall try.

## PUBLIC SERVICE AND PROCUREMENT

### PARLIAMENTARY PRECINCT

**Hon. Andrew Cardozo:** My question is for the Government Representative in the Senate. I want to come back to an issue I raised last week, which involves developments in the national capital. I raise it today because there are two new developments. One is that the federal government, we understand, has offered the City of Ottawa upward of \$26 million to purchase the area around Wellington Street.

There have been increased incidents of threats and intimidation of parliamentarians in recent days. I want to draw a clear distinction between threats and intimidation as opposed to protest and free speech. We are seeing an increase in the former, which poses a danger to parliamentarians, staff and visitors to the Hill alike.

Is the government willing to step up its negotiations with the City of Ottawa and expand the Parliamentary Precinct so you can ensure and expand the security of parliamentarians and the public alike?

• (1500)

**Hon. Marc Gold (Government Representative in the Senate):** Thank you, senator, for your question and for your continued interest and advocacy on this issue.

I don't have a specific update, but, in response to your questions, I have been advised that the Prime Minister and the mayor have recently met to discuss their shared interest in maintaining a vibrant national capital city and the revitalization of the downtown core while, of course, addressing the city's unique needs as Canada's national capital.

Furthermore, I can assure you, colleagues, that Public Services and Procurement Canada is committed to the acquisition of Wellington Street from the City of Ottawa as an essential first step in addressing the long-standing security challenges for the Parliamentary Precinct.

**Senator Cardozo:** To discuss further on issues regarding the national capital, as part of the development of LeBreton Flats, it was recently announced that there is an agreement between the National Capital Commission and the Ottawa Senators — the other senators — for a National Hockey League, or NHL, arena.

I'd like the government to consider building a new state-of-the-art science and tech museum in LeBreton Flats and perhaps also consider a portrait gallery to take over this building when we move out of here in 2031.

**Senator Gold:** Thank you for your suggestions, which I will certainly communicate.

With regard to the Senate of Canada Building, I do understand that there are conversations that are taking place about potential future uses for the building. In this regard, I have every confidence in the Subcommittee on Long Term Vision and Plan to carry out this important process and work.

## IMMIGRATION, REFUGEES AND CITIZENSHIP

### STUDY PERMIT

**Hon. Salma Ataullahjan:** Senator Gold, last month, the *Toronto Star* revealed that 26-year-old Farzana, a highly accomplished student from Afghanistan, was refused a study permit in Canada, despite having been offered a \$75,000 scholarship by Wilfrid Laurier University to pursue a master's degree.

Senator Gold, the House of Commons Special Committee on Afghanistan recommended in 2022 that the federal government issue study permits to students with full scholarships to study in Canada without assessing the intention of returning to their country of origin.

In response to the committee's report, your government agreed to actively explore that recommendation last year. In light of this, why was Farzana's study permit denied?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for raising this issue, senator.

I'm not in a position to comment on the specific case, about which I do not have the information that you're seeking. But the government takes this recommendation seriously and will continue to work toward finding the right balance for the benefit of our institutions, student visa applicants and the communities as a whole.

**Senator Ataullahjan:** Senator Gold, this is the second refusal in a row for the new Resilient Futures scholarship program. It aims to support Afghan women pursuing post-secondary education in Canada as an alternative to humanitarian resettlement as refugees.

Canada continues to boast of its Women's and Girls' Rights First approach to its international assistance to Afghanistan. How does your government justify denying study permits to qualified, driven and hard-working Afghan women who have completed a rigorous admission process in Canada?

**Senator Gold:** Canada is, indeed, proud of its commitment to and engagement with Afghanistan and its population. It puts on a feminist lens in its foreign policy, but, with regard to specific applications and the decisions that were made, I'm not in a position to comment, and I regret that.

## VETERANS AFFAIRS

### NATIONAL MONUMENT TO CANADA'S MISSION IN AFGHANISTAN

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Leader, it's been over a decade since former prime minister Stephen Harper announced the creation of a national monument to Canada's mission in Afghanistan. Since then, the construction of this memorial has been badly mismanaged by the NDP-Trudeau government. Last year, the government politically interfered in the procurement process and overturned the design chosen by a jury. NDP MPs later voted with Liberal MPs to shut down a House of Commons committee investigation into this scandal.

Leader, the Minister of Veterans Affairs has recently indicated that construction of the national monument to Canada's mission in Afghanistan will not begin until spring of 2025. Is it still on track to be unveiled in 2027?

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

I've answered questions about this in the past, so, respectfully, it is not the position of the government that this is a scandal. You will recall, senators — but for those, perhaps, who weren't here or don't remember the exchange that we had — that the decision was ultimately made, notwithstanding the good work of the jury, to choose a different design that was preferred by the veterans of the mission and their families.

With regard to the timetable of the construction, I will certainly raise this with the responsible minister, but, at this juncture, I'm not able to address the exact date of completion of this project.

**Senator Martin:** In June 2023, a response to a written question tabled in the Senate showed that almost \$435,000 — or about 10% of the project's overall budget — had already been spent without putting one shovel in the ground.

Leader, we know the monument is not on time, but is it within budget? How much has been spent to date?

**Senator Gold:** The fact that funds are expended before shovels are in the ground is fairly conventional for projects of any size but certainly for one of this nature. Until construction begins, I think any estimation of costs would be premature.

## TRANSPORT

### TRANSPORTATION OF GRAIN

**Hon. Mary Robison:** Yesterday, the grain workers of Canada went on strike, stopping all grain shipments out of the Port of Vancouver. Of all Canadian grain, 52% moves through this port, with \$35 million in lost exports each day.

Once again, we are standing by as a labour dispute threatens the viability of Canadian farms. Once again, we are seeing farmers — bystanders who rely on Canada's critical rail and port infrastructure — unable to deliver product to market, unable to get paid and unable to fulfill their trade commitments.

Exposing our farmers to immediate, significant economic losses and potential loss of markets in the longer term cannot continue.

Senator Gold, when will our government put meaningful thought and effort into a long-term solution to fix this persistent vulnerability and avoid future similar disruptions that wreak havoc on our economy?

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

Senator, I understand that the minister spoke with both parties on Monday, and, at the request of the minister, both parties have agreed to resume negotiations alongside federal mediators. The government, in this regard, has been clear: Canadian farmers and businesses need to get their harvest to market, and the parties need to work hard to reach a deal.

**Senator Robinson:** Thank you, Senator Gold.

Will you commit to asking our government to consider making our grain transportation system an essential service?

**Senator Gold:** Thank you for your suggestion. I'll certainly pass on your suggestion to the minister.

This country has a robust history and system of industrial relations. This government believes that collective bargaining is a fundamental aspect of that, but I'll certainly pass on your comments to the minister.

## PUBLIC SAFETY

### PAROLE ELIGIBILITY

**Hon. Donald Neil Plett (Leader of the Opposition):** Leader, every June our former colleague Senator Boisvenu would rise in the chamber to honour the memory of his daughter Julie who was kidnapped, raped and murdered in 2002. She was just 27 years old. Senator Boisvenu retired earlier this year, but the work continues in order to ensure Canada puts victims of crime and their families first.

Last week, leader, the Parole Board of Canada extended day parole to a serial rapist in Edmonton who was convicted of sexually assaulting five women over a six-year period. The Parole Board's decision acknowledged he may have more victims, yet they extended his day parole anyway. His risk of reoffending was deemed manageable by the Parole Board.

• (1510)

Leader, what message does that send to former Senator Boisvenu and to this person's victims? What message does this send to Canadians?

[ Senator Robinson ]

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. First, all of us still remember and honour the memory of our former colleague's daughter and the tragedy his family suffered.

I served on the Parole Board of Canada and was appointed by former Prime Minister Harper. I understand very well the criteria in legislation that the Parole Board applies independent of government decisions, and in my time there I had to make some difficult decisions. I understand very well the impact of any decision, however justified — and many are — on the victims and their families, so I understand the nature of your question at an emotional level, but I do not know the circumstances or the file. I have every confidence that the Parole Board continues to do its work according to the law.

**Senator Plett:** In May, the Public Sector Integrity Commissioner reported that the Parole Board failed to take seriously the sexual harassment suffered by four of its female employees from a member of their board. The report says they "grossly mismanaged the situation" and "enabled" his behaviour.

If the Parole Board can't keep their own employees safe, how can we expect them to keep Canadians safe?

**Senator Gold:** The abuse of employees in any circumstance — in any organization, at any level, public or private — is unacceptable. That is a separate question, with all due respect, from how the Parole Board applies the legislation to ensure that Canadians' security is put first and that risks are managed appropriately.

## PUBLIC SERVICES AND PROCUREMENT

### PROCUREMENT PROCESS

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Leader, it has been over seven months since the Auditor General released her report detailing the shocking waste of money and shady contracts surrounding the ArriveCAN app. The Auditor General said the documentation, financial record keeping and controls were so poor that she could give Canadians only an estimate of what it cost: \$59.5 million.

Leader, the NDP-Liberal government has had since February to look into this matter. Can you tell Canadians exactly how much "ArriveScam" cost them? If you still don't know the answer to that question, isn't that an indictment of your government's gross mismanagement and disregard for taxpayers' money?

**Senator Plett:** And your resources.

**Hon. Marc Gold (Government Representative in the Senate):** I know you like to label things, like “ArriveScam,” but the fact is that this app, as we all know, was designed at a time when there was an urgent need to protect Canadians and their health and their welfare in light of the pandemic. It is the case that it cost a great deal of money, to be sure, and problems were identified and have been addressed by this government.

**Senator Martin:** As I said, the estimated cost is \$59.5 million. The NDP-Liberal government has the power to recoup taxpayers’ dollars that were wrongly paid to contractors who did no actual work on “ArriveScam.” Yet, in April, we learned your government still has not asked for this money back. Is that still the case, leader? If so, why? If not, how much money have you gotten back?

**Senator Gold:** The government is continuing to be engaged in these matters, and there is no further information that I have at my disposal to share at this juncture.

## PRIVY COUNCIL OFFICE

### SENATE APPOINTMENTS

**Hon. Donald Neil Plett (Leader of the Opposition):** Leader, on March 9, 2020, an order-in-council reappointed an individual to serve as Saskatchewan’s provincial member on the Independent Advisory Board for Senate Appointments for a term ending on April 30, 2020. Three months prior, that same person was named president of Memorial University — in Newfoundland, not Saskatchewan. She later resigned from the university in disgrace for falsely claiming Indigenous identity, but that is a story for another day.

On May 1, 2020, I put a written question on the Order Paper asking why she had been reappointed to Saskatchewan’s board.

Last week, four and a half years later, the answer was tabled. It said that the appointment was within the purview and was made by the Governor-in-Council.

Leader, is that response sufficient? Don’t you have the resources to do better than that?

**Hon. Marc Gold (Government Representative in the Senate):** Again, senator, thank you for your question. I don’t have any further information to share on that particular matter, though it is regrettable that in the course of one question you’ve managed to impugn both the integrity of the process and the role of Saskatchewan, which has responsibility, along with the federal government, in constituting the committee. The committees for Senate appointments in any given province are joint committees. They’re composed of members from the provinces and those nominated by the federal government.

In any event, it is a continuing practice and a regrettable one, in my humble opinion, of impugning the integrity of the manner in which most of us were appointed to this chamber.

**Senator Plett:** I’m glad you understood the question very clearly and the intent. My question asked if provincial members of the board are required to be residents of the province they

represent. I also asked if any Senate seats were filled from lists older than two years, as applications are supposed to be held for only two years.

After four and a half years, leader, I received zero answers to those questions.

There is a reason why we ask questions: We expect answers.

Why does the NDP-Liberal government treat accountability as a joke?

**Senator Gold:** It doesn’t. Again, I stand by my earlier answer. First of all, the fact that one is appointed to head a university in another province does not speak to what their province of residence is, at least, initially. That’s obvious if you have any knowledge of university governance and affairs. The integrity of the appointment process and the members who give of their time to vet those applications are worthy of respect.

## ANSWERS TO ORDER PAPER QUESTIONS TABLED

### FINANCE—CANADA PENSION PLAN INVESTMENT BOARD

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 281, dated November 2, 2023, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Canada Pension Plan Investment Board.

### FINANCE—ROYAL CANADIAN MINT

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 299, dated February 6, 2024, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Royal Canadian Mint.

### FINANCE—CANADA PENSION PLAN INVESTMENT BOARD

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 311, dated February 29, 2024, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Canada Pension Plan Investment Board.

### CROWN-INDIGENOUS RELATIONS—INDIGENOUS CHILD WELFARE

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 315, dated March 19, 2024, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Pate, regarding Indigenous child welfare.

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, pursuant to rule 4-12(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: Motion No. 190, followed by all remaining items in the order that they appear on the Order Paper.

### THE SENATE

#### MOTION TO AFFECT PROCEEDINGS ON BILL C-76 ADOPTED

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of September 24, 2024, moved:

That, notwithstanding any provision of the Rules, previous order or usual practice, in relation to Bill C-76, An Act to amend the Canada National Parks Act:

1. if the Senate receives the bill, it be placed on the Orders of the Day for consideration at second reading later that day, as the first item of Government Business if received before that point in the sitting, or, if received after that point in the sitting, as the next item of business, and the sitting not adjourn that day before the Senate has begun proceedings on the bill at second reading;
  2. if the bill is adopted at second reading, it stand referred to the Standing Senate Committee on Energy, the Environment and Natural Resources;
  3. the committee be authorized to meet at any time for the purposes of its consideration of the bill, subject to the availability of necessary services, whether the Senate is then sitting or adjourned;
  4. the committee be authorized to report the bill at any time the Senate is sitting, except during Question Period;
  5. if the committee reports the bill without amendment, the bill be placed on the Orders of the Day for third reading later that sitting, provided that if the report is presented after the point where the Senate would normally have dealt with the bill at third reading, the bill either be taken into consideration at third reading forthwith, or, if another item is under consideration at the time the report is presented, the bill be placed on the Orders of the Day for consideration at third reading as the next item of business;
6. if the committee reports the bill with amendment or with a recommendation that the Senate not proceed further with the bill:
    - (a) the report be placed on the Orders of the Day for consideration later that sitting, provided that if the report is presented after the point where the Senate would normally have dealt with the report, it either be taken into consideration forthwith, or, if another item is under consideration at the time the report is presented, it be placed on the Orders of the Day for consideration as the next item of business; and
    - (b) once the Senate decides on the report, the bill, if still before the Senate, be taken into consideration at third reading forthwith; and
  7. once debate begins at any stage of consideration of the bill, unless a vote is deferred, the debate not be adjourned, with the sitting continuing beyond the ordinary time of adjournment if required to complete debate at that stage.

• (1520)

**Hon. Scott Tannas:** Honourable senators, I want to speak very briefly, not necessarily on the content of the motion but regarding the process related to its existence.

As many of you know, the Canadian Senators Group, or CSG, has often mentioned that the use of leave, which is unanimous consent — every single senator in the place — to suspend rules is a tool that should only be used in the most exceptional cases. We, in the CSG, do believe that granting leave has its place, but it should never or almost never be used when dealing with stages of legislation.

The drafters of our Rules have deliberately placed speed bumps along the way to ensure that we give legislation its due review and consideration. While some might find these notice periods burdensome, they are important to permit us to take the necessary time to reflect, deliberate and discuss the matter that is at hand.

In this case, the government has opted to proceed with a programming motion. We appreciate the government proceeding with a program motion on this bill as opposed to searching for leave from this chamber. However, we want to say that programming motions should not become the new and frequent shortcut. They should be used in exceptional circumstances and with proper justifications.

In this case, we believe they are, in fact, warranted.

With that, I will leave it there. We are in support of this motion. Thank you.



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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

**BILL TO AMEND THE CRIMINAL CODE AND  
THE WILD ANIMAL AND PLANT PROTECTION AND  
REGULATION OF INTERNATIONAL AND  
INTERPROVINCIAL TRADE ACT**

TWENTY-FIFTH REPORT OF LEGAL AND CONSTITUTIONAL  
AFFAIRS COMMITTEE—DEBATE

The Senate proceeded to consideration of the twenty-fifth report of the Standing Senate Committee on Legal and Constitutional Affairs (*Bill S-15, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, with amendments and observations*), presented in the Senate on June 20, 2024.

**Hon. Brent Cotter** moved the adoption of the report.

He said: Honourable senators, I rise to speak to the 25th report of the Legal and Constitutional Affairs Committee. It was presented by former Senator Jaffer on June 20, 2024. The report deals with Bill S-15, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act. This bill is a government bill whose sponsor is Senator Klyne. Senator Plett is the bill's critic. The bill was much debated in committee and substantially amended before its return to this chamber.

As experienced senators will know, it is my duty to present the report, including amendments to the bill, with an explanation of the purpose and effect of each amendment. This rule assumes that you have an encyclopedic memory of the bill when it was referred to the committee, prior to any amendments. Everything I say next will be natural to you. I confess to lacking that quality of memory, so I will take a moment to give you a sense of the bill in its original form and then provide an expansion of the amendments in that context.

The bill is referred to colloquially as the “Jane Goodall bill,” although as some of you having received emails last evening, it could be called the “Cher bill.” As its original preamble made clear, the bill seeks to expand protection for and regulation of wild animals in captivity by prohibiting the keeping in captivity of certain wild animals, specifically great apes and elephants; preventing their breeding in captivity with certain exemptions; and subjecting violators to sanctions set out in the criminal law. As well, the bill would establish a regime under the authority of the Minister of the Environment for the issuing of permits to keep great apes and elephants in captivity for specific purposes

related to an animal's welfare, conservation or for scientific purposes; and second, for the establishing of the terms under which the animals may be imported, exported and transported.

The original bill was 10 pages long and would generate amendments to both the Criminal Code and the Wild Animal Plant Protection and Regulation of International and Interprovincial Trade Act to achieve those objectives. The bill was referred to committee on March 19, 2024, and the committee began its study on April 10. In all, the committee spent 20 hours and 30 minutes on the bill during 12 sessions, of which 5 were for clause-by-clause consideration. Forty-eight witnesses appeared, we received 33 written briefs and, most days, our 12-member committee swelled to 14 voting members.

In total, 23 amendments to the bill were proposed; 15 were adopted, 13 to the bill and 2 to the preamble. Amendments were proposed by Senators Klyne, Plett, Clement, Batters, Simons, Dalphond and myself. Debate on the bill was “dynamic,” shall I say, and then senator Mobina Jaffer, serving as the chair of the committee, acquitted herself well in guiding us through its consideration.

I turn now to the amendments adopted by the committee. I think it will be more helpful if I describe the amendments and their implications rather than reading them out to you.

First, with respect to the preamble, Bill S-15's original preamble stated that Parliament recognizes that public opinion regarding the captivity of certain non-domesticated animals has evolved. The Senate Standing Committee on Legal and Constitutional Affairs amended the preamble to remove that statement.

As originally drafted, the preamble also stated that:

. . . Parliament is of the view that the science establishes that certain animals, particularly elephants and great apes, should not, because of the cruelty it represents, be kept in captivity;

The committee removed the reference to “science” and the specific focus on elephants and great apes for a reason that will be evident shortly. It also amended the language to add a reference to the risk to public safety in addition to the risk of cruelty.

These amendments to the preamble align with other amendments to the bill adopted by the committee.

Turning now to the substance of the bill, I will begin with clause 1. The most significant amendment to the bill — introduced by Senator Klyne, the sponsor, at clause-by-clause consideration — was the introduction of a “Noah Clause.” The “Noah Clause” language is intended to make reference to Noah's Ark, and you will see the significance of it as I try to describe it. The “Noah Clause” would authorize the Governor-in-Council — which is cabinet — to designate other non-domesticated species of animals in captivity, such as non-native big cats, to be subject to the same protections and prohibitions as elephants and great apes that are outlined in Bill S-15. The non-domesticated species that could be identified are open-ended, hence the reference to Noah and the ark.

This amendment would allow the Governor-in-Council, by regulation, to restrict or prohibit the captivity, importation or breeding of these other types of animals without passing another bill or bills similar to Bill S-15. These designations, under the structure of the amendment, would be based on the best available scientific, veterinary, animal care or animal welfare information and would be subject to several criteria related to animal characteristics while kept in captivity.

Animals used in farming for food purposes in Canada would be exempted and cannot be designated.

Clause 1 also amended and added other exceptions related to the possession of future designated animals, such as lawful captivity to protect property or public safety and for trapping activities.

Finally, the wording of the exception pertaining to the authorized possession of an elephant, great ape or designated animal in the context of veterinary care was amended to allow for captivity when the animal is kept for the purposes of providing it assistance or rehabilitation following an injury or other state of distress.

Furthermore, the committee amended clause 1 to add two additional mechanisms related to transparency and accountability when designating animals in captivity.

• (1530)

First, the Minister of the Environment and Climate Change would be required to give public notice six months prior to their recommendation on the designation of new species to give an opportunity for stakeholders to make representations and allow the industry to adapt. Second, mandatory consultations must take place with representatives of the zoo industry, wildlife biologists, animal care experts and provincial representatives responsible for animal welfare, as well as representatives of persons or groups who hold Aboriginal, Indigenous or treaty rights recognized and affirmed by section 35 of the Constitution Act, 1982.

In amending this clause, the committee also added two reporting obligations for the minister related to the consultations undertaken and any evidence supporting the proposed designation of new species. There is a requirement to then table this report before each house of Parliament and to make it publicly available on the department's website.

In addition, the committee amended clause 1 to specify that the use of an elephant, great ape or designated animal for conveyance — in other words, as a means of transport — would constitute a criminal offence. Their use for entertainment in a performance is already prohibited by Bill S-15. This amendment would aim to explicitly ban elephant rides in Canada.

As I mentioned, the original bill listed a few exceptions authorizing possession, breeding, impregnating or allowing the natural breeding of legislated species, including when it is in the best interests of animal welfare or in connection with a scientific research program or conservation program.

Reflecting concerns that the current wording of “scientific research” was too broad, the committee amended clause 1 to clarify that the scientific research program must be conducted for conservation purposes, emphasizing the connection of the research with improving the long-term viability of species in the wild.

With respect to the definition of “great ape,” the committee replaced the original definition to specifically list the species that fall under this definition. The new definition specifies that a great ape means any species of the genera *Gorilla*, *Pan* or *Pongo*, including gorillas, bonobos, chimpanzees and orangutans.

Another section regards court orders in the best interests of the animal. The offences created in Bill S-15 are punishable on summary conviction and carry a fine of up to \$200,000. In addition to the existing forfeiture and sentencing provisions in the code, the committee amended clause 1 to specifically authorize sentencing courts — this is not a requirement but a power that the court could use — to order that the offender at their own expense carry out certain measures that are in the best interests of the animal involved in the offence or any other animals of the same or closely related species in the offender's possession. These measures could include but are not limited to the modification of physical or social conditions in which an animal is kept, an animal's relocation to another facility or sanctuary or forfeiting ownership of the animal and surrendering it to a welfare authority.

There are a series of consequential amendments to align the bill with other elements of the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act and the relevant administrative permitting process that is captured there.

Finally, with respect to other amendments, the committee amended clause 11 — we're now past clause 1 — establishing a coming-into-force date of one year after the date the bill receives Royal Assent. This delay would allow the industry to adapt their operational facilities to comply with the new criminal and regulatory regime for elephants and great apes in captivity.

Let me conclude: The committee engaged in vigorous, robust debate and discussion, something that seems to happen when a 14-person committee meets. Following lengthy clause-by-clause consideration of the bill and amendments — as I mentioned, there were 23 proposed amendments, with 13 adopted during clause-by-clause reading under the leadership of the then-chair of the committee, former Senator Jaffer — the bill was adopted by the committee in this amended form. Thank you.

**Hon. Marty Klyne:** Honourable Senators, as sponsor of government Bill S-15, I rise in support of the Senate Legal Committee's excellent report on this legislation, including significant amendments and observations. As you know, this bill proposes legal protection for captive elephants and great apes. Through amendments in the report, the bill can provide a mechanism to protect more wild animal species over time, such as big cats and —

## POINT OF ORDER—DEBATE

**Hon. Donald Neil Plett (Leader of the Opposition):** I am rising on a point of order.

Your Honour, I rise today on a point of order regarding Bill S-15 because, as I will demonstrate, this bill cannot be introduced in the Senate.

The *Companion to the Rules of the Senate of Canada* states, “The constitution states that bills to appropriate funds or impose taxation cannot originate in the Senate. . . .”

That is because section 53 of the British North America Act of 1867 says:

Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

So the issue here is simple: Does Bill S-15 appropriate funds? In other words, if it had been tabled in the other place, would it require a Royal Recommendation?

On February 24, 2009, former Speaker Kinsella explained that the criteria for whether a Royal Recommendation is required come down to the following:

First, a basic question is whether the bill contains a clause that directly appropriates money. Second, a provision allowing a novel expenditure not already authorized in law would typically require a Royal Recommendation. A third and similar criterion is that a bill to broaden the purpose of an expenditure already authorized will in most cases need a Royal Recommendation. Finally, a measure extending benefits or relaxing qualifying conditions to receive a benefit would usually bring the Royal Recommendation into play.

On the other hand, a bill simply structuring how a department or agency will perform functions already authorized under law, without adding new duties, would most likely not require a Recommendation. . . .

In the spring of 2010 issue of *Canadian Parliamentary Review*, Michael Lukyniuk, former Principal Clerk of the House of Commons, stated the following:

*New and distinct requests for expenditure:* This refers to measures which propose spending and are not supported by an existing statute. When considering a bill or amendment, the Speaker reflects on whether some entirely new activity or function is being proposed that radically diverges from those already authorized. . . .

He continued, saying, “If spending is contemplated . . .” then “. . . a royal recommendation would be required.”

Bill S-15 proposes new activities and functions for Environment and Climate Change Canada, or ECCC, and new spending would be required. If Bill S-15 had been introduced in the House of Commons, it would have required a Royal Recommendation.

In the same article I mentioned earlier, Michael Lukyniuk stated the following:

When a legislative proposal envisages a new role or function for an existing organization or program, a royal recommendation is required because the terms and conditions of the original royal recommendation which created that organization or program are being altered. . . .

The legislative mandate and authority provided to ECCC were initially implemented in 1971 by the Department of Environment Act, which established ECCC as a department. Today, the Minister of Environment and Climate Change has direct responsibilities under 33 acts and secondary responsibilities under 16 others.

These acts and associated regulations provide the department with its mandate to enable it to carry out its programs and meet its core responsibilities, which are identified as the following:

preserving and enhancing of the quality of the natural environment, including water, air and soil quality; addressing climate change, including carbon pricing; protecting nature, biodiversity, and species, including migratory birds; managing freshwater ecosystems; delivering meteorological services.

• (1540)

At no time since the establishment of the Department of the Environment in 1971 have ECCC’s mandate and authority included the responsibilities to protect, regulate or monitor exotic animals in captivity. Yet, Your Honour, this is what Bill S-15 will do, as noted in the summary of the bill, which reads as follows:

This enactment amends the *Criminal Code* to create offences related to keeping elephants and great apes in captivity, subject to certain exceptions. It also amends the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* to, among other things, specify the circumstances in which the importation or exportation of living elephants and great apes may be permitted as well as the circumstances in which the keeping of these animals in captivity may be authorized.

The circumstances under which the importation or exportation of living elephants and great apes may be permitted along with the circumstances under which the keeping of these animals in captivity may be authorized are detailed by the act and are quite extensive. For the sake of time, I will not articulate them in their entirety, but allow me to mention just a few in order to illustrate my point.

If passed, Bill S-15 will do the following:

First, it will make it illegal to possess elephants, great apes or other designated species in Canada unless the owner held them prior to the coming into force of Bill S-15 or has a federal permit or provincial licence for scientific research or conservation purposes. This would require establishing and regularly updating parameters by which it is determined whether a zoological institution qualifies for a permit, issuing those permits and then

maintaining ongoing monitoring and reporting systems to ensure the requirements are continued to be met by the zoo. It will also require investigative and enforcement capabilities to ensure that the conditions and requirements for holding a permit are upheld.

With respect to provincial permits, there will also be a need to assess the legitimacy of those permits and monitor their status. If either the federal or provincial permits are found to have lapsed, or the conditions are no longer being met, enforcement action will be required to remove the animals from the institutions and relocate them. This will involve the need for experts of exotic animal welfare, including veterinarians, transportation consultants and handlers.

Second, Bill S-15 will make it illegal to breed or impregnate elephants, great apes or designated species in Canada unless the owner has a federal permit or a provincial licence for scientific research or conservation purposes.

In addition to the introduction of a permitting system noted under point 1, this will require additional monitoring, investigation and enforcement in order to ensure ongoing compliance with the intent of the legislation respecting research and conservation. I doubt that it will be enough for a zoo to just check a box on a form that says, "Yes, we do research." Research and conservation will need to be clearly articulated and defined after necessary research and consultation are undertaken.

Third, the bill imposes a legal duty on those who currently possess elephants or great apes in captivity to take reasonable measures to prevent their natural breeding. The definition and particulars of what constitutes reasonable measures will need to be developed and communicated with owners of the restricted animals, and then monitoring, investigation and enforcement will be required. The department will need to be able to examine and assess alterations to the animals' living arrangements to determine if they are appropriate and sufficient, along with veterinary interventions taken to prevent breeding.

Since a failure to comply with the legislation will result in a charge under the Criminal Code, these guidelines and the obligations they place on zoo owners cannot be general or hazy. They will need to be clear and well documented. Furthermore, in the event of an unauthorized birth, a relocation of the animals may be required due to the contravention of the law's requirements. This may require changes in the management of these animals, potentially involving alterations in their living arrangements or veterinary interventions. It may require the removal and the relocation of animals.

Fourth, for animals that cannot remain in their current settings under the new law, there will be a need for the development or expansion of sanctuaries capable of providing appropriate care in addition to the development of the process and the oversight of relocation.

These, Your Honour, are no small tasks. When considering if this bill is in order, or if it needs a Royal Recommendation, the evidence clearly shows that the legislation proposes entirely new activities for ECCC. This is a critical observation. The fact that Bill S-15 introduces responsibilities outside of ECCC's current mandate has been confirmed, Your Honour, by the Office of the Parliamentary Budget Officer and by ECCC officials themselves.

As critic of Bill S-15, I asked the Parliamentary Budget Officer, or PBO, to prepare a legislative costing note for the bill. In my briefing with the Office of the PBO, they noted the following:

In their discussions with PBO, ECCC officials confirmed that ECCC does not currently have a mandate to protect wild animals in captivity and, as a result, does not have expertise in this area. Amending WAPPRIITA, would therefore require a new program with new expertise.

This was confirmed repeatedly by ECCC officials at committee: Bill S-15 introduces new responsibilities for the Department of Environment and Climate Change Canada outside of its current mandate and responsibilities.

Specifically, Stephanie Lane, Executive Director of Legislative Governance at ECCC, confirmed that the department does not currently have the expertise on species that are not native to Canada. At the Legal and Constitutional Affairs Committee meeting on May 22, Ms. Lane said, ". . . at this time, Environment and Climate Change Canada does not have that expertise," and that the department's role under the Convention on International Trade in Endangered Species, or CITES, is quite different when it comes to species outside of Canada. She said ECCC was focused on administrative controls and monitoring, but not direct management or expertise.

She also said that the Committee on the Status of Endangered Wildlife in Canada, or COSEWIC, assesses species that are native to Canada, and currently ECCC's mandate is aligned with that. Hence, the department doesn't have responsibility for non-native species at this time.

In the committee meeting on May 22, Basile van Havre, Director General of the Canadian Wildlife Service at Environment and Climate Change Canada, mentioned that the department does not have expertise related to species that are not native to Canada. He explained that while they administered the Convention on International Trade in Endangered Species, this expertise did not extend to species outside of Canada, underscoring how these new responsibilities would be beyond ECCC's current scope.

Mr. van Havre said:

. . . we do not have expertise on species that are not native to Canada. We administer the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

While the department does manage species listed under CITES, this does not include management of species not found in Canada, which is outside of their current mandate.

There is no questioning the clear fact that not only does Bill S-15 introduce new responsibilities, but these are not captured under the existing mandate of the department.

In addition, these new responsibilities will require the expenditure of public funds.

• (1550)

The Office of the Parliamentary Budget Officer estimated this cost to be \$8 million over five years. This is new spending which would be imposed on the treasury.

The total estimated cost of administering provisions under Bill S-15 consists of three categories of costs: policy development and permitting costs, enforcement costs and data management costs.

The development and permitting costs and the enforcement costs required to administer the provisions of the bill were estimated by the Parliamentary Budget Officer, or PBO, using the costs provided by Environment and Climate Change Canada, or ECCC. This included the number of full-time equivalent employees needed to administer the provisions of the bill, as well as the salaries, employment benefits and pension plan costs of those individual employees.

The data management costs were also provided by Environment and Climate Change Canada. Salaries, employment benefits and pension plan costs were calculated using the Treasury Board of Canada Secretariat and Statistics Canada data.

Altogether, as I mentioned, the total came to \$8 million over five years.

The PBO noted, however, there is significant uncertainty over these numbers because they do not include the impact of the amendment adopted at committee — the “Noah Clause” — which permits the government to add additional species by order-in-council. This means that this estimate is the bare minimum. Considering the significant expansion of responsibility imposed on the department, it should be considered to be extremely conservative.

Furthermore, regarding the possibility of recovering the costs, the PBO told me the following:

The question of recovery costs was duly discussed with ECCC, and ECCC officials confirmed that they will not recover any of the costs associated with administering the provisions of Bill S-15.

They have also mentioned that they have never recovered any of the costs associated with administering the permit scheme under WAPPRIITA.

In other words, any effort to recover costs under the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, or WAPPRIITA, would likely be, in and of itself, an expansion of Environment and Climate Change Canada’s mandate. It is not something Environment and Climate Change Canada does now, nor has it ever done under the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act.

Even if the costs of the new responsibilities imposed on Environment and Climate Change Canada could be recouped either through fees and charges or by redirecting money from other places, this would not alleviate, Your Honour, the need for a Royal Recommendation. There is simply no way around this fact.

Some may say the expenditures are not significant and should be seen only as minor administrative expenses. First of all, I would strongly object to any assertion that \$8 million amounts to minor administrative expenses. Even if it would be considered a small amount, that would not be sufficient to save the bill.

Speaker Kinsella’s ruling on February 24, 2009, made it clear when he said that to be exempt from the need of a Royal Recommendation, the bill must be:

. . . a bill simply structuring how a department or agency will perform functions already authorized under law without adding new duties . . . .

In other words, if the bill results in minor administrative expenses, it does not need a Royal Recommendation as long as those expenses are incurred in functions that were previously authorized by a Royal Recommendation.

As I have pointed out, however, that is not the case with Bill S-15. This legislation significantly expands the mandate and responsibilities of Environment and Climate Change Canada into areas they have no expertise with or in.

Some senators may invite you, Your Honour, to use your discretion to allow these debates to continue rather than ruling in favour of a point of order. However, this would not be in line with our jurisprudence.

Again, I refer you to Speaker Kinsella’s decision on May 5, 2009, where he said:

While there is a general preference in the Senate to favour debate in uncertain situations, this must be balanced against the need for a scrupulous respect for the financial initiative of the Crown, a basic principle of our parliamentary system. The passage of Bill S-219 would expand the range of conditions under which the government would have to make good its guarantee of loans under the *Canada Student Loans Act*. This would change the existing scheme, since payments from the Consolidated Revenue Fund might increase due to the change in possible obligations. As such, the bill should have a Royal Recommendation, and would have to originate in the other place.

The ruling is, therefore, that this bill is out of order. Debate at second reading cannot continue, and the bill shall be withdrawn from the Order Paper.

This is not an isolated ruling on this matter. Numerous rulings by the Speaker of the Senate have underscored this point, including rulings on December 1, 2009; March 10, 2011; and December 16, 2011. I am quite prepared to send those to you, Your Honour.

When a Senate bill has been found to require a Royal Recommendation, the Senate cannot continue debate, as the legislation must originate in the other place.

When it has been established that the bill will expand the existing mandate and these new responsibilities are not covered by existing appropriations, the Speaker cannot rule to continue debate.

There is no ambiguity in the situation before this chamber.

Bill S-15 creates new responsibilities for the department; the government officials and the PBO have said so.

Bill S-15 creates new expenditures for the government; the government officials and the PBO have said so. Even if it did not, this bill cannot be introduced in the Senate because it creates new responsibilities.

Your Honour, debate cannot continue, as it was decided by previous Speakers. Therefore, Your Honour, with all respect, you have no other choice but to respect the Constitution of Canada and declare that Bill S-15 be discharged and the bill be withdrawn.

Thank you, Your Honour.

**Some Hon. Senators:** Hear, hear.

**The Hon. the Speaker:** Do any other senators wish to intervene on the point of order?

**Hon. Marty Klyne:** On the point of order, Your Honour, I have a lengthy response to this claim. In that regard, if the 4 p.m. adjournment interrupts me, I would like to continue with it tomorrow.

Colleagues, I will respond to this unsound claim that government Bill S-15 either spends money directly — with it being unconstitutional to start money bills in the Senate — or that Bill S-15 spends money indirectly in an impermissible way.

The aim, I take it, is to strike the bill from the Order Paper. As I will outline, this point of order should be declined. The invalid technical objection before us must not prevent the Senate's democratic debate and decision on Bill S-15.

I note that a major precedent is at stake. If this point of order succeeds, the Senate's authority to legislate would be significantly narrowed compared to its record and current practice. If the Senate cannot propose and decide on Bill S-15, it cannot propose and decide on much at all.

All senators and Canadians have a stake in this matter in terms of the Senate's ability to contribute to public policy. Any government of the day has a stake in terms of its ability to initiate government legislation in the Senate.

In addition, MPs have a stake around alleged indirect expenditures, as private members' bills almost never carry Royal Recommendations.

If this point of order were to succeed, and if such a precedent were applied consistently, it could call into question other government Senate bills, Senate public bills and Senate amendments.

This point of order must be declined on the facts of this case and to uphold the Senate's legislative powers and practice of favouring debate and democratic decisions.

As said in this point of order, it is alleged that Bill S-15 spends money either directly, which is impermissible in the Senate, or indirectly in an impermissible way. In responding, I will address the PBO report of August 8, 2024, requested by the bill's critic.

First, on direct spending, section 53 of the Constitution Act, 1867, states:

Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

Senators, the question of direct spending is straightforward. Bill S-15 does not appropriate any public money or impose a tax. No such measures exist in the bill. Indeed, the government took this view in starting it as a Senate bill.

I turn to potential indirect expenditures. The point of order argues that the indirect expenditures set in motion by Bill S-15 would necessarily be so extensive as to trigger the need for a Royal Recommendation, requiring the bill to start in the House of Commons.

• (1600)

In *Senate Procedure in Practice*, at page 154, our Speaker's ruling of February 24, 2009, explains the Senate's framework for considering the —

**The Hon. the Speaker:** Senator Klyne, I have to interrupt you, it being 4 p.m. Debate on this item will resume at the next sitting of the Senate.

(At 4 p.m., pursuant to the order adopted by the Senate on September 21, 2022, the Senate adjourned until 2 p.m., tomorrow.)

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