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(HANSARD)

Thursday, September 26, 2024

The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Thursday, September 26, 2024

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

Prayers.

SENATORS' STATEMENTS

NOTRE DAME BAY MEMORIAL HEALTH CENTRE

Hon. Fabian Manning: Honourable senators, today I am pleased to present Chapter 81 of "Telling Our Story."

September 20 marked the one-hundredth anniversary of the Notre Dame Bay Memorial Health Centre, located in the historic and picturesque town of Twillingate in Newfoundland and Labrador. On September 21, the people of the area gathered to celebrate this remarkable milestone — 100 years of providing excellence in rural health care services.

The word "memorial" in the health care centre's name stands as a poignant reminder of the rich history and enduring legacy of service that has shaped this institution. It honours not only the health care professionals who dedicated their lives to this community, but also those from the area who so bravely laid down their lives to ensure that their fellow Newfoundlanders and Labradorians could enjoy the privileges and quality of life they have today. All their sacrifices and contributions are woven into the very fabric of the institution and have become a lasting testament to their shared vision for a healthier and stronger community.

Following a 3-year construction period, the doors of what was then called the Notre Dame Bay Memorial Hospital opened on September 20, 1924. In that year the approximate cost of this 60-bed facility was $103,000. Even after receiving extensive fire damage in 1943, the hospital continued to serve area residents until it was replaced with the current health care centre in 1974.

Last week's gathering was not just a celebration of a building, but a celebration of a spirit of collaboration, compassion and community that numerous health care professionals and critical staff have delivered to this rural part of our province for a century. It was a time to show appreciation to all the staff and physicians, past and present, for their tireless dedication and devotion in maintaining the delivery of health care services for the people of Notre Dame Bay throughout the years.

Friends, one of these health care professionals who played an integral role in the success of the health care centre throughout the years is Dr. Mohamed-Iqbal Ravalia, who, as you are all aware, is now our colleague here in the Senate of Canada. Knowing how humble my dear friend is, I feel that I may be testing our friendship by doing this today, but I am a strong believer in giving credit where credit is due.

Senator Ravalia was born and raised in the southern African country of Rhodesia, now called Zimbabwe. He immigrated to Canada in 1984 and practised family medicine in Twillingate until his appointment to the Senate in June 2018. Dr. Rav is a highly respected physician, a medical educator and has strong community ties to his adopted town of Twillingate. We are very fortunate that he chose Newfoundland and Labrador as his new home.

At the ceremony last week, the people of the Twillingate area wanted to show their appreciation and gratitude to Dr. Rav in recognition of his years of dedicated medical contribution to the community. Mayor Justin Blackler announced that a street in the town called Hospital Lane would be renamed Ravalia Way.

Hon. Senators: Hear, hear.

Senator Manning: What a wonderful and thoughtful way to show their gratitude to Dr. Rav, and may I add that it is very well deserved. I am confident that this new bright green street sign will be added to the tremendous tourism attractions in the beautiful town of Twillingate.

Dr. Rav, I know that your lovely wife, Dianne, is so proud of you today!

Congratulations.

Hon. Senators: Hear, hear.

THE HONOURABLE BERNADETTE CLEMENT

CONGRATULATIONS ON INDUCTION INTO UNIVERSITY OF OTTAWA COMMON LAW HONOUR SOCIETY

Hon. Kim Pate: Honourable senators, I am pleased to rise today on World Environmental Health Day, World Contraception Day and ParticipACTION Sneak It In Day. While I want to acknowledge and celebrate these days, my primary purpose in rising today is to acknowledge our fabulous colleague and friend, who, as a human rights champion and brilliant advocate, I know also supports these days.

Please join me in congratulating the brilliant Senator Bernadette Clement on her induction into the University of Ottawa Common Law Honour Society. Bernadette, you hold degrees in civil law and common law from the University of Ottawa. As her mentor, friend and then executive director of the Cornwall legal aid clinic Etienne Saint-Aubin, Esq., tells it, after being called to the bar of Ontario, her uncle told her there might be a job for a lawyer in Cornwall. She wasn't even sure where Cornwall was; she had never been there before. However, our intrepid friend boarded a bus, went in pursuit and landed the position at the non-profit Roy McMurtry Legal Clinic and eventually took over as the director. Indeed, she still works there part-time.

Mr. Saint-Aubin also said that the community of Cornwall fell in love with Bernadette. The rest is history. She became the first woman to be elected as mayor of Cornwall, and the first Black woman to serve as mayor in Ontario. Our colleague prioritizes service to others, educating and engaging with youth and contributing to the multitude of communities that are hers.

The best evidence that she is an inspirational mentor is the reality that her team came with her from Cornwall to the Hill. They describe her capacity to listen and care and how she regards people as the highest priority, how she remembers people's stories, remembers their hopes, fears and dreams, and how she exudes great joy when she assists others to achieve success — not to mention when she dances, whether when she was sworn in or in her TikTok videos all over the Hill and beyond. No wonder she is a much sought-after inspirational speaker as someone who energizes all with whom she interacts.

We're so proud to celebrate you with this latest honour, one of many in a long list of well-deserved recognitions.

Thank you, *meegwetch*, and congratulations to our fabulous, beautiful, brilliant "Dancing Queen," Bernadette Clement.

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 former premiers Jean Charest and Dalton McGuinty. They are the guests of the Honourable Senators Cardozo and Gignac.

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

Hon. Senators: Hear, hear!

• (1410)

THE HONOURABLE JEAN CHAREST, P.C.
DALTON MCGUINTY, O.ONT.

Hon. Andrew Cardozo: Honourable senators, it is a great pleasure to recognize the important work of two former premiers who have served Canada with great distinction: Premier Jean Charest and Premier Dalton McGuinty.

Mr. McGuinty was Premier of Ontario from 2003 until 2013, and Mr. Charest was Premier of Quebec from 2003 to 2012. Mr. Charest also played senior roles in the federal Progressive Conservative Party and the Conservative Party before and after being premier. It seems like Premier McGuinty had a more direct career path.

There is a great deal one could say about them, but I want to touch on two important developments. First, it's the Council of the Federation that was proposed by Premier Charest and in which Premier McGuinty played an active role.

[*Translation*]

Established in 2003, the council enables premiers and governments to work collaboratively to strengthen the Canadian federation by fostering a constructive relationship among the provinces and territories and with the Government of Canada.

[*English*]

The other development was the protocol for cooperation to build a stronger Ontario and Quebec, signed between the two premiers in June 2006, which was comprised of eight distinct agreements that included sustainable development, forest protection, health care and labour mobility. A noteworthy development within this spirit of cooperation was the joint cabinet meetings, one of which was attended by our colleague Senator Clément Gignac when he was a minister in Quebec.

As premiers, the list of accomplishments is long, but I would like to mention a few things about each one. Premier McGuinty actively attacked the health and education deficits in his province, and he was often called the education premier or, on good days, "Premier Dad." His environmental policies included the ambitious phasing out of coal power generation.

Premier Charest's economic policies included the *Plan Nord*. He had ambitious environmental goals, but he is certainly renowned for his passionate defence of a strong Quebec and Canadian unity.

It is my pleasure to thank them for their service to Canada to date and for working together for the betterment of their citizens and their whole country. Politics today is often driven by dividing and blaming, but we have much to learn from them about working together.

Colleagues, Premier McGuinty and Premier Charest have served their provinces and this country with distinction.

[*Translation*]

Thank you so much for your leadership and service.

[*English*]

Hon. Senators: Hear, hear.

FUNDING FOR SPORTS

Hon. Marnie McBean: Honourable senators, I rise to say, "CA-NA-DA — Go Canada." It's fun, right?

Sport: It inspires us to be active and cooperative, but also to be fearless and resilient.

Paris was the eleventh Olympics that I've attended. I get its magic, but for my 9-year-old, it was her first.

During the Olympics, Izzy saw Charity Williams and her rugby team push through favourites like Fiji and Australia — getting up and wiping sweat, dirt and blood off their faces to win silver. It was awesome.

Izzy, and all Canadians, saw our soccer team circle together as a united team to advance through a tournament that was made harder because of terrible judgment and a drone.

Other athletes included the crew of women rowers; young Summer McIntosh; gracious Ellie Black; powerful Camryn Rogers; vaulting, twerking Alysha Newman; Sophiane Méthot, the flyer; Eleanor Harvey, the fencer; Melissa Humana-Paredes and Brandie Wilkerson, the monster blockers; and Maude Charron, the joyful weightlifter.

Across various disciplines, these athletes poured their hearts and souls into delivering outstanding performances. They represent just a few of the incredible stories we watched at the Olympics and Paralympics. They are inspirations and role models to us all, specifically young girls.

One in three adolescent girls drop out of sport, and only 18% of women aged 16 to 63 stay in sport. We have to do everything we can to turn these numbers around.

If you see it, you can believe, and maybe your parents will enroll you in it. Many Canadians saw it. It was 7 in 10 Canadians, or 27 million people, who watched the CBC coverage of the Paris Games for free, colleagues, because it's our national broadcaster.

But, senators, I'd like to take a moment to remind you that almost none of what we saw in Paris was paid for by tax dollars. To send Team Canada to the Olympics — with flights, uniforms, the friends and family hospitality in the Canada Olympic House, the mission team and other support programs, including medal bonuses — the Canadian Olympic Committee relies almost entirely on its 32 corporate partners. As much as we can be proud of the delivery of the programs in Paris, Canadians do not foot the bill for these services.

National sport organizations, or NSOs, develop sports and athletes in Canada. They receive federal funding, but they are facing a $134-million budget shortfall. As Senator Deacon has said here, the last funding increase that they received was in 2005, which was before Summer McIntosh was born.

Lack of NSO funding impacts not only the development of our next-gen, high-performance athletes, but also athletes at all levels including our grassroots programs.

Colleagues, now more than ever, it's essential to invest in sport participation for all ages, whether they be community participants, provincial champs at Canada Games, national or international competitors, or seniors or senators playing pickleball. By supporting proper funding, we can promote a more inclusive, active and healthy society.

At the same time, we will continue to inspire young girls, like my Izzy, to be strong, resilient and joyful champions — and perhaps, most importantly, active athletes for life.

Thank you, Team Canada. Thank you, senators.

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 Veronica, Alma and Allen Marsman. They are the guests of the Honourable Senator Bernard.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ann and Cam Gordon. They are the guests of the Honourable Senator Black.

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

Hon. Senators: Hear, hear!

ADVANCED AGRICULTURAL LEADERSHIP PROGRAM

Hon. Robert Black: Honourable senators, I rise today to recognize and celebrate the remarkable contributions of the Advanced Agricultural Leadership Program, also known as AALP. It is a program that has been instrumental in shaping the future of Ontario's agriculture and food sectors for 40 years.

Established in 1984, AALP was founded to meet the pressing need for leadership development in Ontario's agricultural community.

Modelled after the Kellogg Foundation programs in the United States, AALP emerged from a collaborative effort involving key figures like Dr. Clay Switzer from the Ontario Agricultural College; Ken Knox from the Ontario Ministry of Agriculture and Food; future federal Minister of Agriculture Lyle Vanclief; and Peter Hannam, an agricultural visionary, among others.

The program, now administered by the Rural Ontario Institute — the program I left when I came to this august chamber — has grown into a cornerstone of agricultural leadership in Ontario. It was created to unleash the leadership potential of men and women in the industry, broaden their horizons, expand their networks and empower these individuals, all whom play vital roles in our agriculture and rural communities.

Over the years, AALP has equipped its participants with knowledge, skills, confidence and networks needed to tackle the many challenges facing the agricultural sector.

As we celebrate AALP's fortieth anniversary, it is important to acknowledge the legacy of those who have shaped this program, including Ann Gordon — a distinguished graduate and the former executive director of AALP — who is here with us in the

chamber today. Her contributions, along with those of many others, have been pivotal in maintaining the program's excellence and relevance over the years.

AALP's fortieth anniversary milestone was recently celebrated at Canada's Outdoor Farm Show in Woodstock — a fitting venue to honour a program that has contributed so significantly to the agricultural landscape of our province and country.

Honourable senators, AALP's impact on Ontario's agricultural sector is immeasurable. It continues to cultivate leaders who are prepared to navigate the complexities and issues of modern agriculture and within our rural communities, and it continues to advocate for the future of this essential industry.

I ask that you join me in congratulating the Advanced Agricultural Leadership Program on 40 years of outstanding service to Ontario's agricultural community.

Thank you. *Meegwetch*.

• (1420)

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 members of the Further Education Society of Alberta Pathways Project. They are the guests of the Honourable Senator Boyer.

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

Hon. Senators: Hear, hear!

THE LATE GRAND CHIEF CATHY MERRICK

Hon. Mary Jane McCallum: Honourable senators, I would like to thank the Conservative caucus for giving me space today. I deliver this on behalf of AMC, the Assembly of Manitoba Chiefs, and myself.

It is with a heavy heart that I rise today to honour the life and legacy of the Assembly of Manitoba Chiefs Grand Chief Cathy Merrick, who passed away unexpectedly on September 6.

First, I want to thank her husband, children, grandchildren, family, friends and citizens of the Pimicikamak Cree Nation for sharing Grand Chief Merrick with the Assembly of Manitoba Chiefs, Manitoba and Canada.

Grand Chief Cathy Merrick was more than a leader. She was a beacon of strength, wisdom and compassion. Her dedication to the Assembly of Manitoba Chiefs was not merely a role she undertook but a calling she embraced with unwavering commitment. Her leadership was characterized by a deep understanding of the challenges faced by our First Nations people and a relentless pursuit of justice and equality.

Throughout her tenure, Grand Chief Merrick worked tirelessly to successfully elevate First Nation voices, advocate for essential changes and nurture the growth and unity of our nations. Her work on missing and murdered Indigenous women and girls issues was instrumental in getting governments to agree to search the landfills to bring home loved ones.

She met often with governments and corporate entities, giving presentations to our own Senate committees to teach on the treaty and inherent rights of the AMC membership.

She understood the power of community and the necessity of harnessing it to effect meaningful change through the treaty relationship between First Nations and Canada. She would often remind ministers that our people were here first, before the settlers set foot on First Nations' land. She would say, "Don't you forget that."

As we reflect on her legacy, let us remember her resiliency in the face of adversity, her tireless work on behalf of First Nations and her unwavering commitment to building a better future. Her contributions have paved the way for many, including myself, and her spirit will continue to inspire us as we move forward.

Today, we say, "Until we see you again, Grand Chief Merrick." We know your legacy will live on through the lives you touched and the progress you championed. May you rest in peace and power.

Ekosani.

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 members from ParticipACTION. They are the guests of the Honourable Senator Deacon (*Ontario*).

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

Hon. Senators: Hear, hear!

QUESTION PERIOD

FINANCE

COST OF LIVING

Hon. Donald Neil Plett (Leader of the Opposition): Government leader, this time last year, Prime Minister Justin Trudeau held a press conference in which he promised that grocery prices would come down by Thanksgiving.

Minister Champagne held a press conference and told Canadians to use coupons to buy groceries if they weren't doing that already.

Here we are, leader, approaching another Thanksgiving. Canadians still cannot afford to feed themselves. Earlier this month, we learned a million people in Ontario used a food bank in the last year. This is a 25% increase in just one year. Leader, Canadians are skipping meals, eating less healthy foods and relying on food banks.

Don't you agree, leader, that we need a carbon-tax election? Shouldn't they have a chance to vote out this incompetent NDP-Liberal government and axe the tax?

Hon. Marc Gold (Government Representative in the Senate): The short answer is no.

The government continues to have the confidence of Parliament; for so long as it does, it will continue to do what Canadians expect it to do, which is to apply itself, in a serious way, to serious solutions to the serious problems.

You give me so many opportunities to comment.

Senator Plett: Go ahead. You have one minute.

Senator Gold: I'm going to use the one minute.

Increasingly, Canadians have become aware that all that is being offered — and certainly being amplified in this chamber — are empty slogans, focus-group-driven slogans time and again. It is thin gruel for Canadians who need better answers from their government. They are getting them from this —

Senator Plett: In fact, the government does not have the confidence of Parliament. Jagmeet Singh and Yves-François Blanchet are running this government. They are the ones in charge, not Justin Trudeau.

Yesterday, the chief economist for the Bank of Montreal, BMO, said inflation is lower; prices are not. He used the example of bread, the price of which has jumped dramatically over the last couple years and hasn't come down.

With that in mind, leader, can you tell us how much your government spent on catering?

Senator Gold: The Government of Canada continues to work with partners in the provinces, territories and the private sector to address the challenges that Canadians are still facing. It is very good news, despite the predictions you made in this chamber, that inflation has come down regularly, as the government said it would, based upon its prudent fiscal and financial planning and practices.

ENVIRONMENT AND CLIMATE CHANGE

CARBON TAX

Hon. Leo Housakos: Senator Gold, your government's carbon tax is adding to an already heavy financial burden facing Canadians after nine years of Justin Trudeau. All you do is belittle critics of this tax and accuse them of being anti-science. Meanwhile, you've provided not one shred of evidence of how your carbon tax is fighting climate change or preventing natural disasters.

What we do have is an email from Minister Guilbeault's office written a couple of months ago, before the Jasper wildfire, in which staff discuss the decision to cancel the planned prescribed burns in Western Canada.

Your government was warned as far back as 2017 that if these burns didn't take place, a catastrophic fire in Jasper was not a matter of if, but when. You ignored those warnings. You ignored the experts. You ignored science. Why? Is it because you care more about pushing your carbon-tax agenda than you do about taking tangible action to prevent events like this?

Why didn't you listen to the experts and save Jasper when you had the chance, Senator Gold?

Hon. Marc Gold (Government Representative in the Senate): The Government of Canada has a plan in place to address climate change, to address the preamble to your question. Indeed, carbon emissions are coming down.

• (1430)

That is not to suggest, however, that a price on pollution — which is a long-range, well-established, economically viable and grounded principle — is going to reverse the decades of degradation of our environment that have produced the climate change and disasters, and not only in Jasper.

With regard to Jasper, it is important to note that the government has introduced a bill — we will be receiving it soon and debating it quickly — to devolve responsibility to Jasper to deal with the tragedy that affected their community.

Senator Housakos: Honourable colleagues, let me answer the question for you, and I'll answer the "why." The email in question states:

> As more and more articles raise public concern about drought conditions, public and political perception may become more important than actual perception windows.

In other words, public and political perception is more important to the Trudeau government than the actual science, yet you want to lecture us and others about playing politics.

The truth is that Justin Trudeau will do anything to hold on to power, Senator Gold. Why won't you force, once and for all —

The Hon. the Speaker: Thank you, Senator Housakos.

Senator Gold.

Senator Gold: I'm not lecturing you. I won't lecture you, and I don't appreciate being lectured either.

The fact is that misleading, irresponsible rhetoric is contributing to the degradation of our political discourse in this country, and Canadians deserve better.

CARBON EMISSIONS

Hon. Mary Coyle: Senator Gold, the Canadian Net-Zero Emissions Accountability Act requires the government to set emissions reduction commitments for five-year intervals toward net zero by 2050. The next target for 2035 is due by the end of 2024.

Today, the Net-Zero Advisory Body released a report recommending a 50% to 55% reduction in emissions from 2005 levels by 2035, a much more ambitious target than our current 40% reduction goal for 2030.

According to the Canadian Climate Institute's most recent estimates, Canada has achieved an 8% reduction in emissions between 2005 and 2023, with sectors such as oil and gas and agriculture continuing to see rising emissions.

Given the urgency of addressing climate change and the slow progress to date, will the government commit to meeting this newly recommended target for 2035?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator. The government, through me, wants to thank the Net-Zero Advisory Body for its important work.

I have been advised that the government is reviewing the report and, indeed, its recommendations and will have more to say about that shortly.

Senator Coyle: Thank you, Senator Gold. The report also proposed that Canada adopt carbon budgets to track cumulative emissions, which would provide a more comprehensive framework for progress monitoring, rather than just focusing exclusively on milestone years.

Is the government considering adopting carbon budgets to track progress and ensure accountability across sectors, notably those which continue to see rising emissions, and help to guide efforts to achieve more ambitious emission reduction targets and effective actions?

Senator Gold: Thank you for your question. As I mentioned, the government is reviewing very seriously the recommendations. I have no doubt that those recommendations will guide government policy.

EMPLOYMENT AND SOCIAL DEVELOPMENT

INTERPROVINCIAL LABOUR MOBILITY

Hon. Tony Loffreda: Senator Gold, last spring, I raised concerns about internal trade barriers, emphasizing the urgency of addressing challenges faced by businesses when buying, selling and investing across provincial borders. Today, I want to shift the focus to labour mobility barriers.

Could you provide us with an update on the discussions and measures taken to improve interprovincial labour mobility, especially in light of the commitment made in the Fall Economic Statement to work with provinces and territories on the full interprovincial mobility of construction and health care workers?

A year ago, federal, provincial and territorial governments agreed to improve labour mobility and foreign credential recognition for health professionals. Ontario made significant progress in this area earlier this year. Could you provide this chamber with an update? Thank you.

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question and for underlining one of the great challenges within this country. We talk about Canada being a trading nation, but barriers between provinces for goods, services and labour very much remain unfinished business in our ongoing efforts as we build our country.

I understand that earlier this year, federal, provincial and territorial labour ministers met in Winnipeg to discuss a wide range of priorities concerning Canada's labour market in general, and as part of the Forum of Labour Market Ministers meeting, ministers discussed the important role of labour mobility and credential recognition for people working across the country. This is a priority for the federal government even though the issues are largely in provincial hands, as colleagues would know.

Ministers noted that critical work is under way in all jurisdictions and agreed to strengthen collaboration.

Senator Loffreda: Thank you for that answer.

All levels of government are committed to eliminating unnecessary red tape for labour mobility in all sectors of the economy. When can we expect the Red Seal Program to be expanded and improved?

As you know, the government committed to expanding the program in 2023 and eliminating the duplication of credential recognition to allow greater mobility, for example, of tradespeople.

Senator Gold: Thank you for your question. My understanding is that work is well under way to address credential recognition for people working across the country; indeed, it is through the Red Seal Program.

IMMIGRATION, REFUGEES AND CITIZENSHIP

STUDY PERMIT PROCESSING BACKLOG

Hon. Krista Ann Ross: Senator Gold, the departmental plan of Immigration, Refugees and Citizenship Canada, or IRCC, states that they will adopt a recognized institutions framework with qualifying post-secondary designated learning institutions, or DLIs. They also state that institutions that achieve higher standards will benefit from faster processing of study permits.

It has been brought to my attention that some of the DLIs in New Brunswick have indeed followed the rules, and yet their chosen international students did not receive their study permits prior to the start of the school year. This resulted in losing these qualified students.

In light of the minister's recent announcements regarding decreasing study permits, how can we guarantee that these institutions can count on the system to process the permits in a timely manner so they can use their already reduced allotments?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. Indeed, as a former university administrator, I know very well the challenges that universities are facing, both budgetary — and the role that international student play there — and with respect to the uncertainty that the changes that have been introduced in response to necessary adjustments in Canada are causing to those institutions. I'm not familiar with the specifics of the cases that you mentioned.

I know that the minister is working with his counterparts seriously and on an ongoing basis. I will raise this issue with the minister at the first opportunity.

Senator Ross: Thank you, Senator Gold. These designated learning institutions count on filling their quotas not only for the economic reasons that you referred to but for diversifying the workforce and supporting labour market needs in New Brunswick and across the country. It seems that they are being unfairly penalized for a lack of efficiency in the processing system. What steps will the government take to improve this?

Senator Gold: Thank you for your question. Work is ongoing but continues to be required, and more needs to be done to improve the efficiency of the processing in this area, and frankly with respect to immigration more generally, as colleagues in this chamber will know from issues that have been raised here before. I'll certainly raise this issue again with the minister.

PUBLIC SAFETY

ROYAL CANADIAN MOUNTED POLICE

Hon. Marty Klyne: Earlier this year, the Auditor General released a report on First Nations and Inuit policing with troubling conclusions. One of the findings was that the RCMP did not consistently meet the terms of the Community Tripartite Agreements. Because of staffing shortages, the RCMP has been unable to fully staff the positions funded under the program's agreements over the past five years, leaving First Nations and Inuit communities underserved.

Moreover, neither Public Safety Canada nor the RCMP collected sufficient information or conducted adequate analysis to identify whether requirements set out in policing agreements were being met and whether the program was achieving its intended results.

As far back as 2014, poor performance measurement had been identified as an issue. Ergo, there is no evidence of meaningful progress.

How does the government plan to address these issues?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your raising this important issue, colleague. I have been informed that starting in 2024-25, Public Safety Canada will engage with external partners to develop a program improvement action plan that will include at least the following three elements: one, proposed updates to the 1996 First Nations and Inuit Policing Program, or FNIPP, and the terms and conditions that govern it; two, an updated program governance framework that will reconfirm how demand for improved policing and community safety initiatives will be tracked by provinces and territories of jurisdiction; and three, an updated program results measurement framework that has been collaboratively developed with provinces and territories of jurisdiction and, importantly, Indigenous partners funded by this program.

• (1440)

Senator Klyne: I look forward to that framework and its progress and productivity.

As a supplementary question, what specific steps is the government taking to address the persistent staffing shortages in RCMP detachments and to ensure the RCMP meets its commitments under community tripartite agreements?

Senator Gold: Thank you for the question. Like many first responders across Canada, the RCMP is experiencing pressures in relation to vacancies in police officer positions. My understanding is the RCMP has already taken steps to implement a revised national regular-member demand model, which considers demand for FNIPP police officers, along with all other RCMP police officer requirements within the organization. I am advised this model should be fully implemented within the current fiscal year, and the RCMP will continue to take steps to increase recruitment and retention.

PRIME MINISTER'S OFFICE

INDEPENDENT ADVISORY BOARD FOR SENATE APPOINTMENTS

Hon. Denise Batters: Senator Gold, yesterday in Question Period, you stated that the Trudeau government's Senate appointments advisory panel for Saskatchewan is composed of members appointed by that province in addition to those nominated by the federal government. I have raised many times

before, both with Senator Harder and you as government leader, that several provinces do not appoint members to these boards. I know for a fact that the Government of Saskatchewan has never provided names to fill these boards, so the Trudeau Prime Minister's Office, or PMO, chooses all the advisory panellists and the senators. Nothing about that is independent; all roads lead to the PMO.

Of course, this is why the Advisory Board for Senate Appointments is filled with major Liberal donors, the Trudeau Foundation alumni and former Liberal ministers and their staff — the same "independent" ranks from which Prime Minister Trudeau draws his independent senators. The Liberal Party database in the PMO is working overtime.

Senator Gold, how can you claim this is independent when the process and the results show anything but?

Hon. Marc Gold (Government Representative in the Senate): How unfortunate it is, indeed, that the people of Saskatchewan have a government — accepting your facts as stated, and if I misspoke yesterday, I stand corrected. How unfortunate it is that your province and perhaps others have chosen to neglect the opportunity they had to have people participate in the vetting of applicants to this place. The people of Canada deserve and have received a Senate that is less partisan and more independent of political control than ever before in its history. Interruptions and laughter notwithstanding, those are the facts. And the fact is also that the provinces have an opportunity to participate. If they don't, they are betraying the interests of their citizens.

Senator Batters: I asked you in May why the Senate appointments advisory board chair and Trudeau Foundation alum Huguette Labelle had not posted a report for 15 months, even though she is mandated to report after each round of Senate appointments, and 15 new senators had been appointed. Prime Minister Trudeau has since appointed seven more senators. There have been 22 appointments in 18 months and still no report, yet the appointments keep coming, and Ms. Labelle continues to collect $650 a day for her work. Where is the accountability?

Senator Gold: My understanding is that there is a report in progress. I think one of the things that I will take away with me when I leave this place sometime next year will be the long list of occasions when you have impugned the integrity and the good faith of the public servants who serve this country so well. This is shameful.

GLOBAL AFFAIRS

SOFTWOOD LUMBER

Hon. Yonah Martin (Deputy Leader of the Opposition): Leader, on Tuesday, when I asked you about the NDP-Liberal government's failure to secure a softwood lumber deal with the United States, you replied in part, "Deals take two to tango."

During a Question Period in May 2021, well over three years ago, I asked you about comments from Katherine Tai, the U.S. Trade Representative. She told the U.S. Senate Finance Committee:

> In order to have an agreement and in order to have a negotiation, you need to have a partner. And thus far, the Canadians have not expressed interest in engaging.

Leader, what specific actions have been taken by the Trudeau government this year to reach a softwood lumber deal with the United States?

Hon. Marc Gold (Government Representative in the Senate): Canada and its public officials and, indeed, at important times, political members of the government — indeed, members of Parliament — are engaged with their American counterparts to address a broad range of trade issues that are on the table between our two countries.

The track record of Canada in its relationships with the United States is a very good one in terms of negotiating our agreements and addressing our disputes. That is not only under this government, although it did a Herculean job in negotiating CUSMA under extraordinarily difficult circumstances. They had the benefit of people from all parties and experiences to weigh in. Previous governments as well have prosecuted and defended Canadian interests well. We have benefited and been successful on many occasions with the dispute resolution mechanisms and will continue to do that under this government and any government, I expect, in the best interests of Canadians.

Senator Martin: Yes, but the fact is that this summer, shortly after the U.S. almost doubled its tariffs on Canadian softwood lumber, Canfor announced the closure of two of its mills. Five hundred more forestry workers in British Columbia will lose their jobs by the end of the year.

Why didn't the Prime Minister remember these forestry workers and their families when he dismissed softwood lumber as a small issue on an American celebrity talk show?

Senator Gold: With all respect, Senator Martin, you're making an assumption that is incorrect.

The Government of Canada is very aware of the impact of these measures on Canadian producers and on Canadian industry. It is aware of and sensitive to the impact of tariffs, trade barriers and other things that impede our ability to have access to markets. It's working carefully and seriously, often behind the scenes, to address these.

RUSSIAN SANCTIONS

Hon. Stan Kutcher: Senator Gold, following the imposition of Western sanctions on Russia, there was a marked decrease in the flow of both dual-use and luxury goods.

However, as reported by Robin Brooks, a senior fellow at the Brookings Institution, there has been a sharp increase in exports of both of these types of goods to other countries, specifically,

Kyrgyzstan, Azerbaijan, Georgia and Türkiye, which have become flourishing transshipment points for goods coming from the EU, the U.K. and the south.

Can you tell us whether sanctioned Canadian goods are also being transshipped through these states to Russia, avoiding our sanctions? If so, which goods might those be?

Hon. Marc Gold (Government Representative in the Senate): Thank you. It is indeed a good question, Senator Kutcher, and thank you for it. I am not aware of any Canadian goods being transshipped through other states to Russia, but I will certainly raise this with the minister.

Senator Kutcher: Thank you for that, Senator Gold. It's a sad fact of life that some wealthy organizations profit from war while so many innocent people die.

Numerous ministers, including our Prime Minister, have reportedly stated that Canada stands with Ukraine. What is Canada actually doing to urge other countries to cut off movement of these sanctioned goods through these transshipment points? I want to be clear: This is well known and well established. Is Canada urging the UN to establish an international —

Senator Gold: First of all, thank you for your question. Canada is committed to ensuring that there is nowhere to hide for those who support and profit from this war. The government works and will continue to work closely with its allies to impose severe costs on the Russian regime. I'm not aware of any specific ask to the UN, however. I will raise this with the minister.

[*Translation*]

JUSTICE

MISCARRIAGE OF JUSTICE REVIEW COMMISSION

Hon. Réjean Aucoin: Senator Gold, Bill C-40, An Act to amend the Criminal Code, to make consequential amendments to other Acts and to repeal a regulation (miscarriage of justice reviews), is currently at second reading in the Senate.

Pursuant to this bill, which proposes to establish a new independent commission, a chief commissioner and four to eight other commissioners would be appointed by the Minister of Justice.

I was surprised to learn that this bill does not set out any language requirements for the commissioners who will be appointed. I also noted that knowledge of the official languages is not included in the criteria for selecting the members who will be part of any commissions of inquiry that are set up.

• (1450)

Senator Gold, does the government believe that the people who will be appointed to this miscarriage of justice review commission should have to be able to express themselves in both of Canada's official languages?

Hon. Marc Gold (Government Representative in the Senate): Bill C-40 is a very important piece of legislation that will help mitigate the devastating effects of miscarriages of justice.

In other places where this type of commission has been set up, there has been a significant increase in the number of wrongful convictions that have been identified and, more importantly, overturned.

The new commission will be a federal institution as defined by the Official Languages Act, which means that it will have to provide services to Canadians and communicate with them in both French and English. Also, it will have a chief commissioner and eight other commissioners.

The bill does not require that every commissioner be fluent in both official languages. However, the commission will certainly have the capacity to review cases and serve Canadians in both of our official languages.

I hope that we can send this bill to the Standing Senate Committee on Legal and Constitutional Affairs very soon.

[*English*]

EMPLOYMENT AND SOCIAL DEVELOPMENT

SUPPORT FOR CHILDREN AND YOUTH

Hon. Rodger Cuzner: Senator Gold, the current government has taken several important steps to help Canadian families with the rising cost of living. The first was the establishment of the Canada Child Benefit, which has helped lift over 450,000 children out of poverty while putting more money into the pockets of 9 out of 10 Canadian parents.

Next, they created a nationwide $10-a-day early child care system, reaching agreements with seven provinces and one territory, impacting almost half of Canadian children. This initiative helps grow the Canadian economy and allows more parents to enter the workforce while giving every child in Canada their best start in life.

Then, there is the National School Food Program, a $1-billion investment allocated over five years that will mean healthy meals for young kids, helping them learn, grow and reach their full potential. It will save Canadian parents $190 per month per child.

Could the senator update this chamber on the progress of that national program?

Hon. Marc Gold (Government Representative in the Senate): First of all, thank you, Senator Cuzner, for reminding this chamber of the important work that is being done; however, it also reminds us that more still needs to be done. Too many Canadians are still struggling, whether it's with the cost of groceries — as we hear regularly and as we experience in our communities or in some cases our own lives — or in terms of other measures of well-being in this country.

If I understood your question, it was regarding the National School Food Program. What could be more important than ensuring that Canadians, especially young Canadians, can learn and function with a full stomach? Too many still live with food insecurity. The government is proud of the efforts it has taken, along with the provinces and territories and the private sector.

Senator Cuzner: Thank you very much, Senator Gold.

I don't disagree that we must continue to do more, but anti-poverty groups across this country are excited about these programs. Debbie Field, the Coordinator of the Coalition for Healthy School Food, said, "It's not an exaggeration to say that this will change the future of Canadian life and Canadian children's health."

Does the government have any statistics on the number of kids who will be positively impacted by the National School Food Program?

Senator Gold: Thank you for the question. I'm not in a position to do more than speculate, and it may be too early in this program to do more than that, but the progressive policies that this government is proud to have put into place will benefit Canadians. I'm sure that as the programs roll out, the statistical information will follow.

INTERNATIONAL TRADE

EXPORT DEVELOPMENT CANADA

Hon. Donald Neil Plett (Leader of the Opposition): Liberal leader, over the past year or so, I have put written questions on the Senate Order Paper asking for information on bonuses handed out through Crown corporations under this wasteful NDP-Liberal government.

I learned that between 2019 and 2023, Export Development Canada, or EDC, paid over $176 million in bonuses. According to a response tabled in the Senate, the average bonus per employee at EDC in 2023 worked out to over $19,000.

Leader, how does the NDP-Liberal government justify these bonuses when Canadians are at food banks in record numbers?

Hon. Marc Gold (Government Representative in the Senate): As the senator very well knows, being someone with great experience in business, in politics and in this chamber, remuneration, whether in the private sector or in certain areas such as this, is a combination of salary, incentives and the like. Without knowing the terms of the contracts, performance metrics, objectives or how the people in question received that, it would be impossible to answer intelligently.

I will only say that assuming a bonus someone received for their work was somehow not deserved is once again impugning not only the integrity of those responsible but the systems that are in place in public and private life to properly reward people for an honest day's work.

Senator Plett: Of course, to suggest that I impugned anything is false. I asked a question: How do you justify it? What did they do to deserve these bonuses when everybody else is going hungry?

The response I received also shows that, last year alone, top executives at EDC were paid a combined $1.8 million in bonuses. Leader, are you going to defend that as well? Bring us the information as to why they received these bonuses.

Senator Gold: I do not necessarily think it is appropriate to bring to this chamber individual employment contracts or records of performance. I find it extraordinary. I stand by my earlier comment, senator, but am delighted that you received the answers to your questions.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

NATIONAL DEFENCE—5G SECURITY REVIEW

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 1, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the 5G security review — Department of National Defence and Communications Security Establishment.

FOREIGN AFFAIRS—5G SECURITY REVIEW

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 1, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the 5G security review — Global Affairs Canada.

INNOVATION, SCIENCE AND INDUSTRY—5G SECURITY REVIEW

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 1, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the 5G security review — Innovation, Science and Economic Development Canada.

JUSTICE—5G SECURITY REVIEW

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 1, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the 5G security review — Department of Justice Canada.

PRIVY COUNCIL OFFICE—5G SECURITY REVIEW

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 1, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the 5G security review — Privy Council Office.

PUBLIC SAFETY, DEMOCRATIC INSTITUTIONS AND INTERGOVERNMENTAL AFFAIRS—5G SECURITY REVIEW

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 1, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the 5G security review — Public Safety Canada and Canadian Security Intelligence Service.

PRIVY COUNCIL OFFICE—GOVERNOR IN COUNCIL APPOINTMENTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 10, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding Governor in Council appointments.

NATIONAL DEFENCE—CANADIAN ARMED FORCES

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 16, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Canadian Armed Forces — Department of National Defence.

PRIVY COUNCIL OFFICE—CANADIAN ARMED FORCES

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 16, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Canadian Armed Forces — Privy Council Office.

PRIVY COUNCIL OFFICE—DEPARTMENT OF NATIONAL DEFENCE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 22, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Department of National Defence.

PRIVY COUNCIL OFFICE—GOVERNMENT CONTRACTS

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 76, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding government contracts.

PRIVY COUNCIL OFFICE—RESULTS AND DELIVERY SECTION

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) tabled the response to Question No. 77, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Privy Council Office.

• (1500)

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: consideration of the tenth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, followed by all remaining items in the order that they appear on the Order Paper.

[*Translation*]

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 NEGATIVED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (*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, with amendments and observations*), presented in the Senate on September 25, 2024.

Hon. Paul J. Massicotte moved the adoption of the report.

He said: Honourable senators, as per rule 12-23(4), I wish to provide brief remarks on the tenth report of the Committee on Energy, the Environment and Natural Resources, which concerns 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.

The committee adopted the bill with amendments. As chair of the committee, it is my duty to explain those amendments.

The committee voted to delete clause 28, concerning petroleum and renewable energy activities in portions of the offshore area identified as areas for environmental or wildlife conservation or protection. This clause would have enabled the Governor in Council to prohibit the commencement or continuation of such activities in areas for environmental or wildlife conservation or protection. Clause 28 also stated that no licences would be issued for those zones. The committee also adopted consequential amendments to clause 7 that are directly related to the deletion of clause 28.

The committee agreed to adopt observations by the Honourable Senator Prosper about the importance of consultations with local Indigenous groups at key decision points throughout the decision-making process for offshore petroleum development projects and renewable energy projects.

[*English*]

Hon. Iris G. Petten: Honourable senators, I rise today to speak against this report of the Standing Senate Committee on Energy, the Environment and Natural Resources. We know global supply chains are changing, financial markets are changing and the climate is changing. Canada is not immune nor sheltered from any of these changes, which is why we must make thoughtful, deliberate and expeditious choices now.

Canada is warming two times faster than the rest of the world. The wildfires just last year blanketed Canada with smoke, burned over 18 billion hectares and displaced 200 communities and 232,000 Canadians.

The cost of natural disasters has ballooned by over 1,200% since the 1970s. Just this past summer, damages from severe weather cost $7 billion alone, making it the most destructive season on record. The threat of climate change is indisputable, but for Canada, action on climate change doesn't have to just mitigate floods, fires and drought. It also presents a significant economic opportunity. Already, we have seen global finance and global economy begin to rapidly transform in ways that are creating economic opportunities for those who approach the transition to a low carbon future in a thoughtful, focused manner.

Colleagues, we find ourselves in a global race to net zero. We must take action and establish the regulatory environments and support Canadian communities. Canadian companies need to compete in this race. If we don't, investments will go elsewhere, and Canadians will miss out on this generational opportunity.

That is what Bill C-49 represents and delivers — a generational economic opportunity. This legislation puts in force regulatory frameworks to enable the development of offshore wind projects in Nova Scotia and Newfoundland and Labrador. It will create thousands of jobs for Atlantic Canada, attract enormous private sector investment, deliver economic benefits to Indigenous peoples, enable the future development of Canada's clean hydrogen sector and help power Atlantic Canada's economy with clean energy.

This bill is an example of cooperative federalism at its best. It is a product of close collaboration and negotiation between Canada and the Provinces of Nova Scotia and Newfoundland and Labrador. Colleagues, as we review this legislation, it is essential that we all appreciate the unique nature of Bill C-49. In order to function, this legislation requires mirror legislation to be passed in the provincial legislatures, which Nova Scotia has already done. The provinces are unanimous in their support for this legislation to be adopted without amendments. They both know what is at stake in the global race to net zero and the enormous economic benefits this legislation would bring to their communities.

The amendments put forward to Bill C-49, which remove clause 28 and a portion of the corresponding measures outlined in clause 7, put the enormous economic opportunities presented by this bill at risk. The amendments contained within this report go against the principle of joint management — which is at the heart of the Atlantic Accords — decrease regulatory certainty and limit both jurisdictions' ability to protect marine environments and fishers.

Clause 28 provides tools to the federal minister and the Newfoundland and Labrador minister to together agree upon and make regulations on the issuance of licences or historical permits for offshore renewable energy or petroleum in an area that is or will be identified as an area for environmental or wildlife conservation or protection. Should both the federal and provincial minister agree to identify an area for marine conservation in the joint Canada-Newfoundland and Labrador offshore, they may together develop prohibition regulations for renewables or petroleum development, negotiate compensation with interest holders for surrendering permits such as historical permits and cancel the interest if negotiations fail or the interest holder doesn't surrender the permits after successful negotiations.

Clause 28 and its reference in clause 7 are essential to Canada's achievement of the internationally negotiated commitment to protect 30% of Canada's oceans by 2030.

The principles of joint management have been central to the Atlantic Accords going on now for close to 40 years. Clause 28 ensures that the federal minister cannot make unilateral decisions to limit development of petroleum or renewable energy in the Canada-Newfoundland and Labrador offshore, and that any such decision must be made and agreed to by both the federal and provincial governments. By removing this clause, future federal ministers under other acts of Parliament could limit offshore development without the province's agreement, thereby increasing legal uncertainty and inconsistencies between the acts.

• (1510)

This also means that the Marine Protected Areas Protection Standard may lack legal certainty within the Canada–Newfoundland and Labrador Offshore Area. This undermines the very regulatory certainty proponents seek when advancing potential projects. Removing this clause, as proposed in this report, removes the tools that could help the province and the federal government manage future moratoriums on renewables or petroleum that would protect the livelihood of fishers. For instance, clause 28's identical partner, clause 137, which applies to Nova Scotia, provides tools to manage the Georges Bank moratorium, a moratorium that is important to protecting the livelihood of fishers and the ecology found there.

Furthermore, striking out clause 28, as proposed in this report, would result in an inconsistent legislative framework between Newfoundland and Labrador and Nova Scotia. Removing these tools only for Newfoundland and Labrador, as outlined in this report's amendment, would offer Nova Scotia a competitive advantage over its neighbour, as it would be bestowed with greater legal certainty than Newfoundland and Labrador.

I want to reiterate that this legislation is the product of years of collaboration and extensive negotiations between Canada, Newfoundland and Labrador, and Nova Scotia. The legislation, as agreed to by all three governments and as presented to the Senate committee in its original form, ensures both provinces are on equal footing.

The inclusion of clause 28 is so important to the province that almost immediately after the committee voted to remove it, the Newfoundland and Labrador Minister of Industry, Energy and Technology, Andrew Parsons, wrote in a letter to the committee:

> Clause 28 is designed to mitigate regulatory and legal uncertainty by making clear that the authority to prohibit petroleum activities within the Canada-Newfoundland and Labrador offshore area rests within the Accord Act. Under no circumstance does Clause 28 provide a federal Minister the authority to unilaterally cancel or revoke an interest, or to make regulations that would prohibit activities or the issuance of an interest in a marine conservation area. In fact, it ensures that the approval of both federal and provincial Ministers is required through a joint order.
>
> The inclusion of Clause 28 will ensure that the principles of joint management are upheld and reduces investor risk by ensuring that petroleum prohibitions in the Accord Area are not established under the authority of other federal legislation.
>
> The Government of Newfoundland and Labrador is currently drafting "mirror legislation" to amend our version of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation . . . Act* to implement the new offshore legislative and regulatory regime and we wish to implement the version we agreed to, without amendments.
>
> The offshore plays a critical role in the economy of Newfoundland and Labrador. It offers significant opportunities and benefits to the province and our citizens, and Bill C-49 further expands those opportunities to include renewable energy. We eagerly await the progression of the Bill to realize those opportunities. I want to reconfirm the Province of Newfoundland and Labrador's unequivocal support for Bill C-49 as it is currently drafted and ask that you pass it as is without undue delay.

Colleagues, the support for clause 28 is not limited to the Government of Canada or the Government of Newfoundland and Labrador. There is broad consensus from government, the oil and gas sector, the renewable energy sector and environmental organizations. In fact, some environmental organizations were so concerned with the committee's vote to remove clause 28 that they have been in touch with my office multiple times and have provided a statement for me to read as part of my speech.

SeaBlue Canada, which is a joint project of eight Canadian NGOs working on marine protection and includes the Canadian Parks and Wilderness Society, the David Suzuki Foundation, East Coast Environmental Law, Ecology Action Centre, Nature Canada, Oceans North, West Coast Environmental Law and WWF-Canada, wrote:

> Canadians care about the ocean, and support efforts to protect it. In 2022 polling commissioned by the SeaBlue Canada coalition, 97 per cent of Canadians polled supported strong marine protected areas, which are areas of the ocean set aside so marine life can rebound and thrive. Clause 28 ensures that the marine protected areas that Canadians value are safeguarded from these harmful activities, while still taking into account any pre-existing economic interests. As we testified to you earlier in February, we, and many other Canadians, support the swift passage of this Bill, and this includes the balanced regime as laid out by clause 28.

SeaBlue Canada also sent a letter to our Energy, the Environment and Natural Resources Committee members yesterday afternoon, stressing the vital nature of clause 28 to Bill C-49.

Colleagues, should we delay in taking action, in establishing the regulatory framework that is Bill C-49, we risk putting Atlantic Canadians at a disadvantage in the race to net-zero economy and in the race to take advantage of the many significant economic opportunities this bill will enable.

Therefore, I urge all honourable colleagues to vote against this report and, thereby, against the removal of clause 28 from Bill C-49. Thank you.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Senator Petten, will you take a question?

Senator Petten: Yes, of course.

Hon. Mary Coyle: It is a friendly question. I was very surprised to see this clause removed. It looked like there was some strange kind of horse-trading going on at this committee, and I'm not a member of the committee, but I had somebody observing it for me. It makes zero sense to me to remove this clause for any reason.

I'm from Nova Scotia, as you know. You've heard me say it over and over again. Nova Scotia is going to be just fine with onshore wind providing electricity for us, but Nova Scotia and Newfoundland are going to be providing wind energy to the rest of Canada and helping the rest of Canada meet its decarbonization goals, and that's very significant, in addition to the economic impacts for our own area.

Could you tell me what the rationale was for removing this clause because I can't, for the life of me, find a viable rationale that makes any sense to me, other than perhaps there was some horse-trading going on?

The Hon. the Speaker: Senator Petten, there is about 15 seconds left. Are you asking for more time to answer the question?

Senator Petten: Yes.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

• (1520)

Senator Petten: At committee, it was indicated that with respect to the Atlantic Accords, there wasn't a joint management decision, and the minister could cancel. This was untrue, not understanding that it has to be a joint decision. It also includes the offshore renewable energy opportunities.

Hon. Stan Kutcher: Honourable senators, I rise today to speak against adopting the tenth report of the Standing Senate Committee on Energy, the Environment and Natural Resources.

Before I delve into the nuances of the debate here, I'd like to acknowledge my good friend and colleague Senator Ravalia for his honours. I've had the opportunity to be in Twillingate with him. He's the only guy I know who either brought into the world or saw out of the world the population of a whole town. And, Senator Ravalia, I do not want to see your province disadvantaged compared to mine.

As we heard, Bill C-49 expands the mandates of the Canada–Newfoundland and Labrador Atlantic Accord Implementation Act and the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, and it sets the legislative framework for offshore renewable energy activities.

The bill also expands the mandates of the Canada-Newfoundland and Labrador Offshore Petroleum Board and the Canada-Nova Scotia Offshore Petroleum Board to provide for the regulation of offshore renewable energy projects, such as offshore wind. To this end, the two regulators will be renamed as the Canada–Newfoundland and Labrador offshore energy regulator and the Canada–Nova Scotia offshore energy regulator, respectively.

What is unique about this bill is that while it was being drafted, both provinces were at the table. Both the Province of Nova Scotia and the Province of Newfoundland and Labrador must be in complete agreement with the language in Bill C-49. What is before us is a unique example of cooperative federalism.

Both provinces have requested of us that we pass Bill C-49 without any amendments. This would then allow the two provinces, once passing their mirror legislation, to launch collaborative, cooperative or singular bids and to move forward with tapping into this vital economic opportunity.

Nova Scotia, my home province, has one of the dirtiest electricity grids in the country due to its dependence on coal. In order to address this, Nova Scotia plans to offer leases for 5 gigawatts — if you don't know gigawatts, that's a lot; we will actually use about 1 gigawatt in the province — of offshore wind energy by 2030, with the first call for bids by 2025. Bill C-49 is required for Nova Scotia to achieve this goal.

Why do we need to vote down the committee report?

Simply, clause 28 of Bill C-49 was removed by the committee — we've heard concerns about why — and consequential amendments were made to clause 7. If the bill were to proceed with these changes, it would have serious negative impacts on the environment, not to mention causing a discrepancy between the Nova Scotia and Newfoundland and Labrador parts of the bill, which would disadvantage Newfoundland and Labrador, and I don't want that to happen to my buddy.

The overall intent of clause 28 is to support the Government of Canada in achieving its marine conservation targets: conserving 25% of Canada's oceans by 2025 and 30% by 2030.

In addition to Canada's marine conservation targets, the marine protected areas, or MPAs, established in Canada after April 2019 are subject to the federal MPA Protection Standard which prohibits petroleum exploration, development and production activities. It doesn't support "drill, baby, drill."

In the absence of clause 28, the application of the federal MPA Protection Standard may lack legal certainty within the jointly managed Canada-Newfoundland offshore. Clause 28 addresses this potential uncertainty by providing a tool to prohibit petroleum activities under the authority of the Accord Acts.

Currently, colleagues, there is no tool within the Canada–Newfoundland and Labrador Atlantic Accord Implementation Act or the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act that would allow the federal and provincial ministers to prohibit activities for the purposes of marine conservation or — and very importantly for Nova Scotia — to manage the existing Georges Bank moratorium area and the Gully Marine Protected Area, or the proposed Fundian Channel-Browns Bank marine protected area, overlap of oil and gas interests and marine conservation areas. The examples I've provided are all from the Canada-Nova Scotia offshore area.

To ensure strong and legally sound protection measures are in place within the Canada-Newfoundland and Labrador and Canada-Nova Scotia offshore areas, any prohibition on petroleum or renewable activities needs to be specified in regulations under the authority of the Canada–Newfoundland and Labrador Atlantic Accord Implementation Act and the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, respectively. This is necessary to avoid creating the legal

uncertainty that will be present if a petroleum interest or authorization is granted under one federal act and then prohibited under a separate federal act. It doesn't make sense.

On September 9, 2024, the Premier of Nova Scotia wrote to the committee:

> This legislation is critical to the future of Nova Scotia. As Minister Rushton communicated to the Senate Committee on Energy, the Environment and Natural Resources on June 13, 2024, offshore wind has the potential to be our greatest economic opportunity since the age of sail. This new sector to Canada has the potential to also contribute to our collective climate goals, establish our emerging green hydrogen sector, and our net-zero emissions future.
>
> I wish to reaffirm the Province of Nova Scotia's support for Bill C-49 in its current form and kindly request its timely passage.

It's the first time the premier has asked me "kindly" for anything. The premier continues:

> This is necessary to ensure the mirroring principle with Nova Scotia's legislation and to ensure we can reach our commitment to launch the first offshore wind call for bids in 2025.

That's not that far away.

Furthermore, the Province of Nova Scotia has now already passed their mirror legislation based on the bill as previously written. In a letter to our Energy, the Environment and Natural Resources Committee, Tory Rushton, Nova Scotia's Minister of Natural Resources and Renewables, wrote:

> I strongly urge the Senate to pass Bill C-49 in its current form, without amendments. Nova Scotia is readying itself to be a global leader in offshore wind energy, starting with the first call for bids in 2025.

Colleagues, I think this amendment was ill-advised and ill-considered, and I think it will have a huge negative environmental impact on being able to go forward regarding what we need to do for both Nova Scotia and Newfoundland and Labrador. Thus, I urge you to vote against the committee report. Thank you.

The Hon. the Speaker: Senator Coyle has a question. Senator Kutcher, will you accept a question?

Senator Kutcher: Yes, but only one.

Hon. Mary Coyle: I only have one.

Thank you for your remarks. As I mentioned in my last question, this is something that is very important to our province — the Province of Newfoundland — but it's also important to all of Canada. I want to continue to underline the importance of this to all of Canada, not just for economic reasons but also for meeting our net-zero emissions targets and for dealing, once and for all, with the urgent issue related to climate change.

We're concerned on a number of levels, as I understand from what you're saying: first, the protection of the marine environment; second, our economic interests; third, cooperative federalism at risk; and finally, what I just mentioned, the impact on the rest of our country and the world, because we'll be exporting beyond Canada's borders.

Senator Kutcher, if we were to pass this report and this bill as is, and we know Nova Scotia has already passed its mirror legislation based on this, what are the practical implications going forward for the federal government, Newfoundland and Nova Scotia? What would that do to our timeline here for this very important industry?

• (1530)

Senator Kutcher: Thank you very much, senator, for that question.

I can share a couple of my considerations around this complex topic. I think it's going to put us at a real disadvantage, and it's going to make the regulatory environment so uncertain that it could have a profoundly negative impact on investment and where this needs to go.

That being said, I am worried personally. You and I started Senators for Climate Solutions — well, you actually did; I just helped you. I know that many of our colleagues are members of that group and are concerned about ensuring we have good, solid environmental stewardship in this country. I see this as a bit of a Trojan Horse, frankly. I see this as an attack on our environmental stewardship. I see this as Canada's version of "drill, baby, drill." I have real trouble — I'm not a member of the committee — with supporting legislation that may inadvertently destroy our environmental stewardship.

Now, Senator Coyle, I'm sure that you know that fossil fuels come from decomposed vegetable and animal matter; they are fuels from dinosaurs. I would hope Canada would move forward to an energy future which is not based on dinosaurs but based on wind and solar.

My second concern, as a Maritimer by choice and as a historian of Canadian history before going into medicine, is that I have been gobsmacked by how the East Coast has been disadvantaged since Confederation. This is an opportunity for the East Coast to become the energy leader of Canada, which creates a geopolitical shift in the power of energy production in Canada. I couldn't help but look at the votes on this bill in the other place and where the votes against the bill came from.

There will be geolocational differences in energy production in this country, and the Maritimes have the potential to be a leader in geographic electrical production in the future. Part of me worries that what we're dealing with here is a wish not to have the Maritimes come into their next economic leadership since the age of sail.

Hon. Fabian Manning: Honourable senators, I want to stand today and also ask that we not accept the report from the committee as it is and that we consider an alternative to it.

In 1985, the Government of Canada and the Government of Newfoundland and Labrador signed the Canada-Newfoundland Atlantic Accord. The accord is wisely considered to be a watershed in my province's economic development. With its signing, the first commercial offshore oil field, Hibernia, began.

I was at the hotel in St. John's on that February 11, 1985, night when former prime minister Brian Mulroney; former premier Brian Peckford; the federal and provincial energy ministers Pat Carney and William Marshall; and the federal Minister of Justice, our very own John Crosbie signed that agreement. As a matter of fact, I have a picture in my office of myself and former Minister Crosbie that night. My hair was a different colour, but that's okay.

The accord granted my home province significant decision-making powers and financial benefits. It made the federal and provincial governments equal partners in the management of offshore development.

As I mentioned earlier, that accord was signed on February 11, 1985. We are just a few months away from celebrating the fortieth anniversary of the signing of that important and life-changing agreement.

There is no doubt that the oil and gas industry has brought tremendous benefits to the people of Newfoundland and Labrador. There is no doubt that it has changed how we live, how we work and how rural Newfoundland and Labrador operates.

It hasn't all been positive. No big development that creates major economic activity and puts immense amounts of dollars in people's pockets is all positive. It brings its troubles. It brings its challenges. But the Atlantic Accord that was signed in 1985 brought tremendous opportunity to people in Newfoundland and Labrador. It brought tremendous opportunity, especially to the young, the next generation of Newfoundlanders and Labradorians.

It's one of those agreements with the federal government that many people talk about today and will talk about for a long time to come, because there is no doubt that it changed us in many ways.

For many years we were a "have-not" province. The Atlantic Accord gave us the opportunity, for at least a period of time, to be a "have" province. I'll never forget the day that then-premier Danny Williams announced that we had reached the status of a "have" province. There was a tremendous amount of pride in every Newfoundlander and Labradorian, because we felt, and feel today, that we make a significant contribution to this country.

Friends, because of the vital importance of Bill C-49 and the significant implications it will have on my home province of Newfoundland and Labrador, I consulted far and wide on that particular piece of legislation — especially so in the last week. I'll get to that in a moment. My consultations included those with the Government of Newfoundland and Labrador, and, as Senator Petten touched on earlier, we had correspondence from the Minister of Energy in the last couple of days, and we had correspondence from Premier Andrew Furey a few days ago, all supporting the passage of Bill C-49 as it is, without amendments.

I also consulted with the Government of Nova Scotia, representatives of the Canadian Association of Petroleum Producers and representatives of Energy Newfoundland and Labrador. My impression was that everyone I talked to felt that Bill C-49 needed to be passed in its entirety so we could get on with the new developments that are on our doorstep.

For a period of time, I had the understanding that the passage of Bill C-49, including clause 28, would give the federal Minister of Energy and Natural Resources the unilateral right to shut down an offshore project in our province. With that understanding, I voted to remove clause 28 and make consequential amendments to clause 7. I guess the lesson here is that you're never too old to learn.

Since that vote I have consulted much more with many of the players that I touched on earlier, and I reached the decision that you can't turn back the page. I've been around politics too long to know that a decision made yesterday is a decision that is in the past. There's nothing you can do about yesterday, but you can do a whole lot about today.

With the information I have now, the consultations that I had and the discussions I have had, I call on all senators here to reject this report, to give us the opportunity to put clause 28 back into the bill and to make the corrections to the consequential amendments to clause 7 that need to be made.

Bill C-49 will create economic opportunity for Newfoundland and Labrador and economic opportunity for Nova Scotia. We need Bill C-49 to pass.

• (1540)

It's not easy for me to stand here today to say that I voted for something last week on one side and that I'm asking all of you to vote on the other. But it is what it is, and sometimes these things happen. And I just feel that it's necessary for me to stand on my feet today and ask you to reject the report and to put Bill C-49 back in its proper place so we can move on with the developments in Newfoundland and Labrador.

I am proud to be a senator. I am proud to be a Canadian, but I am first and foremost a Newfoundlander and Labradorian.

Some Hon. Senators: Hear, hear.

Hon. David M. Wells: Honourable senators, we have had healthy debate inside the chamber, inside the committee rooms and in the corridors, in the offices and on the phone.

It seems that Senator Manning and I have consulted many of the same people. I maybe have the added benefit of having served at a senior level at the board for three years before I was appointed to the Senate. I want to correct some of the things that were said. I know Senator Coyle asked Senator Petten why an amendment was made. It was my amendment, so maybe I can help you with that, Senator Coyle.

I rise to support adoption of this report as amended. Bill C-49 was sold to Newfoundlanders and Labradorians as a legislative necessity to add offshore wind and other renewables to the suite of authorities for the offshore boards to regulate.

I am supportive of this effort to have the boards take on that role and agree that the Atlantic Accords acts require amending to affect this authority. To go back in time, as Senator Manning did correctly, the Supreme Court ruled back in 1984 that the offshore was federal jurisdiction, full stop. The Atlantic Accords addressed this ruling by becoming an agreement between the federal and provincial governments that stated the offshore projects, both in Nova Scotia and in Newfoundland and Labrador, would be treated as though they were on land, just like in Alberta or Saskatchewan or any other land-based resource project. The management of it would be joint, that is through the offshore petroleum boards, and clause 28 removes this promise and this agreement.

There was an additional provision in Bill C-49 which we're all now aware of that has nothing to do with wind energy. It doesn't threaten wind energy or Nova Scotians' opportunities. It doesn't threaten Newfoundland and Labrador's opportunities with wind energy or any other offshore renewable resource. It directly impacts the promise and the intent of the Atlantic Accord of 1985 that the resource be treated as though it was on land and that Newfoundland and Labrador be the prime beneficiary of the resource that it brought into Confederation in 1949.

Clause 28, by adding to section 56 of the accord act — and I may be one of the few in the room who have read the accord act because I had to implement it while I was with the board — is an addition that specifically allows for the cancellation of an exploration or production licence even after legal and binding regulatory approval has been given. That's really important.

Clause 28 was removed from the bill at committee despite efforts from the government to have the committee's decision to remove that clause reconsidered and, obviously, then reversed. The committee stopped that as well. There have been some fundamental misunderstandings as to the potential impact that clause 28 can have on the oil and gas industry. There were many instances where this occurred. I'll go through two just to make it clear. I'll be reading directly from Bill C-49.

The first is removal of rights that the board has — when I say the board, it's joint management — to the federal government. That is:

> If an interest is cancelled by an order made under subsection 56.2(4), His Majesty in right of Canada may grant an interest owner the compensation that is specified in the order —

— that's there —

> — If the order cancels a petroleum-related interest, it is subject to section 124 in respect of the amount of that compensation, and, for the purposes of this subsection, any reference to the Regulator —

— joint management —

> — in that section is to be read as a reference to the Federal Minister.

It can't be clearer than that. I'm not parsing it; I'm reading it. So any reference to the regulator is now to be seen as a reference to the federal minister. That's one instance, colleagues. It's clear. It leaves little to interpretation.

There are a number, but one other that I did pick out was a reference under the Crown reserve area. The Crown reserve area is federal property, full stop. It's not joint property. It's not under the Atlantic Accords acts. It's not in the Newfoundland offshore area, as we call it. It says here:

> The portion of the offshore area subject to the interest referred to in subsection (1) that has been surrendered or the interest referred to in subsection (4) that has been cancelled —

— another reference to cancelling a licence —

> — becomes a Crown reserve area.

Colleagues, under the Atlantic Accord, the Newfoundland offshore area is jointly managed. Under Bill C-49 and specifically under clause 28 if it's cancelled, it reverts to federal control, as it was prior to the decision of the Supreme Court in 1984.

Colleagues, there is no specific section in Bill C-49 that explicitly outlines the federal minister's unilateral discretion to revoke existing permits and licences in the context of environmental protection. However, based on the general framework of the bill, such authority is implied under the broad regulatory powers given to the federal minister and the Governor-in-Council, which is a federal office, related to environmental protection.

Colleagues, even after billions of dollars of investment and thousands of jobs — mostly Newfoundlanders' and Labradorians' — have been created, after legal regulatory approval by the board as the legal authority under the accord act, an approved project can, in fact, be cancelled. Of course, this has zero to do with wind energy or any other renewable, which, as I said, I fully support.

It is clearly a backdoor path for the anti-petroleum interests of the current governments to kill investment prospects for the offshore. What company would ever invest in our offshore with this possibility on the table? While the government has announced that oil and gas activity in a marine protected area, or MPA, is prohibited, Bill C-49 expands these provisions beyond MPAs, resulting in uncertainty for current and future investors.

Colleagues, we had the committee meeting where this amendment was adopted last Thursday. The very next day, I met with former Newfoundland and Labrador premier Brian Peckford. I flew to Vancouver Island, where he now lives, and I met with him. In fact, when I met with him, he was keen to know what happened. We talked about clause 28, and we talked about the Atlantic Accord. We talked about how it came about. We

talked about the intent and the letter of the law and the spirit of the law. He wanted to know why clause 28 was in there and what led to its removal.

Mr. Peckford, as you know, is one of the two signatories — Senator Manning knows it very well — of the Canada–Newfoundland and Labrador version of the Atlantic Accords. He said, "This is not and was never the intent of the Atlantic Accords."

In fact, colleagues, he has written a letter to every Newfoundland and Labrador representative in the other place regarding their vote to have clause 28 included as part of Bill C-49: Yvonne Jones, the Honourable Seamus O'Regan, Churence Rogers, Joanne Thompson, the Honourable Gudie Hutchings and Ken McDonald.

I'm going to read the letter because it's important and because it's right from the horse's mouth, right from former Premier Peckford, who was the signatory:

> Dear Members of Parliament From the Province of Newfoundland and Labrador:
>
> I wish to record my utter disgust concerning your recorded vote in the House of Commons for Bill C-49 on May 2, 2024. In doing so, you have betrayed your Province.
>
> As one of the very early fighters and later a signatory to the Atlantic Accord —

— that's Mr. Peckford speaking of himself —

> — your affirmative vote signifies that you oppose the basic spirit, intent and words of the Accord, namely joint management, equality of governments, and principal beneficiary.
>
> Section 1 of the Accord says as follows:
>
> > The Government of Canada and the Government of Newfoundland and Labrador have reached an Accord on joint management of the offshore oil and gas resources off Newfoundland and Labrador and the sharing of revenues from the exploitation of these resources. . . .
> >
> > 2(c) to recognize the right of Newfoundland and Labrador to be the principal beneficiary of the oil and gas resources off its shores, consistent with the requirement for a strong and united Canada;
> >
> > 2(d) to recognize the equality of both governments —

I will pause here, because we're just reading now that, in section 28, apparently we're not equal because items that were under joint management are now under the federal minister or Crown reserve.

> . . . to recognize the equality of both governments in the management of the resource, and ensure that the pace and manner of development optimize the social and economic benefits to Canada as a whole and to Newfoundland and Labrador in particular . . . .

• (1550)

Bill 49 says the following, and I'm quoting from former premier Peckford's letter to six members of the other place:

> 56.1 Subject to section 7, the Governor in Council may, for the purpose of the protection of the environment, make regulations prohibiting, in respect of any portion of the offshore area that is specified in those regulations and that is located in an area that is or, in the opinion of the Governor in Council, may be identified —

— so it doesn't have to be identified —

> — under an Act of Parliament or of the Legislature of the Province as an area for environmental and wildlife conservation and protection . . .

As an aside from the letter, remember, colleagues, that there has been oil production there for over 40 years.

> (a) the commencement or continuation of
>
> > (i) any work or activity relating to the exploration or drilling for or the production, conservation, processing or transportation of petroleum, or . . .
>
> (b) the issuance of interests.

That is the granting of licences.

Now I return to former premier Peckford:

> This violates the principles of joint management, equality of the governments and directly threatens the principle of the Province being the 'principal beneficiary.'
>
> This is not joint management or equality of the two parties to the Accord but the usurpation of one party to unilaterally decide.
>
> Honourable A. Brian Peckford, Former Premier of The Province of Newfoundland and Labrador (1979-1989)

Colleagues, as I said in committee and in my second reading speech, I fully support renewables. I think it's important and I think it's necessary. But that will take generations, and Canada will need Newfoundland and Labrador petroleum until then.

A significant percentage of Newfoundland and Labrador's revenues come from the oil and gas sector, both in royalties and taxes, both corporate and individual. Taxes from the thousands of Newfoundlanders and Labradoreans and, in fact, Canadians who work in the offshore and the hundreds of companies.

Removing clause 28 will not impact renewables, as was stated by many of my colleagues today, or the intent of that aspect of the bill.

I ask you to recall, as we move to third reading of this bill — and possibly a vote at report stage — that my amendment had multipartisan support, and that, in effect, it passed committee with this support twice: once when it was proposed, and once

when a motion to revert for reconsideration failed. That, honourable senators, is important. I recognize that the Senate has the final say.

I urge my colleagues to help protect the industry that Newfoundlanders and Labradoreans rely on and keep the amended version that we have before us.

I know there has been quite a bit of pressure to either have this go to a recorded vote or a voice vote. I have no illusion whatsoever that I will win the day and have this amendment remain in Bill C-49. I won't block that. I know there are ways that I could possibly delay it.

Colleagues, what has happened has nothing to do with renewable resources — nothing whatsoever. In fact, in his speech, Senator Kutcher spent quite a bit of time talking about how bad oil and gas are. That says nothing about renewables at all. I support renewables. I think it's great. I'm fully in favour of the employment, benefits and revenues it will generate. I'm fully in favour of the transition out of oil and gas that it will help support if that's what the global markets decide.

Colleagues, I have spoken in the past about the benefits of the petroleum resources off the coast of Newfoundland and Labrador. It comes out of the ground beneath the seabed in a state that barely requires — and, in fact, in many cases doesn't require — any processing. It doesn't need to be removed from sand like in other operations. It doesn't require pipelines. It goes right to a vessel and right to the market. It employs thousands of people, not just in the capital costs of building the platforms, but also in the ongoing operating costs, and employs many thousands of Newfoundlanders.

The other thing is that the cost of production of oil in Newfoundland and Labrador is around $15 per barrel; in Saudi Arabia it is $10 per barrel; in the oil sands it is about $65 per barrel — colleagues, this is the very last oil that should come out of the ground.

I'm fine for this to go to a voice vote. I respect my colleagues in my own caucus. I don't want to jam my other colleagues from Newfoundland and Labrador who don't agree with my view. Colleagues, on the voice vote, I urge you to accept the bill as amended. 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?

Some Hon. Senators: No.

(Motion negatived, on division.)

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

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

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

POINT OF ORDER—SPEAKER'S RULING RESERVED

The Senate resumed debate on the point of order, raised on September 25, 2024, with respect to the requirement for a Royal Recommendation for Bill S-15.

Hon. Marty Klyne: Honourable senators, when we adjourned yesterday, I had explained this unsound point of order must be declined. As I said, if successful, this point of order would significantly narrow the Senate's legislative power compared to its record in current practice.

As such, this point of order risks disallowing many government Senate bills, Senate public bills, Senate amendments and MPs' private member bills. I had explained that Bill S-15 makes no direct expenditures, and turned to potential indirect expenditures. I will now pick it back up there.

This 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 and requiring the bill to start in the House of Commons.

As referenced by the critic, in *Senate Procedure in Practice* on page 154, the Speaker's ruling of February 24, 2009, explains the Senate's framework for considering the necessity of a Royal Recommendation to the House of Commons, a framework required to appropriate money or raise a tax under section 54 of the Constitution Act, 1867.

• (1600)

At some length, I quote:

> … a number of criteria must be considered when seeking to ascertain whether a bill requires a Royal Recommendation. 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 same way, a bill that would only impose minor administrative expenses on a department or agency would probably not trigger this requirement.

> The list of factors enumerated… is not exhaustive, and each bill must be evaluated in light of these points and any others at play. It certainly is not the case that every bill having any monetary implication whatsoever automatically requires a Royal Recommendation. When dealing with such issues, the Speaker's role is to examine the text of the bill itself, sometimes within the context of its parent act.
>
> In situations where the analysis is ambiguous, several Senate Speakers have expressed a preference for presuming a matter to be in order, unless and until the contrary position is established. This bias in favour of allowing debate, except where a matter is clearly out of order, is fundamental to maintaining the Senate's role as a chamber of discussion and reflection.

Relevant to Bill S-15, *Senate Procedure in Practice* also states:

> A bill that would impose merely minor administrative expenses or inconvenience, particularly if they are closely linked to an existing statute's purpose, may not require a Royal Recommendation. . . .

As I will explain, Bill S-15 does not impose any inherent indirect expenditures. Most important, at the optional discretion of government, any indirect expenses need only be in the class of permissible administrative expenses or inconvenience, and thus would not require a Royal Recommendation. As well, any expenses could be recovered with application or licensing fees for cost neutrality.

On this point, we need to consider the substance of the bill before returning to the PBO report. Bill S-15 would establish prohibitions against acquiring, breeding, importing or exporting elephants and great apes unless licensed for either their best interests, conservation or scientific research.

Either the Minister of Environment or a provincial government would be able to issue such licences, except for international trade, an area exclusive to federal jurisdiction.

The minister could issue the relevant federal licences via their proposed authority in the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, or WAPPRIITA. Of note, this statute already grants the government regulatory and permitting authorities for the import, export and possession of wildlife in sections 6, 8, 10 and 21, including elephants, great apes and other species.

As well, Bill S-15's changes are closely linked to and within the existing statute's purpose, stated in section 4 of WAPPRIITA:

> . . . to protect certain species of animals and plants, particularly by implementing the Convention and regulating international and interprovincial trade in animals and plants.

I emphasize the phrase "to protect." A protective purpose can and does include protecting wild animals from cruelty. For example, WAPPRIITA's current administration generally prevents the import of wild captured endangered species. Certainly, it is cruel to capture elephants and great apes and to remove them from the wild for display in captivity.

As well, last year, Environment Canada introduced additional restrictions around elephant ivory and rhino horn via regulations in WAPPRIITA. In addition to promoting conservation, protecting elephants and rhinos from being slaughtered — including where killing occurs inhumanely or surviving elephants would be traumatized after the massacre of family members — connects to protecting wild animals from cruelty. It is protective.

On the bill's contents, I also note that Bill S-15 would ban using elephants and great apes in performances for entertainment purposes, with no licensing possible.

The PBO indicated to my office that prohibitions, such as in criminal law or trade restrictions, are not considered as spending money in terms of their potential enforcement by police, border officials and the like. Indeed, the Senate regularly initiates or alters prohibitions through bills or amendments.

The PBO also confirmed that legislating potential licensing around prohibitions does not necessitate creating such a framework. As a preliminary point, before moving to potential minor expenses, Bill S-15's prohibitions could be allowed to stand alone, without indirect spending or licensing.

To illustrate, in 2019, Parliament passed whale and dolphin captivity criminal and trade prohibitions initiated in the Senate via Bill S-203 and government-initiated Senate amendments to Bill C-68. While banning performances for entertainment using whales and dolphins, those laws allowed provinces to potentially license the practice. However, that law did not mean that provinces must license the practice or must create a licensing process. After all, only two provinces had captive whales or dolphins.

Just so, if Bill S-15 becomes law, neither the federal nor provincial governments would be obliged to create a licensing process, such as for potential breeding. For example, would the seven provinces currently without captive elephants or great apes necessarily create such frameworks?

To this preliminary point, the prohibitions could stand alone, without any in direct spending on licensing. As such, Bill S-15 does not inherently cause any indirect spending. This is a technical point, but it is a technical point of order.

I would also very quickly respond to Senator Plett's assertion yesterday that it will be the government's responsibility to instruct owners of elephants and great apes about how to prevent their natural breeding. To the contrary, it will be current owners' responsibility to comply with the law if adopted by Parliament, based on existing and reasonable animal husbandry practices, such as separating or not separating animals of breeding age by gender, the use of birth control or other reproductive control methods and so forth.

I turn now to the PBO report on Bill S-15 of August 8, 2024, and the question of potential minor expenses. In that report, the PBO estimated that over five years, Bill S-15 could cost $8 million to administer, with $2 million in each of the first three years and $1 million in each thereafter. The PBO confirmed to my office that their estimate is based on indications from the Department of Environment and Climate Change Canada, which the PBO deferentially accepts as regards development, permitting, permitting enforcement and data management.

In addition, the PBO's estimate is based on the department's optional position of not recovering any potential costs, such as through application of licensing fees from organizations looking to benefit financially from the display of captive elephants or great apes. The PBO also deferentially accepts that option for the purpose of their estimate, although cost recovery is possible.

To illustrate, a PBO estimate for a previous wildlife captivity bill from last year, Bill S-241, estimated a cost of $4 million over four years, with $1 million in cost recovery available per year. Notably, the PBO estimated that Bill S-241 would be half as costly to administer as Bill S-15, despite covering over 800 wild species, including elephants and great apes, with some species like big cats estimated to be held in the thousands, as compared to only elephants and great apes in Bill S-15, which number in the dozens. This was a surprising proposition: that the more extensive bill would be less costly to administer. Go figure.

In general, the PBO's report on Bill S-15 appears to reflect a scenario where the department would choose, at its optional discretion, to spend an unnecessarily large amount of money to perform a modest function related to existing functions. It also reflects a scenario where the department would choose, at its optional discretion, not to recover any costs from organizations benefiting financially from the display of captive elephants or great apes.

In Saskatchewan, such a scenario would be referred to as bewildering or perplexing. This is why I agree with the public comments of Minister Guilbeault's office that the Parliamentary Budget Officer, or PBO, estimates on Bill S-15 are premature, speculative and, ". . . no conclusions can yet be made about future cost implications."

• (1610)

Please allow me to elaborate. For one, Bill S-15 is extremely similar to Canada's whale and dolphin captivity laws, initiated in the Senate and administered by Fisheries and Oceans Canada, or DFO, for the last five years — without financial controversy — including with a permitting scheme that's been applied for exports.

The PBO confirmed to my office that neither they nor Environment and Climate Change Canada, or ECCC, asked DFO about the indirect costs of administering the whale and dolphin captivity laws. The PBO did indicate that ECCC included in its estimates a major initial investment to maintain and operate a new IT data management system to log and track numbers of captive elephants and great apes in Canada. Hence, the higher claimed cost in initial years. This would be further to a proposal in clause 6 of Bill S-15 to monitor with a legislated notification system than what they would be monitoring: the numbers and locations of elephants and great apes in Canada.

Frankly, I do not understand this costing, since the small numbers and few locations of elephants and great apes in Canada are known and, except for Fauna Sanctuary, the animals are on public display. According to their websites and the media, 25 elephants live in Canada, with 19 at African Lion Safari, two at Parc Safari, three at Granby Zoo and one at the Edmonton Valley Zoo. The latter two zoos don't plan to breed or acquire more elephants, so we can consider that to be a static count.

Also according to their websites and the media, 30 great apes live in Canada, with seven gorillas and seven orangutans at the Toronto Zoo; seven gorillas at the Calgary Zoo; four gorillas at Granby Zoo; and five chimpanzees at Fauna Sanctuary, which does not plan to breed or acquire more chimps.

To monitor these small and known populations in Canada — rather than spending vast sums on a new IT system — an Excel spreadsheet and the occasional phone call, email or online search would seem to suffice. That's the way we do it in Saskatchewan. Moreover, the government would require notifications of birth after coming into force if any relevant animals are pregnant at the time.

In terms of regular costs, the PBO indicated that the department would ideally like to hire six new full-time staff at an average annual cost of $140,000 to administer the proposed elephant and great ape laws. Again, this discretionary option seems like an unnecessary cost. The department already employs staff to administer permitting for the transport of Convention on International Trade in Endangered Species of Wild Fauna and Flora, or CITES, species to prevent trade harmful to wild populations, including elephants and agreement apes.

This occurs under existing appropriations for administering the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, which, as I noted, already contains regulatory and permitting authorities for the import, export and possession of wildlife, including the species covered by Bill S-15. As noted, Bill S-15's function is also closely linked to the statute's existing protective purpose. Bill S-15 would simply add prohibitions with potential licensing, as with the whale and dolphin laws.

In regard to licensing, as the Legal Committee learned in its study of Bill S-15, free expert advice is readily available about animal welfare, conservation and scientific research relating to elephants and great apes from scientists, non-governmental organizations and leading zoos. Perhaps current departmental staff could contact these publicly known experts for this free information and advice, as my office has done.

Again, there's also nothing preventing the department from recovering any costs, such as through application and licensing fees, as the PBO assumed would occur in its estimate in relation to Bill S-241. That is another option to achieve cost neutrality, if indirect costs were incurred, such as the occasional contract for outside expertise.

The important point here is if there were cost implications in Bill S-15, they would be minor expenses or inconveniences or recoverable.

I also note that on May 22 at committee, in response to a question from Senator Dalphond, departmental officials confirmed that the amendments like the "Noah Clause" will not cost anything, if adopted by this chamber. This is because they do not require the government to do anything. The "Noah Clause" would simply establish that option going forward.

Senators, in thinking about potential indirect costs and this point of order, we should be mindful to compare the situation with Bill S-15 to other legislation initiated in the Senate. This is where this point of order, if it succeeds, could create a major precedent to significantly narrow our legislative powers in terms of government S bills, Senate public bills and amendments as well as private member's bills, all of which almost never carry Royal Recommendations.

In considering the permissibility of potential indirect costs in Senate-initiated legislation, in the last 10 years, government legislation starting in the Senate and related Senate amendments have included: new vehicle recall powers for the Minister of Transport; an end to gender discrimination in Indian Act status, extending eligibility to tens and perhaps hundreds of thousands of people which, in 2017, the PBO estimated would cost in the form that Bill S-3 was amended by the Senate an initial $71 million plus $407 million a year; tax conventions with Taiwan, Israel and Madagascar; a regulatory framework for vaping and major changes to tobacco laws; major changes to the Canadian Environmental Protection Act, including Senate amendments to phase out chemical testing on animals — a practice that in 2019 impacted 90,000 animals — with a draft strategy to achieve this goal released by ECCC this month; admissibility changes to the Immigration and Refugee Protection Act; a chemical weapons convention; and several Indigenous self-government agreements.

In addition, reflect and consider that senators have initiated Senate public bills to, among other things: prevent genetic discrimination, including in the workplace; require the government to pay its contracts in a timely way as well as to require prompt payment of related subcontracts; prohibit cosmetic testing on animals and the sale of such products; create a Magnitsky Law to sanction foreign human rights abusers; change the customs rules for boaters on the U.S.-Canada border; phase out the captivity of whales and dolphins, with potential licensing; ban the import and export of shark fins; end the advertising of unhealthy foods to children; require age verification for online pornography; ban the live export of horses overseas for slaughter; create a Parliamentary Visual Artist Laureate; enhance the use of wood in public works; prohibit the exports of plastic waste; declare an Atlantic dikeland system to be federal; create an Employment Insurance council; establish the expiry of criminal records; prohibit the import of goods from a region of China; prohibit First Nations with the authority to conduct gaming; adopt a national strategy on human trafficking; create climate obligations on financial entities; have warning labels on alcoholic beverages; establish a foreign influence registry; authorize advance requests in medical assistance in dying, and make many other changes.

Senators, we need to be consistent in this regard. Canadians are watching.

In considering that these bills started in the Senate, is Bill S-15 an extraordinary outlier when it comes to potential indirect costs? Against this backdrop, and with the precedent on whales and dolphins, is Bill S-15 so clear a case that we would be barred from debate and decision on the bill? Is it really a multimillion-dollar task to count the animals I have just listed?

Senators, the financial responsibility of Bill S-15 is not a closed case. Even were it so, the Senate's presumption applies that Bill S-15 is in order, which I quoted earlier.

• (1620)

To reiterate this central principle in our chamber from our primary authority, page 83 of *Senate Procedure in Practice* states:

> The Senate is often flexible in the application of the various rules and practices governing debates. As stated by Speaker Molgat in a ruling on April 2, 1998:
>
> > It is my view that matters are presumed to be in order, except where the contrary is clearly established to be the case. This presumption suggests to me that the best policy for a Speaker is to interpret the rules in favour of debate by Senators, except where the matter to be debated is clearly out of order.

Senators, Bill S-15 is properly before the chamber, and this point of order must be declined. Thank you. *Hiy kitatamihin*.

Hon. Denise Batters: I rise to make brief remarks in support of Senator Plett's point of order. Despite some of the assertions in Senator Klyne's remarks today and the other day, it's clear that bills spending significant money cannot be initiated in the Senate. Here, we're not dealing with minor administrative expenses. I'll give you two recent examples of bills in this respect.

The first is An Act to amend the Judges Act. I remember it well because I was the critic for it throughout. The Trudeau government first introduced that bill here in the Senate as Bill S-5 in June 2021. Then, following the 2021 election, the Trudeau government reintroduced this bill in the Senate as Bill S-3 in December 2021. In my role as critic for that bill, I raised my concern that those bills contained monetary provisions that I contended were not appropriate for a government bill being initiated in the Senate.

The Trudeau government did not initially heed these concerns, but later, the Speaker of the House of Commons made a ruling that then held the government to withdraw the Senate bill and reintroduce An Act to amend the Judges Act — properly this time — in the House of Commons as Bill C-9 in February 2022. The monetary provisions in An Act to amend the Judges Act were much less substantial than what exists in Bill S-15. As Senator Plett stated in his point of order speech, because of that expansive amendment that Senator Klyne brought at committee, Bill S-15 would involve, at a minimum, $8 million.

The second example is the bill on the Parliament of Canada Act changes. That bill was initially introduced by the Trudeau government as Bill S-4 in June 2021. Later, the Trudeau government reintroduced this bill in the Senate as Bill S-2 in November 2021. That bill also contained monetary provisions — specifically, additional salary amounts for senators in leadership positions within Senate groups other than government and the opposition. Given the concerns about a bill with these types of monetary provisions being initiated in the Senate, the Trudeau government withdrew Bill S-2 and reintroduced these Parliament of Canada Act changes in a Budget Implementation Act, obviously properly introduced in the House of Commons soon thereafter.

Again, honourable senators, the monetary provisions in that bill were nowhere near the dollar amount of Bill S-15, which is a minimum of $8 million. And let's remember, this is according to the PBO, which is a pretty good source. Given these clear examples, I support the point of order of Senator Plett and ask that Bill S-15 be withdrawn. Thank you.

Hon. Pierre J. Dalphond: I will be brief. I will respond to Senator Batters because I was the sponsor of the bill on the Judges Act three times. I introduced it twice in the Senate, and when it came back from the House of Commons on the third attempt, it came here. You will remember that bill provided for automatic appropriations of funds from the Consolidated Revenue Fund to pay for the lawyers who would be acting for a judge. This is an appropriation bill.

We refer now to the Parliament of Canada Act, which again provided for the creation of new officers of the Senate. That would be automatically paid for from the Consolidated Revenue Fund. We're not talking about these other bills, and Senator Klyne clearly made that point that when a department exists and is conferred duties, and then duties are added to those duties — where civil servants will have one more thing to check on the list of things to do — we're not appropriating funds there.

I think there is a clear line with what the Constitution says: An appropriation bill cannot arise in the Senate, and that's why the Speaker of the House of Commons felt that it was proper to have one of these two bills introduced in the House of Commons and not the Senate. Thank you.

Hon. Marc Gold (Government Representative in the Senate): I wish to respond to the point of order in the following way: In the government's view, none of the provisions contained in Bill S-15 would give rise to a new and distinct spending authority that is not already authorized by statute. The changes proposed in Bill S-15 are intended to complement the permitting scheme found in the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, or WAPPRIITA. It protects Canadian and foreign species from illegal trade by regulating import, export and interprovincial trade of certain wild animals and plants to a permitting scheme that includes inspections, prohibitions, offences and penalties.

In terms of implementation, subsection 10(4) of WAPPRIITA allows the Minister of Environment and Climate Change to delegate responsibility for the permitting process to the provinces. It is possible that the federal government could provide funds to a province to support the permitting process if it were delegated; however, such a funding transfer would be made through statutory authorities beyond WAPPRIITA. Accordingly, this issue is not relevant to the point of order.

Bill S-15 would add two new permits to the current scheme to authorize the import and export of elephants and great apes and keeping these animals in captivity. The new permits would be integrated into the overall system established by WAPPRIITA, including offence and penalty provisions. WAPPRIITA includes authorities to administer the act. Section 12 of the act authorizes the Minister of Environment and Climate Change to designate officers and analysts to administer the act.

Any new employees to implement the scheme proposed in Bill S-15 would be funded through the authority provided under WAPPRIITA or through appropriations bills as part of the supply cycle. These resources would enable Environment and Climate Change Canada, or ECCC, to increase enforcement and inspection activities and to issue and review permits, including any other technological or resource requirements. This includes ECCC's abilities to implement these measures with existing staff and data management capacities, as well as considering cost recovery options.

Colleagues, Bill S-15 also makes complementary amendments to the Criminal Code to make it a criminal offence to keep or breed elephants and great apes in captivity unless authorized by a permit issued under WAPPRIITA. These amendments are similar to section 445.2 of the Criminal Code, which makes it an offence to keep or breed whales and dolphins in captivity unless authorized by a provincial licence.

Honourable senators will remember that these offences were introduced by our former colleague Senator Moore in December 2015 as part of Bill S-203, which were later enacted into law through Bill C-68, which dealt with amendments to the Fisheries Act. You'll recall — I certainly do — that Bill S-203 was subject to significant debate in committee study before it was passed in this place at third reading in October 2018. There were many senators who were concerned about the bill, and those senators made their views very well known. However, at no point did any of our colleagues call into question whether Bill S-203 imposed new and distinct spending on the Crown.

I will quote from a ruling by Speaker Kinsella from December 1, 2009, to which I think mention was made earlier — I apologize for underlining it, but I'm about to do so. The ruling clarified that when a bill proposes to add a function generally relating to an act's existing purpose and without mandating new hiring or other expenditures as part of its decisions, then it doesn't necessarily meet the threshold of a "new and distinct" expenditure.

To quote again from a ruling by Senator Kinsella, this one on February 24, 2009:

> 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 same way, a bill that would only impose minor administrative expenses on a department or agency would probably not trigger this requirement.

Later in the same ruling, Speaker Kinsella noted:

> In situations where the analysis is ambiguous, several Senate Speakers have expressed a preference for presuming a matter to be in order unless and until the contrary position is established.

• (1630)

Page 155 of *Senate Procedure in Practice* also states:

> A bill that would impose merely minor administrative expenses or inconvenience, particularly if they are closely linked to an existing statute's purpose, may not require a Royal Recommendation.

To conclude and reiterate, the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act already provides the Minister of Environment and Climate Change with existing statutory authorities to carry out both the permitting process and the necessary monetary penalties, namely in sections 10, 22 and 23 of the act. Therefore, Your Honour, for the reasons I have provided to you, I do not believe that this is a valid point of order. I submit that Bill S-15 is able to proceed.

Thank you very much.

Hon. Donald Neil Plett (Leader of the Opposition): Your Honour, I will also be brief, but I do have a few comments to make with regard to my point of order.

The first comment is a bit of an observation. Only a really good Liberal would think $8 million is a minor expense. Some of us believe that $8 million is a significant amount of money. I'm embarrassed that the Leader of the Government would think $8 million is a minor expense.

Nevertheless, Your Honour, I have a few comments. First, Senator Klyne suggested in his opening remarks that the aim of this point of order is to strike the bill from the Order Paper. In fact, that is not the aim of this point of order; it would be the consequence of this point of order. The aim is to follow proper parliamentary procedure as determined by the Constitution of Canada. If that results in striking a bill from the Order Paper, then so be it.

Second, Senator Klyne makes the claim that Bill S-15 does not appropriate any public money or impose a tax, and therefore does not require a Royal Recommendation. That again, as I pointed out, is incorrect, as previous rulings have demonstrated.

Senator Gold just quoted Senator Kinsella. Let me quote him as well:

> 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. . . .

I'm not sure if a novel expenditure is a significant amount of money. I would suggest it might be similar.

To continue:

> 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.

Your Honour, Bill S-15 does contain a provision allowing a novel expenditure not already authorized in law, and it also broadens the purpose of an expenditure already authorized, as I demonstrated yesterday.

It is a mistake to say that Bill S-15 does not require a Royal Recommendation simply because it does not confer a benefit or impose a tax — that ignores the third trigger, which is broadening the purpose of an expenditure already authorized.

This was confirmed to me by the Senate Office of the Law Clerk and Parliamentary Counsel when they explained the following to me in an email regarding a different bill. In part, they wrote:

> A Royal Recommendation is required, for example, if a bill imposes a tax or creates a new publicly funded entity, or if a bill requires an existing publicly funded entity to undertake activities outside the mandate that was the subject of an existing appropriation by Parliament.

Your Honour, this speaks clearly to the need for a Royal Recommendation for Bill S-15 for three reasons. First, in amending the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, Bill S-15 creates new responsibilities for Environment and Climate Change Canada. Second, these new responsibilities are not captured under the existing mandate of the department. Therefore, they are not covered by a Royal Recommendation authorizing expenditures by that department. Third, these responsibilities will require the expenditure of public funds.

Contrary to what has been said here, these costs are not recoverable. We heard that clearly yesterday in my report when officials said they have never recovered these monies.

Senator Klyne has argued that the point of order reduces the powers of the Senate. It is not my point of order or your decision, Your Honour, that would restrict the Senate powers. It is the Constitution of Canada that does that. Senator Klyne said that a new mandate requires a Royal Recommendation. His argument that you should allow debate is not applicable in this case, as I said. A bill that is against the Constitution, Your Honour, must be discharged immediately.

Government officials admitted that Bill S-15 expands the mandate of Environment and Climate Change Canada. In his comments, Senator Klyne never gave any evidence — none — from the government to the contrary. So who should we believe, Your Honour? Will it be the people who are actually going to apply this bill, or the sponsor of the bill who will have nothing to do with this? I think we should believe the people who are going to be involved.

And Senator Dalphond wanted to argue that, but Bill S-2, as Senator Batters said, was providing for much less than $8 million of new expenditures. However, the House Speaker allowed first reading of the bill. The government had to table a similar bill in the House. Your Honour, I suggest that if you allow this to continue, the House Speaker will rule it out of order.

The fact that you cannot give an exact amount of new expenditures has no bearing on the decision here today. The Constitution does not say that new expenditures must be this level or that level, or that they be certain and determined. The Constitution says that if there are new expenditures, the bill cannot originate. It doesn't say $8 million, $5 million or $10 million. I'm not sure what a significant amount of money is to Senator Gold; $8 million isn't, but maybe $20 million is. It doesn't talk about that.

In any event, even if there were no cost, the simple fact that there are additions to the mandate of the department makes the bill impossible to be tabled in the Senate. The fact that this bill or that bill originated in the Senate has no bearing here. If no point of order was raised, then it does not change the words of the Constitution.

Your Honour, as I said yesterday, without question, contrary to Senator Gold wanting to save face by doing something in the Senate that should have been done over there, and contrary to Senator Klyne who would love for his bill to proceed — he tried first with Bill S-241 but couldn't get it done there, so then he had the government do something over here, and then he amended the bill to return to Bill S-241 — there are many others who would probably support that, regardless of all that. But your job, Your Honour, is to determine the constitutionality and rule accordingly.

This bill requires a Royal Recommendation. It is not constitutional for this bill to move forward. Therefore, Your Honour, as I said yesterday, I request that you rule in favour of this point of order and that this bill be withdrawn.

Thank you very much.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Thank you, Senator Plett, for bringing this important question to our attention, and thank you to all honourable senators who shared their points of view on this important debate. I will take this question under advisement. Thank you.

• (1640)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of September 25, 2024, moved:

> 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.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

INCREASING THE IDENTIFICATION OF CRIMINALS THROUGH THE USE OF DNA BILL

BILL TO AMEND—TWENTY-SECOND REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Cotter, seconded by the Honourable Senator Woo, for the adoption of the twenty-second report of the Standing Senate Committee on Legal and Constitutional Affairs (*Bill S-231, An Act to amend the Criminal Code, the Criminal Records Act, the National Defence Act and the DNA Identification Act, with amendments*), presented in the Senate on December 12, 2023.

Hon. Bernadette Clement: Honourable senators, I move that further debate be adjourned until the next sitting of the Senate for the balance of my time.

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

Hon. Senators: Agreed.

(On motion of Senator Clement, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—TWENTY-SEVENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the twenty-seventh report of the Standing Senate Committee on Legal and Constitutional Affairs (*Bill S-250, An Act to amend the Criminal Code (sterilization procedures), with an amendment and observations*), presented in the Senate on September 24, 2024.

Hon. Brent Cotter moved the adoption of the report.

He said: Honourable senators, I rise today to speak to the report on Bill S-250, An Act to amend the Criminal Code (sterilization procedures).

The bill, as many will recall, seeks to make clear in the Criminal Code that the practice of sterilizing a person without their consent is a serious invasion of a person's autonomy and a serious criminal offence.

I would like to acknowledge and thank the sponsor of the bill, Senator Yvonne Boyer, for her tireless advocacy on this issue, and I also thank members of the Standing Senate Committee on Legal and Constitutional Affairs for their dedicated work in reviewing the bill and the amendment.

The committee's work on Bill S-250 began in the spring of 2024. Eighteen witnesses were heard over the course of three meetings. Eight briefs were submitted, which contributed valuable perspectives to the committee's understanding.

Clause-by-clause consideration took place on September 19, 2024, and the committee adopted one substantial amendment, as proposed by the bill's sponsor, Senator Boyer. Additionally, one observation was made to ensure the intention behind the legislation is clear and that future interpretations uphold its spirit.

In my role as chair, I am required by the Rules to explain amendments that occurred at the committee. In this case, we had a single amendment, but as I said, it was substantial.

First, though, a word or two about the original unamended bill. It proposed a series of new sections to the Criminal Code to establish a series of offences for people who cause the sterilization of a person without that person's consent. The bill offered a definition of what constitutes a sterilization procedure and the scope of what would and would not constitute consent.

While supportive of the goals of the bill, a number of senators raised concerns regarding the narrow scope of what would constitute consent and a provision of the bill that would disallow the application of section 45, colloquially understood to be a provision that would enable medical professionals to intervene for the health of a person in emergency circumstances.

The sponsor of the bill, Senator Boyer, heard these concerns and undertook a concerted effort on her part over the summer to address concerns raised by our colleagues last spring. Senator Boyer introduced an amendment at clause-by-clause consideration of the bill intended to streamline the bill and place sterilization without consent within the provisions of Section 268 of the Criminal Code. Specifically, it clarifies that a sterilization procedure constitutes wounding or maiming for the purposes of aggravated assault. This ensures that this heinous act is properly recognized as a serious violation under criminal law.

Furthermore, the definition of a sterilization procedure was expanded. The amendment now covers all sterilization procedures, regardless of whether sterilization was the primary purpose or whether the procedure is potentially reversible through subsequent surgeries or procedures. The amendment also preserved the medical emergency exemption pursuant to Section 45 of the Criminal Code.

Importantly, several other clauses that were in the original bill were removed to ensure clarity and focus on the criminalization of coerced sterilization. The amendment proposed reduced the bill down from 3 pages to 13 lines.

The amendment was unanimously adopted by the committee, which I believe reflects the broad agreement on the importance of the bill and the wisdom of the change.

As I say, the amendment was adopted by the committee, in my view and in the view of my colleagues on the committee, in order to achieve the goal of simplifying and strengthening Senator Boyer's bill.

I close with these few observations. The sponsor of the bill, Senator Boyer, has long been a champion of exposing the horrific practice of forced and coerced sterilization in Canada, particularly as it has been inflicted upon Indigenous women. She has consistently raised awareness of the serious breach of medical ethics and human rights that this practice represents.

The committee also heard that Indigenous peoples — as well as other vulnerable communities including Black Canadians, low-income individuals and persons with disabilities — were most targeted by these reprehensible practices.

As many of you know, Senator Boyer's work led to the Standing Senate Committee on Human Rights studying this issue. The result of that work is a report entitled *The Scars that We Carry: Forced and Coerced Sterilization of Persons in Canada —Part II*.

The work of our Human Rights Committee shed light on how these violations are not just a part of our past but continue to this day, making this legislation a vital step toward addressing ongoing harms.

In conclusion, I thank Senator Boyer for her tireless advocacy on this critical issue. I also want to express my gratitude to the committee members, to our staff and to the dedicated committee staff for their hard work in refining and advancing this important legislation. Your collective efforts are truly appreciated. This bill is an important step toward justice for many of our most vulnerable citizens. Thank you.

Hon. David M. Wells: Honourable senators, I rise to speak at third reading of Bill S-250, An Act to amend the Criminal Code (sterilization procedures). It has been well over a year since I spoke to this bill at second reading in March 2023. At the time, I expressed my unequivocal support for the bill. I continue to support it in its current form as the amendments proposed and passed at committee are the result of addressing the expert testimony heard by the committee on some of the more technical legal issues — testimony that makes the bill less assailable to criticism.

The aim of the bill is to clarify that non-consented sterilization is an indictable criminal offence punishable by up to 14 years in prison. The heartbreaking testimony of many of the witnesses, as well as the testimony of the bill's sponsor, the Honourable Yvonne Boyer, has only strengthened my resolve to see this bill passed. When I think of the tireless efforts of Senator Boyer and her team of allies in this effort, I am put to mind of the quote from the famous anthropologist Margaret Mead: "Never believe that a few caring people can't change the world. For indeed that's all who ever have."

• (1650)

That again takes me back to my remarks at second reading when I said that I, like many others in this chamber, thought that forced sterilization was a thing of the past, a relic. So I was shocked to learn that it happened as recently as 2019 and maybe since then.

I also commented at the time that over 12,000 women have been subject to this in Canada, and yet not one individual has been charged much less convicted of assault under the current sections of the Criminal Code that allegedly apply in this area. To me, that is a crime in itself.

Senator Boyer, in her testimony before the committee on her bill, related the story of Dr. Andrew Kotaska, who in 2019 sterilized without consent a 37-year-old Inuk woman at the Stanton Territorial Hospital in Yellowknife. "Let's see if I can find a reason to take the left tube," he was reported to have stated. He had already removed the right one and an ovary with her consent in order to resolve the pelvic pain she had been having, which was the reason she was admitted to the hospital in the first place. He did remove the left tube, and she was sterilized — sterilized after having gone to the hospital to resolve pelvic pain.

That story, like so many others, is heartbreaking. But unlike so many other instances, this time, something was done. A complaint was lodged with the Northwest Territories Department of Health and Social Services. An inquiry was established, and Dr. Kotaska was found to have violated the Canadian Medical Association *Code of Ethics and Professionalism*. He was suspended for five months, made to pay $20,000 for the legal costs of the hearing and ordered to take an ethics course.

Honourable colleagues, if, like Dr. Kotaska, you have been practising medicine for years; if, like Dr. Kotaska, you have held professorships at the Department of Obstetrics and Gynaecology at the University of Toronto, the University of Manitoba and the UBC School of Population and Public Health; if, like Dr. Kotaska, you have published articles in peer-reviewed journals, no doubt, on caring for Indigenous patients and, surprisingly, on informed consent and ethics, I am guessing that the impact of an ethics course may be marginal at best.

Honourable senators, at least in this case something was done, when in so many other cases — in fact, all other cases — nothing was. In other words, there have been approximately 12,000 procedures, probably more, without a single criminal charge, much less a conviction. I would like to know why. Why is this? Senator Boyer can tell us.

I'm not the only one who asks why. In December 2018, the UN Committee against Torture not only recommended legislation similar to what we are debating at third reading today but also recommended that Canada:

> . . . ensure that all allegations of forced or coerced sterilization are impartially investigated, that the persons responsible are held accountable and that adequate redress is provided to the victims.

To that I say, "hear, hear."

Honourable senators, Senator Boyer's bill is intended to address the legislative situation. As she told us at committee, she undertook to introduce this not of her own volition but at the urging and support of the victims of forced and coerced sterilization. I'm going to quote Senator Boyer, who told us at committee:

> This bill is a direct response to their calls for action. This bill is also a response to Recommendation 1 from the Senate Standing Committee on Human Rights report *The Scars that We Carry: Forced and Coerced Sterilization of Persons in Canada —Part II.* It states "That legislation be introduced to add a specific offence to the *Criminal Code* prohibiting forced and coerced sterilization."

Colleagues, I was on that committee when we heard that testimony, that terrible testimony from the victims. When I read that, it sounds to me like the government is satisfied with the status quo and convinced that the mechanisms are already in place to address the situation, which again begs the question: Why have there been no charges, much less convictions, under the existing Criminal Code?

At committee stage, Senator Boyer brought forward an amendment. Her amendment directly addresses concerns about the bill that were raised by witnesses and senators during the committee's study of the bill. This amendment simplifies the bill and makes it clear that coerced sterilization is a Criminal Code offence. The goal of Bill S-250 has always been to make it clear that a non-consented sterilization procedure is aggravated assault and will be treated as such.

Colleagues, Senator Boyer's amendment to Bill S-250 aims to address concerns raised during previous debates, particularly the overly broad drafting of the initial bill and the potential unintended consequences, especially in the context of emergency surgeries that could result in sterilization.

The amendment removes a significant portion of the bill and only creates sections 268.1(1) and (2), as seen in Senator Boyer's amendment, to clearly indicate that forced sterilization constitutes an offence under the provisions for aggravated assault, as per section 268 of the Criminal Code. This section addresses aggravated assault, including forms of mutilation, like female genital mutilation. The amendment explicitly places forced sterilization under this section of the code. The goal is to maintain protection against forced sterilization without interfering with the reproductive rights of those who voluntarily choose this procedure.

The amendment also ensures that health care providers will be protected under section 45 of the Criminal Code in cases of emergency medical procedures where sterilization is a necessary outcome to save a person's life. Section 45 protects health care professionals from prosecution when performing legitimate medical acts, which excludes situations of non-consented forced sterilization.

By removing the initial procedure from the bill, the amendment allows the bill to clearly indicate that forced sterilization is a criminal offence and that anyone performing this operation will fall under section 268 of the Criminal Code, which addresses aggravated assault.

This amendment significantly simplifies the bill while maintaining the core goal to make it explicitly clear in the Criminal Code that forced sterilization, meeting the requirements of an aggravated assault, is against the law and will be prosecuted — finally prosecuted, colleagues.

I know that Senator Boyer's goal, shared by so many of us, is to do everything in her power to make sure not one more person is sterilized against their will or against their knowledge in Canada. That was and remains the intention of this bill, and I support this.

I believe that with her amendment, we now have a clearly delineated path forward that places the predominating interests of life givers ahead of others. It is our duty to protect the public from the violation of their human rights, and this bill is a necessary part of fulfilling that duty.

Finally, colleagues, I want to thank our colleague Senator Boyer for her care, her concern, her dedication and, most importantly, her action. So many people were counting on her, and she delivered. For all these reasons, colleagues, I support this bill at third reading. I urge you to do so as well. Thank you.

Some Hon. Senators: Hear, hear.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM COMMONS—AMENDMENTS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-205, An Act to amend the Criminal Code and to make consequential amendments to another Act (interim release and domestic violence recognizance orders), and acquainting the Senate that they had passed this bill with the following amendments, to which they desire the concurrence of the Senate:

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

   (a) on page 1, replace lines 4 to 17 with the following:

   "**1 (1) Paragraph 515(6)(b.1) of the *Criminal Code* is replaced by**";

   (b) on page 1, replace line 23, in the French version, with the following:

   "tenaire intime, s'il a été auparavant condamné";

   (c) on page 2, replace line 1 with the following:

   "(2) The Act is amended by adding the following";

2. *Clause 2, pages 2 to 4*:

(a) on page 2, replace lines 9 to 12 with the following:

"**810.03 (1)** Any person who fears on reasonable grounds that another person will commit an offence that will cause personal injury to the intimate partner or a child of the other person, or to a child of the other person's intimate partner, may lay an information";

(b) on page 2, replace lines 15 and 16, in the English version, with the following:

"under subsection (1) may cause the parties to appear";

(c) on page 2, replace line 23 with the following:

"not more than 12 months.";

(d) on page 2, replace line 30 with the following:

"into the recognizance for a period of not more than two";

(e) on page 2, add the following after line 31:

"**(4.1)** If the informant or the defendant is Indigenous, the provincial court judge shall consider whether, instead of making an order under subsection (3) or (4), it would be more appropriate to recommend that Indigenous support services, if any are available, be provided.";

(f) on page 2, replace lines 32 to 34 with the following:

"**(5)** The provincial court judge may commit the defen-";

(g) on page 2, replace line 35 with the following:

"dant to prison for a term not exceeding 12 months if the";

(h) on page 3, replace line 1 with the following:

"**(6)** The provincial court judge may add any reasonable";

(i) on page 3, replace lines 4 and 5 with the following:

"or to secure the safety and security of the intimate partner or a child of the defendant, or a child of the defendant's intimate partner, including condi-";

(j) on page 3, replace line 14 with the following:

"**(c)** to refrain from going to any specified place or being within a specified distance of any specified place, except";

(k) on page 3, replace line 20 with the following:

"rectly, with the intimate partner, a child of the intimate partner or";

(l) on page 3, replace line 22, in the English version, with the following:

"intimate partner, except in accordance with any specified";

(m) on page 3, replace lines 24 and 25 with the following:

"**(f)** to abstain from the consumption of drugs — ex-";

(n) on page 3, replace line 28 with the following:

"**(g)** to provide, for the purpose of analysis, a sample of";

(o) on page 3, replace line 38 with the following:

"**(h)** to provide, for the purpose of analysis, a sample of";

(p) on page 4, replace lines 1 to 5 with the following:

"**(7)** The provincial court judge shall consider whether it is desirable, in the interests of the intimate partner's safety or";

(q) on page 4, replace lines 14 and 15 with the following:

"**(8)** If the provincial court judge adds a condition described in subsection (7) to a recognizance, the judge";

(r) on page 4, replace lines 22 and 23 with the following:

"**(9)** If the provincial court judge does not add a condition described in subsection (7) to a recognizance, the";

(s) on page 4, replace lines 26 and 27 with the following:

"**(10)** A provincial court judge may, on application of the Attorney General, the informant, the person on whose behalf the information is laid or the defendant, vary the conditions fixed in";

(t) on page 4, replace lines 29 to 31 with the following:

"**(11)** When the defendant makes an application under subsection (10), the provincial court judge must, before varying any conditions, consult the informant and the person on whose behalf the information is laid about their";

(u) on page 4, replace line 33 with the following:

"**(12)** A warrant of committal to prison for failure or re-";

3. *Clause 3, pages 5 and 6*:

(a) on page 5, replace line 10 with the following:

"810.01(4.1)(f), 810.011(6)(e), 810.03(7)(g),";

(b) on page 5, replace line 15 with the following:

"810.01(4.1)(g), 810.011(6)(f), 810.03(7)(h), 810.1(3.02)(i)";

(c) on page 6, replace line 2 with the following:

"810.01(4.1)(g), 810.011(6)(f), 810.03(7)(h), 810.1(3.02)(i) or".

4. *Clause 6, page 7*:

(a) replace line 31 with the following:

"**(e.1)** wears an electronic monitoring device (*if the Attorney General has consented to this condition*) (sec-";

(b) replace lines 34 and 35 with the following:

"directly, with the intimate partner, a child of the intimate partner or of the defendant or any relative or close friend of the intimate partner,";

(c) replace line 37 with the following:

"that the judge considers necessary (section 810.03";

(d) delete lines 39 and 40;

(e) add the following after line 44:

"**(f.1)** refrain from going to any specified place or being within a specified distance of any specified place, except in accordance with any specified conditions that the judge considers necessary (section 810.03 of the *Criminal Code*);";

5. *Clause 7, page 8*: replace line 13 with the following:

"810.01(4.1)(g), 810.03(7)(h), 810.011(6)(f), 810.1(3.02)(i) and";

6. *Clause 8, page 8*: replace lines 18 to 21 with the following:

"**fears on reasonable grounds that another person will commit an offence that will cause personal injury to the intimate partner or a child of the other person, or to a child of the other person's intimate partner, and a provincial**";

7. *New clause 10.1, page 9*: add the following before line 23:

"**10.1 (1) Subsections (2) and (3) apply if Bill C-21, introduced in the 1st session of the 44th Parliament and entitled *An Act to amend certain Acts and to make certain consequential amendments (firearms)* (in this section referred to as the "other Act"), receives royal assent.**

(2) On the first day on which both subsection 1(5) of the other Act and section 2 of this Act are in force, subsection 810.03(7) of the *Criminal Code* is replaced by the following:

(7) The provincial court judge shall consider whether it is desirable, in the interests of the intimate partner's safety or that of any other person, to prohibit the defendant from possessing any firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, firearm part, ammunition, prohibited ammunition or explosive substance, or all of those things. If the judge decides that it is desirable to do so, the judge shall add that condition to the recognizance and specify the period during which the condition applies.

(3) On the first day on which both subsection 13.12(1) of the other Act and subsection 6(2) of this Act are in force, paragraph (c) of Form 32 of Part XXVIII of the *Criminal Code* after the heading "List of Conditions" is replaced by the following:

(c) abstains from possessing a firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, firearm part, ammunition, prohibited ammunition or explosive substance and surrenders those in their possession and surrenders any authorization, licence or registration certificate or other document enabling the acquisition or possession of a firearm (sections 83.3, 810, 810.01, 810.03, 810.1 and 810.2 of the *Criminal Code*);";

8. *Clause 11, page 9*: delete clause 11.

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

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

• (1710)

[*English*]

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Dasko, seconded by the Honourable Senator Petitclerc, for the second reading of Bill S-283, An Act to amend the Canada Elections Act (demographic information).

(On motion of Senator Martin, debate adjourned.)

STUDY ON EMERGING ISSUES RELATED TO ITS MANDATE

FOURTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Massicotte, seconded by the Honourable Senator Francis, for the adoption of the fourth report (interim) of the Standing Senate Committee on Energy, the Environment and Natural Resources, entitled *Hydrogen: A Viable Option for a Net-Zero Canada in 2050?*, presented in the Senate on May 9, 2023.

(On motion of Senator Martin, debate adjourned.)

STUDY ON THE FEDERAL GOVERNMENT'S CONSTITUTIONAL, TREATY, POLITICAL AND LEGAL RESPONSIBILITIES TO FIRST NATIONS, INUIT AND MÉTIS PEOPLES

TWENTIETH REPORT OF INDIGENOUS PEOPLES COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE ADJOURNED

The Senate proceeded to consideration of the twentieth report (interim) of the Standing Senate Committee on Indigenous Peoples, entitled *Missing Records, Missing Children*, deposited with the Clerk of the Senate on July 25, 2024.

Hon. Brian Francis moved:

> That the twentieth report of the Standing Senate Committee on Indigenous Peoples, entitled *Missing Records, Missing Children*, deposited with the Clerk of the Senate on Thursday, July 25, 2024, be adopted and that, pursuant to rule 12-23(1), the Senate request a complete and detailed response from the government, with the Minister of Crown-Indigenous Relations being identified as minister responsible for responding to the report, in consultation with the Minister of Indigenous Services Canada, the Minister of Canadian Heritage and the President of the Treasury Board.

He said: Honourable senators, I stand before you today in my capacity as the Chair of the Standing Senate Committee on Indigenous Peoples. Starting in the late 1800s, the Government of Canada, in partnership with many churches, including the Catholic Church, operated Indian residential schools. This system operated alongside other federal laws and policies designed to disrupt, displace, assimilate and eradicate Indigenous peoples. It is estimated that more than 150,000 Indigenous children were forced to attend these institutions, and some were transferred to multiple institutions. Too many suffered from neglect, disease and abuse; too many never returned home.

It was not uncommon for parents not to be notified when their child was transferred to other institutions or of the child's death and the location of their burial. Many were buried in unmarked graves, but they were never forgotten by their loved ones. The records related to residential schools and associated sites, such as hospitals, sanitoria or reformatories, are critically important to uncovering, documenting and sharing the true and complete history of Canada, but also to undertaking and addressing the ongoing intergenerational impacts of the harmful, assimilative and genocidal tactics imposed on generations of Indigenous peoples.

Unfortunately, many barriers continue to prevent families and communities from accessing records detailing the lives and deaths of Indigenous children at residential schools and associated institutions.

In late July, the committee released an interim report entitled *Missing Records, Missing Children* which delves into this subject. You may wonder how we got here. In July 2023, our committee released an interim report entitled *Honouring the Children Who Never Came Home: Truth, Education and Reconciliation*.

Under the Indian Residential Schools Settlement Agreement, the parties, which included the Government of Canada and the churches that operated the residential schools, agreed to disclose all relevant documents in their possession or control, subject to the privacy or access to information legislation, to the National Centre for Truth and Reconciliation, or NCTR, which was created to permanently archive the records of the Truth and Reconciliation Commission of Canada and which continues to expand this collection to promote ongoing research and learning. However, in March of 2023, representatives from NCTR and the Office of the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites shared that records were outstanding. As a result, we committed to holding public hearings in the fall of 2023 to better understand why the disclosure obligations were not fulfilled.

Between September 2023 and April 2024, our committee held 10 meetings and heard from 39 witnesses. We extended invitations to all outstanding record holders identified by the NCTR in 2023 in an appended list. Between September 2023 and April 2024, our committee held 10 meetings and heard from 39 witnesses. We extended invitations to all the outstanding record holders identified by the NCTR in 2023 in an appended

list. Among them were officials from Crown-Indigenous Relations and Northern Affairs Canada and Library and Archives Canada, as well as coroners and other officials from Manitoba, the Northwest Territories, Ontario, Quebec and Saskatchewan. The witnesses from the Catholic Church, which was the only one listed, included representatives from the Oblate General House archive in Rome; and in Canada, the Oblates of Mary Immaculate, the Archdiocese of Keewatin-Le Pas, Deschâtelets-NDC Archives and the Sisters of Charity Halifax.

While most eventually agreed to appear, a few invitations went unanswered or were declined after persistent requests. We were troubled not to hear from the Provincial Archives of Alberta and vital statistics agencies from Manitoba and Quebec. At the same time, we were pleased that several witnesses located additional records after receiving our invitation.

• (1720)

For example, the Archdiocese of Keewatin-Le Pas released them the day before. We were grateful to all witnesses who participated in this study, including First Nation leaders who spoke about their efforts to access records and overcome barriers.

Among the key findings, the witnesses identified several barriers preventing Indigenous peoples from locating, accessing and reviewing records. For example, many records have been lost or destroyed, and it can be incredibly difficult to find existing ones due to little or no information on how or where to find them. In addition, the records are scattered across Canada and held by governments, churches and others. Some are even in Rome.

As a result, Indigenous families were forced to navigate multiple jurisdictions and complex bureaucracies to find any information.

The interim report also provides insights into provincial and territorial approaches to retrieving records related to residential schools, including some promising developments. For example, the committee heard that Quebec passed legislation that allows greater access to records related to the disappearance or death of children admitted to provincial institutions and religious organizations, which has resulted in a few requests for exhumation, repatriation and burials.

In Ontario, the Office of the Chief Coroner created a residential school death investigation team to review deaths that may have occurred in the institutions within the province. In addition, it was able to locate additional information for over 30% of the Indigenous children from Ontario listed in the Memorial Register and discovered 70 deaths that were not included in this registry. These developments are a good start, but much work remains at all levels of government.

In total, the report includes 11 recommendations, including calling on the Government of Canada to compel Catholic entities, particularly the oblates, to release all relevant records that include personal files to the National Centre for Truth and Reconciliation, or NCTR, without further delay.

We also call on the Government of Canada to increase funding to ensure the NCTR can properly manage its growing collection, potentially including 24 million records, and increasing funding to expedite location, transcription, digitization and, in some cases, translation of records in Catholic entities housed by the Royal BC Museum and the Société historique de Saint-Boniface.

Further, with the knowledge that a significant amount of money and time has been used to fight survivors of St. Anne's Residential School in court, we call on the Government of Canada to adopt the formal policy of proactively disclosing records and prioritizing negotiation and mediation over litigation.

Colleagues, ahead of September 30, I urge you to read the interim report, entitled, *Missing Records, Missing Children*.

Indigenous peoples have an individual and collective right to know the truth of what happened to us and our families and communities. And society at large has a duty to not simply remember but also confront the history.

The Government of Canada must also take concrete steps to support the ongoing search for justice, truth and healing. The interim report provides a clear road map to move forward in the spirit of reconciliation.

Thank you, *wela'lin*.

Hon. Senators: Hear, hear.

(On motion of Senator Martin, debate adjourned.)

BUSINESS OF THE SENATE

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

That the Senate do now adjourn.

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

Hon. Senators: Agreed.

(*At 5:24 p.m., the Senate was continued until Tuesday, October 1, 2024, at 2 p.m.*)

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