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Wednesday, October 23, 2024

The Honourable RAYMONDE GAGNÉ,  
Speaker

## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Wednesday, October 23, 2024

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

[English]

Prayers.

[Translation]

### SENATORS' STATEMENTS

#### THE HONOURABLE SUZE YOUANCE

**Hon. Raymonde Saint-Germain:** I want to thank Senator Martin for giving me the opportunity to deliver this statement.

Honourable senators, in January 2010, an international student presented her master's thesis at Montreal's École de technologie supérieure, the ÉTS, just a few days after a terrible earthquake struck Port-au-Prince, the capital of her home country. Her thesis on the seismic vulnerability of churches in Quebec was accepted and she went on to complete a PhD in engineering with a thesis on the post-seismic functionality of hospitals. After that, this newly qualified engineer quickly went to work in the field. Now an established civil engineer with over 25 years of experience in engineering, teaching and research, she has just become one of our colleagues. Welcome, Honourable Senator Suze Youance.

Her PhD from ÉTS, one of Canada's leading universities in engineering, marks the pinnacle of her academic career. Her alma mater appointed her ÉTS Ambassador for research and innovation in 2020. She is a very talented woman with an impressive range of skills. Her expertise has also been recognized beyond our borders, as evidenced by her appointment as President of the Scientific Council of the UNESCO Chair "Women and Science for Development" in Haiti.

Suze Youance's training and scientific rigour alone justify her appointment to the Senate, but that is not all. Senator Youance understands complex challenges and knows how to explain them to young and old alike. As host of an excellent popular science program entitled "Du génie pour la planète" on Savoir média, she has been able to engage with researchers and fellow engineers, offering her viewers a wonderful opportunity to learn about science and sustainable development. With her two children and all young people in mind — particularly young girls who choose to follow in her footsteps — she is working to improve life for future generations by providing access to science.

Senator Youance also finds time to help her community, notably as president of the Bureau de la communauté haïtienne de Montréal, which offers family support and educational services, among other things.

Our esteemed colleague, Senator Marie-Françoise Mégie, who knows her very well, describes her as collegial, a team player, a good listener and attentive to her colleagues, collaborators and fellow citizens.

Senator Youance, in choosing the subject of your master's thesis, you undoubtedly didn't think your expertise in earthquakes would lead you to the Senate of Canada. Know that, in anticipation of tremors of a certain nature, we could call upon the renowned seismologist in you to reinforce the foundations of our institution, which were created over a century and a half ago.

Senator Youance, all members of the Independent Senators Group congratulate you. We are eager to work alongside you to build a stronger democracy for the benefit of all Canadians.

Thank you, *meegwetch*.

**Hon. Scott Tannas:** Honourable senators, I'm delighted to provide words of welcome to our new senator from the senatorial district of Lauzon. She is an accomplished engineer, a designer, an educator and a television host.

Senators, since Confederation this chamber has benefited from the wisdom and intelligence of more than a dozen professional engineers. The first civil engineer was the Honourable Donald McDonald from Ontario, who was a senator from 1867 to 1879. He was followed by the Honourable Joseph Philippe Baby Casgrain in 1900.

Since the first session of the Senate at the outset of Confederation, engineers have sat among us. These professional engineers have freely offered this chamber their expertise in applying scientific principles to analyze, design, develop, codify, build and create solutions to complex problems.

History shows that civil engineers make great parliamentarians as they are adept at building bridges, paving the way, raising the bar and building from the ground up.

This brings me to why Senator Youance's arrival in this place is most welcome and very timely. The new independent Senate is like a house under construction, and the presence of an award-winning civil engineer to help guide this transition to the next steps is truly needed. We have made some important renovations and fixes, but we are far from done. We are going to count on Senator Youance to apply her analytical eye to make sure that this new structure that we have collectively built will withstand the test of time.

Senator Youance, on behalf of my colleagues in the Canadian Senators Group, I welcome you to the Senate of Canada. Your new colleagues look forward to your contributions.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Patrick Chan and his family. They are the guests of the honourable senators Dalphond, McBean and Cardozo.

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

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

#### THE HONOURABLE SUZE YOUANCE

**Hon. Pierre J. Dalphond:** Honourable senators, first, I want to add to what you just said, Your Honour, and welcome Patrick Chan to the chamber. He is one of Canada's great Olympians — a gold and silver medallist — and the world and national champion several times over in figure skating.

Mr. Chan, you are an inspiration to all of us. Sometimes we skate here but nothing worth a gold medal.

Second, as leader of the independent senators of the Progressive Senate Group, I want to officially welcome our newest colleague, the Honourable Suze Youance, who is from my own province of Quebec.

[*Translation*]

As I've mentioned in previous speeches, being able to welcome new senators to this chamber is an aspect of my role as leader that I very much enjoy. I'm pleased that this practice will continue, as it is a testament to the new Senate.

Senator Youance arrived in Canada with her husband in 2006 and completed her master's degree at Montréal's École de technologie supérieure in 2010.

• (1410)

Then she continued on at the same institution to begin a doctoral program, no less. Her thesis focused on seismic, or earthquake, design. Initially, she wanted to do her thesis on Haiti, but unfortunately, Haiti's earthquake happened before the thesis was finished. She therefore chose as her thesis topic the evaluation of seismic risk in Montreal concerning public health buildings, such as hospitals and care centres. Her thesis led to a doctoral degree, and I noticed yesterday that she had been cited approvingly by researchers and other scientists because she was one of the first people to write on the subject and develop risk assessment methods. She also confided in me that while she was in Haiti in 2009, shortly before the earthquake, she had told some of her friends and family members that if an earthquake ever happened, such and such a building would fall but her parents' home would remain standing. She also told her sister not to stay in a certain room of her home because there was some risk there. When the earthquake hit, her parents' home was spared and the wall in question in her sister's home collapsed.

Not only did she earn a master's degree and a doctorate, but she also had two children, a boy and a girl, while studying.

Consider this: She was 39 years old when she first came to Canada, and she started a family while pursuing her studies, ultimately earning a PhD. She is a pioneer, a woman who is not afraid of a challenge. As you know, she is now an ambassador for ÉTS and many other places. Her message to women, especially racialized women, is this: "You were born here. Don't be afraid to push ahead. I was born somewhere else." Today, she is a

member of the Senate of Canada. What a wonderful journey for the entire Haitian community in Montreal. Welcome to the Senate, Senator Youance. We are delighted to have you here.

[*English*]

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of His Worship Mike Savage, who is currently Mayor of Halifax Regional Municipality and will soon take on the responsibilities of Lieutenant Governor of Nova Scotia. He is the guest of the Honourable Senator Cuzner.

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

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

#### AUTISM AWARENESS MONTH

**Hon. Leo Housakos:** Honourable senators, every year in October, I rise to speak about Autism Awareness Month in Canada. I often start by giving out the staggering statistics of people being diagnosed with autism each year, not to mention those going undiagnosed because of the lack of a national approach in diagnosis and wait times.

However, I usually also incorporate hope into my remarks and talk about good things that have or are happening — like the fact that it was 18 months ago that, together with the help from Senator Boehm and support from all of you in this chamber, Bill S-203 was passed, legally requiring the government to develop and implement the Federal Framework on Autism Spectrum Disorder. Unfortunately, while the framework and strategy have been announced, both are being universally condemned as being woefully insufficient and even a step backward. I will speak more to that at another time.

There are also good things happening in my hometown of Montreal, including the opening of the new Giant Steps Resource and Training Centre and the ongoing exceptional work of TACC, the Transforming Autism Care Consortium. But, colleagues, there is also distressing news out of my hometown this week that must be addressed, as it is a stark reminder that we still have a lot of work to do on autism awareness and acceptance.

On Monday, it was reported that 11 teachers at an elementary school in the Montreal area had been suspended pending investigation of some very troubling allegations. I want to be very careful in my remarks because we are still a country that believes in due process, and everyone involved here deserves that justice and fair due process happen.

But I would be remiss if I didn't, in the strongest terms possible, dispel the myths about autism that are at the centre of these allegations and condemn the treatment of these students that is alleged to have occurred.

Allow me to be abundantly clear — autism is real. It is a recognized clinical diagnosis. It is not a weakness. It is not something that is being “preached” into someone's head. It is not imagined. And anyone who believes otherwise should have no place in our education system and, for that matter, in this country, period.

Every child has potential for greatness in some form or another. While autistic children may not be able to learn the same way other kids learn, they have every much a right to an education as anyone else, an education free from mockery and, most certainly, free from abuse, especially if that mockery and abuse are coming from the very people entrusted with their safety and education. Colleagues, I truly hope that what's being described here is an isolated incident.

Regardless, I wanted to draw attention to it because, after all of the incredible strides we have taken over the past many years, we must be vigilant in ensuring we don't slide backwards and that we don't allow these dangerous viewpoints to fester and spread. Thank you, colleagues.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of a Ukrainian governmental delegation, which is visiting Canada on a study tour on mental health. They are the guests of the Honourable Senator Kutcher.

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

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

#### SUPPORT FOR UKRAINE

**Hon. Stan Kutcher:** Honourable senators, today some of us met with the delegation from Ukraine who are here working on improving mental health and mental health care for those who live in Ukraine. Let me tell you we were really impressed. They can learn from us, but we can learn from them.

Russia's war on Ukraine, now in its third year, is an invasion of a sovereign state by a member of the UN Security Council in direct contravention of the international rule of law. It is supported by autocratic, kleptocratic regimes such as China, Iran and North Korea, which see Western failure to effectively respond as an invitation to join in. The atrocities perpetrated upon innocent civilians include rape, torture and murder, as well as the bombing of homes, schools, hospitals and places of worship. Today we learned that schools are being built in Ukraine underground to protect the students.

There is the famous “double tap” perfected by Russia in Syria, where a hospital is bombed and then, when the first responders arrive to save lives, they are killed by a second strike. This is

happening while some Western nations wring their hands about escalation and demand that Ukraine not use the weapons it has to properly defend itself.

I have family in Ukraine. They live in fear of the nocturnal attacks. They worry that Russia will strike one or more nuclear reactors. They dread the upcoming winter and the loss of power — no water, no heat and no lights. They worry that when their children go to school, they may not come home, or if they do, there may be no home for them to come back to.

Colleagues, can you imagine what toll this unrelenting uncertainty has on mental health? Add to that the grief from losing friends and family. Add to that the wounds, visible and invisible, of those who have been fighting. Add to that the theft of children and their forceful removal to Russia. Add to that the realization that some in the West actually support Putin and his megalomaniac dreams of a genetically pure Russian empire and seem willing to abandon Ukraine in its hour of need.

• (1420)

Colleagues, I am often asked how to best intervene to improve the mental health outcomes in Ukraine, and I have one answer: End the war rapidly. Give Ukraine the military supplies and the tactical green light it needs to do so.

What we need now is Ukraine's victory over Russia. As Canadians, let's do all that we can to make this happen as quickly as possible.

*D'akuju.* Thank you.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Gail Beggs and Wolfgang Scheider. They are the guests of the Honourable Senator Dean.

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

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

#### PUBLIC SERVANTS

**Hon. Tony Dean:** Honourable senators, perhaps not surprisingly, I rise today to talk again about Canada's public servants who serve us at all levels of government. Today, I'm staying close to home.

We benefit in this place daily from the expertise of former public service leaders in this chamber — Senator Harder, Senator Boehm and Senator Marshall's 30 years of public service with Newfoundland and Labrador's public service and a decade as the province's Auditor General.

Daily in here, we see the experience and good judgment of former public service leaders — Senator Saint-Germain, Senator McNair, Senator Cotter, Senator Arnot and Senator Oudar, all of whom bring extensive public policy leadership and legal expertise.

Senator Black came to us from the Ontario Public Service. We are also privileged to work alongside leaders with deep public safety and national defence expertise, and, of course, I'm talking here about Senator Boniface, Senator Busson and Senator Patterson.

We also welcome two former public service leaders in the gallery today: First, there is Gail Beggs, with over 30 years of service in the Ontario Public Service, including the positions of Deputy Minister of the Environment, Deputy Minister of Natural Resources, and Deputy Minister for the Aboriginal Affairs Secretariat. Gail is joined by another former senior Ontario public servant Wolfgang Scheider, whose lengthy career focused on environmental stewardship.

This is a thank you to all public servants who work hard every day, and often through the night, to deliver important services to the public, and I include in that our social workers and our physicians in this chamber.

Colleagues, more broadly, as I look around this room and our work here in the Senate, I am reminded that it involves a mix, at the highest level, of public policy, the law and politics. We are fortunate to have extensive talent in all three of these fields and, indeed, beyond them. And I would say that we are at our very best when we find a good balance between all of them, and I think that often we do. Thank you, colleagues.

[Translation]

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Louis-Marie Gauthier and Dr. Anne-Geneviève Gauthier. They are the guests of the Honourable Senator Mégie.

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

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

[English]

## ROUTINE PROCEEDINGS

### COMMISSIONER OF LOBBYING

#### NOTICE OF MOTION TO APPROVE REAPPOINTMENT

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

That, in accordance with section 4.1 of the *Lobbying Act*, R.S.C. 1985, c. 44 (4th Supp.), the Senate approve the reappointment of Nancy Bélanger as Commissioner of Lobbying for a term of seven years.

### INFORMATION COMMISSIONER

#### NOTICE OF MOTION TO APPROVE REAPPOINTMENT

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

That, in accordance with subsection 54(1) of the *Access to Information Act*, R.S.C. 1985, c. A-1, the Senate approve the reappointment of Caroline Maynard as Information Commissioner for a term of seven years.

## ADJOURNMENT

#### NOTICE OF MOTION

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, October 29, 2024, at 2 p.m.

### THE HONOURABLE RATNA OMIIDVAR

#### NOTICE OF INQUIRY

**Hon. Bernadette Clement:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the career of the Honourable Ratna Omidvar.

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, I wish to remind you that on October 3, 2023, the Senate adopted an order to govern the times for questions and responses during Question Period. Pursuant to the order, when we do not have a minister with us, a senator's initial question is limited to one minute, and the answer to another minute. The senator can then ask one supplementary question of at most 30 seconds, with the answer limited to the same duration.

The reading clerk will stand 10 seconds before the expiry of these times.

I have also instructed the console operators to cut the microphones once I stand to signal the end of a senator's speaking time.

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## QUESTION PERIOD

### ENVIRONMENT AND CLIMATE CHANGE

#### CARBON TAX

**Hon. Donald Neil Plett (Leader of the Opposition):** Senator Gold, on October 13, journalist David Akin with Global News reported the following:

There are members of Trudeau's own caucus —

— at least they were at the time. I'm not sure where they are today —

— largely MPs from English-speaking Canada — who think it's time to do what Poilievre's Conservatives have been constantly calling for and "Axe the Tax."

These are David Akin's words, not ours.

He also quoted an MP as saying, "It's out the door anyway when Poilievre wins."

That's the most common sense I've heard from a Liberal in a long time. This NDP-Liberal government doesn't listen to Canadians, so will it listen to its own members of Parliament? Will it axe the carbon tax to make fuel, food, heat and homes more affordable?

**Senator Martin:** Hear, hear.

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. I have no desire to repeat myself dozens of times about the government's position and the virtues of a price on carbon or pollution. I'm simply going to say that the government stands by its policy that the price on pollution is an essential ingredient in a multi-suite plan and approach to combat climate change.

**Senator Plett:** Your desire is of no consequence to us. You have a job, and that's to answer the question whether that's your desire or not.

Canadians don't need another cabinet shuffle, Senator Gold. They don't need the Prime Minister to shut down Parliament. Canadians need an end to the carbon tax. They need a carbon tax election now. Liberals are starting to see that. Why won't you, leader?

**Senator Gold:** Well, I thought my opinion was not important. My position and —

**Senator Plett:** Maybe not, but your answer is.

**Senator Gold:** And I've given you the answer on behalf of the government innumerable times, and I will repeat it: The price on pollution is a central part of the government's climate plan — it's a credible plan and, indeed, the only plan of a party that is governing, or aspires to govern, that's on the table.

### PUBLIC SAFETY

#### CRIME RATES AND COST OF LIVING

**Hon. Leo Housakos:** Senator Gold, the only logical plan is coming from Poilievre's Conservative opposition, and you refuse to accept it. In the meantime, crime is up. We now have police unions from two of Canada's largest cities fact-checking your government, pointing out that violent gun crime is up 116% after nine years of Justin Trudeau. That isn't the opposition; it's Canadians. They're directly blaming your repeal of mandatory sentences and bail reform for making it easier for violent offenders to be released.

• (1430)

At the same time, we have more and more people dying of drug overdoses because of your government's "acting like a drug lord," as one grieving mother put it yesterday during a House of Commons hearing. She has already lost one child because of your unsafe policies, Senator Gold, and is on the verge of losing another.

Senator Gold, without giving us your typical talking points, talk to those Canadians directly. Explain to them why you think it's okay that they're eating rotten food, that more and more violent criminals are walking our streets and that their loved ones are dying from drugs that your government is providing to Canadians.

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

The deaths of Canadians, whether by gun violence, drugs or other circumstances, are a tragedy. Every life is sacred, and the loss of any life is, as my tradition teaches, the loss of a world.



The government's criminal law policies are focused on evidence-based research and a serious analysis of the consequences of different policy options, including some of the very evidently failed policies that were in place when this government first took office.

Although your talking points are clearly well prepared, it is not the case that this government is indifferent to the suffering Canadians face. Nonetheless, it believes that its approach to the safety and security of Canadians is the right one.

**Senator Housakos:** Senator Gold, your talking points are not well prepared, and I can tell you the only tragedy over the last nine and a half years has been this government.

Senator Gold, can you tell this chamber and Canadians one thing that the Trudeau government hasn't broken? Point to one thing. Immigration? Broken. Housing? Broken. Safety and security? Broken. Cost of food? Broken. I challenge you, Senator Gold, to come up with one thing your government hasn't broken.

**Senator Plett:** Hear, hear.

**Senator Gold:** The government steered Canada through a series of existential crises. That includes a renegotiation of CUSMA. It includes trade negotiations with Donald Trump as President. It included the pandemic. It has safely navigated our economy to the point that inflation has fallen and the Bank of Canada was able to reduce its key benchmark rate by 50 basis points.

I challenge you to come up with something more than empty slogans.

## INTERNATIONAL TRADE

### CANADA-U.S. TRADE

**Hon. Tony Loffreda:** Senator Gold, the Canadian Chamber of Commerce released a report this month that highlights just how mutually beneficial the Canada-U.S. trade relationship is to both nations. Entitled *Partners in Prosperity: Exploring the Significance of Canada-U.S. Trade*, the report warns of the devastating impacts that a 10% across-the-board tariff on U.S. imports could have on both the Canadian and American economies. The 10% tariff is something that has been put forward by one of the presidential candidates.

With the American election two weeks away, how is the Government of Canada preparing itself for this possible eventuality? The Canadian Chamber of Commerce's analysis shows that such a policy could negatively impact Canada's economy by reducing real income by 0.9% and labour productivity by nearly 1%.

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

The U.S. is not only our closest neighbour but our biggest trading partner and our closest friend and ally. As we know, this government and previous governments have worked successfully

with both Republican and Democratic administrations to protect and promote Canadians' interests. This will continue regardless of who wins the upcoming American election.

In that respect, with regard to trade and other matters to which you referred, the government will continue to take a whole-of-government and, indeed, a Team Canada approach, working not only within the federal government but with premiers, mayors, industry leaders, unions and people of all political stripes to advance Canada's interest.

Canadians should have confidence that this government will take a pragmatic and focused approach to negotiations and will protect Canadian interests regardless of who wins the upcoming election.

**Senator Loffreda:** Thank you for that response.

Considering the chamber's findings, I believe the government's Team Canada strategy is more important than ever. Canada must further promote the interconnected nature of our trading relationship, including supply chains, with American lawmakers and business leaders.

On that note, what new developments have there been since the release of the 2022 *U.S.-Canada/Canada-U.S. Supply Chains Progress Report* to enhance cross-border supply chain security, resilience and confidence? When can we expect a follow-up on the working group's work?

**Senator Gold:** Thank you.

Senator, I'm not in a position to provide a timeline for the follow-up to that *Supply Chains Progress Report*, but I can assure this chamber that the work is important and ongoing.

[Translation]

## EMPLOYMENT AND SOCIAL DEVELOPMENT

### SUPPORT FOR CHILDREN AND FAMILIES

**Hon. Marie-Françoise Mégie:** My question is for the Government Representative. Montreal public health released a report last Monday on the health and development of Montreal children. The report focuses on inequalities and disparities.

High quality child care is recognized as an essential condition for the proper development of children. However, access to public child care for the children of asylum seekers is the subject of a legal tug-of-war between the federal and provincial governments. The precariousness of access to public child care is an obstacle to the francization and socialization of the children of asylum seekers.

Can the government ensure that federal funding for child care under Bill C-35 is actually used for public child care centres?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for the question. Pursuant to the agreement concluded between Canada and Quebec on the Canada-wide early learning and child care component, Quebec intends to use a significant portion of the contributions paid under this agreement to fund other improvements of its own early learning and child care system.

This includes the increase of more than 30,000 subsidized reduced-contribution child care spaces and a significant investment in the programs and services for families and children.

Quebec will also use the funding to accelerate the development of child care spaces through measures such as reviewing and optimizing the process related to the development of centres de la petite enfance, or CPEs, authorizing the use of temporary facilities, and providing additional incentives for home child care providers.

**Senator Mégie:** I agree with everything you said. I also read the report. However, how do we ensure that the children of asylum seekers can access the public services offered by the CPEs? That is the only way for the parents to take the francization courses and for the children to socialize.

**Senator Gold:** I agree that francization and integration are very important. As you know, this case is currently before the courts, so I am not at liberty to speak to the matter.

[English]

## TRANSPORT

### PORT OF MONTREAL

**Hon. Mary Robinson:** My question is for Senator Gold.

The Port of Montreal is again on strike, this time indefinitely. On October 10, dock workers initiated a partial strike, halting all overtime work at Canada's second-largest port. On October 15, the Minister of Labour proposed appointing a special mediator to help facilitate talks between the union and the employer but placed the condition that if accepted, there could be no strikes or lockouts from the groups for 90 days.

The unions were given until last Friday to respond to the proposal. On Monday, it was announced that the parties were unable to come to an agreement and that a special mediator would not be appointed.

As you know, the port just experienced a three-day strike in early October, putting \$270 million worth of economic activity at risk. The minister's attempt at getting the parties to come together did not work.

Senator Gold, what comes next?

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

As you highlighted, the minister has been working assiduously with the parties and, as you pointed out, last week, he proposed the appointment of a special mediator to help reach a new collective agreement. Since the parties have not been able to reach an agreement, the minister has been very clear that they must find a path toward a negotiated settlement as quickly as possible.

My understanding is that the minister continues to monitor this question closely.

**Senator Robinson:** Senator Gold, this is the fourth strike in the last five years. Clearly, the call for collective bargaining is not working. It cannot be the only solution. How many times must collective bargaining fail before government actually pursues a long-term solution to ensure that future disruptions of this nature do not occur so persistently in a system that has already shown such fragility?

• (1440)

**Senator Gold:** Thank you for your question. The Port of Montreal and many others are essential to our well-being and our supply chains. This government believes that negotiated settlements through collective bargaining are the best way for these disputes and clashes of interests between employers, workers and stakeholders to be resolved, and it continues to hope that the parties will come to the table and work this through.

## PRIVY COUNCIL OFFICE

### SENATE APPOINTMENTS

**Hon. Wanda Thomas Bernard:** My question is for Senator Gold. Senator Gold, in June, I asked a question about the appointment of Black men to this place. At the time, I noted that there were 10 vacancies, and I'm pleased to see that we have added 5 new senators since then, with more expected.

My grandsons are homeschooled by their mother, and they do a lot of education and awareness around politics. Every weekend, they brief me on what they've done and ask me questions, so I have my own version of Question Period. During this Question Period, they have asked me, "Nanny, why are there no Black men in the Senate?" Quite frankly, Senator Gold, I am asked that question while speaking across the country.

When will there be a Black man appointed to this place?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. I'm sure you have more fun during that Question Period with your grandchildren, though I can enjoy myself here too and am certainly pleased to respond to this question.

Unfortunately, I don't have an answer. The process through which people apply, are vetted and are ultimately chosen is not only arm's-length and different, but also not one that I participate in. I can assure you your concerns have been passed on.

However, it is out of my hands, and I have no knowledge of the pool of applicants or the decisions that might have been made at the various stages, including the vetting and so forth. Again, representation of all points of view from all segments of our community, on which we have made enormous progress in the Senate, is still a work in progress. Thank you again for bringing that to our attention. I will continue to bring it to the attention of those who have responsibility for it.

**Senator Bernard:** Senator Gold, I appreciate that you don't have direct answers or any direct responsibility for this. I appreciate you bringing the concerns forward. I am aware of some of the pool and know there are highly qualified Black men who have applied, and I believe that there is some unconscious bias at play.

**Senator Gold:** Since that is not a question, I thank you and will bring these things forward, but I can't comment on your assumptions.

## FINANCE

### COST OF FOOD

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Leader, last Saturday, Heppell's Farm in Cloverdale, British Columbia, hosted its second annual Ugly Potato Day, on which local farms gave away imperfect potatoes, carrots and other produce. Over 15,000 people stood in the pouring rain for hours in hope of obtaining bruised vegetables. Thousands more had to be turned away.

Tyler Heppell said that he heard story after story about families not being able to afford produce and that they broke his heart. While I thank these farm families for helping hungry fellow Canadians, it shouldn't have to be this way. Mr. Heppell said that he felt this ". . . just goes to show how broken our system is . . ."

Leader, do you agree with him?

**Hon. Marc Gold (Government Representative in the Senate):** On the contrary, I don't agree that our country is broken. I do agree that the food insecurity that Canadians face is a tragedy in a country as rich, wealthy and well endowed as this one, which has the capacity not only to feed ourselves, but to feed the world.

No, this country is not broken. This country is a resilient, welcoming place. Like all countries, we are facing challenges, and it would be Polyannaish and worse to deny any of that. However, no, despite the rhetoric and the political points being made here, south of the border and in other countries, this government holds a contrary view. This is a country where people should not be interrupted as regularly as I am. It's a country that offers hope and promise for the future, and that's what we should be building toward.

**Senator Martin:** These numbers are facts, leader, and it was not like this under the previous government. This government has racked up a shocking amount of debt, yet produce is considered a luxury for B.C. families. On Tuesday, a representative of a food

bank in Ottawa stated, "There is a food crisis right now in the City of Ottawa in proportions that we have never understood." Canadians know that this government is not worth the cost. When will there be a carbon tax election?

**Senator Gold:** I'm sure I'm not the only one who regrets that important issues affecting Canadians, such as food insecurity, are wrapped up in the same old, tired, untested and — frankly — irresponsible sloganeering. No disrespect to members of this chamber, but you would do better, and serve this chamber better, if you channelled your own best views and not talking points from the other place.

## VETERANS AFFAIRS

### REMEMBRANCE DAY

**Hon. Donald Neil Plett (Leader of the Opposition):** Leader, I'm sure you would prefer that I ask Senator Bernard this question rather than you, but I will direct it to you.

A directive was released a year ago which substituted public prayers for the fallen at Remembrance Day ceremonies with "spiritual reflections." When Canadians rightfully expressed their dismay at this change, it was set aside for a year. We were told that a new directive would be reviewed by a committee.

Since then, the NDP-Liberal government has not given Canadians any information on this matter. I'm sure you're going to twist this into partisanship.

Leader, what is the status of this directive? Has it been set aside for this year's Remembrance Day ceremonies? Was a committee struck? If so, who were its members and who chose them? Has it completed its work? If so, what did it recommend?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you. I'm going to disappoint you because I don't consider this a partisan question or one that is demeaning or insulting to members in this chamber, myself excluded.

I will raise this with the minister because I am not in a position to answer. I think it is important that how we commemorate and pay respect in ceremonies and events of this kind is inclusive of the great variety and diversity of religious and spiritual beliefs that make up this country. In that regard, I have every confidence that when the new directive is issued, it will reflect the pluralistic diversity of this country as it has developed.

**Senator Plett:** There is no moral compass, and it is not worth the cost.

In Question Period in February, the Minister of Veterans Affairs offered to provide me further information about this committee. In February, I put a question on the Order Paper. There has still been no answer.

Why is the NDP-Liberal government so secretive about their directive? Are they ashamed of what they're doing?

**Senator Gold:** The answer is no. However, I don't know the status of the work on the directive and, as I said, will raise it with the minister.

• (1450)

## NATURAL RESOURCES

### RESEARCH FUNDING

**Hon. Colin Deacon:** My question is for the Government Representative. Senator Gold, an upcoming London Convention resolution would limit marine carbon dioxide removal to small-scale research studies. This is deeply concerning as Canada is a global leader in marine carbon dioxide research, particularly ocean alkalinity enhancement.

Dr. Anya Waite at Dalhousie University's Ocean Frontier Institute and her team are globally recognized for their research, and Canada recently hosted the All-Atlantic Ocean Research and Innovation Alliance Forum, with participation from the U.S., the U.K., the EU and Norway. There are decades of evidence demonstrating that marine carbon dioxide removal is ecology enhancing.

Senator Gold, what specific risks is this resolution trying to manage, and how can we justify stopping research, environmental and economic opportunities where Canada is already leading?

**Hon. Marc Gold (Government Representative in the Senate):** Senator, thank you for your question, and thank you for your advocacy on this issue and for educating us about it.

I regret, though, that I don't have an answer to your specific question, but I will raise it with the minister and get back to your office when I get a response.

**Senator C. Deacon:** Thank you, Senator Gold. There is urgency to this; the meeting is next week.

Ocean alkalinity enhancement reverses damage done to the oceans while removing CO<sub>2</sub> from the atmosphere. Perhaps you could ask the minister this: Is there any reason why the government would want to halt this promising technology and research that is being studied by global researchers and is seeing great success in our own country in combatting climate change?

**Senator Gold:** I will certainly add this to my request and questions to the minister.

## FINANCE

### COST OF LIVING

**Hon. Leo Housakos:** Senator Gold, we've been trying politely and nicely to ask questions about a serious problem in this country. It's called hunger; it's called growing lines in food banks in this country. All we get back are your talking points. You actually have the audacity to call hunger and the growing number of food banks and poverty "food security."

People are starving in this country, and I encourage you to come with me to our hometown, Montreal, where I was born and raised, and go to Sun Youth and compare the numbers from 20 years ago, 15 years and 5 years ago. I also invite you to get out of your bubble and come with me from the east side of Notre-Dame Street, past the Jacques Cartier Bridge to see all the homeless and — not "food-insecure" people — hungry people who are lining up along the boulevard. There are hundreds and hundreds of them. There are young families who can't afford rent, food or fuel to take their kids to school. I want you to come with me and explain to them how the policies of this government are working.

**Hon. Marc Gold (Government Representative in the Senate):** Senator Housakos, with all respect, having spent my adult life in Montreal working for the benefit of not only my own community but also the larger community and having supported, funded and volunteered in food kitchens and in food banks, I don't need your company to know the challenges that people in my city and elsewhere face.

If you object to the term "food insecurity," I apologize that I've used a term that is otherwise acceptable as a way of generally describing the situation. I am not willing to stand here any further and defend my own engagement. However, I am here, again, to insist that the way in which you are raising these important issues does not do justice to the issues —

**The Hon. the Speaker:** Thank you, Senator Gold.

**Senator Housakos:** Senator Gold, I'm not questioning your personal engagement and how charitable you and your family have been. I know you have been, as have I. I am questioning the results of the government you represent and what the end effect is on people on the street. What I'm saying is that if you think we're being partisan and political and using slogans, let's go to Sun Youth. Let's go to Notre-Dame Street and talk to Canadians: Make your case about your tax, make your case about how great a job your government is doing in dealing with poverty and hunger.

**Senator Gold:** What I have been saying to you, Senator Housakos, clearly to no avail — but I understand that you have a job to do as you see it.

My job is to explain to you and to Canadians that the federal government is doing its part to address a very complicated problem, and it is working in partnership with many other levels of government and civil society to address this issue. It is not the exclusive responsibility of this government, no matter how much you want to bundle every ill in that basket. It's simply not true, and it is —

**The Hon. the Speaker:** Thank you, Senator Gold.

## GLOBAL AFFAIRS

### ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

**Hon. Donald Neil Plett (Leader of the Opposition):** Leader, on February 8, 2021, I placed a question on our Order Paper asking how much former finance minister Bill Morneau's failed bid to lead the Organisation for Economic Co-operation and Development, or OECD, had cost taxpayers. An answer was finally tabled in April. It cost \$22,728: double what had been reported.

In February, my office submitted an access-to-information request to Global Affairs Canada asking for all documents produced in relation to my question. A response was received earlier today. It shows that an assistant deputy minister approved the answer I received in April back on December 21, 2021.

Why did your government keep this answer from me and from Canadians for two and a half years when they had it?

**An Hon. Senator:** Because they could.

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question, and I'm glad you received the answer. Thank you to the Senate for taking my suggestion and passing a rule that requires answers for written questions and, indeed, oral questions in a timely fashion.

Going forward, no one in this chamber will have to wait as long as you did before.

**Senator Plett:** You want to take the credit for it, did you suggest it take two years? If my office had not filed the access-to-information request about this question and many other unanswered questions, a response would never have been tabled, Senator Gold.

Senator Gold, isn't it terrible that this wasteful and secretive NDP-Liberal government has such little regard for Parliament, for transparency and for taxpayers?

**Senator Gold:** My answer is no. That won't make it into your media clip, but that's the answer.

[Translation]

**The Hon. the Speaker:** Honourable senators, the time for Question Period has expired.

## POINT OF ORDER

**Hon. Réjean Aucoin:** Your Honour, I would like to raise a point of order. I know that senators are passionate, but, on this side of the chamber, it is sometimes hard to hear what the Government Representative is saying over the comments of other senators.

**The Hon. the Speaker:** My microphone was on and I didn't hear the last part of what you said. I apologize.

**Senator Aucoin:** It is sometimes hard to understand exactly what the Government Representative is saying because other senators are talking over him, just like they are doing now. I wanted to raise that point of order. Thank you.

**The Hon. the Speaker:** Do honourable senators have any other comments?

I understand that it can be hard to hear the person who is speaking. Fortunately, we have the record of debates and we can refer to that. I would encourage you to wear your earpiece so that you can hear what is being said.

[English]

## ANSWERS TO ORDER PAPER QUESTION TABLED

### AGRICULTURE AND AGRI-FOOD—GOVERNMENT'S COVID-19 EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Agriculture and Agri-Food Canada, including the Canadian Pari-Mutuel Agency, Canadian Grain Commission and Farm Products Council of Canada.

### ATLANTIC CANADA OPPORTUNITIES AGENCY— GOVERNMENT'S COVID-19 EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Atlantic Canada Opportunities Agency.

### CANADIAN NORTHERN ECONOMIC DEVELOPMENT AGENCY—GOVERNMENT'S COVID-19 EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Canadian Northern Economic Development Agency.

### NATIONAL REVENUE—GOVERNMENT'S COVID-19 EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the

*Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Canada Revenue Agency.

ECONOMIC DEVELOPMENT AGENCY OF CANADA FOR  
THE REGIONS OF QUEBEC—GOVERNMENT'S COVID-19  
EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Canada Economic Development for Quebec Regions.

FISHERIES, OCEANS AND THE CANADIAN  
COAST GUARD—GOVERNMENT'S COVID-19  
EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Fisheries and Oceans Canada, including the Canadian Coast Guard.

INDIGENOUS SERVICES—GOVERNMENT'S COVID-19  
EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Indigenous Services Canada, including Indian Oil and Gas Canada.

NATIONAL DEFENCE—GOVERNMENT'S COVID-19  
EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — National Defence, Military Grievances External Review Committee, Military Police Complaints Commission, National Defence and Canadian Armed Forces Ombudsman and Communications Security Establishment.

ENVIRONMENT AND CLIMATE CHANGE—GOVERNMENT'S  
COVID-19 EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable

Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Environment and Climate Change Canada, Impact Assessment Agency of Canada and Parks Canada.

EMPLOYMENT, WORKFORCE DEVELOPMENT AND  
OFFICIAL LANGUAGES—GOVERNMENT'S COVID-19  
EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Employment and Social Development Canada, Accessibility Standards Canada and Canadian Centre for Occupational Health and Safety.

• (1500)

FEDERAL ECONOMIC DEVELOPMENT AGENCY FOR  
SOUTHERN ONTARIO—GOVERNMENT'S COVID-19  
EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Federal Economic Development Agency for Southern Ontario.

FEDERAL ECONOMIC DEVELOPMENT AGENCY FOR  
NORTHERN ONTARIO—GOVERNMENT'S COVID-19  
EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Federal Economic Development Agency for Northern Ontario.

FINANCE—GOVERNMENT'S COVID-19  
EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Department of Finance Canada and Office of the Superintendent of Financial Institutions.

INTERNATIONAL DEVELOPMENT—GOVERNMENT'S  
COVID-19 EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Global Affairs Canada and Invest in Canada.

HEALTH—GOVERNMENT'S COVID-19  
EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Health Canada, Public Health Agency of Canada, Canadian Food Inspection Agency, Canadian Institutes of Health Research and Patented Medicine Prices Review Board.

CROWN-INDIGENOUS RELATIONS—GOVERNMENT'S  
COVID-19 EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Crown-Indigenous Relations and Northern Affairs Canada.

HOUSING, INFRASTRUCTURE AND COMMUNITIES—  
GOVERNMENT'S COVID-19 EMERGENCY  
RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Infrastructure Canada.

IMMIGRATION, REFUGEES AND CITIZENSHIP—  
GOVERNMENT'S COVID-19 EMERGENCY  
RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Immigration, Refugees and Citizenship Canada and Immigration and Refugee Board of Canada.

INNOVATION, SCIENCE AND INDUSTRY—GOVERNMENT'S  
COVID-19 EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Innovation, Science and Economic Development Canada, including its special operating agencies, National Research Council Canada, Natural Sciences and Engineering Research Council of Canada, Social Sciences and Humanities Research Council of Canada, Copyright Board of Canada, Canadian Space Agency and Statistics Canada.

JUSTICE AND ATTORNEY GENERAL—GOVERNMENT'S  
COVID-19 EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Department of Justice Canada, Canadian Human Rights Commission and Administrative Tribunals Support Service of Canada.

ENERGY AND NATURAL RESOURCES—GOVERNMENT'S  
COVID-19 EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Natural Resources Canada, Canada Energy Regulator, Canadian Nuclear Safety Commission and Northern Pipeline Agency.

PACIFIC ECONOMIC DEVELOPMENT AGENCY—  
GOVERNMENT'S COVID-19 EMERGENCY  
RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Pacific Economic Development Canada.

CANADIAN HERITAGE—GOVERNMENT'S COVID-19  
EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Canadian Heritage, Canadian

Radio-television and Telecommunications Commission, Library and Archives Canada, National Battlefields Commission, National Film Board of Canada, Canadian Conservation Institute and Canadian Heritage Information Network.

PRIVY COUNCIL OFFICE—GOVERNMENT'S COVID-19  
EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Privy Council Office.

PUBLIC PROSECUTION SERVICE—GOVERNMENT'S  
COVID-19 EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Public Prosecution Service of Canada.

PRAIRIES ECONOMIC DEVELOPMENT—GOVERNMENT'S  
COVID-19 EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Prairies Economic Development Canada.

PUBLIC SAFETY, DEMOCRATIC INSTITUTIONS AND  
INTERGOVERNMENTAL AFFAIRS—GOVERNMENT'S  
COVID-19 EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Public Safety Canada, Canada Border Services Agency, Canadian Security Intelligence Service, Correctional Service of Canada, Parole Board of Canada and Royal Canadian Mounted Police.

PUBLIC SERVICES AND PROCUREMENT—GOVERNMENT'S  
COVID-19 EMERGENCY RESPONSE PROGRAMS

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Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Public Services and Procurement Canada and Shared Services Canada.

WOMEN AND GENDER EQUALITY AND YOUTH—  
GOVERNMENT'S COVID-19 EMERGENCY  
RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Women and Gender Equality Canada.

TREASURY BOARD—GOVERNMENT'S COVID-19  
EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Treasury Board of Canada Secretariat and Canada School of Public Service.

TRANSPORT—GOVERNMENT'S COVID-19  
EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Transport Canada and Canadian Transportation Agency.

PUBLIC SAFETY, DEMOCRATIC INSTITUTIONS  
AND INTERGOVERNMENTAL AFFAIRS—  
CANADIAN INTERGOVERNMENTAL CONFERENCE  
SECRETARIAT—GOVERNMENT'S COVID-19  
EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Canadian Intergovernmental Conference Secretariat, Public Service Commission of Canada and Transportation Safety Board of Canada.

VETERANS AFFAIRS—GOVERNMENT'S COVID-19  
EMERGENCY RESPONSE PROGRAMS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate)** tabled the response to Question No. 28, dated November 23, 2021, appearing on the *Order Paper and Notice Paper* in the name of the Honourable



Senator Plett, regarding the Government of Canada's COVID-19 emergency response programs — Veterans Affairs Canada and Veterans Review and Appeal Board.

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## 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: second reading of Bill C-26, followed by third reading of Bill C-20, followed by all remaining items in the order that they appear on the Order Paper.

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

##### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator McNair, seconded by the Honourable Senator Clement, for the second reading of Bill C-26, An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts.

**Hon. Denise Batters:** Honourable senators, I rise today to speak to second reading of Bill C-26, An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts.

This bill consists of two parts, the first of which amends the Telecommunications Act to add security as a policy objective and increase security in Canada's telecommunications system. It would allow the government to prohibit telecommunication providers from using products or services from high-risk suppliers and to establish a system of penalties for infractions.

The second part establishes the critical cyber systems protection act, requiring designated operators in critical federally regulated systems — finance, telecommunications, energy and transportation — to protect Canada's crucial cybersystems from threat. It further establishes reporting requirements for cybersecurity incidents.

This bill has been a long time coming. The Trudeau government first held public consultations on it back in 2016. That was so long ago, the government was still talking about sunny ways. It seems like a world away today. Is their Liberal caucus meeting done yet? I digress.

In 2018, the Trudeau government released a National Cyber Security Strategy, and it took another four years, until 2022, for them to draft and introduce this bill in Parliament. Why did it take the Trudeau government so long to draft this legislation? I'll tell you what we do know about that time frame: For two of those years, Bill Blair was the Minister of Public Safety, and we know he doesn't read crucial security briefings. We also know his chief of staff throughout those two years had a tendency for important documents to get lost on her desk.

Whatever the reason, once Bill C-26 was finally introduced, it took two more years for it to work its way through the House of Commons, and even after it passes the Senate, it will take another two years in the regulatory phase before much of the impact of this legislation even comes into effect. In fact, Bill C-26 has taken so long to work its way up to the Senate that some of its provisions are now outdated — and it hasn't even passed yet.

In June we passed Bill C-70, An Act respecting countering foreign interference, which included provisions for secure administrative review proceedings. That will prevail instead of those provisions contained in Bill C-26. Even after taking eight years to produce Bill C-26 to this point, the Trudeau government still hasn't produced a Gender-based Analysis Plus for it. Remember that promise, GBA Plus? It's another of the Liberal government's greatest hits. It was supposed to be mandatory for all bills they introduced in Parliament. When I inquired about whether there was a Gender-based Analysis Plus for Bill C-26, the government finally replied with only this: "If passed, a GBA Plus analysis will be conducted as part of the regulations development process."

So, in the six years leading up to this bill appearing in the House of Commons, the government could not find time to write a GBA Plus analysis of it because — you know — priorities. They were also too busy over the past two years while this bill was sitting in the House of Commons because governing is hard. But they pinky-swear we'll get one after the bill is passed. Funny, that doesn't seem like an ideal time to consider the ramifications of legislation on minorities, but to this Trudeau government, it means avoiding those pesky parliamentary questions.

Even when GBA Plus documents are produced for a bill, they are often not posted online or circulated during parliamentary study of legislation. I can't even count the number of times our Senate Legal Committee has had to ask for the GBA Plus analysis once bills reach the Senate committee stage, even after a bill has passed the House of Commons and the minister has appeared before our Senate committee. It is unacceptable. It is just one more broken Liberal promise on the path of their utter incompetence. It underscores the lack of seriousness with which this Trudeau government approaches governing.

Speaking of which, I will note that, once again, the leader of the Trudeau government in the Senate did not speak on this bill, nor did any members of this Trudeau government caucus. Therefore, once again, senators were denied the opportunity to ask questions of the government about this important and complex bill. The sponsor's speech was relatively brief, and I had to wait more than three weeks for the government to provide answers to the questions I asked the sponsor that day.

It seems the Trudeau government takes this same cavalier attitude in addressing cybersecurity. Remember how long it took this federal government to finally join our allies in rejecting Huawei's involvement in the 5G network? It was three years, a whole lot longer than it should have. During the almost 10 years it will have taken to implement Bill C-26, Canada's critical infrastructure has been left at considerable risk of cyberattacks, and that vulnerability is alarming.

Caroline Xavier, the Chief of the Communications Security Establishment — the government agency that handles cybersecurity — called attacks on Canada's critical infrastructure the “greatest strategic threat to Canada.”

She said:

. . . cybercrime is the most prevalent and most pervasive threat to Canadians and Canadian businesses. Cybercriminals trying to probe Canadian systems have been found in Russia, China and Iran, among others. These actors use various techniques, such as ransomware . . . .

According to the government's own National Cyber Threat Assessment 2023-2024, ransomware is the most common and persistent cyber-threat facing Canadians and Canadian organizations. Yet, Bill C-26 is oddly silent on the matter, making no explicit reference to this cybercrime at all in this legislation. The consequences of cyberattacks can be not just financial but even existential. The worst-case scenario could be a threat against Canada's critical energy infrastructure — pipelines, for example, or the electrical grid in the middle of a harsh Canadian winter.

As a small population spread across a vast land, Canadians are also vulnerable to threats disrupting telecommunications and transportation infrastructure so crucial not only to the economies in our big cities but also to survival in the rural and remote areas of our country.

Twenty-five percent of all businesses in Canada have endured a cyberattack. Caroline Xavier told the House of Commons Standing Committee on Public Safety and National Security that small- and medium-sized businesses comprise 98% of the Canadian economy, yet a stunning 44% of them are without protection from a cyberattack. That leaves the Canadian supply chain and our critical infrastructure systems vulnerable.

There is, then, definitely a need for legislation to address cybersecurity issues and inoculate Canada against the disruption of our society and economy that comes from such attacks. That is why it's so crucial that we get it right.

• (1510)

This legislation has not only been a long time coming, but it also had to be significantly overhauled at the House of Commons committee stage.

Some of the amendments passed at the House of Commons committee stage have made this legislation more palatable, and thank goodness. But the fact remains: Why did the Trudeau government introduce this legislation with such significant flaws in the first place? Several of the amendments were proposed by

the Liberal members of the committee who knew their legislation would otherwise have been in trouble. Even after the massive delay in introducing this cybersecurity bill, the Trudeau government still had to repair its own mess once the bill was before the House committee, as they so often had to do at Senate committees as well.

It's shamefully bad governance.

One major problem with the bill is the wide-sweeping powers it grants to cabinet, the executive branch of government. As the sponsor, Senator McNair, stated in his second reading speech, Bill C-26 authorizes the Governor-in-Council — that is, the cabinet — to direct the telecommunications industry “. . . to do anything, or refrain from doing anything . . . .” if deemed necessary by the minister. That's extremely broad power. While that language was cushioned at the House of Commons committee to require the minister to have “reasonable grounds” for the exercise of that power to be necessary, we must still remain vigilant against ministerial overreach — a favourite Trudeau government pastime.

Critics of this legislation have also complained that Bill C-26 provides only limited oversight. While amendments were passed at committee requiring the minister to notify Canada's national security committees — the National Security and Intelligence Committee of Parliamentarians, or NSICOP, and the National Security and Intelligence Review Agency, or NSIRA — of confidential orders, the accountability and transparency afforded by those bodies is very limited. Both committees answer to the Prime Minister, the head of the executive branch of government. As I have said before, the Prime Minister appoints all the members who sit on these bodies. All senators who are currently members of NSICOP were appointed to the Senate by Prime Minister Trudeau, with significant Liberal and Trudeau Foundation ties. The work of both committees is conducted in secret, with only limited information available to parliamentarians or the Canadian public. As my Conservative MP colleague Raquel Dancho, the Public Safety critic, said about Bill C-26 in the House of Commons:

. . . “with great power must come great accountability.”  
There is great power in the bill, but the accountability side is lacking.

To try to bolster the accountability of the bill, the House of Commons Standing Committee on Public Safety and National Security passed amendments requiring the minister to table an annual report in both houses of Parliament. Further amendments detailed the type of information to be included in these reports.

I have many questions about the possible quasi-criminal offences in Bill C-26. I asked the Senate sponsor of the bill some questions about that after his speech in the Senate. Three weeks later, he provided the government's answers to my queries, but I must say I found them unsatisfactory. These responses mostly focused on the penalties in the bill, rather than the potential quasi-criminal offences employed for this regime.

The critical cyber systems protection act provisions — Part 2 of Bill C-26 — establish several hybrid and summary offences for contraventions of the act. According to the government response:

These include the hybrid offences of contravening a cyber security direction, disclosing information about the existence or contents of a cyber security direction and disclosing confidential information in circumstances not permitted under the Act. These hybrid offences would be punishable by a fine and/or a maximum term of imprisonment of two years less a day on summary conviction and five years on indictment.

While there is an opportunity for judicial review, there are more significant limitations for a successful application than with an appeal process.

Part 1 of the bill — amendments to the Telecommunications Act — establishes an administrative monetary penalty scheme and a sentencing scheme for violations. According to the government response:

[T]he maximum penalty for individuals is \$25,000, or \$50,000 for subsequent violations. In any other case, the maximum penalty is \$10,000,000, or \$15,000,000 for subsequent violations. . . . For individuals, offences can be punishable by imprisonment (up to two years less a day) or a fine, or both, depending on the court's decision.

Business groups, especially small- and medium-sized enterprises, have also raised concerns about Bill C-26. The limited time frame and the cost of implementing the measures necessary to comply may be especially onerous on smaller enterprises. MP Raquel Dancho raised with the minister whether any funding would be available or provided to small- and medium-sized businesses to assist with compliance, but she did not receive a response to her query. This government spends tens of millions of dollars on cybersecurity, but it is clearly not making smaller businesses a priority.

We all know that as the Trudeau government piles up regulations and obligations onto businesses and service providers — through Bill C-11, Bill C-18 and now Bill C-26 — the costs for businesses to comply mount. And that cost is ultimately paid by just one person: the end consumer. In the last week, we've seen the music streaming service Spotify announce that it is hiking its fees in Canada, partly in response to regulatory burdens from Bill C-11.

Another major area of concern in this bill is the privacy provisions or lack thereof. Several key subject-matter experts have raised these as inadequate in Bill C-26. The Privacy Commissioner said:

As drafted, these powers are broad. In order to ensure that personal information is protected and that privacy is treated as a fundamental right, I would recommend that the Committee consider making the thresholds for exercising these powers more stringent, and placing stricter limits on the use of those powers.

One way of doing so would be to require that any collection, use, or disclosure of personal information be both necessary and proportionate. This is a core principle for the handling of personal information that is recognized internationally.

The House of Commons Standing Committee on Public Safety and National Security did pass amendments explicitly defining personal and de-identified information as “confidential,” which helps. But there is certainly more to be done to address serious privacy concerns in this legislation.

The Canadian Civil Liberties Association, or CCLA, brief outlines one such needed improvement:

Legislative wording should also make clear that personal information includes de-identified information, because the definition of “personal information” carries important Privacy Act protections. Additionally, personal information, including de-identified information, should always be deemed to be confidential, rather than that decision being left to the entity providing it.

Civil liberties groups also want limitations to be placed on how long authorities can retain the data of Canadians. One such amendment did pass the House of Commons committee but was inexplicably removed from the bill without debate at report stage. Why? I have no idea. I wish I would have had the opportunity to ask Senator Gold that very question, but, unfortunately, he didn't give us the chance.

I expect the Privacy Commissioner will be asked to provide further input on this bill while it is before the Senate. I look forward to hearing his advice on whether the amendments passed in the House of Commons sufficiently addressed the reservations he initially flagged with this legislation. Further, it may be worthwhile to consider some role for the Privacy Commissioner in reviewing how sensitive information is handled and released under this act.

Some organizations have noted the lack of transparency in the legislation. The Centre for International Governance Innovation, or CIGI, expressed concern about the government's ability to give direct orders in secret under Bill C-26 while a legislative vacuum exists regarding the adequate protection of privacy rights.

As highlighted in a recent article by law professor Matt Malone, which was published by CIGI:

The scope of Bill C-26's secretive powers is all the more concerning when we consider that the federal government has not yet enacted concrete legislation on privacy, data protection, or its use of artificial intelligence technologies. Instead, a proliferation of non-binding governmental “directives” and “guiding principles” have been left to cover some of these areas when it comes to the government's own conduct. But they are all without meaningful sanctions for non-compliance.

Professor Malone also said that the lack of transparency is in direct contrast to the legislation governing the creation of the Communications Security Establishment. Bill C-26 would do the following:

. . . permit nearly complete secrecy when issuing cybersecurity directions to certain businesses; once received, those directions would almost never be subject to public disclosure. And they would not be subject to prior authorization or review before they were issued.

This diverges markedly from the thrust of the CSE's enabling legislation, which seeks to impose greater accountability over certain conduct through prior authorization and review obligations. For example, under that enabling legislation, when the CSE's spying activities contravene federal law or interfere with the reasonable expectation of privacy of individuals in Canada, the agency must obtain approval from the Office of the Intelligence Commissioner. Last year, the Commissioner fully granted half of such requests (three out of six). The cybersecurity direction powers in Bill C-26 are subject to no similar kind of review.

Several different civil liberties organizations, including the Canadian Civil Liberties Association, wrote an open letter to the Minister of Public Safety in 2022 to raise their concerns about this bill. The secrecy provisions of this bill raised red flags in the eyes of these organizations, with their letter stating that "Secrecy undermines accountability and due process." This submission also addressed the issue of secret evidence in courts under this bill:

Even if Security Orders are subjected to judicial review, Bill C-26 could restrict applicants' access to evidence. The legislation does not include any consideration of security-cleared advocates to be appointed on applicants' behalf, as happens in other national security cases. While such provisions are an imperfect solution for due process, they do provide at least a minimal level of protection for applicants' rights. C-26 even empowers judges to make rulings based on secret evidence that is not provided, even in summary form, to applicants or their legal team. It also places the onus on the target of Security Orders to bring legal proceedings, with the associated cost burden.

• (1520)

The Trudeau government's Charter statement that accompanies Bill C-26 states that ". . . the open court principle is not absolute and may be limited where there are pressing state objectives."

Secret courts? With evidence not even provided to an applicant so that they can defend themselves? In Canada? That is potentially very scary stuff. I will be interested — through study of this bill at committee — to learn how the United States, with a tendency more towards openness in their courts, handles similar scenarios under its own legislative regime.

The fact that orders may be rendered in secret also creates uncertainty and confusion for companies that are trying to comply with the law as regulatory decisions are public while security orders are not. According to the Canadian Civil Liberties

Association's submission, this further ". . . threatens the integrity and accessibility of Canada's regulatory frameworks, and renders the security-related rules currently in effect unknowable for members of the public."

Civil liberties organizations are also concerned about the lack of accountability in Bill C-26, even though the bill was amended to now include notification of National Security and Intelligence Committee of Parliamentarians, or NSICOP, and National Security and Intelligence Review Agency, or NSIRA, in the event of confidential orders. An updated brief by the Canadian Civil Liberties Association, or CCLA, specifically highlights the Communications Security Establishment Canada's repeated refusal in the past to comply with NSIRA directives. The CCLA writes:

[A]s presently drafted, C-26 risks continuing a situation where the CSE interprets its mandates — now supercharged with even more Canadians' personal information — in manners that have been found non-compliant with the *Privacy Act* by their reviewer. The Senate has a role and obligation to prevent such a mishandling of Canadians' often most sensitive information, especially given the CSE's long track record of failing to cooperate with its review agencies.

Another concern about Part 2 of Bill C-26 is the fact that it allows the Communications Security Establishment to use data from the organizations that hold Canadians' most sensitive personal information, including banks, telecom providers and transit agencies. CSE would not be limited to using this information only for the cybersecurity purposes of its mandate. Instead, the information could be shared with CSE's international partners for signals intelligence or foreign intelligence purposes.

In the words of the CCLA, "While our alliances are important, Canadians' personal information should not be the coin to maintain these relations."

Furthermore, such use would receive oversight only after the fact, not when it occurs.

In conclusion, Bill C-26 is long overdue, but it still has far to go. Significant concerns remain around important issues such as the privacy rights of Canadians, financial implications for businesses and adherence to our democratic standards of open courts and fairness before the law. Protection of Canada's critical cyber infrastructure is crucial, but so is safeguarding the civil liberties and rights of Canadians. I look forward to a thorough study of this bill at committee so that we can delve further into these complex issues and try to find an appropriate balance between these competing priorities. Thank you.

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

(Motion agreed to and bill read second time, on division.)

#### REFERRED TO COMMITTEE

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

(On motion of Senator McNair, bill referred to the Standing Senate Committee on National Security, Defence and Veterans Affairs.)

### PUBLIC COMPLAINTS AND REVIEW COMMISSION BILL

#### BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

**Hon. Ratna Omidvar** moved third reading of Bill C-20, An Act establishing the Public Complaints and Review Commission and amending certain Acts and statutory instruments.

She said: Honourable senators, I rise today to speak to third reading of Bill C-20, An Act establishing the Public Complaints and Review Commission and amending certain Acts and statutory instruments.

This bill is the last government bill I sponsor before retiring from the Senate, but like the other two previously, it reflects the aspirations of so many stakeholders and it aligns closely with my values.

This bill is about trust, about building trust and restoring trust for those who encounter Canada's law enforcement agencies and come away from this experience feeling that their rights were abused; trust through access to an avenue for their complaints to be heard by an institution that is independent from the law enforcement agencies, the Canada Border Services Agency, or CBSA, and the Royal Canadian Mounted Police, or RCMP.

This bill also comes to us, colleagues, with a certain amount of urgency. It may represent a last opportunity for us to build this bridge to trust, a bridge between our promise to all our citizens for law, order and good governance on the one hand and its experience by vulnerable communities on the other.

The Standing Senate Committee on National Security, Defence and Veterans Affairs heard from witnesses representing these communities who, too often, experience negative interactions with law enforcement. I wish to thank Senator Dean, Chair of the National Security Committee, and the members of the committee for their thoughtful and fulsome study of Bill C-20.

The committee heard about the vulnerabilities of individuals — racialized minorities, Indigenous peoples, people who may not speak either English or French, asylum seekers who are particularly vulnerable to law enforcement because of their

context as well as those detained by the Canada Border Services Agency or in CBSA-run immigration holding centres. These testimonies reminded us to take notice of institutional discrimination, systemic racism and the realities that many racialized, Indigenous and other vulnerable populations face when interacting with law enforcement.

At committee, witnesses spoke to the need for increased accountability and transparency in Canadian law enforcement, especially as it relates to the CBSA as this continues to be the only federal law enforcement agency without any civilian review. And while they shared that Bill C-20 could be doing more, could be improved and changed, most agreed that the bill needs to come into law as is. Amnesty International, the Canadian Council for Refugees, the Canadian Association of Refugee Lawyers, the Canadian Muslim Lawyers Association, the Canadian Civil Liberties Association and others all agreed that this bill is too important to fail being so close to the finish line.

This sentiment was summarized by the National Council of Canadian Muslims:

... given ... a potentially shortened time line in the other place before this bill could potentially vanish from the Order Paper ... this bill should pass before the end of the session.

I want to be clear: They had compelling testimony and raised important issues. So whilst they urged us to pass this bill as is, they also urged the government to listen to their issues in the regulation-making process. I believe this is a message that the government must hear. So I strongly urge the government to consult, not just by checking off a box, but to vigorously consult with these groups when creating the regulations because their concerns are real.

Colleagues, concerns around accountability and systemic racism in law enforcement, which many of these groups spoke about, will not be solved with a single measure, even if it is a new bill. This is an opportunity we must seize — perhaps a first opportunity, but an imperative one. Bill C-20 is part of broader efforts to ensure law enforcement interactions remain respectful, professional and exempt from discrimination.

• (1530)

It is worth examining the urgency of this bill against the cascade of events that preceded it. Let me take you back to September 11, 2001, a horrific day in all our histories. As a result, the Government of Canada passed a number of laws, including the Anti-terrorism Act, but it also called, in December 2003, the CBSA into being without an independent review body.

In 2002, Maher Arar, a Canadian-Syrian citizen, was wrongfully detained during a layover in the United States and deported to Syria, where he was subjected to severe torture and inhumane treatment. This happened because the RCMP provided the U.S. authorities with erroneous information, falsely implicating Mr. Arar in terrorist activities. The public outcry over this ordeal prompted the government to launch a thorough inquiry, led by Justice Dennis O'Connor. In 2006, the inquiry's findings fully exonerated Mr. Arar, revealing serious misconduct and flaws in the actions of both the RCMP and border officials.

As I noted in my second-reading speech, one of the most crucial outcomes of that inquiry were recommendations for preventing such miscarriages of justice in the future. Foremost among those was the creation of a robust independent mechanism for both agencies, the RCMP and the CBSA, to enhance accountability, ensure strict adherence to legal standards and protect the rights of individuals from being violated.

That was in 2006. Years later, the Standing Committee on Public Safety and National Security recommended that the government establish an independent civilian review mechanism and complaints body for all CBSA activities.

In 2014 and 2015, Senator Wilfred Moore introduced legislation, Bill S-222 and Bill S-205, to provide for the appointment of an inspector general of the CBSA. Both bills died on the Order Paper, but the government did agree with the intent of the bill, whilst not the mechanism, and mandated former Privy Council clerk Mel Cappe to review and recommend further action. His report recommended the basic structure that Bill C-20 outlines.

Following that, in 2017 and in 2019, Parliament created mechanisms in the national security sphere. They created the National Security and Intelligence Review Agency, or NSIRA, and the National Security and Intelligence Committee of Parliamentarians, or NSICOP. But government bills to create an independent civilian complaints review commission, as recommended by Justice O'Connor and Mel Cappe, died on the Order Paper. Although not successful, they demonstrate a persistent need and political will to create such a mechanism.

Today, 18 years after Justice O'Connor tabled his recommendations, we are, I believe and sincerely hope, almost at the finish line.

We know the CBSA today is different than it was in 2003, in 2006 and in 2014, when the first bill for independent review was tabled. Current national and international environments make the need for an independent review even more pressing.

During the Standing Senate Committee on National Security, Defence and Veterans Affairs discussions on Bill C-20, we had the opportunity to hear from the Minister of Public Safety, the Honourable Dominic LeBlanc. I asked him what was at stake here as we contemplate the last stage of Bill C-20's adoption. His response was:

. . . we are facing a potentially short runway with a unique opportunity to make a very significant improvement in this area. To make perfection the enemy of the possible at this particular moment . . . would be unfortunate. . . .

Is Bill C-20 perfect? Not at all. I don't believe any bill is ever perfect, but considering the cascade of events that I've described to you and the real benefit to Canadians, I hope that we will agree to not let this opportunity vanish. It improves on previous iterations of this recommendation — first, on Senator Moore's bill, Bill S-222, but also on the two more recent government bills in the House, which both died on the Order Paper. Each iteration has evolved, changed and improved to reflect stakeholder views and expert advice around law enforcement.

Bill C-20 will not only create a stronger review body but also contribute to our nation's efforts to pursue reconciliation with Indigenous peoples and racialized minorities and respond to concerns around systemic racism within law enforcement. It will also respond to various expert and stakeholder recommendations, including those of the Mass Casualty Commission and of the House of Commons Standing Committee on Public Safety and National Security report *Systemic Racism in Policing in Canada*.

Let me briefly remind you how Bill C-20 will lead to the desired outcomes of better reporting and overall accountability. It is an efficient model that aims to strengthen — not erode — existing accountability frameworks. The deputy heads of the two agencies, the RCMP and the CBSA, will remain accountable to the Minister of Public Safety, and the minister will remain accountable to Parliament for actions taken or not taken by the RCMP and the CBSA. The bill will require richer, deeper and more detailed reporting to Parliament, and there are timelines in the legislation to ensure appropriate responses.

The RCMP and the CBSA will be required to annually report on what they have done in response to the public complaints and review commission, or PCRC, recommendations. The PCRC will itself file an annual report. Further, as part of the annual reporting to Parliament, a new provision will require the PCRC to collect — for the first time — race-based disaggregated and demographic disaggregated data about complainants. This will contribute to identifying intersectional systemic issues in law enforcement and developing responses. These components of the bill are part of why it is so urgently needed.

I know some of you had questions around the absence of a statutory review period in the bill. Please note that we, as senators, would have the ability to review the PCRC act at any time, particularly after enough time elapses to assess its effectiveness and the way it is implemented. We will have access to the annual reports filed by the CBSA, the RCMP and the minister himself. To paraphrase Mel Cappe, former clerk of the Privy Council, whom we heard from just a few days ago, improved reporting under Bill C-20 is what would allow us, as parliamentarians, to identify whether this bill is being carried out appropriately.

Honourable senators, Bill C-20 is much more than just about reviewing the actions of the RCMP and the CBSA. It is about justice, reform, fairness, transparency and accountability. We depend on these agencies to maintain the rule of law in this country. Their officers are entrusted with wide-ranging powers. Canadians expect and deserve assurances that these powers are not abused or misused. In short, we expect and deserve consistent, fair and equal treatment and an effective accountability mechanism when this treatment is not forthcoming.

Before I conclude my remarks today, I would like to thank those who have taken the time to share with us their experience and expertise and made key recommendations that helped build this robust proposed legislation. Let's get this important work done now and turn our attention to an orderly and efficient implementation of this bill.

• (1540)

I hope my colleagues will help ensure the passage of a bill that has been unanimously supported in the other place, a rare feat and one that speaks volumes about the robustness of the bill. Let

us show Canadians that we in this place can also reach such a consensus for a bill that stands to make a powerful improvement to law enforcement's accountability to Canadians.

Thank you, colleagues.

(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 3:41 p.m., the Senate was continued until tomorrow at 2 p.m.)*

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## CONTENTS

Wednesday, October 23, 2024

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		<b>QUESTION PERIOD</b>	
<b>The Honourable Suze Youance</b>		<b>Environment and Climate Change</b>	
Hon. Raymonde Saint-Germain . . . . .	7290	Carbon Tax	
Hon. Scott Tannas . . . . .	7290	Hon. Donald Neil Plett . . . . .	7294
		Hon. Marc Gold . . . . .	7294
<b>Visitors in the Gallery</b>		<b>Public Safety</b>	
The Hon. the Speaker . . . . .	7290	Crime Rates and Cost of Living	
		Hon. Leo Housakos . . . . .	7294
<b>The Honourable Suze Youance</b>		Hon. Marc Gold . . . . .	7294
Hon. Pierre J. Dalphond . . . . .	7291		
<b>Visitor in the Gallery</b>		<b>International Trade</b>	
The Hon. the Speaker . . . . .	7291	Canada-U.S. Trade	
		Hon. Tony Loffreda . . . . .	7295
<b>Autism Awareness Month</b>		Hon. Marc Gold . . . . .	7295
Hon. Leo Housakos . . . . .	7291		
<b>Visitors in the Gallery</b>		<b>Employment and Social Development</b>	
The Hon. the Speaker . . . . .	7292	Support for Children and Families	
		Hon. Marie-Françoise Mégie . . . . .	7295
<b>Support for Ukraine</b>		Hon. Marc Gold . . . . .	7296
Hon. Stan Kutcher . . . . .	7292		
<b>Visitors in the Gallery</b>		<b>Transport</b>	
The Hon. the Speaker . . . . .	7292	Port of Montreal	
		Hon. Mary Robinson . . . . .	7296
<b>Public Servants</b>		Hon. Marc Gold . . . . .	7296
Hon. Tony Dean . . . . .	7292		
<b>Visitors in the Gallery</b>		<b>Privy Council Office</b>	
The Hon. the Speaker . . . . .	7293	Senate Appointments	
		Hon. Wanda Thomas Bernard . . . . .	7296
<hr/>		Hon. Marc Gold . . . . .	7296
<b>ROUTINE PROCEEDINGS</b>		<b>Finance</b>	
<b>Commissioner of Lobbying</b>		Cost of Food	
Notice of Motion to Approve Reappointment		Hon. Yonah Martin . . . . .	7297
Hon. Patti LaBoucane-Benson . . . . .	7293	Hon. Marc Gold . . . . .	7297
<b>Information Commissioner</b>		<b>Veterans Affairs</b>	
Notice of Motion to Approve Reappointment		Remembrance Day	
Hon. Patti LaBoucane-Benson . . . . .	7293	Hon. Donald Neil Plett . . . . .	7297
		Hon. Marc Gold . . . . .	7297
<b>Adjournment</b>		<b>Natural Resources</b>	
Notice of Motion		Research Funding	
Hon. Patti LaBoucane-Benson . . . . .	7293	Hon. Colin Deacon . . . . .	7298
		Hon. Marc Gold . . . . .	7298
<b>The Honourable Ratna Omidvar</b>		<b>Finance</b>	
Notice of Inquiry		Cost of Living	
Hon. Bernadette Clement . . . . .	7293	Hon. Leo Housakos . . . . .	7298
		Hon. Marc Gold . . . . .	7298
<b>Business of the Senate . . . . .</b>		<b>Global Affairs</b>	
	7294	Organisation for Economic Co-operation and Development	
		Hon. Donald Neil Plett . . . . .	7299
		Hon. Marc Gold . . . . .	7299
		<b>Point of Order</b>	
		Hon. Réjean Aucoin . . . . .	7299



# CONTENTS

**Wednesday, October 23, 2024**

	PAGE	PAGE
<b>Answers to Order Paper Question Tabled</b>		
Agriculture and Agri-Food—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7299	
Atlantic Canada Opportunities Agency—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7299	
Canadian Northern Economic Development Agency— Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7299	
National Revenue—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7299	
Economic Development Agency of Canada for the Regions of Quebec—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7300	
Fisheries, Oceans and the Canadian Coast Guard— Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7300	
Indigenous Services—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7300	
National Defence—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7300	
Environment and Climate Change—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7300	
Employment, Workforce Development and Official Languages—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7300	
Federal Economic Development Agency for Southern Ontario —Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7300	
Federal Economic Development Agency for Northern Ontario —Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7300	
Finance—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7300	
International Development—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7301	
Health—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7301	
Crown-Indigenous Relations—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7301	
Housing, Infrastructure and Communities—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7301	
Immigration, Refugees and Citizenship—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7301	
Innovation, Science and Industry—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7301	
Justice and Attorney General—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7301	
Energy and Natural Resources—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7301	
Pacific Economic Development Agency—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7301	
Canadian Heritage—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7301	
Privy Council Office—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7302	
Public Prosecution Service—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7302	
Prairies Economic Development—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7302	
Public Safety, Democratic Institutions and Intergovernmental Affairs—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7302	
Public Services and Procurement—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7302	
Women and Gender Equality and Youth—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7302	
Treasury Board—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7302	
Transport—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7302	
Public Safety, Democratic Institutions and Intergovernmental Affairs—Canadian Intergovernmental Conference Secretariat—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7302	
Veterans Affairs—Government’s COVID-19 Emergency Response Programs Hon. Patti LaBoucane-Benson . . . . .	7302	

---

## ORDERS OF THE DAY

### Business of the Senate

Hon. Patti LaBoucane-Benson . . . . .	7303
---------------------------------------	------

**CONTENTS**

**Wednesday, October 23, 2024**

	PAGE		PAGE
<b>Bill Respecting Cyber Security, Amending the Telecommunications Act and Making Consequential Amendments to Other Acts (Bill C-26)</b>		<b>Public Complaints and Review Commission Bill (Bill C-20)</b>	
Bill to Amend—Second Reading		Bill to Amend—Third Reading—Debate Adjourned	
Hon. Denise Batters . . . . .	7303	Hon. Ratna Omidvar . . . . .	7307
Referred to Committee . . . . .	7307	<b>Business of the Senate</b>	
		Hon. Patti LaBoucane-Benson . . . . .	7309