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(HANSARD)

Wednesday, November 27, 2024

The Honourable RAYMONDE GAGNÉ,  
Speaker

## CONTENTS

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

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## THE SENATE

Wednesday, November 27, 2024

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

Prayers.

[*Translation*]

### ROYAL ASSENT

**The Hon. the Speaker** informed the Senate that the following communication had been received:

RIDEAU HALL

November 27, 2024

Madam Speaker,

I have the honour to inform you that the Right Honourable Mary May Simon, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 27<sup>th</sup> day of November, 2024, at 10:00 a.m.

Yours sincerely,

Ken MacKillop

*Secretary to the Governor General*

The Honourable  
The Speaker of the Senate  
Ottawa

Bill Assented to Wednesday, November 27, 2024:

An Act to amend the Interpretation Act and to make related amendments to other Acts (*Bill S-13, Chapter 30, 2024*)

[*English*]

## SENATORS' STATEMENTS

### TRIBUTES

THE HONOURABLE STEPHEN GREENE

**Hon. Scott Tannas:** Honourable senators, I recently learned that Senator Greene's favourite movie is *Casablanca*. It is a masterpiece of moviemaking and one of the most quotable movies in American cinema. As a tribute to my friend and colleague Stephen Greene, I would like to start by adapting this classic line: Of all the upper chambers in all the parliaments in all the world, he walked into ours.

In retrospect, this should have been on the minds of all senators in 2009. We now know, in hindsight, of the contribution this proud Nova Scotian was going to make.

It would be an understatement to say that Senator Greene was a reformer — and not just because he was a candidate for the Reform Party in the 1993 and 1997 elections and was the chief of staff to Preston Manning. He was a small “r” reformer too. Whether at the federal level or with the office of the Premier of Nova Scotia, his role was fixing things that needed attention. In his role in the premier's office as principal secretary, he had a significant role in fixing the Atlantic Accord in 2006.

This may be controversial to say, but Senator Greene along with his friend Senator Massicotte can be cast as the early architects of today's new, more modern Senate. In 2015, Senator Greene co-organized the Working Sessions on Senate Modernization that began the serious discussions about changing the Senate. He then moved to being a member of the Special Senate Committee on Senate Modernization and appeared as a witness advocating for the conclusions from the working sessions.

When Senator McInnis left the special committee, Senator Greene took over as chair and tabled two reports on proposed changes to how the Senate functions. Many of the new rules we operate under today can be traced back directly to those early days in 2015 and those now-famous working sessions.

I must note that Senator Greene was part of the original 11 members who founded the Canadian Senators Group. His participation was crucial in forming the nucleus of members and to “Round up the usual suspects.” For those who are too young, that is another *Casablanca* quote. He served with distinction as our deputy liaison.

Honourable senators, when we all walk into this chamber for the first time, like it or not, the thought crosses all of our minds of what impact we will have on this place, the politics and the country. For a lucky few, the impact we make will turn into a long-lasting legacy that will survive the test of time.

Stephen, as you depart this place for the last time, just remember that you left your mark, and you leave a true, virtuous and positive legacy. The Senate will not be the same without you, and as you make your exit from politics, “Here's looking at you kid.”

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

**Senator Tannas:** On behalf of your colleagues here in the Canadian Senators Group who surround you, we honour you and Shami — who, by the way, in the last while has become a true family member of the Senate — and we wish you both a happy retirement.

**Hon. Marc Gold (Government Representative in the Senate):** Senator Tannas, you're always a hard act to follow.

Honourable senators, my favourite movie is *The Godfather*, and you'll remember the scene when Robert Duvall playing Tom Hagen is sent off to make a request of a movie producer. He's turned down, and he decides to go right back because the Godfather always liked to hear the bad news right away. The bad news, colleagues, is that Senator Greene is leaving us, and that is a really great loss.

That is the best I can do, Scott, and it's a pale imitation of you.

• (1410)

It is with mixed feelings and a certain tristesse that I rise on behalf of the Government Representative Office, or GRO, to pay tribute to our friend and colleague the Honourable Stephen Greene.

Senator Greene has had an exemplary career, spanning both business and public service at the federal and provincial levels. Beginning his professional life at the Canadian embassy, he went on to work in numerous other positions, including in the Foreign Service, and, as Senator Tannas mentioned, as Chief of Staff to the Leader of the Reform Party of Canada Preston Manning, as Principal Secretary and Deputy Chief of Staff to the Premier of Nova Scotia Rodney MacDonald, and, finally, here with us as a senator, where, once again, he has put his depth of experience and wisdom to very good use for the people of Nova Scotia and Canada.

During his time in the chamber, he has sat on far too many committees to name now, but, following Senator Tannas, I would like to focus on his work as Chair of the Special Senate Committee on Senate Modernization. Throughout his time here, he has been committed to modernizing the Senate to be a more effective institution and to better serve all Canadians. That commitment was clearly evident in the work he did leading up to the Committee on Modernization and his work on the reports as well, as was already mentioned. They were pivotal.

Senator Greene, I arrived in the Senate as one of an early wave of senators appointed in the new system, and I arrived with you and many other of your colleagues — some of whom are still here, but many of whom have departed — who were veterans of this place. You were not the only one who impressed me with your devotion to this place and to Canadians, but you stood out, and I think we mentioned our colleague as well. Despite your partisanship and strongly held views, you saw the necessity of working together with senators — veteran and newly arrived — to see how we could make this place better.

To me, that exemplifies the best about this place: that you've approached your work as a gentle and noble person with strongly held views. You and I haven't always agreed on policy issues. You're a little bit more libertarian than perhaps I am, but I deeply appreciate you, your independence and your integrity. You will be missed. On behalf of the GRO, I wish you all the best for a well-deserved retirement.

**Hon. Donald Neil Plett (Leader of the Opposition):** Honourable senators, my favourite movie is *True Lies*.

Colleagues, on behalf of myself and the entire opposition in the Senate, I also rise today to acknowledge the retirement of Senator Stephen Greene. Following a successful career both in the fishing industry and, of course, in the Foreign Service — and, indeed, in the Conservative movement — Senator Greene was appointed on the advice of the Right Honourable Stephen Harper in 2009 to represent the people of Nova Scotia in this chamber and as a member of the Conservative Party of Canada.

Despite being originally from Montreal, our colleague has gradually but surely built a deep personal connection to the province that he chose to call home. As he noted in his maiden speech, "Nova Scotia is my province by choice, not by birth."

One of the hallmarks of Senator Greene's career has been his unwavering commitment to Senate reform. Perhaps this may come as a surprise to some of you, but Senate reforms did not begin with the arrival of Justin Trudeau. They had begun earlier, with the arrival of Stephen Greene. Our colleague Stephen Greene has been a vocal proponent of making the Senate more transparent, more accountable and more effective. Senator Greene has consistently argued that the Senate should better reflect the democratic will of Canadians and operate with greater efficiency.

On a note of levity, at the time of his appointment and for a period thereafter, Senator Greene, colleagues, was a member of the Conservative caucus. It is somewhat ironic that today he is a member of the Canadian Senators Group alongside Senator Smith, who removed him from the Conservative caucus in 2017. I don't know whether this was intentional planning or not.

Stephen, I know you've experienced some difficult issues during the past year. I want you to know that our thoughts and prayers are with you as you move on to your next phase of life.

Colleagues, Senator Greene has always been a man of few words, so on that note, senator, I wish you well.

**Hon. Paul J. Massicotte:** Honourable senators, today I rise on behalf of the Independent Senators Group and as a colleague and good friend of Senator Stephen Greene to recognize his retirement.

Senator Greene is a man who has left a lasting mark on this institution, not just through his words but through concrete actions that have driven meaningful change and strengthened the Senate's role in serving Canadians.

Senator Greene's time in the Senate has been defined by his unwavering commitment to reform and modernization. His steadfast belief in the potential of the Senate to better serve Canadians has driven much of his work. Whether advocating for an end to institutionalized partisanship or challenging the status quo, Senator Greene demonstrated what it truly means to be a senator, which is a willingness to put the public good above political comfort, even when it comes at a cost.

For years, Senator Greene has been a leading voice on Senate modernization, proving that progress is possible when senators work across ideological lines. It wasn't just a file for him; it was a mission. His collaboration with colleagues from all sides of this chamber was a testament to his belief that our strength lies in our diversity of thought and that this strength can be harnessed for the benefit of Canadians.

Of course, reform is never without resistance. Senator Greene's determination to challenge entrenched partisanship in the Senate led him to take the bold step of leaving his political group. He chose principles over convenience, a decision that speaks volumes about his character. It's not every day that someone willingly walks away from the safety of party lines, but, then again, Senator Greene has never been one for half measures.

Senator Greene and I have had our fair share of debates — constructive ones, of course — on how best to modernize the Senate. While I can't say that we always agreed, I will say this: Working with him was like having a crash course in persistence. He doesn't just believe in reform; he embodies it.

Beyond modernization, his work on issues like airport competitiveness and regional equity has been a reminder that this chamber has the potential to tackle the everyday challenges Canadians face. His advocacy was never just about theory; it was about practical solutions that made sense for families, businesses and communities.

Stephen, as you step away from this chamber, I hope you take with you the knowledge that your work has mattered — as senators have just noted — not just to this institution but to the Canadians it serves.

Thank you, my good friend, for your advice, your dedication and your enduring example of what it means to put Canadians first. I love you.

[*Translation*]

**Hon. Pierre J. Dalphond:** Honourable senators, on behalf of the independent senators of the Progressive Senate Group, I have the pleasure of paying tribute to Senator Greene.

[*English*]

Senator Greene has travelled a winding yet principled path during his time serving Canadians here. In his first speech in this chamber, he said:

I believe, first and foremost, in ideas. I do not care where they come from or who gives them to me. Sometimes this makes me more bipartisan than partisan.

Appointed as a Conservative in 2008, Senator Greene introduced himself to the chamber as “. . . a recovering member of the Reform Party of Canada.”

• (1420)

In 2016, early in the independent reform, he became the first Conservative senator to sponsor government legislation — Senator Harder will remember — with Bill S-4, tax agreements regarding Israel and Taiwan. As sponsor, he said:

I'm honoured to be among the first of, I hope, many senators who, despite their general disagreement with the current government, which I share, are willing to recognize good ideas and policies when they see them by sponsoring government legislation in this place when they have no policy objections that would prevent them from doing so.

That was a courageous declaration that would lead him to sit as a non-affiliated senator, to be followed by a few years as a member of the Independent Senators Group before becoming a founding member of the Canadian Senators Group.

His independent spirit led to his collaboration with then-Liberal Senator Massicotte, with whom he embarked on a quest to encourage and promote Senate reform. They sent out questionnaires, hosted lively discussions and collated responses to identify subjects with the most consensus.

In a 2017 op-ed, he summarized his evolving vision of the Senate as follows:

Canadian democracy needs a well-functioning upper house that is free of partisan shackles. It can't be a copycat of the House of Commons. It must have a legislative role that is distinctive and valuable. But, because of its unelected nature, it must also act with restraint.

I must say that I agree with him.

Senator Greene demonstrated with actions — not just words — that staying true to oneself in service to one's province and country should override partisanship. That's an impressive legacy and a lesson that he leaves to all of us.

On behalf of the Progressive Senate Group, I wish you the very best in your retirement, Senator Greene — all the best.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Senator Greene's wife, Shamimu Netonze; his daughter, Lana Greene; his stepson, Shabram Ali; his brother, John Greene; his sister, Barbara Greene; and his sister-in-law, Susan Greene. They are accompanied by friends and current and former staff of the honourable senator.

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

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

## THE HONOURABLE STEPHEN GREENE

### EXPRESSION OF THANKS

**Hon. Stephen Greene:** Honourable senators, “wow” is all I can say. Senator Tannas, Senator Gold, Senator Plett, Senator Dalphond and, not last but not least, Senator Massicotte, thank you very much for your gracious and kind remarks. I don’t think I deserved them, but thank you anyway.

Ladies and gentlemen, first, I would like to thank Stephen Harper for putting me in this place and my wife, Shami Netonze, and her partner in crime in my office, Adelheid Ruppenstein, who have been keeping me in my place.

This may be hard to believe, but it is a fact: You know when you research something that you think is true, it turns out to be something completely the opposite.

I thought I was the deputy whip of the Conservative caucus on only one occasion. It turns out that it was on three occasions: From January 2010 to 2011 I served as Deputy Government Whip, and on two occasions after that.

When Justin Trudeau formed the majority government in 2015, I was majority leader of the caucus whips.

In May 2017 things took a sharp turn. I was given an ultimatum: accept a thank-you dinner from Prime Minister Trudeau for sponsoring a government bill that was so much like — to the comma — one I had promoted from the other government. Unfortunately, this did not turn out as I had envisioned, and I found myself sitting on the other side of the chamber. This confirmed to me that the Senate needed changing to realize its independent role.

On November 4, 2019, a new group was formed, the Canadian Senators Group. I was 1 of 11 founding members along with Senators Doug Black from Alberta, Rob Black from Ontario, Larry Campbell, Diane Griffin, Elaine McCoy, David Richards, Scott Tannas, Josée Verner, Pamela Wallin and Vernon White. That’s quite a group, I think you will agree.

Colleagues, on December 9, 2021, I shared with you that I was diagnosed with Parkinson’s disease, or PD. PD is a very personal disease in that it is unique to you. If you have it, no one else will have it in quite the same way you do.

If you are over the age of 60, the odds of having Parkinson’s in Canada are roughly 1 in 105. You’re welcome.

One of the amazing things I have realized, though, is that every person I have spoken with since publicly announcing this disease three years ago has shown me a very kind face and has let me know that my relationship with them has not changed.

One of my mantras has been to be upbeat as much as possible because the alternative is to get beaten up, and I’d rather be upbeat than beaten up.

I believe that Parkinson’s disease can provide positive examples of living for life. A historical example of what I am talking about is that of Franklin Roosevelt, who likely would not

have become president had he not been struck by polio. This event enabled him, a person with his immense social and political capabilities, to fulfill his potential by learning humility and becoming someone whom Americans could vote for. This talented person became a humble person.

In order to be a success at manufacturing your own comfort, which you must do, you must be like a civil engineer or an operations research person, because you need to figure out the steps to take along the way to find the most economical route from point A to point B.

Now, let me tell you about the special electric chair. This is the way in which you become more comfortable. You need something like this, which I have and is great, because it vaults you out of the chair and you can stand on your own two feet.

This is the scenario: This afternoon my team is playing and I am getting ready to watch the big game on TV. I have some popcorn and a drink on the table beside me and my beloved chair because I don’t want to spill anything. Another glance at the table and I determine that, once sitting down, I probably won’t be able to reach some of my refreshments, so I take the time to reposition all the drinks and refreshments, the popcorn, et cetera. Now I am all set up and ready to go. Then I realize something: The remote is across the room. That remote is truly remote.

Boy, I think, by the time I get to the console where the remote is, it will likely be halftime. So I install myself into the chair, and, in frustration, I slam my wrist and hand onto the chair, but I push the wrong button. Instead of the button I thought I had pushed, I pushed the button to vault, so the chair pitches me out and launches me across the room.

• (1430)

As Parkinson’s disease progresses, the little daily tasks that you have always done effortlessly often become a challenge.

Now I’m covered with popcorn on the other side of the room. My wife comes around the corner, and she looks at me sitting on the floor surrounded by popcorn and says, “My dear, I thought we agreed you would stay in your chair.”

But, senators, don’t despair. A lot of efforts to make things easier in the lives of Parkinson’s patients are released every day.

One thing that is very important is that the Parkinson’s patient is only as good as their team. I would like to thank Shami, my wife; Shabram, my stepson; John, my brother; Barb, my sister; Lana, my wonderful daughter; and Rose and Reed.

I would also like to thank my former staff, Nolan Bauerle and Christopher Reed, and my current staff, Adelheid Ruppenstein, for their assistance throughout the years.

Honourable senators, I cannot leave without thanking Paul Massicotte. When you have an intellectual and emotional relationship like I have with you, Paul, you cannot go wrong, and you don’t need another friend.

I believe not much change would have happened without Paul and also Senator Tannas, Senator Downe, Senator Wallin, Senator Verner, Diane Bellemare, Jane Cordy, Larry Campbell, Tom McInnis, Elaine McCoy and so many others. Several thousand oysters lost their lives in the cause of an independent Senate.

Colleagues past and present, it has been an honour and a privilege to work with you. I value your friendships and will cherish the time I have been able to spend with you here in the Senate. Thank you so very, very much.

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

#### TRIBUTES ON RETIREMENT

**Hon. Rebecca Patterson:** Honourable senators, I rise today to pay tribute to our colleague Senator Stephen Greene. Since you and I have not served long together, I'm sharing the thoughts of my Director of Parliamentary Affairs, Chris Reed, who was Senator Greene's parliamentary affairs adviser and later his director from February 2016 to March 2023. I'm happy to share these words because we all know that staff is key to our lives and success as senators.

Now this is Chris speaking, so brace yourselves. These are his words:

Senator — Stephen — Steve.

What more can be said in tribute that has not already been said.

I know that your fellow senators will laud your many professional accomplishments, so with my thanks to Senator Patterson, I will focus on you: Steve.

Remember when I first started in your office, you told me to call you "Steve"? Now I think I finally can.

Did you know that one of your favourite musicians Duke Ellington was awarded the Presidential Medal of Freedom? You have always been a believer in freedom, so I am sure you did.

But did you know that Louis Armstrong did a cover of "The Bare Necessities"?

You know I had to make a Disney joke; it is me after all.

Seriously, though, you helped me more than I can ever truly thank you.

With all the personal and professional troubles I was facing in the fall of 2015, I am so grateful to you and Adelheid for taking a chance on me. Coming to work with you back here in the Senate was a huge relief.

Most importantly, you reminded me to:

Look for the bare necessities  
The simple bare necessities  
Forget about your worries and your strife . . .

You're going to owe me for that. Chris continues:

Oh man, did we have fun.

While we may not have solved all the world's problems, but over a late-night Taiwanese single malt, we tried our best.

Okay, we probably added to them somewhat.

But the Senate that exists today is, in part, thanks to your work. For that, you should be acknowledged and celebrated.

Thank you, of course, to Shami and Shabram for letting us borrow you from time to time. Likewise, thank you to Lana, Rose and Reed for sharing their dad and grandad with Canadians.

One last piece of advice, or direction, if you will permit me —

— and I can hear his voice in my head right now —

— next time the Prime Minister invites you to dinner, just say "NO."

Steve, you have always been a maverick — the "ever-Greene Reformer," if you will. Do not change.

All the best as you move home and as you get to celebrate this next phase in your life.

Thank you.

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

**Hon. Peter M. Boehm:** Honourable senators, I rise today in tribute to our friend and colleague Stephen Greene. I've had the privilege of knowing him since my first day in this place six years ago when he shook my hand in welcome. Since then, we have worked together on the Senate Foreign Affairs and International Trade Committee, first under the leadership of our former colleague Raynell Andreychuk.

In 2020, when I became the chair, Stephen was named to the steering committee, and I have greatly valued his collaborative spirit and expertise. His questions and comments at committee have always been thoughtful and sometimes challenging, as they should be, because it's important to keep both witnesses and colleagues on their toes.

Stephen has always had a great interest in international topics, which has served him and his fellow committee members, including myself, very well.

Prior to the Senate, he worked out of Canada's embassy in Washington on fisheries concerns and pursued Gulf of Maine maritime boundary issues with the U.S. while posted to our consulate general in Boston.

He blended this with significant private sector experience with Clearwater Fine Foods. These were the so-called intermestic issues with the U.S., and I suspect we'll face many more over the next while.

His inquiring mind went much further, though, to NATO — I greatly valued our mission together in London in 2019 as part of the NATO Parliamentary Assembly — the future of Taiwan and Canada's changing role in the world. All of these subjects and more ranked high in his thoughts and in his extensive reading on these important topics.

Then there is his political side. Winston Churchill once remarked:

Politics is almost as exciting as war, and quite as dangerous. In war you can only be killed once, but in politics many times.

Stephen is a survivor of those many times.

But wherever and however he served — as a federal candidate for the Reform Party of Canada, as a staffer in a long-ago Nova Scotia Progressive Conservative government, or as a senator for the Conservative Party or in the Canadian Senators Group — he made his mark convincingly and on principle, especially in the Senate as it has continued to evolve.

As I recall, he mentioned his affiliations in his moving and memorable — and not to mention humorous — speech on his Parkinson's disease in 2021 and didn't miss the opportunity to get a dig in for all of our groups, much like his speech today.

I, like others, will miss him here in the Senate. He will head back to his beloved Nova Scotia with his devoted spouse, Shami, to an extremely well-deserved retirement. Whether he is ready to slow down is another question.

Having had the opportunity to get to know Stephen's excellent staff over the years, I would be remiss in not acknowledging how lucky he was to work with Adelheid Ruppenstein for 16 years and with Christopher Reed for many years.

Stephen, I know you will miss the Senate and we'll miss you, but the grass will certainly be, dare I say, "Greener" on the retirement side.

Thank you for everything, my friend.

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

• (1440)

**Hon. Pamela Wallin:** Honourable senators, by way of tribute to my friend and colleague, let me cite his own words:

Some people . . . think that being a maverick is a bad thing, that "maverickism" should be stamped out in all its forms. I am not one of those people. For me, maverickism equates with fresh thinking, rigorously developed and communicated. It is a willingness to stake out independent ground without worrying about . . . consequences . . . It is about following your own conscience and convictions. In other words, maverickism equates with hope and freedom.

Stephen Greene is — and always was — a maverick, and this place is better for it.

If you look at Stephen's CV, well, it looks a little bit like he can't keep a job. From our embassy in Washington to a premier's office in Nova Scotia, worried by spiralling deficits, he joined the Reform Party, ran as a candidate, served as a chief of staff. Through it all, Stephen is a doer, albeit one with a short attention span.

But with Stephen, there's no tilting at windmills; there's always focus and purpose.

We came to this place at the same time, and even then, reforming the Senate was already firmly on his mind. He worried that partisanship would undermine the experience we all bring to the table, along with our political beliefs, because we are here to serve Canadians, not political parties or social circles.

It's not about whether we are appointed or elected. We don't need to run for office to be relevant. We can and should question government policy. How would an amendment proposed by the Senate with the intention of getting a better bill possibly endanger democracy? In fact, Stephen believes if the Senate were abolished, Canadians would need to invent it.

Stephen is witty, charming, direct, thoughtful and funny. When he decided to tell us about his Parkinson's diagnosis, he worried more about how we would take it, so he employed a little humour. Let me remind you of his words that day:

. . . Parkinson's can also lead to incontinence. This is not the kind of verbal diarrhea that some senators . . . like to inflict on this house from time to time. I'm talking about the natural kind . . . . But I promise I will give my beloved seatmate plenty of warning. . . .

It made us think about the power of hope and humour.

So, to the lifelong maverick: Keep the humour; keep the hope; keep up the fight; keep making the change. We will miss your wisdom and that wry smile, and we will keep you always in our hearts.

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

**Hon. Mary Coyle:** Honourable senators, I rise today to pay tribute to the Honourable Stephen Greene, a fellow Nova Scotian by choice, a man with a brilliant political and business mind and pedigree, a staunch fiscal conservative, a self-described patriot, a huge fan of the United States of America, an independent-minded reformer, a very funny character and a faithful servant to this chamber and to the people of Nova Scotia and Canada — even while, in recent years, contending with the unpredictable and debilitating impacts of Parkinson's disease.

After a career in politics, running twice for the Reform Party, serving as Chief of Staff to Preston Manning and later Principal Secretary to Nova Scotia premier Rodney MacDonald; in business with H.B. Nickerson & Sons and Clearwater Fine Foods, helping to build that company into Canada's largest and most important seafood company; and in government, first with the Canadian Embassy in Washington and then the Canadian Consulate in Boston, Senator Greene was appointed to this chamber in December 2008.



While here, Senator Greene, together with our colleague Senator Massicotte, made significant contributions to Senate modernization. He criticized the institutionalized partisan decision-making process he saw in the bipolar Senate he inherited as a new Conservative senator where senators were whipped on votes by their parties, as were their counterparts in the House of Commons, causing, as he said, the public to see the Senate as irrelevant and a waste of money. He has seen improvement in the Senate's relevance in its current multipolar incarnation where opposition can and should come from any individual senator in any group. While he sees institutionalized partisanship as an obstacle to true sober second thought, Senator Greene also cautions against the dangers of groupthink.

He advocated for rules that reflect the Senate's multipolar reality, and some of those are in place today.

In his first speech, on the 2009 budget, Senator Greene underscored what he stands for:

I believe that this budget, together with the other policies . . . which claim and defend our North, which protect our environment and invest in the green economy, which enhance the skills of our workers and improve the efficiencies of our businesses and which project Canadian power, prestige and ideals abroad, whether through our musicians, artists and sports heroes or our men and women in uniform, all of these things give Canada and Canadians an opportunity to claim our place in the 21st century.

Senator Greene, I join all Senate colleagues today in thanking you for your important contributions to this chamber and to the reform of the Senate of Canada, and I wish you and your beloved family health and fulfillment for many years ahead.

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

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Hazel Robinson, mother of the Honourable Senator Robinson, who just received the King Charles III Coronation Medal, and Antoinette Perry, former Lieutenant Governor of Prince Edward Island.

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

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

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Peter MacAdam, husband of the Honourable Senator MacAdam; her son Mitchell MacAdam; and her granddaughter Ivy.

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

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

#### PROTEST IN MONTREAL

**Hon. Leo Housakos:** “The Party told you to reject the evidence of your eyes and ears. It was their final, most essential command.” — George Orwell, *1984*.

Honourable senators, last Friday, in Montreal, we witnessed ugly and deeply disturbing scenes. The images and reports that emerged from a pro-Hamas riot were appalling. Almost as appalling now are Mayor Plante's and the Montreal police chief's attempts to whitewash these scenes and defend the disgusting acts of anti-Semitism and Jew hatred.

Protesters chanted for the destruction of Israel. They waved Hamas flags and even burned an effigy of Israeli Prime Minister Benjamin Netanyahu in a grotesque display of hatred and incitement. These were not the actions of a select few; it was not a run-of-the-mill anti-NATO protest, and it was not an act of free speech but an endorsement of violence and terrorism, aimed at fuelling division and hatred.

Meanwhile, where was Prime Minister Trudeau?

His failure to speak out against this hate-filled rally until late the next day is a tacit endorsement of the kind of extremism that threatens the safety and unity of our communities. Moreover, his comment the previous day, suggesting that he would arrest Benjamin Netanyahu, was dangerous and inflammatory. In doing so, he irresponsibly stoked tensions and, at minimum, gave cover to those who sought to undermine peace and promote violence Friday night.

Equally disturbing is the media's response — or lack thereof. National outlets like CBC and CTV, which have been quick to cover every trivial detail, including Trudeau attending a Taylor Swift concert that same night in Toronto, chose to downplay or mischaracterize the pro-Hamas rally.

Instead of calling it what it was — a violent and hate-filled demonstration — they also misleadingly referred to it as an “anti-NATO protest.” And they referred to the burning of the effigy of Netanyahu as a “mannequin,” intentionally diminishing the gravity of the act.

By failing to cover this event properly, the media are also complicit in minimizing the very real threat of extremism we are facing. It is shameful that a nation like Canada, known for its values of tolerance and peace, is now grappling with an erosion of these ideals under the watch of those in power.

Justin Trudeau, the mainstream media and those who refuse to call out hate for what it is are contributing to a dangerous environment, where violence is condoned and terrorism is somehow justified.

We must condemn the actions of those who participated in these protests and demand accountability from our leaders and the media.

This is not the time for silence or indifference; it is a time for courage and clarity, the kind of courage and clarity we saw from the parent company of Second Cup Canada when another ugly scene emerged from Friday's riot — that of a woman telling Jews that the final solution is coming for them.

• (1450)

This woman was operating two coffee shops inside Montreal's Jewish General Hospital — imagine. The good news is that her franchise licence was quickly suspended, and the company issued an unequivocal condemnation of her actions within hours.

But honourable colleagues, how sad is it that a coffee company, in a matter of a few hours, demonstrated more courage and leadership in times of upheaval in this country than our Prime Minister?

Enough is enough.

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

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Prasad Nair. He is the guest of the Honourable Senator Bernard.

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

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

#### RETENTION OF IMMIGRANTS

**Hon. Amina Gerba:** Honourable senators, the Conference Board of Canada's recent report *The Leaky Bucket 2024* paints a worrying picture. Canada, a country of immigration par excellence, is seeing a growing number of immigrants leave.

Two key findings emerged from this report.

[*Translation*]

The first is that one in five immigrants leaves Canada within 25 years and over one-third, or 34%, leave within the first five years.

The second is that economic immigrants, especially former international students, are the most likely to leave the country, even though these talented people are essential for filling labour shortages in key sectors.

The report also highlights an alarming statistic for Quebec and the long-term survival of French, namely, that 35% of francophone immigrants do not stay in Canada over the long term. This jeopardizes not only our linguistic diversity, but also our ability to build a future where the French language remains a pillar of our national identity. This phenomenon reveals a structural weakness in our reception and integration policies. It also greatly jeopardizes everything associated with settlement in Canada in the early years.

[ Senator Housakos ]

The early years are crucial for newcomers. What we are seeing today is a result of a lack of targeted support. It is urgent that the federal government adopt a consistent, proactive approach to retaining immigrants. That involves improving integration policies upon arrival, even before settlement, as well as strengthening support for economic immigrants, particularly francophones. Finally, there is a need for more coordination between the provinces and the federal government to create strategies adapted to every region.

Immigrant retention is fundamental to economic prosperity, social justice and the preservation of our values. Let's take action now. Thank you.

## ROUTINE PROCEEDINGS

### STUDY ON THE IMPACTS OF CLIMATE CHANGE ON CRITICAL INFRASTRUCTURE IN THE TRANSPORTATION AND COMMUNICATIONS SECTORS

TWELFTH REPORT OF TRANSPORT AND COMMUNICATIONS  
COMMITTEE TABLED

**Hon. Leo Housakos:** Honourable senators, I have the honour to table, in both official languages, the twelfth report of the Standing Senate Committee on Transport and Communications, entitled *Urgent: Building Climate Resilience Across Canada's Critical Transportation Infrastructure* and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

[*English*]

## 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, December 3, 2024, at 2 p.m.

[Translation]

## CANADA-JAPAN INTER-PARLIAMENTARY GROUP

BILATERAL MEETING, MAY 13-17, 2024—REPORT TABLED

**Hon. Stan Kutcher:** Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Japan Inter-Parliamentary Group concerning the Twenty-second Bilateral Meeting, held in Tokyo and Tohoku, Japan, from May 13 to 17, 2024.

[English]

## QUESTION PERIOD

### GLOBAL AFFAIRS

CANADA-U.S. TRADE

**Hon. Donald Neil Plett (Leader of the Opposition):** Leader, at some point today, the Prime Minister will have a virtual meeting with the premiers of the provinces to discuss the 25% tariffs that President Trump has threatened to place on all Canadian exports to the U.S. This meeting, leader, seems to be the only plan to counter this threat. By now, it's obvious to Canadians that the NDP-Liberal government doesn't have a clue about what to do, even though tariffs have been talked about for months during President Trump's entire campaign. When will we get a real plan, leader? Will it include securing our border and ending your government's drug liberalization policy? Will it include fixing the mess your government has made of our immigration system?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. The Prime Minister indeed has called for a meeting of the premiers, which is happening today. The Minister of Immigration for some months now has been discussing, most recently before committee, plans to adjust our immigration levels. Commitments have been made and action has been taken to continue to ensure that our borders are secure.

The premise of your question — about being soft on drugs or soft on crime — I will let pass because it's become rather tiresome to hear. The fact is that this government is working seriously, regularly and daily, based upon the experience it has in dealing with this administration and the previous one. It will continue to work hard in a serious way to protect Canadian interests on all fronts.

SOFTWOOD LUMBER

**Hon. Donald Neil Plett (Leader of the Opposition):** I'm certainly tired of asking questions of this incompetent Liberal regime that doesn't care about your failed drug policies. Leader,

for years, I've heard you brush aside every question Senator Martin has asked about softwood lumber — again, because you don't like the premise of her questions.

Former Prime Minister Harper secured a deal within 80 days of taking office. Prime Minister Trudeau promised there would be a deal within 100 days. That was back in March of 2016. That failure was a sign of things to come, wasn't it? Where is the plan that puts our country and our —

**Hon. Marc Gold (Government Representative in the Senate):** I've never challenged the premise of the question about the importance of softwood lumber, Senator Plett. I have simply said that in order to secure a deal, it takes two parties. This government has been working hard in a challenging environment with an increasingly protectionist partner to the south, and it will continue to work seriously in the interests of Canadians.

### PUBLIC SAFETY

BORDER SECURITY

**Hon. Leo Housakos:** If Senator Plett had a nickel for every time the government leader didn't agree with the premise of our questions, he wouldn't even have to be here. He'd be in Florida.

• (1500)

Senator Gold, the unjustified threat of 25% tariffs on Canadian goods announced by incoming President Trump this week isn't about trade, and you know that. It's about Canada's porous border and the serious consequences that has for both of our countries. With illegal border crossings into the U.S. and fentanyl trafficking devastating American communities, your government's lax approach to immigration and drug policy is undermining our credibility as a secure and responsible partner. Marc Miller's recent statement that Canada will simply take people at their word with regard to the 4.9 million visas set to expire next year only adds to this concern.

Why hasn't your government taken this seriously? How is it that Prime Minister Trudeau and Deputy Prime Minister Chrystia Freeland were surprised by this announcement? Nobody else was. Now that you do know, what steps will you take to secure our borders, crack down on drug trafficking and restore confidence in the Canadian immigration system, which is a catastrophe?

**Hon. Marc Gold (Government Representative in the Senate):** Senator Housakos, it doesn't help Canadian interests for misleading information to be embedded in your questions.

Unfortunately, there are illegal drugs and substances, guns and others that flow in both directions across our borders, and every effort is being made by the diligent workers of the Canada Border Services Agency. If you look at the statistics, which are publicly available to Canadians, you will see that the degree of the problem that has been expressed by President Trump and his minions is exceedingly exaggerated and disproportionate to any facts. I would assume that a party that aspires to lead this country would at least have the integrity and the courage to put the proper facts on the table.

**Senator Housakos:** Senator Gold, where have you been? Canadian security forces, including the Canadian Security Intelligence Service, have for years have been talking about all the illegal agencies in Canada and organizations that have been shipping drugs to the United States. Where have you been? Given the already high inflation rate, the rising energy costs and weakening GDP growth after nine years of Justin Trudeau, will you finally reconsider your plan to quadruple the carbon tax to 61 cents per litre, which risks further burdening Canadians and undermining our competitiveness in this critical time? Get your head out of the sand.

**Senator Gold:** I have spent the last five years listening to the same rhetoric from you, Senator Housakos. I've done my best in respect to this chamber to provide answers, and when I don't have the answers to not pretend that I do. I will continue to do that, Senator Housakos, so long as I'm in this role.

## NATURAL RESOURCES

### CRITICAL MINERALS STRATEGY

**Hon. Mary Coyle:** Senator Gold, the Commissioner of the Environment, Jerry DeMarco, recently tabled a report revealing significant gaps in the federal government's oversight of the environmental and social impacts of its Critical Minerals Strategy. The strategy, allocating up to \$3.8 billion to promote critical minerals extraction, aims to meet the growing and important demand for materials essential to green technologies. The report highlights concerns that increased mining activity may lead to adverse environmental outcomes such as deforestation, loss of carbon-sequestering peatlands and increased greenhouse gas emissions as well as insufficient attention to social impacts on Indigenous communities including risks to culturally significant sites and heightened safety concerns for women and girls.

Senator Gold, will the government commit to implementing robust oversight mechanisms as we ramp up this important critical minerals sector?

**Hon. Marc Gold (Government Representative in the Senate):** Indeed it is critical, and the government thanks the commissioner for his important work.

It's important, colleagues, to understand that the Canadian Critical Minerals Strategy is a whole-of-government initiative that articulates a vision of policy for accelerating critical minerals development in Canada. It's also important to note that the strategy does not approve specific projects nor conduct impact or environmental assessments. Rather, the strategy and its various initiatives respect existing jurisdictional responsibilities and the legislative regulatory and policy frameworks that make Canada a world leader in environmental, social and government standards across critical minerals value chains.

However, wherever federal impact legislation applies, Natural Resources Canada will request the Impact Assessment Agency to examine the merits and feasibility of using a regional and strategic assessment to understand the effects of future activities, working with the provinces and territories in this regard.

**Senator Coyle:** Thank you, Senator Gold. While Natural Resources Canada has agreed with the commissioner's recommendations, it has also stated that it cannot determine in advance which projects it will fund, limiting its ability to assess cumulative impacts. This approach risks compounding adverse environmental and social effects, especially in regions densely populated by Indigenous communities.

What concrete steps is the government taking to enhance its capacity to monitor and mitigate these risks proactively, ensuring that mining initiatives contribute to Canada's net-zero ambitions without exacerbating harm to the environment or vulnerable populations?

**Senator Gold:** As I said, it works across government and with other jurisdictions to make those assessments.

With regard to the impact on Indigenous communities, senator, it's a key pillar of the strategy that is advancing reconciliation. The strategy introduced funding to support Indigenous groups' participation in mining with up to \$25 million under one program while the critical minerals infrastructure fund provides up to \$13.5 million for Indigenous engagement. It builds capacity, knowledge and partnership.

## NATIONAL DEFENCE

### ROYAL CANADIAN NAVY

**Hon. Stan Kutcher:** Senator Gold, the Royal Canadian Navy has been doing some excellent work that many Canadians may not know about including leading multinational efforts to interdict drug trafficking and human trafficking through the Arabian Sea. Three frigates have been deployed to support our Indo-Pacific Strategy including moving through the Taiwan Strait to demonstrate that those are international waters free to navigation. However, our navy faces a significant challenge in the recruitment of personnel. What steps is the government taking to make sure that our navy has the committed experts that it needs to keep us safe and global democracy strong?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question and for highlighting the important work that the Canadian Armed Forces and the navy do to keep us safe and to take us into the future. In that regard, the government is looking at ways to seriously increase recruitment to our navy and Armed Forces.

The government has released a directive for Canadian Armed Forces reconstitution and the Canadian Armed Forces Retention Strategy and has shared that permanent residents are now welcome to apply to join our Armed Forces. I've also been informed that the government is expediting suitability screening, implementing new enrollment medical standards and is deferring aspects of pre-enrollment security screening to post-enrollment. The government will continue to examine ways to do even more to diversify and grow our military.

**Senator Kutcher:** Thank you, Senator Gold. Canada is under great pressure to meet our 2% North Atlantic Treaty Organization, or NATO, commitments urgently. One way to do this would be to immediately invest in maintaining current Royal Canadian Navy infrastructure — which I understand cannot keep up with demands on it — such as necessary work in the Halifax dockyard and in Shearwater. Can you tell us when the government plans to make these necessary investments which, as I understand it, would count towards our NATO commitment?

**Senator Gold:** Thank you. As the government announced, it has a plan to reach our NATO commitment by 2032. The government has already increased defence spending by 27% over the next 12 months compared to the previous 12 months. Equally importantly, the government made the largest investment in the Canadian navy since the Second World War. It has purchased hundreds of new aircraft for our air force and reinvested in cutting-edge capabilities the army urgently needs. It will continue to invest in our military in the best interests of our country.

## FINANCE

### TEMPORARY TAX MEASURES

**Hon. Jim Quinn:** Senator Gold, regarding the HST tax holiday, we have witnessed concern from provinces coast to coast. The bilateral HST agreements state in no uncertain terms that compensation entitlements exist for provinces when the revenue shortfall exceeds 1%, and so it does in this case. To date, there has been no commitment to compensation. Instead, we've had empty responses to media questions to brush aside concerns, particularly in my region of the Maritime provinces.

Can you explain why the federal government has not committed to its requirement to compensate the Maritime provinces for lost provincial tax revenues for the HST tax agreements due to the two-month tax holiday?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. It's an important one given the variability across the country of how taxes are collected and remitted. The government is committed to working with the provinces and is, in fact, engaged in discussions with the provinces. When that has been completed, I'm sure the government will make the appropriate announcements.

• (1510)

But this government is mindful of the impacts upon the provinces and the foregone revenues that might accrue, and it will continue to work with the provinces, as it does in so many other areas where the government is a partner with the provinces, whether in health care, education or other matters critical to our well-being.

**Senator Quinn:** I understand this initiative was developed in isolation. Considering that Premier Holt was informed less than 24 hours before the announcement of the HST/GST tax holiday, Premier King found out via press release the day of and

Premier Houston was in the middle of an election at the time, how can the federal government find it reasonable to announce, on such short notice, a monumental tax change without any consultation with provinces or the merchants who are expected to implement this temporary measure within weeks?

**Senator Gold:** Thank you again for your question.

The government made an announcement. There is not yet legislation, although we hope it will be introduced and passed soon. Again, the government will work with the provinces; it will be engaging with the provinces to ensure that the impacts on the provinces and their businesses are fair.

[Translation]

## INDIGENOUS SERVICES

### GENDER-BASED DISCRIMINATION

**Hon. Michèle Audette:** My question is for the Government Representative in the Senate. Yesterday, Minister Anandasangaree was asked a question about Bill C-38, which seeks to amend the Indian Act. I understand that he referred the question to Minister Hajdu. In a letter dated March 2023, the minister acknowledged the Charter violations in *Nicholas*. No one in Canada should have their constitutional rights violated. Why, then, is discrimination against Indigenous women under the Indian Act being ignored? Can you tell us where we're at with this bill, and when we can expect it to reach our chamber?

**Hon. Marc Gold (Government Representative in the Senate):** I thank the senator for her question and for raising this important issue. The process of enfranchisement unfairly deprived thousands of First Nations people of their status. Although that practice ended 35 years ago, its harmful legacy remains. Following the lead of our First Nations partners, the government is working to identify and eliminate this type of registration inequality on a systemic level.

Bill C-38 is the final step in this process. It will repeal and restore the status of those who were adversely affected by enfranchisement, and it eliminate the gender discrimination that still exists in the Indian Act. The government hopes that all parties in the other place will honour their shared responsibility for reconciliation and pass this bill swiftly.

**Senator Audette:** First of all, Senator Gold, I must apologize because I didn't stand up. Thank you for your answer. Could you ask your colleagues in the other place when this bill will arrive in the Senate?

**Senator Gold:** You don't need to apologize. I will ask my colleagues and counterparts in the other place. Unfortunately, it's not up to the government alone to unblock what's been going on for the past two months or so. For the sake of Canadians, we hope the bill will arrive in the Senate soon so we can begin our work.

[English]

## FINANCE

### COST OF LIVING

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Senator Gold, this is a question I hoped to ask the Minister of Crown-Indigenous Relations during Question Period yesterday. It is regarding the impact of the carbon tax on those who live on reserve.

In an op-ed, Stephen Buffalo, President and CEO of the Indian Resource Council, had this to say about the carbon tax:

Many of those who live on reserve are on fixed incomes, which keeps them below the poverty line. As the rising cost of food, gas, vehicles and construction materials creates increasing desperation, the carbon tax is translating into missed bill payments, missed medical appointments, missed education and work opportunities — because we simply can't afford to get to them.

Leader, what is your response? Is he wrong?

**Hon. Marc Gold (Government Representative in the Senate):** It's not the position of the government to criticize or chastise any Canadian who is struggling with or suffering as a result of the high cost of living, whether that be with respect to food, housing, gas, heating or other matters necessary or desired. It is the position of the government that the impact upon prices and the general cost of living is marginal as compared with the cost of doing nothing, both to our climate, to be sure, but also to our economy, including the cost of food.

It is also the position of this government that it will continue to pursue a serious plan to assist Canadians and our economy to transition to a greener, more sustainable economy for the well-being of our children, grandchildren and future generations.

**Senator Martin:** The reality of these people on reserve and in other places is absolutely dire. It is my understanding that for well over a year, the Indian Resource Council has been attempting to meet directly with the Minister of Finance to speak with her about the carbon tax.

Leader, would you put forward the request to Minister Freeland that she meet with the Indian Resource Council?

**Senator Gold:** I will certainly transmit the request if you will provide me with whatever information would be helpful to me. There are also other avenues that I hope are being pursued with the minister, who was here for Question Period, and others who are responsible for the well-being of those communities.

### TEMPORARY TAX MEASURES

**Hon. Donald Neil Plett (Leader of the Opposition):** Leader, the GST tax trick announced by the Prime Minister last week will be impossible to administer. A big box store will have the resources to figure out whether a product is exempt. A small toy store owner will not. This government thinks Canadians will wait

until December 14 to put up their Christmas tree. We see them everywhere we go right now, leader, and it is still November. Mixed-spirit drinks will be exempt but only if they have less than 7% alcohol. Children's shoes will be exempt but only if they have an insole of less than 24.25 centimetres. How ridiculous, leader. I could go on and on.

Who came up with this idiotic idea?

**Senator Housakos:** Justin Trudeau.

**Senator Plett:** Was it the Prime Minister himself?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. I look forward to the legislation that will implement that change arriving in this chamber, sooner rather than later, I hope, and I look forward to those questions and many others being posed during our study of the bill.

**Senator Plett:** I'm asking you the question now. Where is the answer?

About six weeks after this NDP-Liberal regime claims this two-month GST cut will end, they are going to raise the tax that has made everything more expensive, leader: The carbon tax is scheduled to go up another 19% on April 1.

Leader, don't struggling Canadians need permanent tax relief? Wouldn't that help them more than this temporary tax trick and bribery of Canadians?

**Senator Gold:** The measure introduced was to provide a targeted and, indeed, as you put it, limited effort to help Canadians during this holiday season. It was done in consideration of the fiscal limitations that this government has imposed upon itself in order to be responsible. It will continue to find the right balance of helping Canadians and doing so in a responsible way.

## GLOBAL AFFAIRS

### CANADA-UNITED STATES RELATIONS

**Hon. Paula Simons:** My question is for the Government Representative in the Senate.

In the wake of the Donald Trump tariff threats, it's apparent that we will need to stand together as Canadians in the face of the great economic hardship this country is being threatened with. To that end, I wanted to point out that many senators have their own relationships with their American counterparts, whether those are members of the House of Representatives, senators of the U.S. Senate or state governors. Does the government have a strategy in place to leverage the power of the Senate of Canada and individual senators or to include senators in any talks about how we present a "Team Canada" united front?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. The relationships that individual senators may have are important tools in advancing our shared interests with our American counterparts.

• (1520)

The president-elect has not been sworn in, and Canada is important. As you suggested in the beginning of your question, it's the position of the government that we as Canadians have to stand together. There has been a bit of freewheeling in the press from some premiers, who assume that it would be better if they pursued their own agendas south of the border. I don't think that is a responsible way, and I'm hoping that, in fact, the meeting today will give rise to a shared commitment to speak with one voice as we confront the real challenges that we may face when the new administration comes into power.

**Senator Simons:** My question is again to the Government Representative. Perhaps not all parties in the Senate would feel the same way, but many of us feel seized with the fact that we could bring something to this conversation that is going to be necessary and important as Canada positions itself for the Trump government when it is sworn in. Could you offer some commitment to us that the government will give consideration to the role of the Senate as we triangulate the future economic threats ahead of us?

**Senator Gold:** In full transparency, I cannot make a commitment as to what the government may choose to do in the pursuit of its foreign relations with the United States. However, I will certainly communicate to the government, which has enormous respect for this chamber and for those who serve in this chamber, that many of us would be willing to lend a hand if so asked.

[Translation]

## PUBLIC SAFETY

### FIREARMS CONTROL

**Hon. Manuelle Oudar:** Senator Gold, the 12 days of action to end violence against women have started. Every year, from November 25 to December 6, we rally together during the days of action to end violence against women. According to the UN, one woman is killed every 10 minutes somewhere in the world. Here, in Canada, 164 femicides were committed in 2023, including 22 gun killings.

Bill C-21 on gun control received Royal Assent in 2023, almost a year ago, after it was passed by the Senate. A Canada-wide survey shows that 70% of Canadians support stricter firearms control, while close to 90% support removing firearm licences in cases of domestic violence. Fully 90% of Canadians support removing licences from people who have committed domestic violence. I'm repeating this fact to underscore its importance—

**The Hon. the Speaker:** I'm sorry, Senator Oudar, but your time is up.

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

The current government has implemented the strictest gun control measures that Canada has seen in the past 25 years, and it is committed to continuing that work.

During its time in office, the government put in place a national freeze on the purchase, transfer and importation of handguns, harsher sentences for gun traffickers, new offences for the distribution of computer data used to manufacture prohibited firearms, and the obligation to hold a valid licence to acquire gun barrels and slides, which enables the government to crackdown on ghost guns. I believe that approximately 2,000 models of guns will be covered by the compensation program. The two phases should be operational by the time the amnesty order expires on October 31, 2025, and the work will continue.

**Senator Oudar:** Thank you, Senator Gold, but I'm talking about some very important provisions that have not yet come into force and would require only an order-in-council: section 6.1, which makes it inadmissible for a person who has been subject to a protection order or has been convicted of committing violence to hold a firearms licence; section 70.1, which requires a chief firearms officer to suspend a licence if they have reasonable grounds to suspect that a licence holder may have committed domestic violence; and finally section 70.2, which automatically revokes the licence of an individual who becomes the subject of a protection order. What does the government plan to do?

**Senator Gold:** I'm not sure I heard your question correctly, but as for the status of these legal provisions, I'll ask the minister to follow up on that.

[English]

## JUSTICE

### DIVORCE ACT

**Hon. Marilou McPhedran:** Senator Gold, recently, senators have questioned you about the coercive use of parental alienation, a tactic used by abusive spouses — predominantly men — in child custody cases. You relied on the 2019 amendments to the Divorce Act, which were meant to improve the legal response. However, last month the UN-elected independent experts on the Committee on the Elimination of Discrimination against Women, or CEDAW, which monitors the Convention on the Elimination of All Forms of Discrimination against Women, released its report on Canada's progress toward ending all forms of discrimination against women, calling on Canada to “. . . prevent the use of the parental alienation syndrome . . . in the Canadian legal system.”

Further, the committee excoriated Canada's lack of evidence on the actual impact of Divorce Act reform. Why won't this government listen to the expert evidence and protect victims of domestic violence?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. This government is committed to doing what it can and must do to continue to fight against this particular scourge of domestic violence and coercive control.

With regard to any further measures that might be considered or the follow-up from the UN report, which the government respects and takes seriously, I'll certainly raise this question with the minister.

**Senator McPhedran:** Thank you very much. Another UN expert, the Special Rapporteur on violence against women and girls, is unequivocal, saying that "parental alienation" is:

. . . a discredited and unscientific pseudo-concept used in family law proceedings by abusers as a tool to continue their abuse and coercion and to undermine and discredit allegations of domestic violence made by mothers who are trying to keep their children safe.

What is the evidence the government is relying on to justify not curtailing parental alienation allegations in court?

**Senator Gold:** Again, Senator McPhedran, I don't want to mislead the chamber, but I cannot validate your assumption that the government is using evidence to ignore that. I simply don't know the status of the considerations. What I do know is that criminal law reform takes time, and properly so, and that the processes to analyze and move things forward take — and should take — proper time. I will raise this with the minister.

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## ORDERS OF THE DAY

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

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

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

He said: Honourable senators, I rise to speak in support of Bill C-40, An Act to amend the Criminal Code, to make consequential amendments to other Acts and to repeal a regulation (miscarriage of justice reviews), also known as "David and Joyce Milgaard's Law."

• (1530)

Colleagues, my speech this afternoon has three themes. This is the first theme: I want to be able to tell you what I believe you need to know about Bill C-40 — the nuts and bolts of information that you may have already heard, at least in part, during second reading in the chamber — but also what I believe you fundamentally need to know to assess the validity of this legislation. The second theme is the outcomes of the Standing Senate Committee on Legal and Constitutional Affairs that led to a report without amendment but with a number of observations, brought forward yesterday by the chair, Senator Cotter. Finally, the third theme is a personal narrative of mine — a thread, if you will — describing the history, events and rationale that led me to be the Senate sponsor of this legislation.

On the nuts and bolts, Bill C-40 seeks to create an independent commission to replace the current role of the Minister of Justice in reviewing miscarriage of justice applications. The goal in creating a commission as an independent decision-making body is to increase confidence in the review process for those who may have been wrongly convicted and for the general public. This legislation responds to calls from commissions of inquiry into wrongful convictions, prominent stakeholders and advocates for the wrongly convicted.

It also follows the establishment of similar independent commissions in other countries, including England, Wales, Northern Ireland, Scotland and New Zealand. The creation of independent commissions in those jurisdictions has led to significantly more applications being made. As a result, more wrongful convictions are being identified and remedied compared to those in Canada.

The Supreme Court of Canada described wrongful convictions as a blight on our justice system. All those who are involved in the criminal justice system must take responsibility and take reasonable steps to prevent those kinds of things from occurring. As the justice system is not infallible, it is also crucial that we have an efficient and effective system in place to identify and correct miscarriages of justice when they occur.

Miscarriages of justice are often identified and remedied by appellate courts while a case is still in the justice system. A miscarriage of justice is a ground of appeal, and an appellate court has the jurisdiction and power to overturn a conviction or quash a verdict and order a new trial. Therefore, those who believe they may have been wrongfully convicted generally have to first exhaust their rights of appeal. However, sometimes new information or evidence that calls into question the reliability of a verdict, or the process that led to it, only comes to light after a case is no longer in the justice system. Also, sometimes the nature of the potential miscarriage of justice requires a review and an investigation.

That is the role of this new commission. It is an investigative process — one that gathers information and evidence on whether a miscarriage of justice may have occurred and, in appropriate cases, refers the matter back to a court for a final determination on the issue of the verdict. As such, the commission-led process will not be a parallel or alternative appellate court process.



Bill C-40 provides that the commission will be able to make exceptions to accept applications when no appeal was sought. The legislation sets out the relevant factors that the commission will consider to determine whether it can admit the application and conduct an investigation on whether a miscarriage of justice may have occurred in exceptional circumstances. In all cases, the commission will have the same powers as a commission of inquiry under the Inquiries Act to compel the production of information and evidence and require witnesses to testify under oath.

Establishing an independent commission dedicated exclusively to miscarriage of justice reviews is intended to help improve access to justice by making it easier and faster for potentially wrongly convicted people to have their applications reviewed, especially for Indigenous peoples, Black persons and members of marginalized communities.

Bill C-40 proposes that there should be at least five and up to nine full-time or part-time commissioners. This means that the new commission would have a greater capacity to review miscarriage of justice claims more quickly, which would help mitigate the devastating impact that they have on the convicted person, their family, victims and the justice system as a whole.

Bill C-40 authorizes the appointment of commissioners who must reflect Canada's diversity and take into account the overrepresentation of certain groups in the criminal justice system, such as Black and Indigenous peoples. The commissioners must have knowledge and experience that is related to the commission's mandate. Not all of these commissioners will be lawyers, although at least one third will be required to have at least 10 years of experience in the practice of criminal law.

The commission's broad mandate will allow it to identify and refer potential miscarriages of justice back to the courts and also address systemic issues to help prevent miscarriages of justice. As part of its powers, duties and functions, the legislation directs the commission to carry out outreach activities, provide information about its mandate and miscarriages of justice in general to the public and potential applicants, and publish its decisions. The commission would also provide supports to applicants in need, such as access to legal assistance, reintegration supports — for example, with housing and food — translation and interpretation services, and help in general to navigate the application process. The commission will also support victims with information, notification and participation in a manner consistent with the Canadian Victims Bill of Rights.

In terms of substantive legal reforms, Bill C-40 proposes to change the threshold for the referral of matters back to the courts in the following ways: First, the legal threshold would be lowered. Under the current law, the Minister of Justice must be satisfied that a miscarriage of justice likely occurred. Under the proposed law, the commission could refer matters back to the courts if it has reasonable grounds to conclude that a miscarriage of justice may have occurred.

Second, the commission must also consider that it is in the interests of justice to make the referral. The interests of justice encompass both administration of justice considerations but also, importantly, individual circumstances. Given that, the specific

factors that the commission must consider in making decisions on whether a matter should be referred back to the courts are also being amended.

Third, the personal factors of the applicant are added in the legislation, as well as distinct challenges that applicants who belong to certain populations face in obtaining a miscarriage of justice remedy, with particular attention to the circumstances of Indigenous and Black applicants.

These new factors must be considered by the commission along with factors already found in the current ministerial process and then reproduced in the new legislation, which are the following: whether there is a new matter of significance not previously considered; the relevance and reliability of the information presented; and the fact that an application is not intended to serve as a further appeal and any remedy that is extraordinary.

This last factor is intended to reflect that referrals by the executive branch of government on matters that may have already been decided by the courts is an exceptional remedy. In general, the executive branch doesn't interfere with matters that fall under the judicial branch, and, as mentioned earlier, appellate courts have the power to address and remedy miscarriages of justice, and they should do so generally.

The miscarriage of justice review process appropriately operates as a safety valve. It ensures that a mechanism is available to review and investigate a new matter of significance that is discovered after a case is no longer in the justice system so that potential miscarriages of justice are not overlooked and can be remedied.

With that, I conclude my first theme. My second theme is the deliberations of the Standing Senate Committee on Legal and Constitutional Affairs.

• (1540)

Colleagues, if my tally is correct, 37 witnesses spoke at eight hearings in front of the committee, including the Minister of Justice, leading Canadian experts, leading international experts, advocates for the wrongly convicted, advocates for victims of crime and those who have been wrongly convicted themselves.

I will begin, first, with the powerful and compelling words of a witness, Mr. Guy Paul Morin, one of Canada's most well-known wrongfully convicted citizens. At committee he said:

What this bill can offer to others in my situation in the future is hope. We would not have to rely on the Minister of Justice to review cases when, to begin with, they are part of the system that failed me. A new and independent commission that is open-minded to the reality of wrongful convictions and is dedicated to truth and fairness would go a long way in shedding light on these injustices.

Despite my exoneration in 1995, the stigma remains. It has affected my family and my children. As recently as this summer, I had a phone conversation with a potential client who commented my name is not a good one to have. When I

asked why, she replied, "Because he's a killer." Wow. I said, "Really?" This is 29 years after my exoneration and 4 years after the announcement of the real killer.

When someone is wrongfully convicted, it will taint their lives forever, and the least we owe them is to help identify such cases as quickly as possible and get them out of the prison system and courts so they can begin to repair their lives. The longer they are in the system, the heavier the stigma to their name and reputation.

After such compelling testimony, the committee considered nine well-argued amendments put forward by our colleague Senator Batters — the critic of the bill — and Senator Carignan. Senator Carignan asked the committee to consider the possibility that the new commission should review applicants who assert they were wrongfully convicted under the National Defence Act — military personnel, in other words. In considering this amendment, the committee recognized that there was no evidence in front of it that indicated there have been wrongful convictions; however, that is not to say that they have not occurred in the military justice system. I also know that officials at the Department of National Defence are aware of the absence of specific measures in both the current ministerial review process and in Bill C-40.

Certainly, the idea of incorporating the military justice system into the general miscarriage-of-justice review process, including by a new commission, could be examined in the future. However, this would require a detailed assessment of policy and statutory considerations and considering not only the Criminal Code but also the National Defence Act. This work would have to be done in consultation with the Department of National Defence and the Judge Advocate General.

Amending Bill C-40 to incorporate this military justice system at this time is, in my opinion, beyond the scope of the legislation.

That said, the committee also heard from experts such as Professor Kent Roach that the commission is empowered to deal with all Canadian laws that result in a wrongful conviction. As an alternative, the committee also considered that Bill C-66, the review of the military justice system currently in the other place, might be better suited to incorporate this issue. That was an idea of some merit put forward by Senator Dalphond.

There were five additional well-considered amendments put forward by our colleague Senator Carignan who argued that the committee needs to respond to the needs of victims, and this bill does not. It was argued at committee that with respect to the amendments incorporating victims, the proposed legislation already requires the commission to inform and respond to victims, including the individuals harmed by the crime and their families. According to a briefing from the Department of Justice, they may receive as much or as little correspondence from the commission as they desire. Further, the commission will be subject to the Canadian Victims Bill of Rights, which has primacy in Canada. Victims of crime have rights to information, protection and participation that must be upheld.

A commission on the miscarriages of justice should also address the ways the justice system has failed victims. Bill C-40 in its current form does this, as it requires the commission to

establish policies to communicate with the victims of crime. The commission is obligated under Bill C-40 to set policies and practices that respond to the needs of victims of crime. This committee heard from the Federal Ombudsperson for Victims of Crime, Benjamin Roebuck, that he's fully prepared to work with this new commission to develop these policies and practices. The government has noted there is money attached to this bill for a victim services coordinator.

While the bill requires the commission to adopt policies related to the notification of victims, there's a need for nuance and sensitivity here. I think we all understand that some victims would not want the amount of mandatory notification that those amendments would require.

The really fundamental and critical factor here, however — and one that witness after witness stated — is that wrongfully convicted persons are victims specifically under consideration by the proposed legislation. They are Canadian citizens who have become victims of the justice system. To be wrongfully convicted is to be victimized by one or more aspects of the justice system such that an individual's Charter rights, particularly their freedom, are violated by the state. When a Canadian citizen is accused, blamed and found guilty of a crime they did not commit, the state, in effect, creates a victim that is solely the creation of the justice system to solve a crime and the tragedy and horror experienced by the victim of the initial or catalyst crime.

This legislation, Bill C-40, is created to respond to the victims of wrongful convictions; that's the fundamental object of this bill. Without a doubt, the victims — and their families, friends and communities — of the primary crime will be profoundly impacted by the possibility that the wrong person was convicted and sent to jail. Without a doubt, the victims of crime are unimaginably let down by a wrongful conviction. Bill C-40 does not lose sight of the fact that the victims of crime, their families and their communities are impacted by a wrongful conviction.

We should all fully support the need for more and better supports for the victims of crime. Those are desperately needed, but that need is the subject of another bill, possibly, and not this particular one.

Bill C-40 is saying that the primary crime must not be a catalyst for another injustice. That is why this bill addresses the needs of those who have been wrongfully convicted. It addresses the needs of those victims — victims like Guy Paul Morin, Brian Anderson, Clarence Woodhouse, Donald Marshall, Jr. and David Milgaard. These are the victims of wrongful convictions that this bill is going to address.

The truth of the matter is that Bill C-40 was needed decades ago, and that was put forward by James Lockyer. This is the first meaningful legislation to come forward in this regard. James Lockyer is a lawyer and an expert in wrongful convictions in this country. With power and passion, he stated the following at committee:

I believe that if David Milgaard were with us today, he would be saying to you, "Get it done now; no amendments. I spent 23 years in prison for a murder someone else committed. It was 28 years before DNA proved once and for

all that I wasn't the person who did it, that someone else did. Those in prison for crimes they did not commit should not have to wait any longer, like I had to. They need help now."

I started the second theme of my speech with the words of Guy Paul Morin, and I will conclude my remarks on this theme with the words of one of the namesakes of the short title of this bill the late Mr. David Milgaard, who said, "The wrongfully convicted have been failed by the justice system once already. Failing a second time is not negotiable."

Colleagues, you will note that the report Senator Cotter tabled the other day contains several observations. I thank my colleagues in the Senate who considered the issues of language and the disproportionate impact on Black and Indigenous persons and on women in these observations they made.

• (1550)

I urge you to read those observations. They're compelling messages to the commission that is created by this legislation. They're also a message to those of us who will be here when the work of the commission is considered five years from now as required by the legislation. With that, I conclude the second theme of my speech.

Theme three, the personal narrative that compelled me to sponsor this bill, Bill C-40. I find myself reflecting on how my career path has come full circle with this bill. The short title for this bill — the miscarriage of justice review commission act — is, as we are all aware, known as David and Joyce Milgaard's law. The wrongful conviction of David Milgaard for the 1969 murder of nursing student Gail Miller is well studied by the legal community in Canada, including the judiciary and lawyers. Canadians more broadly are also aware of Mr. Milgaard's story, the 23 years he spent in prison and the indefatigable efforts of his mother, Joyce Milgaard, to exonerate him.

In discussions about this bill, references have been made to the song "Wheat Kings" written and performed by The Tragically Hip. The song mentions the "Paris of the Prairies," referring to the city of Saskatoon. At the time of Miller's murder, the "Paris of the Prairies" was my hometown. I recall the shock felt at the time across the province of Saskatchewan over the horrific act against a young nursing student. That safety and security were precarious in Saskatoon, a city where thousands of young adults obtained post-secondary education. Only a short number of years later, I myself was a young law student frequenting the same streets and sights that would have been familiar to Ms. Miller.

As a young lawyer and a Crown prosecutor, I prosecuted Larry Fisher only 12 years after the murder of Ms. Miller. Mr. Fisher was jailed at the time, he refused to take any programming, and he was released from the federal penitentiary because of mandatory release provisions. Following his release from prison, he returned to his hometown of North Battleford, Saskatchewan. Late one night, he stalked, raped and slashed the throat of a 50-year-old woman as she was walking home after she had been participating in a Scrabble tournament at her church. That woman, thankfully, was not murdered, but she had definitely been left for dead. That was his intent.

The case against Fisher was, unfortunately, purely circumstantial. It was a dark night, the survivor did not get a good look at her assailant and there were no other witnesses. She was unable to identify the accused, who was in the courtroom at his preliminary hearing, as she said she had never seen his face. Thankfully, an RCMP officer, Staff Sergeant Bob Young, knowing of Mr. Fisher's background and character, tracked him down just as Fisher was pulling out a pair of blue jeans from a washing machine at his residence.

In the Court of Queen's Bench, Morris Bodnar, a top lawyer in criminal law in Saskatchewan, represented Mr. Fisher. In 1981, as one of my last acts as a senior Crown prosecutor, I made a joint submission with Mr. Bodnar and asked the court to sentence Mr. Fisher to a total of ten years consecutive to the remaining three years he automatically had to serve — so in other words, an additional 13 years.

Only months later, in that same year, as I was a newly appointed provincial court judge, I visited a number of justice facilities in Saskatchewan including the federal penitentiary as part of my new judge's training. It so happened that when I walked into the federal prison where Mr. Fisher was held, he purposely stayed in a location where he could see me and stare me down. He did see me and I saw him, proving in effect the power of the telegraph system in prison culture.

It was another decade later, in 1991, that I watched the far-too-long-in-coming unravelling of Mr. Milgaard's conviction in the Supreme Court of Canada with particular interest. I had prosecuted Fisher, and I knew of his troubled and violent history. I also followed the proceedings from the perspective of being a judge in the province of Saskatchewan. It was found there that only circumstantial evidence existed against Mr. Milgaard, and in effect, he was in the wrong place at the wrong time as a 16-year-old kid who was looked upon as a hippie by the police detectives.

He was railroaded by overzealous detectives and then condemned by the false statement of a young woman who tried to renege on her statement as she was pressured by the police to say what they wanted to hear. Mr. Milgaard was released from prison in 1992 and received financial compensation in 1999.

As it happens, it was thanks to the efforts of one of our colleagues and my good friend Senator Brent Cotter. He was the deputy minister of justice at the time, and the DNA evidence, in fact, did exonerate Mr. Milgaard. Mr. Cotter was instrumental in producing an award — a monetary award and compensation — for the wrongful conviction of a significant amount, \$10 million.

That's an example of one public servant in the justice system acting in good conscience and with integrity, showing that one person can make a difference. However, that's not my story to tell, I'm hopeful he will relay that story to you later this week. With that, I conclude my third theme.

So where do we go from here? Colleagues, it was only in 2008 that an inquiry into this particular miscarriage of justice recommended that the federal government create an independent body to review allegations such as these failures. As we stand here, 16 years — 16 long years — later for a wrongfully convicted Canadian citizen, debating on this bill, The Tragically Hip song that I and others have quoted in this chamber also

speaks to Mr. Milgaard's time in jail, the apathy of the justice system and that, "... no one's interested in something you didn't do."

To rephrase those song lyrics, this legislation supports those who are wrongfully convicted, and, indeed, that the system of justice is actually interested in something you didn't do.

As I and many others have said, this legislation is a long time in coming. The independent commission it creates to review and investigate miscarriages of justice will be adequately funded with an \$83.5-million budget over the course of five years or \$16.7 million per year. The commission will be adequately staffed, including both lawyers and others with expertise and diverse backgrounds. These personnel will be responsive to the inquiries and to the overrepresentation of Black and Indigenous peoples in the justice system. The commission will be further empowered, should this legislation proceed, to refer cases to a court of appeal or to order a new trial including those that have not been referred to the Supreme Court of Canada.

Many will say — and rightfully so — that we need to prevent this from happening in the first place, that, in effect, we need more upstream measures. While I would not disagree, the justice system requires an effective downstream response as a safety valve as I've already said. While I can assure you in my experience that the judiciary is not cavalier when making decisions, that prosecutors meticulously prepare their cases, that counsel strive to put forward cogent arguments and that the

police are alive to public scrutiny, the justice system is not without fault, prejudice or bias. This does not excuse or absolve wrongful convictions in any way, far from it. This legislation reminds us that the justice system requires of all those involved the highest level of vigilance and professionalism.

Colleagues, ensuring fairness in the justice system requires our vigilance. Our focus must be particularly acute when the stakes involve questions of incarceration. This legislation will help restore the faith of Canadians in the justice system.

Systems are not perfect because people are not perfect because mistakes and errors do happen. These are not excuses. They are simply facts, facts relevant to a justice system that will and must forever strive to adhere to the precepts of fundamental justice and the rule of law through measures that actively improve and safeguard against wrongful conviction.

• (1600)

**The Hon. the Speaker:** Senator Arnot, regrettably, I have to interrupt. It is four o'clock, so we are adjourning.

**Senator Arnot:** You should have started me earlier.

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

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## CONTENTS

Wednesday, November 27, 2024

	PAGE		PAGE
Royal Assent . . . . .	7693	<b>QUESTION PERIOD</b>	
<hr/>		<b>Global Affairs</b>	
<b>SENATORS' STATEMENTS</b>		Canada-U.S. Trade	
<b>Tributes</b>		Hon. Donald Neil Plett . . . . .	7701
The Honourable Stephen Greene		Hon. Marc Gold . . . . .	7701
Hon. Scott Tannas . . . . .	7693	Softwood Lumber	
Hon. Marc Gold . . . . .	7694	Hon. Donald Neil Plett . . . . .	7701
Hon. Donald Neil Plett . . . . .	7694	Hon. Marc Gold . . . . .	7701
Hon. Paul J. Massicotte . . . . .	7694	<b>Public Safety</b>	
Hon. Pierre J. Dalphond . . . . .	7695	Border Security	
<b>Visitors in the Gallery</b>		Hon. Leo Housakos . . . . .	7701
The Hon. the Speaker . . . . .	7695	Hon. Marc Gold . . . . .	7701
<b>The Honourable Stephen Greene</b>		<b>Natural Resources</b>	
Expression of Thanks		Critical Minerals Strategy	
Hon. Stephen Greene . . . . .	7696	Hon. Mary Coyle . . . . .	7702
Tributes on Retirement		Hon. Marc Gold . . . . .	7702
Hon. Rebecca Patterson . . . . .	7697	<b>National Defence</b>	
Hon. Peter M. Boehm . . . . .	7697	Royal Canadian Navy	
Hon. Pamela Wallin . . . . .	7698	Hon. Stan Kutcher . . . . .	7702
Hon. Mary Coyle . . . . .	7698	Hon. Marc Gold . . . . .	7702
<b>Visitors in the Gallery</b>		<b>Finance</b>	
The Hon. the Speaker . . . . .	7699	Temporary Tax Measures	
<b>Protest in Montreal</b>		Hon. Jim Quinn . . . . .	7703
Hon. Leo Housakos . . . . .	7699	Hon. Marc Gold . . . . .	7703
<b>Visitor in the Gallery</b>		<b>Indigenous Services</b>	
The Hon. the Speaker . . . . .	7700	Gender-based Discrimination	
<b>Retention of Immigrants</b>		Hon. Michèle Audette . . . . .	7703
Hon. Amina Gerba . . . . .	7700	Hon. Marc Gold . . . . .	7703
<hr/>		<b>Finance</b>	
<b>ROUTINE PROCEEDINGS</b>		Cost of Living	
<b>Study on the Impacts of Climate Change on Critical</b>		Hon. Yonah Martin . . . . .	7704
<b>Infrastructure in the Transportation and</b>		Hon. Marc Gold . . . . .	7704
<b>Communications Sectors</b>		Temporary Tax Measures	
Twelfth Report of Transport and Communications Committee		Hon. Donald Neil Plett . . . . .	7704
Tabled		Hon. Marc Gold . . . . .	7704
Hon. Leo Housakos . . . . .	7700	<b>Global Affairs</b>	
<b>Adjournment</b>		Canada-United States Relations	
Notice of Motion		Hon. Paula Simons . . . . .	7704
Hon. Patti LaBoucane-Benson . . . . .	7700	Hon. Marc Gold . . . . .	7705
<b>Canada-Japan Inter-Parliamentary Group</b>		<b>Public Safety</b>	
Bilateral Meeting, May 13-17, 2024—Report Tabled		Firearms Control	
Hon. Stan Kutcher . . . . .	7701	Hon. Manuelle Oudar . . . . .	7705
<hr/>		Hon. Marc Gold . . . . .	7705
		<b>Justice</b>	
		Divorce Act	
		Hon. Marilou McPhedran . . . . .	7705
		Hon. Marc Gold . . . . .	7706

**CONTENTS**

**Wednesday, November 27, 2024**

PAGE

PAGE

**ORDERS OF THE DAY**

**Miscarriage of Justice Review Commission Bill (David  
and Joyce Milgaard's Law) (Bill C-40)**

Bill to Amend—Third Reading—Debate

Hon. David M. Arnot . . . . .7706