



# DEBATES OF THE SENATE

---

1st SESSION



44th PARLIAMENT



VOLUME 153



NUMBER 245

---

OFFICIAL REPORT  
(HANSARD)

Wednesday, December 4, 2024

The Honourable RAYMONDE GAGNÉ,  
Speaker

## CONTENTS

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

*Publications Centre:* [Publications@sen.parl.gc.ca](mailto:Publications@sen.parl.gc.ca)

---

Published by the Senate  
**Available on the Internet:** <http://www.parl.gc.ca>

## THE SENATE

Wednesday, December 4, 2024

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

Prayers.

Colleagues, join me in thanking Maxene Prevost Shephard for planting a seed that continues to blossom.

*Asante.*

### SENATORS' STATEMENTS

#### MAXENE PREVOST SHEPHARD

**Hon. Wanda Thomas Bernard:** Honourable senators, I am honoured to stand before you today to highlight two principles of Kwanza: *Kujichagulia*, which means “self-determination,” and *Ujima*, which means “collective work and responsibility.” I will share this through the inspiring story of Maxene Prevost Shephard.

Maxene was born in Newport Station, Nova Scotia, on February 20, 1931, as 1 of 12 children of George and Stella Prevost. At a young age, she married Edward Shephard. They moved to Truro, then to Montreal. They had three children: Kevin, Glenn and Melodi. Now, for most African Nova Scotian women of her time, this would have defined their story — wife, mother, grandmother — but not for Maxene. Driven by *Kujichagulia*, she pursued her potential beyond these traditional roles.

In 1974, as an adult learner, Maxene earned a Diploma in Family Life Education from Collège Marie-Victorin in Montreal. During her practicum, she worked with Diane Jacobs, founder of the Canadian Association of Black Social Workers, or CABSWS. Although the CABSWS initially dissolved, this experience ignited Maxene’s commitment to *Ujima* — collective work and responsibility.

In 1979, Maxene returned to Nova Scotia with her family on a mission — a mission to form an Association of Black Social Workers in Nova Scotia.

This is when I first met her, a visionary, a mentor, a trailblazer who inspired me and many others. When she shared her vision for the group, I was captivated. I was able to recruit two other women, Frances Mills-Clements and Althea Tolliver, and the four of us — four African Nova Scotian women, all community-minded, socially conscious, politically astute women — worked collectively to change the ways in which social services were delivered to Black Nova Scotians.

Maxene’s commitment to *Ujima* laid the foundation for systemic changes in Nova Scotia and beyond. I am who I am and where I am largely because of her mentorship, encouragement and inspiration. Forty-five years later, there are now Association of Black Social Workers groups across Canada, all continuing her legacy of collective work and responsibility.

#### LIVING WITH TYPE 1 DIABETES

**Hon. David M. Wells:** Honourable senators, today, I rise to bring attention to an urgent and often misunderstood health challenge: Type 1 diabetes. This autoimmune disease impacts over 300,000 Canadians, with diagnoses growing at an alarming rate of 4.4% annually. Contrary to popular belief, Type 1 diabetes is not exclusively a childhood condition — 71% of individuals are diagnosed in adulthood.

Type 1 diabetes occurs when the body’s immune system mistakenly attacks the insulin-producing beta cells of the pancreas. This means that those living with Type 1 diabetes must rely on insulin therapy to survive. But let us be clear: Insulin is not a cure, only a means of managing blood sugar levels. This is a daily struggle requiring constant vigilance — sometimes more than 300 decisions a day regarding food, activity and insulin doses, just to maintain stability.

The ripple effects of this disease extend far beyond the individual. Families with a Type 1 diabetic face a 15-times higher likelihood of another member being diagnosed, making it not just a personal but a familial battle. Globally, over 108,000 children develop Type 1 diabetes each year — a number that underscores the pressing need for awareness and action.

Type 1 diabetes does not discriminate. Everyone is at risk, and recognizing the symptoms — unexplained weight loss, extreme thirst and frequent urination — can save lives. It is critical for Canadians to be aware that early detection is often the difference between life and death.

Despite advancements, living with this disease remains incredibly difficult. The life expectancy for those with Type 1 diabetes is, on average, 10 to 12 years shorter. For many, it feels like fighting a relentless battle every day — not just against the disease but also for research funding and improved treatments.

Organizations like Breakthrough T1D, formerly known as the Juvenile Diabetes Research Foundation, are leading the charge toward better support, awareness and, hopefully, a cure. Their work reminds us that progress is possible when we prioritize advocacy, education and investment in medical research.

Colleagues, I had the honour of meeting with representatives of Breakthrough T1D recently in a delegation led by Newfoundland and Labradorian Maya Martinovic, a young woman who has Type 1 diabetes. Her courage and commitment motivated me to make this statement today.

Honourable colleagues, this is not just about statistics; it's about lives, families and futures. As we continue to shape health policy, let us ensure that Canadians living with Type 1 diabetes have the resources, the support and the hope that they need. Together, we can work toward a world where this disease no longer claims years or lives.

Thank you, colleagues.

[*Translation*]

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of 2024 scholarship holders from the Fondation des médecins canado-haïtiens. They are accompanied by Daniel Michel and Charlotte Lopy Paoli. They are the guests of the Honourable Senators Mégie and Youance.

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

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

### FONDATION DES MÉDECINS CANADO-HAÏTIENS SCHOLARSHIP WINNERS

**Hon. Marie-Françoise Mégie:** Honourable senators, I am very proud to pay tribute to the young winners of the 2024 Fondation des médecins canado-haïtiens scholarship.

This scholarship recognizes academic and athletic perseverance based on one of the mottos of the idealist founder of the modern Olympic Games, Pierre de Coubertin: "An ardent mind in a well-trained body".

The winners are diligently and extensively involved in a number of sports. Some of them even participated in the Quebec Games, where their team won medals. They have ambitions, such as becoming a health care professional, working in the film industry, becoming a writer, working in the aerospace industry, playing professional football and working in the AI industry.

If they continue to show this drive and this determination to make their personal and professional dreams come true and if they get the support they need, they will meet their goals.

• (1410)

Dear parents, be truly proud of your children. Keep up your excellent work by helping them on their path to success. As for you, Djoulie, Gérard Emmanuel, Marie Laetitia, Mary Rosina, Ruth and Tristan, we are proud of you. On Saturday,

[ Senator Wells (Newfoundland and Labrador) ]

November 16, Senator Youance and I were there when our community showed their support for you at the foundation's benefit gala.

Now, honourable senators, I would invite you to give these young people a round of applause to encourage them to persevere. Thank you and congratulations to all of you.

[*English*]

### WOMEN IN THE ARMED FORCES

**Hon. Gwen Boniface:** Honourable senators, I rise today in concert with Senator Rebecca Patterson to recognize and salute women who serve, have served and who continue to serve to preserve peace, order and democracy in Canada and around the world. Unfortunately, the place of women in these domains is being questioned. Recently, I attended the Halifax International Security Forum where a panellist said:

I think it's delusional for anybody to not agree that women in combat create certain unique situations that have to be dealt with. I think the jury's still out on how to do that.

The panellist was referring to opposition to women serving in combat, calling them a "distraction." It should be noted that Canada's Chief of Defence Staff, who just happens to be a woman, along with at least 25 female senior international military officers were in attendance.

Women have played a crucial role in the Armed Forces for more than 100 years. And women in today's Canadian Armed Forces operate across all dimensions, putting more women than ever on the front lines, upholding the values and principles that we hold dear: democracy, human rights and individual dignity.

Women are working in an increasing number of ways to preserve the rules-based international order. Not since the Second World War has the world faced such threats to peace as we see today. Russia's illegal war of aggression in Ukraine is not just about Ukraine; it is about the entire rules-based order. And as we have seen, Russia's aggression is experienced not just on the conventional battlefield; it is felt everywhere, including here at home.

As such, service can no longer be defined by proximity to a conventional battlefield; as such, we need to think about all the tools and all the resources that give us a competitive advantage to counter our adversaries, not ones based on an industrial age concept of warfare.

In today's modern security domain, our policies, strategies and plans are only as good as the people at the table and on the fighting edge. We must take an intersectional approach and leverage the full diversity of our great nation. When we take a broader, more inclusive approach to security, the conversation changes. This is about how we add value and maximize our competitive advantage in a rapidly evolving global security environment.

I'll leave you with the thoughts of Canada's Chief of Defence Staff, the first woman to command a military in both the G7 and the G20 and who has 39 years of service to Canada, including combat service, General Jennie Carignan. She said:

. . . I can't believe that in 2024, we still have to justify the contribution of women to their defence . . . in their country. . . . This is the distraction, not the women themselves.

Thank you.

[*Translation*]

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Julie Roy, Executive Director and Chief Executive Officer of Telefilm Canada, and Monica Flores, Vice President, Governmental Affairs and Communications, Telefilm Canada. They are the guests of the Honourable Senator Gerba.

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

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

[*English*]

#### THE LATE HONOURABLE NOËL A. KINSELLA

**Hon. Donald Neil Plett (Leader of the Opposition):** Honourable senators, it is my honour to rise today to pay tribute to a former colleague who passed away last December, the Honourable Noël Kinsella, the forty-second Speaker of the Senate of Canada.

While a list of his lifetime of professional and academic accomplishments would be lengthy, these facts alone do not convey his warmth and kindness, his sensible counsel, his humour and his good nature. For these qualities and many more, he is missed by all who knew him.

It is difficult to discuss the protection and promotion of human rights in Canada over the last 60 years without acknowledging the work of Dr. Noël Kinsella. There is not enough time to list all the contributions he made in this regard, so I will highlight just a few: president of the Canadian Human Rights Foundation, founding chair of the New Brunswick Human Rights Commission and a member of New Brunswick's delegation during the negotiations which led to the patriation of the Constitution and the Charter of Rights and Freedoms.

After his appointment to this chamber, upon the advice of former prime minister Brian Mulroney in 1990, Senator Kinsella would go on to serve in the opposition Conservative caucus as whip, deputy leader and leader. On February 8, 2006, former prime minister Stephen Harper named Senator Kinsella as the Senate's Speaker. He would become the longest-serving Senate

Speaker in Canadian history — and one of the most consequential — whose work and rulings guide our deliberations to this day.

Speaker Kinsella approached his role with a fair and open mind, always showing respect towards his fellow senators and the rules which govern the place in which we are fortunate to work. As Speaker, he displayed a great deal of courtesy and composure during the difficult times for the Senate, and he was ever mindful of the need to preserve decorum in the chamber, a tough job on occasion.

In carrying out the diplomatic duties, which are an important element of the role of the Speaker, he served as a respected and dignified representative of the Canadian Parliament. Staying true to his long-time opposition to mandatory retirement — I agree with him now — Speaker Kinsella stepped down from the Senate two days before his seventy-fifth birthday in November 2014. In recognition of his outstanding public service to Canadians, Prime Minister Harper appointed him to the Privy Council.

Speaker Kinsella drew on his deep Catholic faith throughout his public and private life. It is my hope this faith sustains his family as they grieve their immense loss. On behalf of all of his friends in the Conservative caucus and, indeed, all in the Senate, I extend my sincere condolences. May the perpetual light shine upon him, and may he rest in peace.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Chief Brad Benoit and Vice Chief Frank Benoit of Miawpukek First Nation. They are the guests of the Honourable Senator White.

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

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

[*Translation*]

#### INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

**Hon. Chantal Petitclerc:** Honourable senators, yesterday was the International Day of Persons with Disabilities.

[*English*]

This week, Team Canada, our Olympians and Paralympians, are here on Parliament Hill for the first time since coming back from Paris. The Paris 2024 Paralympic Games marked the first time that our medallists received compensation for winning medals, as did our Olympians. This was a long time in the making, and I am so happy for them and so proud to say that here in Canada a medal is a medal, no matter what ability or functional limitation you may have.

[Translation]

Here are some figures from the Paris Games: The Canadian Paralympic team won a total of 29 medals, bringing home 10 gold, 9 silver and 10 bronze. Our 10 gold medals matched the number of gold medals we won in Beijing. Our 29 medals matched the number of medals we won in Rio, which cements our position as one of the Paralympic Games' great nations.

Canadian swimming athletes deserve special mention for winning 13 of the 29 medals awarded in Paris.

[English]

The Paris 2024 Games were followed by Canadians like never before. Over 11 million Canadians tuned in to the CBC/Radio-Canada's broadcast coverage, with total viewership across digital platforms up 153% from Tokyo 2020. Canadians watched an average of 1.2 million hours of coverage daily, showcasing an amazing growing national interest in para sport.

• (1420)

Dear colleagues, the International Day of Persons with Disabilities is so much more than a day of recognition. It is also — and must be — a day of action.

While we salute the exploits of our Paralympic champions, as we approach the holidays, let's also remember that there are still too many Canadians with disabilities living in poverty while not enough is being done. We must recognize the successes of persons with disabilities while continuing to fight for all and address this crucial issue together.

Thank you. *Meegwetch.*

---

## ROUTINE PROCEEDINGS

### 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 10, 2024, at 2 p.m.

[ Senator Petitcherc ]

[Translation]

## L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

GLOBAL CONFERENCE OF WOMEN PARLIAMENTARIANS,  
JUNE 26-27, 2024—REPORT TABLED

**Hon. Éric Forest:** Honourable senators, I have the honour to table, in both official languages, the report of the Assemblée parlementaire de la Francophonie concerning the Global Conference of Women Parliamentarians, held in Doha, Qatar, on June 26 and 27, 2024.

SESSION OF THE AMERICA REGIONAL ASSEMBLY,  
AUGUST 7-9, 2024—REPORT TABLED

**Hon. Éric Forest:** Honourable senators, I have the honour to table, in both official languages, the report of the Assemblée parlementaire de la Francophonie concerning the Thirty-ninth Session of the America Regional Assembly, held in Toronto, Ontario, Canada, from August 7 to 9, 2024.

BUREAU MEETING, ANNUAL SESSION AND TENTH EDITION  
OF THE PARLEMENT FRANCOPHONE DES JEUNES OF THE  
ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE,  
JULY 4 TO 9, 2024—REPORT TABLED

**Hon. Éric Forest:** Honourable senators, I have the honour to table, in both official languages, the report of the Assemblée parlementaire de la Francophonie concerning the Bureau Meeting, Forty-ninth Annual Session and Tenth Edition of the Parlement francophone des jeunes of the Assemblée parlementaire de la Francophonie, held in Montreal, Quebec, Canada, from July 4 to 9, 2024.

## CANADA-CHINA LEGISLATIVE ASSOCIATION

BILATERAL MEETING, MARCH 24-29, 2024—REPORT TABLED

**Hon. Paul J. Massicotte:** Honourable senators, I have the honour to table, in both official languages, the report of the Canada-China Legislative Association concerning the Twenty-fourth Bilateral Meeting, held in Beijing and Shanghai, People's Republic of China, from March 24 to 29, 2024.

[English]

## AUDIT AND OVERSIGHT

NOTICE OF MOTION TO AFFECT COMMITTEE MEMBERSHIP

**Hon. Raymonde Saint-Germain:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding any provision of the Rules or previous order, the Honourable Senator Dasko take the place of the Honourable Senator Yussuff as one of the members of the Standing Committee on Audit and Oversight.

**THE HONOURABLE NANCY J. HARTLING**

## NOTICE OF INQUIRY

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

I will call the attention of the Senate to the career of the Honourable Nancy Hartling.

**THE HONOURABLE BRENT COTTER**

## NOTICE OF INQUIRY

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

I will call the attention of the Senate to the career of the Honourable Brent Cotter.

**QUESTION PERIOD****PUBLIC SERVICES AND PROCUREMENT**

## PROCUREMENT PROCESS

**Hon. Donald Neil Plett (Leader of the Opposition):** Leader, the Auditor General of Canada has validated every concern that Senator Martin and I have raised with you about the sole-source contracts that your incompetent government gave to consultants at Accenture to run the Canada Emergency Business Account, or CEBA, loan program.

The government originally said, leader, that these contracts cost taxpayers \$61 million. In May 2023, a delayed answer tabled in the Senate revealed Accenture received \$208 million.

**An Hon. Senator:** Wow.

**Senator Plett:** On Monday, leader, the Auditor General confirmed that the value of the 19 contracts, in fact, totals \$313 million and counting.

**Senator Housakos:** Unbelievable.

**Senator Batters:** Five times.

**Senator Plett:** Accenture decided the scope and price of their contracts. There was no oversight at all, leader.

Why do the NDP-Liberals have zero regard for taxpayers, and who gets fired over this, leader?

**Hon. Marc Gold (Government Representative in the Senate):** As I said — and I repeat — the program to which you refer and for which the contracts were awarded was a program that helped 900,000 businesses survive throughout the pandemic in order to keep their employees on the payroll and, therefore, keep families afloat.

The information that has come to light is of great concern. As I mentioned in a recent answer, I believe, Export Development Canada, or EDC, which operates independently of this government, was the one that awarded this contract.

The concerns of the minister have been raised directly with the president of EDC in this respect.

**Senator Plett:** There's no concern — zero concern. It's incompetence.

Leader, you told Senator Martin yesterday that your government, in fact, appreciates the work of the Auditor General, yet they — and you — have the nerve to disagree with some of her recommendations to protect taxpayers.

It is not worth the cost, leader. How do you square that, leader? Isn't this fiasco just another reason why the NDP-Liberals have to go?

**Senator Gold:** The answer is “no.” The Auditor General has an important job to do, which is to assess the performance of programs against the stated policy grounds.

The government has an important job to do, which is to adapt its programs to the necessities of the time. There were 900,000 businesses, their workers and families that were saved.

With regard to the issues raised by the Auditor General, they have been raised by the Minister of Finance with the head of EDC.

**GLOBAL AFFAIRS**

## CANADA-ISRAEL RELATIONS

**Hon. Leo Housakos:** Senator Gold, Justin Trudeau and Mélanie Joly's decision to vote in favour of yesterday's United Nations motion condemning Israel is a disgraceful departure from our nation's principal history of standing with our democratic ally against the relentless bias of the United Nations. This vote abandons Canada's values, aligns us with the worst human rights abusers and legitimizes a corrupt UN system that has made a mockery of justice and fairness for decades.

Even worse is Ambassador Bob Rae's laughable defence of this vote, claiming Canada is committed to a two-state solution while simultaneously participating in a sham process that only emboldens those who seek to delegitimize Israel. His words fail to mask the hypocrisy of supporting a motion that singles out the world's only Jewish state while failing to even mention Hamas.

Senator Gold, are you comfortable with this vote and the message it sends to our ally Israel, the Jewish community in Canada and Canadians who value foreign policy?

**Hon. Marc Gold (Government Representative in the Senate):** Senator Housakos, thank you for your question. Canada's votes at the UN, as you know, historically have always been a matter upon which considerable focus and attention have been placed by the Jewish community and the pro-Israel community in Canada, and understandably so.

Canada's position with regard to the conflict in the Middle East has been consistent. It believes — and continues to believe — in the importance of two states for two peoples, as well as the right of Israel to live in peace and security with its neighbours and the right of the Palestinians to their own homeland.

As a friend and ally of Israel, this government has also — as other allies have as well — raised concerns about some of the actions that have been taken. The vote in the United Nations is consistent with Canada's basic —

• (1430)

**Senator Housakos:** The only thing consistent with the Trudeau government in the last nine years, Senator Gold, is siding with a bunch of tyrants and dictators instead of our ally Israel. Canada once took pride in standing with Israel against this nonsense, and we called out the UN for what it is — a biased, broken institution where dictatorships preach about human rights.

Conservatives will always stand on the right side of history, as we did under Prime Minister Harper, and we will again under future prime minister Poilievre. Isn't this yet another reason for an election, Senator Gold, so Canada can elect a government that has a moral compass and returns us back —

**The Hon. the Speaker:** Senator Gold.

**Senator Gold:** Again, Senator Housakos, I understand, as you know I do, the impact that every statement and every vote has. I am a member of the community. I understand it very well. However, it still remains the case that Canada remains a strong ally of Israel, and despite attempts to use Israel as a wedge issue, this government will continue to do so.

## ENVIRONMENT AND CLIMATE CHANGE

### CANADA'S EMISSIONS TARGETS

**Hon. Mary Coyle:** Senator Gold, signatories to the Paris Agreement, including Canada, are required to submit their new nationally determined contributions, or NDCs, outlining their 2035 emissions reduction targets by February 2025. According to Canada's climate accountability framework, Canada was supposed to have set its 2035 target by December 1, 2024.

I met with two members of Canada's Net-Zero Advisory Body, or NZAB — Catherine Abreu and Simon Donner — at COP 29 in Baku. NZAB's September reports warn that if we continue on our current trajectory, Canada will not meet our 2030 target of reducing emissions by 40% to 45%. NZAB also recommends Canada set its new NDC for 2035 at 50% to 55% below 2005 levels.

Senator Gold, will the government take NZAB's advice and set Canada 2035 emissions reduction target at 50% to 55%? Will it do that soon? The December 1 deadline, which was our own, has already passed.

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

While I'm not able to speculate on any future potential commitments, this government is taking strong action to combat climate change through a suite of policies and measures. Let me note, colleagues, that in 2015, Canada's emissions were projected to rise 8% above 2005 levels by 2030, but since then, thanks to a range of policies and programs from this government, the Canadian Climate Institute now estimates that Canada's emissions declined by 8% below 2005 levels.

That said, much more work needs to be done, colleagues. We cannot risk polluting freely again to harm our environment by cutting just about every measure that is successfully cutting pollution and, at the same time, building a strong and sustainable economy.

**Senator Coyle:** Eight per cent is pretty far off of our target for 2030.

Senator Gold, the Net-Zero Advisory Body's reports recommend key measures, such as finalizing the oil and gas emissions cap, the Clean Electricity Regulations, stronger oversight of industrial carbon pricing and adopting a national carbon budget to address Canada's shortfalls in meeting its emissions targets. Swift action is needed to achieve Canada's commitments.

What steps is the government taking to implement these recommendations and ensure Canada is on track to meet our net-zero goals?

**Senator Gold:** Thank you. The government has published its *2023 Progress Report*. It's the first progress report under the 2030 Emissions Reduction Plan, and it identifies the strategies to reach our 2030 net-zero emission targets by 2050. The report also provides an update on progress toward our emissions reduction targets described in the 2030 Emissions Reduction Plan, including a measure-by-measure update on the implementation status. Another report will be published in 2025 and again thereafter in 2027.



## FINANCE

## CANADA EMERGENCY BUSINESS ACCOUNT

**Hon. Tony Loffreda:** My question is for the Government Representative in the Senate.

The Auditor General of Canada released a new report on Monday that deals with the Canada Emergency Business Account, or CEBA. We know and appreciate how instrumental the CEBA was to business owners during the pandemic. In my opinion, it was a critical financial lifeline that allowed many businesses to weather the storm and uncertainty surrounding COVID-19.

What is the government doing to recoup the 17% of outstanding loans that have yet to be repaid? What is its strategy in collecting the estimated \$3.5 billion that went to ineligible recipients? As reported by the Auditor General, Export Development Canada, or EDC, administered the program and disbursed \$49.1 billion in total loans.

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question, senator, and for highlighting the importance of the program that helped, as I said, nearly 900,000 small businesses keep their lights on, their doors open and their employees working. Ultimately, the cost of not acting swiftly would have been devastating to Canadians, our small businesses and our economy.

To your specific question, I understand that Export Development Canada is working with Finance Canada to consider appropriate post-funding actions, including examining legal implications and options, to recoup loan forgiveness from ineligible recipients in the non-deferrable expenses stream.

**Senator Loffreda:** Thank you. I'm glad that efforts are being made.

The Auditor General found that “. . . EDC's plan to collect defaulted loans lacked forecasted costing, performance management, and other key elements.” What is EDC doing in partnership with the Canada Revenue Agency, or CRA, to ensure that its collection efforts are working and that we are achieving value for money? As the Auditor General recommended, EDC should update estimates and forecasts of defaulted loans to be collected in order to provide the CRA with more precise information for its planning and resourcing.

**Senator Gold:** Thank you for the question. It is my understanding that EDC has agreed with the Auditor General's recommendations and will work with the Canada Revenue Agency, as well as Finance Canada, to implement meaningful key performance measures of collection activities for defaulted and assigned loans. Additionally, the CRA will reassess its collection plans to include key performance measures specific to resolving files in a timely manner.

## NATIONAL FINANCE

## BUSINESS OF THE COMMITTEE

**Hon. Scott Tannas:** My question is for the Chair of the National Finance Committee, Senator Carignan.

To date, I understand the committee has held three meetings on the practice of including non-financial matters in budget implementation bills. This is a study that the Senate asked the Finance Committee to look at because of some problems well known to all of us with respect to governments increasingly putting non-financial items in budget packages.

The study order of reference expires on December 31, 2024. Are you looking to bring forward a motion to extend that? If so, what would be the new date?

[*Translation*]

**Hon. Claude Carignan:** Thank you for the question, Senator Tannas.

We've begun studying your motion, which is extremely interesting. We've had the opportunity to hear from a number of witnesses, including the former Clerk of the Senate and representatives from Australia, including an Australian senator who chairs their finance committee. They have a whole process for studying this type of bill, and it's very interesting.

That will take a little more time, and we will probably need to hear from more witnesses. There are some interesting insights to consider. I'm going to ask the steering committee of the Standing Senate Committee on National Finance to move a motion to extend the deadline for this study. We will discuss it, but given the very busy schedule of the Standing Senate Committee on National Finance, it probably won't happen before June 2025.

[*English*]

**Senator Tannas:** Thank you very much, Senator Carignan.

Do you anticipate, whatever the extension is, that we might be able to get a report from the committee in time for — assuming we ever get one — a budget implementation act that would come, presumably, this spring?

[*Translation*]

**Senator Carignan:** I don't know. It's hard to know what the government intends to do when it comes to finances. The fall economic statement still hasn't been presented, and it's almost Christmas. I'm not sure what kind of bill it will be.

However, we do have an interesting option for doing a preliminary study that involves assigning different aspects to the various committees, and this is very helpful to the Standing Senate Committee on National Finance.

[English]

#### PRIVY COUNCIL OFFICE

##### FEDERAL PUBLIC SERVICE

**Hon. Wanda Thomas Bernard:** Senator Gold, last month, Dr. Rachel Zellars released a study on Black executives in the federal public service that revealed some disturbing details about anti-Black racism in the public service.

• (1440)

Black executives working in the public service report experiencing anxiety, depression, suicidality, panic attacks and PTSD. This spreads to physical health issues and negative impacts on personal relationships. Senator Gold, what does the government plan to do to remedy the human rights issue of anti-Black racism in the public service?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question and for reminding us that despite all our best efforts and all the laws we can pass, there are systemic problems that are deeply embedded in our cultures of work and beyond. To say it is unacceptable that people who are willing to serve the country — or, indeed, work in any environment — are subjected to discrimination and racism such that they suffer from the conditions that you have described is trite and really doesn't answer the question.

Though I'm not aware of specific measures to address the report and the situation that you describe, I will certainly make inquiries with relevant ministers in the hope of finding out what measures can be taken in the short term and beyond.

**Senator Bernard:** Senator Gold, we have heard of rollbacks to diversity, equity and inclusion across the country as a form of resistance to "woke politics." How is the government responding to this?

**Senator Gold:** This government has always believed that the true strength of our institutions and our country — as one of our colleagues recently referred to in his inaugural speech — is diversity. It is not simply a matter of fairness and equity — though it is that as well — but also a question of resilience for our communities and country. Our government continues to believe in those values and will continue to promote them and embed them in its policies.

[ Senator Carignan ]

#### FINANCE

##### PUBLIC ACCOUNTS

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Leader, our colleague Senator Ross has asked you several times this fall when the 2024 Public Accounts will be tabled. A note published recently from economists at the National Bank of Canada stated:

. . . prior fiscal year deficits are usually confirmed in October, but that's been delayed this year. The feds technically have until year-end to publish the figure, but the delay could lead one to speculate it's not good news being withheld.

Leader, have these economists guessed correctly? Has the NDP-Liberal government blown well past its own fiscal guardrail of a \$40-billion deficit, as the Parliamentary Budget Officer believes?

**Hon. Marc Gold (Government Representative in the Senate):** I'm not in a position to comment on the speculations to which you refer. As I have answered in the past, senator, and I regret that my answer will not please you, I don't have information as to when the reports will be tabled. You can be sure that those in this chamber will be among the first to know when I have the opportunity to provide the information that, for the moment, I do not have.

**Senator Martin:** I appreciate you do not have the exact answer, but just as a reminder, in 2019, your government released its Fall Economic and Fiscal Update on December 16, which was four days after the Senate rose and three days after the House rose for the Christmas break. Leader, does your government commit to releasing this year's economic update while Parliament is sitting?

**Senator Gold:** Senator Martin, you know very well, as do I, the issues that are keeping the House of Commons from dealing with things other than opposition days, censure motions and privilege debates. I'm not in a position to and would not make commitments on behalf of the government when I don't have the underlying information to do so.

[Translation]

#### IMMIGRATION, REFUGEES AND CITIZENSHIP

##### IMMIGRATION LEVELS

**Hon. Claude Carignan:** Leader, today we learned that, in Montreal, immigrants with precarious status now make up more than half the clientele of organizations that help homeless youth. These young people were lured in by Justin Trudeau's false promises that they would have quick and easy access to a job and housing in Canada. However, they are now unemployed, homeless and without resources. On September 30, there was a backlog of 249,857 unprocessed asylum claims, while there were less than 10,000 such claims when Justin Trudeau took office.

Our immigration system is broken and it is causing human misery. What is the government's plan to deal with those 250,000 claims?

**Hon. Marc Gold (Government Representative in the Senate):** First, the plight of the homeless and those who came here seeking asylum and now find themselves unemployed and homeless is tragic and deplorable. However, to say that it was the Prime Minister who invited them and promised them jobs is an exaggeration. The Minister of Immigration has announced a series of changes and adjustments to our immigration targets to make our system work better. Finally, with all due respect, I would add that, this time, it is important that Canadians and Canadian leaders not spread the false information circulating in the media, both here and south of the border.

**Senator Carignan:** Leader, on January 28, 2017, Prime Minister Trudeau said the following:

[English]

To those fleeing persecution, terror & war, Canadians will welcome you . . . .

[Translation]

He invited them to come and said, "Canadians will welcome you". However, they were given no jobs and no housing. Some 500,000 people are living in Canada illegally. Over 5 million have temporary visas that can't be renewed. I've asked the question before and received no answer, but I will ask again: What is your government going to do to expel these millions of people? Will you not admit that our border is leaking like a sieve?

**Senator Gold:** Honestly, that really upsets me. It may be true that we have challenges and problems, but Canada must always remain open to people fleeing tyranny and threats. Unfortunately, we can't take them all in. We're doing our best. I don't support the idea of shutting the door on people who —

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

[English]

## FINANCE

### TEMPORARY TAX MEASURES

**Hon. Paula Simons:** My question is for the Government Representative in the Senate. At this time of year, I go looking for my hanukkah, which I know I put away last January but cannot find now. It raises this question for me: The GST tax holiday creates an exemption for Christmas trees, but not for hanukkah menorahs, Hanukkah candles or the candelabras that are part of the Kwanzaa festival, and I am wondering, in this multicultural country in 2024, why the decision was made to only privilege the accoutrements of the Christian festival and not the other festivals that are celebrated at this time of year.

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. It is a question that I would encourage you to ask at committee as we're studying this bill. Decisions and choices were made.

With respect to hanukkahs, if you'll permit me, those are typically not bought year over year. We have had those in our family for many generations.

The point that you raise about the choices that are made in this particular bill can be raised about a large number of products. The fact remains that choices had to be made, and I would encourage you to pose those questions to the minister, who is appearing today, or to other officials as necessary. Thank you for your question.

• (1450)

**Senator Simons:** I suppose artificial Christmas trees are a one-time purchase in the way where if I could find my hanukkah, I wouldn't need to buy a new one.

This flows into my next question. I am a big book lover, and I am thrilled that there is a GST holiday on books. Everybody who is on my gift list will know that I will be waiting to buy their books until December 15. But I note with interest that the tax exemption is only on physical books that you can pick up. It does not include online books or audio books that are purchased —

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

**Senator Gold:** Again, it does not apply to everything, to be sure. People have choices and will make choices. Having said that, there is a large enough range of products to which this exemption applies, especially for those in far less privileged circumstances than you, me or any of us in this room. I hope and expect they will use them to the full advantage to give themselves a break during this holiday season.

## EMPLOYMENT AND SOCIAL DEVELOPMENT

### CANADA DISABILITY BENEFIT

**Hon. Andrew Cardozo:** My question is for the Government Representative. I want to build on the statement made earlier by Senator Petitclerc to celebrate the incredible Paralympians who are in town today and to mark the International Day of Persons with Disabilities.

I want to return to an issue that I have raised, as many other senators have, which is the Canada Disability Benefit. Do you have any news for us as to whether the government will reconsider the paltry amount they have promised and bring forward the date of implementation?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question and also for highlighting the presence here on the Hill today of our wonderful athletes. I regret I was tied up and not able to meet some of them, as I hope many of you were able to meet them earlier today.

I don't have an update with regard to the disability benefits. As I said, it has been a while now, but I repeat that the government understands the disappointment of many within and beyond the disability communities that the amounts in this first and historic effort have fallen short of people's expectations. The government continues to believe it's an important program and looks forward to working with members of the disability community to do more and to do better. For the moment, I have no information about any future measures.

**Senator Cardozo:** Thank you. Just by way of information, I will say the event was amazing. It was amazing to see Senator McBean and Senator Petitclerc enjoying old home week as they celebrated a number of their fellow Olympians.

Let me ask about the \$250 cheques that the government has been talking about. If this does go ahead, can the government ensure that Canadians with disabilities are considered for these cheques, given that affordability challenges are magnified for those with disabilities?

**Senator Gold:** Thank you. As we all know, colleagues, the idea that was introduced has run into some criticism and recommendations from different quarters looking for expansion. The government is considering all of that important input. That's why the GST part was separated out so that it could be provided to Canadians while work is being done with regard to the other matter of those cheques.

## PUBLIC SAFETY

### FIREARMS BUYBACK PROGRAM

**Hon. Donald Neil Plett (Leader of the Opposition):** Leader, your government previously revealed to me that it's so-called buyback program for firearms has now cost \$67.2 million, and it does not yet exist.

On Friday, a response to one of my written questions showed that the amount spent on consultants under this boondoggle is now \$13.3 million, which is an increase of \$1.8 million since the previous response that I received. This means, Senator Gold, that the new total is now \$69 million. The response also failed to provide any details on these contracts, as I had requested.

The answer I received in August said the RCMP spent \$2.3 million on consultants, but the response on Friday said they spent only \$756,000. How is that possible, leader? What is your government hiding?

**Hon. Marc Gold (Government Representative in the Senate):** The government isn't hiding anything, Senator Plett. In this complicated matter, the government is trying to respect the rights of legitimate, legal firearm owners while trying to protect Canadians from the scourge of gun violence in a number of different areas. The buyback program is one important part, though not the only part, of this government's attempt to address this situation.

I need not remind senators who it was that ferociously opposed any gun control legislation in the past. I'm not going to play politics with you on this. I'm simply going to remind this

chamber and Canadians that this government is committed to strong and serious gun control legislation and will continue to do so.

**Senator Plett:** You parrot yourself worse than the Prime Minister.

Licensed and trained firearm owners can see what's going on here, Senator Gold, even if you can't. They are being targeted. Yet gangs flood our streets with illegal guns smuggled across the border, Senator Gold. Anti-Semitic rioters burn cars in Montreal. Yet the NDP-Liberals and you, Senator Gold, think lawful gun owners are the problem — enough. Where is the election that Canadians need to restore common sense?

**Senator Martin:** Hear, hear.

**Senator Gold:** Senator Plett, I'm trying to deal with the issues and not personalities. The fact is this government is addressing our issues at the border and has been in a serious way. It is not in the business of parroting conspiracy theories or false information that our country is broken and that our border is broken. It's simply not true, and it's not responsible, especially for a party that aspires to lead this great country.

**Senator Plett:** It will lead.

---

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, pursuant to rule 4-12(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: consideration of the twelfth report of the Standing Senate Committee on National Security, Defence and Veterans Affairs, followed by all remaining items in the order that they appear on the Order Paper.

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

BILL TO AMEND—TWELFTH REPORT OF NATIONAL SECURITY, DEFENCE AND VETERANS AFFAIRS COMMITTEE ADOPTED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on National Security, Defence and Veterans Affairs (*Bill C-26, An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts, with an amendment and observations*), presented in the Senate on December 3, 2024.

**Hon. Hassan Yussuff** moved the adoption of the report.

He said: Honourable senators, I rise today as the Chair of the Standing Senate Committee on National Security, Defence and Veterans Affairs to explain the amendment adopted by the committee during clause-by-clause consideration on December 2.

Colleagues, Bill C-26, An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts, was introduced in the Senate on June 19, 2024, and referred to the committee on October 23.

I want to thank honourable senators for their work and the witnesses for taking the time to testify before the committee.

We held four meetings on Bill C-26 and heard from 31 witnesses, including the Privacy Commissioner, the Intelligence Commissioner and representatives from Public Safety Canada and Innovation, Science and Economic Development Canada, as well as civil society organizations. Our committee was prepared to proceed to clause-by-clause consideration of this bill last Monday, November 25 when we were informed by the bill's sponsor, Senator McNair, of technical drafting errors with potentially serious consequences on the effect of the bill. In short, a connection between Bill C-26 and Bill C-70, which received Royal Assent in June, caused an issue after clause 10 of Bill C-26 was removed by the House of Commons Standing Committee on Public Safety and National Security. The removal of this clause shifted the numbering of the remaining clauses — for example, clause 11 became clause 10 — resulting in Bill C-70 inadvertently repealing the wrong clauses of Bill C-26.

• (1500)

Our committee decided to postpone our clause by clause by one week to explore the best possible remedy to this situation.

As a result, Senator LaBoucane-Benson introduced a technical amendment on behalf of the government on Monday to resolve the issue by correcting the clause numbers referenced in Bill C-70, ensuring that the appropriate clauses of Bill C-26 are repealed. The committee adopted the amendment on division.

Thank you, colleagues, for your consideration.

**Hon. Denise Batters:** Senator Yussuff, you gave a brief explanation of the major government amendment made to this bill at committee. Can you please provide a little more detail about that? This was about Bill C-70, as you said, which is the foreign interference bill. Because of what is contained in it, the parts that superseded Bill C-26's components would have repealed clauses 12 and 14 of Bill C-26. Would that not repeal the vast majority — the most operative provisions — of Bill C-26, especially clause 12?

**Senator Yussuff:** First of all, thank you for the question. Yes, I think you're absolutely right in your description of what happened. The mistake was not caught before the bill was tabled in the Senate.

I want to thank Senator McNair for bringing it to the attention of the committee before we actually started our clause-by-clause examination. It was appropriate for our committee to suspend to hear directly from the government as to how they intend to fix the bill to ensure it complies with what was already passed in Bill C-70.

The proposed amendment submitted by the government, based on the technical advice we received at committee, has satisfied us that this bill will do what it was intended to. It ensures that the legislation will meet the obligations to ensure that our cybersecurity system in this country will be protected, but also provide the government with new tools that it can utilize to ensure that we can address national security threats that have been waged on our country by foreign actors. More importantly, we now have all the legal tools to ensure that, once this bill is adopted by Parliament and subsequently receives Royal Assent, there will be necessary amendments that must be introduced by the government. We're hoping we can pass this bill in a timely manner.

With regard to the point the senator is raising, we need to ensure that in the future, as we do our work in the Senate, oversight is applied when bills are sent to the Senate. Proper checks must be made to ensure that we don't have bills with flaws the Senate could inadvertently adopt, which could create serious issues with respect to our responsibility for sober second thought and to pass legislation without mistakes.

Equally, the officials who were there took note to identify the mistake and assured us as a committee that they would learn from this experience. Hopefully, they informed the House as they informed the Senate of the important work we do. When we are aware something is wrong — as we were — we take the necessary steps to correct it.

Finally, we can't reasonably say for certain that this will not happen again, colleagues. We are in a place where human beings are involved in drafting legislation, but equally, I'm hoping that, once we're aware of something wrong, we can take the necessary steps to remedy it. I don't believe anyone was at fault in making this error. It was an oversight and was caught in time for us to do our work appropriately. Unfortunately, this bill will have to go back to the House so they can ensure that it complies with other pieces of legislation that were passed recently.

**Senator Batters:** Just so that it's clear for our colleagues here — because this was a long study of a complicated bill with many witnesses, and then this interrupted clause-by-clause examination — the Bill C-70 provisions were ones that went through this chamber in June in a fairly quick manner, and which, because that bill passed before Bill C-26, would have had the effect of repealing the vast majority of Bill C-26, a 90-page cybersecurity bill. When we were at committee and had the opportunity to hear from officials about what they would do to ensure that this never happened again, Senator Yussuff, I was a little concerned that the officials referred to it a few times as a "one-off," basically saying not to worry and so on.

What assurances do you feel they gave our committee that such a mistake would not happen again? The Senate can only do so much, and we have to rely on the government officials who prepare these long, complicated documents to avoid major mistakes such as this.

**Senator Yussuff:** First, I would say that the embarrassment of it is enough for them to recognize they must do a better job. Equally, if we'd had Bill C-26 first and then Bill C-70 second, the mistake could have been noticed.

Of course, the bills came in the wrong sequence, so unfortunately, we passed Bill C-70 first and then Bill C-26 after.

Like many of us here, and as a human being, I think mistakes will be made. I'm not worried in the least that the officials didn't see this as being a serious manner. I think they did. As senators, we had an opportunity to examine them.

For anyone who works in a bureaucracy, a mistake of this magnitude is embarrassing, regardless.

I am sure they are aware that we were paying attention, and, more importantly, they had to account for the fact that there was a mistake. Certainly, for the Senate Standing Committee on National Security, Defence and Veterans Affairs, when we scrutinize the bill again in the future and officials appear before us, perhaps we can start by asking them the question, "Are there any mistakes in this bill of which we should be aware?" Maybe that will force them to read it thoroughly before we get to clause by clause.

Colleagues, when this mistake was brought to our attention, we did the right thing, and it informs the government that we need to be a little more careful in overseeing the final draft of bills that come before us. Equally, in the Senate, it is part of our responsibility to ensure that legislation we're passing complies with other statutes we've passed previously.

**Hon. Flordeliz (Gigi) Osler:** Senator Yussuff, I'm interested in learning more about the observation attached to the report, which speaks to the pressing need for better cybersecurity protection of health systems and data. Can you share with the chamber what the committee heard about that pressing need?

**Senator Yussuff:** We are aware as a committee that the federal government has oversight on certain parts of Health Canada's responsibilities with respect to those issues. Veterans Affairs Canada as well as Defence and its staff fall under the federal government's jurisdiction.

Senator Kutcher's observation was that it's the federal government that penned this observation, which the committee supported. We recognize that the federal government should assert itself in the management of health care data across the country because it has responsibility for certain groups of workers and those within federal jurisdiction. Of course, collaboration with the provinces is needed because the provinces oversee our data at the provincial level. What we're seeing more and more is that terrorist activists or foreign actors are hijacking provincial databases across the country, and we need to do better.

Passing this bill, along with Bill C-70, would better protect the country. However, I hope there is recognition that those who manage health data across this country need to collaborate with each other and with the federal government to ensure that we have the proper protection for health data across this country. Wherever there is shared jurisdiction, we need to ensure that those people are held to higher standards. More importantly, we need to apply this legislation rigorously to assure Canadians that we will do everything possible to ensure their data is protected.

• (1510)

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

**Some Hon. Senators:** Agreed.

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

(Motion agreed to, on division, and report, as amended, adopted.)

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

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

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

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Arnot, seconded by the Honourable Senator Clement, for the 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).

**Hon. Wanda Thomas Bernard:** Honourable senators, I am honoured to rise today on unceded and surrendered Algonquin Anishinaabeg territory. I am speaking today 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).

I want to thank my colleague Senator Arnot, a fellow human rights advocate, for bringing this forward. As Senator Arnot has stated, people wrongfully convicted are victims of the criminal justice system. I also want to thank all of my colleagues who contributed to this important debate.

Yesterday, Senator Pate highlighted the overrepresentation of Indigenous women who have been wrongfully convicted in Canada. Senator Pate also emphasized that adoption of the bill is a first step in a process to ensure a more equitable justice system.

Today, I wish to add to the debate by bringing to your attention three cases from my home province of Nova Scotia that also illustrate the need for more equitable access and a more equitable process. Two of the cases highlight the need for racial equity, and all three highlight the need for independent oversight to prevent systemic failures like these.

The first case is a clear case of racism in the justice system. In 2013, 19-year-old African Nova Scotian Randy Riley was arrested after a pizza delivery worker named Chad Smith was shot to death in 2010. Randy Riley was incarcerated for seven years and eight months. His initial charge rested on witness testimony which was recanted after the first trial and before the second trial after a “crisis of conscience” of the witness.

Coming from the historical African-Nova Scotian community of Cherry Brook, this young Black man and his case highlight the anti-Black racism at play with the charge and the significant time of his life spent incarcerated. The reality of anti-Black racism meant that this young African Nova Scotian did not get a fair trial.

Randy Riley was able to voice this in his own words. He read the following excerpt at his sentencing:

And I want the family of the victim to know that this miscarriage of justice I believe it's not a burden I put on them, but on the court, because I don't believe that I was found guilty beyond a reasonable doubt.

Not only that, I don't believe that the verdict supports the evidence that was presented against me. It seems to me that — though I believe, and I think everyone in this court believes — that no one wanted this case to be about race, but inevitably, race is what it has become. And when things come about race, a lot of time they tend to be ignored. And the elephant in the room is race.

The second case I will bring to your attention is one many people know about. The case of Donald Marshall Jr., a Mi'kmaq man who spent 11 years in prison after being wrongfully convicted of the murder of Sandy Seale in Sydney, Nova Scotia. Mr. Marshall was only 17 when he was convicted of this murder and sentenced to life in prison despite the lack of physical evidence linking him to the murder.

In addition to that, there is evidence of police intimidation and false testimony given by police, and even his lawyers — his lawyers — doubted his plea and did not verify his accounts of the event. This case demonstrates the anti-Indigenous, colonial nature of bias on so many levels in the justice system. Even his defence lawyers who should be presenting evidence to defend him were not able to conceive of his innocence.

In Donald Marshall Jr.'s own words, “I am not the guilty one, the system is guilty.” This is a reminder, colleagues, that these individual cases are not isolated incidents but failures of the entire justice system. The inquiry into Marshall's wrongful conviction also highlighted the fact that the race of the victim, a young African-Nova Scotian man, also contributed to this miscarriage of justice. Marshall's case, though, was a catalyst for change in the creation of the Indigenous Blacks and Mi'kmaq

Initiative at Dalhousie University, which seeks to address systemic under-representation of Black and Indigenous voices in law.

I believe the stories we have heard in various debates in this chamber can also be catalysts of change through Bill C-40. By modernizing the review process, this bill has the capacity to safeguard against some racial bias, like in the cases of Randy Riley and Donald Marshall Jr., to create more racial equity in the justice process.

The third case I would like to bring to your attention to is a man named Glen Assoun. Mr. Assoun spent 17 years in prison for the murder of his former girlfriend, Brenda Way. Mr. Assoun was an easy target for conviction because of his complex childhood history of neglect, a Grade 6 education level and a long history of alcohol addiction and violence. Mr. Assoun's situation is a clear example of the wrongfully convicted Canadians who find themselves failed by the justice system because of their personal circumstances when they are caught at the intersection of poverty and addiction.

Honourable colleagues, I support Bill C-40 because I believe a justice system that upholds accountability and equity is possible. I support modernizing the miscarriage of justice review process and creating an independent review body to prevent biases that are built into our justice system. The cost of miscarriage of justice is the harmful impact on the lives of those wrongfully convicted, their families and their communities.

I urge you, colleagues, to support this bill to prevent the future miscarriages of justice, to enhance public trust and to support victims like Mr. Riley, Mr. Marshall and Mr. Assoun.

Thank you, *asante*.

**Hon. Denise Batters:** Will Senator Bernard take a question?

**Senator Bernard:** I will.

**Senator Batters:** Thank you for your speech.

During his appearance before our legal committee, the Minister of Justice repeatedly spoke about the overrepresentation of Indigenous and Black people among the wrongfully convicted, and I want to highlight two particular statements that he made.

He said:

What I would expect for this commission is that if we are going to give meaning to the fact that we need to have commissioners, those commissioners need to reflect the diversity of Canada, with particular attention to overrepresented groups such as Black and Indigenous people in this country . . . .

He also said:

Now what we're trying to do with this bill is to take another step in terms of advancing the fight against systemic and anti-Black racism and the fight against anti-Indigenous racism, to be blunt, and advance reconciliation. This bill is one direct way of doing so.

• (1520)

Senator Bernard, I'm sure you're probably aware that Justice LaForme's report that dealt with this issue recommended that there be at least one Indigenous commissioner and at least one Black commissioner, but Bill C-40 only requires the minister to "take into account" that situation without any concrete guarantees of any type about that.

Given the fact that the Trudeau government did take a considerable period of time to draft this bill after the LaForme report was brought out, how do you feel about the fact that they didn't actually put into Bill C-40 a concrete guarantee about having an Indigenous commissioner and a Black commissioner?

**Senator Bernard:** Thank you for your question, Senator Batters.

Let me start by saying that I think a recommendation that specifically says "one Black and one Indigenous" can be perceived as a form of tokenism. My preference would be an expectation that when the commission is indeed established, there would be particular attention paid to not just one; my hope and expectation would be that there would be more than one person of African descent and more than one Indigenous person represented on that commission.

**Senator Batters:** That's a good point, but what about the fact that it could say "at least one" or something like that? The commission is between four and eight commissioners — we'll see how many are actually on the commission — but, currently, it's possible that there might not be any.

**Senator Bernard:** Again, I think language that says "at least one" would also be tokenistic, so I would avoid that language.

You're right: There is the potential that none of the commissioners could be a representative of those communities. I believe we have a duty and responsibility to hold government to account, so questions would be continually raised around that when we see who, indeed, is appointed.

I would suggest having consultations in the process leading up to the appointment of the commissioners.

**Hon. Bernadette Clement:** Would Senator Bernard take a question?

**Senator Bernard:** Yes.

**Senator Clement:** Senator Bernard, my godmother in the Senate, thank you for your speech and for outlining the three powerful cases you described.

We heard some very good speeches around Bill C-40. We heard relevant, compelling testimony at the Legal Committee. I don't think we heard sufficiently about what you raised today, which is systemic anti-Black racism — even what you raised in Question Period today.

We now have Canada's Black Justice Strategy, which puts forward 114 recommendations to deal with exactly some of the issues you outlined around systemic anti-Black racism. This just came out in June.

Do you have any thoughts on what the federal government — any federal government — should be doing with a Black justice strategy like that which deals with systemic anti-Black racism?

**Senator Bernard:** Thank you for your question. It was an honour to be your godmother.

As a Nova Scotian, I do have to say that the idea for that national justice strategy began with a Nova Scotia justice strategy to bring racial justice into the justice system. The fact that we have the strategy is commendable. My expectation would be that we would act on this strategy. Having the strategy in place is only one step. Through that step, we create awareness, we have more analyses, and we have action, but we also need that fourth thing, which is accountability. The strategy should hold us all accountable, across the country.

(On motion of Senator Martin, debate adjourned.)

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

THIRTY-FIRST REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS  
COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the thirty-first report of the Standing Senate Committee on Legal and Constitutional Affairs (*Bill S-15, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, with amendments and observations*), presented in the Senate on December 3, 2024.

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

He said: Honourable senators, this is the second report with respect to Bill S-15, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act. The bill was studied by the Standing Senate Committee on Legal and Constitutional Affairs from April to June 2024. It was originally reported to the Senate in June 2024 by Senator Jaffer, then the chair of the committee. As a government bill sponsored by Senator Klyne, it had undergone significant amendments during committee study and was reported back with accompanying observations.

On October 3, a point of order was raised by the bill's critic, Senator Plett, concerning the receivability of certain amendments proposed by the committee. On October 10, 2024, the Speaker ruled that specific elements of the report were out of scope, directing the bill back to the committee to reassess and remove the provisions that had been challenged.

Because of the many "tentacles," if I may call them that, of the out-of-order "Noah Clause," this required surgery, which is highly risky to leave to lawyers, as you could imagine. However, we were ably assisted by the Library of Parliament team, our clerk and the Law Clerk in performing that function.



This reassessment occurred on November 27, 2024, during which the committee reviewed both the bill and its initial report, removing several substantial amendments and refining the preamble.

The surgery called for was the removal of the Noah Clause. This clause would have enabled the Governor-in-Council to direct that “designated animals” — that is, other non-domestic species in captivity, such as big cats and perhaps others — be subject to the same protections and prohibitions as elephants and great apes under the bill. Elephants and great apes were the initial subjects of the bill with respect to protections and prohibitions from captivity.

Consequentially, related definitions and references to “designated animals” were also eliminated. The removal of these provisions restores the original scope of the bill, focusing specifying on the protections for elephants and great apes.

Other notable adjustments include reverting a proposed extension of what was called “veterinary care exception” in clause 1 of the bill to its original wording and removing an added reference to “public safety” in the preamble, thereby returning its original emphasis on the risk of cruelty to elephants and great apes.

The following is a brief summary of the amendments that remain as part of the committee’s report.

With respect to the preamble, Bill S-15’s original preamble stated that Parliament recognizes that public opinion regarding the captivity of certain non-domesticated animal species has evolved. The committee amended the preamble to remove this statement. As originally drafted, the preamble also stated:

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

The committee removed this reference to “science” and modified the reference to “cruelty” to read, “risk of cruelty.”

The committee also amended the preamble, which originally stated that captivity of these animals “is justified in certain circumstances,” to instead state that the captivity of elephants and great apes “may” be justified.

There is another clause related to the entertainment in a performance or conveyance. The committee amended clause 1 to specify that the use of an elephant, great ape or designated animal for conveyance — we had to remove the “designated animal” reference, as I already mentioned — in other words, as a means of transport, particularly in relation to elephants, would constitute a criminal offence. Their use for entertainment in a performance is already prohibited by the bill. This amendment aims to explicitly ban elephant rides in Canada.

• (1530)

Now, with respect to scientific research programs for conservation — these are clauses 1 and 5 of the bill — the original bill listed exceptions authorizing the possession, breeding and impregnating for allowing the natural breeding of legislated species, including when it is in the best interests of an animal’s welfare in connection with a scientific program or in connection with a conservation program. Reflecting concerns that the current wording of “scientific research” was too broad, the committee — and I’m looking at the sponsor of this amendment now — amended clause 1 to clarify that “scientific research program” must be conducted for conservation purposes, emphasizing the connection of the research with improving the long-term viability of the species in the wild.

A consequential amendment was made to the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act — it was a long set of letters to describe what that act is, but you have got the point, I think — governing the administrative permitting process related to the possession, importation or exportation of animals.

I come next to the definition of a great ape. The committee amended the original definition of great ape to specify and specifically list the species that fall under this definition — and I’m now looking at the sponsor of that amendment, Senator Batters. The new definition specifies that a great ape means any species of the genus gorilla, pan or pongo, including a gorilla, bonobo, chimpanzee or orangutan. I’m coming near the end.

Court orders in the best interests of the animal is part of clause 1 of the bill. The offences created in Bill S-15 are punishable on summary conviction and carry a fine up to \$200,000. In addition to the existing forfeiture and sentencing provisions in the Criminal Code, the committee amended clause 1 — I think this was Senator Simons’ amendment — to specifically authorize sentencing courts to order that the offender, at their own expense, carry out certain measures that are in the best interests of the animal that was involved in the offence or any other animals of the same or closely related species that are in the offender’s possession. These measures include, but are not limited to, the modification of the physical or social conditions in which the animal is kept, its relocation to another facility or sanctuary or forfeiting ownership of the animal and surrendering it to a welfare authority.

The coming into force provision — clause 11 — was also amended. I think this is from Senator Plett. The committee amended clause 11 delaying the bill’s coming into force until one year after the bill receives Royal Assent. This delay would allow the industry to adapt their operations and facilities to comply with the new criminal and regulatory regime for elephants and great apes kept in captivity.

To conclude, then, colleagues, in the view of members of the committee, the report presented today aligns with Bill S-15’s core objective — strengthening protections for elephants and great apes in captivity — while refining its provisions for clarity and feasibility and, in the judgment of the committee, unanimously complies with the Speaker’s ruling on Senator Plett’s point of order.

I want to thank my colleagues on the committee for their diligent, collaborative work in responding to the ruling of the Speaker and look forward to further consideration by my colleagues during debate. Thank you.

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

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

### FOREIGN INFLUENCE REGISTRY AND ACCOUNTABILITY BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Wells (*Newfoundland and Labrador*), for the second reading of Bill S-237, An Act to establish the Foreign Influence Registry and to amend the Criminal Code.

**Hon. Bernadette Clement:** Honourable senators, I note that this item is at day 15, and I am not ready to speak at this time. Therefore, with leave of the Senate and notwithstanding rule 4-14(3), I move adjournment of the debate for the balance of my time.

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

**Hon. Senators:** Agreed.

(Debate adjourned.)

• (1540)

[*English*]

### ROYAL CANADIAN MOUNTED POLICE ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator White, for the second reading of Bill S-271, An Act to amend the Royal Canadian Mounted Police Act.

**Hon. Marilou McPhedran:** Honourable senators, I want to acknowledge that the Parliament of Canada is on the unceded, unsundered territory of the Algonquin and Anishinaabe First Nations.

Some time ago, Senator McCallum introduced Bill S-271, An Act to amend the Royal Canadian Mounted Police Act and its interconnected companion Bill S-272, An Act to amend the Director of Public Prosecutions Act. I urge all senators to review

her speeches, which provide comprehensive analysis and a sound rationale for adopting this bill which, after consulting with First Nations experts, I am pleased to support.

The inherent sovereignty of Indigenous peoples is recognized in the Constitution of Canada, yet after more than 140 years, most First Nations are governed under the Indian Act, unless they have successfully negotiated viable self-government. The Indian Act establishes a limited form of local administration but does not take into account the specific circumstances of individual communities. In contrast, self-governing First Nations can make their own laws and policies and have decision-making power in a broad range of matters. This includes matters internal to their communities and integral to their cultures and traditions.

The intent of this bill and its companion, Bill S-272, is to redress a legal quandary that has arisen on the enforceability, or perceived unenforceability, of laws created by self-governing First Nations that do not fall under the umbrella of the Indian Act. Bill S-271 addresses issues of policing and enforcement of First Nations law, and Bill S-272 addresses the public prosecution of these laws.

Colleagues, if any local government in this country enacted laws for the governance of their community only to find that these laws were essentially ignored by police forces — no charges laid and no prosecutions in court — how long do you suppose that such a situation would be permitted to continue? Would it be decades? Uh, no.

Grand Chief Garrison Settee from Manitoba Keewatinowi Okimakanak Inc., or MKO, told a parliamentary committee in the other place:

First Nation bylaws . . . have not been enforced by policing authorities or prosecuted for 25 years in Manitoba. . . .

This bill proposes two simple yet impactful amendments to the Royal Canadian Mounted Police Act, or the RCMP Act. First, it adds the term “First Nation law” to the definitions. It is not a new creation; it has already been defined in legislation, specifically in the Framework Agreement on First Nation Land Management Act:

. . . a law that is enacted by a First Nation in accordance with the Framework Agreement and the land code of that First Nation.

Second, it amends the RCMP Act, enumerating the duties of RCMP peace officers in section 18 which states:

It is the duty of members who are peace officers, subject to the orders of the Commissioner,

(a) to perform all duties that are assigned to peace officers in relation to the preservation of the peace, the prevention of crime and of offences against the laws of Canada and the laws in force in any province in which they may be employed, and the apprehension of criminals and offenders and others who may be lawfully taken into custody . . . .

[ Senator Cotter ]

The amendment to section 18 proposed in this bill adds “First Nation laws” to the list of federal and provincial laws that the RCMP is empowered and obliged to enforce. Thus, the amended text would read:

. . . the prevention of crime and of offences against the laws of Canada, the laws in force in any province in which they may be employed and First Nation laws . . . .

Honourable colleagues, enforcement of law by First Nations on their lands is key to self-determination and self-government. Recent decades produced legislation in Canada to redress structural failings of the Indian Act, to repeal its antiquated provisions, to modernize government-Indigenous relations and to recognize and enhance First Nations autonomy and self-governance. Here are just three examples.

First, the Framework Agreement on First Nation Land Management is a First Nations-developed and First Nations-led government-to-government agreement signed by 13 First Nations and Canada on February 12, 1996. It intended to create new and enhanced law-making authorities to support the self-determination of First Nations, principally by replacing 44 sections of the Indian Act with First Nations laws through a community-developed and approved land code, initially as Bill C-49, the First Nations Land Management Act in 1999, which was replaced by the more comprehensive Framework Agreement on First Nation Land Management Act in 2022.

The framework agreement expanded the range of autonomous powers that First Nations could exercise, no longer leaving them at the discretion of the Governor-in-Council or minister. Once a signatory to the framework agreement, a First Nation is empowered to create a land code that outlines how the community will work together to develop laws and policies for governing and managing their reserve lands and resources.

As of November 2024, there are 213 First Nations signatories to this framework agreement, of which 122 have enacted their own land codes.

Second, Bill C-428, the Indian Act Amendment and Replacement Act of 2014 eliminated the prerequisite of the minister’s oversight in regard to the submission, coming into force and disallowance of bylaws, which is to say that it was intended to grant to First Nations the autonomy and responsibility over the development, enactment and coming into force of bylaws and the day-to-day governance of their communities.

Unfortunately, despite the intent of Parliament to enhance the self-determining law-making powers of First Nations, Bill C-49 and Bill C-428 have actually created “stranded regimes” of First Nations laws that are not enforced by the RCMP and have not been subject to prosecution by the Public Prosecution Service of Canada.

To quote from Chief Robert Louie and Chief Keith Blake of the First Nations Lands Advisory Board while appearing in the other place:

Many First Nations have achieved tremendous success in governing lands under the Framework Agreement, leading a revolutionary change with advances in law making, retaking control over lands and the environment, dramatic changes in finances and taxation, multi-million-dollar economic projects, and so much more. Despite this success, there is immense frustration over the difficulties we face with enforcement of First Nation laws. Self-government cannot adequately function without enforcement of laws.

They continued, “Freedom from the inadequate Indian Act is meaningless if First Nation laws have no traction.”

Before giving my third example, I am moved to note the tributes yesterday honouring Senator Murray Sinclair — known now by his spirit name, Mazina Giizhik-iban — and his role in securing Bill C-15, committing Canada to implement the principles of the United Nations Declaration on the Rights of Indigenous Peoples. Articles 18, 19 and 20 of this declaration commit Canada to honouring the First Nations right to decision-making powers in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions.

Article 26 of the declaration requires states to do the following:

. . . give legal recognition and protection to these lands, territories and resources . . . with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Colleagues, in the course of carrying out their responsibilities, police officers are daily called upon to exercise sound judgment in how best to fulfill their mandated duties. Each situation is unique. Each requires careful judgment on how to resolve conflict. In considering whether or not to lay charges, officers use their discretion to weigh factors, such as the nature of offence, safety, socio-economic factors, victim’s wishes, alternative paths of de-escalation or conflict resolution. But a different reality on the ground was described by witnesses before the parliamentary committee in the other place. The Tla’amin Nation noted that:

• (1550)

The Royal Canadian Mounted Police (RCMP) often decline to enforce Treaty or Land Code Indigenous government’s laws because they are of the opinion that these are akin to ‘municipal bylaws’. This interpretation is incorrect as these are laws;

Representatives of the K’ómoks First Nation gave an account of RCMP refusing to enforce First Nations land code trespass laws:

The RCMP said they could not . . . charge . . .

— offenders —

. . . under the land code offence. . . . as our laws were not “real laws”. The Crown would not prosecute as it didn’t recognize our laws or the authority we had to create these laws. . . .

Chief Louie, speaking on behalf of the Lands Advisory Board, representing more than 100 First Nations with enacted land codes, summarized the situation:

Many land code First Nations have faced refusal from police forces when they ask for help, with police forces expressing concerns regarding validity of land code laws, concerns about potential liability of police officers, and uncertainty regarding who will prosecute laws if charges are laid. It has been difficult to this point to reach agreement with either federal or provincial prosecutors to tackle First Nation laws under the Framework Agreement. . . .

Some RCMP representatives reinforced his points in testimony to the parliamentary committee in the other place. RCMP S/ Sgt. Ryan How noted:

After 2014, we weren’t able to enforce the bylaws anymore, and that caused an immediate friction with all of the police, who were seen as the ones who suddenly stopped. It was perceived as our decision. . . .

He continued, saying:

My message to the first nation was that the RCMP is standing with you. We support you and we want this to happen; we just can’t enforce it until there’s prosecution.

Such evidence is reinforced by the research and advocacy of Indigenous law experts and academics. To quote Indigenous law expert Nick Sowsun:

From the perspective of a police force, when facing a request to enforce a forced removal from a reserve, the Police Chief or Detachment Commander must consider whether it wishes to allocate the time and resources to a law that has no chance of implementation because there is no provincial/territorial court that recognizes it. Many police forces view *Indian Act* by-laws as not having the same legitimacy as federal, provincial/territorial or municipal law, and as not being worth the liability risk and resource expense required to enforce them.

Enforcement and prosecution of federal laws fall under the remit of the Public Prosecution Service of Canada, or PPSC, a national independent prosecuting authority for federal offences that provides legal advice to law enforcement officials. PPSC officials advised the House committee that PPSC only prosecutes

bylaws that have been officially reviewed, but there is no mandatory departmental review of First Nations land code laws. Guess what doesn’t get reviewed.

Chief Keith Blake adroitly summed up this Catch-22:

Most jurisdictions across the country do not recognize or prosecute nation-legislated offences. The challenge most indigenous communities face in this country is the refusal or the reluctance to have provincial crown prosecutors or federal prosecutors undertake the prosecution of these nation-legislation cases.

Colleagues, law enforcement and prosecution are two separate entities, yet they directly impact one another and must routinely rely on each other to carry out their objectives in an interdependent relationship. However, this model has failed First Nations historically, for generations, resulting in the stranded regimes of First Nations laws. Simply put — it’s a big mess.

The causes of this legislative and bureaucratic mess are known. Solutions are available. What is lacking is political leadership, and this is why Bill S-271 and Bill S-272 are before you now. The Indian Act itself does not specify whether the provinces and territories, federal government or First Nations themselves are responsible for prosecuting bylaw infractions. Lack of coordinated federal, provincial and territorial leadership on this issue has led to a situation where often, no federal, provincial or territorial government chooses to respect First Nations laws.

Colleagues, this is a complex issue. The challenges and obstacles to a clear solution require proper scrutiny, which is exactly what Senate committees offer. I commend Senator McCallum for supporting First Nations across the country who are struggling to protect their communities. Please help move Bill S-271 forward for further study. Thank you. *Meegwetich*.

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

**Hon. Gwen Boniface:** Would you take a question, Senator McPhedran?

**Senator McPhedran:** Yes.

**Senator Boniface:** Thank you very much. Perhaps I am suggesting for this to be included in this study, but were you aware that in Ontario — because we are a different jurisdiction and don’t have the RCMP in that role — the First Nations in Anishinabek Nation have worked out a solution for this and prosecute successfully in court in Sault Ste. Marie? Would you agree with me that this would be a good model to look at? It is actually a creation that they have designed themselves.

**Senator McPhedran:** Thank you very much for the question and the information, Senator Boniface. I would agree. In my next speech, I will reference a similar operation in Manitoba. Thank you.

(On motion of Senator Osler, for Senator Prosper, debate adjourned.)

**DIRECTOR OF PUBLIC PROSECUTIONS ACT**

## BILL TO AMEND—SECOND READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator White, for the second reading of Bill S-272, An Act to amend the Director of Public Prosecutions Act.

**Hon. Marilou McPhedran:** Honourable senators, I am very pleased to rise to speak in support of Bill S-272, An Act to amend the Director of Public Prosecutions Act. I will remind my colleagues that this is a companion piece of legislation paired with Bill S-271, An Act to amend the Royal Canadian Mounted Police Act, to which I just spoke.

As these two bills are closely intertwined, I will refer all honourable senators to my more comprehensive speech, as I hope my comments will be brief. Again, I urge all senators to review Senator McCallum's twin speeches on these bills.

In 2021, the House of Commons Indigenous and Northern Affairs Committee led an in-depth study on enforcement on First Nations reserves as an essential component to their self-government and self-determination, addressing: first, jurisdiction enforcement and prosecution; second, targeted funding for enforcement; third, the First Nations Land Management Act; fourth, First Nations debt certificate processing; fifth, the prosecution of First Nations violation tickets; sixth, enforcement agreements with policing agents; and seventh, enforcement capacity development.

The committee was conclusive in assessing that First Nations face barriers in having their laws and bylaws enforced. The committee report, tabled in the other place in June 2021, made

10 recommendations to the government focused on the urgent need to address the lack of enforcement of First Nations laws and bylaws. Notably, the recommendations presented in the report aimed at moving this issue forward in the short term, recognizing that in many cases, longer-term solutions are still required.

Please note that over the course of recent decades, various pieces of modernizing amendments to the Indian Act have been introduced, all intended to further the self-governance and lawmaking authority of First Nations. These include landmark legislation such as Bill C-49 in 1999, the First Nations Land Management Act, which was replaced by the more comprehensive 2022 Framework Agreement on First Nation Land Management Act.

The framework agreement expanded the range of autonomous powers that First Nations could exercise, removing the need for approval from the Governor-in-Council or minister. Under the framework agreement, a First Nation is empowered to create an independent land code that outlines how the community will work together to develop laws and policies for governing and managing their reserve lands and resources.

Another key piece of legislation was Bill C-428, the Indian Act Amendment and Replacement Act of 2014, which eliminated the prerequisite for the minister's oversight in regard to the submission coming into force and disallowance of bylaws, which is to say that it granted to First Nations the autonomy and responsibility —

**The Hon. the Speaker pro tempore:** I'm sorry, Senator McPhedran.

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

## CONTENTS

Wednesday, December 4, 2024

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>			
<b>Maxene Prevost Shephard</b>			
Hon. Wanda Thomas Bernard . . . . .	7787	<b>The Honourable Nancy J. Hartling</b>	
		Notice of Inquiry	
		Hon. Bernadette Clement . . . . .	7791
<b>Living with Type 1 Diabetes</b>			
Hon. David M. Wells . . . . .	7787	<b>The Honourable Brent Cotter</b>	
		Notice of Inquiry	
		Hon. Bernadette Clement . . . . .	7791
<b>Visitors in the Gallery</b>			
The Hon. the Speaker . . . . .	7788	<hr/>	
<b>Fondation des médecins canado-haïtiens Scholarship</b>			
<b>Winners</b>			
Hon. Marie-Françoise Mégie . . . . .	7788	<b>QUESTION PERIOD</b>	
<b>Women in the Armed Forces</b>			
Hon. Gwen Boniface . . . . .	7788	<b>Public Services and Procurement</b>	
		Procurement Process	
		Hon. Donald Neil Plett . . . . .	7791
		Hon. Marc Gold . . . . .	7791
<b>Visitors in the Gallery</b>			
The Hon. the Speaker . . . . .	7789	<b>Global Affairs</b>	
		Canada-Israel Relations	
		Hon. Leo Housakos . . . . .	7791
		Hon. Marc Gold . . . . .	7792
<b>The Late Honourable Noël A. Kinsella</b>			
Hon. Donald Neil Plett . . . . .	7789	<b>Environment and Climate Change</b>	
		Canada's Emissions Targets	
		Hon. Mary Coyle . . . . .	7792
		Hon. Marc Gold . . . . .	7792
<b>Visitors in the Gallery</b>			
The Hon. the Speaker . . . . .	7789	<b>Finance</b>	
		Canada Emergency Business Account	
		Hon. Tony Loffreda . . . . .	7793
		Hon. Marc Gold . . . . .	7793
<b>International Day of Persons with Disabilities</b>			
Hon. Chantal Petitclerc . . . . .	7789	<b>National Finance</b>	
		Business of the Committee	
		Hon. Scott Tannas . . . . .	7793
		Hon. Claude Carignan . . . . .	7793
<hr/>			
<b>ROUTINE PROCEEDINGS</b>			
<b>Adjournment</b>			
Notice of Motion		<b>Privy Council Office</b>	
Hon. Patti LaBoucane-Benson . . . . .	7790	Federal Public Service	
		Hon. Wanda Thomas Bernard . . . . .	7794
		Hon. Marc Gold . . . . .	7794
<b>L'Assemblée parlementaire de la Francophonie</b>			
Global Conference of Women Parliamentarians, June 26-27, 2024—Report Tabled		<b>Finance</b>	
Hon. Éric Forest . . . . .	7790	Public Accounts	
Session of the America Regional Assembly, August 7-9, 2024 —Report Tabled		Hon. Yonah Martin . . . . .	7794
Hon. Éric Forest . . . . .	7790	Hon. Marc Gold . . . . .	7794
Bureau Meeting, Annual Session and Tenth Edition of the Parlement francophone des jeunes of the Assemblée parlementaire de la Francophonie, July 4 to 9, 2024— Report Tabled		<b>Immigration, Refugees and Citizenship</b>	
Hon. Éric Forest . . . . .	7790	Immigration Levels	
		Hon. Claude Carignan . . . . .	7794
		Hon. Marc Gold . . . . .	7795
<b>Canada-China Legislative Association</b>			
Bilateral Meeting, March 24-29, 2024—Report Tabled		<b>Finance</b>	
Hon. Paul J. Massicotte . . . . .	7790	Temporary Tax Measures	
		Hon. Paula Simons . . . . .	7795
		Hon. Marc Gold . . . . .	7795
<b>Audit and Oversight</b>			
Notice of Motion to Affect Committee Membership			
Hon. Raymonde Saint-Germain . . . . .	7790		

# CONTENTS

Wednesday, December 4, 2024

	PAGE		PAGE
<b>Employment and Social Development</b>		Hon. Denise Batters . . . . .	7799
Canada Disability Benefit		Hon. Bernadette Clement . . . . .	7800
Hon. Andrew Cardozo . . . . .	7795		
Hon. Marc Gold . . . . .	7795		
<b>Public Safety</b>		<b>Bill to Amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (Bill S-15)</b>	
Firearms Buyback Program		Thirty-first Report of Legal and Constitutional Affairs Committee—Debate Adjourned	
Hon. Donald Neil Plett . . . . .	7796	Hon. Brent Cotter . . . . .	7800
Hon. Marc Gold . . . . .	7796		
<hr/>			
<b>ORDERS OF THE DAY</b>			
<b>Business of the Senate</b>		<b>Foreign Influence Registry and Accountability Bill (Bill S-237)</b>	
Hon. Patti LaBoucane-Benson . . . . .	7796	Bill to Amend—Second Reading—Debate Continued	
<b>Bill Respecting Cyber Security, Amending the Telecommunications Act and Making Consequential Amendments to Other Acts (Bill C-26)</b>		Hon. Bernadette Clement . . . . .	7802
Bill to Amend—Twelfth Report of National Security, Defence and Veterans Affairs Committee Adopted			
Hon. Hassan Yussuff . . . . .	7797	<b>Royal Canadian Mounted Police Act (Bill S-271)</b>	
Hon. Denise Batters . . . . .	7797	Bill to Amend—Second Reading—Debate Continued	
Hon. Flordeliz (Gigi) Osler . . . . .	7798	Hon. Marilou McPhedran . . . . .	7802
		Hon. Gwen Boniface . . . . .	7804
<b>Miscarriage of Justice Review Commission Bill (David and Joyce Milgaard’s Law) (Bill C-40)</b>		<b>Director of Public Prosecutions Act (Bill S-272)</b>	
Bill to Amend—Third Reading—Debate Continued		Bill to Amend—Second Reading—Debate	
Hon. Wanda Thomas Bernard . . . . .	7798	Hon. Marilou McPhedran . . . . .	7805