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(HANSARD)

Thursday, December 5, 2024

The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Thursday, December 5, 2024

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

Prayers.

SENATORS' STATEMENTS

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

Hon. Judith G. Seidman: Honourable senators, it was a cold Wednesday afternoon when a young man walked into l'École Polytechnique de Montréal armed with a .223-calibre rifle. The date was December 6, 1989. He entered a classroom of engineering students and instantly ordered all six women to the back and the men to leave.

On that dark day, a total of 14 women lost their lives. The gunman's suicide note stated that women had no place in engineering because they would take jobs from men, that feminists were ruining his life and that his intention was to end the lives of all women in the department of engineering.

Tomorrow is the National Day of Remembrance and Action on Violence Against Women, and I wish to pay tribute to these 14 brave women who lost their lives 35 years ago. Their only sin was daring to dream that they could be engineers.

Polytechnique Montréal has found a way to commemorate these 14 women and to encourage girls to stay in fields like engineering. They created their Order of the White Rose, a scholarship for a female engineering student who wishes to pursue graduate studies at an institution of their choice. This year's winner is 23-year-old Makenna Kuzyk, the first woman to be admitted to the International Test Pilots School in London, Ontario. She wants to inspire women to take an interest in the stars and study aerospace engineering.

Honourable senators, remarkably, violence against women remains all too common today. According to the World Health Organization, one in three women experiences some form of violence in their lifetime, and most of this is by their partners. It doesn't take much thinking to remember recent assaults and abuses against women all over the world. No doubt you are perhaps even remembering someone you know.

December 6 is an opportunity for Canadians to reflect on the phenomenon of violence against women in our society and to commemorate women such as those 14 students in Montreal who died on that Wednesday afternoon 35 years ago.

They are Geneviève Bergeron, Hélène Colgan, Nathalie Croteau, Barbara Daigneault, Anne-Marie Edward, Maud Haviernick, Barbara Klucznik-Widajewicz, Maryse Laganière, Maryse Leclair, Anne-Marie Lemay, Sonia Pelletier, Michèle Richard, Annie St-Arneault and Annie Turcotte.

Thank you.

Hon. Senators: Hear, hear.

HIS EMINENCE FRANCIS CARDINAL LEO, ARCHBISHOP OF TORONTO

Hon. Tony Loffreda: Honourable senators, I rise to pay tribute to an outstanding Canadian, a loyal servant of the Catholic Church and a truly caring, generous and compassionate individual, Archbishop Francis Leo.

On October 6, Pope Francis announced His Excellency Monsignor Frank Leo will be elevated to the College of Cardinals. In two days, I will be joining a group of select guests for his elevation ceremony with Pope Francis at the Vatican.

This promotion is a tremendous achievement and one that is richly deserved. I am incredibly proud of him and deeply touched to have the opportunity to attend this ceremony. I must thank our colleague Senator Toni Varone for his hard work in making this happen. Thank you, Toni. *Grazie*.

Born in Montreal in 1971 to Italian immigrant parents, Archbishop Leo was ordained priest in 1996, served the faithful of Montreal for 27 years and was consecrated bishop in 2022. Two years later, he is being called upon to serve as cardinal. At only 53 years of age, Archbishop Leo will be one of the youngest members of the College of Cardinals.

This, of course, comes as no surprise to me. You see, Archbishop Leo is a family friend. To us, he has always simply been known as "Father Frank." He presided over my children's first communions and confirmations.

As a child, I would often complain about having to go to church with my parents. However, if I did not go to mass, I had no lunch on Sunday. It was a struggle, but as an adult, it was never a struggle to go to mass to see Father Frank and listen to his sermons. He made listening to the gospel meaningful and relevant. His message was always heartfelt, relatable and impactful.

Even when our family moved to another neighbourhood, we continued to drive those extra miles on Sundays just to hear him speak.

One of his most endearing qualities was his ability to be approachable and accessible. There was no division or rank between him and his parishioners. He offered us a safe space, a no-judgment environment where we could share our thoughts and seek his advice and support during difficult times. Despite the prestige surrounding his elevation to cardinal, I know he will remain humble, charitable and compassionate.

Honourable Senators, please join me in congratulating Archbishop Francis Leo on his upcoming elevation as cardinal of the Catholic Church and in wishing him much success in his new role as he assists the Pope in his ministry.

Thank you. *Grazie*.

Hon. Senators: Hear, hear.

OPIOID CRISIS

Hon. Tracy Muggli: Honourable senators, I rise to speak for the first time today in this chamber —

Hon. Senators: Hear, hear.

Senator Muggli: — situated on the unceded and unsurrendered Anishinaabe Algonquin territory, to address an issue of critical importance: the opioid crisis in Canada. I also wish to recognize the First Nations and Métis people of Treaty 6 territory, the land that has sustained my family for generations.

This crisis continues to devastate families and communities across the country, taking lives at an alarming rate. Last week, during National Addictions Awareness Week, we were reminded of the urgency and complexity of this challenge. However, one week of awareness is not enough. It is our shared responsibility to confront this crisis with sustained focus and action.

The Canadian Research Initiative in Substance Matters, or CRISM, a national research network launched in 2015 and funded by the Canadian Institutes of Health Research, has updated its national guidelines for the clinical management of opioid use disorder. These guidelines, published in the *Canadian Medical Association Journal* on November 12, 2024, reflect six years of advancements in science and practice.

The updated guidelines recognize methadone and buprenorphine as equally effective first-line treatments and recommend slow-release oral morphine as a second-line option. Importantly, the guidelines caution against relying only on withdrawal management and de-emphasize strictly requiring psychosocial support in order to access first-line treatments, as there is strong evidence that medication alone is equally as effective for this particular drug problem. They also stress the need for harm reduction services throughout the continuum of care.

• (1410)

CRISM's work is a testament to what evidence-based research can achieve. Their mission to address substance use through leadership, research and action is saving lives and supporting recovery. Their work serves to enhance the essential role of the dedicated health care providers in addiction medicine, such as physicians, nurses, social workers, peer support workers and others on the front lines of this crisis.

In 2023-24, just over 5,500 Saskatchewan residents received such life-saving opioid agonist therapy, providing them with enhanced prospects to strengthen their recovery journey. I congratulate CRISM on their accomplishments and the value they add to supporting those with substance use disorders.

As we move forward, I urge this chamber to support solutions grounded in science, but also to acknowledge the interplay of risk factors for substance use disorder, including poverty and systemic racism. Together, we can advance meaningful change.

Thank you. *Meegwetch*.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Jeremy Harper, Speaker of the Yukon Legislative Assembly. He is the guest of the Honourable Senator Duncan.

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

Hon. Senators: Hear, hear!

THE LATE WESLEY PENNER

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I rise today to pay tribute to the late Wesley Penner from my hometown of Landmark.

Wes was my cousin, 11 years my senior. He was my boss for a period. He was my schoolteacher. He was my coach. He was my hero when he played semi-professional football. He was my biggest headache when I was the chair of the village council while he was a land developer. He was my political adversary as a staunch Liberal.

And yet he was the one who encouraged me the most to put my name forward and run for the provincial Conservatives. He even committed to not oppose me as he acknowledged that our region would be better served with a local member in power. But most of all, Wes was my friend.

Wes Penner was born in a family with humble beginnings on a farmstead in Landmark. But that never stopped him. He earned his degrees at the University of Manitoba. He spent a decade as a high school teacher and coach at Landmark Collegiate. He also did roofing in the summers. Later, with two of his nephews and a couple of chainsaws, and with his young family in tow while living in a tent, he took on a contract of cutting down trees, clearing the way for a large hydroelectric dam in northern Manitoba.

He wasn't afraid of hard work, which is why he became a successful businessman. His many successes led him to become an influential philanthropist.

He engaged in politics and ran four times to become a member of Parliament. This may be the only path where he didn't succeed, but I think that is because he ran as a Liberal.

He was also a published writer on the viability of Canada's health care reforms. But, colleagues, what is most commendable is the fact that he used his resources to help others. He, along with his wife Ruth, sponsored 100 refugees from various countries and provided them with employment within his many companies.

He provided the financial resources necessary for the establishment and construction of the state-of-the-art Central University in the remote community of Mile 91 in northern Sierra Leone.

Following the passing of Wes, Professor Bob Karankay Conteh, vice-chancellor and principal, said:

> Mr. Penner's dedication to empowering others through learning was the cornerstone of our institution. His belief in the transformative power of education turned a shared dream into a reality, laying a foundation that will benefit society for years to come.

Wes believed in helping those less fortunate than himself. In the words of the Apostle Matthew, just last week, Wes's own granddaughter said the following at his celebration of life: "Truly I tell you, whatever you did for one of the least of these, you did for me."

Wesley Penner touched the lives of so many people, and that is why I am honoured to pay tribute to him today.

Thank you, colleagues.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Chief Leroy Denny and members of Eskasoni First Nation in Nova Scotia. 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!

SUPPORT FOR INDIGENOUS LANGUAGES

Hon. Paul (PJ) Prosper: Honourable senators, at this time of year, I'm always struck by how the holidays bring about a sense of community.

In First Nations communities, the ties that bind are cultural and linguistic. Regardless of place, I feel an instant affinity with those who understand the warmth and comfort of *lusknikn* and *gastio'mi* or people who identify themselves as L'nu.

The connection through language is so important that some go to great lengths to build up their proficiency. One such story is that of Rose Meuse and shalan joudry who are from Bear River First Nation in Nova Scotia.

At a language conference in Eskasoni, they talked about an adult immersion program that they developed in cooperation with Mi'kmaw Kina'matnewey, the Mi'kmaw education authority. I was struck by their dedication and resilience in going from not speaking at all to becoming very proficient in a few short years. Many know that the older you become, the tougher it is to learn a new language. Those stories of Rose and shalan inspire me to want to do more for Mi'kmaw language revitalization.

Colleagues, I used to believe that Indigenous languages, as inherent rights under section 35 of the Constitution, should not be placed in the same bucket as French. However, I believe there is a parallel that needs to be explored and understood. The Official Languages Act ensures that French language is properly funded throughout this country. However, we are not seeing the same level of funding commitment to Indigenous languages.

I don't believe that Indigenous issues should be siloed exclusively in the Indigenous Peoples Committee, although that committee does excellent work under the capable chairmanship of Senator Francis. I believe that Indigenous issues touch every aspect of Canadian life and, thus, should be on every committee's radar.

It is my hope that we can explore these issues and champion them together. *Wela'lioq*. Thank you very much.

Hon. Senators: Hear, hear.

[*Translation*]

L'ÉCOLE POLYTECHNIQUE DE MONTRÉAL

THIRTY-FIFTH ANNIVERSARY OF TRAGEDY

Hon. Manuelle Oudar: Honourable senators, tomorrow is a sad day. December 6 is the anniversary of the 1989 tragedy at the École Polytechnique de Montréal. Although it happened 35 years ago, the pain and suffering that followed this incident remain etched on our collective memory.

Fourteen young female students were shot and killed simply for being women. But they were also sisters, daughters, friends. They had hopes and dreams. They had promising futures ahead of them.

On December 6, we honour their memory and acknowledge the courage of the survivors, the bereaved families and all the men and women fighting each and every day to build a world where equality and respect prevail.

Since 1989, this tragedy has inspired concrete steps. Laws have been passed, actions have been taken and civil society remains strongly engaged. However, there is still a lot to be done. We have to keep educating the public, raising awareness and supporting initiatives that promote equality and safety for everyone.

• (1420)

In memory of the victims, 14 beams of light will shine up into the sky above Montreal tomorrow evening. I will be there. For the first time, a fifteenth light will be lit in memory of all the women who have been victims of femicide for so many years. The theme of this year's campaign is "Come Together, Act Now."

From my very first months in the Senate, I have been moved to see that you understand that, as we take action to build a better future, it is essential that we recognize that combatting violence against women is not just a women's issue. Thank you for that. This is a fight that concerns all of us, a fight where every voice counts, regardless of gender. Thank you, gentlemen, for being our allies.

I would like to thank Senator D. M. Wells for his work on Bill S-250, Senator Cormier for his work on Bill C-332 and Senator Manning for his work on Bill S-249. Thank you also to all of you, honourable senators, who fight for our collective responsibility to build a fairer, more egalitarian society free from violence. Let's continue to work together to build a better future, a future where people can thrive without fear of hate or violence, no matter what their identity is.

Together, let's keep the victims' memory alive, let's celebrate the courage of the survivors and let's renew our collective commitment to building a world without violence, where men and women walk hand in hand toward justice and equality.

Thank you, senators. *Meegwetch*.

[*English*]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Chief Jenny Brake of the Qalipu First Nation, Corner Brook, Newfoundland. She is the guest of the Honourable Senator McPhedran.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

STUDY OF 2024 REVISED REPORT ON THE STATUTES REPEAL ACT AND LIST OF ACTS OR PROVISIONS OF ACTS PROPOSED TO NOT BE REPEALED IN 2024

THIRTY-SECOND REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TABLED

Hon. Brent Cotter: Honourable senators, I have the honour to table, in both official languages, the thirty-second report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with the report on the Statutes Repeal Act for the year 2024.

NATIONAL SECURITY, DEFENCE AND VETERANS AFFAIRS

BUDGET AND AUTHORIZATION TO TRAVEL—STUDY ON ISSUES RELATING TO NATIONAL DEFENCE AND SECURITY GENERALLY—THIRTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Hassan Yussuff, Chair of the Standing Senate Committee on National Security, Defence and Veterans Affairs, presented the following report:

Thursday, December 5, 2024

The Standing Senate Committee on National Security, Defence and Veterans Affairs has the honour to present its

THIRTEENTH REPORT

Your committee, which was authorized by the Senate on Thursday, February 10, 2022, to examine and report on issues relating to national security and defence generally, respectfully requests funds for the fiscal year ending March 31, 2025, and requests, for the purpose of such study, that it be empowered to:

(a) travel inside Canada.

Pursuant to Chapter 3:05, section 1(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

HASSAN YUSSUFF

Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix, p. 3381.*)

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

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

THE SENATE

NOTICE OF MOTION TO RECOGNIZE MAY 10 OF EACH AND EVERY YEAR AS BEAR WITNESS DAY

Hon. Brian Francis: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate recognize May 10 of each and every year as Bear Witness Day to honour Jordan River Anderson and his family and to raise awareness of Jordan's Principle and the ongoing challenges that First Nations children and their

families face to access products, services and supports due to inequities and jurisdictional disputes within and across governments.

THE HONOURABLE JEAN-GUY DAGENAIS

NOTICE OF INQUIRY

Hon. Percy E. Downe: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the career of the Honourable Jean-Guy Dagenais.

QUESTION PERIOD

FINANCE

TEMPORARY TAX MEASURES

Hon. Donald Neil Plett (Leader of the Opposition): Leader, this time last year, I asked you about Opération Père Noël. It is a charity in your province that provides presents to children in need. As was the case last year, they received a record-breaking number of requests — over 33,000 so far. The charity has received around 50 requests for new lunch boxes for school, 114 children have asked for mittens and 500 have asked for a winter coat.

Leader, it is absolutely heartbreaking that these children are asking Santa for basic needs as gifts. This is where we find ourselves as a country, and it is terrible.

Leader, how does taking a few cents off of a bag of chips for two months help these children?

Hon. Marc Gold (Government Representative in the Senate): This is the holiday season, and I am pleased that, in my province and in all provinces and territories, there are organizations helping families in need. I am personally proud and pleased to support such efforts, both in my home province and in my electoral division of Stadacona.

Senator, you are referring, as you have been recently, to Bill C-78 for which clause-by-clause consideration was just completed at committee. That two-month break on GST applies to many goods including children's clothing. We hope that all families, children and adults have a healthy, warm, loving and safe holiday season.

Senator Plett: But not the government's problem.

A teenager wrote to the charity asking for a gift card to buy themselves something to eat at the Tim Hortons near their school. It is heartbreaking. Today, we learned that families will have to pay $800 more to feed themselves next year.

Leader, it's time for the carbon tax to end, isn't it? How much more are families expected to take?

Senator Gold: How regrettable, but predictable, it is that you would use this question to make another false claim. The story to which you referred, senator, talked about projected increases in food prices. What did they indicate the causes were? Climate change, not the carbon tax. Shame on you, senator, for using this — I'm "clutching my pearls" out of disbelieve that you would once again promulgate misinformation on the backs of children and teenagers —

The Hon. the Speaker: Senator Martin, go ahead.

• (1430)

Hon. Yonah Martin (Deputy Leader of the Opposition): Leader, my question concerns the temporary GST holiday involving an extremely complicated list of items and its impact on small businesses. During second reading debate on Bill C-78 on Tuesday, I asked the bill's sponsor about an issue raised by the Canadian Federation of Independent Business, or CFIB. The CFIB is justifiably concerned about how the Canada Revenue Agency will handle good-faith errors made by small businesses rushing to implement the changes under Bill C-78. Yesterday, a Canada Revenue Agency official admitted to our Finance Committee, ". . . we're still finalizing our compliance approach . . . ."

Leader, why hasn't your government thought that far ahead?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I was at all committee meetings, including yesterday's, so if I may elaborate on what was said, the representative from the CRA, which is working assiduously to provide information to inquiring Canadians and businesses, made it very clear that their intention with regard to compliance for good-faith errors that may be made — and some errors are inevitably made, such as in the coding of products — is to focus on those who deliberately and fraudulently try to avoid or game the system, not on honest businesses, small, medium or large, who may have inadvertently and in good faith made a mistake.

That's what the CRA said. They've been working hard at redirecting resources to provide information to Canadians to ensure that this is done in a fair and equitable way.

Senator Martin: Yes, but I predict that it will be complicated and create a bit of a mess.

The Prime Minister didn't consult with small businesses or the provinces before his announcement, and media reports say he didn't consult with his caucus or his cabinet either. So the Prime Minister didn't take — or want — anyone's input. Isn't that why this is a mess, leader?

Senator Gold: Senator Martin, this bill was studied intensively this week by the committee. It heard from the witnesses and many others. There was broad support amongst witnesses. But yes, indeed, there are going to be challenges and complications, and this has been acknowledged not only in testimony but by this committee in observations that will be

before this chamber soon. Nonetheless, there is broad-based support for this as a targeted short-term measure to help Canadians, and that's why the bill passed without amendment.

HEALTH

NON-INSURED HEALTH BENEFITS

Hon. Pat Duncan: Senator Gold, in smaller Yukon communities, an auntie or other well-respected individual has been able to obtain a significant number of naloxone kits and share them in the community as needed. It's an important link in less populated places where there is no pharmacy and individuals are not necessarily comfortable going to the health centre or another service location, or where these locations are limited or hard to reach. The Non-Insured Health Benefits Program, which provides extended health benefits such as pharmaceutical drugs and naloxone kits for First Nations people, has recently made a decision to limit coverage for bulk purchases of naloxone kits.

Senator Gold, is this the first time you've been made aware of this decision by the Non-Insured Health Benefits Program?

Hon. Marc Gold (Government Representative in the Senate): Yes, it is, and thank you for bringing it to my attention. The opioid crisis that has ravaged so many of our communities is a national tragedy. Equally disturbing is the information you've just shared — that a drug that could save lives, if administered properly, were someone to suffer an overdose, may not be available as needed. Thank you for bringing that to my attention. I was not aware of this.

Senator Duncan: Thank you. I appreciate that. Yukon communities are continuing to be disproportionately impacted by the opioid crisis, being the Canadian jurisdiction with the second-highest rate of opioid deaths from January to March this year, after British Columbia, and having had the highest rate in 2021.

Senator Gold, this policy change jeopardizes harm reduction efforts, especially in Yukon's remote First Nations communities. One Yukon coalition, a First Nation non-profit community health organization, has written to Minister Holland and other relevant federal and territorial —

The Hon. the Speaker: Senator Gold

Senator Gold: Thank you for further enlightening me on this. I'm glad that it was brought to the minister's attention, and I will certainly undertake to do my part to bring it to the minister's attention as well.

PUBLIC SAFETY

GENDER-BASED VIOLENCE

Hon. Mary Coyle: Senator Gold, it has been four and a half years since the senseless and tragic murders of 22 of my fellow Nova Scotians. The Mass Casualty Commission released its final report last year, outlining 130 recommendations aimed at preventing such tragedies in the future. The Progress Monitoring Committee, established in 2023, released its first annual report last Friday. While progress has been made, the report underscores the need for greater efforts by the federal government to address gender-based and intimate partner violence, particularly through meaningful engagement with marginalized communities such as Indigenous and African-Canadian groups who are disproportionately affected.

Senator Gold, will the government commit to implementing the committee's recommendation to improve engagement with these communities, ensuring their voices are central to developing effective, lasting policies and programs to make communities safer for all?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator, and for your continued important advocacy on this matter. I'm pleased to advise that the government is absolutely committed to implementing the committee's recommendation in this respect.

Senator Coyle: Thank you, Senator Gold. It's good to hear that. While the report recognized the foundational work done by Women and Gender Equality Canada to develop an action plan to combat gender-based and intimate partner violence, it stressed that further financial investments in community-based programming are required to see tangible results in the field, especially in rural areas. Will the federal government commit to providing the long-term funding necessary to support these programs critical to ending gender-based and intimate partner violence in rural Canada?

Senator Gold: Thank you for your question and for highlighting the National Action Plan to End Gender-Based Violence.

The government is very aware that rural rates of intimate partner violence against women are significantly higher than those in urban areas. I'm never able to commit to future funding, but I would remind the chamber of the commitments that the government has made — $601 million in the 2021 budget and another $539 million in 2022 to support provinces and territories in this matter.

[*Translation*]

PUBLIC SAFETY

BORDER SECURITY

Hon. Jean-Guy Dagenais: My question is for the Leader of the Government.

I was delighted to see that the president-elect of the United States, Donald Trump, noticed the same shortcomings I recently told you about when it comes to the surveillance of our borders.

We are now being told that concrete action will be taken. We're being promised helicopters and drones. Incidentally, let's hope that the RCMP doesn't repeat past mistakes and that it buys Quebec-made helicopters from Bell Helicopters this time. That may help make up for the lack of Canadian content in our procurement chain, as underscored in the Auditor General's latest report.

How can we take these grand promises of increased border surveillance seriously, though, given that it takes years to deliver helicopters, planes and submarines?

Are you aware that Donald Trump won't even be president of the United States anymore by the time the helicopters are delivered?

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

As the minister responsible has said on several occasions, Canada has already done a great deal to secure our border. What's more, it is absolutely false to say that our border is leaky or broken, or any of the other things we've been hearing lately.

That said, the government is well aware that more needs to be done to secure our border. This includes the purchase of helicopters and the other elements you mentioned, as the minister and the RCMP have announced.

Canadians can rest assured that the government will continue to ensure that our borders are secure.

Senator Dagenais: As you know, CBSA is short between 2,000 and 3,000 officers, the RCMP is short 1,000, and our armed forces are short 16,000 members.

Can you explain how Canada will miraculously be able to increase its border surveillance to satisfy President Trump?

• (1440)

Senator Gold: The Government of Canada will continue to act in Canada's interest, no matter who is in the White House. This government has invested more money since coming to power nine years ago than previous governments did. It will continue to invest in our armed forces and resources to keep Canadians safe in our country.

[*English*]

SYSTEMIC RACISM

Hon. Brian Francis: Senator Gold, the Assembly of First Nations passed a consensus resolution this week calling for a national inquiry into systemic racism in policing, emphasizing that despite 20 inquiries into policing and justice systems since 1989, the federal government has failed to take meaningful action to address systemic racism within the RCMP and other agencies. The resolution also calls for the creation of a national crisis intervention team, the demilitarization of police forces and other critical reforms.

Senator Gold, will the federal government commit to acting on this resolution, including by launching a comprehensive and independent national inquiry as soon as possible?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and recommendation, which I will certainly raise with the minister. No matter where anyone lives in whichever community, everyone in Canada deserves well-funded, culturally sensitive and respecting police services. While the government has made important progress, including further stabilizing police services, expanding to communities like Siksika Nation and signing a framework agreement with Nunavut last year, the government knows much more needs to be done. The government is working to improve and expand First Nations policing by co-developing legislation that recognizes First Nations policing as an essential service and amending the First Nations and Inuit Policing Program based on the recommendations of the Auditor General.

The government will continue to work with First Nations and Inuit partners to make these long-standing commitments a true reality.

Senator Francis: Senator Gold, in 2022, the RCMP had some of the lowest participation rates in Indigenous cultural awareness programs and Indigenous-sensitive programs along all federal government departments and agencies, especially among uniformed officers. Could a lack of education be contributing to the systemic racism and the tragic deaths of First Nations individuals? Will the government make such education mandatory across the RCMP?

Senator Gold: One hopes that education will address deep-rooted attitudes that are at the heart of systemic racism, which we can identify and has been identified and acknowledged in many areas. I'm not in a position to make a commitment vis-à-vis the training, but I'll bring that to the attention of the minister as a helpful suggestion.

PAROLE BOARD OF CANADA

Hon. Leo Housakos: Senator Gold, last Friday, the Halton Regional Police Service in Oakville, Ontario, arrested a man following a violent home invasion and attempted auto theft. To the surprise of absolutely no one, he had been out on a release order as of October 12 with a condition not to possess any weapons. The Chief of Police Stephen Tanner said:

> Our citizens should not have their personal safety and the security of their own property threatened by violent and repeat offenders who are out on bail, and who are bound by court orders to which they have no intention of complying with.

This goes directly to your catch-and-release in Bill C-75, leader. Government leader, what is your response to Chief Tanner and to the people of Halton?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The breach of any condition, whether imposed by a parole board, Corrections Canada or a court order, by anyone subject to those orders is wrong. Exposing innocent citizens, residents and visitors to the harm that they may cause is deplorable.

Again, not knowing the circumstances under which the person was given release — whether it was a statutory release or parole board release — or how the Correctional Service of Canada and the police were monitoring his whereabouts, I really can't comment on the specific case.

Violence committed against innocent citizens is wrong. I do not see the link, however, Senator Housakos, so I'm sure you'll enlighten me as to how this bears upon legislation.

Senator Housakos: Your government is beyond enlightenment. We've now seen evidence of people who are benefiting from this government catch-and-release policy of repeat offenders over and over again. What else do you need to see? Canadians want to live in safety, away from violence and fear. It's not a great request.

When will your government acknowledge the failure of your policies and the risks that it's putting Canadians at? Why is it just you and the NDP-Liberal government who don't comprehend that you have failed miserably in protecting Canadian citizens?

Senator Gold: Senator Housakos, I seem to remember that when I was appointed to the Parole Board of Canada by former Prime Minister Harper's government, I was administering a piece of legislation passed by Parliament which spoke of the rules that I had to follow — legislative rules and policy rules — to ensure that those to which I was subject were treated properly and fairly and that risk was managed.

If you want to blame the courts and legislators for not locking up people and throwing away the key until —

The Hon. the Speaker: Senator Carignan, please.

[*Translation*]

Hon. Claude Carignan: Leader, we learned this week that, between 2014 and 2022, the violent crime rate in Canada increased by 43.8% to 434.1 violent crimes per 100,000 people.

An Hon. Senator: Unbelievable.

Senator Carignan: That means Canada's violent crime rate is 14% higher than the United States'. Let me repeat that. Under the Trudeau government, Canada has become a more violent country than the United States. Fredericton's police chief pinpointed the reason: the Trudeau government's soft-on-crime measures, such as Bill C-75. Canadians are feeling increasingly unsafe.

Senator Gold, when will the government do away with its catch-and-release justice system? When will you stop prioritizing criminals' rights over those of honest citizens?

Senator Gold: With all due respect, Senator Carignan, your comments distort not only the intent, but also the consequences of the legislation that Parliament passed. I would reiterate that, in any society with a Charter of Rights and Freedoms, we need to emphasize and enforce the Criminal Code and penal codes to protect citizens from violence and crime, while respecting the standards and rights set out in the Constitution. If a government wishes to change this system and set aside the Charter, there may be a way to do so, but that would be unfortunate, because, once again, it's not legislation, nor the courts, nor independent commissions that are to blame for all this.

Senator Carignan: Last week, Troy Dennis Ledrew fired random shots at vehicles on Highway 401 in Toronto. He had recently been released following an arrest. He was also on probation and under multiple firearms prohibitions. These things no longer mean anything in Justin Trudeau's Canada. This kind of thing happens in Canada every day. Criminals who should be in jail are being released because of the Liberals' policies. When will that stop?

Senator Gold: I repeat, if long-standing legislation provides that a person is eligible for probation administered by an independent tribunal, then that is the way to go. We have to trust our independent tribunals.

GLOBAL AFFAIRS

SUPPORT FOR HAITI

Hon. Suze Youance: My question is for the Government Representative in the Senate. With the growing insecurity in Haiti, the pearl of the Antilles, can you update us on Canada's efforts to restore peace in Haiti? In other words, what measures are being taken to evaluate our actions in the field? What concrete steps are being taken to stop weapons from being trafficked from our continent to the Caribbean?

• (1450)

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. Canada will continue to support Haitian-led solutions to the political, security and humanitarian crises. Canada will also continue to work with Haitian stakeholders, CARICOM and international partners to support the next steps toward free and fair elections in Haiti and to address the security crisis, including through the Multinational Security Support mission. The law enforcement agencies of our respective countries work together every day to disrupt the illegal trafficking that you rightly mentioned. It is my understanding that the CBSA is stepping up inspections at ports of entry, adding more detector dogs and using new emerging technologies to prevent illegal trafficking.

Senator Youance: Thank you. The president-elect of the United States promised mass deportations specifically targeting the Haitian immigrant community, and extremist marches have been being held since.

Is the Canadian government in talks with our neighbour to the south to prevent any resulting tensions over migration?

Senator Gold: Thank you. Let me begin by making it clear that our government will always oppose hatred and discrimination against vulnerable communities.

To answer your question, the United States is not only our neighbour, but also our closest friend and ally. The government has worked successfully with both Republican and Democratic administrations and will continue to do so.

[*English*]

SUPPORT FOR UKRAINE

Hon. Stan Kutcher: Senator Gold, as the war in Ukraine drags on, much attention has focused on the terrible toll it has taken. Less well appreciated is that while the war continues, Ukraine is reforming its legislative and regulatory environment to meet the EU standards. This provides more comfort for Canadian business investment in specific sectors of its economy. This is important because rebuilding will require substantial private investment that needs to start before the war ends.

What is our government doing to support Canadian companies interested in doing business in Ukraine now?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question and for highlighting the importance of private investment in Ukraine.

My understanding is that Export Development Canada, or EDC, continues to closely monitor the situation on the ground in Ukraine. It is engaging with Canadian exporters and qualified investors interested in the Ukrainian market and is providing support through its suite of products.

The government is also working with EDC to explore new ways to support the flow of trade between our country and Ukraine and to provide additional assistance to Canadian businesses looking to do business in Ukraine.

Senator Kutcher: Senator Gold, thank you for that. EDC is doing a good job, but one potential vehicle that could be used in this situation is FinDev. Although traditionally focused on supporting investment in developing countries, relatively minor adjustments to its terms of reference might allow this vehicle to be used in Ukraine.

Will the government consider this option so that it might become an additional support for Canadian investment in Ukraine's rebuilding?

Senator Gold: Thank you, senator, for that. The government is always looking for new and innovative ways to assist and to improve its work in its support of Ukraine, and I'll certainly bring this to the attention of the minister.

[Senator Gold]

TREASURY BOARD

DIGITAL CREDENTIALS

Hon. Colin Deacon: Senator Gold, this week's Auditor General's *Report 9—Digital Validation of Identity to Access Services* highlights that "Canada is missing a national approach to establish interoperable systems to validate identity online."

Now, in plain English, this means our citizens do not have control over their privacy and security when engaging with government online. The report identified that France, Germany and Italy have implemented both legislation and single sign-in systems. Canada has neither. This lack of leadership and policy framework undermines digital governance and the privacy and security of Canadians.

Senator Gold, why has the government failed to establish the legislative and policy framework needed for citizens to be able to control the use of their identity and credentials online? What immediate actions can be taken to ensure that Canada catches up on this crucial area of digital governance?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for highlighting and underlining an important finding of the Auditor General, upon which I was briefed as well.

I'm not conversant with all the complexities that may apply in this case. This is not a rationale for the fact that, according to the Auditor General, we certainly have some ground to catch up with.

A federal country is more complicated than a unitary state — that goes without saying — but I certainly will raise this with the minister. I know that the government is seriously examining the recommendations of the Auditor General and looking at ways for Canada to make progress in this important area.

Senator C. Deacon: Thank you, Senator Gold. This is solely a federal responsibility that I'm looking at, just federal departments. Budget 2024 proposed $25 million over five years to take 90 separate departmental sign-ins and turn them into a single sign-in. The Auditor General identified that Shared Services Canada issued a request for proposal earlier this year without first identifying the transition costs.

How do we start to streamline this system so that we actually get to a solution that protects Canadians from cyber-risks?

Senator Gold: There's no question that protecting Canadians from the increasing range and sophistication of cyber-risks is a critical issue addressed in legislation — we have legislation that I hope we will pass soon — and by other measures, such as the one that you highlight.

I will certainly make inquiries to see whether things can move more quickly and efficiently in this area.

ORDERS OF THE DAY

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

BILL TO AMEND—THIRD READING

Hon. John M. McNair moved third reading of Bill C-26, An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts, as amended.

He said: Honourable senators, I rise today as the sponsor of Bill C-26 to speak at third reading. As you know, Bill C-26 is entitled "An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts."

I would like to begin by thanking both staff and my colleagues on the Standing Senate Committee on National Security, Defence and Veterans Affairs for their diligent study of the bill. I also want to thank the officials who worked tirelessly on this bill, and that includes those from Public Safety; Innovation, Science and Economic Development, or ISED; and the Communications Security Establishment, or CSE. They have been highly professional and extremely responsive during the review of this complex legislation.

I want to start today by giving an overview of the threat landscape in Canada. Right now, our country is facing unprecedented cyber-threats. The threats exist across all segments of our society. Government, industry, academia and individuals have been and are being targeted by increasingly sophisticated threats, including the malicious use of artificial intelligence.

Whether targeted by criminal organizations or state actors, Canada cannot afford to fall behind our allies when it comes to passing legislation that empowers the government to protect Canadians and the critical cybersystems they interact with each and every day.

Last year alone, automated defences used by the CSE protected the Government of Canada from 2.3 trillion malicious actions. Averaged out over the course of the year, that is the equivalent to 6.3 billion cyber-threats targeting the Government of Canada each day.

Despite this impressive record, we know that over the past four years, at least 20 networks associated with the Government of Canada's agencies and departments have been compromised by the People's Republic of China, or PRC, cyber-threat actors.

Think about that for a minute. In the past four years, there have likely been over 9 trillion malicious cyberactions taken against the Government of Canada, and as a result of those, we have seen 20 networks compromised. That's one network every 450 billion attempts.

• (1500)

NASA estimates that there are approximately 100 billion stars in our galaxy. Before you wonder why I'm bringing up NASA, it's to say that the needle in the haystack that we are asking our cyberintelligence service to find is within a haystack the size of four-and-a-half Milky Ways. Think about that the next time you look up at the night sky.

The Canadian Centre for Cyber Security, known as the Cyber Centre, is only able to tell us with some precision about the number of government compromises originating from the People's Republic of China, or PRC, because they have total visibility and are in charge of running an entire system of defence and response to keep the Government of Canada's data secure.

Colleagues, you may be thinking, "This is all well and good, but what does it have to do with the provisions found in Bill C-26, which do not apply to the Government of Canada networks?" Here's my response: If the government is targeted 2.3 trillion times a year, how often do you think our telecommunications, transportation, banking and energy sectors are targeted? Do you think it's more? Do you think it's less? Do you think these industries have adequate capabilities to defend their organizations? Senators, there are no wrong answers to these questions and that is because, quite frankly, we do not yet have the answers ourselves.

Bill C-26 is designed to change that. It intends to bring in baseline cybersecurity programs and mandatory reporting for critical infrastructure operators. Through this bill, it will become incumbent upon federally regulated critical infrastructure operators in four key sectors to alert the government when there has been a significant attack on their infrastructure. We need this because we are heavily reliant on these four sectors of telecommunications, energy, transportation and finance.

In October of this year, the Cyber Centre released its updated *National Cyber Threat Assessment*. I encourage all senators to go on the website and read the document carefully. This updated threat assessment is another stark reminder of why Bill C-26 is timely, important and requiring our urgent consideration for approval. The Cyber Centre in that report tells us:

> Canada is confronting an expanding and complex cyber threat landscape with a growing cast of malicious and unpredictable state and non-state cyber threat actors, from cybercriminals to hacktivists, that are targeting our critical infrastructure and endangering our national security. These cyber threat actors are evolving their tradecraft, adopting new technologies, and collaborating in an attempt to improve and amplify their malicious activities.
>
> Canada's state adversaries are becoming more aggressive in cyberspace. State-sponsored cyber operations against Canada and our allies almost certainly extend beyond espionage. State-sponsored cyber threat actors are almost

> certainly attempting to cause disruptive effects, such as denying service, deleting or leaking data, and manipulating industrial control systems, to support military objectives and/or information campaigns. . . .

The Cyber Centre goes on to say that:

> State-sponsored cyber threat actors are very likely targeting critical infrastructure networks in Canada and allied countries to pre-position for possible future disruptive or destructive cyber operations.

Bill C-26 looks to implement the baseline safeguards necessary to ensure that timely cyberthreat information and mitigation advice is provided to federally regulated critical infrastructure operators in order for them to secure their systems and keep Canadians safe. Mandatory reporting of serious cyber incidents, as required by this legislation, will make one organization's detection another's prevention.

On November 13, 2024, the U.S. Cybersecurity and Infrastructure Security Agency along with the Federal Bureau of Investigation issued a joint statement on the PRC's targeting of commercial telecommunications infrastructure in the United States. The joint release says that the Americans have:

> . . . identified that PRC-affiliated actors have compromised networks at multiple telecommunications companies to enable the theft of customer call records data, the compromise of private communications of a limited number of individuals who are primarily involved in government or political activity, and the copying of certain information that was subject to U.S. law enforcement requests pursuant to court orders. . . .

Communications Security Establishment Canada, or CSE, confirms that PRC state-sponsored cyber threat actors tracked and known as Volt Typhoon are almost certainly seeking to preposition within U.S. critical infrastructure networks for disruptive or destructive cyberattacks in the event of a major crisis or conflict with the U.S. This Volt Typhoon prepositioning is especially noteworthy because the PRC has not historically conducted these types of campaigns against infrastructure in the United States before.

It gets worse. A November 22 article in the *New York Times* indicates it is now believed that hackers from a group called Salt Typhoon, also closely linked to China's Ministry of State Security, were actually lurking undetected inside the networks of the biggest American telecommunications firms for more than one year. The article indicates officials have learned the hackers got a nearly complete list of phone numbers the Department of Justice monitors in its lawful intercept system, which places wiretaps on people suspected of crimes or spying. While officials do not believe the Chinese actually listened to all those calls, the hackers were likely able to combine those phone numbers with geolocation data to create a detailed intelligence picture of who was under surveillance. As a result, officials believe the penetration almost certainly gave China a road map to discover which of China's spies in the U.S. have been identified and which they have missed.

Senators, I am providing you with this information to clearly indicate the threat is real, the threat is pervasive and the threat is happening now. CSE has warned that the PRC's prepositioning within U.S. critical infrastructure increases the risk to Canada. Any disruptive or destructive cyberthreat activity against integrated North American critical infrastructure such as pipelines, power grids and rail lines would likely affect Canada due to their cross-border interoperability and interdependence. Bill C-26, through the new critical cyber systems protection act, or CCSPA, would help us safeguard the critical infrastructure mentioned above.

Non-state actors also pose a significant risk to our critical infrastructure. The Cyber Center has reported that some pro-Russia, non-state cyberthreat actors have attempted to compromise operational technology systems within critical infrastructure in North America and Europe with the intent to disrupt those systems in retaliation for providing assistance to Ukraine. This activity targets internet-accessible devices and exploits basic vulnerabilities such as insecure remote access software or the use of default passwords.

For instance, in January 2024, a pro-Russian, non-state group, known as the Cyber Army of Russia Reborn, or CARR, claimed responsibility for the overflow of water storage tanks at water facilities in Texas. The compromise of the industrial control systems resulted in the loss of tens of thousands of gallons of water. Additionally, CARR compromised the supervisory control and data acquisition system of a U.S. energy company, giving them control over the alarms and pumps for tanks in that system. Despite CARR briefly gaining control of these industrial control systems, instances of major damage to victims have thus far been avoided due to CARR's lack of technical sophistication.

It is the CSE's assessment that pro-Russia, non-state actors will likely attempt to disrupt vulnerable internet-connected operational technology systems within Canadian critical infrastructure when the opportunity arises. The result may cause systems to malfunction, leading to damage or destruction of those systems and possible resulting harms to public safety.

An example of such an attack occurred in September 2023 when a pro-Russia, non-state cyber group claimed responsibility for a distributed denial of service campaign against Canadian websites, including Quebec provincial government websites, which resulted in Hydro-Quebec's website, their app and the page for verifying power outages being taken temporarily offline. While Canadians may be aware of the threats posed by China and Russia, new adversaries are sharpening their tools and also emerging in this space.

• (1510)

Iran has taken advantage of its back-and-forth cyberconfrontation with Israel to improve its cyberespionage and offensive cybercapabilities and to hone its information campaigns, which it is now almost certainly deploying against targets in the West.

The Communications Security Establishment, or CSE, states that while it is unlikely that Canada is at present a priority target of Iran's cyberprogram, ". . . Iranian cyberthreat actors likely have access to computer networks in Canada, including critical infrastructure."

In addition, the CSE has said cybercrime is now the most prevalent and pervasive threat to Canadians and Canadian businesses, with ransomware at the top of the list.

The Cyber Center went so far as to say that ransomware is the top cybercrime threat facing Canada's critical infrastructure. They say that critical infrastructure operators are more likely to pay ransoms to cybercriminals to avoid disruptions, and the primary strategy used by many of the most prolific ransomware groups impacting Canada is called "big game hunting."

As the title suggests, big game hunting involves targeting critical infrastructure entities to extract larger ransom payouts or trophies. The services these operators deliver are so important that criminals have determined that they are more likely to be paid out big if they successfully breach one of their networks.

We saw the damage that such a cyberattack can cause when a U.S. energy company was the target of a ransomware attack in May 2021. A Russian criminal group extorted $4.3 million after they disrupted the largest fuel line in the United States of America. The incident was so significant that it led President Biden to call a temporary national state of emergency.

The CSE has warned that Canada's oil and gas sector is also a likely target for similar disruptions. In an interview with CBC, the Chief of the CSE, Caroline Xavier, described the damaging possibility of such an attack to the CBC. She said:

> Just imagine that if you get to a gas distribution and the pressure mounts, it could potentially explode and that could be really harmful to a local neighborhood, for example, or people that are surrounding it.

Over the last two years, we've seen a notable increase in these types of cyberattacks in Canada. Just between 2022 and 2023, the Cyber Center observed a 159% increase in ransomware incidents targeting the information technology sector, a 157% increase in the financial sector, a 122% increase in the transportation sector and a 67% increase in the energy sector.

Unfortunately, 2023 was also an auspicious year for ransomware criminals. The cybersecurity firm Chainalysis found that last year, over $1 billion was extorted globally in cryptocurrency payments from victims of ransomware attacks. This is the first time that the $1-billion mark has been breached or passed in the total amount received by ransomware attackers.

Colleagues, Canada must be better prepared to deal with these threats to our safety. I believe that Bill C-26 will be a critical component in achieving that.

I have provided a longer overview of the threat landscape than originally intended, but it is important to understand exactly what we are up against and how far behind we are currently.

As a reminder, Bill C-26 will help to promote and increase cybersecurity across four major sectors: finance, telecommunications, energy and transportation.

Part 1 of this bill would amend the Telecommunications Act to enshrine security as a policy objective and bring the security framework regulating the sector in line with those of other critical infrastructure sectors.

The amendments to the Telecommunications Act would enable the Governor-in-Council and the Minister of Innovation, Science and Industry to direct telecommunications service providers to take specific actions to secure Canadian telecommunications systems. This change allows the government to act swiftly in an industry where milliseconds can mean the difference between safety and risk.

When necessary, this means that Canadian telcos could be prohibited from using specific products or services from high-risk suppliers, which would prevent these risks from being passed on to users.

With these amendments, the Governor-in-Council and the Minister of Innovation, Science and Industry, as I said, would have the ability to take security-related measures, just as other federal regulators can do in their respective critical infrastructure sectors.

These authorities do not just focus on cybersecurity but can equally address situations of human error or climate-based disruptions that can cause risk of outages to these critical services. The minister will clearly be able to direct telcos to, among other things, remove products and services from their infrastructure for reasons of national security. As you know, it plans to do this with Huawei and ZTE. Without the ability to do this, the telecommunications sector is vulnerable to cyberattacks.

Part 2 of the bill introduces the new Critical Cyber Systems Protection Act, which would legally compel designated operators in the four key federally regulated sectors to protect their critical cybersystems.

While the list of vital services and systems is currently comprised of sectors in the Canadian telecommunications system, the banking systems, energy and transport, the Governor-in-Council may also add new vital services and systems if and when it is deemed necessary. This part of the bill provides the tools the government needs to take further action to address a range of vulnerabilities.

To do so, designated operators of vital services and systems would be obligated to implement cybersecurity programs, mitigate the supply chain and third-party risks, and comply with cybersecurity directions. It would also increase the sharing of information on cyberthreats by requiring the reporting of cybersecurity incidents above a certain threshold. This ensures both industry and government are working from the same information to make informed decisions.

Currently, there are no such legal requirements for industry to share information on cyberincidents and no legal mechanism for the government to compel action in the face of known threats or vulnerabilities. This means that there could be potential threats the government is not aware of and not able to take action against.

Mandatory reporting will provide the government with increased visibility across the complete network and allows for the sharing of best practices to combat the exploitation of vulnerabilities.

The bottom line is this: If you are operating in finance, telecommunications, energy or transportation, you need a cybersecurity program in place and to report any cybersecurity incidents to the Canadian Centre for Cyber Security. This is not currently a requirement, which is creating a significant risk for our critical infrastructure.

Part 2 of Bill C-26 also aims to serve as a model for our provincial, territorial and municipal partners to protect critical cyberinfrastructure in sectors under their respective jurisdictions, like health care. It's my understanding that two provinces, Ontario and Quebec, are currently using Bill C-26 as a model.

I want to briefly turn now to discuss the study of Bill C-26 at the Standing Senate Committee on National Security, Defence, and Veterans Affairs. We heard from 31 witnesses over the course of four meetings and received 11 briefs. Witnesses included the Ministers of Public Safety and Innovation, government officials, members of industry and civil society, privacy experts, regulators of cyberspace and academics, as well as the Privacy Commissioner, the Intelligence Commissioner and the Superintendent of Financial Institutions.

Members of industry were largely supportive of this bill and highlighted the need for it. David Shipley of Beauceron Security said:

> I want to acknowledge that important changes I, my colleagues on the cyber council and others advocated during parliamentary hearings and have been reflected. The deletion of clause 10 and subsequent restoration of the due diligence defence, the removal of the requirement for immediate reporting of cybersecurity incidents and the harmonization with existing obligations in North America were all needed changes.

Other witnesses raised concerns that Bill C-26 gives the government the ability to collect personal information. It's critical to remember that this bill deals with systems, not personal information. A cybersecurity direction from the minister will focus on systems data.

• (1520)

Civil liberty groups and industry experts also raised concerns that new powers granted to the government under Bill C-26 are too broad. For example, stakeholders said there is the potential for orders or directions to be issued without the government consulting or considering relevant factors, such as whether reasonable alternatives exist to issuing the order or direction.

I want to remind colleagues that the amendments made at the House committee further enhanced privacy protections and transparency through the inclusion of the following: A reasonableness standard for both orders and directions was added; a non-exhaustive list of factors to consider when making an order or cybersecurity direction was added; notification requirements for confidential orders and directions were added; more explicit provisions on privacy and confidential information and specific reference to the applicability of the Privacy Act were added; federal-provincial considerations around information sharing were added; and an obligation for the Minister of Public Safety to notify the National Security and Intelligence Committee of Parliamentarians, or NSICOP, and the National Security and Intelligence Review Agency, or NSIRA, within 90 days after a cybersecurity direction was added.

Further, annual reports to Parliament will need to include information, such as the number of directions that were issued and the impacted designated operators, as well as an explanation of the necessity, proportionality, reasonableness and utility of the directions.

Additionally, colleagues, we heard at committee from many organizations advocating for the inclusion of a special counsel to be appointed during judicial review proceedings stemming from the new powers granted to the government to issue orders and cybersecurity directions under Bill C-26.

Through a coordinating amendment in Bill C-70, the Countering Foreign Interference Act, which received Royal Assent on June 20, there are now superseding provisions for the treatment of sensitive information during judicial review proceedings. The provisions found in Bill C-70 apply broadly to federal legislation and replace those that existed in Bill C-26, and they respond to stakeholder concerns raised during the other place's study of Bill C-26, including a provision with respect specifically to the role of a special counsel.

Therefore, Bill C-70 amended the Canada Evidence Act to create a harmonized secure administrative review proceedings regime that now applies broadly to federal legislation, not just Bill C-26. The new secure administrative review proceedings regime can be found in section 84 of the Countering Foreign Interference Act and includes provisions that do the following: First, it allows a judge to base their decision on sensitive information while ensuring the continued protection of the information from public disclosure; second, it permits the appointment of a special counsel to represent the interests of the non-governmental party throughout the proceedings; and third, it provides for a summary of the confidential information to be provided or for information to be disclosed if the public interest outweighs the risks to national security.

I want to end my comments today by speaking briefly about similar legislation that has been brought in by our Five Eyes allies.

The United States has begun industry consultations on the Cyber Incident Reporting for Critical Infrastructure Act. Penalties for non-compliance include significant fines and imprisonment for terms of up to five years. Individuals can face federal contempt of court charges, penalties or disbarment if they are legal professionals. Unlike Bill C-26, which applies only to a few select segments of critical infrastructure at this stage, the U.S. government estimates 300,000 entities will be covered by the new act.

The U.K.'s Telecommunications (Security) Act 2021 is broadly similar to Bill C-26. That act requires telecom providers to have measures in place to identify and defend their networks from cyber-threats, as well as prepare for any future risks. Swift action must be taken under their legislation after a security compromise has arisen in order to limit, remedy and mitigate the damage.

Australia and New Zealand also have similar legislation actively in place at this time. When asked about the risk of Canada being left behind by its Five Eyes allies, Todd Warnell, Chief Information Officer of Bruce Power, who was a witness before the committee, said:

> I would argue that when one party in a group is not pulling its weight, they usually get left behind. I would expect that a similar behaviour or outcome could be facing Canada if we do not create the right tool and capabilities in our national law to be able to stay at least aligned with our most important allies.

He went on to say:

> Ideally, I'd like to see us leading the pack. We have amazing capabilities, leaders and technologists in the organizations that do this on a day-to-day basis on behalf of the Government of Canada. We need to be able to help them do their best, not only in Canada but for nations around the world.

Colleagues, the act of balancing personal freedoms and public interest against national security is always delicate. I take seriously the concerns raised by stakeholders about the privacy issues in the bill. I also believe this bill, as amended, does a good job of balancing those sometimes competing interests.

Let me be perfectly clear: Without this bill, we do not have the legislative authority to raise the baseline defences of our critical infrastructure. Without this bill, we are making it easy for both state-sponsored and non-state-sponsored actors to attack our networks. And without this bill, we are definitely lagging behind our Five Eyes partners.

There was all-party support and agreement on the importance of this bill in the other place. I hope we will see the same here in the Senate. I am going to close my remarks by again quoting Mr. Warnell. In his testimony before the committee, he said:

> Bill C-26 represents a pivotal first step in fortifying the resilience and security of Canada's critical infrastructure to ensure the safety, reliability and integrity of essential services for all Canadians. This legislation is not merely a policy proposal but a commitment to safeguarding the backbone of our nation's economy and security in an increasingly complex and evolving global cyber threat landscape.

Colleagues, I can't say it any better than that. I ask you to seriously consider supporting the passage of Bill C-26 and giving us the tools that we need to deal with this risk. Thank you. *Meegwetch*.

Hon. Pat Duncan: Honourable senators, I rise today to speak at third reading of Bill C-26, An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts. I want to thank Senator McNair for his thoughtful remarks and stewardship of this very important legislation. Senator McNair has ably addressed cybersecurity in his remarks. My remarks will be focused on critical infrastructure.

As we have become acutely aware, communications infrastructure is increasingly essential and increasingly vulnerable against attacks and malfunction, which can lead to devastating consequences. The more vulnerable the infrastructure, the more at risk the population served by it becomes. Not surprisingly, Canada's North is at a higher risk due to its lack of redundancies and its vast, relatively unprotected territory.

Honourable senators, my home territory of the Yukon, which I try to give a voice to in our upper chamber, has one fibre optic cable coming into the territory from the South. This is our communications lifeline and serves the entire population with cellphone and internet services, and this includes the territory's emergency response systems.

When this cable is damaged or severed, which sadly is not an unusual occurrence — either due to wildfire, melting permafrost or being cut by a contractor in northern B.C. with a backhoe — the Yukon has no alternative but to utilize the increasing number of Starlink satellite dishes, the local Yukon Amateur Radio Association volunteers or, as a means of informing the public, the CBC on the FM band. I have outlined the importance of the public broadcaster in my speech on Senator Cardozo's inquiry.

The Yukon and the Northwest Territories have been working with our communications provider, Northwestel, to create redundancy. The role of public funding for this project is a must since the number of customers and the vast distances involved makes the market forces unable to maintain and expand access at a reasonable cost.

The Dempster Fibre Line, connecting the Yukon fibre line with the Mackenzie Valley Fibre Link in the Northwest Territories, creates a loop, allowing for redundancy and for our communications to be more resilient against disruptions. Climate change is adding to the vulnerability with increased frequency and the scale of forest fires and the melting of permafrost.

• (1530)

This project, funded by Yukon, using their First Nation procurement guidelines, with contributions from Canada, is a living example of northern multi-use infrastructure. The three northern premiers have called on Canada to invest in such multi-use infrastructure.

Multi-use infrastructure in Canada's North is also part of our contribution to the defence of the circumpolar North and should be looked upon as part of our NATO contribution, although currently it is not. Government of Canada investments in this critical infrastructure are key.

Honourable senators, the Government of Canada has been clear in its rationale and intent with this legislative measure. There is a declared fear of the increasing use and control by certain foreign companies from certain countries, Huawei and ZTE being named. These are not the only actors in the market that may or may not have sinister motives or close ties to governments which Canada considers to be a threat or fierce competitors.

For NorthwesTel and other providers in the Canadian market who are expanding and maintaining their infrastructure, having legislation that controls who may be used for services and hardware supply in order to guide their procurement decisions is key. Our telecommunications must be competitive, strong, safe and secure.

As the bill states under Definitions in Part 2:

> **critical cyber system** means a cyber system that, if its confidentiality, integrity or availability were compromised, could affect the continuity or security of a vital service or vital system. . . .

And:

> **cyber security incident**, in respect of a critical cyber system, means an incident, including an act, omission or circumstance, that interferes or may interfere with
>
> (a) the continuity or security of a vital service or vital system; or
>
> (b) the confidentiality, integrity or availability of the critical cyber system. . . .

My greatest concern for Canada's North is also availability.

Honourable senators, the skyrocketing use of Starlink in the Yukon is such a cause for concern. Recently, *Yukon News* reported that Starlink is "at capacity" in the Yukon. There are also reports of issues with connectivity and quality of the signal.

A third issue is that the supply chain does not allow for quick delivery of hardware if there are technical problems or a dish becomes disabled. Yukon's first responders need to use Starlink to be able to communicate during internet and cellphone outages. Beyond capacity and availability concerns, predictability in delivery availability is also important.

From a national security perspective, these improvements are highly necessary in order to maintain secure connectivity in the North. The government's recent announcement on financial support to Telesat is vital for NATO and NORAD modernization, as well as to the territorial governments and emergency infrastructure and response. It allows for better redundancy and avoids dependency on only one service provider.

Honourable senators, Bill C-26 is a vital tool for regulators to ensure our infrastructure is serving Canada and Canadians. Imposing prohibitions on telecommunications service providers using products and services from specific suppliers if considered to pose a risk is a necessary power in this legislation.

The question of identifying a critical cybersystem and the ability to determine cybersecurity incidents are of great concern. Senator McNair has addressed that in his remarks.

I wish to applaud Canadians and industry stakeholders for becoming increasingly aware of these threats and how to deal with them. We as a country have started the work we need to do to protect ourselves. Although we're behind the curve, as stated in many committee testimonies, this bill will give us a framework within which we can continue our work to assess the need of future legislative changes and further improvements.

I urge honourable senators to support this bill's adoption at third reading.

Thank you, *shâw níthän*, *mahsi'cho, gùnálchîsh*.

Hon. Denise Batters: Honourable senators, I rise today as the critic to speak at third reading of Bill C-26, An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts. This bill is big, complex and highly technical.

The bill consists of two parts, the first of which makes amendments to the Telecommunications Act to:

> . . . authorize the Governor in Council and the Minister of Industry to direct telecommunications service providers to do anything, or refrain from doing anything, that is necessary to secure the Canadian telecommunications system. . . .

Part 2 of the bill establishes the critical cyber systems protection act, which authorizes the government to protect critical cybersystems vital to Canada's national security and public safety, namely in the financial, telecommunications, energy and transportation sectors.

In Part 1 of the bill, amendments to the Telecommunications Act will grant the government the power to direct telecommunications service providers on how to operate, including prohibiting them from providing service to individuals if the government has reasonable grounds to believe it is necessary to secure Canadian telecommunications systems from threat.

It also establishes monetary penalties to ensure compliance.

As I said, Part 2 of Bill C-26 enacts the critical cyber systems protection act and designates crucial federally regulated sectors and operators in those sectors with the responsibility to create and implement cybersecurity plans to protect critical infrastructure.

The act will require designated operators to report cybersecurity incidents to the government. It gives certain government agencies and departments oversight powers to audit and inspect relevant cybersecurity systems under their purview.

This bill has been a long time coming. The Trudeau government first held public consultations on it back in 2016. In 2018, the government released a National Cyber Security Strategy. It took another four years, until 2022, for the government to draft and introduce this bill in Parliament. It then took two more years to work its way through the House of Commons, which included significant amendments at the committee stage. Even after it passes the Senate, it is anticipated to take another two years in the regulatory phase before much of the impact of the legislation even comes into effect.

Altogether, it will take almost a full decade to bring protections on this critical topic into effect.

The Senate received Bill C-26 at the very end of the June session. Ultimately, the bill has only been before the Senate for two and a half months, but this Trudeau government is still trying to push senators to hurry up and pass this bill, as it so often does.

Even today, the sponsor just gave his third reading speech. Now I, as critic, have to give my third reading speech on this major bill today, without any time — not even one day — to properly reflect on it and react to it.

The experience of Bill C-26 shows us the danger of passing legislation too quickly, given the government was forced to amend its own bill at the last second because of an error in a coordinating amendment with the foreign interference legislation, Bill C-70, a bill the Trudeau government also whistled through Parliament earlier this year.

If the error had not been detected, it would have essentially gutted Bill C-26 altogether, deleting the major provisions meant to protect Canada's cybersecurity in critical federally regulated systems.

Government officials at the Senate National Security and Defence Committee dismissed the error as "exceptional" and a "one-off." When I asked them what processes the government had put in place to ensure such a problem would not happen again, their answer was big fat nothing. They are looking at it, trying to understand it.

But in a similar situation, they would hope it would be caught at the Senate clause-by-clause consideration. Thank goodness, in this situation, it was. But given the speed with which whole clauses pass at clause by clause, there's no guarantee of that either. It certainly isn't a plan for ensuring it never happens again, more like crossing your fingers and hoping it doesn't.

The chair of the committee, Senator Yussuff, yesterday in the Senate proposed his plan to ensure this doesn't happen again at the National Security and Defence Committee. He said:

> . . . 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.

With all due respect, Senator Yussuff, are you serious? Surely if government officials had read a bill closely and found errors in it, they would have fixed them before coming to Senate clause by clause.

In the case of Bill C-26, I asked the officials about the coordinating amendments between Bill C-70 and Bill C-26 when they accompanied their ministers at the appearances at committee. This was at least a month before this significant error was discovered.

• (1540)

I said:

> There is part of your bill, of course, that is already outdated. Bill C-70, which we passed in the Senate in June, had a portion that has already outdated a certain portion of Bill C-26.

The official from Public Safety Canada answered:

> To be honest, I'm not an expert on Bill C-70, but I think the intention there, if I understood the policy intent correctly, was actually to amalgamate the security requirements for administrative proceedings into one piece of legislation under the Canada Evidence Act as opposed to bespoke pieces of legislation like the Passenger Protect Program or Bill C-26.

For bureaucrats following the course of the legislation through Parliament, this should have been a signal to review those coordinating amendments again at that time.

The pressure from the government to pass bills quickly will only ensure more errors like this in the future. I wish I could say that Bill C-26 was an exceptional situation, but how many times has the Trudeau government urged senators to rush to pass their legislation? It happens all too frequently in this chamber. Massive supply bills, spending millions or billions of dollars, sail through the Senate in quite literally seconds. Bill C-76, the bill on Jasper National Park, passed the Senate within a few days this fall. Bill C-78, the government's temporary GST tax trick for Canadians, arrived in the chamber on Tuesday and will be finished in the Senate very soon. And how many intensive committee studies have been bypassed in favour of one two-hour session of Committee of the Whole, where only a handful of senators get four or five minutes to question a single minister on a complex piece of legislation — with the vast majority of senators who do ask questions having been appointed by that government's very prime minister? At least six in this parliamentary session, by my count, and some on controversial and complex bills like the assisted suicide legislation. This is not

accountability, it is not parliamentary scrutiny and it is most decidedly not sober second thought. This is a government desperate to dodge questions and accountability.

Before getting further into the specifics of Bill C-26, I think it is worth examining the current state of the "new" and "independent" Senate, as well as how the current practices of this place are not conducive to proper scrutiny and good Parliament that would benefit all Canadians. Bill C-26 has been a victim of this failure.

I have raised several times in this chamber the reluctance of the Trudeau government's Senate leader to answer questions on behalf of the government. Yet again, with Bill C-26, the government Senate leader has failed to deliver a speech at second reading or third reading, denying the rest of us here the opportunity to question the government on its legislation. This has become standard operating procedure for the Trudeau government.

Senator Gold, ostensibly the Government Representative in the Senate, has not delivered a second or third reading speech on any government bill — zero — since February 2023. That is shameful, honourable senators. It is not good Parliament, and it is shameful how many times I have had to say that in this place lately.

When I challenged Senator Gold on this recently, he said his three-member Government Representative Office relies upon the ". . . experience, expertise and willingness of senators . . ." to act as sponsors of government legislation and that:

> . . . no one needs to listen to me to talk to know — that I, as a Government Representative, support a government bill.

Yet, recently, at the Standing Senate Committee on Legal and Constitutional Affairs, the sponsor of Bill S-15, a government bill, proposed a massive amendment to the bill, and Senator Gold would not commit the government to supporting it. So who's to know? Senators aren't the Amazing Kreskin, Senator Gold. We can't read minds.

Independent senators who sponsor Trudeau government legislation are not — according to you, Senator Gold — representatives of the Trudeau government. Even though almost all of them were appointed by the Prime Minister and many of them have strong Liberal Party ties, they don't and can't answer for the government. The ability to ask the government questions and get answers from someone who is actually accountable to the government is fundamental to debate in the Senate Chamber and to our role. It is disheartening that the Trudeau government has so easily dispensed with that accountability.

Furthermore, the Trudeau government's leader in the Senate has a lot of resources that are not available to individual senators, including a $1.5-million annual budget, multiple staff members and support from and direct access to the Prime Minister's Office, cabinet ministers, the Privy Council Office and the government as a whole.

That Senator Gold claims independent senators receive the same briefings he does as the government leader and as a Privy Councillor who attends Cabinet Operations Committee meetings is stunning. If the Leader of the Government in the Senate truly receives no more information than an independent senator, that's a big red flag that the Trudeau independent Senate is working neither properly nor effectively. And by the way, this is not how things worked under our previous Conservative government.

We see this inefficiency when it comes to amendments in the Senate, too. The Trudeau independent senators boast how many amendments they make to bills, but what is not reported is that a high percentage of those Senate amendments accepted by the government were, in fact, the Trudeau government's own amendments correcting flaws in their own bills, changes that should have been made to correct errors much earlier in the parliamentary process than the final stage —

[*Translation*]

The Hon. the Speaker: Senator Dagenais, do you have a comment?

Hon. Jean-Guy Dagenais: I am the deputy chair of the Standing Senate Committee on National Security, Defence and Veterans Affairs. I would like us to talk about Bill C-26, but I don't know if we're currently talking about Bill C-26 or if we're criticizing the Trudeau government. I'd like us to focus on critiquing Bill C-26.

I mean no disrespect to Senator Batters, but sometimes she says the Trudeau government is moving too fast, and sometimes she says it's moving too slow and dragging its feet. Help me understand.

The Hon. the Speaker: Senator Batters used some of her time to do that. I imagine she'll get back to the subject at hand.

[*English*]

Senator Batters: Regarding the amendments, what is not reported is a high percentage of those Senate amendments that are accepted by the government — as in the case of Bill C-26 — that were in fact the Trudeau government's own amendments correcting flaws in their own bills, changes that should have been made to correct errors much earlier in the parliamentary process than the final stage of Senate committee clause by clause.

Under the traditional Senate system, where senators belonged to national party caucuses with their colleagues in the House of Commons, senators in the government's national caucus could have input on legislation before it was even introduced in the House. This meant a more efficient progression of legislation through Parliament with a lot less scrambling at the last minute and better bills.

Instead, in this new, so-called independent, Trudeau-appointed Senate, the government does their best to confuse the issue for newer senators and to induce anxiety over passing any amendments that don't originate with the government. The Trudeau government urges senators to pass legislation quickly and without due scrutiny in order to hit the government's political goals and deadlines.

The government pushes the Senate to quickly pass legislation like Bill C-26 almost as soon as we receive it. This bill was eight years in development, including spending two years in the House of Commons, but it comes to the Senate and the Trudeau government wants it passed right now. It was amended many times — and significantly — at the House of Commons committee, but a reasonable, constructive amendment at the Senate committee was not accepted by the government as per usual, with the exception, of course, of the government's own amendment fixing a near-fatal legislative flaw they should have caught far earlier.

Honourable senators, especially those of you are relatively new here, have you ever stopped to wonder why it is that MPs are allowed to amend legislation but senators are discouraged from doing so? There is a seemingly constant refrain from the Trudeau government and from its bill sponsors, including on Bill C-26, which is "Don't let the perfect be the enemy of the good." As I've said many, many times, this may be my least favourite phrase. We are the Senate of Canada. We're supposed to be in the business of making legislation more perfect. Providing sober second thought is actually our job.

The government tries to scare independent senators into thinking that by returning legislation to the House of Commons with non-government amendments, it will kill the legislation. The government sets the legislative agenda in the House of Commons. The government also chooses whether Senate amendments will be accepted, and it can generally rally the votes in the House to ensure it will pass, given that the government holds the balance of power in the House.

This Trudeau government often tries to shove their legislative agenda through in haste, overriding a lot of good, substantive testimony that Senate committees hear. The Senate Standing Committee on National Security, Defence and Veterans Affairs held a comprehensive study on Bill C-26, hearing from many knowledgeable witnesses. Although all of the witnesses I can recall agreed Canada is long overdue for cybersecurity legislation, most only conceded that Bill C-26 was a first step in this regard. Almost all of the witnesses who testified expressed significant concerns with Bill C-26, particularly regarding serious gaps in the protection of Canadians' personal information under this legislation. The committee heard from the Privacy Commissioner, the Intelligence Commissioner, representatives of civil liberties organizations, legal experts and academics, among others. Over several weeks, expert witnesses raised major concerns with the bill. Some of these witnesses provided dense briefs with several targeted amendments to fix major flaws in the bill.

• (1550)

Common requests for amendments coalesced around a few major themes including the need for increased transparency, oversight and accountability; further defining and clarifying "personal information" in Bill C-26; a need for a maximum retention period for the information collected; placing restrictions on the use of information collected under this law exclusively to cybersecurity and information assurance purposes; and a need for limitations to be placed on the sharing of information, particularly with the intelligence agencies of Canada's Five Eyes allies.

Kate Robertson of Citizen Lab testified that the wide-ranging collection power in clause 15.4 of Bill C-26 was concerning because it lacked several safeguards, including judicial review. She said:

> Right now, judicial review was mentioned last week as a way that the courts will be involved. It is not applicable to the collection power in clause 15.4. . . .
>
> That is the most significant gap in this legislation: The Federal Court has been essentially ousted from a review of the collection power itself. That's what we recommend in recommendation 6, which you will ultimately receive, which refers to the need for Federal Court review. However, recommendation 7 in the brief is also there to recommend that these powers do not balloon, essentially, into surveillance or national security powers. This committee was told that this bill is about cybersecurity and not about national security. However, we know from the departmental positions of national security bodies like the CSE, data received for cybersecurity purposes will be used across its mandate. That ballooning effect should be constrained through what I recommend as recommend 7, which is to limit the use of this data to cybersecurity mandates alone.

Ms. Robertson's concern about the lack of judicial review was echoed by the Privacy Commissioner of Canada. Key messaging on his website states:

> While directions and orders are subject to judicial review, the judicial review hearings may be held in secret and evidence used against applicants may be withheld from them.
>
> Bill C-26 does not otherwise set out specific oversight measures for cyber security directions or orders.
>
> This means that individuals whose personal information may have been collected by the government, and used to support a direction or order that affects them, may never know.

Matthew Hatfield, the Executive Director of OpenMedia, also had grave concerns about the bill. He said:

> Bill C-26 is not yet fit for service, period. . . .
>
> As things stand, people cannot trust Bill C-26. Yes, it was improved by MPs in its journey through the House of Commons, but it contains several ticking time bombs that may severely hurt Canadians in the future if you don't fix them.
>
> Time bomb number one is that Bill C-26 allows the government to keep its orders to telecoms entirely secret and indefinitely. We all understand the need to, at times, act quickly and conceal parts of decisions from Canada's adversaries, but permanent secrecy without mandated disclosure is extremely dangerous. If this section is not fixed, we are laying the foundation for a vast and growing secret governance and surveillance architecture created by these orders that do not belong in additional democracy.
>
> Time bomb number two is that Bill C-26 gives the government far too free a hand to order telecoms, banks and other designated institutions to hand over our private, personal information and use and share that information as it chooses, including with foreign entities. Canadians should have confidence that information collected for cybersecurity is used for that purpose alone, and not to trawl for signs of protest activity or to be given freely to law enforcement. Right now, that confidence simply isn't there.
>
> Time bomb number three is that Bill C-26 continues to give the government the power to install the devices on networks that break encryption. Forbidding the minister from directly demanding our private messages without additional safeguards is like saying Bill C-26 doesn't require that we report our conversations directly to the government, only that we keep a government phone in the room and off the hook everywhere we go.

This is the kind of alarming testimony the committee heard about Bill C-26. That is one more reason why the exclusion of the Privacy Commissioner and Intelligence Commissioner from this legislation is so troubling. Testimony from Privacy Commissioner Phillippe Dufresne and Intelligence Commissioner Simon Noel revealed that the Trudeau government did not consult either official in the creation of this significant cybersecurity law. That is shocking. They are the first two officials who would come to mind when considering the security of information, especially the private information of Canadians.

Furthermore, when Trudeau government representatives make representations globally defending Canada's data protection laws, they highlight the role of the Intelligence Commissioner in the process, but the Trudeau government has deliberately left the Intelligence Commissioner entirely out of Bill C-26. Privacy Commissioner Philippe Dufresne confirmed that the only input he had into the drafting of the bill was the public testimony he gave at the House of Commons committee.

We had the following exchange:

> **Senator Batters:** Mr. Dufresne . . . when did the government consult you on Bill C-26?
>
> **Mr. Dufresne:** I don't believe we were consulted in the drafting part of that bill.
>
> **Senator Batters:** Not at all?
>
> **Mr. Dufresne:** We made recommendations at the House stage, and a number of them were reflected.
>
> **Senator Batters:** At committee. Thank you, wow, that is . . . shocking.

Intelligence Commissioner Noel shared my bewilderment at the government's decision not to consult his office. Last month, he testified:

> I have no reason why the conceptualizers of this bill have decided to — I haven't been consulted. I haven't been briefed on it. Although, just a few days ago they made an offer, which I declined, because I'm an independent officer. I don't know why they have decided to put this oversight apart.

He further indicated that the regime under Bill C-26 did not follow the usual protocols regarding pre-approval. He said that:

> . . . the Intelligence Commissioner fulfills an oversight role, as opposed to a review role. My approval is required before the activities can be conducted. The Intelligence Commissioner's approval is necessary because the activities the minister authorizes may be contrary to the law or breach the reasonable expectation of privacy of Canadians. My job is to ensure that the minister has struck an appropriate balance between the national security objectives, on the one hand, and the Charter and important privacy rights on the other.
>
> A non-federal institution can ask for help or support with cybersecurity from the Communications Security Establishment Canada. If the cybersecurity activities the CSE wants to undertake in support of the non-federal entity could violate the law or lead to information gathering that infringes on Canadians' lives, the minister needs to authorize the activities. If necessary, I then need to approve the authorization.

He continued:

> . . . In Bill C-26, there is no pre-approval of activities where those activities may be contrary to the law. In particular, there are two areas I want to highlight for your consideration. First, the proposed clause 15.4 of the Telecommunications Act allows the minister to essentially compel the production of any information in support of orders. This information could include personal information which, under broad exceptions, could then be widely disclosed. Second, as you have heard other witnesses say,

> Part 2, clause 32, allows for the regulators to carry out the equivalent of unwarranted searches where, again, personal information could be collected.
>
> The glaring absentee in this bill is the Canadian public. The information that is collected is Canadians' personal information.

Information Commissioner Noel expressed concern that Bill C-26 also lacks the usual requirement for a warrant requirement regarding seizures except in the case of dwellings. He said that for everything else:

> . . . when they go into the office of one of the regulators, the regulator will be able to go in and get what he wants. Normally, that would go against the Charter.
>
> I've read the Charter Statement by the minister, and I haven't seen anything in that statement that would give a justification under section 1 of the Charter. I haven't seen anything. It's a first in Canada where anyone can go and search. And the Supreme Court of Canada is very private about this information. In this case, it's totally absent.

Just three days before clause-by-clause consideration was scheduled to start, the Senate sponsor, Senator McNair, circulated a copy of answers provided by the Trudeau government to questions that had arisen during the committee hearings. Clearly, the intent of the document was to allay any senator's concerns that might cause them to question or amend the bill.

I asked one of the expert witnesses who had appeared before us during the committee study, Professor Matt Malone, to provide feedback on the document. Professor Malone provided major pushback on almost every point, often in diametric opposition to the assertions made by the government.

While the government maintains that information collected under Part 1 of the bill will be limited to only technical information and will not allow telecommunications service providers to intercept private communications, Professor Malone submitted:

> Section 15.2(2) clearly states the Minister can order a [telecommunications service provider] to use "any product or service, or any product or service provided by a specified person, including a telecommunications service provider"; "implement specified standards in relation to its telecommunications services, telecommunications networks or telecommunications facilities"; or "do a specified thing or refrain from doing a specified thing". These are very, very broad powers.

He continued:

> Also arguably, section 15.4 provides a backdoor for intercepting private communications under the pretext of potentially making orders under sections 15.1 or 15.2.

• (1600)

These sections of the bill give the minister the authority to prohibit service providers from using any product or part of a network or facility if the minister believes on reasonable grounds that it is necessary to do so. Thus, this is strictly a subjective judgment. Of course, this is also in addition to the broad powers the minister has under section 15.4, which allows the minister to require anyone to provide anything or any information, at any time, if he or she believes on reasonable grounds that it is relevant to an order or regulation.

To the government's assertion in that Q and A document that Bill C-26 is not intended for the collection of private information, Professor Malone said:

> Intention is a misnomer; we should be looking at what the law permits. Section 15.4 clearly permits the collection of private information, and it lacks safeguards on repurposing the information. Therefore, the answer to this question ("Does C-26 allow the government to gain warrantless access to private information, with no limits on how that information can be used?") is obviously yes.

Honourable senators, how can Professor Malone be wrong on that? It's in the actual bill, whereas the government is relying on what they feel the bill intends. Government officials present at the committee's clause-by-clause meeting could not explain away Professor Malone's arguments. These were undoubtedly some of the authors behind the government's answers in this Q and A. That their arguments did not allay these serious concerns about Bill C-26 was painfully obvious.

What most disturbed me was why most of the other senators on the National Security and Defence Committee were not also perplexed by the conflict between these two perspectives on key provisions of the bill? I found this astounding. I can only assume it was because their minds were already made up about the bill.

Though the problems with Bill C-26 are many, I intentionally proposed only one amendment during clause-by-clause consideration at the Standing Senate Committee on National Security, Defence and Veterans Affairs. My amendment was reasoned, based on solid witness testimony and endorsed by the Privacy Commissioner. My amendment would have ensured that the Communications Security Establishment would have to give a copy of any cybersecurity incident report to the Privacy Commissioner if it were likely that the incident had or could potentially result in the disclosure of personal information as it is defined under PIPEDA, the Personal Information Protection and Electronic Documents Act. We heard of the need for this amendment to the legislation from key witnesses who had appeared before the committee — chief among them, the Privacy Commissioner. He told the committee that this omission from Bill C-26 is highly problematic given that he can't review an incident and launch an investigation if he's not aware of it.

> . . . my office may not be aware of an issue that's going on if there's confidentiality or if there is a breach. Hence, the recommendation that I included, that if there is a breach that's reported to the CSE, then CSE should be reporting this to my office, and that strengthens our collaboration.

On recommendation of the Senate Law Clerk's office, I also clarified the definition of "personal information," which is undefined in that part of Bill C-26. For certainty, we tied the definition in the amendment to that contained in PIPEDA, which defines personal information as "information about an identifiable individual."

I also asked the Privacy Commissioner to review the wording of my draft amendment, and he confirmed that it would provide the protection of Canadians' personal information that he had been seeking. The Privacy Commissioner's office told me:

> We are supportive of adding a provision to the bill that would add a requirement for the Communications Security Establishment to provide the Office of the Privacy Commissioner with a copy of the incident report with respect to cyber incidents that may entail a privacy breach that presents a real risk of significant harm. We believe this would promote greater regulatory coordination and collaboration and ensure that the Office of the Privacy Commissioner is advised of real or potential breaches that may or may not otherwise be reported by designated operators under PIPEDA.

In response to my amendment, the sponsor of Bill C-26 expressed that he felt my amendment was not necessary, as he said designated operators were already required to provide reports to the Privacy Commissioner as provided under PIPEDA. Of course, I suspected that was not necessarily the case, as the Privacy Commissioner had already indicated some reports would not be provided to him. And when I probed the issue further with the departmental officials in the meeting, this government reasoning provided by Senator McNair fell apart.

I asked the officials if all designated operators were subject to PIPEDA. One of the officials from Public Safety replied:

> Right now, the way the legislation is set up, we have not yet designated operators. That happens post-Royal Assent, if that comes to fruition. So we don't technically have a list. However, the designated operators that we would envision who would become designated would be part of it.

Ah, so the government doesn't know who will be included, but they envision it'll be good. And it will be done during the likely two-year-long regulatory phase, kind of like that missing GBA Plus document no one seems to be able to find. It sounds a whole lot like "just trust us."

You might find it surprising, but a government saying "just trust us" doesn't go very far with me, particularly where the Trudeau government is concerned. Unfortunately, the "envisioning" answer was just indicative of the kind of answers we got from the Trudeau government all the way along on this bill.

Before my critic's briefing, I asked for a copy of the government's Gender-based Analysis Plus, or GBA Plus, of the legislation. This is an analytical document the Trudeau government proudly proclaimed it would produce for every one of its bills, applying an intersectional lens to the bill's impact on a diversity of factors, including gender, race, ethnicity, disability, et cetera. Usually, the analysis is posted on the government's website when legislation is first introduced.

When I couldn't find the GBA Plus analysis for Bill C-26 posted online, I asked about it. The government told me that, "If passed, a GBA Plus analysis will be conducted as part of the regulations development process."

So they were telling me that it didn't yet exist. I relayed this response to the Senate in my second reading speech, but, magically, the day the ministers came to testify on Bill C-26 at committee, government officials revealed that they had sent a GBA Plus summary to committee members that day — only two hours before the meeting.

Later that week, I asked the Trudeau government's Senate leader about it during Question Period, reasoning that if a summary exists, so must a full document. As such, I asked Senator Gold to give me the full GBA Plus document immediately. He gave no answer, and the document never materialized.

More than a month later, during clause-by-clause consideration of Bill C-26, I again asked government officials for a copy of the full GBA Plus document. This time a government official said the full GBA Plus exists, but he couldn't give it to me because it's "subject to cabinet confidence." This made no sense, given that even if the GBA Plus had accompanied a Memorandum to Cabinet, so would have Bill C-26 itself and probably even the Charter Statement, both of which were later publicly available and posted online.

I asked government officials at committee why the more than two-page Gender-based Analysis Plus summary we had received contained only two lines about women. The response, from an official at the Department of Public Safety, was:

> It would not have been just two lines in the Memorandum to Cabinet. It would have been summarized in two lines.

How would I be able to verify that when I can't access that document? And if the government's GBA Plus analysis is just too super secret to reveal, why wasn't I given this answer more than two months ago when I first asked? I was told it doesn't exist, that it would be done after the bill passed Parliament. Then I was told it was submitted with the Memorandum to Cabinet when this bill was first proposed, before it was introduced in Parliament. Given that Bill C-26 was publicly in the House of Commons for two years, both of these things cannot be true. I'm no Columbo, but that seems very suspect.

Government officials at the clause-by-clause consideration of Bill C-26 also revealed that there was no real consequence in the event of the government's failure to table an annual report on the orders it makes under Bill C-26. An official said:

> The authority is between the minister and Parliament. Ultimately, I believe it would be up to Parliament in terms of if it wanted to investigate and/or, for instance, call the minister to appear to explain why the report had not been tabled.

So, for all intents and purposes, there is no real penalty to the government for failure to provide transparency. Ho hum, just another day dodging accountability for the Trudeau government.

Bill C-26 contains provisions allowing for the seizure of information without warrant. Both the Privacy Commissioner and the Intelligence Commissioner, among other witnesses, testified that such seizures may well contravene the Charter and would be vulnerable to challenge in the courts.

Professor Malone also confirmed this in his Q and A rebuttal, as he stated:

> Indeed, I suspect the provisions under Part I will be the subject of a *Charter* challenge at some point.

• (1610)

With respect to the government's contention that section 184(1) of the Criminal Code makes it illegal to intercept private communications, Professor Malone countered, "Section 184 prohibits unlawful interception — irrelevant if the interception is lawful."

Witnesses pointed to the widespread powers available under proposed section 15.4, which sets a subjective standard for the minister to require anyone, at any time, to provide any information the minister believes on reasonable grounds is relevant to an order or regulation.

Unbelievably, at this clause-by-clause meeting, government officials tried to dismiss the concerns of the Privacy Commissioner and the Intelligence Commissioner about warrantless searches raised by suggesting the commissioners' concerns were due to a lack of legal knowledge. One government official from Innovation, Science and Economic Development Canada stated:

> One thing I have encountered in discussions with the section is individuals who come from a privacy and a law enforcement background who are unfamiliar with administrative law and regulation of commercial activities.

I nearly choked. "Unfamiliar with administrative law"? The Intelligence Commissioner is the former associate chief justice and former interim chief justice of the federal court and a former professor of administrative law. The Privacy Commissioner was the law clerk of the House of Commons, the senior general counsel for the Canadian Human Rights Commission and is a leading expert on human rights, administrative and constitutional law. I think they're definitely familiar with administrative law.

In general, the Trudeau government's answers on this bill have been disappointing. For legislation that is so crucial to the security of Canada's critical infrastructure, this government certainly doesn't seem to take it seriously.

Further, it became obvious to me during the committee's clause-by-clause review that some of the Trudeau government's "independent" senators weren't much interested in these answers either. At the November 25 meeting of the Senate Standing Committee on National Security, Defence and Veterans Affairs, I asked Senator Yussuff, chair of the committee, if senators would be afforded time to question government witnesses generally at the beginning of the meeting before proceeding into clause-by-clause examination of Bill C-26. He said, "Sure."

By the time we assembled for the meeting the next week, on Monday, December 2, however, Senator Yussuff's answer had changed. His initial inclination that day was to shut my whole suggestion down, calling it "inappropriate." First, he said we had already moved into clause-by-clause consideration, which we hadn't, as he had not yet asked the committee members whether that was agreed to. Then he tried to make me tailor my questions to fit according to the relevant clause within the clause-by-clause script. I tried to explain that some of the questions I wanted to ask the officials were of a more general nature and didn't conform easily to the strictures of individual clauses of the bill. Plus, if senators aren't allowed to ask questions about the general nature of the bill, why do government officials always attend these clause-by-clause meetings? For Bill C-26, the government sent about 20 departmental people. Yet, they still had a difficult time answering my questions.

I have been a senator for almost 12 years, and I have attended many, many clause-by-clause sessions, especially on the Standing Senate Committee on Legal and Constitutional Affairs. Proceeding with a general question period with government officials before conducting the clause-by-clause session on a bill is customary. When our Senate Legal Committee had a Conservative chair, clause-by-clause meetings followed this practice all the time. However, the Chair of the National Security Committee refused to allow it that day and forced me to ask my questions according to the related clauses instead.

Unfortunately, it seemed that many of the senators on that committee were not interested in obtaining those answers, preferring instead to go with the government narrative. I decided to proceed with asking these important questions to officials anyway.

Later in the meeting, I proposed my amendment to the committee. Since the government had already proposed and passed its own amendment correcting its numbering mess-up, I believed and expressed to the committee members that since the bill would already be returning to the House of Commons with an amendment to be approved anyway, this was a great opportunity for senators to consider another necessary change. But it became very apparent that this "independent" Senate system is just not working like it is supposed to. Even when expert witnesses provided evidence directly contradicting the government's claims, most of the independent senators ignored it and voted along the Trudeau government line anyway. The committee vote on my amendment wasn't even close, with only Senator Richards voting with me in favour, 10 Senators voting against and 1 abstaining.

Honourable senators, what is the point of proposing amendments when many "independent" senators' minds seem made up before even starting committee examination of the bill? Why do we bother to bring all these great witnesses who tell us how to improve important bills if we do not listen to them? It is for this reason that I have decided not to re-introduce that amendment here at third reading. This is the new "independent" Trudeau Senate — sadly, an exercise in futility.

As the opposition critic of Bill C-26, I will say that it has been frustrating to feel resistance from independent senators toward even considering challenging this government's decree. Contrary to popular belief, bills proposed by the Trudeau government are not handed down to the Senate like holy tablets. We as senators are allowed to ask questions to test legislation and propose amendments to improve it, even though the Trudeau government might try to scare you into believing otherwise. Making suggestions and making laws better is our duty as senators; that is why we are here. That is the very point of sober second thought.

We should not be approving this bill because the government wants it passed. We should not be approving this bill because you want to go home for Christmas more than a week before Christmas. In no other job do Canadians start their Christmas breaks that early. Honourable senators, we need to remember why we're here in the first place.

Bill C-26 is an important piece of legislation. It is supposed to protect Canada's critical infrastructure from cyber-threats, which is crucial and long overdue. However, this bill also gives the government a lot of power, and we have the responsibility — as senators and as custodians of the Constitution — to ensure that the rights of Canadians are not infringed by government overreach. Canadians have a right to privacy and a right to be free from unreasonable search and seizure. I am not convinced that those rights are adequately protected under the version of the bill we have before us today. I will therefore vote against this bill, and, honourable senators, I encourage all of you to do the same.

Thank you.

[Senator Batters]

Hon. Yuen Pau Woo: Will you take a question, Senator Batters?

Senator Batters: Yes.

Senator Woo: I was moved by your concern regarding privacy rights and the risk of overreach because of the very broad powers in this bill and also the potential assault on civil liberties. I share those concerns, but I will tell you why I am especially concerned. It is because the execution or the implementation of the bill may well fall not on this Liberal government but on a subsequent government. It is not inevitable — to clarify — but it could well be a Conservative government that implements this bill, and that sends shivers down my spine, based on what you said.

Could I clarify that this is a bill that Conservatives might want to repeal if you are in power, or at least significantly defang or make more palatable in the interests of protecting privacy, in providing oversight and in minimizing the risks to civil liberties?

Senator Batters: While we would be very happy to go into an election period shortly here, I don't think that is likely to happen. So, we will wait to see when that election actually comes. Obviously, there are many concerns that were expressed not only by me but also by my colleagues on the Conservative side in the House of Commons. They were successful in making the bill somewhat better over there. I am saddened that we have not been afforded the same opportunity over here to try to make it better.

Obviously, all those things will be considered as we look at the types of things that are important for the next campaign and the next platform and, hopefully, to form the next government. While that Conservative government may, as you say, send shivers down your spine, it makes me very happy at the thought of having a Senate that would be able to have issues like this dealt with in the Senate and at the national caucus perhaps.

I recall that when we were in the national caucus as a government caucus, these were the types of things that would be solved during the part of the national caucus procedures there, including having meetings with ministers and other MPs from our caucus to improve legislation before it was even tabled.

Senator Woo: The shivers down my spine come directly from the issues that you have raised in your speech. I will ask you personally then. You have painted a very dire picture. I agree with a lot of what you said. May I take it that you will seek to make this bill much less damaging and perhaps even advocate for its repeal? You will be here for a while if the Conservatives become the government after the next election, whenever that might be.

Senator Batters: As I said, this is a very important bill and there are many parts of it that are important and good. I said that many times throughout my speech. It was a 40-minute speech, so I did say that many times. However, there are a lot of concerning elements to it. Just like many different bills that the Trudeau government has passed throughout the last nine years, I'm sure that these types of concerns that I've raised on this bill and many other key government bills — which my colleagues as critics have also raised — are things that we will certainly look at as we move forward toward the next election.

• (1620)

The Hon. the Speaker: Senator Batters, your time is almost expired. Are you asking for more time to answer Senator Saint-Germain's question?

Senator Saint-Germain: I withdraw my request. Thank you.

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

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Is there an agreement on the length of the bell? Thirty minutes? Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: The bells will ring for 30 minutes, and the vote will take place at 4:51 p.m. Call in the senators.

• (1650)

Motion agreed to and bill, as amended, read third time and passed on the following division:

YEAS
THE HONOURABLE SENATORS

Adler
Al Zaibak
Anderson
Arnot
Aucoin
Audette
Bernard
Black
Boehm
Boniface
Boyer
Burey
Busson
Clement
Cormier
Cotter
Coyle
Cuzner
Dagenais
Dalphond
Dasko
Deacon (*Nova Scotia*)
Deacon (*Ontario*)
Downe
Duncan
Forest
Fridhandler
Gerba
Gignac
Gold
Kingston
Klyne
Kutcher
LaBoucane-Benson
MacAdam
McBean
McCallum
McNair
McPhedran
Mégie
Miville-Dechêne
Moncion
Moodie
Osler
Oudar
Pate
Petitclerc
Petten
Ravalia
Robinson
Ross
Saint-Germain
Senior
Verner
Wells (*Alberta*)
White
Youance
Yussuff—58

NAYS
THE HONOURABLE SENATORS

Ataullahjan
Batters
Carignan
Housakos
Manning
Martin
Plett
Richards
Seidman
Wallin
Wells (*Newfoundland and Labrador*)—11

ABSTENTIONS
THE HONOURABLE SENATORS

Brazeau
Simons—2

[*Translation*]

TAX BREAK FOR ALL CANADIANS BILL

TWENTIETH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Leave having been given to revert to Presenting or Tabling of Reports from Committees:

Hon. Claude Carignan, Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, December 5, 2024

The Standing Senate Committee on National Finance has the honour to present its

TWENTIETH REPORT

Your committee, to which was referred Bill C-78, An Act respecting temporary cost of living relief (affordability), has, in obedience to the order of reference of Tuesday, December 3, 2024, examined the said bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

CLAUDE CARIGNAN

Chair

(*For text of observations, see today's* Journals of the Senate*, p. 3372.*)

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

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

• (1700)

ADJOURNMENT

MOTION ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of December 4, 2024, moved:

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.

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

Hon. Senators: Agreed.

(Motion agreed to.)

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—THIRD READING—VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Boehm, for the third reading of Bill S-230, An Act to amend the Corrections and Conditional Release Act.

Hon. Claude Carignan: Honourable senators, today, I am speaking at third reading of Bill S-230, whose short title is "Providing Alternatives to Isolation and Ensuring Oversight and Remedies in the Correctional System Act (Tona's Law)". I am speaking in place of our former colleague, the now retired Honourable Pierre-Hugues Boisvenu, who was the critic for this bill at second reading.

On October 24, I rose on a point of order because I believed then, as I do now, that this bill requires a Royal Recommendation.

On November 20, the Speaker ruled in favour of continuing to study this bill, a decision I respect.

Since the debate can continue, I'm rising today to share my concerns about this bill, which I believe mean that it should not be sent to the other place.

My first thought is that Bill S-230 does fully consider the administrative and financial consequences it could have for the various public systems that will inevitably be affected if it is passed. I am thinking in particular of the justice, correctional and health care systems, as well as all the stakeholders in the sectors I just mentioned.

As a result, I have three major concerns about Bill S-230, particularly regarding clauses 4, 5 and 11.

First, clause 4 of the bill aims to ensure that anyone who is sentenced, transferred or committed to a penitentiary and has disabling mental health issues is transferred to a hospital. I'm puzzled by the term "disabling mental health issues," given the lack of any real definition, the potential number of people it could cover and, as a result, the overload it could create for certain provincial hospitals that are already stretched to the limit.

On February 8, 2024, the Standing Senate Committee on Legal and Constitutional Affairs heard from a number of witnesses, including Dr. Mathieu Dufour, a forensic psychiatrist and head of the Department of Psychiatry at the Philippe-Pinel National Institute of Forensic Psychiatry. I asked for his expert opinion on how many people in a federal penitentiary might be suffering from one of the symptoms listed in section 37.11 of the Corrections and Conditional Release Act. This section sets out the grounds that officers must consider when determining whether to refer an inmate to the health care service. Those grounds include refusing to interact with others, engaging in self-injurious behaviour and showing signs of emotional distress.

According to Dr. Dufour, these criteria apply to the majority of inmates. He said:

> In my experience outside Pinel, because I've practised in several penitentiaries in Quebec and even in regular institutions, I would say spontaneously that most of them have such symptoms at one time or another.
>
> I'd say it's a little too broad and vague definition.

The vague term used in Bill S-230, "disabling mental health issues," is so broad in scope that we can expect a significant number of transfers to be authorized by the commissioner, and it goes without saying that, in addition to overburdening the provincial hospitals, this will lead to a considerable increase in costs for Correctional Service Canada.

What's more, in his report on the cost estimate for Bill S-230, the Parliamentary Budget Officer addressed the term "disabling mental health issues" and predicted the percentage of the prison population that it could apply to.

His report made it clear that this measure of the bill will apply to a staggering number of inmates. He shared the following statistics:

> The term could be interpreted to include a majority of persons in custody, as prior research has found that 73% of males admitted to federal custody meet the criteria for a current mental disorder. Of those, most have moderate to severe impairment of functions. Rates for mental disorders among female incarcerated persons are even higher. These figures relate to mental health status at time of admission and are not necessarily representative of the general population in custody. However, assuming 75% of incarcerated persons have mental health issues, and 50% of those have disabling mental health issues, this would suggest that about 5,000 incarcerated persons (38% of the 13,000 total population in custody) would be eligible for psychiatric care.

I wonder what we are trying to accomplish through this bill. Do we want to turn our hospitals and psychiatric facilities into penitentiaries? This bill contains no additional measures to ensure the safety of nursing staff or vulnerable people receiving care in health care facilities.

Even without the measures in this bill, we already have reason to be concerned for the safety of staff in the correctional system and in the health care system.

• (1710)

For example, according to a recent article on the Noovo Info website, on December 1, 2024, a correctional officer was savagely assaulted at a detention centre in Sorel-Tracy. His attacker, who was awaiting trial in connection with an assault case, has suffered from schizophrenia since the age of 17 and has a drug addiction problem. The article states:

> The correctional officer who was beaten . . . could lose his eyesight, and his condition suggests he may have suffered other serious injuries. . . . Sources say that Sunday's attack was so violent that it left him unrecognizable.

Honourable senators, my point is this: If an inmate with mental illness and a criminal record for violent crimes is authorized for a transfer, it seems unlikely that our hospitals and psychiatric institutions will be equipped to adequately ensure the safety of their staff and the other patients.

The other point I wish to address concerns clause 5 of the bill. This clause creates an obligation for Correctional Service Canada to obtain the authorization of a superior court in order to extend the duration of a person's confinement in a structured intervention unit beyond 48 hours. In my opinion, there are three major problems with this clause: It creates tight deadlines for obtaining court orders; it will increase the workload of already overburdened superior courts; and Correctional Service Canada will need more resources to deal with this process.

During her speech at third reading, Senator Pate stated the following:

[*English*]

"Courts will be able to rise to this challenge."

[*Translation*]

I find this statement puzzling. As I see it, Senator Pate is downplaying the problems that this bill will cause, especially because it is poorly drafted. Members of the legal community were not consulted. If they had been, they would certainly have pointed out that our superior courts are ill equipped to handle an increase in urgent applications for orders with such short deadlines.

This bill definitely has tunnel vision. It sees nothing but the rights of inmates. It ignores anything that confirms that this bill is unreasonable, and it negates the rights of victims.

Even defence attorney Michael Spratt, who often gives evidence in committee, admitted that there's a lack of resources. He said:

> I'll be candid, I think it would put a strain on a superior court. We're already experiencing a lack of resources and an overtaxing of what resources we have.

Take a minute to imagine how many cases would come before the superior courts. I'll cite the figures given by Senator Pate during her speech at third reading, and I quote:

> . . . two in five people in SIUs are identified by Correctional Service Canada, or CSC, as having a mental health flag. More than half of those segregated in SIUs have these flags five or more times. Corrections most often characterizes such time in SIUs as warranted "for [that person's] own safety," despite complete failure to transfer them to appropriate health care settings.

> Despite legislative requirements that stays in SIUs be as short as possible, the rates of people kept in SIUs for more than 60 days and more than 120 days are indistinguishable from the old administrative segregation system.

Think about it: 60 days. Under the bill, a superior court will have to be asked every 48 hours for permission to extend the duration of confinement in the SIU. Yes, every 48 hours. I'm convinced that Bill S-230 will cause many serious problems and is unworkable in practice. It's an illusion to think that the justice system can respond to the surge in demand that the bill will cause, or that the health care system can cope with so many inmates being admitted to our provincial hospitals.

Finally, I would like to address one last reason I will not be supporting this bill. It concerns clause 11. The purpose of clause 11 is to enable any person who is sentenced to a period of incarceration in a federal penitentiary to apply to the court that imposed the sentence to reduce that period based on unfairness in the administration of their sentence. I am obviously against this provision, which contradicts the fundamental principle of the definitiveness of rulings and the Criminal Code rules, which do not allow a court to review or alter a sentence that has already been handed down. That responsibility is reserved for appeal courts.

This provision could also be challenged before the courts, which makes its application unrealistic. What is more, legal and constitutional remedies already exist to meet the objectives of this provision without requiring such a mechanism.

In short, this bill was poorly written from the start and contains many flaws. In addition to those that I mentioned earlier, I also noticed other problems with this bill.

For example, the provision regarding sentence reduction reads, and I quote:

> A person sentenced to a period of incarceration or parole ineligibility may apply to the court that imposed the sentence for an order reducing that period as the court considers appropriate and just in the circumstances . . .

The use of the terms "appropriate and just" may lead to a lot of headaches for the courts. I might also point out that this sentence reduction process does not include any obligation to consult the victims.

In closing, honourable senators, I cannot support Bill S-230 for all of the reasons that I just outlined, and I encourage you to vote against it at third reading.

Thank you.

[*English*]

Hon. Kim Pate: I have a question.

Senator Carignan, thank you very much for your speech and for taking on the critic role when Senator Boisvenu retired. I want to ask you a few questions.

You mentioned the December 1 incident. That was someone who was awaiting trial, so they would not be impacted by this bill. Is that your understanding as well?

[*Translation*]

Senator Carignan: The problem is dealing with people who have mental health problems, who have weapons and who could be at risk. Regardless of their legal status when they commit crimes, some people have serious mental health problems. If they are admitted to hospitals, they could compromise the safety of health care workers.

[*English*]

Senator Pate: Thank you. It is about someone who hadn't been tried yet and was in a provincial jail.

Also, most of the things that you take issue with are things that we already looked at in various contexts in the Senate. You mentioned Mr. Spratt's testimony. In that same quote, he went on to say that we talk a lot about deterrence. He also said, "I also think that, with experience, courts can be efficient in dealing with these matters." He then likened it to what they do in terms of bail issues.

In the end, he was actually in favour of this bill. Was that your understanding as well?

[*Translation*]

Senator Carignan: Look, I think so. There are people who might agree with this bill. But from a practical point of view, he admitted that this is going to create major challenges in practice, and I think he was right.

Imagine a 60-day period. Every 48 hours, every two days, someone has to go before a Superior Court judge to renew the authorization for a 48-hour confinement. It's bound to fail. Since it's bound to fail, what's going to happen? The inmate will say, "I'm being held in a unit illegally or for too long. I'm not being transferred to a hospital, and I want a reduction in my sentence." There will be a lot of requests from inmates to have their sentence reduced. In fact, this will get criminals out much faster.

• (1720)

[*English*]

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question.

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

Some Hon. Senators: Yea.

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "yeas" have it.

And two honourable senators having risen:

Hon. Judith G. Seidman: Your Honour, we wish to defer the vote to the next sitting of the Senate, please.

The Hon. the Speaker pro tempore: Pursuant to rule 9(10), the vote will be deferred to 5:30 p.m. on the next day the Senate sits, with the bells to ring at 5:15 p.m.

FINANCIAL PROTECTION FOR FRESH FRUIT AND VEGETABLE FARMERS BILL

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Yonah Martin (Deputy Leader of the Opposition) moved, for Senator MacDonald, third reading of Bill C-280, An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act (deemed trust — perishable fruits and vegetables).

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I rise to speak to third reading of Bill C-280, An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act (deemed trust — perishable fruits and vegetables). As you know, colleagues, the purpose of Bill C-280 is twofold. First, it establishes a deemed trust for perishable agricultural commodities in Canada, which will prioritize payments to produce suppliers in cases of buyer insolvency. This protection would ensure that farmers, distributors and all suppliers in the perishable goods supply chain would have a secured, reliable mechanism to recover unpaid funds.

Second, Bill C-280 would help restore Canada's preferred trading partner status by re-establishing reciprocity with the United States under the U.S. Perishable Agricultural Commodities Act, or PACA.

In his testimony to the Senate Banking Committee, Massimo Bergamini, Executive Director of the Fruit and Vegetable Growers of Canada, noted the need for these measures. He said:

> The concerns we are raising today and have been raising for almost 40 years are not theoretical. The 2023 bankruptcy of Lakeside Produce in Leamington, Ontario, left over $188 million in unpaid liabilities to growers and suppliers. The collapse of the company sent shockwaves through the growing community, with some individual growers reporting losses of up to $500,000 —

— in unpaid invoices. He continued, saying:

> For small and medium-sized family farms, these losses were . . . devastating.
>
> Had . . . Bill C-280 been in place, they would have offered financial protection from the catastrophic loss of income . . . .

Colleagues, beginning in 1937, Canadians had access to the U.S. PACA dispute resolution system for almost 70 years by paying only a $100 filing fee. No other country was given this preferential treatment. However, when the United States Department of Agriculture, or USDA, introduced the PACA trust in 1984, reciprocity was agreed to on the basis of Canada's ability to provide three key services to their fresh produce industry: first, a government-run inspection service; second, mandated licensing and dispute resolution; and, third, insolvency protection tools like the PACA trust.

There was little dispute about the first two requirements, but the third, insolvency protection, was missing, and that was problematic. The U.S. produce industry pressed Canada for this for the next 30 years. During that time, Canadians were able to enjoy full access as a preferred creditor in U.S. insolvencies, but nothing comparable was offered to U.S. sellers who sold into the Canadian market.

In the 1990s, discussions began in earnest between Canadian and U.S. stakeholders to address the resulting trade and dispute issues in the fresh produce sector. The U.S. PACA system served as a model for creating a similar framework in Canada, but no resolution was found.

In 1999, the Fruit and Vegetable Dispute Resolution Corporation, or DRC, was officially established as a non-profit organization under an agreement between the Canadian and U.S. governments and industry stakeholders. The goal was to provide a framework for dispute resolution, trade standardization and financial protections for fresh produce sellers and buyers operating in North America.

For the next 15 years, the DRC played a significant role in cross-border trade, helping to maintain confidence in the produce market by resolving disputes efficiently and promoting fair trading practices. However, the shortcomings in the bankruptcy and insolvency process remained unresolved.

In 2014, Industry Canada was conducting a review of the Bankruptcy and Insolvency Act. In a brief submitted by the Fresh Produce Alliance, led in part by the DRC, the alliance drew the attention of Industry Canada to changes that were needed to the Bankruptcy and Insolvency Act in order to resolve the dispute. In their July 14, 2014, brief, they outlined the challenges facing the fresh produce industry and recounted the ongoing and extensive efforts that had been made to establish payment protection for the industry. They reviewed the various proposals that had been put forward to address the U.S.-Canada imbalance and noted the following:

> Legal advice and experience in other jurisdictions indicates that the most effective way to provide protection to fresh fruit and vegetable sellers in Canada is through the creation of a limited statutory deemed trust to ensure that bankruptcy assets are secure and accessible.

They addressed concerns that such a deemed trust would impact employees' claims under provisions established through the 2008 Wage Earner Protection Program Act and noted that studies had shown no such credit reductions would result. They spoke to the concern that a deemed trust would reduce the pool of assets available to other creditors, including banks, and thereby increase the cost of borrowing.

Once again, there was no evidence that this would materialize, and, in fact, they stated that "The overall effect of the PACA in the U.S. has been to expand lending security, not reduce it. . . ." The Fresh Produce Alliance noted that there was ". . . a solid consensus in favour of the establishment of a deemed trust . . . ." for the fresh fruit and vegetable supply chain and that action was urgently required.

Regrettably, however, no action was taken. Three months later, the hammer dropped. In a letter dated October 1, 2014, the deputy administrator of the USDA Fresh Fruit and Vegetable Program informed Canadian officials that because the country does not have a "dispute resolution system comparable to the U.S. system," Canadian shippers would, effective immediately, lose their preferred status and join every other country in the world: In order to file a complaint, they would now have to post security worth 200% of the value of the complaint.

The move was a clear retaliation for the decades-long failure of Canada to establish some type of trust protection from bankruptcy for all fresh produce shipped into the country from the U.S. The Americans were not asking Canada to establish a system which was identical to the Perishable Agricultural Commodities Act, or PACA, system, only that it would offer reciprocal protection for U.S. exports.

• (1730)

At the time, Fruit and Vegetable Dispute Resolution Corporation lamented the lack of government action on behalf of their industry and stated the following:

> The revocation of Canada's preferred status can be reversed, but it will require implementation of simple and no cost insolvency protection tools that are comparable to the PACA Trust. We hope Canada's elected officials will respond favorably and see that the US is only encouraging its shippers be treated the same way Canadian shippers have been treated in the US for years.

That, colleagues, was 10 years ago.

Today, we finally have before us a bill which will address the inequities and give hope to our producers that reciprocity will once again be restored. This bill is viewed favourably by the U.S. Department of Agriculture and has the support, colleagues, of every political party in the House of Commons, every cabinet minister, member and the entire fruit and vegetable industry.

Colleagues, this bill has received a lot of debate. I think almost everything that needs to be said has been said on this bill. Today, colleagues, I am asking for your support as well. This bill promises to bring an end to the long wait for reciprocity. I hope that today — today, colleagues — you will vote in favour of Bill C-280 at third reading and support our agricultural sector.

Thank you, colleagues.

Hon. Bernadette Clement: I move adjournment of the debate.

The Hon. the Speaker pro tempore: It's moved by the Honourable Senator Clement, seconded by the Honourable Senator Petitclerc, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

An Hon. Senator: No.

Some Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Do we have an agreement on a bell? We will go to the default time, which is one hour. The vote will occur at 6:33. Call in the senators.

• (1830)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Adler	Klyne
Al Zaibak	LaBoucane-Benson
Anderson	MacAdam
Arnot	McBean
Aucoin	McCallum
Audette	McNair
Boehm	Mégie
Boniface	Moncion
Boyer	Moodie
Brazeau	Osler
Burey	Oudar
Busson	Pate
Clement	Petitclerc
Cormier	Petten
Cotter	Prosper
Cuzner	Ravalia
Dasko	Robinson
Deacon (*Nova Scotia*)	Ross
Deacon (*Ontario*)	Saint-Germain
Downe	Senior
Duncan	Simons
Fridhandler	Wells (*Alberta*)
Gerba	Woo
Gignac	Youance
Gold	Yussuff—51
Kingston	

NAYS
THE HONOURABLE SENATORS

Ataullahjan	Martin
Batters	Miville-Dechêne
Carignan	Plett
Housakos	Seidman
Manning	Wells (*Newfoundland and Labrador*)—10

ABSTENTION
THE HONOURABLE SENATOR

Dalphond—1

• (1840)

DIRECTOR OF PUBLIC PROSECUTIONS 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-272, An Act to amend the Director of Public Prosecutions Act.

Hon. Marilou McPhedran: Honourable senators, I appreciate the opportunity to complete my speech from yesterday. I'll try not to repeat too much of what I said then.

I'm pleased to continue my remarks in support of Bill S-272, An Act to amend the Director of Public Prosecutions Act. This bill links with Bill S-271, An Act to amend the Royal Canadian Mounted Police Act, to which I spoke yesterday. These bills would strengthen First Nations self-governance and resolve some long-standing legal and technical barriers to effective enforcement of First Nations laws and bylaws, which are enacted at the local level to protect their peoples and foster communities, making them safer for their citizens, especially their children.

Unfortunately, despite the intent of Parliament to enhance the self-determining law-making powers of First Nations, unintended consequences emanating from some of these bills — for example, Bill C-49, bringing into effect the Framework Agreement on First Nation Land Management Act, and Bill C-428, the Indian Act Amendment and Replacement Act of 2014 — have created what has come to be called "stranded regimes" of First Nations laws that are neither enforced by the RCMP nor prosecuted by the Public Prosecution Service of Canada, or PPSC.

Chief Keith Blake of the First Nations Lands Advisory Board, which represents more than 100 First Nations that have enacted land codes, jointly sums up the jurisdictional crisis:

> 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.

As illustrated in my earlier remarks on Bill S-271, the causes and obstacles to proper, safe and equitable enforcement of First Nations laws are myriad, but two principal impediments to enforcement of First Nations laws, identified in the other place by the Standing Committee on Indigenous and Northern Affairs, are the lack of enforcement by police services and a near-total absence of prosecution in the courts.

Indigenous law expert Nick Sowsun draws clear conclusions:

> 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.

Prosecution of federal laws falls under the remit of the Public Prosecution Service of Canada, which is a national independent and accountable prosecuting authority whose main objective is to prosecute federal offences and provide legal advice and assistance to law enforcement.

During its study of this issue, the House of Commons committee was informed by PPSC officials that they only prosecute bylaws that have been officially reviewed. Specific to First Nations, PPSC only reviews laws under the Indian Act. The purpose of such a review is to check for compliance with the Charter of Rights and Freedoms. This is ironic, considering that not all sections of the Indian Act itself are compliant with the Charter.

Following the removal of the minister's power to disallow a bylaw in 2014, First Nations laws need not be submitted anymore to the minister for approval. So PPSC stated that it also, by consequence, removed mandatory departmental review of First Nations land code laws. It just isn't done anymore, and that has led to the lack of enforcement and prosecution of laws enacted by First Nations.

Chief Keith Blake adroitly sums up this Catch-22:

> 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.

In moving this legislation, Senator McCallum explained how Bill S-272 is necessary to clarify and conclusively confirm that the Public Prosecution Service of Canada has the jurisdiction and the mandate to initiate and conduct prosecutions of summary conviction offences under First Nations law as well as any appeal or other proceeding related to such a prosecution on behalf of the First Nation that made or enacted that law.

Bill S-272 will amend the Director of Public Prosecutions Act to include the following definition of First Nations law:

> (a) a bylaw made under the Indian Act;
>
> (b) a First Nation law as defined in subsection 2(1) of the Framework Agreement on First Nation Land Management Act; or
>
> (c) a law enacted by a council, government or other entity that is authorized to act on behalf of a First Nation under a self-government agreement implemented by an Act of Parliament. . . .

Law enforcement and prosecutors are two separate entities of our justice system that directly impact one another and must rely upon each other to carry out their objectives in an interdependent relationship, but this model has failed First Nations for generations. The current dysfunction that has resulted in the stranded regimes of First Nations law is but another tragic failure that Parliament did not intend, but it's a big mess that Parliament must fix because it is costing Indigenous lives.

Before I speak on more technical aspects of this bill, please join me in widening our contextual lens to reach across the street, outside this chamber, to the annual winter meeting of the Assembly of First Nations in session for its final day this year. Since August, just months ago, 10 First Nations people have been killed by police. On Monday, National Chief Cindy Woodhouse Nepinak called for a resolution — which the Assembly of First Nations passed on Tuesday — demanding Canada call a national inquiry into systemic racism in policing to address what they're calling "one inter-related epidemic" of violence and death.

• (1850)

This epidemic likely began at the community level where First Nations laws enacted by First Nations leaders to protect their communities are now seldom enforced or prosecuted. Both logic and evidence should prompt us, as parliamentarians, to listen to these leaders when they have made it so clear that they need Bill S-271 and Bill S-272 to protect their communities, especially their children.

As with Bill S-271, the amendments in Bill S-272 provide a level of needed clarity and can serve to loosen interjurisdictional blockage, enhance coordination between enforcement and prosecutorial arms of our justice system, and open a space for deeper dialogue between First Nations and governments to seek more permanent and comprehensive solutions to this lamentable situation.

With appreciation to Michael Anderson, consultant to the Manitoba Keewatinowi Okimakanak, or MKO, please allow me to summarize what is at stake here. Although a bylaw enacted by a chief and council pursuant to sections 81(1) and 85.1 of the Indian Act is one of the "laws of Canada," and thus is a matter clearly under the jurisdiction of the Attorney General, the chief federal prosecutor in Manitoba advised the MKO First Nations on June 1, 2023, that bylaws enacted pursuant to the Indian Act had not been enforced in Manitoba for 30 years and, by implication, not prosecuted.

With the repeal by Parliament of the ministerial power of disallowance through the coming into force of the Indian Act Amendment and Replacement Act in 2014, all Indian Act bylaws enacted after December 16, 2014, are first presumed by police and prosecutorial authorities to be statutorily invalid and Charter non-compliant, as there is no longer any "appropriate federal authority" to review and potentially confirm or disallow a bylaw.

Thus, although the sponsor of Bill C-428, the Indian Act Amendment and Replacement Act, described the purpose of the bill as supporting the self-determining law-making powers of First Nations, this is the legislation that, in fact, created the stranded regimes of First Nations laws.

Earlier yesterday, Mr. Anderson reminded me that MKO takes the position that the refusal of police to enforce and the refusal of prosecutors to prosecute Indian Act bylaws that had been enacted following the coming into force of the Indian Act Amendment and Replacement Act amounts to police and government prosecutorial officials mindfully acting to frustrate the will of Parliament. It's also MKO's assessment that the law-making powers of First Nations pursuant to Bill C-61, the First Nations clean water act, as well as Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families — which senators will recall well — will similarly result in more stranded regimes of laws enacted by First Nations, which are not recognized by police as enforceable and not recognized by Crown prosecutors as being subject to prosecution. It is to address and resolve the foundational reasons for these stranded regimes of First Nations laws that Bill S-271 and Bill S-272 are directed.

Honourable senators, I invite you to move this bill to committee along with Bill S-271. They are both worthy of more thorough study with the skills and care that senators can bring to much-needed legal changes to respect and support First Nations sovereignty in protecting their communities and their citizens, including their children and youth.

Thank you. *Meegwetch*.

The Hon. the Speaker pro tempore: Honourable senators, there are only 30 seconds remaining. I'm sorry, Senator Audette, but you only have 30 seconds.

[*Translation*]

Hon. Michèle Audette: You know that the Supreme Court of Canada ruled in favour of my nation in the case about Mashteuiatsh and the Indigenous police force. Do you think this proves that we can finally dispose of the Indian Act and give Indigenous people the force they deserve?

Senator McPhedran: I agree.

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

ALCOHOLIC BEVERAGE PROMOTION PROHIBITION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Patrick Brazeau moved second reading of Bill S-290, An Act to prohibit the promotion of alcoholic beverages.

He said: Honourable senators, I rise today to speak to a simple bill, Bill S-290, An Act to prohibit the promotion of alcoholic beverages.

This is a public health bill. We are all aware of the enormous cost of health care in this country. The bill is about the overall health of Canadians. It seeks to bring about a generational change, a change for the better. I would ask you to keep this principle, the principle of a generational shift in public health, in mind during the next few minutes as I explain the reasons behind Bill S-290.

Before continuing, I would like to thank the many dedicated health researchers who helped develop this bill, including Dr. Adam Sherk of the Canadian Centre on Substance Use and Addiction, and all the members of the Canadian Institute for Substance Use Research at the University of Victoria. In addition, my office owes a great deal to the Canadian Alcohol Policy Evaluation Community of Practice, also known as CAPE. This interdisciplinary group of policy-makers, practitioners and people with lived experience continues to be a source of inspiration, support and policy knowledge as we work to reduce alcohol-related harms in Canada. Special thanks to project coordinator Tina Price for her leadership.

Colleagues, the alcohol industry has had a free pass for far too long. The damage caused by their addictive and carcinogenic products has a higher societal cost than tobacco. However, Canada banned tobacco advertising in 1989. That was 35 years ago. Tobacco companies fought tooth and nail to keep their advertising front and centre. The alcohol industry is no different. They are very well funded and desperately trying to keep the public in the dark.

When I introduced Bill S-254, which called for cancer warnings on alcoholic beverage containers, senators were in favour of referring it to committee. During the debates, some senators spoke at length about the many harms, other than cancer, caused by alcohol consumption, and wondered whether listing all these harms would take up all the space on the label. Indeed, the list of proven alcohol-related harms is indisputably long. If I were to list them all now, I would exceed my speaking time by several hours, so I'll just highlight a few.

Alcohol is classified as a Group 1 carcinogen. It is the most widely consumed psychoactive substance in Canada. Worldwide, it causes six deaths every minute, or three million deaths a year. Alcohol contributes to more than 200 serious conditions and complications.

• (1900)

[*English*]

The Hon. the Speaker pro tempore: Honourable senators, it is now seven o'clock. Pursuant to rule 3-3(1), I am obliged to leave the chair until eight o'clock, when we will resume, unless it is your wish, honourable senators, to not see the clock.

Is it agreed to not see the clock?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: I hear a "no."

Honourable senators, leave was not granted. The sitting is, therefore, suspended, and I will leave the chair until eight o'clock.

(The sitting of the Senate was suspended.)

[*Translation*]

(The sitting of the Senate was resumed.)

• (2000)

Senator Brazeau: Alcohol, a Group 1 carcinogen, is the most widely consumed psychoactive substance in Canada. Worldwide, it causes six deaths every minute, or three million deaths a year. Alcohol contributes to more than 200 diseases, injuries and other health conditions and is a leading cause of preventable death. Worldwide, alcohol is responsible for 18% of suicides. In Canada, that number is even higher. Around 20% to 30% of deaths by suicide involve alcohol consumption.

According to the Public Health Agency of Canada, "in almost half of all observed cases of violence and aggression, alcohol consumption by the aggressor is involved."

There is no medically safe quantity of alcohol to consume when trying to get pregnant or while nursing. Alcohol is indisputably toxic to fetuses. Its effects, such as miscarriage and fetal alcohol spectrum disorder, are unpredictable and irreversible. Other risks specific to women include high levels of alcohol in the blood, rapid intoxication and an increased risk of breast cancer and liver damage.

For men, the data show that they are more likely to be involved in collisions when they drive under the influence of alcohol, be hospitalized for alcohol-related medical emergencies and be diagnosed with an alcohol-related disorder. They are also more likely to die from alcohol-related causes.

For young people, alcohol is a major behavioural risk factor for death and social problems. They're also more likely to binge drink than other groups, which increases their risk of injury, aggression, general violence, intimate partner violence and deteriorating academic performance. For this group, alcohol consumption also leads to more negative outcomes due to their greater impulsivity, lower emotional maturity, low body weight and faster driving speeds.

You will no doubt be interested to know that one study found that more than half of Canadian students in Grades 7 to 12 had consumed alcohol in 2021 and 2022 and, on average, had tried their first alcoholic beverage at 13 years of age.

As noted in the *Journal of Epidemiology and Global Health*, "Recent longitudinal studies show that young people with higher levels of exposure to marketing are more likely to initiate alcohol use and consume alcohol in harmful patterns."

The same journal notes that the alcohol industry is using new "stealth marketing" tactics such as product placements and the creation of new media profiles, channels, brand names, graphical designs or slogans with the intent for those digital elements to closely resemble the alcohol brand's corporate identity.

Social influencers also significantly shape purchasing decisions.

As you know from our discussion of Bill S-254, a direct causal link has been established between alcohol consumption and at least seven known types of fatal cancers.

[*English*]

After cancer, heart disease is the second-leading cause of death in Canada. Remarkably, Your Honour, red wine sales continue to benefit from the utterly debunked health halo effect. Contrary to modern mythology, drinking red wine does not at all decrease the risk of ischemic heart disease. This is important because many health-conscious Canadians still accept this myth as fact and consume it thinking they are benefiting their health.

For a great many others, the health halo allows them to accept that first drink — for their health, of course — but then they find themselves unable to stop. Why? It's not because they are bad people; it's because it is an addictive substance. It causes physical dependence.

The Canadian Mental Health Association notes that physical dependence increases tolerance of this drug, leading to the need for more and more to achieve the same effect.

Once dependence is established, stopping it without medical supervision can be deadly. Withdrawal symptoms can include sleeplessness, tremors, nausea and seizures. People in this state can experience hallucinations, confusion, fever and a racing heart. Untreated, this situation can result in death.

I could go on and on, Your Honour. This information is readily available to the public. Having said that, if senators are looking for more data, they should certainly contact my office and we will provide them with everything they need.

When we talk about restricting the advertising of alcohol, some may think such a thing is impossible, given how much money governments make on alcohol sales.

For those unfamiliar, I would like to introduce the concept of the alcohol deficit in Canada. This number refers to the difference between the amount of revenue the government collects via alcohol sales and taxes and the amount it spends on trying to clean up the societal harms.

Dr. Adam Sherk, in the *Journal of Studies on Alcohol and Drugs*, writes:

> In Canada in 2020, governments generated CAD $13.3 billion in revenue from alcohol sales, but this was offset by $19.7 billion in social costs attributable to alcohol use. This "alcohol deficit" increased by 122.0% in real-dollar terms over the study period and reached a high of $6.4 billion in 2020. . . .

In case that point is not clear, let me state it another way: Governments — all of them, provincial, territorial and federal — spend much more dealing with alcohol-related harms than they take in through revenue. It flies in the face of economic common sense to keep this charade going.

When we speak of government money, we are actually speaking of taxpayers' dollars. So, to be very clear, it is the taxpayers who are paying for the cleanup in health care, lost productivity and criminal justice costs of alcohol harms.

Taxpayers are on the hook for all the alcohol harm costs, such as in-patient hospitalizations, day surgeries, emergency department visits, paramedic services, specialized treatment, physician time and prescription drugs.

Taxpayers are also paying for lost productivity in terms of premature deaths, long-term disability, short-term disability through absenteeism and impaired performance on the job.

Taxpayers are paying through the nose for astronomical criminal justice costs in policing, the courts, correctional services and enforcement of impaired driving laws.

Taxpayers are also funding research and prevention programs and paying for fire damage, motor vehicle damage and drug testing in the workplace.

Highly paid alcohol lobbyists will trot out every argument under the sun to prevent changes to alcohol advertising laws. These are the same sad, defeated arguments used by the tobacco industry about 25 years ago. Just as the tobacco industry fought a ban on advertising, saying it denied them their freedom of speech, the alcohol industry will do exactly the same thing.

• (2010)

In the case of tobacco, the Supreme Court of Canada found the public health objective of restricting tobacco advertising to be more important than "low-value commercial expression" by industry. When presented with even greater amounts of rock solid, unequivocal alcohol harm data, we can reasonably expect the same result.

Some well-meaning legislators under the influence of industry may object that government should not be so heavy-handed. Such people believe that governments should just put out some public service announcements about alcohol harms instead. Unfortunately, this is naïve. As noted by Public Health Ontario, when it comes to messaging to the public, governments cannot possibly match the complexity and reach of industry.

For each advertising dollar governments are able to spend, industry has thousands more. Public relations countermeasures like public service announcements are necessary, but they are insufficient. They are a nice idea and may indeed play a role, but alone are inadequate.

In the words of Public Health Ontario, it is:

> . . . unlikely that the substantial resources needed to promote and sustain the same level of health messaging would be available to the public sector.

The World Health Organization recommends comprehensive bans on alcohol marketing. As they put it:

> Bans and comprehensive restrictions on alcohol advertising, sponsorship and promotion are impactful and cost-effective measures. Enacting and enforcing bans or comprehensive restrictions on exposure to them in the digital world will bring public health benefits and help protect children, adolescents and abstainers from the pressure to start consuming alcohol.

They note — if you will forgive me, quite "dryly" — the following:

> Alcohol producers, retailers and the marketing industry are normally consulted when the government makes changes in alcohol marketing regulations and practices. However, the published record indicates that, in general, these industry bodies do not support tighter statutory restrictions on marketing practices.

Similarly, Your Honour, the Canadian Centre on Substance Use and Addiction tells us that:

> . . . there is an urgent need to review Canada's regulations respecting the promotion and advertising of alcohol, as well as their enforcement.

Your Honour, what this bill proposes is simple. It's logical. Restricting the advertising of one deadly and addictive Group 1 carcinogen while allowing advertising of another deadly and addictive Group 1 carcinogen to proliferate does not make any sense.

Bill S-290 is modelled directly on the Tobacco and Vaping Products Act and the Cannabis Act. I'm not suggesting anything radical or out of left field. We are not reinventing the wheel here. It is the alcohol industry and their enablers that are the outliers. They have been granted much more leeway than the tobacco or cannabis industries for no discernible sensible reason. Giving alcohol promoters extensive freedoms denied to tobacco and cannabis is incoherent. Perhaps we can understand how those in days gone by may have balked at tinkering with free enterprise this way.

However, Your Honour, the jury is back. The data is in. The research is done, and it is conclusive. The economic and social costs greatly outweigh any revenue raked in by governments. For those who like hard, granular numbers, let's use Ontario data from 2020 as an example: People in Ontario consumed the equivalent of 457 standard drinks of alcohol per person aged 15 and over. This usage led directly to 6,202 deaths, 38,043 years of productive life lost and 319,580 hospital admissions. That year, Ontario's alcohol net revenue was $5.162 billion. The economic cost of cleaning up the mess was $7.109 billion. So, for that year, Ontario's alcohol deficit was an astounding $1.9 billion.

I remind you the situation is the same in every province and territory, Your Honour. It's time to put an end to this — not because I say so, but because the health professionals say so. The data is in; the research is in. Now it's up to legislators to put this in motion to change a generation of people.

Industry will argue about their good works in sponsoring arts, athletics and environmental community projects. Many of their efforts may be well-meaning, but researchers have also found not so well-meaning industry activity. Take the case of the causal link between fatal cancers and alcohol consumption. Researcher Mark Petticrew has found that the alcohol industry misleads the public on the cancer risk of their product, using tried and true tactics: denial and omission, distortion and distraction. They deny or dispute the link between alcohol and cancer; they distort and downplay cancer risks; they distract by focusing attention away from the independent effects of alcohol and instead point to a wide range of other risk factors and causes of illness.

If we tighten regulations in one area of advertising, marketing and promotion, industry simply shifts dollars to another area. They are always one step ahead in this globalized, digitized and interconnected world. That is why significant restriction — as on tobacco and cannabis — is necessary.

Your Honour, we collectively stood up to the tobacco industry. We were right to do so, and we are right to do so here. Given the enormous amount of evidence, it is irrational from every standpoint to keep giving this one particular addictive, carcinogenic, psychoactive substance a free pass. For the greater good of public health of Canadians in this generation and those to come, let's end the era of overly permissive alcohol promotion. Let's get this right.

I thank you for your time. *Meegwetch*.

[Senator Brazeau]

Hon. Flordeliz (Gigi) Osler: Would Senator Brazeau take a question?

Senator Brazeau: Yes.

Senator Osler: Thank you, Senator Brazeau, for your speech. There has been a normalization of heavy drinking for women, particularly on social media. How could this bill impact that normalization?

Senator Brazeau: Thank you, Senator Osler, for that very important question. I will just take the issue of tobacco. In the last 20 years, since we stopped the promotion of tobacco products, smoking went down by approximately 20%.

As you mentioned, alcohol is widely accepted. There have been many mistruths about alcohol from the industry itself. We have to start somewhere. What I've found in introducing the two bills that I have done on alcohol is that it is giving health practitioners and experts a forum so that they are not afraid to talk about the negative impacts of alcohol. I think that because it has been so socially accepted, there are many health experts who may not be as confident to tell their patients, for example, about the negative impacts.

We have to start somewhere, and the best way to start is by banning the promotion of it. I can certainly guarantee you that, within a generation, the wait times in hospitals will decrease, there will be far fewer suicides, fewer deaths, et cetera. But we have to start somewhere.

In 1988 alcohol was labelled a Group 1 carcinogen. There have been 10 elections since then. If we do the exact same thing that former parliamentarians did, we will be passing it on to another generation to deal with. If we do that, nothing will get better. Nothing will improve.

I think we have a very good opportunity here, and not just that. I would have hoped for this bill to be a government bill, but this is not a vote winner. It is not a "vote getter." I understand that. That's why I believe the Senate has a perfect opportunity to showcase and demonstrate what it can do on behalf of Canadians.

• (2020)

Here, we're specifically talking about the health of Canadians and changing, hopefully, a generation of Canadians for years to come for the better. But we have to start somewhere, and hopefully this will be the springboard to do just that so that numbers decrease with respect to alcohol consumption in Canada.

Hon. Donna Dasko: Senator Brazeau, would you take another question?

Senator Brazeau: Yes.

Senator Dasko: Thank you. I was just going to follow up on the comments you just made. Also, thank you for your presentation. You made a very, very strong case.

Just to add to what you were saying, over many, many years, the federal government took a very strong role against tobacco and legislated and regulated packaging, promotions and so many areas. My question is this: What have the governments involved said to you? What are they willing to do? Are they interested in taking any action? I'm talking about the federal government as well as the provincial governments, because they have a role here too. Can you describe their response to this?

You implied just now that it wasn't a political vote-getter, but still, over the years, the provincial governments also took a strong role against tobacco. My question to you is on alcohol and what the governments have said and seem willing to do. Thank you.

Senator Brazeau: Thank you very much, Senator Dasko, for that question. I'm sitting here as an independent senator. I'm not here to make any political points. Having said that, in answer to your question, when I introduced Bill S-254 about two years ago, my office wrote to every federal political party, asking them what their policies on alcohol were. To make a long story short, I have never heard from any of them to this day.

I met with the former Minister of Mental Health and Addictions at some point about a year ago. Unfortunately, I didn't get one question in about Bill S-254.

So, in answer to your question, as I said, it's not a vote-getter now, but if more and more Canadians are aware of the negative impacts of alcohol — of that drug — well, it will become a vote-getter. I can guarantee you that citizens across this country will put a lot more pressure on elected politicians to do something about this, knowing what they do now. So when we hear provincial governments saying alcohol sales are important and that they bring in money — yes, they do. But it's time that Canadians know that they are fitting the bill for all the negative damage that it causes and that far too often goes unreported.

Hon. Denise Batters: Thanks very much for your speech, Senator Brazeau, and for championing this important topic. Speaking of vote-getters, the current federal government seems to think that a vote-getter is to include beer and wine in their current GST holiday, temporarily, for two months. It starts on December 14, and they project that it will last until mid-February. So that would also include, as I mentioned in the chamber the other day, dry January, which is a time when a lot of people try to encourage people to quit drinking and to significantly lessen their alcohol intake for the health reasons that you spoke about very eloquently today. What do you think about the fact that the federal government is including beer and wine and not a number of other, very essential items in that GST holiday?

Senator Brazeau: Well, thank you for the question. I think it goes without saying that I'm certainly not in support of that GST tax break on alcohol. It looks as if they took a page out of the Doug Ford book in dealing with alcohol. One is a Liberal party and the other is a PC party, but having said that, as I said, I'm not making political points. All I'm saying is that I think it's time for all political parties to take this seriously because it's affecting a lot of people's lives directly. Where are the fiscal leaders we have in Canada? We're talking about deficits here. I will leave it at that. Thank you.

Senator Batters: That's a very good point you made on the deficits and the costs of that. I know you only had a certain amount of time to give that speech, but you covered a lot of ground. Maybe you can comment on alcohol as an addiction. You spoke about that, but it can cycle with other types of addictions. Sometimes people are addicted to other substances or behaviours and alcohol becomes one of the things that is included in that equation of cycling. And because it's so socially acceptable, it could be something that maybe adds to people's difficulties with that. Could you comment on that topic?

Senator Brazeau: Well, obviously I can't speak for everybody; it's a case-by-case basis. But in terms of my own experience, alcohol was the number-one substance, and then you mix in other substances because, as I said in my speech, you build a tolerance to alcohol. And once you've built that tolerance, you need more to get the same effect. As I said, in my experience, alcohol was the primary substance, and then there are other substances as well.

Smoking tobacco is legal in Canada, but there's no promotion or advertising of it; it's the same thing with cannabis. So the real question that needs to be asked is this: Why do alcohol companies and the alcohol industry get a free pass? If anybody could give me an answer to that, maybe I'd be satisfied. However, I haven't met anybody who has given me an answer that I could consider.

Hon. Marty Deacon: Would the honourable senator take a question?

Senator Brazeau: Yes.

Senator M. Deacon: You talked about alcohol, tobacco and cannabis. And you know that I brought a bill through recently, Bill S-269, which is trying to pull the reins in on advertising. This is a different lane but a very similar time right now. We would have loved to have considered a full ban on advertising. But we did a lot of constitutional work with the Supreme Court history on what bar alcohol reaches and challenges in the Supreme Court regarding alcohol and cannabis.

I'm, of course, watching this closely because if alcohol can or does get recognized, the request for a full ban will be right around the corner with the advertising.

So I'm wondering if you want to comment on that, because they are connected. We spent months learning what tobacco went through in the 1980s and 1990s, and we kind of fit that into the alcohol/cannabis category. So from that perspective, I'm wondering if you can comment.

Senator Brazeau: Well, in my opinion, based on my own personal history, alcohol is the new tobacco, but I will go even further than that: As I mentioned in my remarks, the negative impacts of alcohol far outweigh any negative impacts of most other substances put together. That's why we need an outright ban on advertising it in Canada, just as we did with tobacco products.

(On motion of Senator Martin, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Miville-Dechêne, seconded by the Honourable Senator Boehm, for the second reading of Bill C-332, An Act to amend the Criminal Code (coercive control of intimate partner).

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today at second reading of Bill C-332, An act to amend the Criminal Code (coercive control of intimate partner), introduced on May 18, 2023, by NDP Member of Parliament Laurel Collins, member for Victoria, and unanimously adopted by the House on June 12, 2024.

Honourable senators, Bill C-332 amends the Criminal Code to make coercive control over an intimate partner an offence. This bill is important, and I support it because it addresses domestic violence which disproportionately affects women.

• (2030)

The Conservative Party of Canada has always been committed to protecting and defending victims of crime as well as women who are victims of domestic or family violence. We welcome this initiative which aims to strengthen the Criminal Code.

I would also like to extend my gratitude to member of Parliament Laurel Collins from Victoria for bringing the issue of coercive control into the spotlight. Her commitment to this issue is rooted in a desire to protect victims and create a safer society for all Canadians.

Bill C-332 aims to address a form of abuse that has been recognized in other countries, such as the U.K., Scotland and Ireland, but it is not yet specifically included in Canadian law.

I also thank members of Parliament from all parties for their unanimous support of this bill — a testament to the gravity of the issue it addresses.

Finally, thank you to Senator Julie Miville-Dechêne for sponsoring this bill in the Senate and advancing this important debate in the chamber.

I would like to remind senators that we recently passed Senator Boisvenu's Bill S-205 on October 10, which now allows a judge to use a specific peace bond for family violence and impose the wearing of an electronic bracelet to better monitor perpetrators of domestic violence.

Honourable senators, coercive control is a pervasive form of abuse that deprives individuals of their autonomy, liberty and sense of safety. This bill would amend the Criminal Code to allow victims of such abuse to find security and protection within the legal system. It is designed to empower victims, give them the tools to escape dangerous situations and, most importantly, prevent an escalation to physical violence or femicide.

As we have often said in this chamber, domestic violence is a scourge that affects many women across the country. The statistics are alarming, and it is urgent to continue legislating and providing as many tools as possible to our justice system to combat this form of violence effectively and, above all, to reduce the number of women murdered.

Shamefully, there has been no ministerial initiative in the past nine years to address this scourge despite the alarming statistics. It is unacceptable that members of Parliament or senators, with the few resources at their disposal, are the ones trying to advance their private members' bills, knowing how long and difficult it is to pass private legislation in Parliament. It is the responsibility of the government and the Minister of Justice to act, and it is regrettable that women are not a priority for the current government.

Let us take the example of Spain, which was one of the European countries most affected by domestic violence. The government began its policy against domestic violence in 1997 after the story of a woman burned alive by her partner. Over the years, a comprehensive government system was put in place, now making Spain one of the most effective countries in combatting domestic violence. The number of femicides has decreased by 25% in Spain since the measures were primarily implemented in 2004.

There is no shortage of statistics. As I mentioned in my speech on Bill S-205, Statistics Canada revealed in 2022 that the number of family violence incidents and intimate partner violence incidents increased by 19% between 2014 and 2022, after a general downward trend between 2009 and 2014. Women and girls account for the vast majority of victims — 8 out of 10 — and women are also overrepresented in homicides.

According to the Canadian Femicide Observatory for Justice and Accountability, 184 women were killed in Canada in 2022, with 60% killed by an intimate partner or ex-intimate partner. This corresponds to one woman killed every two days in Canada. For example, Quebec has already surpassed its 2023 femicide numbers, now standing at 13.

Honourable senators, Bill C-332 is, therefore, an addition to recent initiatives to combat domestic violence. As I mentioned at the beginning of my speech, the bill criminalizes coercive control in the context of violence against an intimate partner. According to the Department of Justice, coercive control is described as follows:

> Coercive control involves repeated acts of humiliation, intimidation, isolation, exploitation and/or manipulation, frequently accompanied by acts of physical or sexual coercion. This form of abuse is **characterized by the ongoing way it removes the autonomy of the victim,** often entrapping them in the relationship, and causing distinct emotional, psychological, economic, and physical harms.
>
> Coercive control is now recognized as a **form of family violence in the *Divorce Act*** and most provincial and territorial family laws.

Indeed, in 2021, the Divorce Act was amended to include the notion of coercive control. In the section entitled "Best Interests of the Child," section 16(4)(b) of the Divorce Act reads as follows: "whether there is a pattern of coercive and controlling behaviour in relation to a family member . . . ."

We also find the mention of coercive control in the definition of "family violence" provided by the act.

An article in *Le Devoir*, published on May 11, 2024, gives an interesting statistic on the mention of coercive control in family law court judgments since the introduction of this change to the Divorce Act. According to the article, coercive control was mentioned in judgments 13 times in 2021, 24 times in 2022 and 26 times in 2023.

Honourable senators, domestic or family violence can take many forms, and abusive partners tend to use various strategies to exercise insidious control over their intimate partners that goes beyond mere physical or sexual violence. As the department stated, this includes manipulation, isolation and intimidation with psychological or economic consequences experienced by the victim over a long period.

When we listened to victims of domestic violence, we could quickly see that at least one form of coercive control was exercised in most of their testimonies. The Regroupement des maisons pour femmes victimes de violence conjugale — one of the organizations that brings together shelters for women who are victims of domestic violence — launched an online reference platform on coercive control in September 2024. This platform gives examples of coercive control in everyday life, and it aims to raise awareness of how coercive control may manifest.

I would like to quote what Annick Brazeau, President of the Regroupement des maisons pour femmes victimes de violence conjugale, said on this subject:

> Talking about coercive control raises awareness in many ways, particularly regarding more subtle forms of violence, both for victims and for those around them, including family, friends and professionals. Better understanding coercive control and the risks it poses means giving ourselves collectively the tools to take action against domestic violence much earlier in the victim's trajectory, long before the worst happens.

Bill C-332 proposes amending section 264 of the Criminal Code to add proposed section 264.01(1), which states that a person commits an offence if they engage in a pattern of conduct with the intent to make their intimate partner believe their safety is in danger or without regard to whether their actions may cause their intimate partner to believe their safety is in danger.

The bill specifies what is meant by a pattern of conduct in proposed section 264.01(2). This proposed section covers situations of violence, threats or coercing a person into sexual activity.

Proposed section 264.01(2)(c) also enumerates illegal control exercised over a person's life, particularly regarding their actions, movements and social interactions. Financial aspects, employment, telecommunications, physical appearance and medication intake are also mentioned.

• (2040)

Bill C-332 also provides for a maximum sentence of 10 years in prison. This bill would make it clear that such behaviour is a criminal offence. By doing so, it would empower victims to seek help earlier in the process before the abuse escalates to physical violence. The goal of this bill is not only to provide justice for victims, but to prevent further harm by addressing the issue at its core. It would also offer law enforcement the tools they need to act in situations where coercive control is present but physical violence has not yet occurred.

Bill C-332, nevertheless, raises some concerns, as do all bills that lead to the criminalization of conduct or the deprivation of an individual's liberty protected by our Constitution. More specifically, questions arise about how courts will interpret the concept of coercive control, its application and any unintended effects contrary to the legislators' intent.

During the committee study of the bill in the House of Commons, Professor Jennifer Koshan from the Faculty of Law at the University of Calgary made the following statement:

> The current focus of the criminal law is on incidents of abuse — for example, assault — in which the seriousness of the incident is often tied to physical injury. Embedding an understanding of coercive control, which focuses on patterns rather than on incidents of abuse, poses significant challenges for police, prosecutors and judges.

Professor Koshan also addressed the issue of coercive control in family courts following the amendment to the Divorce Act:

> Family law courts are struggling to understand coercive control and continue to approach allegations on an incident-focused basis. Like the criminal legal system, family courts also characterize intimate partner violence as mutual in many cases, which may minimize the harms of the violence to women and children.
>
> Family courts have also characterized women's attempts to protect their children from violence as amounting to coercive control itself. . . .

Many witnesses have also emphasized that addressing coercive control requires a broader investment in improving the social infrastructure for supporting survivors of domestic violence. Marginalized groups face compounded barriers such as economic insecurity and lack of access to culturally appropriate services. This bill must be accompanied with proactive efforts to dismantle systemic inequities and provide targeted resources to marginalized victims.

For this legislation to be effective, it must be supported by comprehensive training and education for law enforcement, legal professionals and front-line organizations. Witnesses at

committee hearings emphasized that many police officers and judges lack an understanding of coercive control, leading to cases where abuse is overlooked or mischaracterized.

Roxana Parsa, staff lawyer at Women's Legal Education and Action Fund, echoes this concern as she states:

> Given the subtleties of coercive control, there is a significant risk that, when granted judgment, law enforcement may misinterpret situations of abuse or see abuse even when it is not present. Abusers may also use this to their advantage and turn the law into a tool of coercive control . . . .

Education for victims is also essential. Many survivors of coercive control do not recognize their experience as abuse until it escalates to physical violence. Outreach and awareness campaigns are critical to helping victims identify coercive behaviour and access support early.

Legislation alone cannot solve the complexities of addressing this issue. Systemic change is required, and it must include increased funding and support for front-line organizations and shelters. These organizations provide lifelines to victims, offering safe spaces, counselling and legal assistance. Without adequate funding, many shelters are forced to turn victims away.

Witnesses from organizations such as Women's Shelters Canada and the National Association of Women and the Law stress the importance of ensuring victims of a clear pathway to safety. They also called for investments in affordable housing, child care and employment supports to help victims rebuild their lives.

Jurisdictions in the U.K., Ireland and Australia have enacted similar laws, providing valuable insights for Canada. In the U.K., the Serious Crime Act of 2015 criminalized coercive and controlling behaviour, leading to increased awareness and convictions.

The study of the bill in the House of Commons underwent a major overhaul with 14 amendments coming from the Department of Justice. As with any law amending the criminal laws of this country, it will obviously be necessary for the senators on the Standing Senate Committee on Legal and Constitutional Affairs to conduct a thorough study of this bill. I have confidence our committee will do so. That said, we must not let legal aspects deter legislators from acting to protect women in our country. Our responsibility is collective, and we must act whenever a woman is threatened in our country.

Domestic violence is a scourge that must end in Canada, and the only way to achieve this is to better equip the justice system as proposed by the bill before us.

Coercive control is a serious violation of human dignity. Its impact extends beyond the immediate victim, deeply affecting children, families and communities. This legislation represents the important step towards recognizing and addressing this form of abuse.

Honourable senators, I ask you for your support for the millions of women who are experiencing domestic violence today by sending Bill C-332 to committee for further study. Let us ensure that this law is not merely symbolic but transformative, providing survivors with the protection, support and justice they deserve.

This is not a partisan issue, and other countries have done it. We must not fail, in memory of the many women murdered or abused each year in Canada; they are counting on us. Thank you.

Senator Plett: Hear, hear.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

[*Translation*]

REFERRED TO COMMITTEE

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

(On motion of Senator Miville-Dechêne, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[*English*]

PROHIBITION OF THE EXPORT OF HORSES BY AIR FOR SLAUGHTER BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Dalphond, seconded by the Honourable Senator Cordy, for the second reading of Bill C-355, An Act to prohibit the export by air of horses for slaughter and to make related amendments to certain Acts.

Hon. Charles S. Adler: Honourable senators, I'm here today to give my full support to Bill C-355, An Act to prohibit the export by air of horses for slaughter and to make related amendments to certain Acts. As of now, the regulations for air transportation of horses are the same — identical — whether those horses are raised to win medals or to provide food, whether those horses are raised for the Queen's Plate or the food plate, the rules are supposed to be the same. But — and it's a big fat "but" — the horses that are raised in Canada and sent halfway around the world for slaughter, in practice, do not get the same ride on the plane as the other horses.

• (2050)

Dr. Mary Jane Ireland, the Chief Veterinary Officer at the Canadian Food Inspection Agency, or CFIA, said in committee that regulatory requirements were updated in 2019 and that:

> The goal of these amendments was to prevent avoidable suffering of animals throughout the transport process by setting out the conditions for humanely transporting all animals by all modes of transport.

That's the law.

The regulatory requirements stated that the transport time of horses had to be less than 28 hours. The regulation does not require that the horses be fed or given water or provided enough space to lie down, to rest during this time. No food, no water, no rest for 28 hours.

According to Kaitlyn Mitchell from Animal Justice:

> Recent scientific research shows that even very short road trips of three or more hours can affect horses' endocrine and immune functions.

They hurt horses — 3 hours, never mind 28.

If you consider the journey of these gentle, majestic sentient beings from the feedlots where they're raised into trucks for ground transport, for several hours, to airports, to being pulled out of those trucks, in some cases prodded after they're pulled out of those trucks and put into wooden crates to sit on a noisy airport tarmac for a period of time, to then be put on a cargo plane to endure a long flight — all without food, water or rest — it's entirely reasonable to believe there is a high probability these horses will suffer or sustain an injury during this process, or worse. There are a lot of dead horses. Not to mention that we have no way of knowing how long it will take before these horses are able to drink, eat and rest when they do arrive at their destination.

In the study of this bill in the House of Commons, our fellow legislators were told there had been five horse deaths since 2013 and no significant injuries reported during the transport of 47,000 horses overseas to be slaughtered. Given the testimony of Dr. Mary Jane Ireland at the Agriculture and Agri-Food Committee, we have reason to seriously question these numbers.

Dr. Ireland explained to the committee the role of the Canadian inspectors during the transport of the horses:

> . . . inspectors and veterinarians are at the airport when the animals are off-loaded from the trucks, put into the containers and put onto a plane, to make sure they are fit to travel, are healthy, are not overcrowded and are compatible.

But once the doors are closed in Canada and the plane is in the air, Canada — the department that is responsible — has absolutely no way of knowing what happens to those horses. Canadian inspectors are not present on the flights or on the ground when those horses arrive at their destination.

So, Canada relies entirely on local authorities overseas to tell us if there was a death or an injury during transportation. Canadian authorities have no way to verify or control the information received, and so the number of deaths and injuries could be dramatically different from what the CFIA reports. All we have is the so-called expectation that the local authorities overseas will be providing us with the truth. But there are no enforcement or reporting mechanisms in place.

A recent report released in September by Animal Justice, based on documents from the Japan-based animal rights group Life Investigation Agency obtained from the Japanese government, suggests the numbers of deaths and injuries are exponentially higher than the numbers reported to the committee. The report states that horses exported from Canada to Japan for slaughter are frequently injured and killed due to the perilous nature of the journey. It states — and this is based on information from the Japanese government:

> . . . at least 21 horses shipped from Canada to Japan for slaughter between June 2023 and May 2024 alone —

— which means less than one year; 21 horses shipped from Canada to Japan during that time frame —

> — died during transport or in the hours and days following. Many more suffered painful injuries and health complications (e.g., fever, prolonged diarrhea) which appear to have been caused by the transport process.
>
> After arriving in Japan, horses exported for slaughter are dying of dehydration, stress, pneumonia, and other medical conditions. . . .

Some of the pregnant mares are having painful miscarriages.

> . . . Japanese government data even shows that some mares have died shortly after arrival due to miscarriage. The data also shows a troubling pattern of inadequate veterinary care and monitoring during transport and after the horses' arrival in Japan.

The source is *Flight to Fatality*, a report by Animal Justice released in September 2024, but, once again, these numbers are based on data from the Japanese government.

So there's no mystery here on the question of why the practice of transporting live horses for slaughter is no longer allowed or is in the process of being ended in many countries that we think of as democracies similar to our own. I'm talking about the United States, the United Kingdom, New Zealand, Australia and others taking action to put an end to this practice, and Canadians are asking us to please do the same in this hallowed chamber of democracy. We can do the right thing simply by adopting Bill C-355.

As I speak today, if I may be permitted to be somewhat personal, the memory of someone very dear to my heart is on my mind. Her name is Sharon. She was not only a good friend to me but, more importantly, a good friend to animals, many of them horses. There is zero doubt that she would be among the many thousands of Canadians who have signed petitions, emailed members of Parliament and senators like ourselves, calling for an end to this disgrace, an end to the exporting by air of live horses for slaughter.

Every day in this life, we have a choice to be less human or more human, and that's the choice this chamber is facing tonight. Are we more human or less human? I'm hoping this chamber chooses more.

Let's send this bill to committee as soon as possible. Bill C-355 has been in the Senate since May 21. Five senators and myself have spoken at second reading, and I hope you'll join me in adopting the second reading of this bill and sending it to committee before the Senate rises for the holidays.

I thank all of you for listening to me speak about this bill, and, when passed, we're hoping it will ease the suffering of thousands of horses.

Thank you. *Meegwetch*.

Hon. Donald Neil Plett (Leader of the Opposition): I'm wondering whether my friend Senator Adler would take a question.

Senator Adler: From my fellow Manitoba senator, of course, I will.

Senator Plett: Thank you, Senator Adler. I heard in your speech a number of references like "it appears to," and "this is what we're being told," and "this is what Animal Justice is saying," and "we think this is what is happening." Senator Adler, we have a great facility in our city, the city of Winnipeg, that is involved in the transportation of live animals, whether it be horses or other live animals. One other such facility is in Edmonton.

I imagine, Senator Adler, since you are so sure of how these horses are being treated, that you have taken the opportunity to go to the Winnipeg airport and, in fact, verify that these horses are put into these stalls and are being inhumanely — and I struggle with the word "inhumanely" when we're not talking about humans, but nevertheless — treated, cruelly treated. I imagine you've seen this first-hand, as I have, how they are being treated.

Senator Adler: Thank you very much for the question. And, of course, the question is based on the premise that activists are to be disparaged, activists are not to be trusted.

• (2100)

I understand many people who want the status quo in a number of areas feel that way and always have.

Fortunately, in this great democracy called Canada, activists have been trusted. If it were not for activists, this chamber would be missing many people we have been graced with. This chamber would not have Indigenous people if it were not for activists. This chamber would not have women, people of colour and LGBT and disabled Canadians if it were not for activists. The list goes on.

Frankly, I would rather the people in this chamber stand up and applaud activism rather than disparage it.

Senator Plett: I could be as offended as you appear to be with my question. In no way was I suggesting activists should not be there.

My question to you was this: Have you seen it first-hand or simply taking somebody else's word? Let's not make this about activists. I understand that.

Senator Adler, when I decide to take on a bill, either in a sponsorship or critic's role, I do my duty and go out and investigate, as I did with a bill we have before us, Bill S-15, where I begged a committee to make a trip down the road to look at the zoos they said were torturing elephants; they refused to.

My question to you again, Senator Adler, is this: Activists aside, have you taken this opportunity at least? Senator Adler, you have been a journalist — an investigative reporter, if you will. Have you taken the opportunity to do your investigative duty and gone to see whether these animals are being tortured?

Senator Adler: With all due respect, and I'm trying not to make this personal — not just because I like you and not just because you are a fellow Manitoba Senator — but how on earth does taking a trip to the airport tell you what the horses are enduring on their long flights overseas? I honestly do not understand, senator, how your trip to the Winnipeg airport gives us any sustenance. I don't get it.

Senator Plett: Well, Senator Adler, you did say how these horses were being mistreated on the tarmac at the airport; how they were being mistreated when they drove up there with the truck; how noisy the tarmac was; how they were being loaded in and they could not move around or lie down in the crates. These are all things you can see from on the ground.

I went up the stairs into the airplane in Edmonton a week ago to see how they were being treated in the airplane. No, I didn't fly with them. However, you also insinuated we have no idea what is happening to them in the air. They are not allowed out of the crates in the air. Once they are in the air, those crates are in place. I think even you and I would understand that.

You insinuated, Senator Adler, these horses are suffering on the tarmac and cruelly being put into crates where they cannot turn around or lie down, which is not true, Senator Adler. I have watched them turn around in there. I have watched them go in one way. Then, five minutes later, they are standing and facing a different direction.

Senator Adler, if you say they are being mistreated on the tarmac, that is something you have the opportunity to see. I invite you to come with me on December 16 to the Winnipeg airport and see exactly that.

Senator Adler: I would be happy to go to the airport or anywhere else, Senator Plett, but the idea that a senator or two being at an airport on any particular day to see something that other people have not seen doesn't really, once again, tell me very much. I'm simply exercising —

The Hon. the Speaker: Senator Adler, your time for debate has expired. I imagine you are not asking for more time to answer Senator Plett's question, are you?

Senator Adler: No.

The Hon. the Speaker: Okay, thank you.

(On motion of Senator Wells (*Newfoundland and Labrador*), debate adjourned.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SEVENTH REPORT OF COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Moncion, seconded by the Honourable Senator Yussuff, for the adoption of the seventh report of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Senate Budget 2023-24*, presented in the Senate on February 7, 2023.

Hon. Leo Housakos: Honourable senators, given that this item is on day 15 and I'm not ready to speak, and notwithstanding rule 4-14(3), I would like to take the adjournment for the balance of my time.

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

Hon. Senators: Agreed.

(Debate adjourned.)

• (2110)

THE LATE HONOURABLE IAN SHUGART, P.C.

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator LaBoucane-Benson, calling the attention of the Senate to the life of the late Honourable Ian Shugart, P.C.

Hon. Marc Gold (Government Representative in the Senate): I notice 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 ask permission of the Senate that the clock be reset.

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

Hon. Senators: Agreed.

(Debate adjourned.)

FUTURE OF CBC/RADIO-CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Cardozo, calling the attention of the Senate to the future of the CBC/Radio-Canada.

Hon. Marty Klyne: Honourable senators, as a senator from Saskatchewan and Treaty 4 territory, I rise to speak to Senator Cardozo's inquiry regarding the future of the CBC/Radio-Canada.

The CBC is far more than a public broadcaster. It is Canada's national public broadcaster, serving Canadians for over 85 years. In many ways, it connects us across our vast and diverse federation. Sadly, there are some who propose to defund this cherished national institution, and I don't agree with that proposal.

Let us first understand what the CBC truly represents. Canada has a breathtaking geographical expanse, from the rocky shores of Newfoundland to the towering rainforests of B.C., from the windswept Arctic tundra to the majestic Great Lakes, from the golden plains of Saskatchewan to the snowy peaks of Alberta. Across this great country, the CBC serves as a critical communication bridge. Our public broadcaster reaches the most remote corners of our country and connects our Canadian family.

Consider the unique challenges of Canadian media. Where commercial broadcasters see no economic incentive, the CBC steps in and steps up. It provides comprehensive coverage in both official languages and eight Indigenous languages, ensuring that the communities that might otherwise be voiceless have a platform in northern and rural regions.

CBC is not just about entertainment; it's about survival, connection and cultural preservation. During emergencies, whether a winter storm in Labrador or a wildfire in Yukon, the CBC becomes essential infrastructure. When cell networks fail, CBC radio waves continue to carry vital information, potentially saving lives.

But the CBC's importance extends far beyond emergency communication; it is a cultural cornerstone. As the largest commissioner of original Canadian content, it drives our creative sector. Think of the classic CBC shows over the years: "The Beachcombers," "Road to Avonlea," "Street Legal," "North of 60," "The Nature of Things," "Schitt's Creek," "Kim's Convenience" and "Heartland." Without the CBC, would these stories have been told?

On CBC Radio One, think of "As It Happens," "The Current," "Cross Country Checkup," "Quirks & Quarks," "Q," "Unreserved," "Reclaimed" and "Massey Lectures."

On Radio-Canada, think of a show that has no comparison, like "Tout le monde en parle." Consider the importance of a CBC political comedy to Canadians over the years. On "Royal Canadian Air Farce" every New Year's Eve, the chicken cannon blasted politicians of all stripes with equal-opportunity satire, not to mention disgusting goo.

Rick Mercer's reign on CBC makes Charles our country's second king in recent years. Out of Halifax, "This Hour Has 22 Minutes" is currently experiencing a golden age, with Chris Wilson impersonating both Prime Minister Justin Trudeau and the Honourable Pierre Poilievre.

The CBC's annual budget of $1.8 billion anchors an information and creative economy, contributing $72.9 billion to our economy and providing jobs for at least 630,000 Canadians in large and small communities alike.

Defunding the CBC would be a mistake. It would create an irreplaceable void in our national communication ecosystem and our Canadian soul. Perhaps what should be considered is a turnaround recovery strategy. Critics argue that CBC should only do what private media won't. This market-failure view fundamentally misunderstands the purpose of public broadcasting. While private media aims to generate profit, public broadcasters serve the public good. The CBC doesn't just fill gaps; it creates a shared national experience.

Consider how the CBC connects us: a farmer in Manitoba, a hunter in Nunavut, an artist in Montreal, a lobster fisherman in P.E.I. — and if Senator Cotter were here, I would let him know that they do ship live lobsters — and a Starbucks customer in Toronto. Through CBC programming, they all discover what we have in common as Canadians, including our Charter values and sense of humour. They hear stories reflecting their experiences while gaining insights into the lives of their fellow Canadians. "Still Standing" is a comedy and reality series that travels across Canada to discover the hidden gems, rich heritage and culture in small towns.

Internationally, through Radio Canada International, the CBC serves as a bridge to the world. It connects Canadians abroad, promotes our culture globally and helps attract talent and investment to our country.

Philosopher John Ralston Saul aptly notes that the public broadcaster remains one of the most important remaining levers that a nation state has to communicate with itself. In an era of increasing media fragmentation, misinformation, conspiracy theories — and worse, disinformation — the CBC stands as a trusted source of reliable, fact-based reporting.

Does this mean the CBC is perfect? No. It faces significant challenges: funding constraints, technological disruption and changing media-consumption habits. Canada's media industry, with CBC as a dominant player, is currently grappling with an increasing trust deficit. According to Reuters Institute, trust in media has reached its lowest point in seven years. Moreover, research from spark*advocacy in April revealed that 45% of Canadians support the idea of shutting down the CBC to save taxpayer dollars. Even more troubling, 40% believe that CBC News functions as propaganda, with younger Canadians more likely than older generations to share this perception.

CBC's audience metrics add to this picture of declining trust and engagement. The broadcaster's own third-quarter report for 2022-23 highlighted that CBC television underperformed against its targets as viewership and total audiences fell. Similarly, CBC Radio's digital reach, digital engagement, visits to children's content and regional digital news engagement all failed to meet targets. These declines indicate broader challenges in retaining and growing audiences in an increasingly fragmented media landscape.

An even more alarming trend is the hostility that CBC journalists face, both online and in person. The ombudsman's annual report for 2021-22 described this year as the most contentious on record, with complaints soaring by 60% compared to the previous year. The tone and intensity of these complaints have become increasingly vitriolic, underscoring the fraught relationship between the public and the national broadcaster.

These trends beg the question: What has gone wrong? Among the most common criticisms is the perception of political bias. Many Canadians believe that the CBC has become a mouthpiece for the Liberal government, which undermines its fairness and independence. Addressing these concerns will require greater transparency, particularly in how the CBC interacts with the government and manages its resources. By openly reporting on its inner workings, including programming decisions and spending, the CBC could rebuild public confidence.

Another significant issue is groupthink within the CBC. Critics argue that the broadcaster exhibits a left-leaning bias which stems from a lack of diversity in backgrounds and opinions across its workforce. With many people coming from urban, university-educated and progressive political circles, newsrooms risk becoming echo chambers that fail to reflect Canada's diverse viewpoints.

• (2120)

This dynamic is compounded by labour practices. According to a Toronto Metropolitan University review, CBC employs over 2,000 temporary or contract workers daily, roughly a quarter of its workforce. This reliance on precarious labour creates financial instability which discourages dissenting voices, stifles journalistic integrity and weakens democracy.

Despite these challenges, CBC's problems are not insurmountable. They demand a robust, turnaround-recovery strategy to take a good look around, focus on self-reflection and strategic reform, including meaningful responsiveness to any valid criticism.

I strongly believe that defunding is not the answer. There are many external and internal issues that need to be assessed. They need to build on CBC's strengths, cultivate its competitive advantages, reinvest in themselves and make deep transformation.

While the immediate economic threats to Canadian media were temporarily mitigated by the passage of the Online Streaming Act and Online News Act, structural changes remain. Broadcasters continue to face financial losses and producers are seeing significant reductions in Canadian content commissions. Even if the industry stabilizes, the economics of Canada's small market often prioritize culturally generic programming aimed at an international audience rather than programming that reflects the country's rich diversity and tells our Canadian stories.

Perhaps the greatest threat to CBC is not political or economic, but a lack of understanding about its broader purpose. Public broadcasting should be recognized as a service for the public good, not merely as a gap filler where private media falls short. If we fail to champion a vision, the conversation about CBC's future risks being dominated by private media interests which may not prioritize the public good. Strategic reform and a renewed focus on CBC's core strengths and marketplace advantages could ensure its relevance and value to all Canadians.

We need a CBC that continually adapts with more transparent budget allocation, enhanced digital platforms and a refined mandate that maintains its core public service mission. Every dollar invested in the CBC generates two dollars back to the economy, particularly in regions that the commercial media would never serve.

Funding culture is not a luxury. It is a necessity for nation building and the vibrancy of our connections to each other as Canadians.

Great countries invest in institutions that preserve their performing arts, stories, languages and values — just look around Europe. The CBC is an investment in Canada's future and is a distinct and unique identity, including with the ever-present influence of our good friends to the south.

To those who would defund the CBC, I say this: You would be dismantling a critical piece of our national infrastructure and our identity. It is fundamental to our federation.

Ultimately, the future of our public broadcaster is up to Canadians. But as patriotic Canadians in this chamber, let's do our part to ensure the future is bright and our pride is storied and inspiring. Instead of defunding, let's choose to defend, reform and strengthen the CBC to ensure it continues to inform, enlighten and unite Canadians for generations to come.

Our tax dollars should be on a robust turnaround strategy, not defunding and the fire-selling of lands, buildings and equipment to private equity investors to economically repurpose for a lesser purpose.

Thank you, and *hiy kitatamîhin*.

Hon. Leo Housakos: Would the senator take a question?

Senator Klyne: Yes, I would, considering it was the Transport and Communications Committee that gave the edge to the media yesterday.

Senator Housakos: Thank you, Senator Klyne, for sharing your thoughts on this subject matter.

It turns out our Standing Senate Committee on Transport and Communications is doing a short study right now on the CBC and regional services. What we have discovered thus far in the review is that when it comes to providing regional services — and I agree, it is probably the most critical mandate of the CBC — they have fallen short over the past decade. They've been reducing budgets, cutting services when it comes to regional services, minority language services and so on and so forth to the detriment of their licensing act of the Broadcasting Act.

One of the questions is: How do you square that circle where the CBC, for the last decade or more, has been reducing services and making cutbacks when that's supposed to be one of their core mandates?

The second question is: If you look at the CBC, trust is down and ratings are at an historic low, which means taxpayers are not watching this public broadcaster. The only things that are up are their budget, consistently over nine and a half years, and executive bonuses.

When they have lost the public trust and ratings are at such an historic low level, how can we justify to taxpayers $1.4 billion of subsidies year in and year out?

The Hon. the Speaker pro tempore: Senator Klyne, you only have 15 seconds left. Would you like to ask for extra time to answer the question?

Senator Klyne: I would love that. Three minutes.

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

Hon. Senators: Agreed.

Senator Klyne: We lost three minutes with Senator Housakos repeating just about everything I said in there. I agree there are losses. You talked about many losses. They have lost the plot; they need to get back to their purpose. They need to look at the shareholders' values, attitudes and beliefs. They need to figure out who their audiences are and what their audiences want, and they need to build on their strengths and cultivate their competitive advantages.

They need to look at all the external issues they are plotting against or that they have to work against because that's where they will identify the threats and opportunities. They need to look at internal issues to find where their strengths and weaknesses are.

They need to come up with strategies based on all that analysis, and come up with a breakthrough strategy. That will come through a recovery turnaround strategy. I have every confidence that would happen. Through that, there has to be a lot of communication at all levels.

Through that, they will lose some jobs. They will gain some audiences. I would think they would know their audiences better than anybody else. If somebody wants to reach a certain age, a certain demographic, they will say, "We have just the show for you and this is where you place your advertising." That's all I have to say.

Hon. Denise Batters: I have a short question.

The Hon. the Speaker pro tempore: Senator Klyne would have to ask leave for another question and answer. Senator Klyne, are you asking for leave?

Senator Klyne: A short question gets a short answer.

The Hon. the Speaker pro tempore: Honourable senators, do you agree to give leave for another question and answer for Senator Klyne?

An Hon. Senator: No.

Some Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: We hear a "no," so leave is denied.

[*Translation*]

Hon. Réjean Aucoin: Thank you, Senator Klyne, for your comments about the CBC. I'm going to talk primarily about Radio-Canada.

Honourable senators, I rise this evening to speak about CBC/Radio-Canada. I think it's important to maintain and fund this public broadcaster, in both English and French, but as I said, I'm going to talk mainly about Radio-Canada. I worked at Radio-Canada for a few years as a program producer for Nova Scotia. I also produced a few national radio programs and worked as a journalist for the CBC and Radio-Canada.

Radio-Canada and its English-language counterpart, the CBC, as national broadcasters, have played a crucial role in connecting, informing and uniting Canadians and their diverse cultures. This role is particularly pronounced in rural communities and among linguistic minorities, where they have served as both an essential source of information and a hub for cultural and identity transmission.

Radio-Canada has long held a central place in Canadian homes. For decades, Radio-Canada was more than just a collection of programs. It was an institution that nurtured a sense of belonging to our country, Canada. It was how French-speaking parts of other provinces got to know Quebec, and it introduced those places to Quebec.

• (2130)

Who didn't listen to or watch "La soirée du hockey," which brought together French-speaking and English-speaking families from all over the country? Father Charles Aucoin of Chéticamp used to watch "La soirée du hockey" on TV, but he would listen to it in English on CBC radio because he liked that sportscaster better. We weren't not related, though we might have been sixth or seventh cousins. It was an important ritual for minority communities across the country.

Radio-Canada also represents decades of programming that has had a positive impact on children's lives by positively influencing their development. Programs like "Sol et Gobelet," "La Ribouldingue," "Passe-Partout" and "Bouledogue Bazar" have helped children learn, grow, develop and become more observant, creative and curious. In fact, Radio-Canada continues to set new records with its children's content. Of course we have a sense of nostalgia for the childhood classics, but Radio-Canada's line-up for children continues to provide hours of education and fun for kids of all ages.

From the 1960s to the 1990s, shows such as "Les belles histoires des pays d'en haut," "Le temps d'une paix" and "Les filles de Caleb" brought high-quality cultural programming into homes, highlighting the richness of our past for all Canadians. More recently, programs like "Belle-Baie," "Le monde de Gabrielle Roy" and "Tout le monde en parle" have shared the history of Acadia and Manitoba with a new audience.

These and other shows remain essential because they reflect Canadian stories, told by Canadians, for Canadians. They highlight local issues and stories that might otherwise have been overshadowed by the international media. In a country as vast as Canada, this is a considerable achievement.

For rural communities, Radio-Canada was indispensable. This broadcaster was a source of news, weather forecasts and emergency information. In isolated areas with limited access to newspapers and other media, Radio-Canada's radio stations were often the only French-language broadcaster and the only source of news in French. Even more importantly for a community like Chéticamp, it was the only French-language media outlet other than the weekly newspaper *Le Courrier* before the arrival of Radio-Canada in 1963, until the community radio station CKJM was created in 1995.

In addition to providing news coverage, Radio-Canada has been a channel for cultural expression in rural areas, showcasing local artists, musicians, writers and storytellers. Radio-Canada is a platform for voices that might otherwise be ignored, such as Édith Butler, Carmen Campagne, La Sagouine and Fred Pellerin, who are known from coast to coast. Who hasn't heard of Lisa LeBlanc, Jacques Surette or Wilfred LeBouthillier, to name but a few?

Radio-Canada plays a very important role in official language minority communities across Canada, a role that shouldn't be underestimated. For francophone populations outside Quebec — from small Acadian villages in Nova Scotia to francophone enclaves in northern Ontario and francophone communities in Manitoba and Alberta — Radio-Canada has been a cultural cornerstone. Official language minority communities often face unique challenges, such as isolation and the risk of assimilation. Radio-Canada offers a vital link to the wider world, providing high-quality news, entertainment and cultural programs in their mother tongue. This connection helps maintain their linguistic identity and cultural heritage.

For the Acadian communities, Radio-Canada has been a beacon of light, telling the story of their struggles, celebrating their successes and preserving their rich traditions. Shows such as "Téléjournal Acadie," "Pour l'amour du country," "Coup d'œil" and "Le feu roulant" ensure or ensured that local stories are told and that Acadians see their lives reflected on the screen. In addition to the news, Radio-Canada has bolstered Acadians' cultural pride through shows that celebrate French-language music, literature and theatre. This support has been essential in keeping the French language alive in regions where it might otherwise fade away.

Even though they are in favour of Radio-Canada as a public broadcaster, some observers note that official language minority communities hope to play a bigger part of Radio-Canada's programming. During CBC/Radio-Canada's licence renewal hearings in 2020, the Fédération des communautés francophones et acadienne du Canada floated the idea of Radio-Canada establishing a second national francophone production centre outside Quebec.

Martin Théberge, president of the Société nationale de l'Acadie, went even further during his appearance at the Standing Senate Committee on Transport and Communications, which is currently studying the local services provided by CBC/Radio-Canada:

> Can it truly be said that, with such centralization, Radio-Canada can promote the francophone minority and help it grow? . . .
>
> To make that happen, we must not only delocalize programs, but also decentralize the teams. National programs must be able to count on producers, researchers and other team members who are permanently stationed here and there across the country and who could thus contribute every day or every week to developing programming.

Tony Cornect, President of the Fédération des francophones de Terre-Neuve et du Labrador, who also appeared before the committee, said that the Moncton office in Atlantic Canada could be more diverse.

For rural and official language minority communities, the digital age can be both an advantage and a disadvantage. Despite everything, Radio-Canada must continue to innovate while ensuring that its content is accessible, not only through conventional means, such as radio and television, but also through online platforms and social media. That way, it can reach the younger generations and remain relevant in an ever-changing media environment.

In closing, Radio-Canada is much more than a mere broadcaster. It is a national institution that embodies the spirit of Canada. Despite its shortcomings, it is essential for the country's official language minority communities to be able to use and appreciate it. The broadcaster must reflect Canada's diversity and must therefore be more decentralized. Under no circumstances should it be abolished.

Thank you. *Meegwetch*.

Some Hon. Senators: Hear, hear.

[*English*]

Hon. David M. Wells: Thank you, Senator Aucoin, for taking a question, and thank you for your speech. You talked about shows that have been on the CBC in the past. I heard you and Senator Klyne talk about "The Beachcombers," which began in 1972. You talked about a lot of shows, but they are all in the past tense. There were many shows that I have never heard of, but I looked them up as you were speaking, and they are all in the past tense.

As things like the CBC evolve, as viewers' tastes evolve and as technology evolves for how viewers watch their entertainment, whether it's on cable television, streaming services or their phones, can you explain — and this is not a question about the Acadian or francophone shows that you watch, because I really don't know about those — how the CBC can remain current and maintain the massive input of $1.4 billion and rising of Canadian taxpayer dollars when the viewership is so low and when Canadians, especially young Canadians, are getting their media from sources other than television?

• (2140)

[*Translation*]

Senator Aucoin: I have nothing to say about the CBC. Thank you.

[*English*]

Senator D. M. Wells: I have another question for Senator Aucoin. Was his speech about the CBC? The CBC and Radio-Canada are of the same budget, so my question stands.

[*Translation*]

Senator Aucoin: Thank you, Senator Wells. I think that the CBC and Radio-Canada have separate budgets and different management. Yes, they are part of the same overall entity with a single management structure, but they are administered through separate budgets. I talked a lot about programs from the past, but I also talked about recent or current programs. Thank you.

(On motion of Senator Dalphond, debate adjourned.)

[*English*]

ALARMING RISE IN SEXUALLY TRANSMITTED AND BLOOD-BORNE INFECTIONS

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Cormier, calling the attention of the Senate to the alarming rise in sexually transmitted and blood-borne infections in Canada, including HIV/AIDS.

Hon. Kim Pate: Honourable senators, I speak today to Senator Cormier's inquiry calling attention to the alarming rise in sexually transmitted and blood-borne infections, or STBBIs, in Canada including HIV/AIDS. I want to thank you, Senator Cormier, for your leadership on this issue and for your clarity and eloquence in rightly framing this crisis as one of overlapping and intersecting concerns about public health, human rights, equality and justice.

Rising rates of STBBIs and HIV/AIDS are not just a public health emergency but also a reflection of the failures of our existing health and social supports to adequately reach and meet the needs of those who have been disproportionately marginalized for reasons including systemic colonialism, racism, misogyny, heterosexism, ableism and class biases. Behind prison walls, these already glaring and unconscionable inequalities are starkly magnified by harsh, punitive settings. Not only do prisons fail to provide incarcerated people with adequate health care, but correctional policies and practices also continue to create barriers to prisoners being able to access the community-based health and other services and supports that they urgently need.

In Canada, according to the National Collaborating Centre for Infectious Diseases, recent incarceration correlates with an increased risk of contracting sexually transmitted and blood-borne infections. A person's risk of contracting hepatitis C increases by 64%, and for HIV/AIDS, the risk increases by 81%. Given the mass incarceration of Black and Indigenous peoples, especially Indigenous women — a direct result of Canada's colonial history — these risks are not inevitable, nor are they merely a health crisis. In fact, they are a continuation of the systemic marginalization that disproportionately and unjustly exposes people to preventable harms.

Other key and interrelated risk factors for STBBIs include substance use and inadequate housing, which combine to put women in Canadian federal prisons at particular risk. In federal prisons, 9 in 10 women have experienced physical or sexual abuse. Research from the National Collaborating Centre for Infectious Diseases highlights that there are clear links between the incarceration of women, poverty and lack of social supports and the risks of STBBIs related to abusive partners, forced sex, coerced sex work and other forms of sexual exploitation, as well as the use of substances, including as a means of women anaesthetizing themselves to such realities as they struggle to navigate and survive abuse, assault and poverty.

As the National Inquiry into Missing and Murdered Indigenous Women and Girls explored and as their Calls for Justice underscore, for too many women, the very factors that led to their criminalization are also those that put their health and lives at greater risk in federal prisons.

Within prisons, disproportionately high rates of infection are largely attributed to the severe lack of programming and supports for those with addiction who enter prisons and the subsequent sharing of needles among those in prison.

Since the early 1990s, correctional and health authorities in Canada and internationally have recommended needle exchange initiatives for prisons. In 2006, the Public Health Agency of Canada released a study on the effectiveness and risk-benefit analysis of a prison needle exchange program, which found that needle exchanges could effectively reduce the transmission of HIV and hepatitis C.

In 2018, Correctional Service Canada finally rolled out the Prison Needle Exchange Program which, unfortunately and despite the critical need, currently operates in only a fraction of Canada's prisons. The aim of this program is to implement measures to help address drug use and addictions in federal corrections. However, its effectiveness has been undermined by overarching correctional policies and practices that prioritize drug suppression.

As expressed by the Correctional Investigator:

> Maintaining a zero-tolerance approach to drugs that relies on ever more intrusive detection, disciplinary and repressive measures — strip-searches, body cavity scanning, cell searches, charges, urinalysis testing — is a costly game of diminishing returns. If a person is so desperate, indebted or addicted enough to the point of concealing drugs in body cavities with potentially life-threatening consequences, then surely this level of desperation should point us to consider other less intrusive, evidence-based and compassionate approaches of addressing the harms of illicit drug use behind bars. . . .

Specifically, in his 2021-22 annual report, the Correctional Investigator concluded that only an alarmingly low number of participants had been able to access the Prison Needle Exchange Program. The Union of Canadian Correctional Officers representing guards in federal penitentiaries has estimated the number of program participants to be around 50 out of a prisoner population of nearly 13,000.

The Correctional Investigator has critiqued the strict eligibility criteria for the program as enforced by Correctional Service Canada, including a requirement to undergo a threat risk assessment, as well as the lack of patient confidentiality and the perceived involvement of the parole board in the program. Prisoners are understandably concerned about the privacy of their health information and the potential for this information, as well as their participation in the program, to be used against them in proceedings that determine how and when they can integrate into the community.

Given the lack of planning and administration of the program, most prisoners were not aware of the Prison Needle Exchange Program's existence. Correctional data also indicates that of those who do manage to be approved for the program, fewer than 20% participate actively — a factor noted in analyses of the challenges of overdoses and deaths in prisons.

The extent to which Correctional Service Canada is undermining its own Prison Needle Exchange Program was made abundantly clear in the holiday cards that MPs and senators received last year from the Union of Canadian Correctional Officers. While opening these cards, many of our staff teams were disconcerted, to say the least, to find a slew of inappropriate and stigmatizing comments, as well as a pen made to look like a bloody syringe, that aimed to sow fear and doubt about proven harm reduction strategies.

The Union of Canadian Correctional Officers argued that instead of needle exchanges, overdose prevention sites should be preferred within federal prisons. As of early 2024, only three such sites were operating, with many of the same barriers to access that prisoners experience with respect to the needle exchanges, especially relating to the possibility of being singled out for stigma and punitive responses. In addition, relying on supervised consumption is untenable for many prisoners given the limitations identified by the Correctional Investigator, including restricted hours of operations and lack of meaningful peer support and assistance.

Correctional Service Canada is responsible for providing a safe environment for federal prisoners, and the Union of Canadian Correctional Officers' position is beyond disappointing. Surely our experiences — most recently with the health crises associated with the COVID-19 pandemic in federal prisons — underscore the reality that failing to address health risks proactively and effectively in prisons increases public health risks for all in prisons, staff and prisoners alike, and then, by extension, to the public.

• (2150)

The approach of corrections to sexually transmitted and blood-borne infections underscores what we have long known about health care in federal prisons. Viewed through the lens of security and focused on managing behaviour and risk, this is not a safe and certainly not a therapeutic environment in which to meet health and addiction needs.

The Corrections and Conditional Release Act provides opportunities that remain all too rarely used in practice for prisoners to be transferred to the community, including to provincial and territorial hospitals. If we are to meaningfully address the systemic inequalities and discrimination that threaten the health and lives of those most marginalized in federal prisons, it is time to act on measures like those proposed in Bill S-230 that breathe life into these community-based options.

This situation, unfortunately, continues after release from prison. The stigma of a criminal record compounds existing patterns of economic and social disadvantage and marginalization, as well as the resulting risks to health and safety, including as a result of STBBIs.

Black and Indigenous peoples, those with mental health and addictions needs, women with lived experience of violence and members of the 2SLGBTQQIA+ communities — all groups overrepresented in federal prisons and at heightened risk of contracting sexually transmitted and blood-borne illnesses — are among those who could benefit in particular from building networks of support in the community and redressing the gaps and failures of existing social safety nets that have too often created the context for their criminalization and institutionalization.

As Nelson Mandela noted with respect to the AIDS crisis:

> The more we lack the courage and the will to act, the more we condemn to death our brothers and sisters, our children and our grand-children. When the history of our times is written, will we be remembered as the generation that turned our backs in a moment of a global crisis or will it be recorded that we did the right thing?

Incarceration should not be a death sentence. It is our responsibility to address the systemic failures that perpetuate health crises and to uphold the dignity and rights of all individuals regardless of their circumstances. I urge that we work together to demand accountability from the Correctional Service to support a comprehensive harm reduction strategy and community-based alternatives to prison in order to protect not just the health of incarcerated people and staff but the health of our society as a whole. Let us not fail in our duty to ensure that justice and humanity go hand in hand. Let us ensure that when the history of our times is written, we have done the right thing.

Thank you again, Senator Cormier, for launching this inquiry and for all you do for so many. *Meegwetch*, thank you.

Hon. Flordeliz (Gigi) Osler: Honourable senators, I rise today to speak to the inquiry into the alarming rise in sexually transmitted and blood-borne infections in Canada, including HIV/AIDS.

I want to thank Senator Cormier for calling attention to this important public health issue. He has spoken about the rising rate of HIV/AIDS. Senator Simons has spoken about the return of syphilis. Senator Moodie has spoken about the impact of sexually transmitted and blood-borne infections on children, and you have just heard Senator Pate speak about the impact of these infections on incarcerated people.

Today, the first part of my speech will focus on the most common viral sexually transmitted infection, or STI, and how it can cause cancer. In fact, this viral STI can cause six different cancers. The second part of my speech will focus on one of these cancers in order to increase awareness of it and to help decrease stigma surrounding it. The final part will focus on how these cancers can be prevented.

You may have already guessed it: I'm talking about the human papilloma virus, otherwise known as HPV. Human papilloma viruses are small double-stranded DNA viruses that affect epithelial cells. Most HPV infections occur without any symptoms and resolve without treatment.

Without vaccination, it's estimated that 75% of people in Canada will have at least one HPV infection in their lifetime, with the highest prevalence in young adults between the ages 20 and 24. Over 200 HPV genotypes have been identified, and infection with high-risk genotypes can result in cancer. The low-risk genotypes generally do not cause cancer but can cause conditions such as anogenital warts and recurrent respiratory papillomas.

In Canada, HPV is responsible for almost 3,800 new cancer cases each year, and the virus causes almost all cervical cancers, 90% of anal cancers, 40% of vaginal and vulvar cancers, 40% to 50% of penile cancers and 60% to 73% of oropharyngeal cancers.

Colleagues, prior to coming to the Senate, I was an otolaryngologist, otherwise known as an ear, nose and throat surgeon. In my career, I've diagnosed far too many oropharyngeal cancers, which leads us to the second part of my speech.

Oropharyngeal cancers occur in the tonsils, base of tongue, soft palate and the posterior wall of the throat or pharynx. The incidence of these cancers peaks between the ages of 60 to 64 years and is more common in men by a 4 to 1 ratio.

The specific mode of HPV transmission to cause oropharyngeal cancer is unclear, but can occur through oral-oral, oral-genital and oral-anal contact. For most people exposed to HPV orally, they are usually asymptomatic, with immune clearance of the virus within one to two years without any medical treatment. But for some people, the virus can invade the immune system and remain latent in the oropharynx for many years.

Historically, the major risk factors for oropharyngeal cancer were tobacco and alcohol consumption, but now the data clearly shows HPV — in particular, the high-risk genotypes — is the main risk factor.

Globally, prevalence of oropharyngeal cancer is rapidly increasing, especially in high-income and developed countries. Data from Canada is consistent with data from the United States, where the proportion of HPV-oropharyngeal cancers increased from 16% in the 1980s to more than 70% in the early 2000s. In 2011, it was predicted that oropharyngeal cancers would surpass cervical cancer to become the most common HPV-associated cancer by 2020. Surprisingly, this occurred the following year, in 2012.

Colleagues, while this inquiry on sexually transmitted infections may cause you to think, "This doesn't affect me," allow me to share a true story of someone I know, and to be clear, not a former patient.

At the time, he was a fiftyish-year-old fit and active man with a several-month history of a hard lump in his upper neck that was not going away and, in fact, was slowly getting bigger. He had no other symptoms. He had quit smoking many years prior and was a social drinker. In other words, he did not have the historical risk factors for a head and neck cancer.

Yet, he was diagnosed with an oropharyngeal cancer, and, yes, it was HPV-associated. He was embarrassed because HPV is a sexually transmitted infection. He was concerned that people would think he was an unfaithful husband, and he was worried that he was going to give HPV to his wife. Stigma is powerful.

The good news is that he was diagnosed correctly, treated appropriately, he learned that he would not give HPV to his wife and has been cancer-free for several years. He now knows that HPV-associated cancers are on the rise and that he has nothing to be embarrassed about.

For the third and final part of my speech on how to prevent HPV-associated cancers, I will read excerpts from the July 2024 update from Canada's National Advisory Committee on Immunization, or NACI, along with their latest recommendations:

> HPV vaccination, along with surveillance and screening strategies, are core public health measures for the prevention of HPV infection and HPV-associated cancers.

• (2200)

NACI had three strong recommendations — meaning that they apply to most populations or individuals unless there's a clear and compelling rationale for an alternative approach — and one discretionary recommendation — meaning that it may be considered for some populations or individuals in some circumstances.

The three strong recommendations were human papillomavirus, or HPV, vaccination for all individuals aged 9 to 26 years; individuals aged 9 to 20 years should receive one dose of HPV vaccine and individuals aged 21 to 26 years should receive two doses of HPV vaccine; and the 9-valent vaccine should be used as it provides protection against the greatest number of HPV types and associated diseases.

The fourth and discretionary recommendation was that individuals 27 years of age and older may receive the HPV vaccine with shared decision making and discussion with a health care provider.

Across Canada, HPV vaccinations are currently offered to school-aged children and adolescents as part of publicly funded, school-based programs. These programs were initially launched in 2007-08 for female students and were expanded to both it biological sexes by 2017 in all provinces and territories. However, many children and adolescents remain unvaccinated with recent estimates of vaccine coverage remaining below the targets of 90% by 17 years of age. Recent data on vaccine uptake shows that certain areas, for example, rural and remote populations, have lower vaccination and higher cervical cancer rates. Specifically, First Nations, Métis or Inuit populations in Canada experience higher rates of HPV infection and associated

disease, as well as lower cervical screening cancer rates, which can be complicated by stigmatization and discrimination when accessing health care.

Of note, recent Canadian data reports that Indigenous women are 2 to 20 times more likely to be diagnosed with cervical cancer compared to non-Indigenous women, and have a mortality rate of cervical cancer 4 times higher than non-Indigenous women.

Immigrant and refugee populations in Canada also have lower cervical cancer screening and higher HPV infection rates, putting them at increased risk of HPV-associated morbidity and mortality.

Intersectionality among residents, race and socio-economic status may further compound health inequities.

Mitigation strategies that could promote equity include tailored catch-up programs; expanded, publicly funded vaccine access, such as in primary care and pharmacy settings, additional school-based clinics, simplified consent approaches; and reallocation of resources for doses to populations made vulnerable.

The vaccine is available for private purchases for those who are not included in their jurisdiction's publicly funded HPV immunization programs.

Data from around the world confirms the effectiveness of the HPV vaccine in preventing cervical cancer. In England, the incidence of cervical cancer was reduced by 87% in women in their twenties who were offered the vaccine when they were aged 12 to 13 years as part of the U.K. HPV vaccination program.

Among Swedish girls and women aged 10 to 30-years-old, HPV vaccination was associated with a substantially reduced risk of invasive cervical cancer at the population level.

In Canada, if one uses the coverage observed in Quebec where they have 85% vaccination coverage, the projection is for near elimination of high-risk HPV infections in females and males within the next 15 years. In Ontario, where vaccination coverage is between 62 and 67%, the projection is lower but still comes in at a 90% reduction in HPV infections.

Finally, data showing a reduction in other HPV-associated cancers, such as oropharyngeal cancer, is more limited and delayed given its slower projection compared to cervical cancer.

In closing, an upstream approach to health promotion focuses on awareness and the root causes of disease rather than just the symptoms. Dear colleagues, I thank you for your interest in health and for your attention. Thank you. *Meegwetch*.

Hon. Joan Kingston: Honourable colleagues, I rise today to speak to the Senate inquiry regarding a critically important public health issue, the alarming rise in sexually transmitted and blood-borne infections, including human immunodeficiency virus, or HIV. I would first like to thank Senator Cormier for launching this inquiry and for the other speakers that we've been hearing from since he has.

The infections of chlamydia, gonorrhea, syphilis, hepatitis B and C and HIV are grouped together, and public health practitioners encourage testing for them concurrently for one simple reason: if you're at risk for one of them, you're at risk for all of them.

There is a very clever ad for the shingles vaccine that, by the way, I would encourage you all to take advantage of, including the HPV vaccine as we've just heard. And it says, "Shingles doesn't care." Well, sexually transmitted and blood-borne infections don't care either. They are transmitted through the exchange of genital fluids, through intimate skin-to-skin contact and through contact with blood, and because they are often present without symptoms in the early stages, they are easily transmitted unknowingly.

HIV does not discriminate. Globally, 44% of all new HIV infections were among women and girls of all ages in 2023. In sub-Saharan Africa, women and girls of all ages accounted for 62% of all new HIV infections. In all other geographic regions, including North America, over 73% of new HIV infections in 2023 occurred among men and boys.

Every week, 4,000 adolescent girls and women aged 15 to 24 became infected with HIV globally in 2023; 3,100 of these infections occurred in sub-Saharan Africa. December 1 marked World AIDS Day and the beginning of Indigenous AIDS Awareness Week. During this time, we remember those we lost to HIV as we continue to support those living with it by raising awareness, increasing our knowledge and working to end the stigma and discrimination surrounding HIV.

It is this stigma and discrimination that will be my focus today, but first a public service announcement. The two ways that HIV can be passed are through sex and by sharing needles or other equipment to inject drugs, including steroids or hormones. HIV can also be passed to a baby during pregnancy, birth or breastfeeding, by sharing needles or ink to get a tattoo, by sharing needles or jewelry to get a body piercing or by sharing acupuncture needles. There is even a risk to sharing common things like nail clippers — anything that has the potential to break the skin. Sadly, these ways can happen without knowledge of the infected person.

It's also important to know that HIV cannot be passed by shaking hands, working or eating with someone who has HIV, hugs or kisses, coughs, sneezes or spitting, swimming pools, toilet seats, water fountains, insects or animals or through acts of kindness and acceptance.

Since November 1985, all blood products in Canada are checked for HIV to ensure that it's safe to get a blood transfusion. And there's no chance of getting HIV from donating blood.

So how can you protect yourself and others? The number one way is to know your status and the status of your intimate partner by getting tested.

In certain circumstances, like good prenatal care, routine testing of pregnant mothers is done to protect the unborn baby by offering treatment before birth and ensuring appropriate care in the newborn period. Although there is no vaccine to prevent HIV or hepatitis — or the other sexually transmitted diseases that I talked about — there are things you can do to avoid passing or getting these infections, but they cannot be passed through healthy, unbroken skin. Promoting the use of condoms during sex and making them readily available as a harm-reduction strategy is good public policy.

• (2210)

When, as a health care provider, I began to encounter people at risk of HIV and hepatitis C in the early 2000s, there were limited ways to protect against these infections and treatment was difficult or non-existent. It was a pretty scary time. People did not want to be tested because they were afraid to know.

Today, thanks to advances in pharmacology, there is a cure for hepatitis C and treatment to make the viral load for HIV undetectable and therefore untransmittable to intimate partners. In short, there is hope.

There is also medication to prevent infection for those at highest risk for HIV. If you are HIV-negative and at higher risk for HIV, you might be a candidate for pre-exposure prophylaxis, or PrEP. PrEP involves an HIV-negative person taking certain HIV drugs to reduce the risk of contracting HIV. A person starts PrEP before being exposed to HIV.

If you are HIV-negative and may have been exposed to HIV, you can take post-exposure prophylaxis, or PEP. PEP drugs must be started as soon as possible, within 72 hours of being exposed to HIV, and must be taken for 28 days.

Public health and community service providers can help people to better understand and assess their risk, but they must do so with the understanding that a person's behaviours are only part of the picture. Understanding a person's HIV risk requires the consideration of many individual, behavioural and contextual factors. While personal decisions and actions can affect someone's risk of getting HIV, other social and structural factors, such as relationship power dynamics, unstable housing or lack of income, can also play a role in shaping their vulnerability to HIV. Explaining risk in a meaningful way can be complex and challenging.

However, understanding the many factors that make up the risk regarding HIV can not only help people assess their own risk but also find ways to better support the people that service providers work with.

Risk is all about uncertainty, and it does not happen in a vacuum. It is influenced by many different factors that can change over time. Broadly, the following factors can affect a person's HIV risk: whether they have personal factors, including mental health issues or substance use, that can affect their risk in a variety of ways, such as by affecting their judgment or choice making and their ability to navigate consent; whether they have low-barrier access to different HIV prevention strategies; and social and structural factors, including forms of oppression that create health inequities such as racism and homophobia.

Understanding that HIV risk is produced and reinforced through unfair differences in health status or health inequity caused by social and structural factors can help service providers better meet the holistic needs of their clients, for example, by supporting them to access other services, including counselling or housing supports, and advocating for broader systemic changes like policy changes.

In Canada, certain populations have disproportionately high rates of HIV that are concentrated in marginalized groups and communities. The populations that are disproportionately impacted by HIV in Canada include gay, bisexual and other men who have sex with men; two-spirit people; transgender people; Indigenous peoples, including First Nations, Inuit and Métis; African, Caribbean and Black communities; and people who use drugs. However, this does not mean that being a member of one of these populations is a "risk factor" for HIV. Rather, it means that other factors are contributing to increased risk at a population level.

In Canada, populations that have high rates of HIV disproportionately experience a range of social and structural forms of discrimination and exclusion — for example, racism, homophobia and transphobia — that influence their social determinants of health, like homelessness, poverty, social isolation and their ability to access health services, leading to health inequities. In the context of HIV, health inequities in these populations include increased vulnerability to HIV and poorer health outcomes for people living with HIV.

These disparities can also create conditions that enable HIV to spread more rapidly in the population, which further increases health inequity.

The greater the number of people living with HIV in a given population, the more likely it is that a member of that population will be exposed to HIV.

The concept of risk is often used directly or indirectly to place blame on individuals for activities they participate in. It is important to be aware of this when discussing HIV risk with people. Labelling specific activities as "risky" or telling people that they shouldn't do specific things can reinforce the experience of oppression and exclusion for them.

Additionally, this approach does not acknowledge that the activities that can lead to HIV transmission are sometimes a result of factors beyond a person's control that limit their choices. For example, there may be a power imbalance in a sexual relationship that determines their use of HIV prevention strategies.

However, one thing that is certain is that undetectable equals untransmittable. This means that a person living with HIV who is on HIV treatment and maintains an undetectable viral load will not pass on HIV through sex; an undetectable viral load means the risk of sexual transmission is zero.

To end inequalities and inequities, we must acknowledge the impact HIV continues to have on communities struggling with social and economic challenges, as well as Indigenous people, gay, bisexual and other men who have sex with men and people who use drugs. We must also recognize that many people diagnosed with HIV may experience mental health challenges, both as a result of the stigma surrounding HIV and the complex emotions that accompany a diagnosis.

Tragically, COVID-19 impacted access to many services for sexually transmitted and blood-borne infections, including testing. As a result, in Canada, there were 1,722 newly diagnosed cases of HIV in 2021, an increase of 5% since 2020.

In 2020, Indigenous people represented nearly 10% of all people living with HIV in Canada, although Indigenous people made up only 5% of the total population in 2021. With data portraying this stark reality, Indigenous voices and experiences must be at the forefront of HIV prevention and care for First Nations, Inuit and Métis communities. We must keep working together toward further incorporating traditional knowledge and culturally safe practices into our HIV health care approaches.

Community-based organizations remain vital in implementing local projects that improve access to HIV prevention, treatment and care and enhance evidence-based harm-reduction strategies.

The federal government's HIV and Hepatitis C Community Action Fund and the Harm Reduction Fund support community-based organizations and projects that are on the front line in preventing infections and improving access to treatment and care. HIV self-testing is more widely available, including in Northern, remote and isolated communities across Canada, to help reach the undiagnosed as a first step toward connecting people to culturally safe services.

Through continuing to expand these measures, Canada can support the global goal of ending HIV and AIDS as a public health concern by 2030.

The Public Health Agency of Canada collaborates with governments at all levels and regional and local communities. Each partner plays a critical role in engaging with people living with HIV and those at risk of infection to help meet their prevention, testing, treatment and support needs.

During AIDS 2022, Canada endorsed the Undetectable = Untransmittable, or U=U, global declaration. That means that if an individual is receiving treatment and maintains a suppressed viral load, there is effectively no risk of sexually transmitting the virus to others. Promoting this message is one way we can reduce stigma and discrimination.

Global testing and treatment targets for 2025 have been established. Named 95-95-95, it calls for 95% of all people living with HIV to know their status, for 95% of those who know their status to access treatment and for 95% of those receiving treatment to become virally suppressed.

Globally, in 2023, 86% of all people living with HIV knew their HIV status. Among people who knew their status, 89% were accessing treatment. Among people accessing treatment, 93% were virally suppressed.

• (2220)

Although we have variable success toward these targets among some populations in Canada and we have work to do, most provinces are approaching those targets.

While the COVID-19 pandemic affected sexual health services, it has also contributed to promising advances in science and innovative ways of connecting people to testing, treatment, prevention and care that help to collectively drive progress forward. Addressing the ongoing challenge of HIV requires a comprehensive approach.

Scaling up new diagnostic technologies, such as point-of-care testing and self-test kits, will increase accessibility and encourage early detection, particularly in remote and underserved areas.

Advancements in medical research and technology have significantly improved prevention and treatment. Antiretroviral therapies for HIV and curative treatments for hepatitis C —

The Hon. the Speaker pro tempore: Senator Kingston, your time has expired. Are you asking for leave to have additional time to complete your speech?

Senator Kingston: Yes.

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

Hon. Senators: Agreed.

Senator Kingston: New medical technologies will help prevent the long-term effects of these infections.

People living with HIV who are on treatment can live long, happy and healthy lives. The first step to treatment and care is knowing your status. I encourage everyone to raise awareness and change HIV-related stigma. By working together, we can put an end to the spread of HIV.

Thank you, *woliwon*.

(On motion of Senator Clement, debate adjourned.)

[*Translation*]

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

MOTION TO AFFECT COMMITTEE MEMBERSHIP ADOPTED

Hon. Raymonde Saint-Germain, pursuant to notice of December 3, 2024, moved:

> That, notwithstanding any provision of the Rules or previous order, the Honourable Senator Boniface take the place of the Honourable Senator Cotter as one of the members of the Standing Committee on Ethics and Conflict of Interest for Senators as of December 18, 2024.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

AUDIT AND OVERSIGHT

MOTION TO AFFECT COMMITTEE MEMBERSHIP ADOPTED

Hon. Raymonde Saint-Germain, pursuant to notice of December 4, 2024, moved:

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

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 10:25 p.m., the Senate was continued until Tuesday, December 10, 2024, at 2 p.m.*)

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