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The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Thursday, December 12, 2024

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

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE JEAN-GUY DAGENAIS

Hon. Scott Tannas: Honourable senators, timid, reserved, shy, quiet — if someone came up to me and described Senator Dagenais in these terms, my response would be, “You’ve never met Jean-Guy Dagenais.”

Today, we pay tribute to our colleague and friend Senator Jean-Guy Dagenais. He was named to the Senate in 2012 by Prime Minister Harper. He is an unabashedly proud Quebecer and Canadian and has represented his province with honour and distinction. His experience as a former police officer and a former president of Quebec’s association of provincial police officers made him one of our leading voices on security issues.

If you know Jean-Guy, you know three things with absolute certainty. First, you can take the person out of the police force, but you cannot take the police force out of the person. Senator Dagenais was one of the unsung heroes — one of my unsung heroes — of the October 22, 2014, shooting on Parliament Hill. This may be a piece of history of which many senators may not be aware. When the attacker entered Centre Block and the shooting started, the government caucus was meeting just off the main hallway. The room door was barricaded. The RCMP officers present moved the Prime Minister to a safe location. While most people moved away — ran away — from danger, a group of parliamentarians, many with previous law enforcement experience, ran towards the gunshots.

Senator Dagenais was one of the defenders, leading the way to protect. In an instant and without hesitation, Jean-Guy was directing others to safety and ready to shield those inside against the intruder. He was one of the colleagues armed with a flagpole as a spear. This was a chaotic few moments. The courage, the selflessness, the heroism exhibited by our colleague and others that day need to be recognized regularly. We thank you.

Second, with Jean-Guy, what you see is what you get. He never shied away from expressing his views, advocating for his constituents and telling it like it is. When Senator Dagenais was representing the Quebec police officers, former premier Jean Charest told us when we met him on the street that he dreaded meeting with Jean-Guy because he knew the gathering would mean many more concessions that would cost the government much money.

Lastly, Senator Dagenais believes firmly in accountability. He was often the first in line to question the government and put feet to the fire for answers on behalf of Canadians and Quebecers.

That did not end there. He also believed in personal accountability. His word was his bond, and we appreciated it greatly.

Sharing a caucus with my friend Jean-Guy Dagenais twice, once as a Conservative and now with the Canadian Senators Group, was an experience, to say the least. He shot from the hip, and he never shied away from the truth.

I would like to mention a great character from Canadian literature, Chief Inspector Armand Gamache from the mystery crime series by Louise Penny. He, too, was a member of the Sûreté du Québec. In the book *How the Light Gets In*, the inspector shows similar traits to Senator Dagenais. The author says:

Armand Gamache had always held unfashionable beliefs. He believed the light would banish the shadows. That kindness was more powerful than cruelty, and that goodness existed, even in the most desperate places. He believed that evil had its limits.

Jean-Guy, you have served and protected for over 12 years in this place. You will be truly missed. I understand that over the next few months, you will be transitioning from a senator to a snowbird.

On behalf of your colleagues and friends here in the Canadian Senators Group, we wish you a happy and long retirement to you and Danielle. All the best.

Hon. Senators: Hear, hear!

[*Translation*]

Hon. Marc Gold (Government Representative in the Senate): Senators, I rise today on behalf of the Government Representative Office to pay tribute to our colleague, the Honourable Senator Jean-Guy Dagenais.

As you know, Senator Dagenais served the people of Quebec for close to 40 years as a peace officer with the Sûreté du Québec. Over his career, Senator Dagenais held various positions, including patrolman, investigator and team leader.

For most people, that would have been more than enough, but not for Senator Dagenais. He was actively involved in the Association des policières et policiers provinciaux du Québec, where he quickly climbed the ranks, serving in turn as delegate, regional director, vice-president and finally, president, in which capacity he conducted negotiations with the Province of Quebec on behalf of his fellow officers. This was only the beginning.

While most people would have opted for retirement after such a brilliant career, our colleague was the exception. He kept on advocating on behalf of Quebecers and working for them here in the Senate.

• (1410)

It is therefore not surprising that Senator Dagenais's first speech in this chamber was to sponsor Bill C-36, the Protecting Canada's Seniors Act, which added vulnerability due to age as an aggravating circumstance for sentencing purposes. For over 12 years, Senator Dagenais has brought his experience and perspective to the many important debates that take place in this chamber.

On a more personal note, those Canadians and senators who have only seen us interact during Question Period may be surprised to learn that Senator Dagenais and I have a lot in common. We are both Quebecers, and we share a great love of music. Senator Dagenais and I both played in rock bands when we were younger. He played keyboard and I played guitar. This shared experience enabled us to forge a warm personal friendship.

My friend, during your time here, you have always been a man of principle who defended your values, and yes, I can say that you gave me a hard time in Question Period.

My friend, I hope that you will enjoy your well-deserved retirement and that you will spend quality time with your charming wife, Danielle, and your many friends. Once again, on behalf of my entire team, I wish you a happy retirement. I will miss you.

[*English*]

Hon. David M. Wells: Honourable senators, I rise to pay tribute to my good friend Senator Jean-Guy Dagenais.

When I arrived in the Senate in 2013, I didn't know many of my new colleagues, Senator Dagenais among them. We had about 60 in our caucus, and I knew a few — Senator Marshall and Senator Manning, of course, and a couple of others — but that's it.

I reached out to Senator Dagenais prior to a visit to Montreal. I suggested a lunch where we could get to know each other. We met. He apologized for his English; I apologized for my French. And with that, we developed an immediate connection and have been close friends ever since.

In our earlier days, I was invited to speak at the annual general meeting of the Royal Newfoundland Constabulary Association, the union representing the provincial police. I had a scheduling conflict, and, knowing Senator Dagenais's background as a police officer and head of the police association in Quebec, I asked him if he wouldn't mind appearing in my place. He readily agreed, and, of course, it was reported back to me that he was a big hit. They absolutely loved him and still talk about it to this day. I said to the association leadership later that I would be pleased to attend the following year. The president said, "Can we get Senator Dagenais back again?" So I haven't invited him since.

[Senator Gold]

We know that Jean-Guy and his wife, Danielle, spend as much time as they can in Florida. Even during the pandemic, Senator Dagenais was able to capitalize on our border vulnerabilities. Perhaps he is thinking about the benefits of Canada becoming the fifty-first . . . Well, that's a discussion for another day.

It is also no secret that he drives the most beautiful and luxurious cars on Parliament Hill. Every one of us who have had the experience of having the parking spot next to him, whether he is driving his Jaguar or his Bentley that day, instantly regrets it, and I know I did when I pulled up next to his car in my old pickup truck.

However, no one ever regrets that he was appointed to the Senate. With his background in security and policing, he has been a great asset, whether speaking to bills that focus on those areas or participating in the Committee on National Security, Defence and Veterans Affairs. His strong voice is always respected. He has been a valuable asset to our chamber, and we are better off for him having served here.

Regrettably, the time has come for Senator Dagenais to bid farewell to the Senate. This, however, doesn't mean we must bid farewell to him. We may not be able to see him as often, but, of course, there are regular flights to Florida and an easy train ride to Montreal and the nearby Blainville.

On behalf of the Conservative caucus in the Senate, Senator Dagenais —

[*Translation*]

— my dear friend, I wish you all the best in your retirement, and I wish you and Danielle much health and happiness in the years to come.

Hon. Raymonde Saint-Germain: Colleagues, I am pleased to rise today to pay tribute to our esteemed colleague, my fellow Quebecer, Senator Jean-Guy Dagenais.

Senator Dagenais was appointed to the Senate in 2012, after a long career dedicated to protecting the people of Quebec as a member of the Sûreté du Québec. In fact, Jean-Guy's passion for public safety runs in the family. It was ingrained in him from a young age, because his father was a career police officer with the Montreal police, and Jean-Guy followed in his footsteps.

Prior to his arrival in the Senate, Senator Dagenais was involved in the labour movement in the policing world. In 2004, he even became president of the Association des policières et policiers provinciaux du Québec, a position he held for seven years. That's quite an achievement, being the head of a police union. You definitely earned your stripes, Jean-Guy.

As you may be aware, Senator Dagenais's career path and mine intersected before our respective arrivals in the Senate. Jean-Guy, you're scared now, I know. In February 2010, when I was the Quebec Ombudsperson, I published a report recommending the creation of an independent body to investigate serious incidents of death or serious injury involving police officers. Needless to say, colleagues, my recommendation did not meet with unanimous approval in the police union community. As you might imagine, then president Dagenais railed against the

recommendation, saying that my report illustrated, and I quote, “the ombudsperson’s communication skills, not her policing skills.”

The Quebec government agreed with me, and An Act to amend the Police Act as concerns independent investigations passed on May 9, 2013. I know Jean-Guy will recognize today that both the police officers and the public agree on the remarkable credibility of this independent office, which, in many cases, has served police officers very well. Justice was on the right side.

People say that first impressions can be misleading. Today I am glad that Senator Dagenais and I had a chance to get to know and appreciate each other. Regardless of our differences of opinion, I could see at the time that Senator Dagenais was a man of conviction who was ready to defend and passionately debate the things that are important to him. As a man of principle, Senator Dagenais has never shied away from making courageous and difficult decisions to stay true to his core values. After disagreeing with his political party on several fronts, he chose to leave the security of a party affiliation and sit as an independent during his final years in the Senate. A decision made out of conviction is an honourable one.

Honourable Senator Dagenais, dear Jean-Guy, on behalf of the Independent Senators Group, I wish you all the best for the future. You’re embarking on a new chapter in life, when you’ll get to go back to spending time with your loved ones. I hope you and Danielle enjoy your retirement and this well-deserved quality time together.

Thank you. *Meegwetch.*

Hon. Pierre J. Daphond: Honourable senators, I rise to pay tribute to Senator Dagenais on behalf of the independent senators of the Progressive Senate Group.

Our colleague is the son of a police officer and served as a member of the Sûreté du Québec for 39 years. Law and order go hand in hand in the Dagenais family.

He started out as a patrol officer in 1972 in Rawdon and quickly moved on to representing his colleagues, which is not surprising given his degree in human resources. In 1996, he became the vice-president of finance of the Association des policières et policiers provinciaux du Québec and later replaced Tony Cannavino as president in 2004.

When he was called upon to negotiate collective agreements, my friend Jacques Dupuis, the then minister of public safety, described Senator Dagenais as a man of imposing stature, which is true, and a tenacious union leader.

In 2011, Jean-Guy left the union to run as a Conservative candidate under Prime Minister Harper, unlike his friend Cannavino, who was a Liberal Party supporter. Jean-Guy was attracted by the law-and-order agenda.

• (1420)

The door to the House of Commons may not have opened, but the door to the Senate did in January 2012.

What set him apart in the Senate was his approach to politics. As president of the association, he was in favour of maintaining the gun registry, but, as a senator, he was in favour of abolishing it.

Yesterday, in an interview, our colleague mentioned that one of his achievements was getting a bill promoting union financial transparency passed despite opposition from the unions.

What I remember most about our warm and friendly colleague is that he was always a man of strong opinions. In 2013, an NDP MP sent her constituents a flyer in which she suggested abolishing the Senate. In response, he wrote an open letter that began, “What a rag!”

He went on to say:

As an NDP MP who would probably never have been elected if not for Quebecers’ spontaneous outpouring of sympathy for Jack Layton . . . you don’t know enough about constitutional matters to be making such allegations. There is a well-stocked library on the subject at your disposal in Parliament. I suggest you make use of it.

In November 2019, he broke ranks with Conservative leader Andrew Scheer and his Senate leader and announced that he was joining the Canadian Senators Group.

In September 2022, armed with a pair of scissors, he cut up his Conservative Party membership card and compared Pierre Poilievre to Donald Trump. His statements are always punchy.

To be fair to our colleague, his strong opinions spare no one, especially not Prime Minister Trudeau and Senator Gold.

My dear Jean-Guy, I wish you and Danielle all the best for the future. I wouldn’t be surprised to see, hear or read more of your punchy comments in the media weeks or months from now.

Happy retirement.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Danielle Comeau, spouse of the Honourable Senator Dagenais; His Excellency Wang Di, Ambassador of the People’s Republic of China to Canada; His Excellency Dauletbek Kussainov, Ambassador of the Republic of Kazakhstan to Canada; His Excellency Kallayana Vipattipumiprates, Ambassador of the Kingdom of Thailand to Canada; the Honourable Victor Oh; and the Honourable Erin O’Toole. They are accompanied by other friends and collaborators of the Honourable Senator Dagenais.

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

Hon. Senators: Hear, hear!

[*English*]

THE HONOURABLE JEAN-GUY DAGENAIS

EXPRESSION OF THANKS

Hon. Jean-Guy Dagenais: Honourable senators, thank you. First of all, I realize that this is my first standing ovation after 12 years, and, you know, I like it.

[*Translation*]

Your Honour, honourable senators, forgive me, but I'm going to need my glasses.

[*English*]

It's because I am 75 years old. I'm sure you will understand.

[*Translation*]

Already, my time in this chamber has come to an end, in accordance with the age rules.

I admit, it seems a little odd to me that a political career in Canada, at least in the Senate, has to end at age 75, when it seems like 75 has recently become the minimum age for getting into politics in the U.S. Come to think of it, I believe Senator Oh and I are just waiting to turn 78.

All jokes aside, this has been a wonderful day for me, especially listening to all the praise that some of you just showered on me and the memories you shared. I will thank some of you individually in just a few moments.

First, I would like to take a few minutes to say hello to my guests in the gallery, who insisted on being here with me for this important moment in my life.

[*English*]

I would like to extend a more personal greeting to the three ambassadors who are honouring me by being here today. Welcome to the Senate of Canada to the new Chinese Ambassador to Canada, Wang Di; the new Kazakhstan ambassador, Dauletbek Kussainov; and the Thailand ambassador, Kallayana Vipattipumiprates, who are honouring me with their presence.

My years in Ottawa on Parliament Hill gave me the opportunity to meet ambassadors from several countries and many other politicians whom I have appreciated. Obviously, I could not invite them all, but I must tell you that I have had some very pleasant exchanges with most of them. I have had meetings during which I have always tried to draw lessons that go beyond the political ideologies that are expressed by some of our elected officials.

No matter what message our politicians convey, I always prefer to see for myself, learn by myself and form my own mind about the people, their country and their culture.

China has been a very important economic partner of Canada for many years. I remember a meeting that I attended where I met members of the Desmarais family of Power Corporation and former Liberal prime minister Jean Chrétien. It was a meeting that let me understand the importance of the economic exchanges that we have now and that we will continue to have with this country.

In my opinion, the economic importance of China has become essential. I say it's essential for what we buy and for what we sell to them. It is essential to guarantee the future of many Canadian companies. The "Made in China" that you find in all your homes — and I mean in all your homes — goes far beyond what you could buy in a Dollarama.

Now I'll offer a word about Kazakhstan, which I had the pleasure of visiting. Let me just say that the economy of this country greatly promotes the international development of Canadian companies like Cameco from Saskatchewan, which has uranium mines in Kazakhstan, and Bombardier, which is the main supplier of aircraft for the national flag carrier.

Now I'll say a few words about Thailand, known for its great agricultural capabilities. It is the second-most important country in Southeast Asia for Canada's bilateral economic exchanges, which now reach \$6 billion annually. They buy significant quantities of potash and wheat from us each year.

In a few words, through cordial diplomatic relations, I have always sought to rise above the political biases that are sometimes distorted in order to enhance and promote the economy of our Canadian companies, which are flourishing particularly in these three countries. Thank you, ambassadors, for being here today. Thank you so much, my friends.

I must also extend a special greeting to my friend, former senator Victor Oh, who is also here in the gallery and with whom I had the great pleasure of working with.

[*Translation*]

I am also deeply honoured by the presence of Erin O'Toole, former leader of the Conservative Party of Canada and member for Durham from 2011 to 2023.

Thank you for joining us, Erin, despite your busy schedule as the new Canadian president of ADIT, a French multinational strategic security firm.

Erin's presence gives me a chance to remind you all that I entered politics as a Conservative at the same time as he did, in 2011, and that I'm still a Conservative, politically speaking.

To be honest, I should tell you that I'm a Progressive Conservative who decided one day to sit in this chamber as an independent senator, simply because no one tells an old union leader like me when to speak and what to say. I believe, given time and experience, that I have the right to speak my mind clearly and frankly, however different my opinions may be. I've always done so with respect, because I believe politics should never be a street fight. Modern democratic societies were not

built on consensus, but on debate and well-formulated criticism. Honesty must take precedence over hypocrisy and, as I often say, lies have no future.

• (1430)

Let me now tell you a little about the Senate as an institution. I'm leaving the Senate, but you can rest assured that I'll always keep an eye on the nature and quality of the debates here.

However, I would like to express some apprehension or concern about the so-called modernization of the Senate. The independence of senators is not a bad idea. In fact, I was one of the first to leave partisanship behind to have the freedom to choose what is right, not for myself or to please the government of the day, but for the Canadians in the regions that we represent. I believe in the independence of senators, and I will continue to believe in it, provided that it does not become diluted by the political values of a select few with every change of government. We must be careful. Consistency is a fundamental value when we sincerely want to improve our institutions.

Unfortunately, I won't be here with you to experience what will happen after the next election, but I would hope that the Senate will continue to fully play its role and that it will always firmly assert its independence. As senators, we collectively have the right to ask questions. I would add that we also have the right to express our indignation at political decisions that are poorly crafted, ill considered or harmful for the collective future of the people of our big, beautiful country. I have, and always will have, a great deal of difficulty with those politicians who sometimes legislate out of ideology, while dangling the prospect of results that are clearly unattainable. Unfortunately, there are more and more of them. As senators, let's be vigilant. Canadians need you to stand as a protective wall against fleeting ideologies.

Now let's move on to the expressions of thanks.

The first person I want to thank is the Right Honourable Stephen Harper, a great prime minister whom I was particularly proud to serve. There is a serious shortage of this kind of rigorous, world-class politician these days.

I would be remiss if I didn't mention Senators Claude Carignan and Leo Housakos, who undoubtedly played an important role in my entry into politics. Thank you both. Thank you for still being my friends. At least, I think we're still friends, even though our political views are less compatible than they once were.

I'd like to share a little anecdote. A colleague wanted to make sure I didn't forget anyone in my thanks. Last week, I went for coffee in the library and left a note on my desk to prepare my thanks. When I came back, I found another note on my desk, one not written by me. The author of this note didn't think that a former policeman might find the culprit. I see the culprit is smiling. Let me read what it said:

Thank and recognize the excellent Senator Carignan, without whom I would not have had the privilege of sitting in the Senate.

Claude, thank you, but I had already prepared my thanks. You didn't have to write that down for me.

When I left the Conservative caucus, I joined the Canadian Senators Group, a group that keeps growing because it offers senators an environment that promotes freedom of thought and expression on all the political issues that come before this chamber.

I want to take this opportunity to thank our leader, Scott Tannas. Thank you for your political savvy, which made it possible to create a caucus of people who are very different but who are united by their desire to work for the good of all Canadians. Thank you very much, Scott. Thank you also to all the members of our group. May you continue to grow so that the Senate can benefit from your individual skills. I will certainly miss our midday caucus meetings every Tuesday.

Now let's move on to the more personal expressions of thanks.

I want to thank the Honourable Speaker. Thank you, Raymonde, for the patience, respect and poise you displayed during debates that weren't always easy.

I also want to thank the Honourable Speaker pro tempore. Thank you, Pierrette, for filling in so adeptly for the Honourable Speaker. You did so with grace and honour. Your "troublemaker" is going to miss you.

Thank you, government leader. Marc, I'm sure you won't miss my questions. I might come across as a bit harsh sometimes, but I have tremendous respect for the work you've done to ensure respect for the rules of this place. I have to confess that I wasn't the one who wrote the questions; that was my political adviser. So if you're looking for the guilty party, he's sitting in the gallery.

I thank all the leaders who paid tribute to me. I truly appreciated your tributes. You reminded me about some of the things I said. Thank you, Raymonde; you have a good memory. What you said was absolutely true.

I also want to thank my friend, the Usher of the Black Rod, Greg Peters. Usher, I'm going to miss hearing you call out, "Order, Madam Speaker." I've often wondered if you behave the same way at home. I'm sure you're very effective. I'm just kidding, Greg, but I want to thank you for your loyal service. You're doing a fantastic job representing a symbol of our Canadian democracy.

I know this may seem repetitive, but we can't thank our clerks enough, especially Ericka Paaanen, with whom I worked at the Standing Senate Committee on National Security, Defence and Veterans Affairs. You have a gift for making sure we have everything we need to do our work.

To our pages, I see you and all you do here. You give me hope for the future. Good luck to each and every one of you.

To our security guards, it's true there were times when I'd go out in the evening and take great pleasure in telling you that we'd be finishing at midnight that night. The guards would remain calm and reply, "We'll be there for you."

I'd like to thank my friends, the minivan drivers. We've had many discussions in the minivans. Thank you, gentlemen. Remember, what is said in the minivan stays in the minivan.

Of course, I'd be remiss if I didn't acknowledge our technicians and interpreters. Translating Quebec expressions isn't always easy.

Now on a more personal note, I'd like to thank my two assistants, Mireille and Luce Farrell, who are sisters. Where would I be without your unwavering support? Every day, you were there, like good soldiers. I'd arrive at the office and you'd say, "Senator, sit in the little chair in front of my desk." That might have been the first time I listened to anyone. You'd say, "Here are your invitations, senator. Here's your schedule for the week, senator." When I was leaving for the Senate chamber, you'd say, "Don't forget your glasses, senator. Don't forget your cell phone, senator. Don't forget your tablet, senator." You have been my memory and my eyes. What else can I say? You supported me with total professionalism, and I'm grateful to you.

• (1440)

I want to thank my policy adviser, Richard Desmarais, a man who knows all about the media, whether it be print, radio or television. Richard, you've been more than a policy adviser to me; you've been a confidant. I will always remember our daily calls. He would ask me, "How's he doing?" and I would immediately answer, "He's doing well, and this guy?" Imagine if this guy hadn't been doing well. I would have looked really bad.

Some uncharitable souls called him my ventriloquist and said that when he was in the gallery while I was talking, his lips didn't even move. So here is the guilty party who prepared my questions and statements, both in the chamber and in committees. Thank you, my friend, for your unwavering support.

Now we come to my wife, my accomplice, my love. She warned me. She said, "Jean-Guy, don't start with your grand declarations." Still, if you don't mind, I'm going to sing for you what I always sing to her before going to Florida for Christmas.

[*English*]

"I'll be home for Christmas . . ."

[*Translation*]

But this time, I'm going to change up the words and sing her this:

[*English*]

"I'll be home for Christmas . . ." for the rest of our lives. I love you, my dear.

[*Translation*]

In conclusion, as Senator George Baker would say, to all of you, my friends, and especially the members of my caucus, thank you for the unforgettable experience that I had in the Senate. It gave me a chance to get to know Canadians from every corner of our big, beautiful country. You came here, as I did, by following different life paths, and that is the real advantage of the Senate.

[Senator Dagenais]

You shared your experience too. If I had one wish for you, it would be that you continue working for the well-being of your fellow Canadians. Thank you all. Thank you very much.

TRIBUTES ON RETIREMENT

Hon. Larry W. Smith: We all remember our first day in this magnificent chamber. I remember being impressed by the remarkable people I was meeting, including Percy Mockler, Nancy Greene Raine and Frank W. Mahovlich, to name just a few.

Some time later, I learned that Jean-Guy Dagenais would be joining us on the Conservative bench in the Senate. The first time I met him, I knew right away that I was in the presence of an incredible man, a good and pure Quebecer. I'm so proud to have served our beautiful province with him.

I've had several opportunities to work closely with Jean-Guy over the years. He quickly demonstrated that he was the kind of man who could gauge a situation and take the necessary time before reacting. He always knew how to interpret these situations, some less pleasant than others, with the sense of humour we know so well.

Jean-Guy is not your typical leader. When his colleagues at the Sûreté du Québec chose him to represent them in 2004, he easily demonstrated that he was up to the task, and he proudly served as their voice until 2011. He guided them by being a strong, solid yet discreet leader.

In all aspects of his work, Senator Dagenais has shown that he is a solid team player who can be counted on. His innate integrity and steadfast modesty often made my job as leader of the opposition in the Senate easier. Thank you, Jean-Guy.

I never doubted that Jean-Guy would be by my side to support me in difficult situations, and I was very happy to celebrate our collective victories with him.

Jean-Guy always knew how to surround himself with good people. We can't pay tribute to this great man without mentioning Richard, Mireille and Luce for the support they have given Jean-Guy over the years. In addition, on behalf of all Canadians, I would also like to thank his wife, Danielle —

[*English*]

— great job, Danielle —

[*Translation*]

— for the sacrifices she made so that Senator Dagenais could sit in the Senate, with us and for us.

Jean-Guy, dear friend, I wish you a retirement that's everything you hoped it would be. After working for so many years in the service of others, enjoy the free time that is finally coming your way to relax in sunny Florida. May your retirement bring you health, happiness and the good things in life.

Goodbye, old friend, and thank you.

Hon. Pierrette Ringuette: Honourable senators, today we are marking the retirement of Senator Jean-Guy Dagenais, who was appointed to the Senate in January 2012 by former Prime Minister Harper.

Following in the footsteps of his father, Senator Dagenais started his career with the Montreal police force. He was also an active member of the Association des policières et policiers provinciaux du Québec and became its president in 2004.

Senator Dagenais has an inexhaustible supply of stories from his long career in policing. I think that he's most proud of his accomplishments as a negotiator for the police, especially all the fun he had leading negotiations opposite former Quebec premier Jean Charest. He still teases him to this day about how much he cost Mr. Charest's government during one particular negotiation. No doubt it's one of your favourite memories, Jean-Guy.

When he arrived in the Senate as part of the Conservative caucus, Senator Dagenais seemed a little unapproachable, but make no mistake: Senator Dagenais' sense of humour is a sharp as the somewhat partisan questions he would put to government representatives Senator Harder and Senator Gold.

Senator Dagenais is a Progressive Conservative, just like our former colleague, Ghislain Maltais. In my view, they're both fun-loving guys who know how to balance seriousness and humour. I became friends with both senators, and we had some good times together. Senator Dagenais loved teasing so much that, a number of years ago, I nicknamed him "my troublemaker." I imagine Danielle would say the same.

Senator Dagenais, my troublemaker, I am really going to miss you. You've always been able to make us laugh, even to this day. Being able to laugh is important. I hope that your retirement with your wife Danielle will be full of fun adventures in Florida, Montreal and elsewhere. If you're as much of a troublemaker with Danielle as you are with me, she may secretly be hoping that you find another job to fill your spare time. I think we have several senators who would be willing to help with that.

All joking aside, I'm going to miss you, and I'm looking forward to seeing you and Ghislain Maltais again in Quebec City, hearing your stories and laughing together until it hurts.

Thank you so much, Jean-Guy, for your presence in the Senate and your contribution. Long may you live.

• (1450)

Hon. Réjean Aucoin: Colleagues, as soon as I entered the Senate a little over 12 months ago and joined the Canadian Senators Group, Jean-Guy took me under his wing and gave me the benefit of his support, generosity and sense of humour.

Week after week, Senator Dagenais never failed to ask the Government Representative a question on a topic that mattered to him. He immediately gave me his spot on the Standing Senate Committee on Official Languages. He didn't just welcome me, he embraced me wholeheartedly.

As a former defence lawyer and journalist, I was often at loggerheads with police officers and union leaders, but now I was supposed to serve alongside a senator who had once been both. It was his kindness, not his words, that changed my mind about unions and police officers.

During his career with the police, this senator was the one who was always suspected, and rightly so, whenever someone was the butt of a joke or a prank at his police detachment or among the staff when he was a union rep.

A picture is worth a thousand words, and here's the one I have in mind: Senator Dagenais in his Rolls-Royce, dressed in his suit, hat and bow tie, together with his wife, heading off on the road to retirement. He's the epitome of the gentleman senator, not Maurice LeBlanc's gentleman thief, Arsène Lupin.

Before I sit down again, I'm going to check my seat to make sure that his last act in the Senate wasn't to play a prank on me after the little secrets I just shared with you.

I forgot one detail about the image I still have in my head. As the Rolls-Royce glides past me on its way to Florida, there's no sign on the trunk that says "Happy retirement." Instead, there's a big organ on a stand in the trunk because Jean-Guy has another string to his bow. He's also an organist, and there's no way he'd leave his favourite instrument behind as he embarks on his retirement.

Jean-Guy, my friend, good luck with your new endeavours, and long may you live.

Thank you. *Meegwetch.*

Hon. Senators: Hear, hear!

Hon. René Cormier: Honourable senators, there are some people who, when we first meet them, we feel as though we have nothing in common and we wonder what we could possibly talk to them about, since we seem to be light years apart. This was how I felt about my prospective professional relationship with Senator Dagenais.

I have to say that I don't always share his views or agree with the premises of his questions and speeches in the Senate. I'm pretty far removed from the world of policing, where he worked for so many years. I'm not so fond of cars that I wash them three times a day, and I'm also not particularly fond of travelling back and forth to Florida.

When I thought about it, I felt that, other than music, the only other thing we might have in common was the same barber, but I cut that thought short since there was not much to talk about there.

Knowing that we were going to go on a ParlAmericas mission to Paraguay together and that we would be sitting next to each other on the long flight, I wondered what I could talk to him about.

Well, honourable senators, I learned that you do not need to talk if you are travelling with Senator Dagenais. He will take care of the talking. He will talk to you the whole way, and he will repeat his stories once, twice or three times to make sure that you remember them.

Whether he's talking about his treasured cars, his past as a union steward, his beloved dog or the unconditional love he has for his wife, Danielle, his generosity knows no bounds.

If you want to get some rest during the trip, wear a mask, put on your headphones, pretend to snore or fake a heart attack. Basically, use every possible means to head off to dreamland as fast as possible, because the senator may be terse in this chamber, but on the road, the stories and anecdotes flow so quickly and steadily that it's like a tsunami moving the little white house in Lac-Saint-Jean.

Resigned to listening to his stories during this trip, I finally went into listening mode. It was then, colleagues, that I realized that behind these stories and anecdotes lay a kind, sensitive person, full of goodwill and affection for human beings, a senator with an immeasurable love for the French language and Quebec culture, as well as endless solidarity for all the francophones and Acadians in this country.

I remembered how that solidarity shone through when he sat on the Standing Senate Committee on Official Languages, particularly as a member of the Subcommittee on Agenda and Procedure, when we were studying the modernization of the Official Languages Act. As chair of that committee, I could always count on his support and presence when I needed him.

It was while flying from Montreal to Asuncion that I had this revelation and finally understood who Senator Dagenais really was.

Senator, dear Jean-Guy, as you embark on this new stage of your life, I wish you a well-deserved retirement. Above all, I hope you meet many attentive listeners who will love listening to your stories, because those stories are the key to understanding what an amazing person you are.

Thank you, Senator Dagenais.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the spouse of the Honourable Senator Moreau, Michèle Monast, judge at the Superior Court of Québec.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Jacques Dupuis, former Minister of Public Security, Québec. He is the guest of the Honourable Senator Dalphond.

[Senator Cormier]

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

Hon. Senators: Hear, hear!

[*English*]

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mary Deros, Montreal City Councillor for the district of Park-Extension. She is the guest of the Honourable Senator Housakos.

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

Hon. Senators: Hear, hear!

MARY DEROS

CONGRATULATIONS ON KING CHARLES III CORONATION MEDAL

Hon. Leo Housakos: Honourable senators, as parliamentarians, we have been entrusted with the profound privilege of presenting the King Charles III Coronation Medal to outstanding Canadians, individuals who have devoted themselves to the service of our great nation through meaningful contributions across various sectors and regions. This honour is reserved for those who have significantly enriched their province or territory and community.

Today, it is my immense pleasure and deep honour to recognize one such remarkable individual, Ms. Mary Deros.

With profound admiration, I nominated Ms. Deros as a recipient of the King Charles III Coronation Medal. She is a long-serving and highly respected city councillor — she's actually the dean of city hall in Montreal, a two-time member of the executive committee with two different administrations — and community leader from Montreal, someone I have been fortunate to know personally and collaborate with on numerous initiatives aimed at improving the lives of others.

Born in Athens to parents of Greek and Armenian heritage, Ms. Deros shares a story familiar to so many proud Canadians, one of resilience and hope. Her family overcame great adversity before seeking a better life in a new land, eventually settling here in Canada.

For Ms. Deros and her family, that new beginning was in Montreal's vibrant and ever-evolving Park Extension district. While much about the community has changed over the years, one constant over the past quarter century has been the enduring presence and steadfast dedication of Mary Deros.

As a city councillor for over 26 years, she represents without a doubt probably the most diverse district in Canada, Park Extension, regardless of her constituents' ethnicity, religion, gender or social standing. Mary Deros has tirelessly worked to build bridges, foster inclusion and bring people together.

• (1500)

As someone who grew up in Parc-Extension as a son of Greek immigrants, I understand the unique challenges faced by its residents, especially by new Canadians arriving in search of a better future.

While many associate immigration policies with federal or provincial governments, it is often the municipal government that has the most direct and immediate impact on the day-to-day lives of new Canadians. Mary Deros understands this better than anyone. Her advocacy on behalf of her community is as resolute as it is inspiring. Mary has been a tireless and unwavering voice for her constituents, always putting their needs above all else. The enduring trust and confidence her community has placed in her over the years speak volumes about her dedication and character.

She is a highly regarded community leader whose contributions have left a lasting imprint on Montreal. For over three decades, she has championed numerous community-based organizations, including the PEYO, the Shield of Athena, the Hellenic Ladies Benevolent Society, Pink in the City and the Panellinos soccer club, among others. Her boundless energy and commitment to helping others have inspired countless individuals. She is loved by Greeks, Armenians, South Asians — you name the community; they consider Mary Deros their own.

Mary, I extend my heartfelt congratulations on this well-deserved recognition. Your steadfast service, your passion for your community and your enduring legacy are a source of inspiration to us all. I am especially delighted to know that your husband, Peter, is here with us today to celebrate this momentous occasion. Thank you dearly for everything you have done for Parc-Extension, for Montreal, for Quebec and for Canada. God bless you.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Marni Panas, a Canadian Certified Inclusion Professional from Edmonton, Alberta. She is the guest of the Honourable Senators Wells (*Alberta*) and Simons.

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

Hon. Senators: Hear, hear!

THE LATE OMAR ZIA

Hon. Salma Ataullahjan: Senator Dagenais, you are a very special person and a good friend with a great sense of humour. I will miss you. I wish you well in your retirement.

Honourable senators, sadness is on me today as I pay tribute to Omar Zia, an educator who sadly passed away last week at the young age of 49. Omar was the principal at The Woodlands Secondary School in Mississauga.

As a member of the community of Canadians of Pakistani origin in Mississauga, I have known Omar's parents, Rizwana and Tahir, for a long time. Omar was their eldest child, and theirs is a family that gives back to the community in any way they can. It is no wonder, then, that they raised a child such as Omar: a devoted father, an exceptional son and a selfless leader.

He appeared before the Standing Senate Committee on Human Rights as a witness in our study on Islamophobia. But how can a few words capture the essence of this young man who dedicated 25 years of his life to education and social justice?

When I attended his funeral over the weekend, I was amazed to see thousands of people lining up to talk to Omar's family. I had to wait in line for more than an hour for my turn. The overwhelming number of young people who came up to his mother to tell her how Omar mentored them and helped them was a clear testament to the kind of life he lived and the countless lives he impacted.

As I stood outside the funeral home, I heard three gentlemen talking about what a loss Omar's passing was. They lamented that this was not just a loss for the Muslim community; it was a loss for all of us.

Standing here before you, colleagues, I cannot help but agree. Omar spent most of his life sharing his wisdom and providing guidance to a younger generation, embodying the spirit of leadership that makes him a true son of Canada.

Omar left behind his wife, Madiha, and their two daughters, Sufoora and Sakina. Sufoora is 18, and Sakina is only 16. But just as importantly, he left behind a legacy of mentorship and leadership that will continue to inspire those whose lives he touched.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Tineka Simmons, Kim Beals and Sandra DiGnagbo. They are accompanied by other members of the Black Executives Network. They are the guests of the Honourable Senator Bernard.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

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

TWENTY-FIRST REPORT OF INDIGENOUS PEOPLES COMMITTEE
DEPOSITED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Brian Francis: Honourable senators, I have the honour to inform the Senate that pursuant to the orders adopted by the Senate on March 3, 2022, and October 26, 2023, the Standing Senate Committee on Indigenous Peoples deposited with the Clerk of the Senate on December 12, 2024, its twenty-first report (Interim), entitled *Respected and Protected: Towards the establishment of an Indigenous human rights framework*, and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

[Translation]

DECLARATION OF EMERGENCY

THIRD REPORT OF SPECIAL JOINT COMMITTEE TABLED

Hon. Claude Carignan: Honourable senators, I have the honour to table, in both official languages, the third report of the Special Joint Committee on the Declaration of Emergency, which deals with review of the exercise of powers and the performance of duties and functions pursuant to the declaration of emergency that was in effect from Monday, February 14, 2022, to Wednesday, February 23, 2022.

[English]

CITIZENSHIP ACT

BILL TO AMEND—THIRTY-FIRST REPORT OF SOCIAL AFFAIRS,
SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Rosemary Moodie: Honourable senators, I have the honour to table, in both official languages, the thirty-first report of the Standing Senate Committee on Social Affairs, Science and Technology, which deals with the subject matter of Bill C-71, An Act to amend the Citizenship Act (2024).

QUESTION PERIOD

GLOBAL AFFAIRS

CANADA-UNITED STATES RELATIONS

Hon. Donald Neil Plett (Leader of the Opposition): Government leader, Canada is stuck with a prime minister with no common sense, an “insufferable tool,” as someone called him. He knows perfectly well that 25% tariffs on Canadian exports to the U.S. would devastate our country. We need to approach this threat with the gravity it deserves, leader. Yet in a speech on Tuesday, Prime Minister Trudeau criticized the choice American voters made in their presidential election last month.

The Premier of Ontario said that in their meeting with the Prime Minister yesterday about tariffs, the provincial premiers told him repeatedly that his comments were not helpful whatsoever. Leader, do you think the prime minister’s comments were helpful? Yes or no?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. What would help Canada in protecting and promoting our fundamental interests is for all political leaders, not simply the Prime Minister, certain members of the opposition and provincial premiers, but also the Leader of the Opposition, to put aside partisanship, stop amplifying and promoting rhetoric and misinformation — whether it’s about our borders or the real problem that we have with regard to drugs in this country — and come together to show strength and unity in the face of the threats regarding tariffs and other measures with which Canada will have to contend.

• (1510)

Senator Plett: Well, not all leaders thought that they should criticize the Americans’ democratic choice in electing a president.

Leader, in recent weeks, you repeatedly criticized questions from our Conservative senators related to these tariffs, saying that they were “tiresome” and “false.” You claim your government is working in a serious way, yet here we see Prime Minister Trudeau use his bad judgment once again. He failed to put Canada first, leader. When will Canadians get the election that they so desperately need and want?

Senator Gold: I have not criticized you for questions about tariffs but for promoting misinformation, information that you know very well is false — and if you don’t, you should. There is false evidence about the impact of the price on pollution and about the impact of the government’s policies on housing. I could go on if time permitted. Regrettably, it doesn’t.

PUBLIC SAFETY

CORRECTIONAL SERVICE CANADA

Hon. Donald Neil Plett (Leader of the Opposition): Did he or did he not criticize the Americans?

Leader, on Tuesday, journalist Joe Warmington wrote about another senseless murder at the hands of someone who should not have been out on the streets. A man is accused of shooting his girlfriend as she tried to escape him while she was visiting him in a halfway house in Toronto on Sunday. The accused has a long history of violent crime, including toward his partners, and is under a lifetime firearms ban. Her name was Alisha Brooks, and she leaves behind a 16-year-old daughter.

Leader, you always pass our questions off as if answering them is the provinces' responsibility. This accused murderer is a federal offender, leader, on statutory release.

I'm sorry for not giving you the question ahead of time, leader, but shouldn't repeat violent criminals be kept behind bars?

Hon. Marc Gold (Government Representative in the Senate): This is a terrible tragedy for Alisha and her family. If your party is proposing and wants to put before the Canadian people a revision of the Criminal Code to eliminate statutory release, which the law has long included — if you become government and put forward a policy to set aside the Charter of Rights using section 33 in a blanket way — and if your party decides to put before Canadians a proposition to take away the autonomy and independence of our commissioners or the Parole Board or, indeed, our judiciary, please reconsider. That would be a terrible mark on Canada, and it would not solve the real problem that people who break the rules and the law perpetrate on innocent Canadians.

Senator Plett: In his article, Mr. Warmington posed questions that must be answered by Correctional Service Canada. Why, leader, was such a violent offender assigned to a facility located near residential neighbourhoods and two schools? Is that the Conservatives' fault? How was he able to get a gun inside the facility? Is that also the Conservatives' fault, leader? Will you get the answers to these questions and table them in this Senate?

Senator Gold: I never claimed that it was the Conservatives' fault. I have never claimed that the Conservatives are at fault for the actions of the independent Parole Board or Correctional Service Canada, who, having assessed the risk, assigned this person to a particular halfway house. I am saying it is the responsibility of responsible politicians to put forward real solutions — not pretend ones — that will actually make a difference and keep Canadians safe instead of cheap political rhetoric.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

BUSINESS OF THE COMMITTEE

Hon. Mary Coyle: My question is for Senator Moncion, Chair of the Internal Economy Committee. On October 22, I asked you in Question Period about the status of the phase 3 report commissioned by the Advisory Working Group on Environment and Sustainability to provide recommendations for the Senate to fulfill its internal commitment to achieving net zero by 2030. While the phase 1 report was released in September 2023, senators have not seen the phase 3 report, which was completed this March. Understanding that the report may contain some sensitive information not suitable for public release, the Internal Economy Committee clerk asked members of the committee, on my behalf, to release a redacted version to me personally. This request was denied.

Senator Moncion, what justification is there for withholding even the redacted report from senators? Why all the secrecy?

Hon. Lucie Moncion: Thank you, Senator Coyle, for the question and your interest in the file. Your question relates to in camera proceedings and therefore I am not at liberty to provide answers.

Senator Coyle: Thank you, Senator Moncion. Transparency and accountability are crucial to achieving our net-zero commitments. Without access to the report and its content, how can we as senators assess and, where appropriate, implement any useful recommendations? What assurances can you provide that the Senate remains genuinely committed to achieving its net-zero goals by 2030?

Senator Moncion: As I have said before in this chamber, the administration is actively working on potential initiatives inspired by the report and updates pertaining to the Senate as a whole, and those will be shared Senate-wide when any of them are approved for implementation.

Aside from the administration's work, "Green Teams" can continue to implement green initiatives within their directorates and caucus groups and can forward their initiatives to the advocacy working group. Updates are compiled and shared internally on the environment and sustainability —

The Hon. the Speaker: Senator Loffreda.

NATIONAL REVENUE

CHARITABLE SECTOR

Hon. Tony Loffreda: Senator Gold, the holiday season is upon us — a time to gather in the spirit of generosity and compassion. Canadians continue to demonstrate their care for one another by supporting charities that uplift those most in need.

While charitable giving remains an essential part of our social fabric, a recent Fraser Institute study revealed that the percentage of Canadians donating to charity is at its lowest point in 20 years. This presents a chance to strengthen support for the sector and ensure they have the resources to fulfill their mission. The government has already taken important steps by committing up to \$750 million to help charities emerge from the pandemic stronger than ever.

How have these funds contributed to building capacity within the sector and improving outcomes for vulnerable Canadians?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for your question, for underlining the important work that charities do and, on a personal note, for your personal commitment to supporting the charitable sector for decades and decades in your previous career and to this day.

Through the Community Services Recovery Fund, almost 5,500 community service organizations from all parts of the country have received funding to build their organizational capacity and adapt to their recovery post-COVID-19. I don't have time to list all of the projects or the impacts that they have had. Let me highlight a local group, if I may, colleagues: The Rideau-Rockcliffe Community Resource Centre's Good Food Box program, which offers packed food boxes with an assortment of fresh fruit and vegetables to be sold to individuals and families at well below market prices, has allowed approximately 2,000 Ottawa residents to purchase 22.8 tons of affordable fresh produce.

Senator Loffreda: It is great to hear that, and thank you for the compliment. I always do it for the good of the people.

While many Canadians continue to give, the institute's findings suggest that the frequency and size of donations have declined. This presents an opportunity for innovation and growth within the charitable ecosystem. Beyond financial investments, how is the government fostering a more supportive environment for charities, one that reduces administrative burdens, removes barriers to giving and inspires Canadians to continue to make a difference in their communities?

Senator Gold: Thank you. The federal government has already made structural changes to enable charities and not-for-profits to do work more easily in a friendlier regulatory environment. This includes allowing charities to fully engage in public policy dialogue and development free from harassment by politicians by amending the Income Tax Act some years ago, establishing a permanent Advisory Committee on the Charitable Sector in 2019 to engage charities on policy and regulatory issues and allowing charities to provide resources to organizations that are not qualified donees beginning in 2022 so they can better serve —

[Senator Loffreda]

[*Translation*]

CANADIAN HERITAGE

OFFICIAL LANGUAGES

Hon. Réjean Aucoin: Honourable senators, the new Divorce Act, enacted in 2019, allows Canadians to obtain their divorce in the official language of their choice before a judge who speaks and understands that language. I congratulate the government on that.

• (1520)

However, five years later, three provinces — Nova Scotia, Prince Edward Island and Newfoundland and Labrador, which have an Acadian and francophone minority — have not yet enacted the new divorce law. Even Ontario and British Columbia did so only recently. This means that, once again, the French-speaking minority in this country does not have the same rights as the English-speaking majority.

Senator Gold, what is the federal government doing to ensure that this law is enacted in these three provinces so that francophones and Acadians can get divorced in their own language?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. It is very important. The government is committed to ensuring that Canadians can access all facets of the justice system in both official languages. As you quite rightly stated, some provinces have unfortunately opted not to enact this law with respect to the federal role. I will talk to the minister to get more information about your specific question.

Senator Aucoin: Thank you.

The government has appointed 19 justices to the Supreme Court of Nova Scotia since 2019. Two francophone justices sit in the General Division but don't do family law. This means that if francophones apply for a contested divorce to be heard in French, they will once again be denied the expertise of a judge with family law experience, unlike anglophones.

How can the government claim to be taking positive measures or showing consideration for the province's Acadian minority after failing to appoint a single judge out of 19 who is capable of speaking and understanding French?

Senator Gold: Thank you for the question. Although this government is appointing judges at a record pace, more work remains to be done. As for your question, which not only addresses the Minister of Justice's final decision but also encompasses recruitment, selection and other processes, I will add it to my question for the minister.

[English]

PRIME MINISTER'S OFFICE

SENATE APPOINTMENTS

Hon. Wanda Thomas Bernard: Senator Gold, in 1990, I was hired by Dalhousie University as the first African Nova Scotian in a tenure track position. I chose to establish a research agenda that prioritized research with Black men because of their absence in academia. I led projects with Black men, exploring how they survive in societies that expect them to fail. Through each project, I received so much hate mail about the negative stereotypes of Black men.

Today, Senator Gold, I feel I am in the midst of another project here in the Senate because of the absence of Black men in this place. Senator Gold, Black Canadian men want to know if their applications or nominations will get a fair and unbiased assessment by the independent panel in 2025?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for continuing to underline the work that we still have to do to ensure that this chamber reflects the true and fulsome diversity that is the strength of our country. Our progress to date is significant on so many fronts, and it's a testament to the care with which the process has unfolded. I would not assume that there's anything nefarious behind the absence of a Black Canadian male in this chamber, but I will certainly raise this issue with the appropriate people.

Senator Bernard: Senator Gold, thank you for continuing to raise the issue with the appropriate people because I continue to ask the question.

I will ask another question. Could you commit to asking that the independent panel receive unconscious bias training if this has not already been provided? I'd be happy to make recommendations for consultants who do this work.

Senator Gold: Thank you for your question. I will certainly pass on that suggestion. I'm not in a position, nor is it my role, given the independence and arms-length nature of these panels to make a commitment on behalf of the government, but I certainly will pass on that helpful suggestion.

PUBLIC SAFETY

BORDER SECURITY

Hon. Leo Housakos: Senator Gold, I will share with you some facts and then a question, and I would like you to answer the question and not question the veracity of the facts.

Number one, the Canadian Border Services Agency admits to losing track of nearly 30,000 people who failed to attend their removal proceedings. Two, the national president of the Customs and Immigration Union revealed that less than 1% of all goods entering Canada from the U.S. are inspected. Three, there are alarming reports coming as the incoming U.S. president threatens

Canada with 25% tariffs over the described porous borders. Instead of addressing these serious border security issues, your leader, Prime Minister Trudeau, chooses to personally insult the president-elect and disparage Americans for not electing a woman — that's a fact as well, unfortunately.

Senator Gold, does Prime Minister Trudeau have a concrete plan to secure Canada's borders and ports or is his strategy simply to continue to act like a belligerent, petulant little man?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for the preamble to the question. This government has devoted significant resources to securing our border, which is already a resource and the subject of continued and regular investments and attention of this government.

As we know, the government has announced — and the details will be forthcoming — another very serious investment in our border security.

For the record, the fact is that the Prime Minister was reflecting his disappointment that progress has not yet been made in the United States for the election of a woman president, and that is the fact.

Senator Housakos: The Prime Minister should worry about his country and not other democracies.

It is ironic for this Prime Minister to accuse others of falling short in respecting strong women in leadership. This is the same man who ousted Jody Wilson-Raybould and now seems poised to replace — and, in a de facto fashion has already replaced — Minister Freeland with, of course, de facto minister Carney. But what is stopping Prime Minister Trudeau from stepping down himself and allowing a strong, more competent woman to take over his party, which is in a mess?

Senator Gold: Senator Housakos, at least you have the consistency of always turning this Question Period into a forum for simply making partisan points about an election. This is not a confidence chamber. I am here to represent the government in matters of legislation and policy. I do my best to answer your questions, but kudos for your consistency.

[Translation]

GLOBAL AFFAIRS

CANADA-UNITED STATES RELATIONS

Hon. Claude Carignan: My question is for the Leader of the Government. Leader, on Tuesday evening, Prime Minister Trudeau decided to meddle in the outcome of the U.S. election by criticizing the American people for the choice they made in the November 5 election. He did this at a particularly delicate time for economic relations between our two countries. This earned him a rap on the knuckles from the provincial premiers and, more importantly, a swift and scathing retort from Elon Musk, an adviser to President Trump, who called him “an insufferable tool.”

Does Prime Minister Justin Trudeau have a plan to deal with the economic issues raised by President Trump? If so, is interfering in the results of the U.S. election really part of that plan?

Hon. Marc Gold (Government Representative in the Senate): The fact that the Prime Minister said something about the role of women in a neighbouring democracy does not constitute election interference. It is far from equivalent to the insults from the members you named but who I will not name. That is not necessary. Read the papers, honourable senator. I will not play partisan games by commenting on the people President Trump has chosen to surround himself with. With regard to this government, which is working with industry and the provincial premiers to defend our interests, the government has a serious plan to promote our interests as Canadians.

Senator Carignan: The Liberal Party has existed since 1867. Justin Trudeau is currently leading the only major national party in Canada to have never been led by a woman.

• (1530)

If the Prime Minister wants to give lessons on feminism to Canadians and the Americans, then why doesn't he step down immediately and allow Mélanie Joly or Deputy Prime Minister Chrystia Freeland to take his place?

Senator Gold: Thank you for promoting other ministers. Colleague, the Prime Minister was chosen by his party. He has been leading this country for nine years. He defended our interests during President Trump's first term, and he will continue to do so on behalf of all Canadians.

[*English*]

FINANCE

PUBLIC ACCOUNTS

Hon. Krista Ross: Senator Gold, I rise for the third time — and hopefully the last time — to ask about the Public Accounts of Canada.

After the Treasury Board of Canada Secretariat's appearance at the Standing Senate Committee on National Finance on November 27, we learned that the final version of the public accounts had not been provided to the Auditor General of Canada and that the final version would be provided shortly.

Since the public accounts are normally signed in September and tabled by the end of October, it raises concerns that there wasn't even a final version provided for signing by the end of November. This will already be the latest that they have been tabled in a non-election year in the last 30 years.

Considering it has been indicated that the Receiver General for Canada usually requires 30 business days to prepare the documents for tabling after they have been signed, I'm not confident we'll be receiving them by December 31.

[Senator Carignan]

Senator Gold, my question remains: Have the public accounts been signed, and can you tell us what day they will be tabled?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for following up on an important matter.

Unfortunately, I don't have the answer to your question. I will certainly make inquiries.

Senator Ross: Senator Gold, given that we only have a few sitting days left, it sounds to me that there is a real possibility we will have to wait until February as part of being within 15 sitting days after December 31. What type of accounting errors was the government attempting to reconcile — and for which departments — that is resulting in such a late tabling of the public accounts?

Senator Gold: Again, I certainly agree that the tabling is late, but I don't have any information or details about what has caused that delay.

PUBLIC SAFETY

CANADIAN ARMED FORCES

Hon. Yonah Martin (Deputy Leader of the Opposition): In late November 2023, Vice-Admiral Angus Topshee, Commander of the Royal Canadian Navy, released a video in which he pointed to many serious problems facing the navy. Leader, you may remember that I asked you about this video at that time.

Among other things, he stated that the navy had not met any of its recruiting targets in 10 years, and as a result, they were short by as much as 20% or higher in key naval trades. He also said that similar recruiting problems plagued both the air force and the army.

Earlier this year, Minister Blair described recruitment across the forces as being in a death spiral.

Leader, did the navy meet its recruiting targets over the last year?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, and here I am, perhaps, echoing Minister Blair. The Canadian Armed Forces, or CAF — including the navy and, indeed, other important institutions like the RCMP — are facing serious recruitment and retention challenges. That is something that is preoccupying to this government and has led the government to take measures to enhance and — we hope — improve the recruitment and retention.

The government has released the Directive for Canadian Armed Forces Reconstitution and the Canadian Armed Forces Retention Strategy, and it shared that permanent residents, for example, are now welcome to apply to join the Canadian Armed Forces.

I have also been informed that the government is expediting suitability screening and security screening and implementing new enrolment medical standards along with a suite of other things in order to boost enrolment. It will continue to examine ways to improve.

Senator Martin: In his video, Vice-Admiral Topshee said that a marine technician was leaving the navy every two days. One year later, is that still the case, leader?

As well, do you commit to finding out how many of the various navy trades currently have personnel shortages of 20% or higher, as well as which specific trades?

Senator Gold: I will certainly raise these issues with the minister, and I hope the efforts that the government has put in place and any additional measures that would improve the recruitment and retention of our much-needed and valued personnel are put into place as quickly as possible.

PUBLIC SERVICES AND PROCUREMENT

CANADA POST

Hon. Pamela Wallin: Senator Gold, in small and rural communities, the post office is a lifeline. It's how millions of non-smartphone users communicate.

The current postal strike is crippling small businesses, still reeling from COVID, that have promised free holiday shipping to spur business. This strike punishes these operations as well as those who still send and receive mail and also those who live outside urban areas where there are no other options.

If you, as the federal government, are committed to service to rural areas, what is your next move other than, of course, your sign-off on a 25% stamp price hike?

Hon. Marc Gold (Government Representative in the Senate): The problems that are facing Canadians — especially those who are not easily or possibly served by alternatives to Canada Post — during this strike are very serious.

The federal government has been working hard with its mediation services and working hard with the parties to bring them closer to the circumstances where mediation could even be possible.

The challenges — and these are well known, certainly, to parliamentarians who have been in this place for the last 10 years or longer — are that there are structural problems that cannot be ignored, given changing technology and changing habits in shopping, shipping, communications and the like. It is the hope of this government that the parties will come to their senses — and that includes Canada Post and the unions — and sit down at the bargaining table and bring an end to this strike in the best interests of Canadians.

Senator Wallin: The post office is showing \$750 million in losses. There has been no profit since 2017. The union members are well paid — up to \$50 an hour.

With the business-killing strike and the costly and crippling GST bill, this is also creating the death knell for another source of postal revenue because many of the transactions that required cheques in the mail will now also end.

What will you do to resolve this?

Senator Gold: Senator, thank you for pointing this out again. I couldn't agree more with most of what you said, at least with regard to the problems that Canadians are facing — if not all the causes — but there are some problems that don't allow for a quick fix, and this appears to be one of them.

The best solution will be for Canada Post and the unions to stare reality in the face and come to an agreement that will preserve the ability of Canada Post to continue to serve Canadians, as Canadians need to be served.

HEALTH

MEDICAL ASSISTANCE IN DYING

Hon. Donald Neil Plett (Leader of the Opposition): Leader, the Ontario Office of the Chief Coroner recently released a report from a committee reviewing medically assisted death. It includes disturbing case studies.

For example, a psychiatrist proactively raised assisted suicide to a man in his forties with inflammatory bowel disease who was undergoing a mental health assessment. The committee found his substance abuse was not explored by the medical assistance in dying, or MAID, assessments. He was not offered addiction treatments. There was no documented input from his family. The MAID provider personally drove him in their vehicle to the location of his death. That is shameful, leader.

Where were the so-called safeguards that your government said would protect this man?

Hon. Marc Gold (Government Representative in the Senate): That story is very disturbing. I have no knowledge of that particular case.

To your question, the safeguards for access to medical assistance in dying are contained in legislation that was passed by Parliament. The administration of those guardrails, the criteria and the rules are the responsibility of medical professionals who are subject to Ontario's regulatory framework, in the case of Ontario.

• (1540)

I know, Senator Plett, your and some of your colleagues' opposition to medical assistance in dying under any circumstances. I respect that point of view, but that is not the law of Canada. I respect the results of the investigation to which you refer.

If it turns out these rules were ignored or misapplied, I expect the appropriate regulatory authorities will take the appropriate action.

Senator Plett: You're absolutely right. I oppose it for all reasons. But all reasonably minded Canadians oppose our offering death to someone with an inflammatory bowel disease, Senator Gold. I hope you do as well.

The report shows people who received assisted suicide under Track 2, where death is not reasonably foreseeable, were much more likely to live in marginalized areas of Ontario. Are you going to brush this off on the provinces, leader? Take some responsibility for once.

Does the Trudeau government have any concerns about the findings of this report?

Senator Gold: I am going to choose not to take offence at some of the innuendos. You have succeeded, because you're a very talented person, Senator Plett, in giving offence and not apologizing for it.

This government cares about Canadians. It cares deeply about the proper application and administration of its law and will continue to do so despite your personal views, which I actually respect, though not the way in which you express them towards me.

Thank you.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

AUTUMN MEETING OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY,
OCTOBER 2-4, 2024—REPORT TABLED

Leave having been given to revert to Tabling of Reports from Interparliamentary Delegations:

Senator Downe: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Europe Parliamentary Association concerning the Organization for Security and Co-operation in Europe Parliamentary Assembly's Twenty-second Autumn Meeting, held in Dublin, Ireland, from October 2 to 4, 2024.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-12(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: third reading of Bill C-78, followed by second reading of Bill C-79, followed by third reading of Bill C-40, followed by Motion No. 207, followed by Motion No. 205, followed by all remaining items in the order that they appear on the Order Paper.

TAX BREAK FOR ALL CANADIANS BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Moncion, seconded by the Honourable Senator Miville-Dechéne, for the third reading of Bill C-78, An Act respecting temporary cost of living relief (affordability).

Hon. Tony Loffreda: Honourable senators, I rise today at third reading to share my views on Bill C-78, which seeks to amend the Excise Tax Act in order to implement a temporary GST/HST holiday between December 14, 2024, and February 15, 2025, in respect of certain taxable supplies.

It's important to note that when this tax holiday was first announced on November 21, it was supposed to be accompanied by a new \$250 "Working Canadians Rebate" that would have been distributed to 18.7 million Canadians next spring. That measure is not included in Bill C-78.

First, I wish to start by expressing my gratitude to the members of the committee for the outstanding work we did last week. Thank you.

Working under tight deadlines, our committee held three meetings and heard from 18 witnesses, including industry stakeholders such as retailers, grocers and restaurants.

We heard from the Canadian Centre for Policy Alternatives, a former governor of the Bank of Canada, the Parliamentary Budget Officer, PBO for short, and academics. We also had the pleasure of welcoming Minister Freeland and officials from the Department of Finance and the Canada Revenue Agency last Wednesday.

Second, I will share why I support this bill.

Third — last but not least — I wish to take a few minutes today to address some of the testimony our National Finance Committee received last week, in particular, from the business community, which I believe is important to put on the record, although I have shortened those comments because I do know that bells and votes will follow.

Colleagues, let me share why I support this bill. The bill will provide immediate financial relief by eliminating GST/HST on some essential goods and services. All Canadians are likely to see immediate savings when purchasing at least some supplies.

The bill will also provide enhanced affordability during a peak period. This temporary tax break coincides with the holiday season, when household expenses typically rise. The tax relief aims to alleviate this financial pressure and make essential and seasonal purchases more affordable.

The bill will also stimulate consumer spending and the broader economy by reducing the cost of certain supplies. The measure is expected to encourage increased consumer spending and provide a boost to retail and restaurant sectors. BMO analysts have adjusted GDP growth forecasts upward in anticipation of this stimulus.

The bill also supports families with children. The inclusion of children's clothing, footwear, car seats, diapers and toys in the list of tax-exempt items provides targeted relief for families, helping them reduce the costs associated with raising a family and caring for their children.

Finally, the bill promotes literacy and education by making books and printed materials tax-free. The bill encourages reading and educational activities, potentially leading to long-term social benefits.

In summary, Bill C-78 is designed to offer immediate financial relief to Canadians, stimulate economic activity and support all Canadians and families during a high-expenditure period. For these reasons, I will vote in favour of Bill C-78.

This bill seeks to help families, kids and many Canadians alleviate the financial pressures they may be feeling. Let's get them the needed help. There are expectations that businesses will also benefit from increased sales.

Canadians are now expecting this support. Businesses have already incurred the expenses in order to get ready for this bill, which all believe will come into effect Saturday. We have heard arguments that it's costly for the businesses. These expenses are already incurred. Could you imagine the optics of not voting for this bill when the businesses have already incurred the expenses? They won't have the revenues that come with it. This is an important point.

Of course, most Canadians will welcome this tax holiday. Who wouldn't want to keep more of their hard-earned money in their pockets?

Let me share what we heard in committee.

Some have stated this measure is too broad in nature and does not target Canadians who need it most. As the PBO reminded us, the GST/HST tax break is of a general application. It was not meant to be a targeted measure for specific segments of the population; if that had been the case, the government would certainly have taken a different approach.

Clearly, the government opted for a universal tax break, which brings me to the other main issues I wish to highlight, some of which are reflected in our committee observation.

First, concerning the rationale behind the list of items eligible for the tax break, Minister Freeland explained the list of items the government considered first started with groceries and food, things which are essential and increasingly more unaffordable, and expanded from there to include clothing, diapers and things children need.

Second, much has been said in committee about the burden this measure imposes on businesses. Although I sympathize with the costs associated with applying these modifications, increased sales will also be the result. The revenues will increase due to this bill. These expenses have already been incurred.

Note that these expenses or most of the expenses for many businesses have already been incurred because they expect this bill to be in force by Saturday. If we were to defeat this bill, there will be no additional revenues. Meanwhile, these additional costs have already been incurred.

The Retail Council of Canada added:

. . . we support this policy initiative for a GST holiday and see some real and significant benefits to consumers and retailers alike.

They did say there are some challenges, but they do support this bill.

Colleagues, my phone has been ringing off the hook since this measure was announced three weeks ago — it always does, but a little more. Some in the business community are legitimately concerned. I have also heard from many that there is a positive impact and it's already being felt and seen. This will increase revenues and net profits.

• (1550)

I am hopeful that the costs associated with implementing this change will be recouped with additional sales and higher profits. Indeed, BMO Economics projected the GST/HST rebate will drive additional spending, and they believe that first quarter 2025 gross domestic product growth will increase from 1.7% to 2.5%.

Consider this: Maximilien Roy from Restaurants Canada — who supports Bill C-78 — advanced that, for the restaurant and hospitality industry, the timing of the GST/HST holiday could not be better. According to the association's chief economist, this tax break could generate close to \$1.5 billion in additional sales for their industry during this period. This amount is only for the restaurant business which is why I made the comment previously that the positive impact is already being seen via increased reservations, et cetera, for the holidays.

One could anticipate similar sales and other industries so there is hope and perhaps some expectation that additional savings will be injected into the economy in different ways.

The third issue I want to highlight is the Canada Revenue Agency's approach to compliance. Businesses will have to comply with this new tax measure, but some are worried about unintentionally being non-compliant. Considering the short notice and effort needed to apply these changes along with the complexity of the list of items eligible for the tax break, some honest mistakes could definitely occur.

The Director General of the GST/HST and Digital Compliance Directorate told committee members that the government understands the challenges businesses are facing. They have made numerous resources available to answer questions and communicate with businesses accordingly. He reassured us that the Canada Revenue Agency, or CRA, will be taking a practical

approach to compliance, and the agency will be dedicating its efforts in instances where businesses are woefully and blatantly refusing to comply. He stressed that businesses that are making reasonable efforts to comply with this legislation will not be the focus of their compliance efforts. The agency does not want to penalize those individuals who are willingly trying to comply.

I would urge the agency to focus on those businesses that deliberately don't comply with the tax change. We will be monitoring that going forward.

Once again, I stress that this measure is meant to help all Canadians with the current affordability crisis. It was not meant to target lower-income individuals. As Minister Freeland reminded us, the government has already achieved a lot since 2015 in helping the most vulnerable in our population and those with the greatest needs through other measures.

Concerning our fiscal capacity to forego these funds, this is extremely important. I asked the Parliamentary Budget Officer, or PBO, about it when he appeared before our committee. Referring to his most recent fiscal sustainable report, the PBO confirmed that:

. . . under current policy, policy settings and demographic assumptions, the fiscal position is sustainable in Canada and the federal government could spend more or tax less or a combination of both and still remain sustainable over the next 75 years. So is there fiscal capacity to take on more investments? The answer is yes. . . .

In committee, we questioned fiscal and monetary policy. I have sat around many tables in my 40 years in the finance industry — 40 years counting my 5 years in the Senate here — and I can tell you that I'm very impressed with our Finance Committee — so is *The Globe and Mail* — and I thank them once again for the work they are doing.

In committee, the questions asked were also on monetary policy, for example, around reports in the media that at least one expert felt that Bill C-78 would ruin any chance of a jumbo rate cut or decrease by the Bank of Canada. "It's not going to happen anymore. We need it, this bill is going to kill it." Guess what? Yesterday, the Bank of Canada decreased the rate by 50 basis points, debunking that particular criticism.

I can go on and on about the great questions that were asked, but for the sake of the bells that will follow the vote that has to follow, I will conclude by saying that our Finance Committee — which is exceptional — having conducted diligent and thorough work, recommends that senators support this bill. Let's get many Canadians the help they need during this holiday season.

Thank you, *meegwetch*.

Hon. Percy E. Downe: Would the senator take a question?

Senator Loffreda: Yes.

Senator Downe: Senator, Canadian businesses will feel much more confident about the reassuring word of the Canada Revenue Agency if the agency had a record for matching their words with their actions. Unfortunately, over the last number of years, they

have — and I'll be polite here — misled Canadians. For example, they claimed that 90% of their calls to their call lines were successfully connected. This is critically important. Businesses need to know how to implement this tax holiday, and they are going to call the CRA call centre.

The CRA made that claim. When the Auditor General investigated it, she found out that they hung up on 28 million of those calls, and actual rate of connecting to the call centre was 36%.

There is a whole host of problems with what the Canada Revenue Agency has said and what they have done over the last number of years.

Why do you have confidence about what we heard at that Finance Committee meeting?

Senator Loffreda: Thank you for the question.

I have had a lot of experience myself with the CRA. You did hear my question when they appeared at committee. I did say when the Canada Revenue Agency hits, they hit hard; do we have assurances that this will not be the case and that they will be lenient if it was unintentional? The response we did get — you heard the response, Senator Downe.

I cannot speak for what was done in the past, but I'm looking toward the future. They say that the most important thing in all that we do is hope, so we have hope. They have their resources. We have heard the testimony — it is on the record — and I will hold them to account.

Senator Downe: There are other examples, of course. The CRA has a long and disturbing history. A few years ago, people who were collecting the disability tax credit were denied it. The Canada Revenue Agency publicly said that no changes were made for the eligibility criteria. Diabetes Canada was leaked an email showing there were changes. That was made public, and the CRA backed down.

We had the case where over 300 employees at the CRA were fired because they were claiming benefits during the pandemic they were not entitled to. We had cases, most recently, where the CRA refused to disclose to Parliament how many breaches of individual Canadian tax records happened. They were paying hackers. They reported some of them to Parliament but not to others.

Given all this, why would the Finance Committee not invite the CRA in and do a detailed study on the culture of that agency?

[*Translation*]

The Hon. the Speaker: Senator Loffreda, your time is up. Are you asking for more time to answer the question?

[English]

Senator Loffreda: I would ask for time for just that question. Is that okay?

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

Hon. Senators: Agreed.

Senator Loffreda: Senator Downe, you make great points. I respect your experience, all that you have done and all the service you put up.

Unfortunately, I'm not the chair or on the steering committee of the Finance Committee. However, I will insist that we do pursue a study and make those recommendations to the steering committee and the chair. We have a strong chair now. We always talked about Senator Mockler and how great a job he did. Senator Carignan is doing an exceptional job. We have an exception Finance Committee. Hopefully, steering will take it up.

I will conclude soon.

Many times, people would say they have no power. The most underrated power in the world is the power of influence. Hopefully, I can influence the committee to take on that study.

The Hon. the Speaker: Are honourable 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: Is there an agreement on a bell? Now? I'm sorry, but I heard a "no." The bells will ring for one hour, and the vote will take place at 5 p.m.

Call in the senators.

• (1700)

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

YEAS
THE HONOURABLE SENATORS

Al Zaibak	Klyne
Arnot	Kutcher
Aucoin	LaBoucane-Benson
Audette	Loffreda
Bernard	MacAdam
Boehm	Massicotte
Boudreau	McBean
Burey	McNair
Busson	Mégie
Cardozo	Miville-Dechêne
Clement	Moncion
Cormier	Moodie
Coyle	Moreau
Cuzner	Muggli
Dalphond	Oudar
Dasko	Pate
Deacon (<i>Ontario</i>)	Petitclerc
Dean	Petten
Duncan	Ravalia
Francis	Ringuette
Fridhandler	Saint-Germain
Galvez	Senior
Gerba	Simons
Gignac	Sorensen
Gold	Wells (<i>Alberta</i>)
Greenwood	White
Harder	Woo
Hartling	Youance
Kingston	Yussuff—58

NAYS
THE HONOURABLE SENATORS

Anderson	Martin
Ataullahjan	McCallum
Batters	Plett
Black	Quinn
Brazeau	Richards
Carignan	Ross
Deacon (<i>Nova Scotia</i>)	Seidman
Downe	Smith
Housakos	Verner
MacDonald	Wallin
Manning	Wells (<i>Newfoundland and Labrador</i>)—22

ABSTENTIONS
THE HONOURABLE SENATORS

Patterson Tannas—3
Robinson

APPROPRIATION BILL NO. 4, 2024-25

SECOND READING

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) moved second reading of Bill C-79, An Act for granting to His Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2025.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

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

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

[*Translation*]

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

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Arnot, seconded by the Honourable Senator Clement, for the third reading of Bill C-40, An Act to amend the Criminal Code, to make consequential amendments to other Acts and to repeal a regulation (miscarriage of justice reviews).

Hon. Claude Carignan: Colleagues, I rise today to speak to third reading of Bill C-40. My intervention will be brief, but I hope it will resonate with you and with all Canadians who are following our work.

Bill C-40 is important, and the people who are directly or indirectly affected by this bill deserve a non-partisan analysis of every option available to improve its content and impact. No one can listen to the story of David and Joyce Milgaard, who inspired this bill, and not be moved. I would add that all of the testimony given by the miscarriage of justice victims whom I was honoured to hear as a member of the Standing Senate Committee on Legal

and Constitutional Affairs was simply shocking. I also want to salute Brian Anderson, Clarence Woodhouse and Guy Paul Morin, who bravely testified before our committee. As ever, they continue to display incredible resilience. They have my utmost respect.

• (1710)

After hearing these horror stories, I wondered what more we could do to improve this bill so that situations like the ones the witnesses described never happen again. I am well aware that our justice system is not perfect and never will be, and that despite all the goodwill of the members of the Senate and the members of the other place, no bill will ever be passed that will be able to fix or predict everything. Nevertheless, if a correction or addition to Bill C-40 can keep even one innocent person from ending up behind bars, then one less life will have been shattered.

I would add that we must not forget that Bill C-40 deals with miscarriages of justice. If a miscarriage of justice occurs, it means that the person who really did commit the crime is probably still at large. In that case, how do we actually think about the victim of the crime in this bill? Some may think that victims of crime develop peace of mind over time, believing that the person responsible for the crime has been convicted and that justice has been done.

I myself unsuccessfully proposed amendments to Bill C-40 to ensure that no one is left out of the process. That's why I'm speaking to Bill C-40. In my amendments, I suggested including two groups of people who were completely overlooked in this legislation: military personnel and victims. I won't repeat the wording of the eight amendments I proposed, but I will briefly summarize them in two parts.

First, I proposed that our military personnel, who deserve our respect because of the scale of their commitment to protecting us and all the sacrifices that implies, be included in this bill. Specifically, I proposed incorporating section 130 of the National Defence Act into Part XXI.1 of the Criminal Code so that military personnel who have gone through a military trial for civil offences could apply to the miscarriage of justice review commission for a review. The goal was to ensure that the rights of military personnel were identical to those of civilians because they are just as important as civilians.

Finally, I proposed amendments that would have had the effect of including the victim in a concrete, clear and precise fashion during the application process for miscarriage of justice reviews. This would have meant that the victim would be kept informed of the ongoing process as the miscarriage of justice review commission carries out the various stages of the review. These amendments were made in response to testimony given by representatives of victims' rights groups.

In addition, I proposed that subsection 2.2(1) of the Criminal Code incorporate Part XXI.1 of that same legislation and add it to the sections already listed in that subsection. Subsection 2.2(1) sets out the various areas of the Criminal Code where an individual may act on behalf of the victim in the event of the victim's death or inability to act. This would effectively expand

the list of persons that the miscarriage of justice review commission would be required to report to during the various stages of the review process.

In conclusion, colleagues, I unfortunately cannot vote in favour of Bill C-40, since it deliberately leaves out important people who must be included in the application process for miscarriage of justice reviews. I cannot support a bill that gives rights to one category of Canadian citizens but excludes another by not giving those same rights to our military personnel. Also, Bill C-40 cannot have my support because victims are not included in a way that leaves no room for ambiguity.

Accordingly, honourable senators, I ask you to vote against Bill C-40, since it creates flagrant injustices during the application process for miscarriage of justice reviews.

Thank you.

Hon. Pierre J. Dalfond: Would Senator Carignan take a question?

Senator Carignan: Of course.

Senator Dalfond: Senator Carignan, are you aware that Bill C-66 is currently before the House of Commons? This is the bill that deals with the review of the military justice system. We could easily include a provision that gives the miscarriage of justice review commission authority.

Are you aware that Bill C-40 requires the miscarriage of justice review commission to notify victims in accordance with the process it will establish?

Senator Carignan: Yes, I consulted Bill C-66, which aims to modernize the military justice system. Unfortunately, it doesn't deal with miscarriages of justice at all. That's not its purpose. It is at second reading. From what many people are saying, this bill will likely die on the Order Paper. I therefore have little hope that this bill will pass in the other place, and even less hope that it will be amended with regard to the miscarriage of justice process.

We have an opportunity to do something right now. These amendments are easy to make and can be easily integrated into the bill. Unfortunately, the committee rejected them. If we can give rights to civilians and military personnel at the same time, I think that would be the most appropriate way to move forward, without creating unnecessary delays.

As we know, lawmakers in the U.K. have provided for courts martial directly in the bill that deals with their commission on miscarriages of justice.

As for the right to be informed, once again, it would carry more weight if the duty to inform were enshrined in law, rather than leaving it up to an agency to provide information to victims about the process. This is not provided for in the bill, so there would be no legal obligation to do so.

[English]

Hon. Rebecca Patterson: Would you take one more question?

[Translation]

Senator Carignan: With pleasure, Senator Patterson.

Senator Patterson: Thank you.

[English]

As you know, the bill in the other place is at second reading and is primarily based on two reviews. One of those reviews is the statutory requirement to review the National Defence Act, where a lot of the changes are being made, but it's a statutory review. The other part comes from an ad hoc review by another former Supreme Court justice.

Do you think that there is any ability to make a change to the statutory guided component of this incoming bill? Because what we don't want to do is create a disparity for members of the Canadian Armed Forces.

[Translation]

Senator Carignan: Bill C-66 is more comprehensive and addresses the entire disciplinary process. Obviously, offences having to do with military members also concern discipline. This is about a code and a bill that is really different from what was presented to us in Bill C-40, which addresses judicial errors committed for criminal offences. The Criminal Code is included by reference in the code of service discipline.

It would be laborious to enter it into Bill C-66. Given that it is not written into Bill C-40 or into Bill C-66, I deem that our military members have been forgotten.

• (1720)

[English]

Hon. Denise Batters: Honourable senators, I rise today as the critic to speak at the third reading of Bill C-40, the miscarriage of justice review commission act, also known as David and Joyce Milgaard's law. Although a commission to review wrongful convictions has been suggested many times over the years, this law has still been a long time coming.

It is indeed fitting that this law will forever honour the names of one of Canada's most egregious wrongful conviction cases — that of David Milgaard — and of his mother, Joyce, who advocated tirelessly to prove his innocence. As a teenager, David Milgaard was convicted and sentenced for the rape and murder of Saskatoon nursing student Gail Miller. He served 23 years in prison for those crimes he didn't commit. Milgaard's conviction was overturned, and his name was finally cleared by DNA evidence, proving the crimes had been committed by serial rapist Larry Fisher.

This case loomed large in my home province of Saskatchewan, touching many in some way. I studied the case in my first-year criminal law class in the city where this murder happened. In 2003, the Saskatchewan government initiated a formal inquiry into David Milgaard's wrongful conviction. Years later, I worked as the chief of staff to Saskatchewan Minister of Justice Don Morgan, and I served in that position in the fall of 2008, when

Minister Morgan released the results of the Milgaard inquiry. I even had the honour of meeting Joyce Milgaard before the press conference that day.

You have heard Senator Cotter and Senator Arnot speak about their direct involvement with aspects of the case. Senator Arnot had prosecuted Larry Fisher in an earlier trial, and Senator Cotter, as the Deputy Minister of Justice in Saskatchewan, was involved in initiating the province's review of the Milgaard case and approving the retesting of evidence that would eventually clear Milgaard's name and lead police to the real killer, Larry Fisher. Senator Pate, David Milgaard's friend, shared her personal experiences with him as he struggled to rebuild his life after his wrongful conviction, and she spoke of his steadfast commitment to justice for others who had been similarly mistreated by the legal system.

So many Canadians have been touched by David Milgaard's story. In the course of our study on Bill C-40 at the Senate Committee on Legal and Constitutional Affairs, we were fortunate to hear from former prime minister Kim Campbell, who had been the federal Minister of Justice at the time Joyce Milgaard was fighting for an appeal of David's wrongful conviction. Ms. Campbell told us that, in fact, the idea to send David Milgaard's case in a reference to the Supreme Court of Canada was hers, not then-prime minister Brian Mulroney's. The reference started the process that ultimately ended in the quashing of Milgaard's conviction. She said:

The reason I made the reference to the Supreme Court of Canada — and incidentally it went back to the Steven Truscott case. When I was a young woman, my lawyer father had a book by Isabel LeBourdais called *The Trial of Steven Truscott*, and I was just a young woman when I read it. At that time, Jean Chrétien was Minister of Justice, and he sent the case to the Supreme Court of Canada. He asked them to review it as if they had granted an appeal — I think they turned down an appeal. So I thought, "What could I do?" I sent a reference to the Supreme Court of Canada, asking for an opinion if after reviewing everything that was in front of me and more, they were of the view that there had likely been a miscarriage of justice. What that made possible was the airing in public of all the evidence in front of me, so it wasn't a question of people wondering why Kim Campbell is not doing this or that. It wasn't about me. It was about this very difficult case, and that provided that kind of opening.

If a commission has the capacity to have some public airing of evidence and the ability for people to see what is being considered — you have to figure out what the best extent of that is — then that helps create some confidence that nothing is being hidden and that assertions are being answered and responded to. There is a great deal of promise in this process.

Ms. Campbell went on to describe the Milgaard case as "... of the most difficult cases I had ever encountered ..." due to the "... overwhelming circumstantial evidence ..." that pointed to Milgaard. The former prime minister and former justice minister reflected on the poignancy of the Milgaard story when she said:

It's a case that has haunted me. I must say, when I was packing up my papers after having had political retirement thrust upon me by the Canadian electorate in the fall of 1993, I discovered a very lovely Christmas card from Joyce Milgaard. I think she understood that I had done what I could. She cared very much. I was glad for her when David was finally clearly exonerated.

Our Senate Legal Committee heard heartbreaking stories from other witnesses who were similarly wrongfully convicted. One of those was Guy Paul Morin, who was convicted of a murder he did not commit, that of his nine-year-old neighbour Christine Jessop. Meeting Guy Paul Morin and hearing his testimony will forever be etched in my memory as a key moment in my time as a senator.

Mr. Morin's case was riddled with errors. The Quebec judge who eventually oversaw the inquiry into the miscarriage of justice called his case "... tunnel vision of the most staggering proportions." Mr. Morin was exonerated by DNA evidence in 1995, but it was not until 2020 that the identity of the real killer was revealed: Calvin Hoover, a family friend of the Jessops who had killed himself five years earlier.

Mr. Morin told the story at committee about the lingering stigma of a criminal conviction, even if that conviction is overturned as a miscarriage of justice. Morin recounted a story about someone commenting on his name as being that of a "killer" long after he had been exonerated. Morin reflected that he had to live with the stigma of his wrongful conviction, but Calvin Hoover, the actual killer, did not. About Hoover, Morin said:

... he had one week, maybe, of media coverage. I had ten years of it. To this day, I go to people's houses, and when some of them talk to me, some say, "I know about your case." I say, "Did you know that they actually found the real killer for Christine Jessop?" And they say, "Are you kidding me?" They're so surprised. I say, "So you missed that blurb of news, too, for that short period of time." To this day, this is a problem for me. I don't like what has happened.

I love life, but I don't like what life has given me.

In response, I said:

Mr. Morin, when I hear your name, I think of someone who has persevered. I don't think of a killer. I think of someone who persevered through enormous challenges, and I hope that you take that away today. ...

Our committee also heard testimony from two Indigenous men who had been wrongfully convicted who testified to systemic discrimination they suffered in the criminal justice system that contributed to their miscarriage of justice. Brian Anderson and Clarence Woodhouse were two of four Indigenous young people wrongfully convicted for the murder of Ting Fong Chan, a chef in downtown Winnipeg in 1973. The two men, along with a third, Allan Woodhouse, were recently acquitted, more than 50 years later. Clarence's brother, Russell Woodhouse, the fourth man convicted for the same crime, died in 2011 while incarcerated, before his case could be reviewed.

Brian Anderson told our committee:

The police took advantage of our young age, our unknowing of the criminal justice system and the fact that we were Anishinaabe and did not speak English well. Being questioned by the police, they threatened me and used violence. It was easy for the police to make up confessions. These false confessions are the reason we were convicted. . . .

There is a high population of Indigenous people and Black people in the prison system. I know that from my own experience. Racism and corruption led to my wrongful conviction. Bill C-40 can help be the voice for other innocent people like me who need to be heard when no one is listening.

Governments like to speak about reconciliation. Let's show it. Show me reconciliation. I have been fighting my whole life for this. I don't want this to happen to any more people like me.

Clarence Woodhouse came to testify to the Senate Legal Committee, but he was unable to because of translation difficulties. Although our committee had been assured that a Saulteaux interpreter would be available, we discovered shortly before the meeting that they were not. Mr. Woodhouse instead recorded a statement after the meeting, which was translated and distributed to the members of the committee. I feel strongly that his statement deserves greater prominence in this discussion on Bill C-40. Mr. Woodhouse's voice was stolen from him once; I don't want to see that happen in the Senate too. So I want to read the translated version of his statement into the record today.

Clarence Woodhouse began:

Boozhoo! My name is Clarence Woodhouse, thank you for the opportunity to address you concerning the importance of the David and Joyce Milgaard Bill for an independent group to review wrongful convictions. This group is necessary because it will be separate from the system that convicted and imprisoned me and a lot of other innocent people across Canada.

I am Anishinaabe from Pinaymootang First Nation, Manitoba.

I along with my brother Russell, now deceased, A. J. Woodhouse, no relation, and my cousin Brian Anderson was wrongfully convicted at 19 years of age for the murder of Mr. Tin Fong Chan, a stranger, who I and my co-accused did not know. We were not responsible for Mr. Chan's death. All of us were new to Winnipeg and had none to very limited knowledge of English. An interpreter was not provided during our interrogations by the police. I could not understand what was going on and no one explained it to me. I was shell shocked. I didn't understand my rights but, did the best I could to get through this nightmare.

None of us had been involved before with the criminal justice system so we were easy prey for the police and the prosecutor George Dangerfield.

I was brutally assaulted by the police into signing a false confession. The prosecutor said I made the confession in English, a language I could not speak, read, or write. I testified to that at trial, but no one believed me.

I was scared, lost, and felt very alone as the years passed by in prison. A place that no person should have to be made to survive.

My time in prison was a living hell primarily because of corrections staff who were determined to make me admit to a murder I did not commit or had any part in.

By the time I was released from prison, 12 years later in 1983, I was institutionalized and found it extremely difficult to make it in society. I received no help, or direction. It was hard to move on with my life in a world I didn't recognize or feel comfortable in.

As a young boy I was often kicked out of school because I had a learning disability and because of my lack of education, and still not being able to communicate efficiently in English and being considered a murderer I could not find a permanent job, so I had to do casual labour to make a living.

Since retiring from the workforce, I have been living on welfare to this very day. I can't make ends meet. Life is a day-to-day struggle with no hope in sight.

I believe that a new independent group to look at wrongful convictions will help other wrongly convicted people not have to suffer the way I and my co-accused did.

If Bill C-40 is passed, there will be a group to hear the cries of help from the innocent and they will not have to wait 50 years for their names to be cleared as we did. It was 50 years of uncertainty, struggle, and unimaginable pain that never seems to end.

Thank you for hearing my voice.

Meegwetch.

• (1730)

The bill we have before us today — Bill C-40 — establishes a wrongful conviction commission to investigate cases like the ones I have just outlined. As the critic of the bill, I am supportive of the establishment of this commission, but I have significant concerns about its implementation. Law professor Kent Roach echoed some of my concerns when he said this:

. . . we believe that Bill C-40 does not do nearly enough to ensure that the proposed commission will be truly independent from government and truly representative of the populations at risk and that it will have adequate powers and funds to do its necessary work.

We had a comprehensive Legal Committee study with many excellent witnesses to examine the current legislative landscape around miscarriages of justice. Some witnesses told us about important amendments that should be made to improve the bill, including Justice LaForme, one of the architects of the original report for the government. He said:

First, the thing that bothers me the most is the independence. I don't think that this personal structure is going to result in independence. I worry about the chief commissioner having these dual responsibilities, one administrative and the other one as chief commissioner. I have had experience with that, and it simply does not work. The demands of government are just too much for both of those functions to be carried out adequately.

The details of the commission, as outlined in Bill C-40, are also a cause for concern. In the current system, where the minister decides the fate of a case, the committee reviewing and advising the minister on possible miscarriages of justice includes all Department of Justice lawyers. However, Bill C-40 stipulates that the commission would require a minimum of one third but no more than one half of the commissioners to be lawyers with 10 years of experience in criminal law. Because of the quorum requirements, it is therefore possible that only one of the commission's panellists for a particular matter will be a lawyer.

Witnesses at the Senate Legal Committee said that mandating such an upper maximum is not an ideal composition for the commission, but they feared amending the legislation could sacrifice the entire bill.

The Criminal Lawyers' Association expressed the view that Bill C-40 should be amended to require that a majority of the commission be lawyers, saying:

The way I see section 696 applications, you have to be well versed in criminal law to understand what you're looking at. You need to understand the whole process inside and out. You also need to understand the parole process that is followed with this individual. That is the definition of legal training, and I think that the commission would be stronger to have those kinds of individuals at the helm of it.

Many witnesses, including the Canadian Association of Black Lawyers and the Indigenous Bar Association, stated a preference for making Black and Indigenous representation mandatory on the commission, especially given the overrepresentation of those communities in the prison population. A 2021 consultation headed by two retired judges, the Honourable Harry S. LaForme and the Honourable Juanita Westmoreland-Traoré, recommended that at least one position on the commission should be mandated for Black and Indigenous people. One of the witnesses at the Legal Committee who expressed support for mandatory representation was law professor Kent Roach. He said:

... a five-person commission without Indigenous and Black representation is manifestly inadequate for Canada. This is especially true when the far smaller country of New Zealand has a seven-person commission with guaranteed Māori representation. This is especially so if we want the commission to be proactive and systemic.

Throughout the study of Bill C-40, many senators on the Legal Committee voiced a desire for the commission to address systemic inequalities. That is why I found it curious that they did not attempt to amend the bill to make the requirement for Black and Indigenous representation to be mandatory on the commission. Bill C-40 only suggests that the minister take factors like overrepresentation "into account" when making appointments to the commission.

Representatives from the Canadian Police Association, or CPA, told the Senate Legal Committee that for the non-lawyer members on the commission, they would like to see the inclusion of a police representative among the commission's membership. CPA President Tom Stamatakis suggested that a police representative could provide valuable insight to the work of the commission. He said:

Given that many of the cases under review will hinge on the specifics of investigative practices and techniques, it would be beneficial to ensure that law enforcement professionals are included as commissioners. This perspective can provide valuable insights into the practical aspects of investigations, from the handling of evidence to the complexities involved in interviewing witnesses and suspects.

Having members with a professional understanding of investigatory techniques will help ensure that reviews are comprehensive and that any recommendations made are grounded in the realities of front-line police work. Such representation would enhance the commission's credibility and help foster a balanced approach to this important mandate.

Mr. Stamatakis also expressed concerns about a lack of clear timelines for the process employed by the commission, indicating delays could have a potential impact on investigations and evidence. He explained:

As you all know, investigations rely heavily on the detailed records kept and on the specific recollections of the investigators involved. Over time, records may become incomplete or difficult to locate, and witnesses' memories fade. Many of our members carry large caseloads and may have retired or moved on to other positions by the time an old case is revisited. It is critical that this commission functions with clear timelines wherever possible to ensure cases are reviewed promptly, limiting the impact of time on evidence and enabling justice to be achieved effectively.

Unfortunately, many details have been left out of Bill C-40, only to be decided by regulation or cabinet or after the implementation of the commission. This is especially concerning because less than half, and maybe only one third, of the commissioners dealing with the complex investigations and cases will be experienced lawyers. Leaving details to cabinet means leaving power in the hands of the executive branch, which contradicts the proposed intent of the legislation: to remove the decisions on wrongful convictions from one person — the Minister of Justice — and give that authority to a commission.

Bill C-40 gives cabinet the power to set the pay for the chief commissioner and the other commissioners. When I asked a government official what the pay for these new commissioners would be, she replied only with an extremely wide salary range of between \$180,000 and \$464,800, saying the government anticipated remuneration for the commissioners to be in the mid to high end of that band, which is roughly \$300,000 to \$500,000. The government should be able to answer these details now, not only for clarity, but also for the independence of the commission.

It became evident at committee that many of the details in Bill C-40 are being overlooked in the interests of the Trudeau government's political expediency.

As I outlined in my speech on Bill C-26 last week, this practice has become all too common with this Trudeau government — leaving the details of a vague or complex bill undetermined or outside of legislation, then pushing the Senate to hurry up and adopt the bill without amendment. This advantages the government, as it is a way for them to avoid parliamentary scrutiny and accountability, yet it shortchanges Canadians.

Because the government was trying to rush Bill C-40 to the Senate Legal Committee, the bill's sponsor, Senator Arnot, was encouraged to give his abridged 15-minute second reading speech before he had the opportunity to receive a briefing on the bill from government officials. This is inappropriate and unfair to the bill's sponsor. In addition, it also left him unable to answer many of my questions after his speech that day.

I've said it before, and I'll say it again: The Trudeau government needs to step up and do its job in the Senate. Once again, the government leader, Senator Gold, has failed to give a speech at second reading and third reading of Bill C-40, denying senators the opportunity to ask the government questions about the bill in this chamber.

Senator Gold says that he has nothing to say on legislation when it can be said by sponsors of bills with “. . . greater understanding and background in the subject matter of the bills than I could possibly muster.” That's a cop-out. As a former law professor, Senator Gold will know that the government leader's speeches on legislation can be important for judicial interpretation of the government's intention on a bill in court cases.

• (1740)

Senator Gold also pointed to ministers appearing before committee as sufficient for explanation of the government's viewpoint on a bill. Ministers usually give a five-minute opening statement and are at the committee for maybe one hour to answer questions. As many as fifteen senators around the table have to split that time to ask their questions. It is insufficient.

One of these days, Senator Gold, I sure wish you'd prove me wrong and actually deliver a speech on government legislation, but here you go again with the same old same old. This is not leadership, it is not accountability and, honourable senators, this is not good parliament.

After the bill's sponsor's third reading speech, I asked Senator Arnot about his reaction as a former judge to the Senate Legal Committee's report on this bill. In the report, the committee appended an observation with a link to Senator Pate's report regarding 12 women the document suggests have been wrongfully accused. This may well be, but the committee's direction to the commission was, I submit, overly instructive and inappropriate. The committee report reads:

The committee would like to underscore the fact that its study of Bill C-40 was informed by briefs and witness testimony, including a letter from the Minister of Justice that will inform interpretation of Bill C-40 and guide the mandate of the Miscarriages of Justice Review Commission, particularly with regard to the vital importance of ensuring meaningful and proactive acknowledgement and redress of sexist, racist and other systemic inequalities, in particular for Indigenous women, commencing with the cases identified in the report entitled *Injustices and Miscarriages of Justice Experienced by 12 Indigenous Women*.

This directive states the mandate of the miscarriage of justice review commission is to “. . . [commence] with the cases identified . . .” in the Pate report. I submit that this kind of prescriptive guidance is not appropriate for the Legal Committee to provide, but again, I was voted down on the motion at committee.

I asked Senator Arnot for his perspective on the matter given his past as a former judge. I am quite certain he would not have accepted such directives in his role as an independent judge. I am dismayed that he tried to justify this, calling the Senate Legal Committee's directive only a “suggestion.”

The committee's report contained other lengthy observations — as they now so often do — that propose lofty philosophy but not much action. Some of these observations are essentially the same, repeated on every report of every study we do. The government hasn't listened to them before, so why would they now? Senators need to realize that if they want the government to take notice and respond, they should be proposing amendments, not observations, on a bill.

But this Trudeau government has scared independent senators into thinking that if they amend a bill and send it back to the House of Commons, it will essentially kill the bill, like it seems to have with Bill C-234. That was a private member's bill, though. There is a difference between that and government legislation. The government is in complete control of government legislation. It holds the balance of seats in the House of Commons, it determines the legislative agenda and the government alone decides which amendments it will accept or not when bills return to the House amended. The Trudeau government tries to hoodwink senators, insisting they need to just pass legislation as fast as possible with no amendments. The Senate government leader makes sure to attend committee clause-by-clause meetings to send the signal to independent senators that they dare not make amendments.

The House of Commons had Bill C-40 for two years. It has only been before the Senate for less than three months. Even if the bill is passed now, the Minister of Justice estimates it will likely be another year, potentially more, before the commission will even be established. We absolutely have time for amendments to be passed to improve the bill, but this Trudeau government keeps trying to scare independent senators into rushing the legislation through the Senate.

The House of Commons committee made many amendments to Bill C-40 during their examination of the bill. The Senate should do the same to make the legislation stronger. Why does the House get to amend this bill, but we can't? And why are senators accepting this dictate from the government? Honourable senators, if we keep acting like a rubber stamp, the Trudeau government will continue to treat us like a rubber stamp. This is not sober second thought.

I proposed a serious and thoughtful amendment for Bill C-40 at committee. It would have prevented the reappointment of commissioners to ensure the independence of the commission. My amendment was backed by testimony we heard during the study and based on information in the report written by Justice LaForme and Justice Westmoreland-Traoré, which stated that reappointment of commissioners by the government could undermine the independence of the commission. Their report suggested that the commission should be "... subject to the same arm's-length treatment from government as the Judiciary."

This view was echoed by law professor Kent Roach, who presented a joint brief with Justice LaForme before our committee. He said:

... the renewable terms for commissioners are, in our view, a bad idea that undermines independence from government. We would not accept renewable terms for judges. ...

In the brief Justice LaForme and Professor Roach submitted to the committee, they wrote:

... Canadians would rightly never accept such arrangements for judges. We should not accept it for a commission.

We recommended non-renewable terms for Commissioners. This was to ensure independence from the government. We would also direct the committee to troubles that the English CCRC had when the government refused to re-appoint a commissioner who had opposed government attempts to make the CCRC more efficient given what many have concluded is its inadequate budget ...

The renewable nature of the appointments and the English dispute over government interference in a re-appointment have the potential to undermine the independence of the new Commission that is essential if applicants are to have

confidence in the commission. No one would accept renewable 7 year terms for judges and they should not be acceptable for a Commission with the power effectively to overturn judicial decisions and require new trials and appeals to be held before the courts.

Mark Knox of the Canadian Council of Defence Lawyers similarly supported the idea. He said:

... I drew my position from the report that you referred to by Justice LaForme, Justice Westmoreland-Traoré and Mr. Roach. Yes, I think, as they put it, these commissioners should be independent of government. They should be in a quasi-judicial position, and, therefore, they should not be subject to government review. ...

My amendment was reasonable, measured and non-partisan. It even covered the same topic as an observation later appended to the committee report by Senator Simons. But once again, the committee voted overwhelmingly along government affiliation lines: nine senators against, only two Conservative senators in favour and two abstentions, including Senator Simons.

If commissioners are reappointed and those appointments are made by cabinet, as is stipulated in Bill C-40, independence is infringed. Senator Arnot and Senator Dalphond, both former judges and sticklers for judicial independence, would never have accepted this method of thwarting judicial independence for themselves. I note that the newest member of the Senate Legal Committee, Senator Moreau, just this week introduced his Senate public bill to recognize judicial independence day. I hope he will speak to his colleagues on the committee to get them to recognize judicial independence not only on the calendar but also in practice.

I decided to bring only what I viewed as the one most important amendment forward at committee. It was solidly backed with key witness testimony, and yet the committee vote wasn't even close. Why do we bother to bring all these great witnesses to committee who tell us how to improve important bills if we don't listen to them?

Sadly, this isn't my first experience with this situation and the Trudeau government. Last year, I proposed and passed two significant amendments on Bill C-9, An Act to amend the Judges Act, solidly backed by committee evidence and key witness testimony, through both the Senate Legal Committee and the chamber. Once they returned to the House of Commons, then Minister of Justice David Lametti refused to accept them, forcing the bill through, flaws and all, without my amendments right before the summer recess.

So why do we do all this work when it's ultimately rejected by the government anyway? For this reason, I have decided against bringing my amendment back at third reading.

The Trudeau-appointed independent senators on the Legal Committee also voted against victims five times in one meeting when they rejected Senator Carignan's amendments that would have respected the rights of victims of crimes where a miscarriage of justice is alleged to have occurred. We heard from several witnesses at the committee study who testified about the negative impact the miscarriage of justice review commission process could have on victims of crime under this bill.

Sometimes the impacts on victims of crime are lost during this discussion. I was taken aback during Senator Arnot's second reading speech when he downplayed the rights of victims of crime under this bill. He said:

This legislation, Bill C-40, is created to respond to the victims of wrongful convictions; that's the fundamental object of this bill. . . . Without a doubt, the victims of crime are unimaginably let down by a wrongful conviction. . . .

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

I don't agree. Wrongful convictions create many victims — not only the person whose life and freedom were severely limited by that conviction and its ensuing stigma, but also the victims of the original crime who may now be left once again not knowing who or where the perpetrator of their suffering is. There is also the horror of reopening old wounds and revictimization by a cold, uncaring criminal justice system.

Sarah Crawford, the Executive Director of the Canadian Resource Centre for Victims of Crime told our committee:

This bill takes a significant step in addressing wrongful convictions. However, for survivors of crime and their families, justice is not simply about punishment but about accountability, validation and a sense of closure. Knowing that the wrong person may have been held accountable can undermine the faith that survivors place in the criminal justice system. It can create a sense of betrayal and unease.

The reality is that, while Bill C-40 is designed to prevent injustices for the wrongfully convicted, it also holds the potential to reopen deep emotional wounds for victims and survivors of crime. Having a conviction overturned means that survivors, who believed their case was resolved, may face re-traumatization as they relive painful memories. It is crucial that this bill not only safeguards against wrongful convictions but also safeguards the mental and emotional well-being of survivors and families affected by these decisions.

The CRCVC believes this bill must prioritize resources to support victims throughout these reviews, ensure access to counselling, case updates, and additional resources that may be needed to help them navigate such challenging processes.

• (1750)

Benjamin Roebuck, the Federal Ombudsperson for Victims of Crime, said Bill C-40 falls short on the protection of victims and their right to access information about their cases. He submitted that these obligations should be set out in the legislation, for clarity. Ombudsperson Roebuck said:

Bill C-40 requires the commission to establish policies to communicate with victims but falls short on the rights to protection and participation.

Under the Canadian Victims Bill of Rights, the commission should be required to have a complaints process for victims of crime, as all criminal justice organizations are required to have at the federal level, and if a victim is not satisfied with the response, they can file a complaint with our office. These should be set out in legislation so that it's clear.

He continued, saying:

I have some recommendations. Number one, ensure the commission has legislated authority to disclose information to victims. So Bill C-40 may require a coordinating amendment with section 26 of the Corrections and Conditional Release Act to authorize Correctional Service Canada, or CSC, to release information to victims about the work of the commission itself.

The Trudeau government has tried to assure us that a victim services coordinator position will be created once the miscarriage of justice review commission is established. However, there is zero clarity on whether it would be a full-time, part-time or contract position. Government officials told me that would be determined by the chief commissioner. The victims services coordinator position is not even mentioned in the bill. Once again, this Trudeau government is more about the performative show of support for victims than it is any concrete action to back it up.

Even the Trudeau government's own Gender-based Analysis Plus document of Bill C-40 didn't mention female victims. Of course, it didn't say much about women in general either, but that seems par for the course for this Trudeau government lately. I asked the Minister of Justice why the GBA Plus analysis contained almost nothing about female victims of violent crime, as many of the wrongful convictions that will be evaluated by this commission probably involve that type of crime. There was a lot of talking and hand-waving, but not a whole lot by way of an actual response from the minister — that's a shocker.

This government's unwillingness to give straight answers is evident throughout Bill C-40, which leaves much open to interpretation because of its lack of clarity. Take, for example, clause 696.3(1) of the bill. It states:

The Commission must deal with an application as expeditiously as possible and provide the applicant with an update concerning the status of their application on a regular basis.

The bill neither defines nor clarifies the phrase “as expeditiously as possible,” nor does it specify what is considered “a regular basis” for updates on application status. Currently, the processing of applications can take 20 months to six years. This commission deals with the possible wrongful convictions of people who may have already spent years of their lives in jail, deprived of their liberty for a crime they did not commit. Why wouldn’t the government spell out in legislation the specific parameters of what “as expeditiously as possible” means? The obfuscation around these terms seems to indicate a government not serious about addressing this issue.

The lack of clarity throughout Bill C-40 also extends to the very criteria for admissibility of applications. The threshold for applications to be considered by the commission will be that they have:

. . . reasonable grounds to conclude that a miscarriage of justice may have occurred and considers that it is in the interests of justice to do so . . .

This is very vague language. What does “in the interests of justice” mean in this context? How does a miscarriage of justice occur that is not in the interests of justice?

I asked this question repeatedly, but never got a satisfactory answer — not from the Minister of Justice at committee and not from the sponsor of the bill in the chamber. We did hear testimony at the committee from several witnesses who agreed the phrase was meaningless and should be removed, including Justice LaForme. He said:

The last thing I would say is that I was a judge for 25 years and for 15 of them, an appellate court judge. The one thing I remember as a judge was that the thing that was the most mysterious to me were the words “in the interest of justice.” I still do not know what that means. I know what I can use it for, and I have used it in decisions, but I don’t know what it means, and I dare say none of my colleagues do either.

He continued, saying:

I knew when I wanted to use it to support a judgment or something like that, I would say it. It’s a catch-all phrase, and no judge likes to admit this, but we don’t know what it means. It can mean pretty much anything you’d like.

It can also do harm, I would say, and that’s what worries me, and I don’t think it should be part of the test.

I said, “Thank you. Would you suggest just merely deleting it from that clause?” He replied, “Yes, I would.”

Le Barreau du Québec also expressed concern about the inclusion of the phrase. A representative from that organization said:

Le Barreau du Québec also questions the appropriateness of using the criterion of the interests of justice to justify a remedy. We are concerned that that criterion could place

certain applicants at a disadvantage, specifically Indigenous and Black applicants and other marginalized applicants. At the same time, applicants who are found guilty of serious crimes or whom the public simply consider to be dangerous would not be able to obtain justice, even if there had been a miscarriage of justice. The Barreau du Québec is of the opinion that the criterion of the interests of justice should actually be available to applicants as an additional ground when the commission does not conclude that there may have been a miscarriage of justice, but that the circumstances warrant a remedy.

One of the key issues with Bill C-40 is that it lowers the threshold for applications, which could result in a deluge the commission is neither prepared nor adequately resourced to handle. The current standard is that the Minister of Justice may order a remedy if he or she is “. . . satisfied that there is a reasonable basis to conclude that a miscarriage of justice likely occurred . . .” In Bill C-40, that standard has been lowered. As I mentioned, the bill now reads that the commission will have to determine if they have:

. . . reasonable grounds to conclude that a miscarriage of justice may have occurred and considers that it is in the interests of justice to do so;

The Criminal Cases Review Commission, or CCRC, in the United Kingdom applies a “real possibility” threshold for referring a case, meaning that the possibility of a judicial error is reasonable and not merely possible. I asked John Curtis, in-house counsel for the CCRC, whether he thought Canada’s lower standard in Bill C-40 would lead to a high number of applications. He replied:

The short answer to that question is yes. . . .

Our court of appeal has made it clear that it’s virtually impossible to be sure that when you have something it might not have made some difference to a jury verdict. That is why this qualifies a mere fanciful, theoretical, bare possibility as not being sufficient to warrant a successful appeal. The court has made it clear that it needs a firmer basis and real possibility. “Reasonable prospects” is the preferred term. There is a corresponding provision in civil law. If you draft a contract, whether the word “reasonable” appears in the contract or not, the obligation for parties to behave reasonably exists. In practice, the court in Canada would want to deal in reasonable and meaningful occurrences rather than very remote and fantastical possibilities.

Mr. Curtis told the committee that, in 27 years, the U.K. Commission has reviewed over 32,000 cases and made 850 references. He estimated their annual intake is around 1,500 applications.

When I asked government officials here what Canada anticipated the number of annual applications would be for the Canadian miscarriage of justice review commission, I was told they expected about 250 applications a year. However, in a lengthy, detailed report, Dr. Myles Frederick McLellan of the Canadian Criminal Justice Association extrapolated international commission numbers to what he anticipates for the Canadian experience. He estimated the applicants per year for the newly created miscarriage of justice review commission will be in the neighbourhood of 1,333, including probably about 400 convicted Indigenous individuals. Given that the government has based resourcing for the commission on such a radically lower annual number, it may well be that the lower threshold for application may result in a crush of applications that will overwhelm the system.

We already have a crisis of court delays in this country. Can you imagine the state of it once there is an influx of orders to hold new trials or wrongful conviction appeals for hundreds of cases per year? When combined with the Trudeau government's paltry record for filling judicial appointments, with still dozens of court appointment vacancies as of December 1, it is easy to imagine chaos resulting. Of course, this is particularly grave when you consider that, because of the Supreme Court of Canada's *Jordan* decision, many cases are being thrown out of court because they have not proceeded to trial within the concise, mandated time frames. This could result in the undermining of public confidence in the criminal justice system as court delays increase, dangerous criminals walk free and the crisis deepens.

Further to the overall lower threshold for acceptability in Bill C-40, another complicating factor will be that the bill now drops the requirement for all appeals to have been exhausted before application. This requirement was deleted by amendment during the House of Commons Justice Committee study on the bill.

When he first introduced Bill C-40, then-Justice Minister Lametti said:

It is important to note that the miscarriage of justice review process is not an alternative to the judicial system, nor is it another level of appeal. Rather, it provides a post-appeal mechanism to review and investigate new information or evidence that was not previously considered by the courts.

• (1800)

The requirement to exhaust appeals served as a safeguard against frivolous or baseless applications. Now that obstacle has been removed, which may further exacerbate the court delay crisis.

Several senators and witnesses called for additional remedies to be available to the commission, beyond recommending overturning a conviction or launching a new appeal. An option to be able to order a pardon or record suspension was suggested as one alternative remedy. This was one of the recommendations made in the LaForme/Westmoreland-Traoré report. When he

testified before our committee, Mr. Justice LaForme indicated he was not aware why the Trudeau government chose not to follow this recommendation in Bill C-40. Where the circumstances of a wrongful conviction case weigh against conducting a new trial or appeal, it would give the commission flexibility to still deliver justice.

Honourable senators, the establishment of a miscarriage of justice review commission is long overdue. For people who have been wrongfully convicted, the stakes couldn't be higher. But that's what also makes it crucial that we get it right — people's lives, their freedoms and the safety of society hang in the balance.

Our role here in the Senate is to make bills more perfect, and Bill C-40 is far from it. This bill is definitely flawed. It risks infringing the critical principle of independence, it lacks clarity, and I fear it will make an already unmanageable court delay crisis worse in this country.

I wish the Trudeau government and those of you who vote with them would be open to the necessary amendments this legislation requires in order to provide proper justice for the wrongfully convicted and for all Canadians. But I also recognize that this is not going to happen here tonight.

As the critic of this legislation, I tried to make it better, but to no avail. We should demand better because we can do better, colleagues, and I hope one day soon we in this place will return to doing so. Thank you.

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

Hon. Senators: Question.

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 pro tempore: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker pro tempore: I see two senators rising. Do we have an agreement on the bell?

An Hon. Senator: One hour.

The Hon. the Speaker pro tempore: One-hour bell. The vote will occur at 7:02 p.m. Call in the senators.

• (1900)

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

YEAS
THE HONOURABLE SENATORS

Al Zaibak	Kutcher
Arnot	LaBoucane-Benson
Aucoin	Loffreda
Audette	MacAdam
Black	McBean
Boehm	McNair
Boniface	Mégie
Boudreau	Miville-Dechêne
Burey	Moncion
Busson	Moreau
Cardozo	Muggli
Clement	Osler
Cormier	Oudar
Coyle	Pate
Dalphond	Petitclerc
Dasko	Petten
Deacon (<i>Nova Scotia</i>)	Prosper
Deacon (<i>Ontario</i>)	Quinn
Dean	Ravalia
Downe	Ringuette
Duncan	Robinson
Francis	Ross
Fridhandler	Saint-Germain
Galvez	Senior
Gerba	Simons
Gignac	Sorensen
Gold	Tannas
Greenwood	Varone
Harder	White
Hartling	Woo
Kingston	Youance
Klyne	Yussuff—64

NAYS
THE HONOURABLE SENATORS

Ataullahjan	Manning
Batters	Martin
Carignan	Plett
Housakos	Seidman
MacDonald	Wells (<i>Newfoundland and Labrador</i>)—10

[The Hon. the Speaker]

ABSTENTION
THE HONOURABLE SENATOR

Richards—1

[*Translation*]

ROYAL ASSENT

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

RIDEAU HALL

December 12, 2024

Madam Speaker,

I have the honour to inform you that on behalf and at the request of the Right Honourable Mary May Simon, Governor General of Canada, Kenneth MacKillop, Deputy to the Governor General, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 12th day of December, 2024, at 5:41 p.m.

Yours sincerely,

Bonnie Jaskula

Manager, Office of the Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, December 12, 2024:

An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act (deemed trust — perishable fruits and vegetables) (*Bill C-280, Chapter 31, 2024*)

An Act respecting temporary cost of living relief (affordability) (*Bill C-78, Chapter 32, 2024*)

• (1910)

[*English*]

The Hon. the Speaker: 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: 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.)

(The sitting of the Senate was resumed.)

• (2000)

JUSTICE

STATUTES REPEAL ACT—MOTION TO RESOLVE THAT THE ACT AND THE PROVISIONS OF OTHER ACTS NOT BE REPEALED ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of December 11, 2024, moved:

That, pursuant to section 3 of the *Statutes Repeal Act*, S.C. 2008, c. 20, the Senate resolve that the Act and the provisions of the other Acts listed below, which have not come into force in the period since their adoption, not be repealed:

1. *Parliamentary Employment and Staff Relations Act*, R.S., c. 33 (2nd Supp.):
-Part II;
2. *Contraventions Act*, S.C. 1992, c. 47:
-paragraph 8(1)(d), sections 9, 10 and 12 to 16, subsections 17(1) to (3), sections 18 and 19, subsection 21(1) and sections 22, 23, 25, 26, 28 to 38, 40, 41, 44 to 47, 50 to 53, 56, 57, 60 to 62, 84 (in respect of the following sections of the schedule: 2.1, 2.2, 3, 4, 5, 7, 7.1, 9 to 12, 14 and 16) and 85;
3. *Comprehensive Nuclear Test-Ban Treaty Implementation Act*, S.C. 1998, c. 32;
4. *Public Sector Pension Investment Board Act*, S.C. 1999, c. 34:
-sections 155, 157, 158 and 160, subsections 161(1) and (4) and section 168;
5. *Yukon Act*, S.C. 2002, c. 7:
-sections 70 to 75, 77, subsection 117(2), sections 167, 168, 210, 211, 221, 227, 233 and 283;
6. *An Act to amend the Canadian Forces Superannuation Act and to make consequential amendments to other Acts*, S.C. 2003, c. 26:
-sections 4 and 5, subsection 13(3), section 21, subsections 26(1) to (3) and sections 30, 32, 34, 36 (with respect to section 81 of the *Canadian Forces Superannuation Act*), 42 and 43;

7. *Budget Implementation Act, 2005*, S.C. 2005, c. 30:
-Part 18 other than section 125;
8. *Budget Implementation Act, 2009*, S.C. 2009, c. 2:
-sections 394 and 401 to 404;
9. *Payment Card Networks Act*, S.C. 2010, c. 12, s. 1834:
-sections 6 and 7;
10. *An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act*, S.C. 2010, c. 23:
-sections 47 to 51, 55, 68, subsection 89(2) and section 90;
11. *Financial System Review Act*, S.C. 2012, c. 5:
-sections 54 and 56 to 59;
12. *Protecting Canada's Immigration System Act*, S.C. 2012, c. 17:
-sections 70 to 77;
13. *Jobs, Growth and Long-term Prosperity Act*, S.C. 2012, c. 19:
-sections 459, 460, 462 and 463;
14. *Jobs and Growth Act, 2012*, S.C. 2012, c. 31:
-sections 361 to 364;
15. *Strengthening Military Justice in the Defence of Canada Act*, S.C. 2013, c. 24:
-sections 12, 13 and 46;
16. *Yale First Nation Final Agreement Act*, S.C. 2013, c. 25:
-sections 1 to 17, 19, 20, 21, 22, 23 and 24;
17. *Economic Action Plan 2013 Act, No. 1*, S.C. 2013, c. 33:
-subsection 228(2);
18. *Northwest Territories Devolution Act*, S.C. 2014, c. 2:
-section 47;

19. *Economic Action Plan 2014 Act, No. 1*, S.C. 2014, c. 20:

-sections 371 to 373;

20. *Safeguarding Canada's Seas and Skies Act*, S.C. 2014, c. 29:

-section 28, subsection 29(1), sections 31, 33, 35, 37 to 39, subsection 40(1), sections 41 to 49, subsections 50(2) and (5), sections 52, 53, 55 and 56; and

21. *Economic Action Plan 2014 Act, No. 2*, S.C. 2014, c. 39:

-sections 306 and 308, subsection 309(1), section 311, subsection 313(2) and sections 387 to 400.

She said: Honourable senators, I rise to speak to Government Motion No. 207, which relates to the Statutes Repeal Act.

Before briefly giving an overview of the motion, I'd like to give some general information and context about the Statutes Repeal Act itself for the benefit of our newer colleagues. Those of you who have been here for some time are well aware of this, and I know you have been eagerly anticipating my remarks on this topic all year long.

The Statutes Repeal Act was adopted in 2008 and took effect in 2010 through Bill S-207, which was an initiative of our late colleague the Honourable Tommy Banks — we will hear more about him soon — who represented the magnificent if somewhat complicated province of Alberta in this chamber from 2000 to 2011. In the 15 years since his bill came into force, the motion I'm moving today has become something of a Senate holiday tradition. This motion is a housekeeping exercise that seeks to ensure the effective maintenance of federal legislation through the regular repeal of provisions that are not in force and are no longer needed.

Section 2 of the Statutes Repeal Act requires that the Minister of Justice table an annual report before both houses of Parliament within the first five sitting days of each calendar year. This report lists the acts or provisions of acts that were enacted at least nine years earlier and that are not yet in force. Under the Statutes Repeal Act, every act or provision listed in the report gets automatically repealed at the end of the year unless either house of Parliament adopts a motion exempting them from repeal.

This year, the report listing all the provisions slated for repeal was tabled on January 31 in the other place and on February 7 in the Senate. A revised report with one additional provision was subsequently tabled on May 22.

The Department of Justice Canada then contacted the relevant departments to ask whether any of the listed provisions should be retained. The result of that internal consultation process was this: The government recommended allowing the repeal of certain provisions of 4 acts while deferring the repeal of 1 complete act and provisions of 21 other acts. I tabled a list of those provisions in a draft resolution prepared by the Department of Justice on

November 5. That document, along with the annual report tabled in May, was then referred to the Legal and Constitutional Affairs Committee for study. My office also shared a background document by email with all senators on November 27.

The committee heard from officials from 14 departments and produced a report that was tabled in the chamber last week. On this point, I'd like to acknowledge Senator Tannas and the Canadian Senators Group for advocating to build this committee review mechanism into the Statutes Repeal Act process and for their vigilance in assessing this important annual motion. I hope this new part of the process, which we instituted last year, will continue well into the future.

There has been one development of note since the committee heard testimony. In recent days, and following further reviews conducted by the Department of Justice, the Minister of Transport brought into force sections 263, 266 and 267 of the Economic Action Plan 2013 Act, No. 2. These provisions, which were published in the *Canada Gazette* on December 4, had been included in the draft resolution I tabled last month. However, since they're now in force, they're not reflected in the motion before us, which now seeks to defer repeal of one full act and 20 provisions of acts.

Given my limited speaking time today, I'll refer you to the background documents that my office shared a few weeks ago for a more detailed explanation of which provisions are being recommended for deferral of repeal and why. As a brief overview, the list is as follows:

The Minister of Foreign Affairs recommends deferring repeal of one complete act, the Comprehensive Nuclear Test-Ban Treaty Implementation Act.

Provisions of one act each are being recommended for deferral of repeal by the Minister of Justice; the Minister of Agriculture and Agri-Food; the Minister of Crown-Indigenous Relations; the Minister of Innovation, Science and Industry; the Minister of Public Services and Procurement; the Minister of Environment and Climate Change; the Minister of Immigration, Refugees and Citizenship; and the Minister of Northern Affairs.

The deferral of repeal is being recommended for provisions of two acts each by the Minister of National Defence; the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs; the Minister of Transport; and the Minister of Labour and Seniors.

The Minister of Finance and the President of the Treasury Board are each recommending deferral of repeal for provisions of three acts within their areas of responsibility.

The reasons for these deferrals of repeal can include the following situations: a pending external event, like the enactment of an international treaty or provincial or territorial legislation; ongoing development of related legislation; ongoing litigation; ongoing regulatory processes; and ongoing consultations or policy development. There may also be situations where failure to defer repeal could have a negative impact on international relations, relations with First Nations, Inuit or Métis people, or relations with provinces and territories.

It's important to note that under the Statutes Repeal Act, deferrals of repeal are valid for only one year. So, any acts or provisions whose repeal is deferred this year will appear again in next year's annual report, and the Legal Committee will get to study them again and bring officials in to tell us why they have not yet been enacted.

It's also important to note that the deadline for deferring repeal of these provisions is December 31. In other words, if we don't pass this motion by the end of the calendar year, the provisions I've listed will be repealed automatically, with consequences including inconsistencies in federal legislation; tension with provinces, territories and Indigenous peoples; negative effects on Canada's international relations; and a probable need for new legislation to restore some of the repealed provisions.

For all these reasons, I encourage honourable senators to support this government motion. I again want to thank the committee for its work, and I thank all of you for your attention.

Thank you, *hiy hiy*.

The Hon. the Speaker: Senator Batters, do you have a question?

Hon. Denise Batters: I do, yes.

Senator LaBoucane-Benson, you said this has become a holiday tradition, and I don't want to bring a lump of coal into it, but I do want to bring an important observation that the Legal Committee made in its report, which has not been made previously in the few years of dealing with these things. The Legal Committee stated:

. . . the committee expresses frustration regarding the significant delays in bringing certain other items into force, specifically with respect to matters that appear to be within the government's control, but the work to bring them into force appears to be lacking either resources, a sense of urgency, or both. This situation is a concern, where in some instances institutional, bureaucratic, or administrative delays in bringing legislation into force may appear to obstruct Parliament's will as expressed by the enactment of these statutes and provisions in the first place. In these cases, the committee would consider inviting deputy ministers of relevant departments for particularly troubling items challenged by significant delays to provide more thorough explanations, should these items continue to appear in future annual reports.

Given that, senator, could you please indicate that you will bring that very important concern to the attention of the government so we don't have those types of issues again? One of the examples I would give from this year's report that we heard was a 19-year-old matter that had existed since the Liberal government's previous sponsorship scandal. Our committee would ask that the government deal with these things more expeditiously so we don't have these types of delays in the future.

Senator LaBoucane-Benson: Thank you, colleague, for bringing that to the chamber's attention. It's true. That is the observation that the committee made. I think the committee did an admirable job of holding the government officials to account, asking very good questions and finding out why some aspects of legislation have not come into force. I will be happy to relay that message.

Hon. Scott Tannas: Thank you, Senator LaBoucane-Benson, for your remarks. They save me some time explaining.

First of all, a lot of smart initiatives come out of the Senate. This is one. Senator Tommy Banks brought this forward. Unfortunately, it took us a few years — since 2008 — before we started asking ourselves why we are just passing these things.

• (2010)

We receive this list, but it always comes around this time when we're looking at our watches to get out to a Christmas party or go home or whatever, and so we would pass it.

A few years ago, my colleagues in the Canadian Senators Group and I were talking, and we said, "What is this? Why do we just pass it? What does it mean?"

I brought up an idea at our leaders' meeting, and everybody said, "Yes, let's do it." We just finished our second study after calling in the officials from the various departments to provide explanations.

I don't want to throw anybody under the bus, but last year, there was a lot of the following: "We are continuing consultations with this department and that department." And we said, "Well, it has been two decades. How long do you need to converse with yourselves over something?" It was the same thing this time. There were a number of times where consultation was being used as an excuse.

In some of them, when we pressed further, consultation wasn't the issue. There were other issues. In some cases, it turned out to be very legitimate issues, but they didn't want to say it because we had junior people there. Some guy must have angered his boss, and he was sent to the meeting. There was a lot of squirming and uncomfortableness with this, so that means it's working.

We saw further evidence of it working. After we went through the list, and we asked some questions, guess what? Out of the blue, a law was enacted between the end of the meeting and today.

It's having an effect, and I'm really proud of the work that we all did collectively to realize that just passing it without asking questions is not what Tommy Banks would have wanted and not what the Senate wanted when they did it. I'm really pleased about that. It has certainly been insightful.

I can give you some examples of what I'm talking about. In some cases, it was a little bit disturbing. Here is one: Parliament passed a law to give the Minister of Public Services exclusive authority for procurement in 2005, but it hasn't come into effect because — according to the poor, hapless official who was sent — the department needs more time to consult with other government departments. How many decades do they need?

You begin to realize that there is such a thing as bureaucratic inertia against the will of Parliament in some of these circumstances. That one was interesting.

There was another one that bothered a number of us with respect to supplementary death benefits. We passed a law on supplementary death benefits to be awarded in the Department of National Defence. The answer is this: consultation within the Department of National Defence for 20 years.

We thanked the fellow. He was not very happy. It was not defensible. We told him that we hoped we wouldn't see him next year because we hoped this would be brought into force. We'll see.

I just want to say that I would like to recognize the work on this file for us by Dr. Peter Price. He is the Director of Research for the Canadian Senators Group, and his involvement in this over the last number of years has probably made him the leading expert in Canada on this process and legislation.

He has helped the government in a couple of instances where there was some confusion about what was to be repealed and what wasn't. We had to do some shuffling of paper and obtain some legal opinions to make it all work. It was his work that allowed the government to bring the proper list, both last year and this year.

With that, I'll leave it there, colleagues. I look forward to talking about a shorter list next year.

Thank you.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Are honourable 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.)

[*Translation*]

THE SENATE

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE
TO RECEIVE JAMES O'REILLY, SENATE ETHICS
OFFICER NOMINEE, ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of December 10, 2024, moved:

That, at 3:15 p.m. on Tuesday, December 17, 2024, the Senate resolve itself into a Committee of the Whole in order to receive James O'Reilly respecting his appointment as Senate Ethics Officer;

That the Committee of the Whole report to the Senate no later than 65 minutes after it begins;

That the witness's introductory remarks last a maximum of five minutes; and

That, if a senator does not use the entire period of 10 minutes for debate provided under rule 12-31(3)(d), including the responses of the witness, that senator may yield the balance of time to another senator.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gold, P.C., seconded by the Honourable Senator LaBoucane-Benson:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Mary May Simon, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Fabian Manning: Honourable senators, this item was adjourned by Senator Plett for the balance of his time. After my intervention today, I ask that he retain his time.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: So ordered.

Senator Manning: Honourable senators, I'm pleased to make a few comments today as it relates to the Speech from the Throne.

Dear colleagues, on a cold February night in 1985, I joined many other Newfoundlanders and Labradorians at the Hotel Newfoundland in St. John's to witness the signing of the Atlantic Accord between the Government of Canada and the Government of Newfoundland and Labrador, which was a comprehensive document establishing the joint management for the development of the oil and gas industry in our province.

That day in 1985 was a historic day for the people of our province. A historic agreement was signed that evening which has proven to be a game changer for Newfoundland and Labrador.

Colleagues, I truly believe that this day — December 12, 2024 — will go down in the history books of our province and our country as not only the day that the game changed, but, indeed, today the world has also changed as we have known it.

At a news conference just a few short hours ago, the Premier of Newfoundland, the Honourable Dr. Andrew Furey, and the Premier of Quebec, the Honourable François Legault, signed a memorandum of understanding, or MOU, on a new Churchill Falls agreement. It's a game changer, indeed.

• (2020)

For those of you who may not be familiar with the Churchill Falls story, let me tell you a few things about it.

The original Churchill Falls contract was signed 55 years ago, in 1969. I was only five years old at the time. Joey Smallwood was our premier. The signing in 1969 created great economic activity and much-needed employment for the people of our province.

The glory of that massive hydroelectric project was short-lived, as it was discovered that, while the water would flow endlessly over Churchill Falls, the financial benefits would flow to the provincial coffers of Quebec and not to the people of Newfoundland and Labrador.

The 1969 agreement was to stay in place until 2041. It has been a matter of enduring resentment throughout Newfoundland and Labrador. The original contract failed to include an escalator clause as part of the agreement.

Because there was no escalator clause, Hydro-Québec has been purchasing the Churchill Falls power for a bargain basement price of 0.2 cents per kilowatt and selling it for a large, inflated price.

Since 1969, the contract has made more than \$28 billion for Hydro-Québec while only returning \$2 billion to the people of Newfoundland and Labrador in the same period. As I said earlier, that fixed rate and unfair deal were to be in place until 2041.

That was until today, when Premier Dr. Andrew Furey tore up the 1969 agreement. He and Quebec Premier Legault announced and signed a new historic partnership agreement that will be a real life-changer, bringing benefits for the people of my home province and which, more importantly, will reap benefits for generations of Newfoundlanders and Labradorians for decades to come.

An important part of today's agreement is that it comes with the support of the Innu Nation. Grand Chief Simon Pokue was one of the signatories to the agreement today. The chief called this a historic day for both provinces and the Innu.

The agreement signed today also respects the New Dawn Agreement, which guarantees that the Innu of Labrador will be included in all future energy projects developed in our province.

What does this new agreement entail? What does it mean to the people of Newfoundland and Labrador?

On a go-forward basis, Hydro-Québec's cost per kilowatt of power will increase from 0.2 cents to 5.9 cents per kilowatt. That is 30 times the current price.

The present price of 0.2 cents provides \$20 million a year to the coffers of Newfoundland. The new price, beginning next year, will provide \$1 billion a year to the coffers of Newfoundland and Labrador.

Between now and 2041, when the old contract was to expire, this new price will provide an extra \$17 billion to Newfoundland and Labrador because, once the deal is finalized, it will be retroactive to January 1, 2025. In 2041, that will double to \$2 billion a year, and then it will double again to \$4 billion per year in 2056.

The new agreement also includes a price escalator clause — which was absent, as I mentioned earlier, in the 1969 contract — that will be based on market value over the life of this new 50-year agreement.

We are finally benefiting from increased prices.

Three new developments are also included in the agreement, all of which are expected to increase capacity in Labrador by 3,900 megawatts. Quebec has agreed to pay Newfoundland and Labrador \$3.5 billion to co-develop the aforesaid projects.

For the past 55 years, Newfoundland has lost billions of dollars. Because of this new agreement today, over the next 50 years, Newfoundland and Labrador will reap billions of dollars.

For Quebec, the MOU means half a century of reliable hydroelectric power that Hydro-Québec can bring to its customers. This new deal will mean between \$200 million to \$250 million for each province.

The second part of the agreement relates to the long-discussed Gull Island hydroelectric project, one of the last great undeveloped hydroelectric projects in North America.

This project will create 2,250 megawatts of power on its own. This project on its own creates thousands of well-paying construction jobs. This project on its own will reap billions of dollars for the coffers of Newfoundland and Labrador for generations to come. This project, under the agreement signed today, is a game changer on its own.

The Gull Island project will be a new entity owned 60% by Newfoundland Hydro and 40% by Hydro-Québec. Hydro-Québec will be the project lead, manage its construction and absorb any cost overruns. Believe me, after Muskrat Falls, that's welcome news to us.

Colleagues, if I sound happy and pleased today, it's because I am. I truly believe that, today, Newfoundland has closed the door on a deal and an agreement made in 1969 that forever left a bad taste in our mouths. We have felt cheated. The people of my province have felt cheated.

As a young person growing up in Newfoundland and Labrador, I heard across the kitchen table Churchill Falls being discussed many times, always in a negative way.

When Quebec was mentioned in any aspect, the negative feelings came to the forefront because of a lopsided agreement that we, as a people, loathed. It has nothing to do with the people of Quebec. After all, I am a Habs fan.

For years, Newfoundland premier after Newfoundland premier has tried to right this wrong, whether through diplomatic channels or the court system. All these efforts failed.

Today, I feel confident we have turned the page and that a new, brighter future is on the horizon for my children, grandchildren and generations to come.

As a Newfoundlander and Labradorean, I hoped and prayed I would live to see 2041 — that I would be alive to witness the righting of a wrong. Because of this agreement today, 2041 has arrived on the shores of our province 17 years early.

As Premier Furey said earlier this afternoon, today, everything changes for Newfoundland and Labrador. As Premier Legault said this afternoon, this is a win-win agreement.

I know I speak for all my colleagues here from Newfoundland and Labrador — Senators Wells, Ravalia and Petten — when I say that we have heard the story of Churchill Falls through our lifetimes. Today is a new beginning.

With my few words here today, I am not fully able to explain what Churchill Falls has meant to the psyches of my fellow Newfoundlanders and Labradoreans. I've always been a proud Newfoundlander and Labradorean. I have to admit, I'm a little prouder today. I wish my dad were alive to witness this historic occasion.

In closing, I wish to give credit where it is due. This may sound strange coming from a Conservative, and a proud one at that: To all the people who worked behind the scenes and away from the bright lights for the past couple years, both in Newfoundland and Labrador and in Quebec, I say thank you. I am confident history will show the long hours of work they did and dedication they provided produced a better and more secure future for the people in both of our provinces.

Premier François Legault from the province of Quebec is the first premier of that province to publicly admit that for Newfoundland and Labrador, the 1969 Churchill Falls contract was a bad deal. It was that statement, I believe, that created the positive working environment to see today's deal become a reality.

To the premier of my own province of Newfoundland and Labrador, The Honourable Dr. Andrew Furey, I wish to say a sincere thank you for his hard work and determination in achieving this historic agreement. No deal or agreement is going to please everyone, but I believe Premier Furey and his team have accomplished an incredible deal for the people of Newfoundland and Labrador today. I believe it is an accomplishment that many in my province believed would never happen. Many in my province believed it was not possible.

• (2030)

It is one thing to correct and gain financial benefits from the mistakes of the past, but finalizing future economic opportunities is the icing on the cake in this agreement, a balanced approach where both parties win. I believe that the history books will record today as a day that Newfoundland and Labrador turned the page, and Premier Furey will be remembered for making that happen.

Today, regardless whether my fellow Newfoundlanders and Labradorians are Conservative, Liberal, New Democrat, Green or have no political affiliation, I believe the great majority are proud and happy of what has been accomplished. Today's agreement is about correcting the mistakes of the past, about turning the page on a new day for the wonderful people of Newfoundland and Labrador and laying a solid foundation for a more prosperous future for all those coming behind us. It is indeed a proud day for all of us.

I will conclude my final remarks with the words of the final verse from the "Ode to Newfoundland":

As loved our fathers, so we love
Where once they stood we stand
Their prayer we raise to heav'n above
God guard thee Newfoundland. . . .

Some Hon. Senators: Hear, hear!

[Translation]

The Hon. the Speaker: Senator Audette, do you have a question?

Hon. Michèle Audette: I have a question for Senator Manning.

[English]

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

Senator Manning: Yes, go ahead.

The Hon. the Speaker: There is not a lot of time left, so it has to be a brief question.

[Translation]

Senator Audette: Thank you for finally ensuring that the Innu of Labrador and Quebec — whose borders are not the same to us — are part of the memorandum of understanding. Senator Manning, can I count on you to ensure that the Innu Nation will always be honoured in this agreement and will be an active participant? Furthermore, will you support me when I remind the Government of Quebec that we are entitled to this kind of agreement, too? Thank you.

[English]

The Hon. the Speaker: Senator Manning, would you like more time to answer the two questions that were posed?

Senator Manning: Yes. I can talk fast, but I'm not sure I can talk that fast.

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

Hon. Senators: Agreed.

Senator Manning: Thank you for the question. As you understand, I certainly don't have any say in who is involved and who is not involved, but I was delighted today to see the Grand Chief be part of the signatures on the agreement.

The Grand Chief spoke and said that the New Dawn Agreement guarantees Innu involvement, and there will be no future developments in Labrador or anywhere in the province unless the Innu are at the table. I think that message is loud and clear.

I think, again, today's agreement, as I said, is correcting the mistakes of the past in regards to the financial side of things for Newfoundland and Labrador, but I also believe that having Innu leadership at the table is a way of correcting the mistakes of the past as well. I'm very confident that there will be no development of any kind happening in Newfoundland and Labrador anymore — for that matter, anywhere in Canada — unless First Nations people are part of those discussions, and I'll support that every day.

(Debate adjourned.)

ADJOURNMENT

MOTION ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of December 11, 2024, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, December 17, 2024, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Dasko, seconded by the Honourable Senator Bussan, for the third reading of Bill C-252, An Act to amend the Food and Drugs Act (prohibition of food and beverage marketing directed at children).

Hon. Yuen Pau Woo: Thank you. I wasn't going to speak to Bill C-252, but I sense that there's a desire to move this bill along. We will be coming upon our break fairly soon, so I thought I would say a few words to help move it along.

Let me start by thanking the sponsor of the bill, my friend Senator Dasko, previous supporters of the bill — Senator Petitclerc, in particular — and also members of the Social Affairs Committee that did the study on the bill and presented us with their report.

I did not attend Social Affairs Committee meetings on this bill. I did follow the debates, but I did not have a front-row seat at the discussions and do not have full visibility, if you will, on the nuances of the debate. Therefore, I don't want to overstate my knowledge of what happened at committee.

But you may remember that I asked questions, both at second reading and at report stage. You may have picked up from my questions that there was some hesitancy on my part concerning this bill. I want to assure everyone that the hesitancy has nothing to do with the intent of the bill. I fully support its objective of curbing the marketing of food and beverage advertising to children under the age of 13 in part because I've had my share of battles with the advertising industry when it comes to my own children being seduced by products that seem irresistible to them. I can confirm that I lost many of those battles.

I'm not a laissez-faire advocate of advertising where anything goes and where we do not have restrictions on the types of advertising that are harmful to society and, in particular, harmful to children. I support putting guardrails on the advertising industry — in this case specific to the advertising of food and beverage products — in the interest of advocating and promoting healthy eating and healthy lifestyles.

To use a phrase from my speech on Bill C-282 on supply management, policy objectives can be achieved through different means. As legislators, as regulators in the executive branch, the question for any given policy objective is instrument choice. What is the best instrument to use to achieve a particular policy objective?

The instinct of many regulators is to, well, regulate. The instinct of many legislators, including many of us here, is to come up with regulations that solve a problem kind of by dicta — you put a rule, “This shall not be done,” and therefore, it shall not be done. Regulations are not costless, and they are not infallible. Sometimes wrong or outdated regulations are very difficult to unwind, which is why my own preference is for what might be called “light-touch regulation.” This is not a term I invented; it's a concept that's advocated by many good-governance bodies, including the Organisation for Economic Co-operation and Development, or OECD. It is simply the idea of finding a form of regulation for a given policy objective that is the least intrusive, that has the best chance of success. I want to stress that part because it is not about lessening the burden on industry or lessening the burden on consumers; it is about finding the best path to achieving the objective that we want to have.

• (2040)

One of the ways in which we can take a light-touch regulatory approach is through the use of standards. You may not be aware, but the world runs on standards. We would not be sitting in this room enjoying the HVAC, the lighting system, Wi-Fi, phones and everything else that makes this building run if it weren't for standards that have been developed largely by industry, in cooperation with stakeholders, and which have then been incorporated into the practices of the industries that are involved: the electricians, the tradespeople, the plumbers and so on and so forth. They are not in the first instance command-and-control regulations.

I'd like to think that the same light-touch approach based on standards could have been applied in the objective that we have here, which is to limit and, in fact, prohibit the marketing and advertising of food and beverage products to kids under 13.

We do know from industry and from the committee hearings that the industry, together with advertising bodies, tried to come up with codes to address this problem of advertising to children. For many years, they had something called the Canadian Children's Food and Beverage Advertising Initiative. I think it's fair to say this was a failure, and the committee provided some evidence to show that it did not work.

[Senator Woo]

The industry then belatedly tried to get its act together by coming up with a tougher code of practice, which they called the Code for the Responsible Advertising of Food and Beverage Products to Children, which only came into effect late last year. It's, according to them, a mandatory code to which advertisers are required to adhere; otherwise, the broadcasters that put up these advertising items will not be given a licence. There is some debate about how mandatory it is, and I won't get into that.

I'm not going to second-guess the committee in its judgment that this mandatory code recently developed by industry doesn't meet the test; this is what our committee has concluded. Perhaps it's a little too early to come to that conclusion. It has only been in place for less than a year, but the committee was not impressed by it.

I hope, however, that this conclusion of the committee does not close the door on an approach to dealing with the problem of advertising to kids that includes the involvement of industry in coming up with the regulations that will have to be developed if this bill is passed.

I was pleased to hear from the sponsor of the bill that Health Canada officials confirmed that they had every intention of consulting with industry to work on the specific regulations that need to be put in place.

Now, it may be that the industry code currently does not meet the standards that Health Canada is aiming for. But if the code does, in fact, meet or exceed the standards that Health Canada would want to put in command-and-control regulations, there is a case for that very code to be adopted holus-bolus almost through a mechanism that's called “incorporation by reference.” This simply means taking the work of industry together with stakeholders in coming up with this code, recognizing it meets all of the objectives that we want met — the government and Parliament — and bringing it into the regulation as a way of, on the one hand, acknowledging industry ownership of these requirements, but also putting some onus back on the industry to make sure that these rules and regulations are followed.

I'm simply making an appeal that even as we, I hope, very soon come to a vote on this bill and perhaps pass this bill, we are not sending the wrong message to our capable civil servants at the Canadian Food Inspection Agency and Health Canada and wherever else that this is a licence for them to — this is pejorative; they don't just dream up regulations, but there is a tendency in bureaucracy to come up with regulations because they are asked to come up with regulations. I'm hoping that by a little intervention here it will encourage them to work with industry, to look at the possibility of incorporation by reference at some stage in the regulatory development process.

Colleagues, that's all I wanted to say about it. I really respect the work of my colleague Senator Dasko in advocating for this bill, the work of the committee, the report that was tabled. It's time for us to come to a decision on this bill, and I would respectfully ask that we call the question on it.

Hon. Senators: Question.

The Hon. the Speaker: I would like to recognize Senator Black. I believe you have a question.

Hon. Robert Black: I have a question if Senator Woo would accept it.

Thank you, Senator Woo, for your remarks about the significant work that industry has done — I do appreciate that — and your further remarks about the hope for further industry consultation going forward.

I wonder if you're aware that between the French and English versions, there are differences in terminology between "marketing" and "advertising" which could actually create more confusion down the road. Are you aware of that?

Senator Woo: Thank you, Senator Black, for the question. I'm aware of the advocacy material that you and I and others have received which make that claim. I have no reason to challenge it. My French is not good enough to provide a definitive judgment. It may be something that you want to speak to, but I can't say much more than that.

Senator Black: If your French and my French isn't good enough, is it appropriate that somebody else check that out to ensure the French and English versions are identical?

Senator Woo: Perhaps Senator Carignan has a view on this, and he would have the French ability. We need to look to our committee. I respect the folks on the committee. I would have hoped they looked at both language versions. If they had had a concern, they would have raised it. Again, I don't have enough knowledge to make a comment on it.

Hon. Leo Housakos: I have a couple of questions for Senator Woo.

My first question, Senator Woo, is I don't understand how you align the fact that very recently you voted for a GST pause on junk food, and yet you show such a degree of enthusiasm for this particular bill and how all of a sudden this is going to be the solution to all young children getting addicted to processed sugar.

• (2050)

The other question I have — and it's very disturbing — and it was admitted by you in your speech that this bill requires regulation, and after the bill passes you have assurances from Health Canada and the government that there will be consultation with industry and, of course, they will flesh out the regulations on this particular bill. Over the last decade, it has become a habit of this government to basically leave regulations out of the

debate, out of the equation when we are reviewing legislation, which is very problematic because very often, as we know as legislators, regulation determines the outcome of a particular bill.

We had the same mistake happen with Bill C-11, which we passed in haste in this particular place. Regulations would be taken care of by the Canadian Radio-television and Telecommunications Commission, and a year and a half later, of course, it is a catastrophe and we are still waiting for the regulations.

So the question I have is: Wouldn't it be prudent for us to make sure that the regulations are attached by the government and the civil service to the bill before we even consider a vote on it?

Senator Woo: Thank you for your question. There were questions on three or four different bills in that recitation. First of all, perhaps you will go over the transcript of my speech. I did not express very much enthusiasm for the bill, as I recall. In fact, I talked about how I regretted that more attention was not given to industry views on it. So I'm not sure that your interpretation warrants a response because it does not conform to what I said.

On the broader question of having regulations —

The Hon. the Speaker: Senator Woo, your time for debate has expired.

Senator Woo: I would like to have a chance to finish my thoughts.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: Agreed.

Senator Woo: I am actually not in favour of detailed regulations put in bills. I think it is beyond our expertise to go into the nitty-gritty on many technical issues. I know there is an instinct and a kind of reflex on the part of legislators to want to come up with the very specific regulations pursuant to a bill, but it is not clear to me that we have the expertise to do so.

I come from a philosophical background that our job is to legislate, in relatively broad terms, clear instructions on the direction but not to come up with detailed regulations for bureaucrats to then just follow.

Let me also say that as the Joint Chair of the Standing Joint Committee for the Scrutiny of Regulations, we often see regulations that are perhaps misaligned with the law. Part of that problem is because we are trying too hard with our bills to come up with specific instructions that create problems for bureaucrats when they try to reconcile the purpose of a bill with the regulations that we forced into that bill.

Senator Martin: I move the adjournment of the debate.

The Hon. the Speaker: It is moved by the Honourable Senator Martin, seconded by the Honourable Senator Seidman that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

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 “nays” have it.

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Is there an agreement on a bell?

An Hon. Senator: One hour.

The Hon. the Speaker: The vote will take place at 9:53 p.m. Call in the senators.

• (2150)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Ataullahjan	Martin
Batters	Plett
Black	Quinn
Carignan	Richards
Housakos	Robinson
MacDonald	Seidman
Manning	Wells (<i>Newfoundland and Labrador</i>)—14

NAYS
THE HONOURABLE SENATORS

Al Zaibak	Loffreda
Arnot	MacAdam
Aucoin	McNair
Boehm	Mégie
Boniface	Moncion
Boudreau	Muggli

Burey	Osler
Busson	Oudar
Cardozo	Pate
Clement	Patterson
Cormier	Petitclerc
Coyle	Petten
Dasko	Prosper
Deacon (<i>Ontario</i>)	Ravalia
Dean	Ringuette
Duncan	Ross
Francis	Saint-Germain
Gerba	Senior
Gold	Simons
Greenwood	White
Harder	Woo
Kingston	Youance
Kutcher	Yussuff—47
LaBoucane-Benson	

ABSTENTION
THE HONOURABLE SENATOR

Deacon (*Nova Scotia*)—1

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, to date, third reading of this bill started on December 3. That was last week. Last week, we started third reading. Today, we are asked to vote on it. This bill was not debated tonight before Senator Woo stood, and he said that even he was not scheduled to speak today. As Senator Woo said, this bill has some major flaws. Not the very least of these, which Senator Black pointed out, is the stark difference between the English version and the French version.

Clearly, what the Independent Senators Group, along with the help of a few others tonight, is forcing us to do is not sober second thought. The government is playing right along with it.

• (2200)

They want us to deal with this bill — again, a private member’s bill — and the entire government team not only vote themselves but suggest to others how they should vote. But they are, of course, all independent.

They want us to deal with this bill now for no reason other than to show us that they are the majority and are now in charge.

Senator Saint-Germain wants to force down our throat a bill that has major flaws and major implications for various businesses, without proper debate and without the ability to consult with stakeholders or propose realistic amendments.

There is no urgency around this bill. It has been debated in Parliament for years. A version of this bill was debated in Parliament when the Conservatives were in government. It will not come into effect for months, if not years, even if it were passed tonight.

Colleagues, if we want to be the chamber of sober second thought, we need to press pause. This bill needs to be thoroughly debated. We had the sponsor of this bill speak to us about this a week ago. Let's do our job as a Senate. Let's take time to study this bill very carefully.

When we come back in February, the bill will still be at third reading, and we will have ample time to debate it. If we deem it necessary, we will vote on it. But because of the tactics of the majority of the senators here, I have no choice, Your Honour, but to present an amendment to allow us some time to study this bill.

MOTION IN AMENDMENT

Hon. Donald Neil Plett (Leader of the Opposition): Therefore, honourable senators, in amendment, I move:

That Bill C-252 be not now read a third time but that it be read a third time this day six months hence.

Thank you, Your Honour

The Hon. the Speaker: Honourable senators, before reading the motion, let me provide a brief explanation. This motion is what is called a hoist amendment, and it is explained at pages 132 to 133 of *Senate Procedure in Practice*.

The standardized formulation of this motion, that the bill be read in six months, is a reflection of historic parliamentary usage. The practical effect of adopting this motion is that the bill is defeated. The motion can be debated and adjourned but cannot be amended.

That said, it was moved, in amendment, by the Honourable Senator Plett, seconded by the Honourable Senator Seidman, that Bill C-252 be not now read a third time, but that it be read a third time this day six months hence.

[*Translation*]

Hon. Lucie Moncion: Considering the remarks you just made, considering Senator Plett's proposal and considering the fact that Senator Plett often uses the phrase that it's getting late and we're tired, I think it would be wise for us to think about this some more. I therefore propose:

That the Senate do now adjourn.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

[*English*]

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 bell?

An Hon. Senator: Now.

An Hon. Senator: One hour.

The Hon. the Speaker: The vote will take place at 11:04. Call in the senators.

• (2300)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Al Zaibak	Loffreda
Arnot	MacAdam
Aucoin	McNair
Black	Mégie
Boehm	Moncion
Boniface	Osler
Boudreau	Oudar
Busson	Pate
Cardozo	Patterson
Clement	Petitclerc
Cormier	Petten
Coyle	Prosper
Dasko	Ringuette
Deacon (<i>Ontario</i>)	Robinson
Dean	Ross
Francis	Saint-Germain
Gold	Senior
Greenwood	Simons
Harder	Sorensen
Kingston	Woo
Kutcher	Youance
LaBoucane-Benson	Yussuff—44

NAYS
THE HONOURABLE SENATORS

Ataullahjan
Batters
Carignan
Housakos
MacDonald

Martin
Plett
Ravalia
Seidman
Wells (*Newfoundland and
Labrador*)—11

Manning

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

(At 11:09 p.m., pursuant to the order adopted by the Senate earlier this day, the Senate adjourned until Tuesday, December 17, 2024, at 2 p.m.)

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