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(HANSARD)

Tuesday, December 17, 2024

The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Tuesday, December 17, 2024

(Pursuant to rule 3-6(1), the Senate was recalled to sit at 12 p.m. on December 17, 2024, rather than 2 p.m. as previously ordered.)

The Senate met at 12 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

EXPRESSIONS OF GOOD WISHES FOR THE SEASON

Hon. Yuen Pau Woo: Honourable senators:

'Twas months before Christmas when all through the House
MPs were idle and, boy, did they grouse.
A vote of non-confidence the Cons did propose

[*Translation*]

Haven't we had enough of those?

[*English*]

The NDP had torn up their deal with the Liberal brass,
But the Bloc wanted to deliver the coup de grâce.
Pierre did bluster and Pierre did blow.
Jagmeet responded with "I'm right here, bro."
As for Justin, his numbers fell to a new low.
His response was to appear on a late-night show.

Senators were nestled all snug in their beds
While visions of government bills danced in their heads.
The moon on the breast of the new-fallen snow
Gave a lustre of midday to objects below.
When out on the lawn there arose such a clatter,
I sprang from my seat to see what was the matter.
Away to the scrolls, I flew like a flash,
Flipped through the pages for bills we could hash.
When what to my wondering eyes did appear
But a host of PMBs from the House — oh dear!

With a new Clerk so lively and Gaia
I knew in a moment she must be Shaila.
More rapid than eagles, the numbers they came
As she whistled and shouted and called them by name:
"Now fruits, now veg, now biosecurity!
Err, are you sure we have reciprocity?
On, chickens! On, turkeys! On, eggs and dairy!
Let's not debate supply management, shall we?"

To the top of the Order Paper! To the top of our call!
Now dash away, dash away, dash away, all!"
As leaves that before the wild hurricane fly
When they meet with an obstacle, mount to the sky.
So up to the top the private bills flew
With speeches and votes and lots of bells, too.

And so it was that we were sent to work
Filling stockings with a sigh and a shirk.
We gave out candy, diapers and KFC
Because on these, there was no GST.

St. Nick, his eyes — how they twinkled! His dimples, how merry!
His cheeks were like roses, his nose like a cherry!
His droll little mouth was drawn up like a bow.
He said tariffs are coming, 'tis most malapropos.

And laying his finger aside of his nose
And giving a nod, up the chimney he rose.
He sprang to his sleigh, to his team gave a whistle
And away they all flew like the down of a thistle.
But I heard him exclaim as he drove out of sight:
"Don't you dare use the "Notwithstanding" Clause — that's my name. Good night!"

Hon. Andrew Cardozo: Honourable senators, I was hoping I would not be called upon after Senator Woo, but here we are.

As we end the fall sitting of Parliament, it is time to highlight a few issues. We live in turbulent times in Parliament, in Canada, in North America and around the world. There is a mix of dynamics in the economy and society. Inflation is down from a high of 8.1% two years ago to 2% today. Our debt-to-GDP ratio is around 20%, the lowest in the G7 countries. The deficit for the previous fiscal year was set at a high of \$62 billion, as announced in the Fall Economic Statement yesterday, while it is expected to be \$48 billion in the current fiscal year. Our projected growth is 2.25%, the highest among the G7 countries. The immigration system, I hope, is moving from out of control to under control.

The Bank of Canada rate was just further reduced to 3.25% last week — a recognition that the fundamentals of our economy are sound. However, the cost of living remains high for too many Canadians. Prices have not come down, while wages have kept pace. Urban crime appears to be on the rise. The unemployment rate has been creeping up in recent months, and it now sits at 6.8%.

While the climate crisis is growing, not enough consensus exists either in Canada or worldwide. The pushback on equality is growing, with worrying backlash against DEI and ESG. I don't have time to spell out those acronyms, but please look them up.

The most recent threat comes from our neighbours to the south. We worked with President Trump in his first term, and there is no reason to believe that we will not rise to the challenge this time.

My last thought is that senators should get ready to get out and meet our federal and state counterparts in the United States as much as we can in the four years ahead. Team Canada needs us. There will be many challenges ahead, so let's get ready. As my late mother would say to me, "Pull up your socks, stand up straight and speak clearly."

[Translation]

Dear colleagues, I wish you all a happy Christmas, Hanukkah, Kwanzaa and new year. Thank you.

[English]

Hon. Rebecca Patterson: Honourable senators, I rise today to offer a moment of reflection as we enter this holiday season.

I invite you to join with me in expressing gratitude to every member of the Canadian Armed Forces, Canada's veterans and all of their families. This holiday season, a number of members of the Canadian Armed Forces will be away from their families in locations across the country and around the world, defending the values Canadians hold so dear.

I also want to send holiday wishes to the brave Ukrainian soldiers fighting against the illegal Russian aggression and to the Ukrainian children whose wish is for St. Nicholas to bring their parents' home safely. We want that for you and for victory in Ukraine, on your own terms, in the new year.

Ongoing global conflicts, such as Russia's illegal and brutal war of aggression against Ukraine, remind us that Canada's sovereignty, peace and democracy remain a collective effort worth defending — one that we all must keep in mind and within our hearts no matter what. Nefarious actors, both at home and abroad, want to see Canadians divided. Sadly, misinformation and disinformation are spreading, undermining the very trust that Canadians have in democracy.

When you gather with your loved ones this season, take time to engage and respectfully exchange ideas about what it means to be Canadian and why our values are worth protecting, because we cannot let fear, hatred and division succeed.

Colleagues, please cherish your time with your loved ones this holiday season and keep Canada's veterans, the members of the Canadian Armed Forces and their families in your thoughts.

To the members of the Canadian Armed Forces, thank you. Thank you for defending our freedom, and thank you for the sacrifice of being away from your families at this time of year. I thank not only you, our serving members, but also your families and significant others who support you every step of the way.

Have a wonderful holiday season, and best wishes for a safe and secure new year.

[Senator Cardozo]

[Translation]

THE HONOURABLE MANUELLE OUDAR

CONGRATULATIONS ON PRIX HOMMAGE

Hon. Raymonde Saint-Germain: Colleagues, I'm pleased to rise today to talk about the Honourable Senator Manuelle Oudar's exceptional career. On December 2, Senator Oudar was awarded the 2024 Prix Hommage, the highest and most prestigious distinction of the Institut d'administration publique du Québec.

• (1210)

This award is presented each year to an individual who is clearly outstanding and has been recognized by their peers for management excellence or their influence on public administration in Quebec. I'm sure you'll all agree that these criteria perfectly describe Senator Oudar and her remarkable career in the Quebec public service.

[English]

I had the privilege before our time in the Senate to witness this remarkable journey. Let me state a few of her accomplishments. In the 30 years she spent in the Quebec government, she was assistant deputy minister at the Ministry of Education, deputy minister at the Ministry of Labour, then president and CEO of the Commission for Labour Standards, Pay Equity and Occupational Health and Safety.

Under her strong leadership, which was described by her peers as unifying, influential and imbued with humanism, the commission received numerous prestigious recognitions, including the United Nations Public Service Awards, an international recognition of excellence in public service.

All this is to say, colleagues, that I was not in the least surprised when I heard that she had received this prestigious award. It is truly a recognition of her devotion and dedication to the people of Quebec.

[Translation]

All of these accomplishments earned her an appointment to the Senate of Canada in February 2024. Now, all Canadians will be able to count on Senator Oudar's knowledge, expertise, know-how and equanimity.

I'd like to take this opportunity to emphasize how the open and respectful attitude she has had since her arrival in the Senate and her interest in understanding the institution and contributing constructively to it will be key to her success in this new chapter of her already exceptional career. I'm sure of that. Manuelle joined the Senate of Canada less than a year ago, but she has already begun to make her mark, professionally and conscientiously.

Dear Manuelle, on behalf of all the members of the Independent Senators Group, I'm so pleased to congratulate you on receiving this tribute award from the Institut d'administration publique du Québec. It is a well-deserved honour.

Thank you. *Meegwetch.*

Hon. Senators: Hear, hear.

[*English*]

TAMARA JANSEN

CONGRATULATIONS ON ELECTION VICTORY

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I am delighted to rise today to congratulate Conservative candidate Tamara Jansen on her overwhelming victory last night as the newly elected member of Parliament for the riding of Cloverdale—Langley City in British Columbia.

Some Hon. Senators: Hear, hear.

Senator Martin: For her, it is actually a re-election, as she served as a member of Parliament from 2019 to 2021.

Capturing 62% of the vote in a riding previously held by the Liberals, Tamara's resounding victory is yet another clear message from Canadians that they are done with the current NDP-Liberal government. Ever since the riding was established by the 2012 federal electoral boundaries redistribution, it has see-sawed back and forth between the Liberals and Conservatives by a narrow margin: 45% to 35%, 38% to 35% and 39% to 36%. But last night, the see-saw transformed into a catapult, pitching the Liberal candidate by a wide margin of 62% to 16%.

It was nothing short of a clear and unmistakable message from Canadians that their patience with this costly coalition government is over. They resoundingly echoed the sentiment expressed by former finance minister Chrystia Freeland yesterday when she told the Prime Minister that the Liberals' time in government is coming to an end.

For Canadians, that day cannot come soon enough. It is clear that not only can this government not balance the budget, but they cannot build homes, stop crime, secure the border, save the economy or get the debt under control. Even *The Globe and Mail* noted in an editorial last week that the "... federal government has consistently prioritized short-sighted decisions over long-term fiscal and economic stability. ..."

In the midst of all the uncertainty and recklessness we are experiencing under the NDP-Liberal government, Canadians can be assured that one thing is constant: the commitment of a common-sense Conservative government under Pierre Poilievre to navigate this ship out of the stormy waters we constantly find ourselves in and back to the place where Canadians can hope and dream once again for a bright future.

Honourable senators, please join me in congratulating Tamara Jansen, her husband, Byron, and her very dedicated team on their decisive victory.

Thank you.

FISCAL ACCOUNTABILITY

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators:

Our country today faces a grave challenge. The incoming administration in the United States is pursuing a policy of aggressive economic nationalism, including a threat of 25 per cent tariffs.

We need to take that threat extremely seriously. That means keeping our fiscal powder dry today, so we have the reserves we may need for a coming tariff war. That means eschewing costly political gimmicks, which we can ill afford and which make Canadians doubt that we recognize the gravity of the moment.

Those, colleagues, are not my words, but those of the former finance minister in her resignation letter to Justin Trudeau. This was not just any minister, but the Deputy Prime Minister of Canada, admitting that the Liberal government is resorting to "... costly political gimmicks, which we can ill afford. ..."

Yet just days ago, when Conservative senators stood in this chamber and told this chamber that very fact, that Bill C-78 was nothing more than a gimmick, you scoffed at the suggestion and voted overwhelmingly in favour of that ridiculous legislation. You gave the Prime Minister an overwhelming vote of confidence, only to find out later that his own finance minister had already lost confidence in him and his caucus support was crumbling under his feet.

To be honest, I am struggling to understand how this new, improved Senate can be considered better than the old one when it cannot seem to distinguish between self-centred political expediency and good public policy.

Former Minister of Finance Freeland said herself that Canadians "... know when we are working for them, and they equally know when we are focused on ourselves. ...". And yet, while Canadians know the difference, the majority of this chamber clearly does not.

The warning bells about this government's inability to manage the affairs of the nation have been ringing at deafening levels ever since Justin Trudeau told us that the budget would balance itself. Yet, like a train speeding toward a collapsed bridge, Trudeau-appointed senators have not once pulled on the brake, not even a little bit. They have approved every budget, every expenditure and have enabled this government to blow past its fiscal guardrails repeatedly to bring us to a \$61.9-billion debt.

I would propose to you that this government is a train wreck in slow motion and that most of you are complicit in the consequences that are going to follow. And yet, if I am honest,

anyone who is unable to distinguish the difference between good and bad public policy should take a moment to reflect whether serving as a senator is the right role for them.

ROUTINE PROCEEDINGS

AUDITOR GENERAL

COMMENTARY ON THE 2023-24 FINANCIAL AUDITS—
REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Special Report of the Auditor General of Canada to the Parliament of Canada entitled *Commentary on the 2023-24 Financial Audits*, pursuant to the *Auditor General Act*, R.S.C. 1985, c. A-17, sbs. 8(2).

2024 FALL ECONOMIC STATEMENT

DOCUMENT TABLED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the document entitled *2024 Fall Economic Statement*.

TREASURY BOARD

PUBLIC ACCOUNTS OF CANADA—2023-24 REPORT TABLED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Public Accounts of Canada for the fiscal year ended March 31, 2024, entitled (1) Volume I — Summary Report and Consolidated Financial Statements, (2) Volume II — Details of Expenses and Revenues, (3) Volume III — Additional Information and Analyses, pursuant to the *Financial Administration Act*, R.S.C. 1985, c. F-11, sbs. 64(1).

CANADIAN HERITAGE

ELIMINATION OF DISCRIMINATION AGAINST WOMEN—
DOCUMENTS TABLED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the documents entitled *Canada's 10th report on the Convention on the Elimination of All Forms of Discrimination against Women* and *2024 Concluding Observations of the United Nations Committee on the Elimination of Discrimination against Women*.

TREASURY BOARD

2023-24 DEPARTMENTAL RESULTS REPORTS TABLED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Departmental Results Reports for the fiscal year ended March 31, 2024.

• (1220)

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—THIRTY-FOURTH REPORT OF LEGAL AND
CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Brent Cotter, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, December 17, 2024

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

THIRTY-FOURTH REPORT

Your committee, to which was referred Bill C-320, An Act to amend the Corrections and Conditional Release Act (disclosure of information to victims), has, in obedience to the order of reference of Thursday, May 30, 2024, examined the said bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

BRENT COTTER

Chair

(For text of observations, see today's Journals of the Senate, p. 3429.)

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

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

QUESTION PERIOD

FINANCE

FISCAL ACCOUNTABILITY

Hon. Donald Neil Plett (Leader of the Opposition): Leader, with a \$62 billion deficit — as much as Senator Cardozo wanted to make this look positive — our country cannot afford your incompetent government, including this GST tax trick. In her resignation letter, the former Minister of Finance referred to “. . . costly political gimmicks, which we can ill afford” That’s your finance minister.

You criticized Conservative senators for calling it a trick, but she agreed with us. After nine long years, our country is in dire need of strong, stable leadership, and we are not getting it from the “all options” Jagmeet Singh or the NDP-Liberal government, which must finally come to an end.

Leader, are you ashamed of having supported this total economic disaster when even the Minister of Finance herself could not?

Hon. Marc Gold (Government Representative in the Senate): Well, thank you for your interest in my personal moral sentiment, and I am happy to stand here representing the government and representing the policies of this government.

I’m not going to speak personally about you or your colleagues, although you seem to have spoken quite personally about the independent senators and the independent Senate, but the fact remains that, no, I’m not ashamed. If you take the time to look at the Fall Economic Statement, you will see that despite the increase in spending — which is undeniable — there are important investments that are being made to further protect our borders and our security and help Canadians, and I would be happy to elaborate further if you are interested in the policy issues.

Senator Plett: Clearly, even the finance minister was ashamed of it — she wouldn’t deliver it.

Leader, I did the responsible thing and offered you to pass supply last Friday. You turned me down because of the optics. Now everyone sees where government by optics has led us.

The NDP-Liberal government is in total shambles, and their gimmicks have put Canada in a terrible position. When will we have a carbon tax election?

Senator Gold: Senator, on this last day, I believe, before we rise, you have chosen to disclose private conversations. Let me be clear about what my position was to this chamber, to the leaders and to you, sir. It was that it would be irresponsible for the Senate to rise before the House rises because the House may very well be providing us with work that we would have a constitutional obligation to do.

Please, senator, with all due respect, do not misrepresent either my words or my —

Hon. Leo Housakos: Senator Gold, as Canadians grapple with the prospect of a tariff war with the United States, Justin Trudeau is focusing on gimmicks and trying to hold on to power. All the while, our country is facing a historic cost-of-living crisis. From housing affordability and food insecurity to rising housing debt, inflation and daily expenses, these challenges are being further exasperated by Justin Trudeau’s carbon tax.

Of course, the Prime Minister claims the carbon tax is essential to safeguarding the future of our children and grandchildren. He even goes on to say that it is essential in order to prevent Canada from burning down to the ground because of global warming, but the truth is that Justin Trudeau is burning this country down to its foundation all on his own, government leader. With deficits like the unprecedented \$62 billion unveiled yesterday, which is over 50% of what the government projected, we are finding ourselves going over the debt fiscal guardrails.

Senator Gold, my question is very simple: Do you still have confidence that this government can steer a bright future for —

Hon. Marc Gold (Government Representative in the Senate): There were many comments and one question.

To answer as much of that as I can, first of all, once again, senator, with all due respect, you are offside. Reputable, independent economists have said — not only about the carbon tax as a policy but about its actual impact on prices, but that is consistent with the narrative that you spread.

The fact remains that notwithstanding the increased spending that increased the deficit, it is the case, as independent economists have also said — indeed, even recently, before our committees — that Canada’s economy is a sustainable one. The investments that are being made in the Fall Economic Statement towards our border security and affordability issues that Canadians desperately need are in the best interests of Canadians.

Senator Housakos: Reputable economists? “Reputable” and the Trudeau government right now don’t go together.

Why don’t you listen to the voters in British Columbia who made it clear last night that they have no confidence in this government. Former ministers like Catherine McKenna have made it clear they have lost confidence, as have several caucus members. Trudeau’s own Deputy Prime Minister — his most trusted sidekick for years — has made it clear that she has lost confidence in the leadership of this government.

One simple question, Senator Gold: Do you have confidence in this inept and disastrous government?

Senator Gold: Senator Housakos, the issue is whether the House of Commons has confidence in this government, and when I last looked, the government still enjoys the confidence of the House of Commons.

With regard to the economists, Trevor Tombe and Jennifer Winter, the University of Calgary professors — who are not government employees — were very clear about the facts — which you continue to deny — about the impact of carbon pricing on the cost of living.

GLOBAL AFFAIRS

CANADA-ECUADOR FREE TRADE

Hon. Rosa Galvez: Senator Gold, Global Affairs Canada is in the final stages of negotiating a free trade agreement with Ecuador. Among other things, it aims to promote more Canadian mining.

In October, a delegation of Ecuadorian Indigenous women leaders and water defenders visited Ottawa and shared allegations of human rights violations and environmental threats linked to Canadian mine projects. Presently, Amnesty International reports a worsening human rights situation and attacks on people seeking to protect their land and water. What concrete steps is the government taking to independently evaluate the human rights impacts as a result of the increase in Canadian mining in Ecuador?

• (1230)

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator, and for your continued advocacy for and concerns about the interaction of economic development and mining and its impact on human rights generally and on Indigenous interests here and abroad.

It is a fact that these all intersect. Although we often tend to think of them in siloed terms, and certainly those who speak to us about them often present one side of the issue when they are interconnected, as we all are in this world. As you know, the government has the Canadian Ombudsperson for Responsible Enterprise, or CORE, which reviews complaints and concerns about possible human rights abuses by Canadian companies when they work outside of Canada in the garment industry, mining industry and oil and gas sectors. The government takes concerns such as those you have raised very seriously, and I will certainly raise them with the minister.

Senator Galvez: In November Global Affairs Canada released a summary of its initial Gender-based Analysis of the Canada-Ecuador Free Trade negotiation. It did not contain any information on gender-based impacts of mining in Ecuador such as reports of increased threats and gender-based violence against women in mining communities. What steps will the government take to address these regrettable gaps in this gender impact assessment?

[Senator Gold]

Senator Gold: Thank you for the question and for bringing the issue to my attention. I do not know which information has been provided to the minister in this regard, but I know the minister would be open to such information. I will raise it with the minister at the earliest opportunity.

CROWN-INDIGENOUS RELATIONS

TREATY NEGOTIATIONS

Hon. Yvonne Boyer: Senator Gold, on November 26 during Question Period, I asked the Minister of Crown-Indigenous Relations and Northern Affairs Canada when he expected to conclude treaty negotiations with the Manitoba Métis Federation, or MMF, and the Métis Nation-Saskatchewan, or MN-S. He replied that he was planning to conclude one of them within days and the other within weeks. While I congratulate the MMF on concluding their treaty negotiations, it doesn't appear that the MN-S treaty will be finalized within weeks. Métis citizens across the homeland were encouraged to hear the minister's commitment to finalizing these important treaties promptly. Can you please inform us when MN-S can expect to conclude their treaty negotiations and how the minister plans to accomplish this within his self-imposed timeline?

Hon. Marc Gold (Government Representative in the Senate): Thank you for reminding us of the progress — though not completed — that has been made with regard to the Métis Nation-Saskatchewan relationship with Canada and the updated Métis Nation-Saskatchewan Self-Government Recognition and Implementation Agreement. It is an important milestone, but we're not there yet.

The government is, indeed, working assiduously toward a self-government treaty with Métis Nation-Saskatchewan. The government looks forward to continuing this important and ongoing work around the negotiating table. It will continue to work with all Métis partners to promote reconciliation, renew relationships, advance their vision of self-determination and build a better future for their citizens and future generations. I don't know the timetable or the exact status of this, but I have been assured that the work is continuing responsibly and in good faith.

Senator Boyer: Last month the minister appeared confident that he would be able to conclude the treaty negotiations, but it sounds like Canada is making last-minute changes that are delaying its progress. After making a public commitment to finish this treaty within weeks, what factors do you think have changed so drastically as to slow the progress on the Métis Nation-Saskatchewan treaty such that the minister can no longer meet his commitment?

Senator Gold: Thank you. I have not followed the negotiations at all, so I cannot answer your specific question. However, I am in touch regularly with the minister, and I will certainly raise it with him.

Senator Boyer: Thank you.

FISHERIES AND OCEANS

[Translation]

AQUACULTURE

Hon. Krista Ross: Senator Gold, the federal government's move to ban net-pen farming of salmon in British Columbia will cost billions annually in lost revenue and thousands of jobs. This isn't even taking into consideration coastal First Nations communities' self-determination. The government's own action plan says:

Many First Nations and coastal communities that rely on the economic and employment opportunities associated with open net-pen salmon aquaculture are rural and remote with limited economic opportunities.

They also say:

... First Nations are united in their concerns about potential negative economic impacts on Indigenous communities and business owners as the sector transitions away from open net-pen technologies

When will this government listen to their own senior advisers and come up with a realistic plan around net-pen salmon farming and First Nations' rights?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The government is committed, and remains committed, to both protecting wild salmon and promoting more sustainable aquaculture practices. As you correctly pointed out, these issues come together in many areas, including in B.C. — but it is only one such area. The East Coast is also facing these issues.

Over the last several years, the Department of Fisheries and Oceans has heard a wide range of opinions, concerns and views on open net-pen salmon aquaculture in British Columbia. The government remains committed to ensuring a responsible, realistic and achievable transition that will encourage innovative forms of aquaculture production for a more sustainable future.

Senator Ross: Thank you. The release of the draft transition plan came three months late. The government has said that the final transition plan will be released in 2025. When does the government anticipate the release of the final plan?

Senator Gold: Thank you for your question. I don't have a timetable. I know that discussions with stakeholders and consultations with Indigenous communities and other interested parties are a necessary part of getting this right. That is because with some issues, economic, environmental, ecological and community interests pull in different directions. I will certainly raise your concerns about the timetable with the minister, but I don't have a specific answer for you today.

FINANCE

2024 FALL ECONOMIC STATEMENT

Hon. Michèle Audette: Senator Gold, yesterday, I was reading a Radio-Canada article that blamed part of the deficit on Indigenous peoples. You will understand how shocked I was to read that. It is important to remember that Canada has legal and moral obligations towards Indigenous peoples, namely, historic and modern treaties, self-government agreements, commitments it must recognize, respect for our Indigenous rights and, of course, the right to self-determination and land restitution.

Is blaming us for the deficit right now a way of distracting from the government's legal and moral obligations?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. I don't have all the details in front of me, but if I understand correctly — and I hope I do — investments were made and funds were set aside to meet our obligations to Indigenous peoples.

That was done to fulfill Canada's constitutional and moral obligations to First Nations and Indigenous peoples.

The government will never push this matter aside for mere optics or political partisanship. I would describe these obligations as sacred. If I'm not mistaken, that's why these funds were included in the *2024 Fall Economic Statement*.

Senator Audette: Would it be possible to ask the senior official who answered the questions to reconsider his response, because he seems to be saying that we are responsible for a significant portion of the deficit? I trust you, because stereotypes or systemic racism will not be tolerated; we have proven ourselves. Can you ensure that a correction is made to avoid once again spreading any false notion that Indigenous peoples are to blame for the situation we're in? Thank you.

Senator Gold: Perhaps we could discuss the matter at greater length because I was unaware of this senior official's response. My response — and I hope I'm right — was that these funds were included in the *2024 Fall Economic Statement* that you mentioned. I will look into the matter further. Maybe you could help me out with that.

TEMPORARY TAX MEASURES

Hon. Claude Carignan: Leader, in my speech last week against Bill C-78 regarding the two-month GST holiday, I gave 32 reasons to vote against the bill.

In her resignation letter yesterday, former minister Freeland provided a thirty-third reason when she insinuated that Bill C-78 is a costly political gimmick that we can ill afford.

Leader, do you share the former finance minister's analysis?

• (1240)

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. First of all, it gives me the opportunity to express the government's gratitude to Ms. Freeland, who is a great Canadian, by any measure. Among her many accomplishments, Ms. Freeland led the negotiation of the Canada-European Union Comprehensive Economic and Trade Agreement, or CETA. She also led the renegotiation of NAFTA. She launched the national early learning and child care plan. Finally, she has shown unwavering support for the government of Ukraine and the fight against Russia's imperialist aspirations in Europe. Despite opposition from several senators, we voted in favour of this tax measure, and I hope Canadians will take advantage of it.

Senator Carignan: Leader, yesterday, the government tabled the *2024 Fall Economic Statement* in the other place, and not a single minister was there to answer questions from opposition party members. I would note that the *2024 Fall Economic Statement* projects a \$62-billion deficit — 50% higher than last year.

Leader, the ministers left the room. They took off and abdicated their responsibilities. Is that normal? Are they ashamed? Are they embarrassed?

Senator Gold: It's not for me to comment on their behaviour, but we're all lucky I'm here with you to answer all your questions on behalf of the government.

[English]

PRIVY COUNCIL OFFICE

MEMBERS OF CABINET

Hon. Denise Batters: In 2018, Prime Minister Trudeau said that people can experience their interactions differently. They sure can. Just ask the women in Justin Trudeau's cabinet about their experiences with him. Jody Wilson-Raybould said, "I wish I had never met you." Overboard. Jane Philpott said, "There's much more to the story that should be told." Overboard. Celina Caesar-Chavannes said, "I've never been so scared in my life to be in a room with someone." Overboard. And now Chrystia Freeland says, in veiled language, that Canadians ". . . know when we are working for them and they equally know when we are focused on ourselves. . . ." And look, now she is overboard too. It seems as if any time a woman says "no" or calls the Prime Minister out on his behaviour, she finds herself ejected. It's not 2015 anymore; it's 2024. Do you know what we call a man who repeatedly bullies and demotes a woman who challenges him, Senator Gold? We call him sexist. When will the fake-feminist Prime Minister finally do us all a favour and cut his own boat adrift?

Hon. Marc Gold (Government Representative in the Senate): Thank you. I feel like it's the end of the year. It's like the greatest hits from past years. The musician in me always likes those end-of-year-parade lists.

[Senator Carignan]

Colleagues, when it comes to actually doing things for and supporting women, this government has delivered. Whether it's providing affordable child care, which is making it possible for hundreds of thousands of women to join the workforce and access needed child care for their children at an affordable price; providing free contraception; or providing the Canada Child Benefit, which is helping Canada pay the bills, this government delivers. What do Conservative parliamentarians do each and every time? They vote against such measures. Actions speak louder than words.

Senator Batters: Wow. One week ago, at an Equal Voice dinner, Prime Minister Justin Trudeau proclaimed, ". . . I want everyone to know that I am and will always be a proud feminist. . . ." He also touted Chrystia Freeland as his first female finance minister. However, she disagreed with him on policy, and, three days after that dinner, on Zoom, he threw her out of the finance portfolio and replaced her with a man. Justin Trudeau's proud feminism is a charade, Senator Gold. What is it with the Prime Minister and his inability to take "no" for an answer when it comes from a woman?

Senator Gold: Again, I simply do not accept the premise of your question. But, once again, this government has delivered and, for so long as it has the confidence of the House, will continue to deliver real programs for real people, including women, their children and their families.

FINANCE

2024 FALL ECONOMIC STATEMENT

Hon. Tony Loffreda: My question is for the Government Representative in the Senate. The government introduced its Fall Economic Statement yesterday. While I am disappointed the deficit is increasing by \$22 billion, there are several new policy initiatives that the business community should appreciate. For instance, I welcome the creation of the red tape reduction office. Canada's regulatory system, which often includes outdated and overly burdensome regulation, is in dire need of an overhaul. When this new office is launched, can you confirm that it will rely on current research and data to hit the ground running and avoid any delays? Our economy literally cannot afford months and years of further consultation when much work has already been done on the matter.

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for your question. This government has and will continue to make decisions that are data-driven, based upon the most current research and data. I have every confidence that the new office will hit the ground running in order to deliver on the important issues that you underlined.

Senator Loffreda: When I think of red tape and excessive government regulations, interprovincial trade barriers come to mind. The government is committing to publishing a list of specific restrictive measures that each province has in place that are preventing trade within Canada. Will the government rely on the good work of our Banking Committee's 2016 report, *Tear Down These Walls*, which already suggested measures to eliminate these barriers and promote economic growth?

Senator Gold: This government has and will continue to rely on, and be inspired and informed by, the good work of our senate committees. The government has already taken strong action by reducing a third of the federal exemptions, which is providing greater mobility for Canadian businesses and more opportunities to grow and compete anywhere in the country. That work needs to continue at the federal level and certainly at the provincial level. Thank you for your question.

ENVIRONMENT AND CLIMATE CHANGE

CANADA'S EMISSIONS TARGETS

Hon. Mary Coyle: Senator Gold, two weeks ago I asked whether the government would follow the Net-Zero Advisory Body, or NZAB, recommendation to set an ambitious 2035 emissions reduction target of 50% to 55% below 2005 levels. While I'm pleased the government has now, though a little late, set a target, 45% to 50% falls short of the NZAB recommendation. Minister Guilbeault has stated that the target balances ambition and achievability, pointing to the need for greater provincial cooperation to achieve meaningful results. NZAB says deeper emissions cuts are both necessary and achievable. Senator Gold, how is the government working with the provinces and territories to secure stronger collaboration and commitment toward achieving our new emissions reduction target and our broader climate goals?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The government has already taken ambitious action to address climate change, and, as you noted, the federal government has chosen a target that it felt was ambitious but also achievable, because ultimately the minister and the government want to be as ambitious as Canada can possibly be. However, as you pointed out, and as we all know, the federal government simply cannot do it alone. As the minister said, some provinces are refusing to act on climate change or, indeed, to even recognize that climate change is a problem that should be taken seriously in the face of their other economic interests. Having said that, the government will continue to work with provinces to address this very serious issue.

Senator Coyle: I hope so, because it is absolutely critical that collaboration works for the betterment of the country and the globe. Thank you, Senator Gold.

The Net-Zero Advisory Body recommends adopting a national carbon budget to track emissions, set milestones and ensure accountability. We see this in the U.K., New Zealand and France. Carbon budgets offer clear pathways to net zero and address

unexpected variability. Will the government commit to implementing a national carbon budget to meet its new emissions target?

Senator Gold: Thank you for your question. The senator has heard me say before that I really can't commit at this juncture to any new programs or commitments, but I certainly will raise this important matter with the minister.

CANADIAN HERITAGE

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

Hon. Jim Quinn: I'm asking this question on behalf of Senator Deacon of Nova Scotia, who unexpectedly can't be here in the chamber with us.

Senator Gold, a year ago, the CRTC issued an order forcing Bell, TELUS and SaskTel to allow smaller competitors to buy access to fibre-optic cable nationwide. The Canadian Radio-television and Telecommunications Commission, or CRTC, decision, which was supported by the Competition Bureau, would have improved competition in internet services markets across Canada, but especially in Ontario and Quebec where Bell, Rogers, Vidéotron and Cogeco dominate.

• (1250)

It appears that Bell petitioned the government over this matter in the spring. Unfortunately, the cabinet has just blocked the CRTC's pro-competitive decision. Consequently, dominant incumbents will not have to provide small competitors in the market with the opportunity to buy access to their infrastructure. This undermines competition, contradicts the CRTC decision — reached after 17 months of public hearings — and flies in the face of the government's commitment to bring lower telecom prices to Canadians.

Senator Gold, what was the cabinet's rationale?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, Senator Quinn, and to Senator Deacon, who I am sure is interested in my answer as well.

My understanding is that it is based upon the Governor-in-Council order. The government has concerns about future and ongoing investments in broadband infrastructure and services in Ontario and Quebec, including in rural, remote and Indigenous communities, and these concerns are that these investments could — if they are unprofitable — lead to a decline in quality and consumer choice in the retail internet services market.

Therefore, the government has referred the CRTC's decision back to the CRTC to reconsider, no later than 90 days after the day on which the order is made, whether Bell Canada, Rogers Communications Inc. and TELUS Communications Inc. and their affiliates should be prohibited from using integrated fibre-to-the-premises, or FTTP, services in Ontario and Quebec, further to tariffs approved by the commission.

Senator Quinn: Senator Gold, last year, Minister Champagne overruled the Competition Bureau and approved Rogers sale of Shaw's wireless service to Vidéotron for a billion-dollar discount, a discount that Rogers' board would only have approved if they were confident it would deliver increased revenues through higher fees to consumers. Again, an expert decision was overridden politically. Why is the government so explicitly ruling in favour of the big telecom firms?

Senator Gold: Thank you, Senator Quinn. This was not a question of overruling. It was a question of the government exhuming its responsibilities to protect consumers by asking the CRTC to reconsider its decision.

FINANCE

2024 FALL ECONOMIC STATEMENT

Hon. Donald Neil Plett (Leader of the Opposition): Leader, the shambolic and incompetent NDP-Liberal government must come to an end as quickly as possible. The Fall Economic Statement says your government has no plans to ever balance the budget. The guardrail of a \$40-billion deficit will be exceeded both this fiscal year and next.

Anyone who thinks next year's deficit will be only \$48.3 billion is living in a fantasyland, Senator Cardozo.

The Prime Minister dropped this mess on Canadians yesterday and then had absolutely nothing to say about it. In fact, after the statement was tabled in the House, not a single cabinet minister was willing to speak about it. What leadership? They all need to go, don't they?

Hon. Marc Gold (Government Representative in the Senate): Senator, you spend 99% of your questions making a speech and then you simply ask me a partisan question that I'm not going to answer. What I am going to say is that with regard to the Fall Economic Statement, I'm happy to stand here and provide some facts to this chamber as I think is my responsibility and our responsibility to consider. Notwithstanding the increase in spending — and the lines are there for all to read and study — the fact remains that we are continuing to have our debt-to-GDP ratio decline, with deficits forecasted to shrink from 1.6% of GDP today to just 0.6% in some few short years. This will help preserve our AAA credit rating and help maintain our ability to sustain whatever —

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

Senator Plett: Well, after the next election, Senator Gold, you can teach us all how to ask questions when you ask questions of the Leader of the Government.

The deficit is out of control, Senator Gold. The cost of living is out of control, Senator Gold. Our immigration system is out of control, Senator Gold. The border is out of control, Senator Gold. Crime is out of control, Senator Gold. Canadians deserve better than this chaos, don't they, Senator Gold? When will there be a carbon tax election, Senator Gold?

Senator Gold: Well, I know we both went to grade school and learned the difference between declarative sentences and questions, but there was a question at the end. I don't know when there will be an election. For the moment, the government has the confidence of the House and therefore remains the government, and so long as it remains the government, it will continue to govern in the best interests of Canadians.

ORDERS OF THE DAY

APPROPRIATION BILL NO. 4, 2024-25

THIRD READING

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate) moved third 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.

She said: Honourable senators, I'm pleased to speak as sponsor of Bill C-79, Appropriation Act No. 4, 2024-25, which seeks approval for the spending outlined in the Supplementary Estimates (B).

Appropriation bills like this one are a fundamental part of Parliament's annual financial cycle. They are the mechanism to approve funds presented in the estimates documents and are scrutinized by parliamentarians. Once they are approved, the funds will flow to departments and agencies so they can keep delivering the programs and services Canadians rely on.

A few weeks ago, on November 19, I tabled the Supplementary Estimates (B) for the fiscal year ending March 31, 2025. As usual, the estimates were then referred to the Standing Senate Committee on National Finance for examination and report, and I thank the committee for its work.

The budget, of course, is the government's economic plan but it doesn't provide the authority to spend funds. That's why the estimates and related appropriation bills are necessary. They present spending plans for each federal organization and provide spending authorities.

Typically, the Main Estimates are prepared before the budget is introduced, so they don't include items announced in the budget. The Supplementary Estimates (A), (B) and (C) are then tabled over the course of the rest of the year, with additional expenditures that were either not sufficiently developed in time for the Main Estimates or have been revised since.

I will use the rest of my time to provide an overview of expenditures for which the government is seeking approval with this bill.

The Supplementary Estimates (B) presents a total of \$24.8 billion in incremental budgetary spending with \$21.6 billion to be voted and \$3.2 billion in forecasted statutory expenditures. These planned expenditures provide concrete support to Canadians in a variety of ways and advance the work the government is doing on behalf of Canadians at home and abroad.

One of the largest amounts is \$955.2 million for First Nations Child and Family Services. This funding will improve services which preserve the ability for children to be cared for in their communities, such as improving the availability of safe and adequate housing for children on-reserve.

In addition, \$725 million would support the continued implementation of Jordan's Principle, providing First Nations children with products and services related to health care, education and other social supports.

The estimates also propose significant funding for military procurement projects to ensure our Armed Forces have the resources to protect Canadians at home and abroad in these times of global unpredictability.

This includes \$659.1 million for the Future Aircrew Training Program, which trains pilots and other aircrew members, including air combat systems officers and airborne electronic sensor operators; \$561 million for the procurement of Poseidon multi-mission aircraft; and \$315.3 million for Joint Support Ships, which perform tasks such as the resupply of other ships and transportation of cargo in support of combat and humanitarian missions.

The estimates also contain \$942.5 million for programs and services for veterans and their families. This is in response to an increase in the number of benefit applications being processed and an increase in the number of veterans opting for lump sum instead of monthly payments.

The estimates provide \$800 million to reimburse provinces and territories for costs associated with natural disasters. This funding is provided through Disaster Financial Assistance Arrangements, which help provinces and territories when response and recovery costs exceed what they can bear on their own.

The amount in Supplementary Estimates (B) will notably be used to reimburse British Columbia for costs related to flooding in 2021, the Atlantic provinces for costs related to Hurricane Fiona in 2022 and the Northwest Territories for costs related to the 2023 wildfires.

• (1300)

There is also \$742.5 million in these estimates to advance the government's housing plan, which is focused on increasing supply by lowering construction costs, supporting Canadians seeking to rent or buy a home and building more affordable housing. This funding will go to the Canada Mortgage and Housing Corporation to support the following: the Apartment

Construction Loan Program, which provides low-interest loans to builders of standard rental units, seniors' apartments and student housing; the Affordable Housing Fund, which supports the construction and repair of community housing, shelters and transitional and supportive housing; and the Housing Accelerator Fund, which incentivizes quicker housing construction with a focus on local land use planning and development approvals.

I've highlighted some of the bigger-ticket items in the estimates, but there are also many smaller dollar amounts that will have a significant impact on Canadians' lives. For example, there's \$12 million in here for Futurpreneur Canada, a national non-profit that helps aspiring entrepreneurs under the age of 40 start a new business or buy an existing one. This is part of the total investment of \$60 million for this organization in Budget 2024. Futurpreneur provides collateral-free loan capital, as well as mentorship and access to a supportive network of young entrepreneurs and business experts. I'm encouraged that the organization tracks and publishes its own demographic data, which shows that in 2023-24, 42% of the businesses it supported were led by women, 15% had Black founders and 5% had Indigenous founders.

Of course, when a young person starts a new business, they create new jobs and enhance the vitality and prosperity of their community. That's what these estimates are about from start to finish: investing in Canadian communities and in the work Canadians are doing at home and abroad to make us all more secure, more prosperous and better equipped to thrive together.

I invite you to join me in approving these proposed investments by adopting Bill C-79. Thank you. *Hiy hiy.*

Hon. Denise Batters: Senator LaBoucane-Benson, I think your speech was about six minutes long. We were told to expect at least 20 minutes or so. Can you please give us some more detail, given that we're talking about \$24 billion on some of the major items that we are dealing with here?

Senator LaBoucane-Benson: Thank you for the question. I would be happy to offer details on anything specific. It is a very large booklet for the Supplementary Estimates (B), so do you have a specific question, senator?

Senator Batters: Given that you did not deliver a second reading speech — this is the first time we're hearing any details at all in this chamber — I would like details and more information about, for example, the military. I was asking for details on some of the major expenditures out of that \$24 billion.

Senator LaBoucane-Benson: Thank you for the question. Military procurement projects, as I mentioned, include \$659.1 million for the future aircrew training program, \$561 million for multi-mission aircraft and \$315.3 million for joint support ships. It also includes support for veterans and their families to the tune of \$942.5 million.

Senator Batters: Yes, those were the exact amounts and details that you read from your speech. I made note of each of those. Can you give us more details about each of those amounts, please?

Senator LaBoucane-Benson: Senator, thank you for the question. I don't have the Supplementary Estimates (B) in front of me, but I would be happy to provide your office with more information, if you would like.

Hon. Mary Jane McCallum: Honourable senators, I rise today to speak to Bill C-79, which flows from the adoption of the Supplementary Estimates (B), 2024-25. For those of us who do not sit on the National Finance Committee or who aren't budgetary experts, it is helpful to situate what the supplementary estimates are and what their intent is. I know that Senator LaBoucane-Benson just went through this, but I will state it again.

As quoted from the Treasury Board's website:

In order to make expenditures, the government must receive Parliament's approval, either through previously adopted legislation or, on an annual basis, through the introduction and passage of appropriation bills. Prior to the introduction of each appropriation bill, the President of the Treasury Board tables an Estimates publication (Main or Supplementary) in Parliament to provide information and details on spending authorities sought.

While the Main Estimates provide an overview of spending requirements for the upcoming fiscal year, Supplementary Estimates present information on additional spending requirements which were either not sufficiently developed in time for inclusion in the Main Estimates, or have subsequently been refined to account for developments in particular programs and services.

With this context, senators, we understand the importance of the supplementary estimates and the supply bill before us for their role in providing or sustaining funding for critical services and programs that First Nations have been forced to depend on, not of their own doing but because various governments have not honoured the treaties, thereby making Canadians think this is welfare.

Per the Treasury Board's website, I note that the supplementary estimates before us present a total of \$24.8 billion in incremental budgetary spending. There are critical budgetary measures in here specifically for First Nations. I would like to highlight the \$955.2 million for First Nations Child and Family Services, \$725 million for services and supports for First Nations children under Jordan's Principle and \$562.5 million for non-insured health benefits for First Nations and Inuit peoples. These programs each address different areas in access to care and the gaps that the government had promised to address over these many years.

While this earmarked spending is needed to continue on the path toward continuing to close the health and social deficits that First Nations people continue to experience across Canada, there

is one critical program I would like to call attention to, which has been overlooked in this and other recent budgetary measures. It is the Strengthening Families Maternal Child Health Program that is administered regionally by the First Nations Health and Social Secretariat of Manitoba, or FNHSSM. I would like to extend my thanks to Chief Derek Nepinak, Chief Sheldon Kent, Elizabeth Decaire and Stephanie Biswell from Manitoba for their work at FNHSSM on this and other critical areas.

Colleagues, we must confront the devastating legacy of colonialism for First Nations families. The topic of unmarked graves of First Nations children serves as a contemporary and chilling reminder of the colonial past, but these injustices continue today as we continue to bury our children at an unacceptable rate, largely due to preventable causes. Infant mortality rates are three times higher among First Nations children than non-Indigenous children. In Manitoba, 81% of infants who died in their sleep were Indigenous, as the "majority of incidents occurred in socioeconomically-disadvantaged areas, and 27% occurred in First Nations communities." That was from the Manitoba Advocate for Children and Youth.

Honourable senators, the Indian residential school system separated families, undermining traditional parenting practices for generations and leaving First Nations people without the skills to parent. I know; I was one of them. Communities must be empowered not only to lead the reclaiming of these lost skills but also to forgive themselves for allowing this atrocity to impact their families, their collective and territories. But that is what assimilation was about. Significant and meaningful contribution dictates that the government must commit to long-term, sustainable funding to ensure community success through understanding how assimilation impacted our role in this country.

The Strengthening Families Maternal Child Health Program helps to restore vital parenting knowledge lost through colonial policies. However, government underinvestment has continually undermined its success, and I note that the supply bill before us and Supplementary Estimates (B) do not provide the funding sorely needed for this program to continue to flourish. Maternal and child reconnection is critical for self-determination.

• (1310)

Colleagues, this Maternal Child Health Program previously faced a sunset notice in 2014, but was saved through advocacy by former Grand Chief Nepinak and MP Niki Ashton. While the program expanded to 34 communities in 2023-24, funding fell short by \$186,281. This fiscal year funding has been further reduced, leaving a shortfall of \$368,562.

The Maternal Child Health Program still supports 34 First Nations communities in Manitoba. Despite demonstrating their readiness, 29 other First Nations communities still lack access to the community-based funding needed for program implementation. Instead, these communities have been advised to submit proposals through Jordan's Principle funding, showing the government's lack of understanding of the unique niche of the Maternal Child Health Program. It also takes away funding from the intended priorities of Jordan's Principle.

These poor health outcomes and avoidable morbidities that plague First Nations children and mothers also continue to fester without the funding needed to successfully address them. First Nations children face the highest rates of type 2 diabetes globally. Apprehension rates by First Nations Child and Family Services remain disproportionately high. In Manitoba:

First Nations infants are:

6.5 [times] more likely to be removed from the home of their birthing parent

7.7 [times] more likely to become a permanent ward before age 5

5.6 [times] more likely to be apprehended at birth

Postpartum depression impacts First Nations women at a greater rate than others, as 12.9% of First Nations women suffer from postpartum depression, compared to 5.6% of non-Indigenous women.

While the data unfortunately conveys the realities of First Nations' poor health outcomes and premature morbidities, it comes from a colonial origin. The data inherently fails to demonstrate that our children are falling ill and dying and that our mothers are silently suffering at a greater rate than other Canadians as a direct result of the prevailing systems, policies and programs that have created this reality. First Nations have long been relegated to vulnerable environments as a result of residential schools, reserves that represent a fraction of their traditional territory or the removal of First Nations children from their homes. Historically, First Nations have not received proper health care. The cumulative effects of living under these myriad colonial constructs and their resultant impacts are the impetus of the data we see, but these cumulative effects of vulnerabilities placed on First Nations are not adequately expressed in the data itself.

Honourable senators, First Nations people's fear and apprehension resulting from their experiences of anti-Indigenous racism often prevent them from receiving adequate education and support in medical institutions, leading to significant gaps in hospitals, clinics, nursing stations and health care centres. The Maternal Child Health Program is an example of community-based programming that is so critical in addressing these gaps and ensuring that vulnerable infants are assessed and receive necessary care. Trust, an essential determinant of health, is built through culturally relevant, community-led initiatives.

What has this program accomplished? This program has seen positive impacts including a reduction in child involvement with child and family services, increased father involvement, improved immunization and breastfeeding rates, reduced

postpartum depression rates and enhanced family capacity and resilience. The program also offers training to First Nations doulas to increase the capacity for a reinstitution of community-based birth ceremonies. The ceremony of birthing was removed from the community and medicalized, so that women, as creators and midwives, were removed by the federal government on the advice of medical doctors from performing their traditional roles.

This program recently released the First Nations-led *Honouring our Babies: Safe Sleep Cards and Facilitator's Guide*, which addresses unique challenges such as wood stoves, overcrowding and a lack of safe sleep surfaces, all of which contribute to high infant mortality. However, the development of similar tools such as the *Traditional Parenting Manual* and *Breastfeeding Wellness Teachings for Mothers, Families and Communities* are slowed due to insufficient funding.

Colleagues, the Maternal Child Health Program has provided culturally appropriate health and parenting support for over 18 years. It is guided by a First Nations framework that involves a collaboration with elders, families, youth, leadership and advisory councils to discuss, understand and address issues involving child health, safety and nutrition, parenting practices and prenatal care, strengthening relationships within families and communities, mental health support, language and cultural practices, effective communication and increased literacy.

However, the regional support offered by the Strengthening Families Maternal Child Health Program is being undermined by operational delays due to strained resources. While gatherings would typically be offered four times a year to reinforce teachings, they are now occurring just once annually. Key activities, including quality assurance, peer support visits, training and resource distribution are facing significant delays, which hinders the program's overall effectiveness.

In conclusion, honourable senators, through residential schools, the Sixties Scoop and day schools, the government has severed our connection as First Nations parents in fulfilling our roles. This severance impacts the future of our nation. The Maternal Child Health Program demonstrates the power of community-led solutions in addressing systemic health disparities through honouring First Nations cultural traditions.

With long-term, adequate funding and support, we can stop the cycle of preventable loss of health and loss of life, and build a healthier, more equitable future for First Nations children and families. This is a call to action: not just to question the regrettable lack of funding, but to call for justice, reconciliation and the survival of our vulnerable children through the funding of these kinds of critical and life-saving programs. Education and lifelong learning begin in the home, and this Maternal Child Health Program should be given every opportunity to thrive in order to ensure a culturally appropriate way to support that learning.

Kinanâskomitinowow. Thank you.

Hon. Marilou McPhedran: Honourable senators, I recently had the great pleasure of meeting with Manitoba Chief Derek Nepinak and other First Nations leaders during the Assembly of First Nations winter assembly here in Ottawa to discuss critical issues regarding funding for First Nations maternal and child health initiatives. I want to recognize and thank the First Nations Health and Social Secretariat of Manitoba for the incredible work and service they provide to Manitoban First Nations families. I also want to acknowledge that I am an independent senator from Manitoba, Treaty 1 territory and the homeland of the Red River Métis Nation.

• (1320)

The Maternal and Child Health program, or MCH, has provided culturally appropriate health and parenting support for over 18 years in Manitoba, guided by a First Nations framework that involves the collaboration with elders, families, youth, leadership and advisory councils.

The MCH is designed to support and nurture the overall well-being of children and families through strength-based relationships that utilize current, evidence-based resources and traditional practices grounded in community knowledge, focusing on child health, safety and nutrition; parenting practices and prenatal care; strengthening relationships within families and communities; mental health support; language and cultural practices; effective communication; increased literacy.

The period from conception to 6 years of age has the most influence of any time period on brain development, behaviour and health. The effects of maternal health during pregnancy as well as childhood experiences within the first six years affect the brain development for a lifetime. In addition, improving knowledge of pre-conception and reproductive health among young adults helps to promote a healthy start to pregnancy.

Since its inception, the MCH program has borne concrete, tangible results and improved the lives of First Nations children, mothers and families. These key achievements include reduction in infant mortality rates; reduction in child involvement with Child and Family Services, principally through the establishment of community-based supportive spaces outside of Child and Family Services where families in crisis can be referred to a first-line strategy to strengthen families and keep them intact; increased father involvement and sense of belonging; enhanced family resilience; stronger parent-child bonds; more families staying together as a result of this program.

Lamentably, the issue of maternal and child health has been noticeably absent from Budget 2024, from yesterday's economic update and from other fiscal indicators and government investment priorities as seen in appropriation bills such as the one before us, Bill C-79. Despite the quantifiable and life-changing results achieved under this program, these advances are at risk due to chronic underfunding.

We heard some very compelling examples from Chief Nepinak and the leaders with whom we met. The program has essentially operated with the same budget since 2013, despite expanding its operations and widening the number of First Nations communities beyond the original 14.

Previous efforts to defund the program via sunset clauses were only averted due to strong advocacy led by former Grand Chief Nepinak. While the program expanded to 34 communities in 2023-24, funding fell short by over \$180,000. Funding has been further reduced this fiscal year, leaving a shortfall of over \$360,000.

Despite demonstrating readiness, 29 First Nations communities still lack access to community-based funding. Even funding proposals submitted to the federal government under Jordan's Principle, which is mandated to respond to unmet needs of First Nations children no matter where they live in Canada, have been denied thus far. The underfunding of this successful health program will have immediate and generational consequences for First Nations and for the entire nation of Canada.

Manitoba has some of the highest rates of First Nations children in care under Child and Family Services. Shockingly, over 90% of children in care are Indigenous. Apprehension rates remain disproportionately high.

In Manitoba:

First Nation infants are 6.5 times more likely to be removed from their birth parents, 7.7 times more likely to become a permanent ward before age 5, and 5.6 times more likely to be apprehended at birth.

First Nations parents frequently face the removal of parenting rights, often without adequate access to preventative support or culturally relevant resources to address systemic challenges. First Nations, as we know, are overrepresented in the criminal system largely due to colonial policies. This widens the gap further in health inequities for First Nations compared to the general population. Studies are conclusive:

Children born to incarcerated mothers are at higher risk for negative, long-term health outcomes. . . . These negative influences can increase the likelihood the child also experiences incarceration, perpetuating a multigenerational cycle of disadvantage.

These injustices underscore the urgent need for upstream, community-led programs that empower families and prevent unnecessary child apprehensions. Underfunding also slows the development, distribution and community-based training on maternal health, such as First Nations safe sleep guides, traditional parenting manuals, breastfeeding guides and other training and support programs that have been shown to have positive health impacts.

The Maternal and Child Health program is a critical initiative aimed at addressing these disparities and ensuring families have the resources to stay healthy and stay together.

Senators, the Strengthening Families Maternal Child Health Program works to provide culturally safe parenting support, including traditional parenting techniques and giving families the support they need at a critical time — the beginning of their child's life.

Accessible support that is meaningful and built on trust should not be undervalued. Such programs have significant impacts on families' ability to stay together, fostering healthier and more resilient communities and contributing to a more resilient and inclusive democracy in Canada.

As the government presses ahead with its list of fiscal priorities, I urge senators to draw attention to the critical supports provided by the Strengthening Families Maternal Child Health Program, including the delivery of the services for Jordan's Principle, and petition the government to increase regional support funding and expand program activities across all participating communities.

I wish to note that my Youth Liaison for Manitoba, Landon, who is in Grade 12, went with me to visit the Jordan's Principle office at the Assembly of Manitoba Chiefs a number of weeks ago. We spent an afternoon with the staff. We met parents and families who were there for services. There can be no doubt whatsoever, first of all, that Jordan's Principle is enshrined in law and, second, that the federal government is not keeping its promise. There are both delays and underfunding of Jordan's Principle programs, in addition to the many other programs to which I have referred in my speech today.

This is the opportunity for us, as senators, to stand and respect the memory of little Jordan River Anderson of Norway House Cree Nation, who died because levels of government refused to put his survival as their priority and, instead, squabbled over who was going to pay the bill. We are probably facing similar situations if there is no resolution to both the underfunding and the more effective coordination of the desperately needed and entirely justified funding for maternal and child health programs for families and children of our First Nations.

Thank you for your attention. *Meegwetch.*

Hon. Andrew Cardozo: Will the senator take a question?

Senator McPhedran: Yes.

Senator Cardozo: Thank you, Senator McPhedran.

In the last few minutes, you and Senator McCallum have talked about the long-term funding to communities for families and for maternal and child benefits.

I appreciate your taking the time to go through the supplementary estimates — the most exciting documents ever tabled in this chamber — in some detail and telling us about them.

• (1330)

Could you say a little bit more about the importance of long-term funding, why it doesn't happen and why it is important for it to happen?

Senator McPhedran: Thank you. I truly wish we could answer the question of why there is chronic underfunding. These are clearly broken promises. The fact that the underfunding is chronic means that not only can the programs in existence not be adequately maintained, but the programs that need to be rolled out that are ready to be rolled out cannot even begin.

The statistics are very clear. We are way behind the goals that were agreed upon in terms of services to First Nations and thereby delivering the metrics on increased health and capacity of children, not to mention, under Jordan's Principle, the absolutely critical health care that children in crisis need. This is the whole idea behind Jordan's Principle.

The fact that we see this chronic underfunding, including in this bill, is a telling reminder for us that reconciliation is more than words. Reconciliation is action and following through on promises that currently are not being kept.

Senator Cardozo: Thank you. I'm a bit confused. We have gone through the process of the agreement signed between the Government of Canada and the First Nations Child & Family Caring Society headed by Dr. Cindy Blackstock. Subsequently, the Assembly of First Nations has rejected that agreement. But that part aside, have we not dealt with that now and do we have that straight? Are we still making the error in the level of funding?

Senator McPhedran: Yes, we are still behind, yes, we are still continuing the mistake and yes, First Nations children and their families continue to suffer as a result of this inaction.

The Hon. the Speaker pro tempore: On debate.

[*Translation*]

Hon. Claude Carignan: Honourable senators, I am rising today to speak to 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.

I want to make a few observations about what we heard in committee and share my concerns with you, but I can't begin my speech about the Supplementary Estimates (B) without first saying a few words about what happened yesterday.

I am obviously referring to the fact that the Minister of Finance stepped down just hours before the economic update was tabled. That is unprecedented. The minister's resignation was a political bombshell in and of itself, but Ms. Freeland's letter of resignation revealed a lot about the Prime Minister's governing style.

Clearly, Ms. Freeland was no longer comfortable playing the Prime Minister's sidekick and found the courage to put her foot down, although some would say it was perhaps a little too late. Didn't she herself sign the government's most recent budgets in red ink?

In her resignation letter, she wrote a few sentences that really say a lot:

For the past number of weeks, you and I have found ourselves at odds about the best path forward for Canada. . . .

That means keeping our fiscal powder dry today, so we have the reserves we may need for a coming tariff war. That means eschewing costly political gimmicks, which we can ill afford and which make Canadians doubt that we recognize the gravity of the moment.

I know Canadians would recognize and respect such an approach. They know when we are working for them, and they equally know when we are focused on ourselves.

Colleagues, when we say that the Prime Minister has lost control, the crisis facing the government today is simply the most eloquent demonstration. Nevertheless, let's get back to our study of the Supplementary Estimates (B).

As part of the National Finance Committee study, we obviously discussed the anticipated deficit. We could only speculate, as the economic statement had not yet been tabled, nor had the Public Accounts of Canada. I'll come back to that later.

So, with regard to the deficit, Mr. Giroux, the Parliamentary Budget Officer, told the Finance Committee that he still expected last year's deficit to be close to \$47 billion. However, he said he had no inside information regarding any surprises the government might have up its sleeve to bring down the deficit. As I'm sure you'd all agree, yesterday's surprise was a big one.

For example, certain claims against the government may have been lowered, or some of the public service pension surplus may be used to reduce last year's deficit.

Be that as it may, the Parliamentary Budget Officer's estimate of a \$47-billion deficit for last year is higher than the \$40-billion deficit reported in the April budget.

The estimated deficit for this year, as indicated in the budget, was \$39.8 billion. In October, however, the Parliamentary Budget Officer stated that this year's deficit is likely closer to \$46 billion. The GST/HST vacation will increase the deficit. The PBO's estimate is therefore very realistic, if the figures in the economic statement tabled in the other place yesterday are anything to go by.

Moreover, the government pegged the additional revenue from the changes to the capital gains tax at \$6.9 billion for 2024-25, but Parliament has yet to approve that tax increase. If that \$6.9 billion in revenue is not collected during the fiscal year, the deficit will increase.

That is what I was planning on saying about this subject prior to yesterday, but the infamous economic update has finally been tabled in the House of Commons.

Honourable senators, what happened yesterday in the other place when the *2024 Fall Economic Statement* was tabled is simply outrageous. The government had its House leader table the economic statement, and then every last minister got up and left their seat, effectively preventing any opposition member from asking the government a single question. The Trudeau government made a huge mess and then ran off before parliamentarians and Canadians could hold it accountable for its mismanagement. It was running from reality, and after reading the economic statement and finding out about last year's deficit and this year's expected deficit, now we can understand why the government is so embarrassed and reticent.

Sixty-two billion dollars is the known deficit for 2023-24. Sixty-two billion dollars is \$22 billion more than the former Minister of Finance, Chrystia Freeland, promised in the last budget that she tabled a mere eight months ago, in April. It exceeds the April forecasts by 50%. That is huge. Any CFO responsible for a mistake like that would be shown the door in a heartbeat.

Now we are looking at a projected deficit of \$48.3 billion for the 2024-25 fiscal year. This amount, too, is higher than the \$39 billion announced in the last budget, as the Department of Finance indicated in the economic statement unveiled on Monday. None of the numbers are lining up, and it's deeply troubling.

According to Robert Asselin, senior Vice President of the Business Council of Canada and a former close associate of ex-finance minister Bill Morneau, the Trudeau government has lost control of public finances. Mr. Asselin said:

The problem is that they're already running a \$60-billion deficit even as dark clouds appear on the horizon. The threat of American tariffs is looming, investments must be made in defence, and Canada is flirting with a recession.

For all intents and purposes, this government has lost control of public spending.

• (1340)

Now let's look at Bill C-79 itself. This bill, the fourth appropriation bill for this year, calls on Parliament to authorize additional spending to the tune of \$21.6 billion.

This request builds on the Supplementary Estimates (B), which state the purpose of the \$21.6 billion in new spending. The Supplementary Estimates (B) also provide for a \$3.2-billion increase in statutory expenditures that have already been authorized by other legislation.

If we include these supplementary estimates of up to \$21.6 billion, the total proposed spending authorities since the beginning of the year amount to \$487.4 billion, which is \$5.2 billion less than this time last year.

However, don't assume that this \$5.2-billion decrease means that spending won't be as high this year as it was last year. The government is still indicating that spending this year will reach \$543.6 billion, which was the amount budgeted in April. Considering what we know now, can we really trust these projections?

What's more, new spending initiatives will further increase this year's spending estimates. The government had not yet published last year's financial statements, so we did not have a reliable figure for spending for that period against which to compare this year's spending estimates.

It is unacceptable that the Public Accounts of Canada were only tabled today, December 17. As I mentioned earlier, the fact that the government waited until the very end of fall to table the economic update demonstrates a lack of transparency, which is preventing parliamentarians from examining the update in time to vote supply.

If we compare last year's spending authorities with this year's, we will see that all categories of spending authority have increased, except "public services," which decreased by \$2.4 billion.

Surprisingly, or perhaps some would say unsurprisingly, "Professional and special services" shows an increase in spending authority of \$1.1 billion.

One of the observations that we considered adding to the National Finance Committee's report was that, in the case of the federal workforce and professional services contracts, the number of full-time equivalent federal employees rose from 368,165 in 2018-19 to 431,698 in 2022-23, an increase of 17.3%.

In 2021-22, the federal government also spent an estimated \$3 billion on professional services contracts, a 5.8% increase. We are also aware of the government's initiative to refocus some of its spending.

Colleagues, in light of yesterday's economic update, it is clear that this government views the verb "refocus" as being synonymous with "increase." The latest measure, the two-month GST holiday, is a good example of that. It will add between \$1.5 billion and \$2.7 billion to the debt-financed shortfall. This is a highly questionable measure that experts generally consider to be inappropriate. Even Department of Finance experts opposed it, according to *The Globe and Mail* last week.

Officers of Parliament are independent entities that are responsible directly to Parliament rather than to the government or a federal minister. They carry out duties assigned by specific statutes and report to one or both chambers of Parliament.

There are nine officers of Parliament: the Auditor General of Canada, the Chief Electoral Officer, the Commissioner of Official Languages, the Information Commissioner of Canada, the Privacy Commissioner, the Conflict of Interest and Ethics Commissioner, the Commissioner of Lobbying, the Public Sector Integrity Commissioner of Canada and the Parliamentary Budget Officer.

The funding mechanisms differ from one officer of Parliament to another. Some obtain approval directly from Parliament, while others have to request approval through the departments. The departmental approach can compromise their independence, or at least, it can give the impression that their independence is compromised.

The Information Commissioner told the committee:

Although I am an independent agent of Parliament, I do not have the ability to request funding directly from Parliament.

Whenever my office needs additional funding, I am obliged to submit a request to the Minister of Justice, who has his own priorities, who may or may not send my request to the Minister of Finance and eventually to the Treasury Board for their approval.

This lengthy process forces me to seek funding through the very institutions that I am investigating. Frankly, this does not reflect my independence.

What the Information Commissioner said is deeply alarming. If we want officers of Parliament to be truly independent of the government in order to safeguard their objectivity and autonomy, it is imperative that we overhaul their funding approval process. This raises a question: Does the current government even want truly independent and effective officers of Parliament?

In contrast, other officers of Parliament, such as the Chief Electoral Officer, the Conflict of Interest and Ethics Commissioner and the Parliamentary Budget Officer, have independent funding mechanisms built into their enabling legislation, which reinforces their autonomy. That should be the norm. That's why I think it's so important to review the funding model for officers of Parliament who do not receive funding directly from Parliament, in order to better support their ability to fulfill their mandate independently and effectively, because this will improve transparency and strengthen public confidence in Canada's institutions.

However, considering how the Liberals presented yesterday's economic statement, this government doesn't seem at all interested in real government transparency, and that is very worrying.

Now I'd like to make a few remarks about certain departments' spending.

I will begin with the Department of National Defence.

This department is requesting additional appropriations of \$3.3 billion, of which \$1.7 billion is for capital equipment.

As my honourable colleagues are aware, the government is under pressure to increase military spending to meet NATO's target of 2% of GDP. Canada's delay in meeting this target unfortunately discredits our country on the international stage.

In July of this year, the government committed to achieving this 2% target by 2032-33.

The new defence policy states that military spending will reach 1.76% of GDP by 2029-30, but a recent Parliamentary Budget Officer report contradicts that statement and indicates that military spending will reach only 1.58% of GDP by 2029-30.

Be that as it may, the government has yet to provide a roadmap to show how it will increase spending to meet the 2% target.

Once this bill is passed, the Department of National Defence will be authorized to spend \$34.6 billion, which is significantly more than the \$29 billion approved this time last year.

The most notable item is the increase in funding for capital equipment, which went from \$6 billion last year to \$9 billion so far this year. While the increase in funding is a good sign, it is worth noting that the Department of National Defence has a poor track record when it comes to spending the funds it is allocated, particularly when it comes to capital expenditures, because of its cumbersome procurement system.

For example, in 2020-21, the department spent \$5 billion of the \$5.8 billion that was approved. In 2021-22, it spent \$4.6 billion of the \$5.8 billion that was approved. In 2022-23, it spent \$4.9 billion of the \$5.9 billion that was approved.

• (1350)

The government has not yet announced spending for 2023-24, so we don't know how much of the \$7.2 billion was approved and was actually spent. In any case, the government has yet to provide a roadmap showing how it will achieve this 2% target by 2032-33. Many are concerned about how the government's idea of "refocusing government spending" will affect National Defence.

During Question Period in the Senate on November 7, Minister Blair was asked about the impending budget cuts to his department. He replied that none of the cuts would affect operations, training or support for members of the Canadian Armed Forces. The fact remains that National Defence has suffered the biggest budget cuts of any department: \$810 million this year, or 36% of the government's total, \$851 million next year and \$907 million the year after that.

Canada's Procurement Ombud, Alexander Jeglic, appeared before the Standing Senate Committee on National Finance as part of the study on the Supplementary Estimates (B), in compliance with the order of reference of November 26, 2024. The Office of the Procurement Ombud is not requesting funds under the Supplementary Estimates (B). Mr. Jeglic appeared immediately prior to the Parliamentary Budget Officer, who was the first witness to appear in the committee's study of

the Supplementary Estimates (B). The Procurement Ombud's mandate is set out in the Department of Public Works and Government Services Act, which provides that the ombudsman must review the procurement practices of federal departments to assess their fairness, openness and transparency and make recommendations during the year. Crown corporations are not covered under this mandate.

In his testimony, the Procurement Ombud drew attention to major systemic problems affecting the federal procurement system. He repeatedly shared his concerns about the current state of federal procurement and stressed that the system was in urgent need of reform. He said that the comments and concerns outlined in his reports dating back several years are as relevant today as they were then.

Mr. Jeglic also told us that his reports highlight long-standing problems in government contracting, including favouritism toward certain bidders, the complexity of federal government contracting, overly restrictive evaluation criteria, lack of documentation and gaping holes in the quality of contracting information made public by departments.

Mr. Jeglic also talked about the special reviews he conducted last year. The first addressed the procurement practices that led to contracts being awarded to McKinsey & Company. The Ombud reviewed 32 contracts awarded to McKinsey, representing a total value of \$112 million. He identified numerous problems, and they are posted on his office's website.

The second special review concerned ArriveCAN, during which the Ombud reviewed 41 contracts associated with this app. Details of the review have also been published on the Ombud's website. They raised concerns about contract awarding practices that were not in line with government policy, threatening the fairness, openness and transparency of public procurement. Mr. Jeglic also commented on the House of Commons study on defence procurement and the readiness of Canada's defence industries. He shared his comments and concerns in the procurement practice review document, released in May 2022.

The Parliamentary Budget Officer is another important witness who contributed to this study — I already pointed that out when I addressed the current and projected deficits. He published his report on the Supplementary Estimates (B) on November 20 and testified before our Committee on National Finance on November 26. On that occasion, we discussed the many questions and concerns raised by the Parliamentary Budget Officer. As I mentioned, one of those concerns had to do with the delay in presenting the Public Accounts of Canada for 2023-24. Let's not forget that eight months have gone by since the end of the last fiscal year.

Mr. Giroux stated that we, as parliamentarians, were being asked to authorize additional spending of \$21.6 billion without knowing whether the departments and agencies had enough money last year, whether they spent all the funding or whether they were very close to their spending limit. In other words, we do not know if they truly need this \$21.6 billion. It is incredible.

During his testimony, the Parliamentary Budget Officer said the following:

It is an issue that we have flagged for several years that you, as parliamentarians, have been asked to approve dozens of billions of dollars in spending while still having no clue as to how the government achieved its results and how much it spent and how much it lapsed for the year that ended now more than eight months ago. So it is an issue.

He also said the following:

The delayed publication of the public accounts prevents parliamentarians from having more time to conduct ex-post financial scrutiny

I should point out here, colleagues, that an *ex-post* or after-the-fact review is one that assesses an organization's past performance based on historical data. The Parliamentary Budget Officer continued, and again, I quote:

[It] prevents parliamentarians from having more time to conduct ex-post financial scrutiny, and obtain better information to assess the government's budget plans and estimates, including these supplementary estimates.

Honourable senators, to clarify the Parliamentary Budget Officer's remarks, note that without the public accounts, a complete review cannot be carried out, since we do not have the necessary information.

Mr. Giroux went on to point out the following:

In the absence of that information, departments are asking you for yet more money, but you don't know if it is really necessary.

What's more, the government has yet to publish the departmental results reports for 2023-24, so we also do not know how the departments are performing. If the government is asking us to approve increased funding for departments or agencies, then we should know their results for the previous year.

Also, since we did not have the public accounts, we still did not know what last year's deficit actually was. Now we know that it was \$62 billion.

With the finance minister's resignation yesterday, it became clear that there was dissension between that minister and the Prime Minister over the tabling of the public accounts. That helps explain a contradiction we heard at the Finance Committee between what was said by the Auditor General of Canada and what was said by Treasury Board. On November 27, a Treasury Board official, Antoine Brunelle-Côté, Assistant Secretary, Expenditure Management Sector, stated the following in response to a question concerning the submission of financial statements to the Auditor General:

My understanding is that the Auditor General has received a report and we're waiting for her final word. The government is promising to table the report under the legislation by December 31.

I will check. I think it's the final version, but I will have to check that.

However, during her testimony before the public accounts committee in the other place on December 2, the Auditor General of Canada stated the following:

We don't have the final statements. Our audit is ongoing. Obviously, we work with different versions, but we don't have the final ones.

This situation is truly exceptional, because public accounts were typically presented in October of each year. Since 2014, public accounts have been presented at the beginning of December only in 2015, 2019 and 2021. I would note that those were all election years, which might explain the delay.

What exceptional circumstances explain the delay this year? I believe that the finance minister's resignation yesterday is an indication that there may have been sand in the gears.

• (1400)

Increased spending on the Indigenous portfolio, which rose from \$10.7 billion in 2015-16 to \$31.7 billion in 2022-23, also attracted my attention and that of our National Finance Committee colleagues.

Actual spending for last year is not yet available because, as I mentioned earlier, we don't have the public accounts, but the Parliamentary Budget Officer estimates expenses related to current Indigenous claims and litigation at \$74 billion in 2023-24 and \$45.7 billion in 2024-25.

Mr. Giroux pointed out that higher spending on Indigenous programs and claims is attributable to various factors, including the growing Indigenous population, more services provided to the Indigenous population and the higher number of claims and settlements.

Expenditures of \$74 billion in 2023-24 included \$23 billion for the settlement under the First Nations Child and Family Services program. This agreement was negotiated over several years, and the final settlement was determined in 2023-24.

Finally, the dramatic growth of the public service within the federal government was also scrutinized, since the jump in size was so striking. However, the level of service to the public is clearly not keeping pace, which has been evident for several months now. The size of the federal public service has increased considerably in recent years.

Based on his analysis and in light of this observation, the Parliamentary Budget Officer wondered whether personnel costs might become unsustainable in the absence of structural changes.

Mr. Giroux responded to that line of questioning with the following:

Are there mechanisms in place to control the growth? Yes, there have been announcements regarding expenditure restraints, numerous exercises over the last couple of years. Most of them have not been finalized or have been put on hold or cancelled in one case. There is also the Treasury

Board of Canada, the group of ministers, that is in charge of reviewing spending and approving the cheques being made to departments even though they have been approved in budgets or in supplementary estimates, there is a group of ministers that is tasked with scrutinizing government expenditures, including personnel expenditures.

Do I think that things will take a turn? That's not what history suggests. We have seen multiple times over the last several years that the government intends to reduce the size of the public service next year, regardless of the year in which you ask that question. It's always next year. This time will it be different? Compared to the same point last year, there is an increase of 8% in personnel spending. Will this year be different? I don't think so, even though we're hearing anecdotes that some casual and term contracts have not been renewed, but we haven't seen an across-the-board stabilization or reduction in the size of the public service, certainly not when it comes to permanent employees or, in Ottawa language, indeterminate. . . .

The size of the public service, I personally think, is not a problem in and of itself. It can become a problem when we increase the size of the public service and we don't see a corresponding improvement in services.

Colleagues, in light of these many deficiencies, we obviously can't throw our support behind this bill, as the government has not proven to be accountable, diligent or the least bit transparent, as we saw yesterday afternoon. Even the finance minister and deputy prime minister, the number two in government, no longer has confidence in this Prime Minister and in this government. She even describes the government's measures as "costly political gimmicks, which we can ill afford."

Colleagues, those are the few observations I wanted to bring to your attention. The study of the supplementary estimates is still an onerous exercise, but it is fundamental to government transparency.

The members of the Standing Senate Committee on National Finance carried out their mandate diligently and professionally. I sincerely thank them. Fortunately, we can count on the extraordinary support staff, from our clerk to our analysts to all the other people who work to make our jobs easier.

Unfortunately, with so much inaccuracy and uncertainty, Bill C-79 is hard to justify and accept.

To close on a more positive note, I'm grateful to all of you. Happy holidays to you. I wish you much joy and a well deserved rest.

Thank you.

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: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

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

Some Hon. Senators: Agreed.

The Hon. the Speaker: The bells will ring for 30 minutes and the vote will take place at 2:36 p.m. Call in the senators.

• (1430)

[English]

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

YEAS
THE HONOURABLE SENATORS

Adler	LaBoucane-Benson
Anderson	Loffreda
Arnot	MacAdam
Audette	Massicotte
Bernard	McBean
Boehm	McCallum
Boniface	McNair
Boudreau	McPhedran
Boyer	Mégie
Brazeau	Miville-Dechêne
Burey	Moncion
Cardozo	Moodie
Clement	Moreau
Cormier	Muggli
Cotter	Osler
Coyle	Oudar
Cuzner	Pate
Dagenais	Patterson
Dalphond	Petitclerc
Dasko	Petten
Dean	Prosper

Downe	Quinn
Forest	Ravalia
Francis	Ringuette
Fridhandler	Ross
Galvez	Saint-Germain
Gerba	Simons
Gignac	Sorensen
Gold	Varone
Greenwood	Wells (<i>Alberta</i>)
Harder	White
Kingston	Woo
Klyne	Youance
Kutcher	Yussuff—68

NAYS

THE HONOURABLE SENATORS

Ataullahjan	Plett
Batters	Richards
Carignan	Seidman
Housakos	Smith
MacDonald	Wallin
Martin	Wells (<i>Newfoundland and Labrador</i>)—12

ABSTENTIONS

THE HONOURABLE SENATORS

Robinson	Verner—3
Tannas	

- (1440)

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

THIRTY-FIRST REPORT OF LEGAL AND CONSTITUTIONAL
AFFAIRS COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Cotter, seconded by the Honourable Senator Dasko, for the adoption of the thirty-first report of the Standing Senate Committee on Legal and Constitutional Affairs (*Bill S-15, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, with amendments and observations*), presented in the Senate on December 3, 2024.

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 and report adopted.)

THIRD READING

Hon. Marty Klyne: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill, as amended, be read the third time now.

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

Hon. Senators: Agreed.

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, as amended, read third time and passed, on division.)

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I ask that the sitting be suspended until 3:15 p.m. to resume after a five-minute bell for a Committee of the Whole.

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

Hon. Senators: Agreed.

The Hon. the Speaker: So ordered.

(The sitting of the Senate was suspended.)

[*Translation*]

(The sitting of the Senate was resumed.)

- (1510)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to the order of December 12, 2024, I leave the chair for the Senate to resolve into a Committee of the Whole in order to receive James O'Reilly respecting his appointment as Senate Ethics Officer. The Honourable Senator Ringuette will chair the committee.

SENATE ETHICS OFFICER

JAMES O'REILLY RECEIVED IN COMMITTEE OF THE WHOLE

On the Order:

The Senate in Committee of the Whole in order to receive James O'Reilly respecting his appointment as Senate Ethics Officer.

(The sitting of the Senate was suspended and put into Committee of the Whole, the Honourable Pierrette Ringuette in the chair.)

The Chair: Honourable senators, the Senate is resolved into a Committee of the Whole in order to receive James O'Reilly respecting his appointment as Senate Ethics Officer.

Honourable senators, in a Committee of the Whole, senators shall address the chair but need not stand. Under the Rules, the speaking time is 10 minutes, including questions and answers, but, as ordered, if a senator does not use all of their time, the balance can be yielded to another senator.

The committee will receive James O'Reilly and I would now invite him to join us.

(Pursuant to the order of the Senate, James O'Reilly was escorted to a seat in the Senate Chamber.)

The Chair: Mr. O'Reilly, welcome to the Senate. I would ask you to make your opening remarks of at most five minutes.

James O'Reilly, nominee for the position of Senate Ethics Officer: Thank you very much.

[*English*]

Honourable senators, it is my great honour to appear before you today as the nominee of the Prime Minister of Canada, the Right Honourable Justin Trudeau, for the position of Senate Ethics Officer.

My nomination, I assure you, is not based on my expertise in the area of the Senate's Rules, procedures or history. These are subjects in which I expect to immerse myself over the weeks and months to come. Like all of you, I am arriving at the Senate from another profession. Like all of you, I will undoubtedly experience a period of learning, adjustment and, I hope, understanding of the important role this venerable chamber performs in Canadian democracy.

The subject of ethics, though, is not new to me. I was involved in the drafting of the original *Ethical Principles for Judges* in 1998. I served as a member of the Canadian Judicial Council's Advisory Committee on Judicial Ethics for 12 years. I am frequently called upon to advise judicial colleagues on ethical issues, but I accept that all of that is mere background to the role I may now be called upon to play as Senate Ethics Officer.

Ethical rules and guidelines must be interpreted and understood in the specific context in which they apply. I believe my background allows me to reasonably interpret and apply ethical standards in the judicial domain, but determining what is ethical conduct within the judiciary may not be instructive in deciding what is ethical senatorial conduct. Context is essential. For example, what might be an unacceptable public statement on a controversial subject by a judge might well be a perfectly proper public declaration by a senator.

Accordingly, with all humility, I present myself to you as someone who has much to learn and who welcomes advice and input from members of this body.

[*Translation*]

I have a lot to learn, and I would be pleased to have the advice and input of members of this chamber.

• (1520)

[*English*]

I assure you that I will continue to adhere to the principles that have guided me in my judicial career, namely restraint and moderation.

Often, the less said, the better. And care must always be taken in expressing oneself. People have to live with the decisions they make and with the words they choose in making those decisions.

I have been involved in teaching decision writing to judges and administrative tribunal members for over 15 years. My most important message to them is: Be very careful.

Say only what needs to be said and never use severe language unless it cannot be avoided. Thank you. I welcome your questions.

Senator Seidman: Welcome to the Senate of Canada, Justice O'Reilly. By way of introduction, I chair the Standing Committee on Ethics and Conflict of Interest for Senators. You have a substantial background as a judge over the last decades. Do you have any specific knowledge or specific experience in the parliamentary context or in the Senate?

Mr. O'Reilly: My experience is limited to observing with great interest the proceedings that interest me in particular. Most recently, I have been following with great interest the proceedings on Bill C-40, dealing with miscarriages of justice, which has been a matter of great interest to me throughout my career.

But in terms of specific hands-on experience, I was the counsel to a parliamentary committee for quite some time; it was for the Justice Committee when it was reviewing amendments to the Criminal Code. That was a couple of decades ago, but I did have quite a bit of time to spend in committee and to observe other proceedings of the House of Commons.

Senator Seidman: Perhaps you might give us an idea or describe how you see the role of senators?

Mr. O'Reilly: How I see the role of senators?

Senator Seidman: Yes.

Mr. O'Reilly: Speaking as a member of one sober body, I think I understand this sober body a little bit. In that context, as I said, I have been watching with interest lately, not just in committee but also in the deliberations of the chamber as a whole. I must say, and this is confirmed by what I read in media reports, that the debates tend to be very civil, very thorough, respectful and extremely important, in my view, in looking at proposed legislation and the ways to perhaps improve bills that come before this body for consideration.

That's in addition, of course, to what is clear in your code of conduct about the priorities that senators must give to their work in this chamber and, of course, the ethical standards to which they are expected to comport themselves.

Senator Seidman: Would you be willing to sit down early on with a wide range of senators — ones who have been here for a long time and others who have not — so that they can perhaps share with you what they do and how they see their roles?

Mr. O'Reilly: I welcome that. As I said, I think I need to immerse myself in the proceedings of this chamber and understand its role more completely, and that sounds like a good way to start.

Senator Seidman: Likely, you've taken the time to familiarize yourself with our current code of ethics. We are, in fact, now working on a five-year review of the code, which is the requirement that is built into our code. In your view, is our code adequate enough to protect the integrity of senators and the institution while being flexible enough to allow senators the latitude to carry on their work?

Mr. O'Reilly: I don't claim to be an expert yet, but I think that balance appears on the face of the document. In terms of how it's applied and interpreted, that may be something else entirely; I'm not in a position to say. But it certainly has considerable balance, and it also has considerable detail in some areas. For example, there is a fair bit of detail in defining what a conflict of interest is, and there is a fair bit of detail provided to senators in terms of what their obligations are for declarations of their private interests.

There are also some very lofty principles that are not as detailed — for example, the obligation to comport oneself with integrity, honour and dignity, which is perhaps the most important one. But the idea is not very precise, and the forms of conduct that are permissible, or impermissible, are not clear on the face of the document. Whether greater precision can be given to that, I'm not sure. But your five-year review might throw up some ideas for that.

Given my experience in the judicial context, these things are subject to interpretation on an ongoing basis. And the decisions of my predecessor will form some kind of precedent, I think, that will guide senators and will guide the next Senate Ethics Officer to some extent as well.

I am not being very specific in my answer, but I do see balance in the document. Whether that balance can be recalibrated is something that is for senators to decide.

Senator Seidman: Indeed, the code is not meant to be a static instrument but a live document that needs to be modernized and updated, as we do. Indeed, you referred to the sort of general rules that we have in our ethics code, such as sections 7.1 and 7.2, which we refer to an awful lot, and which are very aspirational and not prescriptive. I suppose that's the debate. For example, the U.K. House of Lords just finished revising their code to go beyond that kind of principles-based approach with a more prescriptive, rules-based approach, and it added a code of conduct. Perhaps that's what you're now referring to: whether one wants to be more prescriptive or not. That's always a difficult issue. How do you think about that?

Mr. O'Reilly: Senators, in the judicial context, there are both aspects that you just described. There are the very broad aspirational principles — ethical principles — to which judges are meant to aspire. There is also greater particularity given within each principle in commentaries. There are also the decisions of not only the Canadian Judicial Council but also the Advisory Committee on Judicial Ethics that provide further interpretation. You have kind of a cascade of different norms and standards, and the further down you go, you get more particularity. That might be something that senators wish to consider.

Of course, there are also the guidelines that have been promulgated by my predecessor in certain areas. I haven't made a close study of those, but presumably they make the aspirational standards a bit more particular.

I do note that in terms of the idea of subjecting the code to a review, Mr. Legault identified some areas where he thought there should be special attention given in terms of modernizing and amending the code in the future. I would be very interested in exploring those more fully.

• (1530)

Senator Seidman: The 7.1 and 7.2 aspirational principles were added in 2014, and the Senate remains the only legislature in Canada with a code of conduct enabling an independent officer — the SEO — to assess parliamentarians' compliance with general standards of conduct. How do you see that?

Mr. O'Reilly: Well, the code is a document that senators have decided to apply to themselves, so this is a standard that I assume this body accepts and believes expresses the high standards that are expected of its members. I take it that it is unique for a legislative body, though it is not unique in other contexts. I think that poses particular challenges, and I am sure that when I meet with senators to discuss the code and how this place operates, I will learn more about that. I would be happy to hear if there are

concerns about that or if there is a view that they ought to be expanded, contracted or particularized. I would be very interested in hearing that.

[*Translation*]

Senator Cormier: Welcome to the Senate, Mr. O'Reilly. I'd like to unpack the code of ethics some more.

The code of ethics sets out ethics rules that govern our conduct. A senator must perform his or her duties with honour, integrity and dignity. Whether within or outside of this chamber, senators must uphold the highest standards of dignity inherent to the position of senator.

How do you interpret those provisions? What do the concepts of dignity, integrity and honour mean to you?

Mr. O'Reilly: Thank you for the question, Senator Cormier. The question is, what do standards of dignity, honour and integrity mean? That's the hardest question a Senate Ethics Officer can answer.

[*English*]

You put me on the spot.

[*Translation*]

As I just said, we need to know what senators think about the high standards they aspire to meet. I am ready to listen to what members of this chamber have to say on the matter.

Senator Cormier: I'm going to ask you this question. We recently had a discussion about the language used inside this place, and wondered whether there should be a list of prescribed words deemed incompatible with the concepts of dignity and respectability. Do you think it would be a good idea to have specific measures like this on what vocabulary is acceptable or unacceptable in a place like the Senate of Canada?

Mr. O'Reilly: Thank you. It's up to senators to decide what standards shall apply in the Senate chamber, along with the Speaker's perspectives in that regard. Enforcing those standards in other contexts is a whole separate issue. It's hard for me to answer such a specific question.

Senator Cormier: As part of their duties, senators are required to provide certain relevant information to the Senate Ethics Officer, including confidential disclosure statements and statements of compliance. Senators may also, at their discretion, request an opinion from the officer on a particular case. Occasionally, a senator may receive certain updates, such as revised guidelines. On the whole, in my experience, direct interaction with the officer remains limited. What means will you be putting in place to promote better communication with senators and their teams? How do you plan on strengthening these interactions to ensure a clear understanding of the code of ethics and provide clear, accessible support tailored to senators' needs?

Mr. O'Reilly: Thank you. As I said a few minutes ago, I'm willing to hear senators' perspectives on that. If there are ways to make it easier for senators to provide their statements and meet

their obligations in that regard, I'm prepared to consider them. I don't have a specific recommendation to make at the moment, but I think that Mr. Legault tried to implement measures to facilitate communication between senators and the Senate Ethics Officer. I'm prepared to continue on that path.

Senator Cormier: Thank you very much, Mr. O'Reilly.

[*English*]

Senator Pate: Welcome. Congratulations and thank you for being here and for your decades of work and contributions to this country, Justice O'Reilly.

As one of now many senators who come from backgrounds in the voluntary sector, civil society or academia, it often seems that current Senate ethics rules and practices are more attuned to characterizing knowledge, expertise and involvement as akin to financial and partisan political interests when it comes to assessing issues with respect to conflicts of interest requiring declarations of such and recusal from voting on related legislation. I am interested in how you would foresee identifying and addressing differentiations of this sort and what sorts of approaches you would propose for promoting and assessing ethical responsibilities and roles of senators in this evolving institution.

Mr. O'Reilly: Thank you for that question, senator. If I may explore the basis of your question a little, I take it that what you are perhaps identifying is this focus in rules relating to conflicts of interest on private, personal interests that most likely are of a pecuniary nature rather than a broader interest, and I think that's an interesting question. I think that those are probably identified as being the most obvious sources of conflict, the most obvious ways in which a decision maker — whether consciously or unconsciously — may be less than impartial because of those kinds of interests.

I assume what you are getting at is that there may well be other kinds of interests that aren't identified that may have an equally important effect on decision makers, including members of this body. I assume that, for example, may be behind some of the areas identified by Mr. Legault as needing greater attention. I think he named several concerns surrounding non-profit activities, for example. I think that those have been identified, and I would be very interested in learning more about those and the ways in which the code might be adapted to take them into account.

Senator Pate: I am also thinking of the whole notion of the evolution of ideas and understanding, whether it is around race, gender or class issues, and how those reflect on what is considered appropriate behaviour, what is dignified, what is honourable and what demonstrates integrity when it comes to senatorial behaviour.

Mr. O'Reilly: Thank you, senator. I think you are now identifying things beyond what we would consider to be conflicts of interest but are perhaps biases in a broader sense. Those are norms which are evolving, and this body will want to ensure that it is evolving to take account of what we know about biases and prejudices. I actually spend a lot of my spare time studying the subject of biases by decision makers; that includes what we

[Mr. O'Reilly]

would automatically think of as bias as based on personal characteristics, but it goes beyond to biases based on things like confirmation bias or hindsight bias or other kinds of influences on the decision-making process that I think we have to understand more completely.

• (1540)

I have been urging judicial colleagues and have developed education programs for judges on that very subject. But this body is a decision-making body, and those are things that one must understand in order to appreciate the nuances that go into decision making. That, as you rightly point out, has an impact on how one interprets things like dignity, honour and integrity.

The Chair: Thank you. We are now moving to the next block of 10 minutes that will be shared between Senator Tannas, Senator Smith and Senator Dagenais.

Senator Tannas: Welcome, Justice O'Reilly. I just have one question around the speed of investigations. I have been here for 12 years or so, and most of the investigations that have been undertaken by Senate Ethics Officers, or SEOs, past have taken far longer than I could reasonably explain to myself why. For a large chunk of that time, I was actually on the Ethics Committee. Have you noticed that? It is certainly in the context of comparison to what goes on in the House of Commons with a similar process. Do you have any comments about whether you expect to keep the tradition of time being measured in years rather than months for ethics inquiries that you make?

Mr. O'Reilly: Thank you. Senators, I have noticed in reading the inquiry reports of my predecessor that those took a long time to resolve. I intend no criticism by that. I have no idea why those time frames were in place or what the obstacles were. There are very detailed chronological accounts of how the inquiry unfolded, and I didn't notice any particularly long gaps that I thought were problematic. But I did notice, overall, that they did take a long time.

I also note that Mr. Legault has pointed out that the resources of the office are strained. I would be very interested in understanding what resources are available. I have no idea at the moment what makes up his office. But if resources are strained and that's a problem in terms of the timeliness of investigations, then that is something I would be prepared to address.

Senator Tannas: You can count a number of us here as soldiers. If time equals money, I think you will get a sympathetic ear here because the reputation of the Senate and of individual senators in many in cases is at stake, and we'll want to see that cleared. Thank you.

Senator Smith: Hello, sir. According to the *Ethics and Conflict of Interest Code for Senators*, as explained on the website of the Office of the Senate Ethics Officer:

The Senate Ethics Officer is responsible for interpreting, applying and administering the *Ethics and Conflict of Interest Code for Senators*. His role includes advising senators on the application of the Code, administering an annual disclosure process, and conducting inquiries.

The SEO performs a dual role: both as an adviser to senators with respect to their obligations under the code and as an investigator/adjudicator in cases where there are potential breaches of the code. Could you give us some initial thoughts on how you plan to balance the dual responsibilities of advising senators and conducting investigations?

Mr. O'Reilly: Thank you. You have pointed out something that I noticed too in the ethics code. That obviously inherently gives rise to some tensions in that the officer is meant to be advising senators, and it may come to pass at a later point in time that the same officer is adjudicating some matter on which they might previously have given advice. That is obviously a very delicate situation. I haven't noticed that actually having happened, but there is certainly the potential for that.

I have performed both roles within the judicial context, but not with respect to the same person, and that's obviously where the tension would be most acute.

I can't say in advance how I would handle that, but I will be acutely sensitive to the fact that those dual roles have to be played at the same time, obviously with sensitivity and finesse.

Senator Smith: Thank you, sir.

[Translation]

Senator Dagenais: Good afternoon, Mr. O'Reilly.

In recent years, many people in society in general have been speaking out about cases of harassment in the workplace. One definition of the word "ethics" clearly associates sexual assault, assault, fraud, theft and murder with ethics, but your predecessor, Mr. Legault, stated in 2019 that he believed that the Senate Ethics Officer should intervene in a harassment case only if the Senate asked him to do so, because the case could damage the institution's reputation.

Do you share his view on the subject? How do you see your role in dealing with potential harassment cases?

Mr. O'Reilly: Thank you for the question, senator.

[English]

I was not aware of that position of my predecessor.

[Translation]

I don't know that I'll adopt that same policy myself, but I'm sure it's an important question I'll have to look at soon.

[English]

The Chair: We are moving on to the next period of 10 minutes that will be shared between Senator Harder and Senator Cardozo.

Senator Harder: Thank you, chair, and welcome, Justice O'Reilly. I want to talk a little bit about the relationship between the independent Senate Ethics Officer and the Standing Senate

Committee on Ethics and Conflict of Interest for Senators. It is an important partnership and one that must be mutually respectful.

Both the Parliament of Canada Act and the code provide that the SEO's duties and functions shall be carried out under what is described as "the general direction of the Committee."

How do you view the role of the committee in supporting the SEO's responsibility in the code? Can you describe the level of collaboration you would wish to engage in and how you would interpret your independence from the committee while having this engagement? Do you anticipate addressing any potential conflict of interest that might arise in this relationship between your role and the committee?

Mr. O'Reilly: Thank you, senator. I wondered what "the general direction of the Committee" means. I haven't come across anything that helps me understand that partnership, but I can imagine situations where the committee may wish to invite the officer to explain how he or she is interpreting the code or even a specific investigation, although I haven't seen that happen. Perhaps I will learn more about that relationship.

• (1550)

I did notice in one of the inquiry reports there was a question about whether a matter should go to the committee while an investigation was ongoing. My predecessor took the firm position that was not an appropriate way to proceed. That made sense to me when I read it. Members of the committee may have a different view, and, if so, I would like to hear that view.

I wondered if, under the general direction of the committee, that terminology was meant to express the idea that it is for the committee to give general guidance to the officer from time to time, but not, of course, in respect of any particular investigation.

Senator Harder: I wish to move to another area.

One of the purposes of the *Ethics and Conflict of Interest Code for Senators*, it says, is to, "maintain and enhance public confidence and trust in the integrity of Senators and the Senate." How do you view your role in fulfilling that part of the code?

Mr. O'Reilly: Thank you.

It is interesting. I think those high principles are meant to inform the interpretation of other provisions of the code, and that is how I have seen it employed. That's a specific way. That is not unusual in codes or legislation, for there to be a purpose clause that helps the interpreter of the legislation or code understand how it is meant to be applied, or at least the aspirations that lie behind the more particular parts of the code. I would see it as performing that function.

This is the value of having a code at all — that all members of this chamber will surely be aware of what their role and purpose are in this institution, and that will guide their behaviour overall for the officer to employ the same principles and purposes in interpreting how the code is applied.

[Senator Harder]

Senator Cardozo: Thank you. I have one question. I would like to cede the balance of my time to my colleague Senator Audette.

Mr. O'Reilly, thank you for coming here and applying for this important position. We spoke with you about your being accountable to the Senate. If I can paraphrase you, you said this is a code that senators have decided on how to govern ourselves. I'm paraphrasing that.

During your time, if the Senate were to change the code and water it down in a way that would facilitate unethical behaviour, what would you see your role being? How would you approach that?

Mr. O'Reilly: Thank you. Senators, again, that is for this body to determine. It might be advisable in that circumstance to seek out the opinion and advice of the officer who, by that time, might have some experience in applying the code as well as in other domains that may be instructive. Ultimately, it is this body who determines what the code says. The view of the officer, particularly one who has some experience in its application, would be important to take into account.

Senator Cardozo: Would you do so privately with a committee or would you feel the need to do so publicly?

Mr. O'Reilly: I would await an invitation to speak up and would do so only if I thought my views were welcomed.

[Translation]

Senator Audette: I think it's brave of you to be here in front of us all. You know I speak French. Can you assure me that your team will also be able to respond to us quickly in French? What's your level of awareness around the Indigenous protocols or approaches we're gradually introducing in this wonderful place? I'm not trying to ask you a question out of the blue, but I would like some reassurance from you about French.

Mr. O'Reilly: Naturally, it's important for the Office of the Senate Ethics Officer to be a bilingual entity. It's important to respond to you in both official languages and to communicate with all senators in French and English. I'm not really comfortable responding to your statement about Indigenous protocols. I'm not too sure what you're referring to.

Senator Audette: It might be a good idea for you to meet with Indigenous senators to discuss these wonderful practices, which have been around for millennia and which are open to all cultures.

The Chair: We are moving on to the next block of 10 minutes that will be shared between Senator Carignan and Senator Batters.

Senator Carignan: Welcome, Mr. O'Reilly. I also sit on the Ethics Committee. We have seen a number of items in the code. One of the issues I see is your dual role. Senator Smith talked a little about it earlier.

I'd like you to tell us a bit more about this dual role as both an adviser and an investigator. Since you were a lawyer, you're well aware of how important the trust factor is when it comes to giving advice, so that people will give you all the information they have so you can form an appropriate opinion. On the other hand, there may be some hesitation about disclosing information, because if I commit an offence, you're also the one who has to investigate. So there's a risk of receiving potentially sensitive information too. How do you see this dual role? Please feel free to say whether you think these roles are incompatible or whether you'd recommend separating them. That can be done. How do you see this dual role, and what are you going to do to ensure that I can speak to you freely, with full trust, without running the risk that what I say could be used against me, for example?

Mr. O'Reilly: Thank you. We're getting back to the trickier questions. Thank you for your question. I think the code includes a line of defence for a senator who makes a declaration and wishes to get the Senate Ethics Officer's opinion. That might offer a bit of reassurance to encourage senators to disclose or declare things to the Ethics Officer. It goes without saying that the two roles are different. There may indeed be conflicts between the roles of adviser and decision maker or judge. I don't have a clear answer to your question, but I do understand that it's a very important one.

Senator Carignan: You bring a broad range of experience to the table. You seemed to suggest that this is a disadvantage. Having a broad range of experience can be an advantage because you can offer a fresh take on things. Will you be going over the code with a critical eye? If you find things that don't work or that should be changed, are you going to take a critical approach and advise us to amend the code?

• (1600)

Mr. O'Reilly: I'm interested in examining Mr. Legault's recommendations and studying various aspects of the code to decide whether amendments are in order. That interests me a lot.

For a number of years, I worked as a lawyer for the Law Reform Commission of Canada, the Department of Justice and the House of Commons. I'm interested in studying opportunities for reform. However, I'm not saying that this is the first thing I would do. It will take a little time and some communication before deciding whether changes are appropriate.

[English]

Senator Batters: In February 2023, the current Senate Ethics Officer published a document entitled *Guideline on Outside Activities* on his website and emailed senators an accompanying explanatory memo. In his email, Mr. Legault stated that his guidelines should "only be used as a tool of reference in order to better understand the code," but then it stated, "and how I interpret and apply it as of the date of its publication."

Justice O'Reilly, this guideline does not set forth an inconsequential interpretation of the ethics code; it creates substantial new requirements and restrictions in the ethics

code. The current Senate Ethics Officer recently deleted the section of his guideline dealing with parliamentary friendship groups, but the remainder of this guideline remains intact.

Given that there are many other new and potentially problematic requirements and restrictions included in that guideline, these must be sanctioned by the Senate as a whole and not imposed by the Senate Ethics Officer. Will you agree to review this guideline document and remove any provisions which are outside its proper scope?

Mr. O'Reilly: Senators, that's a very specific question that I'm not in a position to answer, having not studied those guidelines closely. I would have thought that the guidelines are meant to give further guidance on the interpretation of the provisions of the code without going beyond the parameters of what's in the code at present, much the way delegated legislation might work. To give the example in the judicial context, the commentaries on judicial conduct do not go beyond the overarching principles to which judges are bound. That's only a superficial response, I'm afraid, in the circumstances, but I can certainly undertake to look at that question.

Senator Batters: Thank you, Justice O'Reilly. I appreciate that. One of the potentially problematic areas contained in that February 2023 guideline regards the restrictions noted in that document regarding senators' social media accounts. The *Senate Ethics Code*, the *Rules of the Senate*, *Senate Administrative Rules* and even the *Senators' Office Management Policy* are all silent on the matter of senators' social media accounts. As such, I would submit that those restrictions outlined in that guideline are entirely novel and, as such — as you were indicating to my colleague — this should be a matter for senators to decide. Any such restrictions would need to be sanctioned by the Senate as a whole. Maybe that would be part of the new reflection on the code as a whole.

Again, would you please agree to review those guideline provisions, given that it could take some time for the Senate Ethics Committee to provide us with potential draft provisions for the new code, and keep that in mind?

Mr. O'Reilly: I think my to-do list is getting longer. Thank you.

Senator Batters: Lastly, Justice O'Reilly, I would like to ask you about this, since we are parliamentarians, not judges, and the *Senate Ethics Code* defines parliamentary duties and functions as ". . . including public and official business and partisan matters . . ."

How do you see the roles of senators as parliamentarians intersecting with partisanship? Could you please explain whether you see senators' expression of political or partisan views as contrary to the *Senate Ethics Code*?

Mr. O'Reilly: I'm sorry, but I didn't quite get the gist of your question. Do you mind repeating it?

Senator Batters: Sure. What I'm specifically looking at is the role of senators as parliamentarians. How do you see partisanship, which is specifically authorized under the *Senate Ethics Code* as defining parliamentary duties and functions as ". . . including public and official business and partisan matters . . ." As a result, do you see senators' expression of political and partisan views as complementary to the *Senate Ethics Code*, or would you say that it would be contrary to it?

Mr. O'Reilly: Thank you. Well, partisanship is not a violation of any kind of ethical standard for a body of this nature; it would be in the judicial context. Obviously, the code is developed, applied and interpreted with the understanding that there is some element of partisanship inherent in what this body is intended to do. At the same time, it sets limits on conduct, and perhaps on expression as well, in order to support and sustain those aspirational principles of dignity and so on. I don't see a conflict between those things, but certainly they would apply differently in this context than they would in others, and I understand that.

The Hon. the Speaker pro tempore: Thank you, Mr. O'Reilly. We are now moving to the last block of 10 minutes, which will be shared between Senator Cotter and Senator Saint-Germain.

Senator Cotter: Welcome, Justice O'Reilly. Thank you for joining us. I am also a member and Deputy Chair of the Ethics Committee of the Senate, although only for eight more hours.

I have essentially two questions, but I would like to ask them both at once because I think they intersect. First, as you have noted, there are really only three or four sentences that articulate ethical expectations of senators in the whole code. I compare that with *Ethical Principles for Judges*, with which you are familiar. Not counting conflict of interest, there are 37 pages of principles and commentary in *Ethical Principles for Judges*. I observe on that a wide latitude for interpretation — maybe a surprisingly wide latitude compared to the ethical guidance in your line of work.

Second, that is combined with the unusual authority of the Senate Ethics Officer to make decisions based on those interpretations that are themselves not reviewable, not even by this body — we review and decide on sanction, but not on the actual determination by the Senate Ethics Officer. My question is this: Do you see that as strikingly wide open in terms of the authority and power that is reposed in you and your reflections on that?

Mr. O'Reilly: Well, not necessarily power, but certainly interpretation. You are right that those high principles that are set out in the code have to be interpreted — and interpreted in the context of the purposes of this body and the activities of its members.

I alluded earlier to the possibility of there being more flesh put on the bones of those high principles in various ways. One of them might be through guidelines. If that's not a problematic way of dealing with it, it is certainly a potential way of dealing with it, as well as the interpretations that become clear through preliminary reviews and inquiry reports.

I hesitate a bit on the power and authority part of your question. Because the power and authority of the officer only go so far before things are turned back to this body for a final resolution, I don't see that part of your question as raising a problem.

• (1610)

Senator Cotter: If I could just follow up at least on that part of it. We have taken, as a body, to the understanding that you or your soon-to-be predecessor make a determination both of the interpretation of the code and its application of a particular certain set of circumstances and has — I won't use the word "power" — the authority to find misconduct. This body has no authority, then, having turned that over to you, to actually override that or moderate it in any way other than how we would decide on a sanction.

That's the reason I am describing this as a meaningful authority in a fairly open-ended context presently.

Mr. O'Reilly: Yes. I thank you for clarifying that, senator. I see your point. Once the officer has made a determination and it comes back to this body, that determination can't be reversed although the outcome or the implications of that decision might be moderated.

Senator Cotter: Would you be surprised at all if we gave you that much authority?

Mr. O'Reilly: Not yet.

[Translation]

Senator Saint-Germain: Welcome, Mr. O'Reilly. Thank you for your interest in dedicating yourself to the Senate and serving as Senate Ethics Officer.

My question concerns the peer reporting principle, the means by which complaints are referred to the Senate Ethics Officer. This type of complaint is not confidential in that, as you probably know, a senator who wishes to report a situation involving a colleague who they think is violating the code must identify themselves, and their name will be shared with the senator who could potentially become the subject of an investigation.

In your opinion, does such a reporting system impede the application of the code, because of the referral to the Senate Ethics Officer? Do you think this system qualifies as a best practice in ethics management? Do you know of other organizations that operate using a system like this?

Mr. O'Reilly: Once again, that's a very specific question, and one I'm not currently in a position to answer intelligently.

I understand the problem you've identified, but I'll have to take some time to reflect on the issue. That's the best answer I can give for now.

Senator Saint-Germain: To give you some food for thought, I invite you to consider the reporting systems used by certain professional orders, which respect the confidentiality of such reports.

I have another question for you. Whoever goes last often finds that many of their questions have already been asked, but this one wasn't asked directly. One of your duties will be to head the Office of the Senate Ethics Officer. Considering your role as adviser to senators and your role as an independent investigator — and I would even add your relationship with the Ethics and Conflict of Interest for Senators Committee — how do you see your office being organized so as to ensure that the advisory role your office will play is completely separate from its investigative role? How do you plan to ensure that there is no adverse mixing of these functions?

I'm not asking you if you're going to maintain the way it's currently organized. That's not the point of my question. How do you think these functions can coexist in the same office and still be managed efficiently and responsibly?

Mr. O'Reilly: The two roles of the Ethics Officer is obviously something that members of this chamber are concerned about. That is something that I will have to quickly address. I don't have any specific recommendations or thoughts to share on that right now, but I really appreciate the question.

Senator Saint-Germain: If I may, it is not a question but a suggestion. I'm thinking of organizations that play an investigative, advisory and even quasi-judicial role, such as the Quebec Access to Information Commission. The commission has three separate functions that it carries out, but it adheres to a fairly strict division of tasks. Perhaps you might be interested in looking at that way of doing things. Thank you.

Mr. O'Reilly: I will look into it. Thank you.

[English]

Senator Simons: Mr. O'Reilly, welcome to the chamber. I am Paula Simons. I'm a senator from Alberta.

One of the challenges I found when I entered the Senate was I did not come from a business background like other senators; I came from media. Other senators came from the not-for-profit sector. It seems that many of the rules in the code are written for the perspective of people who are in business. You are allowed to be a member of a board of directors and receive large recompense for that. You are allowed to continue to run your

own business or your own law firm. But if you have come from the not-for-profit sector, you are not allowed to do anything that would give the imprimatur of the Senate to your not-for-profit. You can't do anything to raise money. And even if you haven't come from the not-for-profit sector, you can't do any kind of volunteerism or charitable work. You can't attend community events that are fundraising events.

I find it perplexing that there seems to be a double standard that people are held to, that you can do professional work and receive large sums of money, but you can't do that kind of voluntary sector work anymore.

Mr. O'Reilly: Thank you, senators. Senators, I think I mentioned earlier that I've taken note of the fact that this is an area that has been pointed out by my predecessor as needing further study, and I appreciate the question because it wasn't clear to me, when that suggestion was made, what the basis was for it.

It sounds as if it is something that does require further attention. I am fully prepared to look at that.

In my answer to Senator Pate, I mentioned that some of the parts of the code seemed to be addressing the most obvious forms of conflicts that arise out of private pecuniary interests and it may neglect areas that are outside of that particular context, and your question raises that concern. I understand what you are getting at.

The Chair: Honourable senators, the committee has been sitting for 65 minutes. In conformity with the order of the Senate, I am obliged to interrupt proceedings so that the committee can report to the Senate.

Mr. O'Reilly, on behalf of all senators, thank you for joining us today.

Hon. Senators: Hear, hear!

The Chair: Honourable senators, is it agreed that the committee rise and I report to the Senate that the witness has been heard?

Hon. Senators: Agreed.

• (1620)

[Translation]

Hon. Lucie Moncion (The Hon. the Acting Speaker): Honourable senators, the sitting of the Senate is resumed.

REPORT OF THE COMMITTEE OF THE WHOLE

• (1750)

Hon. Pierrette Ringuette: Honourable senators, the Committee of the Whole, authorized by the Senate to receive James O'Reilly respecting his appointment as Senate Ethics Officer, reports that it has heard from the said witness.

[*English*]

MOTION TO APPROVE APPOINTMENT ADOPTED

Leave having been given to revert to Government Business, Motions, Order No. 206:

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

That, in accordance with section 20.1 of the Parliament of Canada Act, R.S.C. 1985, c. P-1, the Senate approve the appointment of James O'Reilly as Senate Ethics Officer.

Hon. Lucie Moncion (The Hon. the Acting Speaker): Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

ROYAL ASSENT

MOTION TO SUSPEND SITTING TO AWAIT WRITTEN
DECLARATION ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate, and notwithstanding rule 5-5(k), I move:

That the sitting be suspended to await the announcement of Royal Assent, to reassemble at the call of the chair with a 10-minute bell.

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

Hon. Senators: Agreed.

(The sitting of the Senate was suspended.)

[*Translation*]

(The sitting of the Senate was resumed.)

ROYAL ASSENT

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

RIDEAU HALL

December 17, 2024

Madam Speaker,

I have the honour to inform you that the Right Honourable Mary May Simon, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 17th day of December, 2024, at 5:26 p.m.

Yours sincerely,

Ken MacKillop

Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Tuesday, December 17, 2024:

An Act to amend the Criminal Code, to make consequential amendments to other Acts and to repeal a regulation (miscarriage of justice reviews) (*Bill C-40, Chapter 33, 2024*)

An Act for granting to His Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2025 (*Bill C-79, Chapter 34, 2024*)

[*English*]

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, February 4, 2025, at 2 p.m.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

EXPRESSION OF GOOD WISHES FOR THE SEASON

The Hon. the Speaker pro tempore: Honourable senators, on behalf of the Speaker of the Senate and myself, I would like to take a moment to extend to you our warmest wishes and sincere thanks.

I would first like to salute the exceptional work of each of you, honourable senators, and your teams, and to express my gratitude to all the Senate staff and our parliamentary partners.

[*English*]

Hundreds and hundreds of talented, dedicated and competent people are working tirelessly, often behind the scenes, to help us perform our duties and ensure the efficient operation of our esteemed institution. Without their contribution, fulfilling our constitutional mandate would simply not be possible. When we return from a restful holiday, hopefully, together let us continue to strive for excellence for our great country. The work we do here has a real impact on the lives of all Canadians.

[*Translation*]

Happy holidays to you all, and best wishes for a new year filled with joy, health and happiness. Thank you. *Meegwetch.*

• (1800)

[*English*]

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-13(2), I move:

That the Senate do now adjourn.

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

Hon. Senators: Agreed.

(At 6 p.m., the Senate was continued until Tuesday, February 4, 2025, at 2 p.m.)

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