SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION • 45th PARLIAMENT • VOLUME 154 • NUMBER 57

OFFICIAL REPORT
(HANSARD)

Wednesday, March 11, 2026

The Honourable RENÉ CORMIER,
Speaker pro tempore

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Publications Centre: Publications@sen.parl.gc.ca

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

THE SENATE

Wednesday, March 11, 2026

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

Prayers.

SENATORS' STATEMENTS

SEPARATISM

Hon. Daryl S. Fridhandler: Honourable senators, I rise to address Alberta separatism. It's hard to know, from one day to the next, the lay of the land or where we are going. Today, we are a mere 52 days until the Alberta Prosperity Project's May 2 deadline. Premier Smith has confirmed that if the petition achieves its required number of signatures, there will be a referendum on separation on Monday, October 19.

There will also be nine Smith-initiated referenda, proposing, to name a few, to limit those able to access provincially funded programs to citizens, permanent residents or persons with "Alberta-approved" immigration status; to amend the Constitution to have provincial governments appoint King's Bench and Court of Appeal justices; and to abolish the federal Senate.

I know you will all join me in Alberta to campaign against this last item, and I thank you in advance.

Might these additional referenda be carrots to draw more out on the referenda day? Or might the opposite be true: to move the focus away from the separation referendum? I don't believe I'm being too cynical in suggesting the former.

Premier Smith has gone out of her way to appease the separatists. She's lowered the number of signatures and extended the collection period. Why Premier Smith's appeasement? As Conservative insider Ken Boessenkool recently noted:

> Today, Take Back and Free Albertans control the United Conservative Party of Alberta — and Danielle Smith's ability to contest the next election.

He goes on:

> To accede to these demands, Smith made it easier for these groups to force a referendum on separation . . . .

Quebec governments have played separatism well, and Alberta is attempting to follow their precedent. However, Quebec is unique and distinct in many, many ways. Alberta separation is largely driven by financial grievances, such as equalization payments, and the balance of power between federal and provincial institutions.

Consider the surprising Brexit vote: six years on and a feeling of "Bregret," with nearly 60% wishing the United Kingdom had not left.

Most Alberta First Nations have invaluably spoken out against the separatist movement. Chief Sheldon Sunshine's leadership of the Sturgeon Lake Cree Nation and their legal action highlight the fact that First Nations' treaties were signed with Canada and predate Canada's creation of Alberta as a province in 1905.

Your Honour, the threat of separation is real — near and long term. The 500,000-signature-strong Forever Canadian petition showed Albertans want to remain in Canada.

I ask you, my Senate colleagues, to be steadfast in your support of a united Canada. I ask our federal government to take action sooner rather than later. Who if not the Prime Minister? October 19 will be upon us soon.

I urge all of you in this chamber to step up as the federalists you are.

Thank you. *Meegwetch*.

Some Hon. Senators: Hear, hear.

NAZAR HUSSAIN

Hon. Salma Ataullahjan: Honourable senators, I rise today with a heavy heart to give tribute to my good friend of 30 years Nazar Hussain, an outstanding member of the community.

When I found out he was not well, I went to see him. I was shocked when he told me, "My time on earth is done, but I am at peace with it." I find that to be extraordinarily brave, but then again, bravery has been the hallmark of his life.

Nazar joined the Pakistani army as a young man of 18 and served for nearly 20 years, but in 1977, he immigrated to Canada. It was a courageous undertaking, moving to another country with his wife and children.

From humble beginnings, Nazar was able to build a thriving restaurant business across Ontario, extending from the Greater Toronto Area to Kingston. He became actively involved in many civic, political and philanthropic organizations, both here in Canada and in Pakistan.

Honourable senators, Nazar has been diagnosed with cancer, and I struggle to express my sorrow at the thought of his imminent passing and losing a friend. Yet, even now, in this condition, his bravery shines through. He has asked all his friends to drop by, and there are always over 50 people in his home any given day, gathered together to break fast, as it is the month of Ramadan.

When my children heard about Colonel Nazar — Uncle Nazar, as they call him — being ill, they said, "We have to go and see him." My daughter from Iqaluit made sure she came to Toronto so she could say goodbye too.

When I witnessed the people in his home, I thought, "This is Nazar — always bringing people together, opening his home, making everyone feel welcome."

Even now, he still manages to crack a few jokes. When I told him about this tribute, he said, "I don't know if I'll be alive by then." I insisted that he would be.

So I stand here today, colleagues, to pay tribute and to let him know how much he is loved, respected and appreciated by the people who had the privilege of knowing him and calling him a friend.

Nazar will leave behind his beloved wife, Rehana, his sons, Atif, Khurram and Taimur, and nine grandchildren, who I hope will grow up hearing about the legacy he left behind: a legacy of courage, perseverance and giving back.

Thank you.

Some Hon. Senators: Hear, hear.

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker pro tempore: Honourable senators, I wish to draw your attention to the presence in the gallery of Mathieu Caron and Matthieu Côté. They are the guests of the Honourable Senator Loffreda.

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

Hon. Senators: Hear, hear!

MATHIEU CARON

Hon. Tony Loffreda: Honourable senators, I'm pleased to pay tribute to my new friend, Mathieu Caron, who is here in the gallery.

Mathieu Caron is an ambitious young adult from Quebec with autism whose mission is to connect with people.

Through his atypical interviews, where people are at the heart of every conversation, Mathieu helps us to learn more about the daily lives of famous and not-so-famous people.

The pandemic and the impact it had on our interactions with others were what prompted Mathieu to start this new project. Since then, he has interviewed an impressive list of public figures, including Geoff Molson, Ricardo, Christiane Germain, Jean-Yves Duclos and Véronique Cloutier.

Mathieu's interviews are unconventional, touching and inspiring and they remind us not to take ourselves too seriously, that life is beautiful and that people are good. Mathieu was awarded the King Charles III Coronation Medal. He is a very empathetic and talented young man.

• (1410)

[*English*]

When Mathieu reached out to conduct an interview, I accepted immediately since I have been a long-time supporter of the autism community.

Mathieu and I had a wonderful time this morning. This may surprise some, but I even tried to remove my tie — mind you, I didn't succeed, but they tried hard.

Mathieu was exceedingly well prepared. He had insightful questions but also made sure to make our chat fun and entertaining. Quick on his feet, agile and witty, Mathieu is a talented interviewer who listens carefully and understands his subject.

[*Translation*]

Mathieu is also a leader in the autism community. He will be one of the keynote speakers at an event taking place this month at the Giant Steps Centre called Neurodiversity in Action: Voices, Evidence, Inclusion. Giant Steps is a school and a world leader in autism inclusion with which I have been involved for a long time.

Honourable senators, please join me in celebrating neurodiversity in all its forms.

Let us pay tribute to Mathieu Caron, who is raising public awareness about autism and who recently reminded me of the following;

> Everybody is a genius. But if you judge a fish by its ability to climb a tree, it will live its whole life believing that it is stupid.

Let's accept our uniqueness and our differences.

Thank you.

[*English*]

GRAND RIVER AGRICULTURAL SOCIETY

Hon. Robert Black: Honourable senators, I rise today to shine a spotlight on the Grand River Agricultural Society, located in southern Ontario. It's a leading agricultural organization dedicated to fostering innovation and strengthening local communities, agriculture and the environment.

Across the country, agricultural and horticultural societies have long enriched local communities through initiatives such as beautification projects, local scholarships and hosting long-standing agricultural fairs and exhibitions.

They hold significant value for our country by preserving history and traditions, showcasing agricultural and rural lifestyles and significantly contributing to local economies and Canada's GDP.

According to the Canadian Association of Fairs and Exhibitions, fairs and exhibitions alone contribute $48 billion to local economies every year.

I had the pleasure of connecting with volunteers from the Grand River Agricultural Society, or GRAS, and I quickly learned about some of the exceptional initiatives they are undertaking to not only strengthen their community but also drive innovation in our agricultural and environmental sectors.

Governed by a volunteer board of directors, their mission is to support innovation, education, economic growth and community by enabling agriculture and the environment to thrive.

GRAS advances this mission through a range of activities, including The SPARK Symposium, an annual showcase that brings together agriculture and agri-food technologies, innovation and entrepreneurship.

Taking place on April 22, 2026, the event highlights Canadian agricultural technologies and companies, while also connecting them with potential investors and partners that share an interest in agriculture and the environment.

For their fifth year, GRAS has chosen the theme "Igniting Carbon-Smart Agri Innovation." The symposium will feature Canadian companies like FireRein Inc., a team that created a firefighting foam alternative made from 70% Canadian bio-based feedstock; SoilOptix, a company that has developed soil sensors for high-resolution soil scanning and mapping; and Competitive Green Technologies which uses waste biomass to produce plastics for food packaging and equipment parts.

But this is not GRAS's only initiative. Through philanthropy and impact investing, they are committed to creating long-term sustainability in the agricultural and environmental sectors by fuelling innovation in their own backyard.

In 2024-25 alone, they spent $652,000 on agricultural events and community support initiatives. Through scholarships, community grants, educational events, direct investments and The SPARK Symposium, GRAS is demonstrating the many facets of agricultural societies and the value they contribute to our communities.

Honourable colleagues, please join me in congratulating the Grand River Agricultural Society on their significant contributions to the agricultural and environmental sectors as well as to their communities and our country.

Thank you. *Meegwetch*.

VISITOR IN THE GALLERY

The Hon. the Speaker pro tempore: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Rick Quinn, board-certified veterinary ophthalmologist and former advisor to Jane Goodall. He is the guest of the Honourable Senator Klyne.

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

Hon. Senators: Hear, hear!

REPORT OF THE JAMESTOWN FOUNDATION

Hon. Yuen Pau Woo: Honourable senators, I want to alert you to a serious foreign disinformation and interference threat to our country. The Jamestown Foundation, a U.S. think tank, has put out a report that claims to have identified more than 575 organizations in Canada that are part of the Chinese Communist Party's United Front Work Department, or UFWD.

The report provided only a few examples of the Canadian groups it claims to have identified. Based on the evidence presented in the report, activities such as celebrating Chinese culture, promoting Canada-China trade and generally representing Chinese-Canadian communities are treated as evidence of co-optation by the Chinese government.

It is part of a broader narrative in which anything short of opposition to China is treated as evidence of loyalty to Beijing and, therefore, contrary to Canadian interests.

The Jamestown Foundation did not make public the list of 575 organizations, which has the effect of casting suspicion on all Chinese-Canadian organizations and inviting discrimination and stigmatization against every one of them.

The Jamestown Foundation report even listed Liberal and Conservative political associations of Chinese Canadians as Chinese Communist Party, or CCP, United Front organizations without explanation. This is particularly harmful and dangerous for Chinese Canadians who want to participate in the country's democracy through party politics. It is a form of voter suppression targeted at one community.

The danger of this report is profound. If taken seriously, it will lead to systemic discrimination against Chinese Canadians who are deemed to have the wrong views or wrong affiliations. It would be a modern incarnation of the Chinese Exclusion Act of 1923.

It is bad enough that foreign entities are sowing disinformation and interfering in our democracy. What is worse is that Canadians, including parliamentarians, are aiding and abetting these harmful acts.

You might think that these folks would have to register with the foreign influence transparency registry, but the registry appears to exclude non-state actors which, to my mind, are the biggest and most dangerous source of disinformation and interference in Canada today.

Some of you will be inclined to take The Jamestown Foundation report at face value. Let me be clear: If you have evidence that laws have been broken, report it to the authorities, but if you suspect a Chinese-Canadian organization is a malign foreign agent for the Chinese government simply because it celebrates Chinese culture, promotes trade and investment, has ties with Chinese organizations or agrees with some of the positions of Beijing, you are promoting a modern form of Chinese exclusion.

We marked 100 years since the Chinese Exclusion Act in 2023. Today, we are seeing a modern form of exclusion creep back into Canadian society, and it is because many Canadians in leadership positions are giving oxygen to this racist outlook.

ROUTINE PROCEEDINGS

ADJOURNMENT

NOTICE OF MOTION

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, March 24, 2026, at 2 p.m.

• (1420)

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

SOUTHERN LEGISLATIVE ANNUAL CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS SOUTH, JULY 8-12, 2023—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-United States Inter-Parliamentary Group concerning the Southern Legislative Annual Conference of the Council of State Governments South, held in Charleston, South Carolina, United States of America, from July 8 to 12, 2023.

PACIFIC NORTHWEST ECONOMIC REGION ANNUAL SUMMIT, JULY 16-20, 2023—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-United States Inter-Parliamentary Group concerning the Pacific Northwest Economic Region Annual Summit, held in Boise, Idaho, United States of America, from July 16 to 20, 2023.

WESTERN LEGISLATIVE ANNUAL CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS WEST, NOVEMBER 12 TO 15, 2023—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-United States Inter-Parliamentary Group concerning the Western Legislative Annual Conference of the Council of State Governments West, held in Los Angeles, California, United States of America, from November 12 to 15, 2023.

CONGRESSIONAL VISIT, MAY 15-16, 2024—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-United States Inter-Parliamentary Group concerning the Congressional Visit, held in Washington, D.C., United States of America, from May 15 to 16, 2024.

NATIONAL SECURITY, DEFENCE AND VETERANS AFFAIRS

STUDY ON VETERANS AFFAIRS—NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REFER PAPERS AND EVIDENCE FROM FIRST SESSION OF FORTY-FOURTH PARLIAMENT TO CURRENT SESSION

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

> That the papers and evidence received and taken and the work accomplished by the Subcommittee on Veterans Affairs during the First Session of the Forty-fourth Parliament under the order of reference relating to:
>
> (a) services and benefits provided to members of the Canadian Armed Forces, to veterans who have served honourably in the Canadian Armed Forces in the past, to members and former members of the Royal Canadian Mounted Police and its antecedents, and all of their families;
>
> (b) commemorative activities undertaken by the Department of Veterans Affairs Canada, to keep alive for all Canadians the memory of Canadian veterans' achievements and sacrifices; and
>
> (c) continuing implementation of the *Veterans Well-being Act*;
>
> be referred to the Standing Senate Committee on National Security, Defence and Veterans Affairs.

QUESTION PERIOD

NATIONAL DEFENCE

MILITARY PROCUREMENT

Hon. Michael L. MacDonald: Senator Moreau, the *Ottawa Citizen* and the *National Post* report that the Department of National Defence has awarded an $8.8-million contract to Colt Canada to repair faulty C19 rifles that the same company sold to the Canadian Armed Forces.

Since 2018, these rifles have reportedly been plagued with defective stocks and bolt actions that cannot withstand operational conditions, particularly in the Canadian North. After taxpayers have already spent more than $30 million to purchase them, Canadians are now being asked to pay again to fix them because the faulty parts were only covered by a negotiated one-year warranty.

Senator Moreau, as your government prepares to spend billions on defence procurement, is this the kind of responsible stewardship Canadian taxpayers can expect from the government?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you, Senator MacDonald, for reminding Canadians that we are spending unprecedented amounts to ensure the Canadian Armed Forces are well equipped.

I don't have a specific answer to the news report you mentioned. I will certainly inquire to see whether something can be brought to this chamber in order to properly answer your question.

That being said, the government is committed to ensuring the Canadian Armed Forces are well equipped and have the equipment they deserve. It's a question of sovereignty. It's a question of national security. The government is taking this question seriously.

Senator MacDonald: It's not just a matter of spending money; it's printing money.

Senator Moreau, although this contract was awarded in December, Canadians only learned about it because of an access-to-information request filed by the *Ottawa Citizen*. No public announcement was made. Canadians deserve transparency on how their tax dollars are managed. Why did the government keep this contract hidden from the Canadian public?

Senator Moreau: We're not supposed to give intention here to the other house. I find your question misleading. You don't think the Canadian government is purposely misleading Canadians.

As I mentioned, I'm not aware of that report. I'll obtain the information and get back to you.

FINANCE

FISCAL ANCHORS

Hon. Larry W. Smith: Senator Moreau, I have raised the issue of fiscal anchors with your predecessors in the chamber for years, and the record of the previous Liberal government speaks for itself. Deficits were promised at $10 billion. That promise was broken. The debt-to-GDP anchor in 2022 went up, not down. The 2023 deficit was promised at $40 billion and came in at $62 billion. Prime Minister Carney now promises to balance the operating spending with revenues by 2028-29 and to maintain a declining deficit-to-GDP ratio.

Given that previous Liberal governments have failed to maintain every self-imposed fiscal anchor over the past decade, what assurances could you provide that this time things will be different?

Hon. Pierre Moreau (Government Representative in the Senate): I previously answered your leader concerning the fiscal anchors. Thank you for reiterating that we are committed to balancing the operating budget by fiscal year 2028-29 and maintaining a declining deficit-to-GDP ratio. At this time, Canada has the lowest net debt-to-GDP ratio in the G7, and Canada has the second-lowest deficit-to-GDP ratio in the G7.

If I may go back to other data, S&P Global recently affirmed Canada's Triple-A rating, despite trade uncertainty, and they specifically pointed to our strong institutions, monetary policy, moderate government debt levels and well-diversified —

[*Translation*]

The Hon. the Speaker pro tempore: Thank you, Senator Moreau.

[*English*]

Senator Smith: Should I thank you for the answer? The interim Parliamentary Budget Officer said in November 2025 there was only a 7.5% chance the deficit-to-GDP ratio will decline every year through 2029-30, as the government has promised. He also flagged that the definition of "capital investment" is subjective and called for an independent expert body to determine what actually qualifies.

Will the government commit to that oversight in working with —

The Hon. the Speaker pro tempore: Senator Smith, thank you.

Senator Moreau: I'm sorry I didn't get the end of your question, but I understand the beginning of your question. The government is committing to deliver on what was promised, which was to balance the budget by fiscal year 2028-29. That is the word behind the commitment of the government.

We have the opportunity to have a very strong fiscal position, and I think that —

The Hon. the Speaker pro tempore: Thank you, Senator Moreau.

[*Translation*]

CANADIAN HERITAGE

FUNDING FOR SPORTS

Hon. Chantal Petitclerc: Senator Moreau, at the Milano Cortina Olympic Games, Canada had its lowest Winter Olympics medal count since 2002. For years, sports federations have been sounding the alarm. Needs are skyrocketing and costs are rising, but public funding for sport has been stagnant for over 20 years. Our success in sports is a source of pride and international exposure, but how much longer will the government leave our athletes to fend for themselves? Will it finally commit to making investments worthy of our ambitions?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for your question, Senator Petitclerc. I would like to echo the sentiments expressed by our colleagues yesterday, who recognized in your remarks how inspiring you are to all Canadians and to those who proudly represent Canada during the Paralympic Games.

Far be it from me to impose my perspective on you, but I'm sure you will agree that the success of our athletes does not depend on the number of medals they win at the Olympics. Anyone can see that the difference between a gold medal and fourth place is often a matter of thousandths of a second.

• (1430)

According to the information I have on direct funding to athletes, it has increased by 45% in recent years and it allows more athletes to train for international competitions without worrying about the cost of living. In addition, direct funding for athletes has to be itemized.

Senator Petitclerc: Thank you, Senator Moreau. Direct funding for athletes who are part of national teams has indeed increased, but what about funding for sports federations? For example, Norway's investments are geared toward enabling kids to grow up within a system, and Norway is the best in the world. Shouldn't we follow suit?

Senator Moreau: You took the words right out of my mouth. We should always be inspired by the best. The thing is, the government has to make choices. I believe that, in setting out to support high-level athletes, the government is doing exactly as you suggest. I will certainly convey your question to the minister responsible.

[*English*]

NATURAL RESOURCES

ENERGY INFRASTRUCTURE

Hon. Mary Robinson: My question is for Senator Moreau.

Prince Edward Island currently maintains four underwater cables that link our grid to the mainland. The province sources about 70% of our electricity from New Brunswick through these cables, while federal programs, like the Oil to Heat Pump Affordability program, have successfully encouraged Islanders to switch to clean energy. This shift is pushing the grid to its limits. Our cables are reaching the end of their life, with the current flow of energy restricted to roughly half of its capacity from the New Brunswick substation.

Energy security is a shared challenge requiring a shared solution. As P.E.I.'s energy consumption continues to climb, our transmission cables have proven to be a vital nation-building project and in line with the federal priority to "build Canada strong."

How does the federal government plan to support these urgent modernizations of the province's underwater transmission cables and help resolve the infrastructure bottlenecks that currently limit our supply of electricity?

Hon. Pierre Moreau (Government Representative in the Senate): I have no specific answer to that question, but in my former life, I was responsible for energy in Quebec. The Magdalen Islands have exactly the same issue as Prince Edward Island.

On a national level, I will get it to the Minister of Energy and Natural Resources to make sure that these things are taken into consideration. However, through the Major Projects Office, there is a procedure that has to be followed. I don't know whether this situation has been brought up to the Major Projects Office, but if you know that and if you have any other information, I would gladly bring it not only to the government but to that office.

Senator Robinson: Thank you.

Prince Edward Island is the only province without a commitment to a nation-building project. Senator Moreau, can Islanders expect the federal government to commit to a cost-sharing partnership for the urgent modernization of our underwater electric cables?

Senator Moreau: It seems to me that it would be very important as a national project, given the way you are describing it. As you know, there are two tranches of major projects that have been announced. The idea is to build major projects everywhere in Canada, including, of course, Prince Edward Island.

Bring me the information, and I can assure you that I will get it to the minister.

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

ARTIFICIAL INTELLIGENCE REGULATIONS

Hon. Katherine Hay: I have a question for the Government Representative.

Senator Moreau, a month ago yesterday, Canadians were shaken by the horrific tragedy in Tumbler Ridge. No doubt, all of our thoughts remain with the families and the community who continue to carry that grief, day in and day out.

In the aftermath and after learning of the perpetrator's activity in 2025 on ChatGPT that had been flagged by that system but never referred to police, Minister Solomon called Sam Altman, the CEO of OpenAI, to a meeting to explain why. That meeting revealed a troubling pattern that probably surprises no one. Powerful tech companies, many of them multi-trillion-dollar market cap companies, are building algorithms and platforms that can influence opinions and behaviours, those of young people in particular, although not exclusively. Only after sustained pressure did the company agree to raise referral thresholds —

The Hon. the Speaker pro tempore: Senator Hay, thank you.

Hon. Pierre Moreau (Government Representative in the Senate): The question is probably, "What will the government do to make sure that those things are taken into consideration?" I thought that the question was coming.

The Ministers of Public Safety, Artificial Intelligence and Digital Innovation, Justice, and Canadian Identity and Culture all met with OpenAI officials to discuss safety protocols, escalation processes and how the company operates in Canada. The government has made a number of demands, including a direct point of contact between OpenAI and the RCMP and new safety protocols that would direct people experiencing distress to local support services.

Canadians expect online platforms to have robust safety protocols and escalation, and so does the government.

Senator Hay: Thank you. I would say that accountability also needs to be with the social media companies that have it in their hands to build the right algorithms.

Canadians are looking for a national approach that helps build that trust that Minister Solomon refers to around how "technology moves at the speed of innovation, but adoption moves at the speed of trust." Can you provide an update on the timeline for that?

Senator Moreau: Thank you.

I cannot speculate on a specific timeline, but Minister Solomon will be here mid-April to attend a Committee of the Whole. It will be very good timing to ask him the question directly. I know the minister is considering all options, including the introduction of new legislation, to ensure the safety of Canadians concerning AI.

PUBLIC SAFETY

SOCIAL MEDIA

Hon. Denise Batters: Senator Moreau, this week, the Liberal government announced that TikTok is A-okay to invest in Canada again. It is likely no coincidence that this announcement comes only weeks after Prime Minister Carney met with Chinese President Xi. It must have been quite the meeting since, only a few years ago, the head of the FBI said that Beijing's Communist regime controls the TikTok algorithm and uses it for "influence operations." He also asserted that China could use this app to mine data useful for espionage. Because of the security concerns for Canada, the Liberal government banned the use of TikTok on government devices three years ago, but after Prime Minister Carney glad-handed his way through China, all of a sudden TikTok can maintain its Canadian operations.

Senator Moreau, is TikTok now allowed on Canadian government devices?

Hon. Pierre Moreau (Government Representative in the Senate): The Government of Canada has completed its national security review of TikTok Canada under the Investment Canada Act and has decided to permit the investment to proceed, subject to new legally binding conditions. These conditions align with a similar approach taken by the European Union and will better protect Canadians' data and youth. This decision will also protect Canadian jobs, ensuring that TikTok Canada maintains a physical presence in Canada with a commitment to invest in its cultural sector. TikTok Canada will support the growth of Canadian creators, artists and cultural organizations while strengthening the protection and accessibility of Canadian cultural content in both official and Indigenous languages across Canada.

Senator Batters: Your little page there didn't have the answer to my question, which was: Is TikTok now allowed on Canadian government devices?

Senator Moreau, Canadians deserve an answer to that question as it involves tens of thousands of Canadian government devices. Also, if TikTok is safe enough for use by Canadians now, why is it not safe enough for use on government devices?

Senator Moreau: You seem to create a link between TikTok and the fact that Canada, because of the Prime Minister, has a new strategic partnership with China. There is no link. Canada and China agreed to work together on trade, agriculture and energy. If you disagree with that, talk to the canola producers and those in the fisheries who are putting lobster on the market, and I think you will have a better and very strong answer.

GLOBAL AFFAIRS

HUMAN RIGHTS

Hon. Salma Ataullahjan: Senator Moreau, as the Prime Minister continues to travel internationally, deepening ties with states that have troubling human rights records, critics warn that Canada's foreign policy is becoming purely transactional, trading away its long-standing principled positions.

• (1440)

Is your government willing to admit that Canada is now treating human rights as negotiable and subordinate to economic and strategic interests?

Hon. Pierre Moreau (Government Representative in the Senate): The government remains committed to engaging with China, for instance, in a manner that is consistent with Canada's values, interests and international obligations, as the government is doing with every country that they are engaging in trade discussions with.

Those discussions are needed because, as you know very well, the U.S. has changed their trading partnership, and it's important for the Canadian government and Canadian families that Canada diversify its trading partnerships throughout the world to ensure that we can create jobs, maintain a strong economy and guarantee that we are doing what is good for Canadians. Now, that doesn't mean that we are negating our values.

Senator Ataullahjan: Senator Moreau, how does your government reconcile this shift with Canada's historic role as a global defender of human rights? I wasn't specifically talking about China. There are other countries Canada is negotiating with that have a troubling human rights record.

Particularly in light of the efforts to deepen trade and security ties with countries where civil liberties are under threat, can Canadians be assured that economic priorities will never override our moral obligations?

Senator Moreau: The short answer is yes, Senator Ataullahjan. However, let me remind you that, so far, the Prime Minister has signed 13 new strategic agreements, opening up the potential for 2.2 billion new customers for Canadian businesses, with Ecuador, Indonesia, the European Union, Germany, China, Japan and India.

[*Translation*]

ENVIRONMENT AND CLIMATE CHANGE

ENDANGERED WILDLIFE IN CANADA

Hon. Réjean Aucoin: My question is for the government representative.

The Committee on the Status of Endangered Wildlife in Canada, also known as COSEWIC, is an independent advisory panel that assesses the status of wildlife species in Canada and advises the federal government.

COSEWIC is independent in its scientific advice, but administratively and financially, it is supported primarily by the federal government, specifically Environment and Climate Change Canada.

My question refers to the auditor general's 2024 report, which noted the lack of support for the committee to complete species at risk assessments. There are currently more than 400 overdue species at risk reassessments. It is clear that some species at risk are in danger of becoming extinct.

Senator Moreau, it is my belief that the Minister of Environment and Climate Change needs to take urgent action. How does the Government of Canada intend to protect species at risk?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the question, Senator Aucoin.

I can assure you that the government is committed to protecting species at risk that are found in Canada or that migrate through our territory, in collaboration with the provinces and territories.

The government has recognized that COSEWIC funding is important and accepted the committee's recommendation to set appropriate annual targets for species status assessments, while maintaining the integrity and quality of the committee's work and the financial resources available. The Department of Environment has also committed to assisting COSEWIC in developing a risk-based approach to ensure that the species most at risk of extinction in Canada are assessed in a timely manner and that the best possible conservation outcomes are achieved.

As I understand it, the government has made a commitment to that organization and wants to ensure that it has the necessary funds to fulfill its mandate.

Senator Aucoin: Can COSEWIC expect an increase in funding so that studies on species at risk can continue?

Senator Moreau: As you know, I can't speculate on future expenditures. However, the government wants to assure the organization that the funds allocated will allow it to carry out its mandate properly. It also wants to ensure that funding is used to achieve the best possible results, particularly for more vulnerable species.

[*English*]

GLOBAL AFFAIRS

U.S.-ISRAELI ATTACK ON IRAN

Hon. Andrew Cardozo: My question is for the Government Representative in the Senate. It concerns Iran and the fallout from the conflict there. The U.S. and Israeli positions have been evolving rapidly day by day, hour by hour, as has Canada's position. Could you tell us, at this point, what our position is in terms of Canada's involvement now and going forward?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the question, Senator Cardozo. The position of the government is as follows: Canada did not participate in the recent military strikes and had no advance notice of them. The government condemns the escalation of the conflict, attacks on civilians and civilian infrastructure and the lack of consultation of international bodies.

Canada has long recognized the Islamic Republic of Iran as the principal source of instability and terror in the Middle East. The de-escalation of hostilities and the end of targeting civilians and civilian infrastructure are the government's priorities. While the government regrets having to support the U.S. strikes, they come as a result of a failure of the international order. This is not a blank cheque, and Canada reaffirms that international law binds all parties, including the United States and Israel.

PUBLIC SAFETY

ANTI-SEMITISM

Hon. Andrew Cardozo: Thank you, Senator Moreau. My supplementary question is regarding anti-Semitism, which has been growing rather dangerously for many years but has become significantly worse in the last few days since the attack on Iran. There have been shootings at two synagogues in Canada and the American consulate in Toronto. I wonder if you could share with us the government's views and plans to counter this violence and, basically, terrorism.

Hon. Pierre Moreau (Government Representative in the Senate): Thank you again for the question. First, the government is horrified by the reports of shots fired at synagogues and the U.S. Consulate General Toronto. Minister Anandasangaree stood with these communities over the weekend. Anti-Semitism has no place in Canada. No one should be afraid because of who they are or whom they worship. The government has been engaging with members of the Jewish community from coast to coast, who are rightfully worried about the rise of anti-Semitism —

The Hon. the Speaker pro tempore: Thank you, Senator Moreau.

FINANCE

FISCAL ACCOUNTABILITY

Hon. Yonah Martin (Deputy Leader of the Opposition): Government leader, your government claims to be fiscally responsible, promising $60 billion in savings over the next three years, but these so-called savings are already spent and then some. Budget 2025 still projects deficits of $78.3 billion this year, $65.4 billion next year and $63.5 billion in the following year. Why is your government misleading Canadians by claiming fiscal prudence when your own budget shows no real intention to restrain spending or to reduce debt?

Hon. Pierre Moreau (Government Representative in the Senate): It is clear that we will always disagree on the way the government is handling the budget. However, the mandate of the government is quite clear, and the government is acting according to the mandate it received to spend less and to invest more, to create jobs for Canadians, to bring affordability to all Canadian families and to ensure that Canada continues, despite the world economic situation, to have a very strong economy.

So far, in the G7, Canada is among the best with regard to many of these issues. Earlier, I answered your colleague, saying that we probably have one of the strongest economies in the G7. That is because of the current government and governments over the last 10 years. You like to refer to the last 10 years —

The Hon. the Speaker pro tempore: Thank you, Senator Moreau.

Senator Martin: Leader, the numbers just do not add up if we do basic arithmetic.

Senator Moreau, no sane person would claim to their spouse that they're improving the family's finances by finding a few savings while still overspending and adding to the family debt. So why should Canadians believe your $60 billion in savings is fiscal discipline when all your budget delivers is deficit and rising debt?

Senator Moreau: I will repeat what I said to Senator Smith earlier: It's worth noting that S&P Global recently affirmed Canada's Triple-A rating.

• (1450)

Do you know how many Triple-A ratings there are among the G7? Just two, and Canada is one of them. We have this rating despite trade uncertainty. They specifically pointed to our strong institutions, monetary policy and moderate government debt level. I think it speaks for itself.

[*Translation*]

GLOBAL AFFAIRS

OIL PRICES

Hon. Martine Hébert: Government Representative, in these very turbulent times for the Canadian economy, more challenges have come our way in the form of oil price hikes caused by the war in Iran. I know the government announced that it has looked into various measures to mitigate this war's impact, particularly on businesses and Canadian taxpayers, in terms of oil production and supply. Could you explain the government's plans to us in a little more detail? Are more direct support measures planned, including measures for companies and consumers affected by the situation?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for your question. At the moment, I don't believe that the government has decided on any precise measures. However, since Canada is a member of the G7, I know that government representatives are consulting with all G7 countries to decide what measures need to be taken worldwide, since the situation in the Strait of Hormuz affects not only Asia, but the entire planet, considering that it handles 20% of the global oil supply.

We are currently considering a few options. Options on the table involve the use of strategic reserves, but in terms of direct measures being introduced, I don't have enough information to answer your question at this time.

U.S.-ISRAELI ATTACK ON IRAN

Hon. Martine Hébert: In light of the question that my colleague, Senator Cardozo, asked you earlier about Canada's involvement in Iran, my understanding is that the government has no plans to participate militarily. However, can you tell us about the government's plans on the diplomatic and humanitarian fronts?

Hon. Pierre Moreau (Government Representative in the Senate): The Prime Minister was very clear about our military involvement. Canada has no plans to participate in the U.S.-Israeli actions against Iran. The government made a clear distinction between the regime itself and what the Iranian people are experiencing. Canada has a long-standing tradition of providing humanitarian assistance, and I know that will extend to the Iranian people, who are suffering —

The Hon. the Speaker pro tempore: Thank you, Senator Moreau.

[*English*]

VETERANS AFFAIRS

ACCESS TO BENEFITS

Hon. Krista Ross: Senator Moreau, since December, the House of Commons Standing Committee on Veterans Affairs has been conducting a study on the barriers to entrepreneurship that veterans face. In testimony to the committee two weeks ago, veterans spoke about their experiences, highlighting that some veterans who attempt to rebuild their lives through entrepreneurship may risk having their disability benefits questioned or withdrawn, even when medical professionals advise against a return to traditional employment. At the same time, while programs exist to support retraining, there appear to be far fewer supports available for veterans who choose to pursue entrepreneurship as part of their recovery and transition.

Can the government explain what safeguards are in place to ensure that veterans are not penalized for attempting to rebuild their lives through entrepreneurship?

Hon. Pierre Moreau (Government Representative in the Senate): Well, I don't have a specific answer to your question, but, in general, the position of the government concerning veterans is one of respect. I will bring your question to the attention of the minister, but I'm quite certain that the answer you will receive is that we want to make life as easy as possible for our veterans, who risked their lives defending the values of Canada.

I am, myself, from a military family, and I am sure that we can highly uphold the values of Canada and the fact that we want to recognize what those women and men have done for Canada.

I will bring your question to the minister, and I'll get back to you rapidly.

Senator Ross: The testimony of veterans at the Standing Committee on Veterans Affairs, like that of my good friend Kevin Leboeuf, highlighted that, unlike other designated businesses, veteran entrepreneurs often lack dedicated funding and support streams, including mentorship programs, despite the potential for these businesses to create jobs and restore purpose for those transitioning from service.

Is the government considering the creation of targeted programs or funding streams specifically for veteran entrepreneurs to help ensure they have equitable access to the supports needed to build sustainable businesses?

Senator Moreau: That's a very good question, and, once again, I will bring it to the minister, and I will get back to you with an answer.

I don't know if there are specific funds that are dedicated to that issue. According to that testimony, it seems quite clear that there are none, but I want to have the right answer, and I will provide it to you as soon as I can.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-12(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: third reading of Bill S-3, followed by second reading of Bill S-4, followed by third reading of Bill C-12, followed by second reading of Bill C-14, followed by all remaining items in the order that they appear on the Order Paper.

BILL TO AMEND THE WEIGHTS AND MEASURES ACT, THE ELECTRICITY AND GAS INSPECTION ACT, THE WEIGHTS AND MEASURES REGULATIONS AND THE ELECTRICITY AND GAS INSPECTION REGULATIONS

THIRD READING

Hon. Toni Varone moved third reading of Bill S-3, An Act to amend the Weights and Measures Act, the Electricity and Gas Inspection Act, the Weights and Measures Regulations and the Electricity and Gas Inspection Regulations.

He said: Honourable senators, I hope you all have your pillows ready.

I am privileged to stand before you today as the sponsor of Bill S-3, advocating for this long-overdue legislation.

Firstly, to my colleagues in the Government Representative's Office, or GRO, I thank you for the trust that you have placed in me, knowing full well that this is my first experience in sponsoring a bill.

Secondly, to my esteemed colleagues on the Standing Senate Committee on Banking, Commerce and the Economy, I extend my sincere appreciation for your thoughtful and dedicated work on Bill S-3 and dealing with it as efficiently as you have.

Bill S-3, An Act to amend the Weights and Measures Act, the Electricity and Gas Inspection Act, the Weights and Measures Regulations and the Electricity and Gas Inspection Regulations, may sound dry on the surface, but its implications resonate deeply with every Canadian. Whether you're filling your gas tank, selecting the finest grapes at the market or are bewildered by the soaring figures on your electricity bill, accurate measurement is the unsung hero of our everyday transactions. Consider it the superhero of our shopping experiences, diligently ensuring that our wallets are protected with each precise measurement and transaction.

The efficacy of our monetary system hinges not merely on the counting of pennies; it's about our confidence in those pennies being counted correctly. The precision of devices facilitating commerce directly affects the financial well-being of all Canadians, an issue close to our hearts and, more importantly, our wallets.

I commend the government for its proactive steps in renewing our trade measurement laws, a duty rooted in the Constitution Act, 1867. While these regulations have served us well, the need for modernization is paramount to keep pace with the evolving landscape of our economy.

I express my gratitude to the Minister of Industry for championing this bill, and I would also like to acknowledge the senior officials at Measurement Canada for their critical advocacy in this domain. Their leadership and extensive consultations have ensured that these amendments will be welcomed by industry and consumers alike in this rapidly shifting technological environment.

Measurement Canada is tasked with enforcing these acts nationwide. They evaluate and approve a broad spectrum of measuring devices, ranging from your traditional scales and gas pumps to cutting-edge electrical vehicle chargers.

The reality is that the trade measurement laws we currently operate under haven't kept pace with technological advancements, with the last significant overhaul occurring when cassette tapes ruled the airwaves. We are talking about a time predating the internet and the digital age that we now inhabit. The objective of this bill is to bridge that critical technology gap.

The existing legislation, relevant in its time, now finds itself outdated, excessively prescriptive and overly complex, forcing us to contend with square pegs trying to fit into round holes. Enforcement measures fail to reflect the realities of our modern marketplace, creating barriers instead of promoting compliance. It's akin to me confiscating my daughter's iPad for minor bad judgment rather than guiding her through her digital missteps.

As I reflect on Bill S-3, I want to highlight how it modernizes both the Weights and Measures Act and the Electricity and Gas Inspection Act, providing critical updates to our trade measurement framework.

• (1500)

Electricity Canada appeared as a witness at the Senate Banking Committee on February 5. They tabled two recommendations and requested consideration for them as amendments to the bill.

Notwithstanding that the committee undertook a thorough review of Bill S-3 and returned the bill to this chamber without amendments or observations, Senator Colin Deacon reflected upon the two recommendations tabled by Electricity Canada and requested that they be reviewed further, prior to the consideration of this chamber. In the interest of completeness, I agreed with Senator Deacon.

The first recommendation was to refine the definition of "meter" to prevent regulatory overreach into software, IT systems and components not integral to measurement accuracy.

I asked Measurement Canada to respond, and they did so in a very timely manner, stating that this recommendation, in the form of an amendment, would have a major impact on its ability to enforce and administer the Electricity and Gas Inspection Act, or EGIA.

Measurement Canada's mandate currently includes verifying metrologically relevant components of a meter to ensure measurement accuracy, as well as meter components that allow the results of the energy measured to be displayed to consumers and businesses. They further state that as an amendment, it would prevent Measurement Canada from verifying the accuracy of the information displayed by a meter. This would be a major change to the scope of the organization's legislative mandate and its capacity to verify measurement accuracy during trade measurement transactions. This would also have an impact on consumer protection.

However, they conceded that stakeholder concerns could be addressed by clarifying that the scope of Measurement Canada's mandate is limited by the authorities in the EGIA as defined in section 28. This could be done by posting an information bulletin on the organization's website specifying that the scope of "meter" and "apparatus" includes only what is required in order to administer the requirements of the EGIA.

The second recommendation from Electricity Canada was a request to modernize the legal units of the measurement framework to allow flexibility for future technologies through legislative review and regulation.

Measurement Canada rejected the concept of this amendment, both in terms of a revision to the act and by way of regulation.

They commented:

> Regulatory requirements for electricity and gas cannot be harmonized as they are fundamentally different types of devices. Specifically, natural gas measurement depends on pressure, temperature and composition, which is the blend of gas.
>
> Electricity measurement depends on voltage, current and power.
>
> As a result, the design, performance and measurement technology of electricity and gas meters must be evaluated and treated differently. Technologies continue to evolve in both these sectors, requiring different and separate approaches to verifications and sealing devices.

The answers from Measurement Canada were fulsome and complete, and I thank Senator Deacon for helping me obtain the answers for Electricity Canada.

Trade measurement is a touchpoint in the everyday lives of Canadians, as stated earlier. From fuelling our cars to grocery shopping and to settling our electricity bills, the legislation establishes a commitment to uphold accuracy and reliability across all our financial transactions.

The government's responsibility concerning trade measurement laws is enshrined in our foundational legal constructs. Measurement Canada's authority encompasses not just the examination of measuring devices but extends to ensuring compliance through continuous inspections and calibration of machines.

Every year, about 10,000 inspections are conducted, complemented by the certification of over 1 million devices. This mandate is paramount, especially as new and complex technologies continuously enter the marketplace.

Modernization is crucial. The current legislative framework reflects a bygone era and struggles to align with the increasingly automated, digitized and innovative marketplace. It is our duty to adapt and enhance these laws not only to safeguard consumers but to promote industry evolution and technological advancement.

Bill S-3 contains these vital legislative changes, which will ultimately lower regulatory barriers for businesses while augmenting protections for consumers. Among these amendments is the provision for temporary permissions to introduce new measurement technologies into the market without bureaucratic delay. This flexibility is essential for fostering innovation, particularly in burgeoning sectors like clean fuel measurements.

Moreover, by introducing risk-based sampling for inspections, Measurement Canada can allocate their resources more effectively, ensuring oversight where it matters most while enhancing operational efficiencies. The use of digital technologies will further streamline processes, bringing inspection services directly to Canadians, even in hard-to-reach areas.

As I conclude, I emphasize that a robust trade measurement framework is integral to a thriving economy. It nurtures a competitive marketplace and bolsters consumer confidence, which is essential for trade on an international scale. The proposed amendments will usher Canada's trade measurement practices into the digital future, ensuring that our laws remain relevant and effective.

A healthy trade measurement framework underpins a strong economy by contributing to a fair and competitive marketplace and international, business and consumer confidence. The proposed legislative amendments will bring Canada's trade measurement framework into the digital age and provide the needed flexibilities to continue to keep pace with rapidly advancing measurement technologies and evolving trade measurement practices.

Measurement Canada will leverage modern tools and approaches to better serve Canadians through the use of digital approaches and sampling to monitor device measurement accuracy and increase the timeliness of the introduction of new measurement technologies.

This bill will reduce red tape, supporting a strong economy where businesses and consumers alike can conduct their transactions with confidence and consumers get what they pay for.

Esteemed colleagues, these amendments better regulate trade measurement not just for the present but for a future that is rapidly evolving.

Thank you, *meegwetch*.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today at third reading of Bill S-3, An Act to amend the Weights and Measures Act, the Electricity and Gas Inspection Act, the Weights and Measures Regulations and the Electricity and Gas Inspection Regulations.

Let me begin by acknowledging the sponsor, Senator Varone, for steering this bill to this point and recognizing the work of my colleagues in the Senate Banking Committee, who were very diligent during the study of this bill.

As critic of this bill, I would like to state at the outset that I support its passage in its current form. My role throughout this process has been to examine the bill critically and carefully, ask questions where clarification was needed and ensure that the legislative and regulatory changes proposed meet the highest standards of fairness, transparency and accountability. At second reading, I expressed my support for the overall objectives of this bill while also highlighting areas that required careful scrutiny.

Modernizing Canada's trade measurement laws and regulations is both necessary and long overdue. Many provisions governing how measurement devices are approved, inspected and regulated have remained largely unchanged since the late 20th century. When these laws were first introduced, most measurement devices were mechanical, transactions were largely local and digital connectivity was not a defining feature of the marketplace.

Today, by contrast, measurement devices increasingly incorporate sophisticated software, automated calibration systems and remote communication capabilities. Data generated by these devices is often transmitted automatically to billing systems or regulatory databases, and supply chains have become highly interconnected.

Transactions are frequently conducted digitally across multiple jurisdictions and rely on complex systems that demand accurate and reliable measurement.

This shift toward digital measurement is particularly significant. Modern devices are no longer passive instruments; they are active, networked systems capable of generating, processing and transmitting data automatically. While this creates opportunities for efficiency, it also requires that regulators have the tools and authority to verify compliance in digital environments. Bill S-3 responds directly to this need by updating the legal and regulatory framework while maintaining the core principles of accuracy, fairness and transparency.

Honourable colleagues, trade measurement affects Canadians in countless everyday transactions. When Canadians fill their vehicles with fuel, purchase groceries by weight or receive their electricity and gas bills, measurement devices determine how much they are charged. A litre of gasoline must truly be a litre. A kilogram must accurately represent the weight of the product purchased. A kilowatt-hour must correspond to the electricity that was actually consumed.

• (1510)

These devices operate quietly in the background yet form the foundation of fairness in our marketplace. When they function properly, Canadians rarely think about them, but when they fail, the consequences are immediate and tangible. Inaccurate meters or outdated regulatory provisions can undermine consumer confidence, distort competition and create inefficiencies across entire sectors of the economy. Modernizing these laws is, therefore, not merely a technical exercise; it is essential to maintain trust in Canada's economic infrastructure.

Beyond individual transactions, accurate measurement underpins the functioning of entire industries. Energy, agriculture, manufacturing and transportation all rely on precise measurements to determine pricing, monitor production and ensure fairness. Even small inaccuracies, when multiplied across thousands or millions of transactions, can have substantial economic consequences.

Canada's regulatory system for trade measurement is overseen primarily by Measurement Canada. The agency is responsible for the approval, verification and inspection of devices used in commerce. Bill S-3 ensures that the laws supporting this oversight remain effective in an era of digital devices, networked systems and complex data flows.

Honourable senators, since second reading, Bill S-3 has been referred to the Standing Senate Committee on Banking, Commerce and the Economy for detailed examination. Committee members engaged with government officials and stakeholders on inspection powers, regulatory flexibility and safeguards around exemption authorities. The committee's study examined how proposed authorities would function in practice and how they interact with existing regulatory structures, underscoring the vital role committees play in reviewing technical legislation like Bill S-3.

At second reading, I raised questions about the modernization of inspection authorities, concerned that new powers would need clear limits and safeguards. At committee, officials explained that Bill S-3 updates inspectors' powers so they can oversee modern digital measurement systems, including examining electronic records, accessing computer systems and, in some cases, conducting remote inspections. These powers are consistent with other federal regulatory frameworks, and safeguards remain in place. Inspectors cannot enter private dwellings without consent or a warrant, and all activities are protected under the Charter.

I also highlighted questions regarding the modernization of regulatory authorities under the Electricity and Gas Inspection Act. Committee testimony confirmed that new provisions allowing the President of Measurement Canada to suspend or revoke certificates and exempt contractors or classes of contractors under defined conditions are exercised with procedural fairness. Affected parties receive notice and an opportunity to respond before decisions are finalized, addressing my concerns about transparency and fairness.

Another issue I raised involved flexibility in the approval and use of measurement devices. Committee testimony clarified that temporary permissions allow regulators to observe new technologies in practical settings while maintaining oversight and safeguarding accuracy. I emphasized that while flexibility can encourage innovation, it must also preserve the accuracy and reliability that consumers depend upon. Exemption authorities provide risk-based flexibility, allowing regulators to tailor requirements where activities pose lower risks while protecting consumers and ensuring fairness. These explanations addressed my questions about balancing innovation and reliable measurement.

The bill also requires legislative review every 10 years, ensuring the laws remain responsive to technological advances and evolving business practices.

Honourable senators, Canada's system of weights and measures may not make headlines, but it underpins commerce, protects consumers and supports fair competition. Bill S-3 modernizes this system, updates oversight tools and maintains strong safeguards. Having reviewed the bill and committee testimony, again, I'm satisfied it strikes the right balance between modernization, accountability and consumer protection.

For all of these reasons, I support the passage of Bill S-3 at third reading and encourage all honourable colleagues to do the same. Thank you.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

ENERGY EFFICIENCY ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Wilson, seconded by the Honourable Senator Gerba, for the second reading of Bill S-4, An Act to amend the Energy Efficiency Act.

Hon. David M. Wells: Honourable senators, today I rise to speak to Bill S-4, An Act to amend the Energy Efficiency Act.

This bill seeks to update the federal framework governing certain energy-using products and systems, including through standards and labelling requirements, and to provide the government with more modern tools to verify compliance and enforce the rules.

That objective, on its own, seems non-controversial and straightforward. But if you look more closely at the text of the bill, it becomes clear that this legislation goes well beyond a simple technical update. The bill does three things.

First, it significantly expands government regulations. Second, it expands who may be included in those regulations, notably through the addition of the category of "commercial entity." Third, it enlarges the enforcement toolkit by modernizing the inspection regime and adding corrective orders, higher penalties and administrative monetary penalties.

That is the stated intent of the bill. The question is this: Does this bill achieve its objectives only at the cost of adding more red tape, penalizing small businesses and granting the minister overly broad discretionary powers? That is a question for the committee to address, and later the Senate, but let me provide some food for thought, beginning with the scope.

Bill S-4 broadens the meaning of "energy efficiency standards" beyond the traditional notion of measuring energy consumption to include what the bill explicitly calls the ". . . responsible use of energy." That opens the door to regulatory requirements and establishing standards related to durability, design, interoperability, systems integration and even the type of energy used.

Honourable senators, I don't have an issue with standards. I have an issue where they are not clear. When a regulatory framework becomes so broad that the regulated parties can no longer easily understand its limits, uncertainty becomes the rule rather than the exception. That uncertainty carries real costs — compliance costs, legal costs and, ultimately, higher costs to consumers, the direct opposite of the bill's stated intentions. A modern regulatory framework should provide clarity. Bill S-4 risks doing the opposite.

The second concern I have is that the act widens the net to include a broader spectrum of actors beyond those covered in the original act. Historically, the Energy Efficiency Act focused only on suppliers, those who manufacture, import or sell products and, therefore, control design, labelling and performance claims.

Bill S-4 introduces a new category called "commercial entity," meaning a business that uses energy-using products for commercial purposes. In practice, this could affect a wide range of actors, such as small- and medium-sized enterprise retailers, distributors, building managers and other links in the supply chain. Many of these businesses will not have been involved in the design of the product, have no control over the label and rely on information provided by manufacturers or importers. In fact, colleagues, in many cases, this is equipment that's already resident, paid for and capitalized on in a business.

• (1520)

Is it reasonable, then, to extend compliance obligations and sanction risks onto actors who do not have control over any of these links in the supply chain? Experience tells us that this type of expansion tends to penalize smaller players first — those without compliance departments, in-house counsel or the ability to absorb regulatory shock.

Bill S-4 also significantly expands inspection and verification powers. The bill explicitly authorizes requests for data, documents, test results and even access to digital modelling and simulation tools. It introduces remote inspections as a standard compliance tool — all in the name of modernization, which is fine. The problem is the absence of clear safeguards for the user.

How will trade secrets and intellectual property be protected, particularly where information sharing with foreign governments or organizations is authorized? How will cybersecurity risks be managed when remote access and digital systems are involved?

Modernizing regulations should not mean expanding authority without limits. Parliament has a responsibility to ensure that proportionality and protection of sensitive information are built into the framework itself.

I also have serious questions about enforcement.

First, the bill broadens inspection powers by shifting from a pure compliance-control model to a prevention-of-non-compliance model. Inspectors may intervene where they have reasonable grounds to believe that regulated activities are occurring on the premises or that relevant products or documents are present. This more proactive approach may increase the frequency of inspections. For small businesses, that means a greater administrative burden, increased uncertainty and operational risk.

Second, Bill S-4 introduces corrective orders. A corrective order may require a business to immediately stop importing, shipping, selling or advertising a product. The economic consequences of such an order would be catastrophic, in particular, colleagues, for small- and medium-sized enterprises.

At the same time, the bill substantially increases criminal penalties and introduces an administrative monetary penalty regime. These, colleagues, as I mentioned earlier, will apply to companies that have little or no control over the product manufacture, development or labelling.

This, in turn, raises the question of fairness. If a business disputes the interpretation of a requirement, will it have enough time and opportunity to make its case before the economic damage becomes irreversible? Further, this would make it even more difficult to attract or retain investors due to the uncertainty created by government intrusion into areas where the business may have no control.

When you add to this the power to publish names or descriptions to "encourage" compliance — that's in the amended legislation, colleagues — without clear thresholds and fair process, this becomes a tool of reputational pressure, which can be particularly damaging for small- and medium-sized enterprises that cannot easily absorb what could turn out to be entirely undeserved reputational damage.

These are not just theoretical concerns. Energy policy is not abstract for Newfoundland and Labrador, the province that I represent, or for Canada for that matter. It affects remote communities, industrial employers, offshore supply chains and the basic cost of keeping the lights on in a harsh climate.

Newfoundland and Labrador depends on long and complex supply chains, Newfoundland being an island, and Labrador being remote. Supply chain integrity often guides our way of work and our way of life. Energy-using equipment is often imported, shipped interprovincially and installed by operators who do not manufacture or design the products they rely on. When compliance obligations and enforcement risks are expanded without clear lines of responsibility, regions like mine — and other parts of Canada; it's a large and primarily rural country — feel the effects first.

Few operators and service providers in Canada have in-house compliance teams. They depend on predictability, clarity and reasonable timelines and cost of goods. Sudden corrective orders, discretionary enforcement tools and escalating penalties can discourage investment and delay efficiency upgrades rather than accelerate them.

There is also a regional equity dimension. Remote and northern communities have fewer choices, longer replacement cycles and higher costs. A framework that is too rigid or too discretionary — which is what this is — risks limiting their access to appropriate technologies rather than encouraging their adoption. Energy-efficiency policy should work with regional realities, not against them.

Bill S-4 also creates a new exemption regime, granted by ministerial fiat. There are two streams to this: first, exemptions of up to six months where the minister considers immediate action necessary, such as to harmonize a rule, correct an error or respond to exceptional circumstances; and, second, so-called pilot project exemptions that may last up to three years and be extended to a maximum of six years to test a product, a process or even a regulatory approach.

On paper, this is presented as a tool to promote innovation. Used carefully, it could indeed help businesses test new technologies without being hampered by outdated rules.

My concern is competitive fairness. When the government can grant targeted exemptions to one business, a category of businesses or certain products, it effectively creates parallel regimes: those who must comply immediately and those who benefit from reduced requirements. That can create competitive advantages for some, disadvantages for others and uncertainty in the market as a whole. And without a doubt, it will require additional costs that will be passed on to the already-suffering consumer.

If we want to avoid arbitrariness, we need guardrails. The question is how to ensure that exemptions do not become permanent carve-outs in disguise.

This section also, in spirit at least, clashes with the enforcement regime that I mentioned earlier, which can create a chilling effect for businesses where, in this section, the minister intends to light a fire under them to "encourage" them. It is an odd juxtaposition in the same bill.

Finally, there is a smaller but important change to reporting requirements that deserves attention. Bill S-4 removes references to U.S. states in the standards comparison reported to Parliament. That matters because reporting is not a communications exercise. It is a tool that allows Parliament to understand where Canada truly stands.

U.S. states vary widely in their approaches. Including them in the reporting requirements provided a more accurate picture of what is happening on the ground. Removing them reduces the quality and credibility of the comparison. The fewer reference points Parliament receives, the easier it becomes to tell a selective story. Transparency and accuracy are strengthened by more comparisons, not fewer. So why remove comparators that make reporting more informative?

Honourable senators, Bill S-4 contains objectives that are understandable, but it also raises serious concerns.

The committee, when this bill is referred to it, should therefore review it with one central question in mind: Can the government achieve its objectives without adding red tape, without threatening the real viability of small businesses and, finally, with safeguards that ensure proportionality, predictability and procedural fairness?

That is the test this legislation must meet.

Thank you.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Wilson, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.)

[*Translation*]

STRENGTHENING CANADA'S IMMIGRATION SYSTEM AND BORDERS BILL

THIRD READING—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Dean, seconded by the Honourable Senator Boehm, for the third reading of Bill C-12, An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures, as amended.

Hon. Suze Youance: Honourable senators, I rise today to take part in the final stage of consideration of Bill C-12, An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures.

I would like to thank all the senators who participated in the debates and committee studies, both at the Social Affairs Committee and the National Security and Defence Committee.

I recognize that sponsoring this bill was no small feat, so I want to thank our honourable colleague, Senator Dean, for his active listening. My office has been swamped with telephone calls and over 1,000 emails from members of the Canadian public about the unintended consequences of Bill C-12. More than 300 organizations across Canada have spoken out against the amendments proposed by Bill C-12, which they believe flout the rights protected under the Canadian Charter of Rights and Freedoms and stand in stark contrast to Canada's international obligations, including the 1951 Convention Relating to the Status of Refugees. Incidentally, I sent you a summary table prepared by the Library of Parliament showing amendments proposed in committee by some organizations.

• (1530)

I rise today to speak to a fundamental issue related to Bill C-12. While its objectives are legitimate, some of the bill's provisions could have serious and unintended consequences for one particularly vulnerable group. This group consists of people who entered Canada as minors and, after reaching adulthood, wish to claim asylum.

Clause 73 of the bill provides that the date of first entry into Canada may be used to determine future eligibility for asylum. However, we must recognize the simple and indisputable reality that a child has neither the legal capacity, nor the autonomy, nor even the necessary understanding to consent to a migration decision. A child does not choose to enter Canada. A child does not choose the circumstances of entry into Canada. A child certainly cannot foresee that a decision made by a parent or guardian may, years later, prevent them from applying for international protection.

Our colleague, Senator Julie Miville-Dechêne, pointed out that it would be absurd for someone who visited Canada with their parents as a baby in 2020 to be barred from seeking asylum here 20 years later, even if they are now being persecuted for being a human rights activist in their home country.

Preventing an adult from seeking asylum on the basis of an entry made as a child is tantamount to imposing a penalty for an act they did not commit. It goes against the fundamental principles of Canadian law, which has long recognized that minors cannot be held responsible for decisions made by the adults who are responsible for them.

It also goes against our international commitments, in particular the Convention on the Rights of the Child, which requires that the best interests of the child be a primary consideration in all decisions concerning them.

On a humanitarian level, the consequences would be severe. We risk creating situations where a person fleeing persecution, violence or trafficking would be denied access to the asylum system simply because they were brought to Canada when they had no control over the situation.

This is not in keeping with Canadian values. This is not in keeping with our tradition of protecting vulnerable people. It is certainly not in keeping with the spirit of a fair and humane immigration system.

During the committee study, we received a letter from the ministers sponsoring Bill C-12 outlining the exemptions provided for under the new eligibility criteria for asylum in Canada. One of these exemptions will apply to unaccompanied minors. The letter reads, in part, as follows:

> Given their lack of legal guardianship upon entry or during the first year after their first entry to Canada, these individuals should not be subject to the new ineligibilities.

This exclusion, which protects unaccompanied minors, is laudable, but it does not protect minors who enter Canada for all sorts of reasons and who, let me repeat, once they reach adulthood, would automatically fall under the new ineligibility criteria introduced in Bill C-12.

In summary, Part 8 of Bill C-12 amends the Immigration and Refugee Protection Act to add two new grounds of inadmissibility for claims for refugee protection, including those related to first entry into Canada.

It requires officers to stop processing applications deemed inadmissible. It includes a transitional provision relating to the retroactive application of these new grounds to the date of introduction of Bill C-2, June 3, 2025. This retroactivity concerns me as it could be very detrimental to children born before that cut-off date.

Honourable senators, the amendment I'm proposing is simple, clear and easy to apply. It provides that the date of a claimant's initial entry into Canada cannot be used to deny a refugee claim if the claimant was a minor prior to June 3, 2025. This amendment doesn't compromise Bill C-12's security objectives. On the contrary, it strengthens them by ensuring that the measures introduced are free from any unfair or disproportionate effects. It guarantees minors real and lasting protection.

By adopting this amendment, we're also sending a clear message that strengthening border security must never come at the cost of children's fundamental rights. We can protect the integrity of our immigration system while still upholding the principles of justice, consistency and humanity that define Canada. This amendment has the support of many organizations, including the Women's Legal Education & Action Fund, The Refugee Centre, and Migrant Rights.

MOTION IN AMENDMENT NEGATIVED

Hon. Suze Youance: Therefore, honourable senators, in amendment, I move:

> That Bill C-12, as amended, be not now read a third time, but that it be further amended in clause 73, on page 34, by adding the following after line 14:
>
> "**(1.01)** Despite paragraphs (1)(b.1) and (b.2), a claim is not ineligible if the claimant
>
> **(a)** was under 18 years of age on the day of their entry, and
>
> **(b)** will become 18 years of age at any time before June 2, 2043.".

Colleagues, I urge you to support my amendment in order to prevent harm to children.

Thank you.

The Hon. the Speaker pro tempore: Resuming debate.

Hon. Paula Simons: Honourable senators, I thank our colleague, Senator Youance.

[*English*]

One of the things I find appealing about this amendment is that it speaks to one of the things that I think has caused the greatest unease within this bill, which is the creation of a one-year cut-off to claim refugee status. Now, we can imagine all kinds of situations where asking someone to claim within a year could prove to be an extraordinary burden.

Perhaps, for example, they simply arrived in the country with their lives turned upside down by having to flee their homeland and without the wherewithal to find legal counsel and file all the necessary paperwork. That's one kind of example.

Another kind of example might be someone who has come to this country as a student with no intention of making a refugee claim, only to realize once they've arrived that this is a country where they can freely express their queer identity. Having come out as gay, it may not be safe to return to their home country because of Draconian anti-gay laws in that nation. They might have missed the one-year deadline because that epiphany may have taken longer than a year.

You can imagine another scenario whereby someone has arrived here as a temporary foreign worker or on a domestic live-in-caregiver visa only to find that the country they've left behind, which was in relative peace when they departed, has now entered into civil war or some kind of strife, and perhaps they're a member of a minority group who would now be in danger if they went back there.

So we can imagine all kinds of situations where a one-year cut-off is problematic. The government has told us not to worry, that a pre-removal risk assessment will be done, and if you have come from a really bad situation, you'll still be safe.

• (1540)

Nonetheless, that one-year cut-off has created a lot of concern from civil society groups and refugee groups across the country. This is one of two amendments that will be proposed this week that attempt to ameliorate some of the effects of that one-year cut-off. We will hear another amendment from Senator Coyle tomorrow, I believe.

This one is a very narrow amendment that deals with a very particular kind of circumstance in which somebody has made their first entry to this country as a minor and is, therefore, precluded from making a subsequent refugee claim because the clock on that one-year cut-off started ticking while they were still a child and, obviously, ill-equipped to make a refugee claim.

Now, the kind of example that I think both Senator Miville-Dechêne and Senator Youance have talked about is this: Imagine you came to this country as a toddler, because your parents were doing graduate work here, and then went home; now 20 years have passed, and you want to make a claim, but you're stuck because you had this previous entry.

You can imagine situations too where somebody is trafficked into sexual slavery here as a young girl, manages to break free and is now unable to file a refugee claim because they were brought here against their will as a minor.

Imagine a situation where you've come with parents who may have had a good-faith refugee claim that they failed to make, and now you're precluded from making one.

Although this amendment only helps a very small subset of people who might be disadvantaged by that one-year cut-off, I think it signifies special care for those who are or were under the age of 18.

One of the things I really appreciated about the way Senator Youance has structured this amendment is that it doesn't work if you're a 32-year-old person who has been charged with a crime in Vancouver, if you've been charged with extortion and you say, "Oh, wait a minute. I came here as a child and now I want to claim refugee status." So this isn't a get-out-of-jail-free card for those people. This law specifically is for those who are under 18 today. My office did the math because I thought, "That can't be 18 years; that's the 2040s." But it is.

I invite those of us in the chamber who are concerned about the accidental effects of that one-year cut-off and what it might mean for people who really have a good-faith claim to refugee status, not people who are gaming the system, cheating or making up a bogus refugee claim because their student visa ran out or they don't want to go back to a situation of economic uncertainty in their homeland. I think we have to make an allowance for the fact that sometimes somebody under the age of 18 may be caught up in a system that they are completely unequipped to understand. We need to have this little carve-out for the most vulnerable who might make a refugee claim to come to us, to the safety of Canada.

[*Translation*]

The Hon. the Speaker pro tempore: Senator Carignan, do you want to ask a question?

Hon. Claude Carignan: I was going to ask Senator Youance a question. I thought Senator Simons was going to ask Senator Youance a question, but she gave a speech. Given that she supports the amendment and seems to have made up her mind, I'll ask her my question.

Senator Simons: I can try, but it's not my amendment.

Senator Carignan: You support it so passionately that I'm sure you'll be able to answer my question.

Why paragraph (b)?

I understand the intention of not penalizing a child under the age of 18 who has already entered Canada once and who subsequently returns by denying them refugee status, because they had already come once when they weren't necessarily even aware that they had entered Canada, but I don't understand paragraph (b).

Senator Simons: That's a good question.

[*English*]

Obviously, this is not my amendment. But I think the intention there is to make sure that somebody can't say, "I'm 50. I'm making a refugee claim. I came here as a 17-year-old, so I should get a get-out-of-jail-free card."

I'm afraid I can't answer for Senator Youance, but that was my interpretation of it.

Hon. Tony Dean: Thank you, Senator Youance.

Thank you, Senator Simons and, indeed, others, for helping to illustrate the large number of frailties that arise when minors are caught up in this complex system.

Two or three times today, I'm not going to speak to my own views on the amendments that we're going to hear but to offer what are necessarily late-breaking observations from the government, because we're all in a position where we're responsive to late-breaking amendments or amendments that have been changed, tweaked and improved.

I'm going to pass along some commentary that I've received from the officials and specialists that I've been working with over the past weeks. The first set of comments is for Senator Youance, of course, because this is what we're talking about right now.

Regarding the under-18s, I have a few very brief comments.

Minors are usually under the responsibility of parents in making or not making a claim. There are different approaches with a family where there is a risk of separation if ineligible families receive decisions more quickly than others.

An age-based approach would be better set out — this is the bottom line — in regulations rather than in the act. I think that, Senator Youance, you've probably heard this advice already.

Regulations allow for flexibility in the approach and would better allow for unintended consequences to be mitigated, the worst of which would be to see families separated. That, of course, is the worst outcome of all and one that we would want to avoid.

The minister and department are thinking about these issues. They're working on them. Regulations, of course, can't be released before a bill is passed. They need to be gazetted, but I have been told that will happen fairly quickly after Royal Assent.

Those are comments in relation to Senator Youance's proposed amendment, colleagues.

Hon. Yonah Martin (Deputy Leader of the Opposition): Senator Dean, will you take a question?

Senator Dean: I will.

Senator Martin: I think Senator Dhillon raised the issue of these cases of extortion that are happening in B.C. There currently is a loophole for some of these individuals who are now being investigated by the Canada Border Services Agency, CBSA, or even ordered to be removed; they're claiming asylum in order to prevent the deportation.

It's my understanding that this one-year rule is a central provision of Bill C-12, which would bar individuals from filing a refugee claim if they have been in Canada for more than one year.

It's my understanding that many of them have been in Canada longer, since many extortion suspects are foreign nationals whose original student or work visas have already expired.

Isn't this a very important provision for this bill?

Senator Dean: It is, senator. I think you're probably speaking to an amendment yet to come, but you've done it really eloquently.

Senator Martin: Yes.

Senator Dean: In fact, you now get to do it twice.

Hon. Rebecca Patterson: Senator Dean, will you take a question? Thank you.

I also notice in the amendments to the act that under Part 6 there is a paragraph on representation, which is 6.1. We know within this act it talks about ministerial powers, in particular, to support vulnerable populations:

> 6.1 (1) The Minister must, in the prescribed circumstances, designate a person to represent a person who is the subject of a prescribed proceeding or application if the person who is the subject of the proceeding or application is under 18 years of age or is unable, in the opinion of the Minister, to appreciate the nature of the proceeding or application. That obligation does not apply in respect of a proceeding before a Division of the Board.

• (1550)

With that, I think this is a critical point about minor children. We know that minor children can be alone and not have their parents with them.

Since we've talked about the regulations articulating this more, could the protection of these minors while they're still under the age of 19 be captured in a paragraph such as an obligatory representation in the process? I realize it's only one of the situations that has been mentioned. Thank you.

Senator Dean: Thank you. Yes, I understand that the provision you're talking about indeed applies to either stranded minors who are separated from their parents or minors who, on their own part at age 16, decided to take a trip and decided to stay. They would be considered as minors for all the provisions of the legislation, and this would ensure that the support they need for whatever process they are going through would be provided to them.

Hon. Marilou McPhedran: My question is short.

Would you take my question, Senator Dean?

Senator Dean: Yes, of course.

Senator McPhedran: Thank you. I want to recognize your long years of service in government at the highest ranks of civil service in Ontario. Therefore, I think I'm quite safe in assuming that you were involved many times in the creation of regulations that had been promised in bills. Would I be correct in assuming that before I pose my question?

Senator Dean: You most certainly would. Please continue.

Senator McPhedran: Thank you. In your long experience, was there ever a time when regulations were promised to accomplish something and either the regulations never happened or the regulations did not, in fact, sufficiently meet the promised goal that was raised at the time of the act?

Senator Dean: My experience is that in some cases, regulations were promised. Sometimes they were promised and varied but were not completely in concert with what people were hoping for or expecting, and, in some cases, they weren't delivered at all.

In this case, when there is a spotlight on an issue such as the vulnerability of children in our immigration and asylum system, I am — as an individual and as a senator — prepared to accept the minister at her word when she says she will deliver such regulations.

Thank you for the question.

Senator McPhedran: Would you accept a supplementary question from me, Senator Dean?

Senator Dean: I would, yes.

Senator McPhedran: Thank you very much.

Thank you for that answer. I think it's a very helpful exposition of the range of possibilities that occur around regulations. In the almost 10 years that you and I have been in this chamber, I want to point out that there have been numerous times when regulations that were promised either did not meet the promise or did not happen at all. I would also point out this: Is reliance on a particular minister not highly problematic? We see changes in cabinet all the time, and we see new ministers coming in and not being bound by the promises of another minister who made those promises.

As I'm sure you paid close attention to its journey through this chamber, I would cite the Canada Disability Benefit Act as a particular example, given the way in which regulations have either not happened at all or when they have happened, they have been a massive disappointment to those who rely on the regulations to give them something that they desperately need.

May I frame my supplementary question this way: Do you think it is possible that in this bill, with the promised regulations, there could be a possible scenario where either those regulations don't happen as promised or they do not meet the goal promised?

Senator Dean: That's a theoretical question, and I'll give you a theoretical answer. I theorize that in this particular circumstance, I have confidence that these regulations will emerge, given what I've been told and what has been committed to me. Without them, there will be a considerable spotlight on the minister and the government by virtue of the vulnerability of the subjects of the regulations. I believe that they will emerge, Senator McPhedran.

While on my feet, let me return the compliment and say thank you for those kind words about my career. I would also like to recognize your long and storied career that goes all the way back to the roots of a particular march that occurred recently. You are well known for that, and your reputation is widely known and admired. I'm glad to be able to say that to you.

Hon. Denise Batters: Senator Dean, I was out of the chamber very briefly during this whole amendment speech, but I did hear your brief remarks. I think what you're saying is that you think regulations will be sufficient, and the amendment is, therefore, not necessarily needed. Given you're the government sponsor of this bill and we haven't heard a speech from any government representative, we have to find out from you: Does the government support or oppose this amendment? Usually we hear a clearer indication of that. I'll let you answer that first, and then I have a supplementary question.

Senator Dean: I believe that regulations are being developed and will see the light of day very quickly after Royal Assent if, indeed, the bill is passed.

Tell me the second part of your question again.

Senator Batters: Does the government support or oppose this amendment?

Senator Dean: How could I have forgotten that?

It is my view, given what I've heard, that the government is not supportive of the amendment. I've tried to separate out my tone of neutrality in these matters from that of the government, but since you've asked the question, I discern that the government would have a preference for the regulatory approach as opposed to the legislative approach.

Hon. Flordeliz (Gigi) Osler: Would Senator Dean take another question?

Senator Dean: Of course I would, yes.

Senator Osler: Thank you, Senator Dean. At clause-by-clause consideration of Bill C-12 at the Standing Senate Committee on National Security, Defence and Veterans Affairs, I note that Senator Youance presented a very similar amendment that was narrowly defeated by one vote. This is slightly different from that amendment with the addition of:

> **(b)** will become 18 years of age at any time before June 2, 2043.

As the sponsor of the bill, could you provide your commentary on that nuance and that addition to this amendment? In particular, given that it was narrowly defeated at the Standing Senate Committee on National Security, Defence and Veterans Affairs, do you have any commentary on that addition here?

Senator Dean: Thank you for the question. I can tell you that the addition of that date has been seen as problematic. It appears to not have a healing impact or to embellish it, but it seems to raise a further complication.

Hon. Yuen Pau Woo: Colleagues, very briefly, I would like to add my voice in support of Senator Youance's amendment. It's particularly timely, given that we adopted Bill S-212 yesterday, and Senator Moodie gave a stirring speech on the rights of children and the need for Canada to have a national strategy for children and youth. In her speech, she cited a number of international obligations that we have, including the UN Convention on the Rights of the Child. By adopting Senator Youance's amendment, we would be reinforcing our commitment to those fundamental rights and ensuring that children are not unfairly penalized because their parents or guardians happened to bring them to this country as minors, thereby starting the clock at that time.

• (1600)

Let me take the opportunity also to say that Senator Youance's amendment is one of six amendments. I think you have received all of them now. All of them will be tabled over the course of today and tomorrow. They are, I should stress, complementary amendments. They have been worked on together by this group. There is no contradiction among them. They are all worthy of consideration, and passing one or two should not preclude adopting the other amendments to follow.

Also, all of these amendments, to foreshadow the amendment that Senator Martin has also foreshadowed — and I know Senator Coyle will be able to answer it just as well — the one-year, two-year or three-year cut-off, whatever it may be, has nothing to do with the extortion problem. I think we clarified that yesterday with Senator Dhillon. The relevant clauses that do deal with extortion are clauses 43, 44 and 47. We're not touching those. I support those clauses. We need those clauses to make sure that the minister has some sort of discretion to make ineligible anyone who has been charged with serious criminal offences.

Finally, I would just like to touch on the question of regulations versus legislation. My reading of Senator Dean's exposition is that the government is very sympathetic to the challenge facing minors and the injustice that they might experience if this one-year clock or this first entry is applied to them, which, of course, begs the question as to why we would not put it into the bill.

Now, perhaps — and I think his last answer hinted at the problem he has raised — there is a nuance or finessing that the government has, which it will put into regulations, and we, of course, hope that will happen. We have no reason to doubt that the minister has good intentions to make that happen.

Let me just say that we often talk about this problem here, about how we're leaving everything to regulation. Sometimes it's appropriate. Sometimes it's not. But I want to point out that, in this bill, the regulations are not subject to the Statutory Instruments Act, which is the act that governs the Standing Joint Committee for the Scrutiny of Regulations, of which I happen to be the joint chair.

We have the power to look at regulations, pursuant to laws that we pass, to see if those regulations are consonant with the law. As I understand it, this bill, along with, as you may remember, Bill C-5, exempted this bill from scrutiny under the Scrutiny of Regulations Committee.

So, of course, there will be other ways in which one could challenge the regulations, but Parliament's ability through the Scrutiny of Regulations Committee will have been curbed. That's another reason, perhaps, to give more weight to a legislative solution rather than a regulatory one. I hope you will support Senator Youance's amendment. Thank you.

The Hon. the Speaker pro tempore: Senator Senior, do you have a question?

Hon. Paulette Senior: Yes, thank you. We ran out of time when Senator Dean was speaking, but I'm curious about his response to the last question, so maybe I'll pose it to you, Senator Woo. It pertains to the whole issue of the date, part (b). I'm really struck by the response that part (b) is what creates the problem, and I had heard unqualified rumours by the government that this was possibly going to see the light of day. I am a little perplexed by that response around the date because it was trying to respect the bill, but also put some parameters around the dates starting from June 3, 2025. Do you have a response that you can offer?

Senator Woo: This is a curious situation where I'm answering on behalf of the sponsor, who is answering on behalf of the minister. You know how "telephone tag" works: The answer is never reliable. I can only explain what Senator Simons has already explained, which is also an interpretation of what Senator Youance may be thinking. It is that any child who is brought into the country between now and 2043, as a child, should not have the clock start on that first visit.

Now, I can't think of a scenario where somebody deliberately games it. There would have to be some pretty diabolical scheming to game that situation, so I'm not sure what the government's resistance to part (b) is.

[*Translation*]

Hon. Marilou McPhedran: Honourable senators, I want to thank Senator Youance for her concise and comprehensive amendment to this egregious bill, which is deemed to negatively affect tens of thousands of people, especially young people.

[*English*]

Regarding the promise for unaccompanied minors that we have heard here, it's important for all of us to remember that most children cross with their parents, so very few children can be supported through the government approach that is being promoted here. The excellent amendment from Senator Youance is the way to actually protect young people and children.

The Convention on the Rights of the Child, or CRC, has been mentioned by numerous speakers. It is a virtually universal reference and instrument, as it is the most ratified treaty in history, with 193 states parties. To be truly effectual, the convention depends on effective application, especially in domestic law, but full implementation of the CRC by all states parties is still problematic, less so in Canada than in some other countries.

In principle, every state party is responsible for acting on its international commitments and its international obligations and may not rely on the provisions of its own domestic law to avoid the obligations it has assumed under the treaty.

While the Convention on the Rights of the Child has not been incorporated into Canadian laws, this convention was, in fact, cited five times in the Supreme Court of Canada between 1993 and 1996, but up to that point, it had not really had much effect.

Then came 1999. The Supreme Court judge — only the second woman ever to be appointed to the Supreme Court — Madam Justice Claire L'Heureux-Dubé, sometimes known as "the great dissenter," wrote an opinion in the *Baker* case in 1999, and that put the Convention on the Rights of the Child through the door of the Supreme Court of Canada in allowing references to the convention in a contextual approach to statutory construction and in judicial review proceedings.

For those of you interested in how the law operates, it is a pretty big deal to have this happen, and it was entirely based on a child-centred analysis by a woman judge.

Since then, there have been several other decisions of the highest court that have addressed the question of the Convention on the Rights of the Child and expressed some openness to continue using it for interpretive purposes, not only with regard to the Canadian Charter of Rights and Freedoms, but also for ordinary statutes, in particular, youth protection.

• (1610)

In speaking in favour of this amendment, I thought it might be helpful to remind this chamber of what the Convention on the Rights of the Child actually says and does and to implore every one of you to think about our obligations to the children of this nation, today and to come.

Thank you very much. *Meegwetch*.

[*Translation*]

Hon. Pierre J. Dalphond: Honourable senators, I will be brief. I noted the reference made to the amendment proposed by Senator Youance at the Standing Senate Committee on National Finance. The initial version of the bill aimed to allow a child accompanying its parents prior to the legislation's implementation to subsequently file a claim unfettered by the one-year limit following entry into Canada. This would have allowed a child who grew up and reached 50 years of age to enter Canada and claim refugee status by saying, "My parents came here 50 or 70 years ago," or 72 years ago if that person was my age.

I understand the logic behind saying that young children, generally speaking, don't enter Canada without their parents when they come here for the first time. A very strict interpretation of "entered for the first time" could include those people who may have entered, unknowingly and not of their own volition, at the age of six months, a year or two years, as part of a family that was moving to Canada.

I don't really know how we should interpret "first entry into Canada." If it means a person entered for the first time unawares, or came to the country for medical care travelling aboard a medical aircraft not knowing they were going to land in Canada, or came with their parents at the age of two and that constituted first entry into Canada for the purposes of this legislation, then when we look at the purpose of the act, I'm not sure that's really a "first entry" within the meaning of the act. I'm sure the courts will have to consider this matter in the future.

I am grateful that, to address this concern, which she undoubtedly considered legitimate, Senator Youance amended her proposal to say that the act would give a child under 18 years of age who entered Canada before June 2, 2025, the right to request an exemption that would apply until 2043, which is when the youngest of the children who entered before June 2 would turn 18. In other words, a child who entered Canada with their parents on June 3, 2025, would be covered by the current statute as it is and could therefore not benefit from this statutory amendment.

[*English*]

Senator McPhedran, rightly so, referred to the Convention on the Rights of the Child. I don't know if Canada will be complying with these obligations under this treaty if we say that we allow children who came to Canada before June 2, 2025, to enter without being subject to the standard law but that those who came to Canada on June 3 or 4 cannot benefit from that. I wonder if this kind of discrimination would be justifiable under our obligations under international law to treat people in a fair and equal way.

That brings me to my conclusion. I think this is a well-intentioned amendment. Unfortunately, this achieves some relief for a very limited group of people but creates further obstacles for those who don't fit in the subgroup. Therefore, I am rather of the view, like Senator Dean and contrary maybe to Senator Woo, that proper regulations are the way to address those types of issues, not to make a statutory amendment that will grant some rights to a few and deny, implicitly, the same rights to others.

I think the proper way to address this difficulty is to amend the regulations to provide what the date of first entry is. Is it when you are 1 or 2 years old and not really willing to come to Canada but are considered to have entered Canada?

I think that was the meaning of Senator Carignan's question, "Why subparagraph (b)?" If you want to grant the right to enter, why do you limit it to those who were in Canada before June 3?

For these reasons, unfortunately, although I understand the good intent behind the amendment, I'm going to vote against it because I think it doesn't achieve the proper answer. Thank you.

Hon. Peter Harder: Honourable senators, given the way in which this debate has gone forward, I just want to make a couple of comments. I do so having been the founding executive director of the Immigration and Refugee Board, IRB, and the first Deputy Minister of Citizenship and Immigration.

I say that not out of the pride I obviously have for those roles but because they are somewhat relevant to this debate, in the sense that I and many others have commented on the pride we take in the Immigration and Refugee Board's reputation that has been developed over the number of years — I hate to say how long — since it was founded. It always took advantage of the changing nature of refugee protection in expanding and defining the issues over the years that change refugee law.

Canada has been viewed as a jurisdiction at the cutting edge of refugee protection. Indeed, before the Immigration and Refugee Board was created, the United Nations High Commissioner for Refugees, UNHCR, gave Canada the Nansen Refugee Award, the only time a country received the award for its refugee protection.

So I come at this debate as somebody who is grounded, I believe, in the notion of the protection Canada can give. After all, it gave my parents protection as well.

As Deputy Minister of Citizenship and Immigration, I went through a number of legislative processes — none of which were particularly pleasant — in various parliaments. The issues I see being addressed today gave me the shakes and the sense that I should rise and speak.

I think we're getting into a series of amendments — Senator Woo, I have looked at all of yours — where we, as a legislative body, are not prepared to trust the officials whose organizations we now take pride in, like the IRB or Citizenship and Immigration, to interpret the law and the regulations that are yet to be forthcoming or in utilizing aspects of the toolkit that they have to deal with compelling cases of protection that might, on the face of the amendments to the bill before us, otherwise be precluded. I'm not prepared to accept that.

I think there is goodwill in the system at the officials level and, indeed, at the oversight or ministerial level.

What we're risking doing in Parliament is what I call "whataboutism." In other words, what about this case? What about that case? What about here? What about there?

We're forgetting to look at the framework. It's the framework that the government has proposed some amendments to, and they propose those amendments in the context of the last few years of experience.

Certainly, in the course of the last election, in a number of jurisdictions in Canada, this was a hot issue at the door. Remember, it is a minority Parliament, even though it's getting close, in which to advance this legislation. The opposition locked arms with the government to give us the bill that is before us.

So I take some comfort in the fact that a minority Parliament is seeking to address the real concerns of Canadians by adjusting the framework of our law but not challenging its historic reputation.

The final point I would make is that, as Deputy Minister of Citizenship and Immigration, I was always focused on how we can ensure that the system is effective. The system is effective if it has the number of features as follows: First, does it have broad public support? Second, is it resourced so that it can meet the publicly stated processing expectations of Canadians and applicants? Finally, third, is the reporting such that Canadians can make that judgment?

• (1620)

This is why I welcome the amendment that was passed the other day that Senator Dean introduced — because it gives parliamentarians and the Canadian public, frankly, greater tools of monitoring the effectiveness of the system. I would trade that amendment for any of the other amendments that we have because, frankly, that's the one that will ensure the system's integrity over the long haul.

Therefore, colleagues, I would encourage you to resist the "whataboutism", focus on the structure of the bill and reflect on the reputation that Canada has enjoyed and the fragility of the institutions that we are seeking to protect.

[*Translation*]

Hon. Lucie Moncion: Would Senator Harder take a question?

Senator Harder: Yes.

Senator Moncion: Thank you for your comments, because they are very relevant to the discussion. A great deal of work was done in committee on Bill C-12. I believe this work is extremely important.

I have two questions for you. You talked about trust in federal institutions, and my question really relates to the erosion of trust among many of the groups we heard from at committees, groups that no longer have that trust. I understand that you still have it, but what has happened over time? How has that trust been lost? How can we get the groups we heard from to regain that trust?

[*English*]

Senator Harder: Senator, it won't surprise you for me to say that, for every piece of immigration legislation that I have had some association with, this issue has come up. There is, rightly, on a number of activists' agendas — and the system needs activists — the reluctance to accept the government's rationales for various pieces of legislation.

It turns out that, generally speaking, in the implementation, there is a good working relationship between the public service and the legal bar and others who are part of making the system work.

So, I'm not surprised there is a great deal of concern by the refugee protection and legal communities with respect to the bill. I keep in touch with them and have met with them in the course of this legislation being brought to you. Before they would testify, they would share with me what their concerns were and which amendments they would like. I told them, "If I were you, I wouldn't go there. I would do something different." The most powerful thing they could do is to convince parliamentarians that they ought to hold the government to closer account for the system and to ensure there is adequate funding for the determination system. A system in which "yes" means "stay" and "no" means "stay" is not a system.

Therefore, I am on the side of parliamentary oversight of the systemic challenges to our immigration and refugee protection system and not for the oversight of the "whataboutism.".

[*Translation*]

Senator Moncion: Thank you, Senator Harder. You brought clarity to certain issues that we may not necessarily have heard in committee. The matter of changes in government was also mentioned; at some point, new decision makers can change the way that claims are processed. Could you give us your perspective on that?

[*English*]

Senator Harder: The Immigration and Refugee Board, the IRB, was put in place by a Progressive Conservative government. The first chair of the IRB was Gordon Fairweather, who had been a long-time Conservative Member of Parliament for Fundy Royal and was the first commissioner of the Canadian Human Rights Commission, appointed by Pierre Elliott Trudeau. The first time immigration levels increased substantially in Canada was when Bernie Valcourt was the minister in the Mulroney government. I always enjoyed being his deputy.

I mention this just because we should not associate the integrity of the refugee and determination system with one party. I have served five prime ministers as a deputy minister and have gone through sometimes more jolting changes within a party change than across a party change.

Your question is a good one in the sense that parliamentarians have to govern, and the systems and institutions we create have to be resilient to democratic change. I would point out that this bill before us has the support of the opposition in the other chamber. That should tell us something, as well.

Therefore, I'm not quite as cynical as some here about the quality of Canadian democracy.

Senator McPhedran: Would Senator Harder take my question?

Senator Harder: Of course.

Senator McPhedran: Thank you.

Senator Harder, I have no doubt that, being such a learned man, you're familiar with the book *The Origins of Totalitarianism* by Hannah Arendt. Am I correct?

Senator Harder: You are, indeed.

Senator McPhedran: Thank you.

When you mention the IRB and you state your confidence, let me assure you, as a member of the Social Affairs Committee, that we share that confidence. Unfortunately, this draft law will take away much of the jurisdiction of that board of which you and we all think so highly. There are all kinds of people who now would have access to that very excellent and fair process who will be shunted over to this pre-removal risk assessment, or PRRA, with officials within the bureaucracy who do not have the training and the independence. The result of that will be a denial of the basic human rights that Canada has prided itself on in protecting refugees and respecting international law on refugees.

This bill is retrograde. This bill allows the cabinet of this country to do what we did to the Jews on the MS *St. Louis* and what we did to Japanese Canadian citizens.

That brings me back to my question, using Hannah Arendt. One of the signs that she wrote about concerning what to look for regarding the rise of totalitarianism was the removal of citizenship from certain identified groups. This bill allows for the massive cancellation of the permanent residence of people who have lived here, who own homes, work, pay taxes and have children who need to go to school. This allows the cabinet of this country — did you factor that in your great trust in the framework that is laid out in this bill?

Senator Harder: In a word, yes. In a few words, let me say that the bureaucrats, the officials in the department that you seem to be disparaging with your comments, are the same departmental officials who have managed refugee flows of those selected overseas and managed our immigration selection system. So, yes, I have confidence in them. They will do the work that legislation authorizes them to do, and they will do it in an impressive fashion.

When the Immigration and Refugee Board was appointed, they were accused of being partisans because they were appointed by orders-in-council as opposed to being bureaucrats, who are appointed through the Public Service Commission. I found both descriptions disparaging, and I tend to have a more gentle view of humankind.

The Hon. the Speaker pro tempore: There is one minute left for Senator Harder's speech.

• (1630)

Senator McPhedran: May I ask a question just for clarification? The Immigration and Refugee Board, or IRB, which you helped create and about which you stated that you had such faith in — the acknowledgement that you made in the answer to my previous question is also an acknowledgement that that board will no longer be the deciding body in many of the cases for which it is currently the deciding body, and that the shift over to the PRRA — and I really reject the adjective "cynical." You've spent your life in government. I've spent my life as a human rights advocate, and I've seen all of this before. So I need to understand why you're so prepared to let go of the jurisdiction and expertise of the IRB.

The Hon. the Speaker pro tempore: Senator Harder, you have 13 seconds.

Senator Harder: Well, I guess I will be brief. I have confidence that the officials involved in the PRRA process will be well trained and perform their functions. Having said that, in all of my meetings with the advocates who came to me with their concerns about this bill, I urged them at committee to get commitments with respect to the resourcing and the transparency around the PRRA —

The Hon. the Speaker pro tempore: Senator Harder —

Senator Harder: That will be the test of the success of this bill —

The Hon. the Speaker pro tempore: I'm sorry to interrupt, Senator Harder. Your time has expired. Are you asking for more time to answer questions?

Senator Harder: No.

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

Some Hon. Senators: Question.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

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

An Hon. Senator: Fifteen minutes.

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

Some Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Leave is granted. The vote will be at 4:47 p.m. Call in the senators.

• (1640)

Motion in amendment of the Honourable Senator Youance negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Adler
Al Zaibak
Arnold
Arnot
Audette
Black
Boudreau
Clement
Coyle
Galvez
Gerba
Greenwood
Henkel
Ince
McCallum
McPhedran
Miville-Dechêne
Mohamed
Moodie
Osler
Oudar
Pate
Petitclerc
Prosper
Ross
Senior
Simons
Wallin
Wells (*Alberta*)
Woo
Youance—31

NAYS
THE HONOURABLE SENATORS

Ataullahjan
Aucoin
Batters
Boehm
Burey
Busson
Cardozo
Carignan
Dalphond
Deacon (*Nova Scotia*)
Dean
Dhillon
Forest
Francis
Fridhandler
Gignac
Harder
Hay
Housakos
Kingston
MacAdam
MacDonald
Manning
Marshall
Martin
McNair
Moreau
Muggli
Patterson
Petten
Pupatello
Ravalia
Ringuette
Saint-Germain
Smith
Sorensen
Surette
Tannas
Varone
Wells (*Newfoundland and Labrador*)

Klyne
LaBoucane-Benson
Lewis
Loffreda
White
Wilson
Yussuff—47

ABSTENTIONS
THE HONOURABLE SENATORS

Hébert
Moncion
Robinson—3

• (1650)

[*Translation*]

THIRD READING—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Dean, seconded by the Honourable Senator Boehm, for the third reading of Bill C-12, An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures, as amended.

Hon. Danièle Henkel: Honourable senators, I rise today to add my voice to those who have already spoken to this bill and to share two concerns regarding Bill C-12.

I rise because, like you, I've been contacted by many credible organizations, including the Canadian Bar Association and a number of human rights organizations active on the front lines of these issues.

[*English*]

Let me be clear: Canada must maintain an asylum system that is credible, well managed and effective. It must also process claims with rigour, within reasonable time frames and with responsible stewardship of public resources.

Like any administrative system, the asylum process can be vulnerable to abuse. I, therefore, understand the government's effort to maintain its integrity. However, we must also recognize a fundamental reality: We are not talking about an ordinary administrative process.

The asylum system exists because, in some circumstances, the protection we offer is the only protection people have left. Canada's reputation for protecting those fleeing persecution is founded on firm legal foundations: the right to a fair hearing, the principle of non-refoulement and an individualized assessment of every case.

It is precisely in light of these fundamental principles that certain provisions of Bill C-12 are of great concern.

[*Translation*]

My first concern relates to the one-year time limit for submitting an asylum claim after first entering Canada. According to the bill, an asylum claim filed more than one year after arrival in Canada could be denied consideration by the IRB solely on the basis of the time elapsed.

In other words, Bill C-12 assumes that a person under threat would apply for asylum as soon as they arrive, without delay. However, this view ignores the fact that migration can be complex and that danger may arise after a person's entry into Canada.

A coup d'état may break out in an international student's country of origin. A journalist may become a political target after publishing an article. A member of the 2SLGBTQI+ community may be exposed to new threats following a regime change.

In each of these examples, the need for protection may not have existed at the time of entry into Canada. Such cases may be few and far between, but it is a matter of honour for a state governed by the rule of law to provide a framework for these exceptional situations.

There are other very real reasons why some people wait to apply for asylum: fear of the authorities, lack of language skills or just difficulty understanding a complex legal system.

• (1700)

The date of entry into Canada does not have any direct bearing on whether a well-founded fear of persecution exists.

The 1951 Geneva Convention relating to the status of refugees doesn't specify a time limit for making an asylum claim.

With the exception of the United States, no G7 country prohibits the review of a delayed asylum claim. A delay in claiming protection may raise doubts regarding the claimant's credibility, but it does preclude the examination of their case.

My second concern echoes that of organizations that are instrumental to the asylum process and is a matter of fundamental principle. I repeat: This is a matter of principle. I am talking about replacing the Immigration and Refugee Board of Canada's independent review with a simple administrative procedure, the pre-removal risk assessment, or PRRA.

The proposed procedure does not offer the same guarantees. It is conducted by a Department of Immigration official and is based solely on a review of the written file, without an in-person hearing. No documentary analysis can replace the opportunity for a refugee claimant to explain their story, answer the decision maker's questions and personally defend the credibility of their account.

It is also essential for the authorities to be able to assess certain critical elements, such as the political context, apparent contradictions, the trauma experienced and other realities that they may often miss when simply reading an administrative file. Above all, the asylum claims must be reviewed by an experienced, impartial and politically independent authority.

Given these two issues, which I believe to be crucial, I am carefully examining the amendments proposed to improve this bill.

My aim is certainly not to delay or obstruct its passage. I simply believe it is the role of the Senate to amend a bill to make it fairer. It is then up to the other place to ultimately evaluate the suggestions we have deemed necessary to make.

Colleagues, responding to Canadians' legitimate concerns about immigration while honouring Canada's legal and humanitarian commitments is the balance we must maintain. It also reflects the values to which we choose to remain faithful.

Thank you. *Meegwetch*.

[*English*]

Hon. Paula Simons: Honourable senators, I rise today to speak to Bill C-12, An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures.

Since I have already had the opportunity to speak to Bill C-12 a number of times, I shall focus my remarks today on the amendment I propose to you now, which would ensure proper parliamentary oversight of the use of Part 7 of the bill, granting this government — and any future government — new and sweeping powers to cancel entire classes of immigration visas and permits, and to cancel them without due process or individualized assessments, all by simply asserting that it is in the public interest to do so.

Now, I don't think you need to be a cynic, an alarmist or an activist to look across our border and to imagine how such language could one day be weaponized by a politically motivated and discriminatory government, giving the state the power to uproot lives and separate families, without any oversight and without traditional parliamentary checks and balances.

I do not think I'm indulging in whataboutism. I think this is a clear-eyed, hard-nosed reality that we must consider.

Over the last few weeks of hearings, government officials have repeatedly insisted that these powers are administrative only, that invoking them would only cause minor inconveniences for people who lose their papers and that they are merely cancelling documents and not a person's legal status. But that is not the way civil society groups and independent legal experts have interpreted these provisions. They have argued that if someone's work or study permit is cancelled and they have mere weeks to obtain a new permit, that might not be possible.

Tamir Israel, of the Canadian Civil Liberties Association, puts it this way:

> Status without the documents needed to work, travel, prove identity, or re-enter Canada is often meaningless in practice. In practice, permit cancellation functions as a pathway to deportation.

Julia Sande, a human rights lawyer who works for Amnesty International, offers this analysis:

> The government has not adequately explained why they need these powers. They have given examples of wanting to suspend the acceptance of applications for visitor visas during the pandemic, and the hypothetical of needing to cancel documents issued due to administrative errors or cyberattacks, but the powers they are granting themselves are far broader — they can cancel existing permits and visas *en masse*, simply by asserting it is in the public interest. Public interest is not limited — the legislation gives examples of what could be considered in the public interest (administrative errors, fraud, public health, public safety, or national security), but the list is not exhaustive — it could be anything.

Deanna Okun-Nachoff, a Vancouver immigration lawyer who speaks for the Canadian Bar Association, shares those concerns and makes a compelling case that we need to have a method to provide parliamentary oversight of these new kinds of powers.

Let me put it in her words:

> Already, our immigration system has seen increased reliance on ministerial instructions, which have seriously eroded transparency in the immigration system. Increasingly, newcomers are having their well-laid immigration plans scuppered midway by unexpected and unilateral rule changes. These concerns have and will continue to tarnish our reputation internationally, and have attracted a larger study by the commons standing committee on fairness and predictability in the immigration system.
>
> We caution against any legislative change that will further diminish Parliamentary oversight and enable suspension or cancellation of entire classes of applications or visas by order in council on grounds that lack objective criteria. Our constitution guarantees that the law will be knowable to the public; it also delineates a clear separation of powers between the legislative and executive branches. These promises are key to the coherence and legitimacy of our legal system as a whole, and must be steadfastly guarded.

So I'm proud to stand before you today to offer one possible solution — a time-honoured method to provide parliamentary oversight by both the other place and the Senate in an efficient way that respects the rights and duties of Parliament while still allowing the government to act expeditiously in a time of genuine crisis. It's a solution that doesn't require a major rewrite of the bill. Indeed, it is a modest amendment that reinvigorates a long-standing parliamentary tradition.

My amendments touch on two related portions of Part 7 of the bill — firstly, a regulatory power to prescribe circumstances in which an officer can terminate an application for a visa or permit or other document, or can cancel, suspend or vary a visa or other document. While not quite as controversial as the power to make mass orders in the public interest, this is nonetheless a power to set out blanket bans or cancellations on classes of applicants or visa holders. And this amendment also touches on those orders in

the public interest in which the Governor-in-Council can directly bar, suspend or terminate en masse applications for visas and permits and other documents.

Part 7 of this bill would grant the government, and any future government, extraordinary power over the rights and liberties of people legally residing in Canada or seeking to come here. Perhaps we should pause and ask ourselves why the government routinely requests our approval in this chamber and in the other place for this kind of power. Well, it's because it is Parliament's power — and Parliament's power alone — to make or change legislation, to make law. In our constitutional order, there is a separation of powers, and the executive does not simply get to make the rules that bind people and, just as importantly, bind the government itself. Yes, Parliament very often delegates this power via regulation and order-making powers in statutes, but this is usually to allow the government to fill in specific technical or highly detailed aspects of a statutory scheme. It's another thing to give the Governor-in-Council the power to take away the rights or privileges of thousands of people at their sole discretion.

• (1710)

But we can ensure Parliament retains an emergency override on any order or regulation the government makes under these new powers. In practical terms, it would only — indeed, could only — be used in remarkable, exceptional circumstances. But that is precisely the situation we have a duty to guard against: the prospect that a government, even with the very best of intentions, from the most honourable of motives, might go too far.

This is what my amendments seek to do. Put very simply, these amendments would require that any order or regulation made by the Governor-in-Council under Part 7 of the bill be tabled in Parliament within 15 sitting days. Then, if it were warranted, each house of Parliament could, in accordance with its own rules, choose to pass a resolution that the particular order or regulation be annulled. Both chambers would need to pass such a resolution in order for it to take effect so the unelected Senate could not unilaterally thwart the will of the elected chamber.

But if resolutions were passed in both houses, the order or regulation would immediately lose its effect. It would be deemed to be revoked, and we would have done our job instead of delegating this power away from Parliament. The power would not be retroactive. It wouldn't undo cancellations that were already done, but it would stop the clock and allow for a review and a possible reboot.

So how is this done, legally speaking? Well, it is simpler than you might imagine because there is a provision sitting in our Interpretation Act, ready and waiting to be used by Parliament in precisely this way.

Section 39 of the Interpretation Act says that if we insert one particular phrase, "subject to negative resolution of Parliament," into this bill or, indeed, into any order-making or regulation-making provision, then Parliament retains the power to annul an order or regulation to which that phrase applies. We don't need to add a lot of words to the act because the Interpretation Act does the heavy lifting. We just gesture to it.

Section 5 of the Employment Insurance Act, for instance, allows the Employment Insurance Commission to make regulations, but they stand subject to what's called an affirmative resolution in Parliament.

Now, here I must take a brief parenthetical detour to explain the difference between an affirmative resolution and a negative resolution. An affirmative resolution process provides an even stronger oversight power to Parliament. An affirmative resolution means no order or regulation can come into force unless and until both houses pass a resolution approving it.

Senator Al Zaibak did propose just such an amendment during clause-by-clause debate at the Standing Senate Committee on National Security, Defence and Veterans Affairs, but that amendment failed. So I am not proposing the same amendment here, in part because of one particularly thoughtful objection raised at committee by Senator Dalphond, which was that there might someday be a legitimate need to act in an emergency and that an affirmative resolution might be a huge impediment, especially if Parliament were not sitting or had to be recalled.

So this amendment that I am proposing doesn't do that. My amendment would still allow the government to act swiftly in a situation that required real urgency, but it would explicitly return to Parliament the power to review that decision publicly, with public, transparent debate, within two sitting weeks of that decision or even at a later date if circumstances changed.

Having indulged in that parenthetical, let me return to my main message and remind us all that there are several Canadian statutes that already make regulations subject to negative or positive resolutions, including the Canada National Parks Act, the Firearms Act, the Canada Transportation Act, the Old Age Security Act and the Electricity and Gas Inspection Act, to name just a few.

And while Canadian parliaments have not made regular recent use of this power, it is routinely used — all the time — by the parliaments of the United Kingdom, Australia and New Zealand. The negative resolution is a proud part of our Westminster parliamentary tradition, something I hope the institutionalists in this chamber can appreciate. This isn't an activist amendment. In fact, it is a return to parliamentary convention.

When this bill was before the other place, an amendment was added that required the minister to issue a report within seven sitting days of a cancellation order made under Part 7. That amendment would also allow committees of the Senate and the other place to review that report, but those committees would have no power to revoke or reset. My amendment goes one better and builds on the amendment made in the other place. Indeed, the two amendments dovetail beautifully, since the Senate would have the benefit of the report and, very possibly, the benefit of the committee review to inform its debate on whether to use the negative resolution powers.

When it comes to a bill that proposes to grant the Governor-in-Council the extraordinary power to directly and immediately affect the lives of thousands of people, I think Parliament ought not to surrender its customary powers — in the name of justice, in the name of procedural fairness, in the name of the Charter of Rights and Freedoms, in the names of the prerogatives of Parliament itself and the proper delineation of powers between the executive and legislative branches.

MOTION IN AMENDMENT NEGATIVED

Hon. Paula Simons: Therefore, honourable senators, in amendment, I move:

That Bill C-12, as amended, be not now read a third time, but that it be further amended,

(a) in clause 66, on page 28, by replacing line 15 with the following:

"**(b.1)** subject to negative resolution of Parliament, the circumstances in which an officer may ter-";

(b) in clause 69, on page 29, by replacing line 10 with the following:

"**(b.01)** subject to negative resolution of Parliament, the circumstances in which an officer may can-";

(c) in clause 72,

(i) on page 30, by replacing lines 17 to 20 with the following:

"**87.301 (1)** If the Governor in Council believes it is in the public interest, the Governor in Council may, subject to negative resolution of Parliament, make an order specifying one or more of the following:",

(ii) on page 31, by replacing lines 21 to 23 with the following:

"**87.302 (1)** If the Governor in Council believes it is in the public interest, the Governor in Council may, by order and subject to negative resolution of Parliament,",

(iii) on page 32,

(A) by replacing lines 17 to 19 with the following:

"**87.303 (1)** If the Governor in Council believes it is in the public interest, the Governor in Council may, by order and subject to negative resolution of Parliament, amend or repeal any order made",

(B) by replacing lines 21 to 24 with the following:

"**(2)** If the Governor in Council believes it is in the public interest, the Governor in Council may, by order and subject to negative resolution of Parliament, authorize the Minister to amend or repeal, by order, any order made under subsection 87.301(1) or".

This is why I circulated the amendment in advance — because read out like that in the legalese of these things, it sounds faintly absurd. But again, I assure you this is really very simple.

All we are doing is gesturing to the Interpretation Act and saying that if there is a mass cancellation order, within 15 sitting days, the other place and the Senate may debate the matter and may, if they both are in concurrence, stop it from going any further. This would, as I say, delineate the traditional roles of the executive and the legislative branch. Although all this legal gobbledygook seems a bit like a LEGO set, the pieces fit together very simply.

I wish I could answer questions. That is not parliamentary protocol, but I thank you very much for your kind attention. If you have questions during the bell break, I would be happy to answer them. Perhaps some of the other senators who speak will be able to answer your questions should you have them.

Thank you very much, my friends, for your attention.

Merci and *hiy hiy*.

The Hon. the Speaker pro tempore: In amendment, it was moved by the Honourable Senator Simons, seconded by the Honourable Senator Woo:

That Bill C-12, as amended, be not now read a third time, but that it be further amended,

(a) in clause 66, on page 28, by replacing line 15 with the following:

"**(b.1)** subject to negative resolution of Parliament, the circumstances in which an officer may ter-";

(b) in clause 69, on page 29, by replacing line 10 with the following:

"**(b.01)** subject to negative resolution of Parliament, the circumstances in which an officer may can-";

(c) in clause 72,

(i) on page 30, by replacing lines 17 to 20 with the following:

"**87.301 (1)** If the Governor in Council believes it is in the public interest, the Governor in Council may, subject to negative resolution of Parliament, make an order specifying one or more of the following:",

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(iii) on page 32,

(A) by replacing lines 17 to 19 with the following:

"**87.303 (1)** If the Governor in Council believes it is in the public interest, the Governor in Council may, by order and subject to negative resolution of Parliament, amend or repeal any order made",

(B) by replacing lines 21 to 24 with the following:

"**(2)** If the Governor in Council believes it is in the public interest, the Governor in Council may, by order and subject to negative resolution of Parliament, authorize the Minister to amend or repeal, by order, any order made under subsection 87.301(1) or".

• (1720)

Hon. Tony Dean: Honourable senators, I will be brief. Thank you, Senator Simons, for your proposed amendment. The government's introduction of this measure caught me, along with others, a little off guard until I saw the mitigating elements of the scheme.

The scheme would permit the Governor-in-Council to intervene in cases of emergencies. These could be physical, cyber or national emergencies. It could involve pandemics or any form of crisis.

Where this is evident and where circumstances demand it, we would want the government to be able to act quickly and decisively. It could be several fraudulent documents or tens of thousands of fraudulent documents filed by malign actors who scammed bona fide applicants who want to come to Canada and would like a visitor visa or work permit. Indeed, they are shown that their filings were actually delivered directly to Canada, but fraudulently.

Currently, as we have heard, officials who deal with these things do not have the ability to adjust them at scale. They have to do them one at a time. Those applications and certificates — whether it's paper-based or digital documents — would need to be cancelled one at a time. I assume we're all convinced that in certain circumstances involving cyberattacks designed to bring down the Immigration and Refugee Board of Canada system, if not the systems of the government, then a determined response would be needed. I haven't heard of anyone concerned with that.

My first reaction was the same as yours: What will the accountability measures be? How will this be explained to Canadians who deserve a response to a significant intervention on the part of the government?

The first thing we hear is that these aren't made easily. They are made by the Governor-in-Council. They are made by cabinet as a whole with the Prime Minister. They are to be reported within seven days. The nature of the interventions is to be gazetted, and then there is to be a review of those interventions by a committee of the Senate and the House of Commons.

These are extraordinary fit-for-purpose review mechanisms that are appropriate to the task. We can always think of another intervention, and I applaud my colleague yet again for her creativity and knowledge of legislative or constitutional implements.

We have to assume that the nature of some of these attacks could go on for a considerable time. It could take up to several weeks to manage them. I guess this same overview mechanism could be applied.

The key thing is that we would know what was going on in almost every circumstance. We would know the nature of the challenge that was affecting the country, and we would know that it's being addressed and precisely how it's being addressed. The only exception to that would be in the case of a national security incident or a national security emergency in which, for obvious reasons, it is not always possible to gazette or to announce. It might require some more time. It might require some more finesse. It might be a matter of extreme urgency. It might be something that takes a while to resolve.

In those cases, eventually we would know. There would be a report of some kind on the measures taken to reduce the impact of this or to eliminate it, but it would not provide the granular details that we might expect given the national security implications.

To have this sort of mechanism in place as a further fail-safe wouldn't apply in all situations, and I don't think it's necessary. It's an artful idea, and I applaud it, but the timely transparency associated with this and then the reporting — as much as can be reported — on the nature of the emergency and the nature of the intervention that is designed to respond to it, followed by a review by a committee of the House of Commons and the Senate, provide more than enough just-in-time, as-soon-as-possible review of interventions of this nature.

I think that's sufficient. You'll be the judge if we need further fail-safe mechanisms. I now rest my case, as they say.

Senator Simons: Thank you very much, Senator Dean, for the kind words. I do love being called artful. It makes me feel like I escaped from a Charles Dickens novel.

• (1730)

I want to clarify something with respect to your understanding of my amendment. There would be nothing there that would impede the government from acting in a timely fashion in the case of an emergency because this is a negative resolution and not an affirmative one. By the same token, there is nothing in the committee review that would allow for any kind of power of Parliament to stop a process.

I guess what I'm asking is this: Apart from your feeling that we don't need suspenders and belts, is there another objection to this amendment in terms of the practicalities of being able to cancel things in a timely fashion?

Senator Dean: I would restate that the combination of transparency and early reporting with referral to committees of the House of Commons and the Senate seems, to me, to be

enough. Canadians will know the nature, in almost every case, of the emergency or issue that prompted the response. That will be clear. They will be able to make up their minds fairly early as to whether the response was fit for purpose in relation to the issue it was designed to resolve. We would have parliamentarians in committees, representatives of the two houses, looking at and opining on those responses. That seems sufficient to me, I must admit.

If anything, my concerns are with the front end of the process, which was a surprise to me. When one thinks about it, we have to confront and be ready to confront in a direct way, through mechanisms like this, cyberattacks and things of that nature, which could happen to us at any time. I think the transparency associated with those interventions and the ability for parliamentarians to look at that after the fact are sufficient.

Do I think that this innovative measure from the Interpretation Act is necessary? Absolutely not, or I wouldn't have spent as much time on my feet.

Senator Simons: The question isn't whether you think it's necessary. We can agree to disagree about that. I want to clarify for everybody in the chamber that there is nothing in this amendment that would preclude or impede the Governor-in-Council from issuing this order and, conversely, that this would be the only way that Parliament could intervene if they felt the government had gone too far.

Senator Dean: I think that the early review by parliamentary committees would bring to light the nature of both the emergency and the response to it. Word travels fast around here, doesn't it? Parliamentarians at committees are parliamentarians at committees, whether that's here or in the House of Commons. It's in Parliament already. It's before parliamentary committees or committees that would be representative of each house. I think that's sufficient.

Hon. Yuen Pau Woo: Honourable senators, thank you. That was a very good exchange between Senators Simons and Dean. It provides some clarity on what the question is.

As I would summarize it, Senator Simons provides an extra layer of parliamentary oversight with powers, whereas the current proposal in the bill only provides for reporting within seven days of the so-called emergency action. I'm inclined to go directly to the merits of the bill, and Senator Simons has already explained them very well.

It seems this debate is veering off in a slightly different direction, where we're talking about whether it's even valid to talk about amendments to the bill if we were to assume that the framework is correct. It is Senator Harder's proposition that some of us here are institutionalists and others are activists. I don't think that's a good representation. I think we're all institutionalists because we all believe in and support the institution. The question, surely, is whether we feel that the bill has flaws and whether the proposed remedies are proportionate to the flaws and would help produce a better bill.

I understand and greatly appreciate Senator Harder's intervention. His voice is so important on a bill, especially one to do with immigration. He is a Burkean conservative, and that is a compliment in the highest regard. That would reflect the views that he has expressed about trust in the system and the need — in fact, the imperative — to not change anything unless the case is so compelling. His argument is that if you accept the framework to be right — and the framework, it sounds to me, is almost always right — then we should not tinker with the bill. He calls it whataboutism. Whataboutism is a problem, but there is a similar problem that could be called "there's nothing wrong with it about-ism" or "never mind about it-ism." That would be an equally dangerous extreme to fall into.

With respect to the immigration system in Canada, I agree that we have a well-respected system, one that allowed me to come to this country and many of us here to become Canadians, and we're grateful for that.

I think Senator Harder knows that it was the framework of the immigration system, which was found to be flawed in 1985, that led to the creation of the Immigration and Refugee Board, or IRB, which he was the first executive director of. It was the *Singh* court case that found the immigration system — which did not allow for oral hearings — was flawed and unconstitutional, which led to the creation of the IRB.

This is not a critique of the civil service or an indictment of the government at the time. It is simply to say that sometimes the framework is wrong; sometimes the framework is not right or not good enough. Who's going to spot it? Court cases can reveal it, but they take a lot of time and are very expensive. Or we can point to flaws in the framework. We're not always right, but it's not wrong for us to try to find flaws in a framework.

With respect to this institutionalist and activist — or framework and non-framework — debate, I hope we can move away from it because it can be used with respect to any bill that we debate. We just heard the debate on, I believe, Bill C-4.

Senator Harder is right to bring it up. We should always keep in mind the institutionalist perspective, but it cannot be used as a sledgehammer or as a kind of fait accompli for us to do "nothing about-ism." On this bill, I invite all of us to look at the merits of the amendments — to not presume that this is a product of cynicism, whataboutism or rampant activism but to determine whether the amendments have merit.

On Senator Simons' amendment, I want to point out a few additional things that may not have come out as clearly as she expostulated in her speech.

She mentioned that the powers to cancel or suspend en masse a variety of documents can be used in the public interest, and it's defined in a few ways — public health, security and so on — but she reminded us that the list is not inclusive. The public interest can be defined much more broadly than the items you see in the bill. I think all of us would agree that national security, public health, and so on are important things to be concerned about, but they can go much further than that.

• (1740)

The other thing to point out, which she did not mention — and she knows about it, I'm sure — is that the types of documents are also not exhaustive. We have a list here in which the types of documents include permanent resident visas, permanent resident cards, temporary resident visas, electronic travel authorizations, temporary resident permits, work permits and study permits. This is a non-exhaustive list of documents.

Again, I'm not imputing any bad motives to the government or to bureaucrats, but on the face of the bill, citizenship documents could be included, as well, because the phrasing of the bill is such that the documents are only examples of the types of authorizations that can be cancelled or suspended.

Let me just conclude by saying that, even if you were to take an institutionalist or framework perspective on this amendment, this is not an issue that challenges a framework. I think that should be very clear. This is actually an amendment that is faithful to an institutionalist perspective — actually, as it turns out, our institution, not just the institution of immigration. It is entirely faithful to the institution. It does not take away, in any sense, the powers that the bill gives to the government; it is additive to the measures already in the bill. It does not stop the government from proceeding immediately with any emergency measures that it may want to put forward but simply gives Parliament the chance to say "no" if it feels that the government has gone too far.

Thank you.

Hon. Kim Pate: Honourable senators, I rise today to speak in support of Senator Simons' amendment requiring parliamentary review of the orders-in-council under Part 7 of this bill.

When contemplating the powers conferred in this bill, we should ask ourselves some very simple questions. How could a government abuse this power to cancel entire categories of immigration documents or applications by order-in-council? What might happen if, at a mere political whim, thousands of people could be stripped of their ability to work or their right to remain in this country through broad executive orders?

We need not look far to imagine a government that might make those decisions without meaningful notice, without moral or principled reasons, and without any opportunity for entire groups of people being affected to be heard.

These are not hypothetical concerns. These are the powers being authorized in this bill.

The Canadian Civil Liberties Association reminded members of SOCI that the Charter is very clear about what is required when state action can cause the loss of lawful status, family separation and the possible removal from Canada. These are precisely the kinds of consequences that engage section 7 of the Charter. When the liberty and security of the person are at stake, the Constitution requires, not suggests, procedural fairness.

Part 7 of this bill provides none of these protections. There is no requirement to notify those affected in advance, no guarantee of individualized consideration and no meaningful oversight. This type of unbounded discretion is precisely what section 7 of our Charter was meant to constrain.

Other witnesses echoed these concerns. The Canadian Union of Public Employees described these provisions as granting cabinet the extraordinary power to suspend or terminate visa applications and cancel immigration documents en masse under the vague banner of the "public interest." It is a phrase that appears repeatedly in this bill, yet it is defined so broadly as to be almost meaningless. It includes administrative errors, fraud, public health, public safety or national security, but those terms can capture almost anything.

The International Civil Liberties Monitoring Group cautioned that governments have historically invoked public safety and national security to justify policies that target entire populations, sometimes by nationality, sometimes by religion and sometimes by political belief. While you may trust this government to not misuse the powers set out in Bill C-12, that is not the point. Legislation should not be written for the governments we trust; it should, at the very least, be cognizant of, if not actually and specifically be written for, the governments we fear. Just south of the border, we are witnessing a government that exploits legal technicalities and stretches broad interpretations to their limit.

The Canadian Bar Association drew our attention to the difference between the way this bill is being marketed and the way it is written. As was pointed out, Minister Diab has suggested these powers would only be used in exceptional circumstances, such as war, pandemic or mass fraud; yet, when you read the text of the legislation, those limits do not appear anywhere. All the lawyers and legal experts who appeared before SOCI said that nothing in the bill prevents these powers from being used more broadly. Even Tara Lang, the Director General of Integrity Policy and Programs at IRCC, said:

> . . . all of [the cancellation powers] would be covered under the order-in-council and would explain how operationally this would happen. Again, it wouldn't be without a good reason, and the intent is not to harm your average person in Canada.

Absent legal guardrails, it should be no comfort to any of us to merely hear that the intent is not to harm the people of Canada. Of course, that should be a given, but current global as well as historical realities that many have already discussed should provide all of us with cause for pause.

It is very clear that categorical decisions affecting entire groups of people will harm average Canadians, and while this government may not intend harm with Bill C-12, we are giving any government, current or future, ample power to exert that harm. When Parliament grants extraordinary authority to the executive, it is our responsibility to ensure there are accountability measures in place.

Senator Simons' amendment does not prevent the government from acting in extraordinary circumstances; it simply ensures that when those powers are exercised, Parliament retains power as a check on the government.

The consequences of these orders are not minor inconveniences for the people who will be targeted or incidentally impacted. This is about people's status, jobs, families and safety. Too often, when governments ask for efficiency, it comes at a cost to people with the least power to protect or defend themselves. Today, that cost will be borne by migrants, refugees, temporary workers, students and even permanent residents.

It will likely come as no surprise to you or Canadians writ large that I oppose any system where decisions affecting the liberty and security of the person can be made opaquely and quickly by cabinet. Barring the deletion of this section, I urge us all to insist that these decisions be subject to parliamentary restraint.

If we are to acquiesce in the granting of these sweeping powers, we must insist on some modicum of oversight. This is necessary to safeguard the rule of law as well as the rights of the minorities most affected, those whom we, as senators and this place, have a particular duty to protect.

With her permission, I will conclude with the question posed to me by Ms. Esma Bostas. Esma is a legislative intern in our office. Esma asks:

> I crossed the U.S.-Canada border seeking protection nine years ago, originally coming from the Middle East. The opportunity to have my case heard in Canada ultimately allowed me to rebuild my life here.
>
> I am now finishing law school in two months. It's a small example of how the design of a refugee system can shape whether people are able to access safety and contribute to this country. Please clarify why a bill framed around border security, organized crime and fentanyl is also restructuring refugee eligibility in ways that risk casting asylum seekers as threats rather than as people seeking protection.

• (1750)

I find it difficult to answer Esma's question with this bill.

Dear colleagues, I hope you stand up for those who do not have a voice in this process or in this place, and I hope you support this amendment.

Meegwetch. Thank you.

Hon. Marilou McPhedran: Honourable senators, I would also like to speak in support of this amendment, and I would like to call upon all of us in this chamber to think a bit more about the nature of the reporting of a standing committee of the Senate when reporting back to the Senate.

It is not often that we see a standing committee of the Senate make proposals to the Senate that are completely rejected. This is a particular situation, and I would ask us to think about the implications of that.

Senators heard from Senator Moodie, the Chair of the Standing Senate Committee on Social Affairs, Science and Technology, that the senators on that standing Senate committee fulfilled its mandate to be the only Senate committee to report back to the Senate on Parts 5 to 8 of Bill C-12 by meeting for over 13 hours with 35 witnesses and 36 written submissions — something that the counterpart in the other place did not do.

The committee heard from refugee advocates, legal experts, civil liberties organizations, practitioners in immigration, refugee lawyers and people with lived experience. We respected them as having expertise. We heard from Amnesty International, the Canadian Bar Association, the Canadian Civil Liberties Association and the United Nations Refugee Agency in Canada. They all raised concerns that Parts 5 to 8 of Bill C-12 represent an infringement of human rights, privacy protections, procedural fairness and constitutionality.

The amendment before us from Senator Simons is parliamentary protection against an overreach of executive powers. The Standing Senate Committee on Social Affairs, Science and Technology reported to this chamber a grave concern that such overreach may disproportionately impact children, 2SLGBTQI+ persons, women and front-line service providers.

On behalf of the senators on the Standing Senate Committee on Social Affairs, Science and Technology, Senator Moodie urged this chamber to give careful consideration and robust scrutiny to examine the legislation, not only for its policy objectives but also for its consequences on democratic governance and on the lives of people that this country needs.

In the case of Senator Simons' amendment on the negative resolution of power and the use of the Interpretation Act to activate parliamentary scrutiny and to build on the amendment from the House, I ask honourable senators to think carefully about sidelining Parliament. And I'll do that by quoting the sponsor, Senator Dean, that the bill as now worded applies to "any form of crisis."

Therefore, "crisis" could apply to anything that cabinet decides is a crisis, just as governments in regressive regimes — including the one south of us — define a crisis as when citizens rely on constitutional protections of freedom of expression and freedom of assembly.

Let me invite you not to indulge in the arrogance of thinking that these violations of the rights of citizens could never happen here because Canadian cabinets have already breached the rights of citizens.

I have been honoured in Winnipeg and in different parts of the country to work with Japanese Canadians on reparations for being stripped of their land, communities and citizenship, because the cabinet of the day defined it as a crisis that these people were citizens.

Those reparations have been led by people like Art Miki from Winnipeg and Justice Maryka Omatsu, the first Japanese-Canadian woman to become a judge.

Let me address some of the stereotypes employed by some senators on debate, directed at senators who questioned this bill. May I remind you, colleagues, that we took an oath when we entered this chamber. I actually entered this chamber to take my oath with Senator Harder. It was not an oath to serve any political party, the cabinet or the government. We have taken an oath to serve this nation and this democracy.

This amendment by Senator Simons is a safeguard for democracy and the parliamentary exercise of our obligations to this nation. I invite you to take your responsibility as a guardian of our democracy and support this amendment.

Thank you. *Meegwetch*.

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

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

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

Some Hon. Senators: Fifteen minutes.

The Hon. the Speaker pro tempore: Fifteen minutes. Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: The vote will take place at 6:13 p.m. Call in the senators.

• (1810)

Motion in amendment of the Honourable Senator Simons negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Adler	Moodie
Al Zaibak	Osler
Arnold	Pate
Audette	Petitclerc
Boudreau	Prosper
Clement	Ross
Coyle	Senior
Galvez	Simons
Gerba	Wallin
McPhedran	Woo
Miville-Dechêne	Youance—23
Mohamed	

NAYS
THE HONOURABLE SENATORS

Aucoin	MacAdam
Batters	MacDonald
Boehm	Manning
Burey	Marshall
Busson	Martin
Cardozo	McNair
Carignan	Moreau
Deacon (*Nova Scotia*)	Muggli
Dean	Oudar
Forest	Patterson
Francis	Petten
Fridhandler	Pupatello
Gignac	Ravalia
Greenwood	Ringuette
Harder	Saint-Germain
Hay	Sorensen
Hébert	Surette
Housakos	Tannas
Kingston	Varone
Klyne	Wells (*Alberta*)
Kutcher	Wells (*Newfoundland and Labrador*)
LaBoucane-Benson	White
Lewis	Wilson
Loffreda	Yussuff—48

ABSTENTIONS
THE HONOURABLE SENATORS

Henkel Robinson—3
Moncion

• (1820)

THIRD READING—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Dean, seconded by the Honourable Senator Boehm, for the third reading of Bill C-12, An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures, as amended.

Hon. Farah Mohamed: Honourable senators, I rise today to introduce a sunset clause to Bill C-12. At the outset, let me be clear: The sunset clause I'm proposing is narrowly focused on specific, highly contested changes to the Immigration and Refugee Protection Act introduced in Bill C-12.

By targeting these specific parts, the sunset clause ensures that the most significant new executive powers regarding cabinet's ability to freeze or cancel immigration applications and documents by emergency order, officer discretion to stop or revoke individual applications and documents, access to refugee protection and the procedural rights of asylum claimants are the ones that are subject to the mandatory parliamentary reaffirmation.

Bill C-12 is presented as a response to a changing global environment, rising geopolitical instability, increasing irregular migration, evolving security threats and mounting administrative backlogs.

Given Canada's position in the world today, it would be irresponsible not to update our security, border and immigration systems. Reform is necessary. But the question before us is not only whether modernization should occur; the question is how we modernize and what principles must guide that modernization.

To remain effective, Canada's immigration framework must evolve alongside the realities of the 21st century: global displacement, geopolitical instability, technological change and increasingly complex migration patterns.

Canada's international reputation has been built not only on the strength of our immigration policies but also on how those policies are implemented. We are widely viewed as a country that balances security with fairness, enforcement with compassion and sovereignty with international responsibility. If that balance shifts too far in one direction, the consequences extend beyond immigration law.

As I noted earlier in this chamber, during committee review, neither the minister nor departmental officials were able to provide a breakdown of the roughly 300,000 cases currently in the immigration backlog, including how many involve students, asylum seekers or economic migrants.

Honourable senators, how can we be asked to make decisions of this magnitude without empirical evidence?

A similar concern arises when we examine administrative backlogs more broadly. Expert testimony cautioned that several measures in Bill C-12 may not eliminate delays. They may simply relocate them. By tightening eligibility rules, accelerating timelines and expanding abandonment provisions, we may see a significant increase in applications for judicial review before the federal court, an institution already operating under considerable strain. If we simply move the bottleneck downstream, we have not solved the problem. We have merely changed the address.

When we asked officials what impact these provisions would have on reducing the backlog and whether improvements were expected within one year, two years or five years, no modelling was provided.

When the government cannot provide the data or projections necessary to demonstrate how legislation will reduce backlogs or strengthen security, Parliament, as I said yesterday, should pause. That's because good policy begins with good evidence.

Honourable senators, Canada has faced administrative backlogs before. When the country experienced significant delays in issuing passports, we did not change the eligibility rules for obtaining a passport. We did not narrow procedural protections. We strengthened administrative capacity. Resources were allocated. Staffing was increased. Systems were modernized.

Immigration backlogs require the same practical response: improved capacity, better systems and adequate resources — not the curtailment of safeguards that protect fairness.

This brings me to the amendment I'm placing before you.

Yesterday this chamber adopted an amendment requiring the minister, after five years, to table a report on how Bill C-12 is being applied.

That amendment strengthens transparency. Parliament should know how the laws we enact operate in practice, particularly when they affect vulnerable people and engage in serious legal and humanitarian considerations. It was a good amendment. I voted for it too.

However, honourable senators, transparency and accountability are not the same thing. Under the government's amendment, Parliament will receive a report, but regardless of what that report reveals — whether it demonstrates success, failure, unintended consequences or harm — the law continues unchanged. That is a problem.

There is no requirement for Parliament to act, there is no obligation to decide whether the provisions should continue and there is no consequence if Parliament simply does nothing. In that framework, Parliament is informed but not empowered.

The amendment I am proposing ensures that Parliament must decide. It introduces a sunset clause under which certain new and expanded provisions of the Immigration and Refugee Protection Act will expire on the first day of the sixth year once the review is complete unless Parliament explicitly votes to extend them.

In practical terms, this changes the default. Under the bill as drafted, the default is permanence. Once enacted, the provisions remain in force indefinitely unless Parliament later chooses to revisit them. Under this amendment, the default is reconsideration — informed reconsideration.

If Parliament believes these measures are working as intended and that they are necessary, proportionate and consistent with our legal and humanitarian obligations, then Parliament can vote to extend them. But that extension must be deliberate, evidence-based and approved by both houses. The law will not continue by inertia. It will continue because of a decision.

Senator Harder has championed Senator Dean's review of the amendment as giving parliamentarians ". . . greater tools for monitoring the effectiveness of the system . . ." and called it ". . . the one that will ensure the system's integrity over the long haul."

He also warned against what we might call "what-isms" — the risk of acting without evidence. But parliamentary review, by its nature, is exactly that: a structured examination of "what-isms," "what-happened-isms," "what-worked-isms" and "what-should-be-fixed-isms." A review produces findings. This is invaluable, but it does not compel action on them.

The sunset clause is what gives those findings weight. It takes the monitoring that Senator Harder rightly values and adds a fair consequence. Government and Parliament must look at the evidence and vote on whether the rationale for these powers still stands. That is not a burden on the review. It's the review's enforcement mechanism. Surely, that serves the framework that Senator Harder cautioned us to focus on.

A review tells you what is happening; a sunset clause forces you to do something about it. Together, they are what integrity over the long haul actually looks like.

This reflects a simple principle of democratic governance. When Parliament grants significant powers or restricts important protections, it should also build in mechanisms to revisit those choices in the light of real-world experience.

A sunset clause ensures that Parliament must look again. That is not obstruction; that is responsibility. I'm going to say it again: A sunset clause is not obstruction; it is responsibility.

Honourable senators, I also want to address several arguments that I expect from the government.

First, some may argue that a sunset clause is unnecessary because Parliament can always amend or repeal the legislation. That's absolutely true in theory. In practice, once legislation is enacted, it's rarely revisited unless a crisis arises or a problem becomes undeniable. A sunset clause, again, transforms theoretical oversight into scheduled accountability — scheduled accountability. It absolutely must happen or those powers fall away.

I remind you of the data point I shared yesterday: Of the 51 reviews added to the legislation over the past 20 years, reviews have only taken place 17 times. With a success rate of 33%, I think the writing is on the wall. We can do better.

• (1830)

Second, some may suggest that a sunset clause creates instability or disrupts operational planning. The opposite is true. A five-year horizon provides governments, agencies and international partners with a predictable timeline. If the measures are working, renewal is straightforward. If they are not, Parliament can adjust. This is stability enhanced, not diminished.

Third, some may suggest that a sunset clause sends the wrong signal internationally. Canada's reputation is strengthened when the world sees that we combine effective immigration management with democratic accountability. Temporary powers that must be justified through renewal demonstrate confidence in our institutions and respect for the rule of law.

Honourable senators, we must, therefore, ask two simple questions: Should this bill pass in its current form? And if so, what safeguards should accompany it?

A sunset clause is a classic instrument of sober second thought. It accepts the bill in principle while ensuring that Parliament retains oversight of its long-term effects. It does not delay implementation. It does not prevent the government from acting, but it ensures that Parliament — not inertia — determines whether extraordinary measures become permanent features of the law.

A lot has been said about the speed at which this bill has moved forward. It may not be ideal, but it is what it is. Sometimes circumstances require us to move with urgency. I accept that. When that happens, we must be open to how we balance that urgency. A sunset clause provides that balance.

Because laws often operate differently in practice than they do on paper, unintended consequences emerge. Policies adopted in moments of urgency can become normalized without adequate scrutiny. A sunset clause guards against that drift. It simply says that Parliament must look again when we have the benefit of time and evidence, something that is missing from the introduction of this bill.

Not every bill requires a sunset; that is true — very few, in fact, do — but this one certainly does. We must also consider the broader implications of Bill C-12. Immigration is not only about borders or humanitarian commitments. It is about Canada's future.

Without immigration, Canada would struggle to sustain labour force growth and support essential services across this country. Immigrants already represent roughly 25% of registered nurses in Canada and more than one third of physicians, pharmacists and dentists. I'm going to run out of time, so I am not going to give you the statistics on the construction and technology industries, but those numbers are quite high as well.

Colleagues, the world is in a messy place at the moment. If we want people to choose Canada in the future, we must understand that part of choosing Canada is about trust — I think it's the catchword of the day — trust that our systems are safe and fair, thereby offering something that other countries probably cannot.

In summary, a sunset clause recognizes that good laws are living instruments, evaluated and refined over time. It demonstrates that oversight is not symbolic but real and that powers granted in extraordinary circumstances remain subject to democratic control.

I'm the first to agree that a sunset clause should not be used lightly. It has been used before in anti-terrorism legislation and emergency legislation. Those bills provided extraordinary powers. Does that sound familiar? Bill C-12 provides for extraordinary powers.

Supporting this amendment is not about fear or undermining the bill in front of us, nor is it about casting doubt on the intentions of governments to follow. It is about foresight. It ensures that the powers we grant today remain justified tomorrow.

MOTION IN AMENDMENT—DEBATE

Hon. Farah Mohamed: Therefore, honourable senators, in amendment, I move:

That Bill C-12, as amended, be not now read a third time, but that it be further amended on page 35 by adding the following after line 16:

"**PART 8.1**

Immigration and Refugee Protection Act (Sunset Provision and Review)

75.1 The *Immigration and Refugee Protection Act* is amended by replacing the Part 5 main heading with "Transitional Provisions, Consequential and Related Amendments, Coordinating Amendments, Repeals, Sunset Provisions and Coming into Force".

75.2 The Act is amended by adding the following after section 274:

274.1 (1) The following provisions cease to have effect at the start of the sixth year after the day on which *An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures* receives royal assent unless, before the start of that year, the operation of those sections is extended by resolution — whose text is established under subsection (2) — passed by both Houses of Parliament in accordance with the rules set out in subsection (3):

(a) section 11.3;

(b) paragraph 14(2)(b.1);

(c) section 20.01;

(d) paragraph 26(1)(b.01);

(e) sections 87.3001 to 87.305;

(f) paragraphs 101(1)(b.1) and (b.2);

(g) subsections 101(1.1) and (1.2); and

(h) paragraphs 111.1(1)(b.1) and (b.2).

(2) The Governor in Council may, by order, establish the text of a resolution providing for the extension of the operation of the provisions identified in subsection (1) and specifying the period of the extension, which may not exceed five years from the first day on which the resolution has been passed by both Houses of Parliament.

(3) A motion for the adoption of the resolution may be debated in both Houses of Parliament but may not be amended. At the conclusion of the debate, the Speaker of the House of Parliament shall immediately put every question necessary to determine whether or not the motion is concurred in.

(4) The operation of the provisions identified in subsection (1) may be further extended in accordance with this section, in which case the reference to " at the start of the sixth year after the day on which the *An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures* receives royal assent unless, before the start of that year" in subsection (1) is to be read as a reference to "on the expiry of the most recent extension under this section unless, before that extension expires".".

Thank you. *Shukran*. *Meegwetch*.

SPEAKER PRO TEMPORE'S STATEMENT

The Hon. the Speaker pro tempore: Honourable senators,

I would like to briefly clarify a procedural point arising from recent proceedings.

I wish to note for the record that, under our practices, a senator who moves an amendment is deemed to have spoken both to the amendment and to the main motion.

As stated at page 90 of *Senate Procedure in Practice*:

> A senator who moves an amendment is considered to have spoken to it as well as to the main motion, but all other senators — whether they have spoken to the main motion or not — can speak to the motion in amendment.

Accordingly, once the amendment was moved, Senator Mohamed was considered to have exercised her right to speak. In those circumstances, questions would not ordinarily be permitted.

Should honourable senators wish to ask questions in such a situation, leave of the Senate would be required.

We will now proceed with debate on the amendment.

MOTION IN AMENDMENT NEGATIVED

And on the motion in amendment of the Honourable Senator Mohamed, seconded by the Honourable Senator Arnold:

That Bill C-12, as amended, be not now read a third time, but that it be further amended on page 35 by adding the following after line 16:

"**PART 8.1**

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75.1 The *Immigration and Refugee Protection Act* is amended by replacing the Part 5 main heading with "Transitional Provisions, Consequential and Related Amendments, Coordinating Amendments, Repeals, Sunset Provisions and Coming into Force".

75.2 The Act is amended by adding the following after section 274:

274.1 (1) The following provisions cease to have effect at the start of the sixth year after the day on which *An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures* receives royal assent unless, before the start of that year, the operation of those sections is extended by resolution — whose text is established under subsection (2) — passed by both Houses of Parliament in accordance with the rules set out in subsection (3):

(a) section 11.3;

(b) paragraph 14(2)(b.1);

(c) section 20.01;

(d) paragraph 26(1)(b.01);

(e) sections 87.3001 to 87.305;

(f) paragraphs 101(1)(b.1) and (b.2);

(g) subsections 101(1.1) and (1.2); and

(h) paragraphs 111.1(1)(b.1) and (b.2).

(2) The Governor in Council may, by order, establish the text of a resolution providing for the extension of the operation of the provisions identified in subsection (1) and specifying the period of the extension, which may not exceed five years from the first day on which the resolution has been passed by both Houses of Parliament.

(3) A motion for the adoption of the resolution may be debated in both Houses of Parliament but may not be amended. At the conclusion of the debate, the Speaker of the House of Parliament shall immediately put every question necessary to determine whether or not the motion is concurred in.

(4) The operation of the provisions identified in subsection (1) may be further extended in accordance with this section, in which case the reference to " at the start of the sixth year after the day on which the *An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures* receives royal assent unless, before the start of that year" in subsection (1) is to be read as a reference to "on the expiry of the most recent extension under this section unless, before that extension expires".".

Hon. Sandra Pupatello: Honourable senators, I'm very pleased to speak to this particular amendment, and I want to first congratulate Senator Mohamed for the hard work that she clearly puts into her work. Having known her for about 30 years now, I have a lot of respect for this senator, and I'm delighted to have also watched much of the work done at committee around this bill, in particular the Standing Senate Committee on Social Affairs, Science and Technology. It was my first attendance at that committee, and it was an eye-opener for me, and I was so pleased to see the hard work that was done by that committee.

Let me start by saying that the government would not support this amendment, but I want to tell you why, and I want to explain it from a perspective that, frankly, I've had to deal with in other roles.

I want to address the practical implications of this particular amendment, not how it relates to the balance of the bill — and I appreciate that all the examples that were given are on other parts of the text of the bill — but particularly on a sunset clause.

I submit that a sunset clause is appropriate for narrowly tailored measures. We're looking at Bill C-15, for example, and you've got those timely clauses, like a Personal Support Workers Tax Credit, which has a sunset clause because over time, provinces are, of their own volition, moving the rates of pay for areas of work where that tax measure would no longer be necessary. However, it doesn't involve massive structural change in the government in order to enact that; it's basically an IT function that's going to change that tax credit.

• (1840)

So, I would say it's not appropriate for the measures here because the changes to the immigration system require the development and implementation of new procedures, training officers for months and IT changes — these are resource-intensive changes that are very difficult to undo.

Imagine if the fifth year after Royal Assent arrives, when this review is to happen, and it's delayed for some reason — prorogation, being in the middle of an election — what would happen then? It would completely upend the work of immigration. What would happen to the very applications that we're so concerned about? What would happen with those individuals?

That's exactly why a sunset clause would kick in, and in that complex, system-wide overhaul, it would be required to undo all that had been implemented with this bill.

There are various provisions within the bill. In practice, when governments are functioning — imagine the intense discussions around the United States-Mexico-Canada Agreement, or USMCA. The Canadian government begged not to have a sunset clause for a very good reason: We could not predict what the status would be in that moment when the sunset clause took effect. They managed to negotiate one that would take effect so far in the future — 16 years — that they thought we might be safe. Look at the position we're in now: We're now dealing with other levels of government because we know they're trying to pull out of it entirely. We understand the structural impact when a whole government system is created around that very legislation.

The same is true here. I would ask of the senator who made those perfect examples, such as the Emergencies Act, which had a sunset clause — what we're dealing with here in the immigration system is not a flip moment like it was, thankfully, when the Emergencies Act was used. We're in an era of mass international migration when we need to get our system right.

These are changes that we know we're going to need and must review, but these changes deal with humans. It's going to be incumbent upon this chamber and that Parliament to perform that review, and it's incumbent upon us to make sure they do it. However, I don't believe that they need a sunset clause with the worry of what happens when that time arrives if they're simply not doing it.

The various examples that were given on the number of sunset clause reviews that weren't done — such as with the Statistics Act of Canada — when they didn't do the review that was required, it really didn't change lives. So, although we say that there are a number that weren't done, there were a number that weren't done that nobody was watching and no one was being immediately impacted by — and, eventually, that work would be done.

There are others, like the environmental act that was changed. It was absolutely done on time because it was incumbent upon those parliamentarians to do their job.

So, I just have to ask: What is our role? It is oversight and to see that they do that review. But is a sunset clause required? I would say no because the implementation of a sunset clause could actually upend the entire immigration system we're trying to fix.

Because of these very real day-to-day implementation issues of sunset clauses, understand that when you implement this in government, it makes it virtually impossible to continue the steady flow of government services. Thank you.

Hon. Leo Housakos (Leader of the Opposition): Would the senator take a question?

Senator Pupatello: Yes.

Senator Housakos: Thank you, senator, for your remarks.

I want to highlight that we already passed an amendment putting in place a five-year review on this legislation, senator. We know this chamber has a long mandate — most of us here do — and we have our independence based on tenure, unlike the other place, where there is changeover all the time.

What is the concern? Why wouldn't the original amendment asking for a review within a five-year process — passed yesterday, I believe, by Senator Dean — be sufficient? It's incumbent upon all of us, if we think there are things that require the government to be reeled in five years from now, to ensure we do our job.

Senator Pupatello: Thank you. I feel as though that was a question in the form of an answer, but I will try to answer, nonetheless.

I realize that a number of senators have stood and said that they're not worried about this government. In particular, there were the comments made by Senator Al Zaibak, who said that this is an issue of trust — and it is.

Having been part of a government at one time, we undid the work of the previous government. That's what we wanted to do and were elected to do. We can't be fearful of future governments. That's what they do.

I was at an event when former Prime Minister Harper was unveiling his portrait, and he said, "The government that followed us undid all of my 10 years." I was cheering at that moment — though not for everything.

The point is that we elect Parliament to do their job. If we were going to worry that a future government would undo things, guess what our role would be? We would have to jump out of the Senate and do something about that.

You can't be fearful of future governments. It was ever thus. That, as an argument, doesn't work, because it may happen. They could eliminate the entire Immigration and Refugee Protection Act, never mind just a few clauses as we're talking about today.

We have to work with what we have, and, in this instance, we're talking about the sunset clause. The sunset clause is just extremely difficult in the functioning of government. It's why the government chose not to do it and why they've embedded

measures to have a review. I believe that, given the emotion and the intensity of this subject matter, and from what I saw at the Social Affairs Committee, there isn't a chance that the government will not be doing a five-year review.

I'll stop there. Thank you.

Hon. Kim Pate: Will the senator take a question?

Senator Pupatello: Yes.

Senator Pate: Thank you very much for that.

It's very compelling to hear you describe that. Having worked with the types of populations that we are, in part, supposed to be representing in this chamber, every piece of legislation that has had a review clause has not been reviewed on time, if ever. The issue that many of us are concerned about — and which you heard the law student who came here as a refugee and was watching the proceedings ask me about earlier — is this: What about when it's not politically expedient or popular? What if it's not a population that people are particularly concerned about? That, it seems to me, is part of the reason many of these groups got swept into a piece of legislation that was supposed to be about border security, fentanyl and organized crime.

Senator Pupatello: As I read this bill, having represented an area that has probably the fourth-highest levels of migration in the country — in my hometown — I am looking forward to a system that properly puts people in the right lineup. What has happened in this system is they have got into the lineup for refugees when they shouldn't have, and they have taken the spots in that queue of authentic refugees. It has been very difficult. They are doing everything they can to stay in the country, and I appreciate why. However, I know the changes they're embedding here are meant to create additional opportunities to put people in the right lineup, which means, to me, that there will be a better focus on every one of those subgroups that we talked about at committee — 2SLGBTQIA+ folks and people coming from broken homes, violence and abuse. It actually allows those people to be in a lineup that's not as long because we're ferreting out the ones who shouldn't be in that lineup.

When I looked at the legislation, it was not from the point of view that I heard; it was actually heartening to see that we will be able to spend the time that we must for the people who need to enter this country to get away from harms in the countries they're coming from.

It is a matter of perspective and a matter of what I see on the streets in my hometown. I see these changes as beneficial. When we question the minister and her deputy to ask, "What are you going to do for those people at the PRRA, who now have to know their business?" because they didn't need that level before. I now feel that they certainly know all of the training that's required. There's a module just on 2SLGBTQIA+ issues. They responded in kind afterward, in writing, much more fulsomely than they did, frankly, at committee, so I found comfort in them realizing how serious this is.

In answer to that question, I see, regarding this amendment, that it isn't necessary and will really stymie government down the road. The pressure in any area like immigration, no matter the government, has been a number one issue. I don't think we can take away from our own responsibility to ensure that that review is done.

Thank you.

• (1850)

Senator Pate: There are many examples where that kind of "trust us" mentality has been put forward at the provincial as well as federal levels. With the sunset clause, one option is that if all the groups that came before the Social Affairs, Science and Technology Committee come three or four years from now and say, "Look, we were wrong; it's working well," then you could just repeat the legislation. You wouldn't have to worry about the sunset clause. Why not proceed in that manner?

Senator Pupatello: I will say that I checked that list from the library about all of the reviews that weren't done. For example, for the Statistics Act, they didn't do the review they were meant to. I don't think anyone noticed that. But others that were really important were done, and others are still pending because their time frame isn't up yet. I would just say that it is incumbent on us to make sure the review is done.

I believe that Senator Mohamed said very clearly that the data is required, and I think that's what we should be insisting on. We need to know how much better this system is because the way it is now, you can't possibly be happy with it. You cannot possibly be happy that they have been on this list for years, upending their lives until they can actually be settled. These are the meanings that we're giving to the government to help that.

All that is to say that I do feel passionate about how we are meant to help people in this country, and this bill does that.

This amendment, from a governmental perspective, is really inadequate, and it could lead to something that is really difficult for the government to handle. I think that's worse for the system and the people who are actually in the immigration system.

Senator McPhedran: Would Senator Pupatello take a question?

Senator Pupatello: Thank you. Yes.

Senator McPhedran: Thank you. My question is in the context of Canada taking less than 2% of the world's refugees and relates to your saying that Senator Mohamed's amendment could "upend the entire system." I completely do not understand that, and I would ask if you could give some specific examples of how Senator Mohamed's amendment is going to upend the entire system.

Senator Pupatello: Thank you. Well, think I mentioned that should we enact a sunset clause and that it be scheduled for 5 years from the date of Royal Assent, considering that in the last 20 years we've had minority governments and we never know when we're having an election. We never know how long a session is or when parliament will be prorogued. We can't say with certainty that we will be here in a year, for example, because we are in that uncertainty right now. Five years from now, when that review is to be tabled, what state will we be in? If

you don't do the review, do you completely wipe out that entire act? Actually, yes, you do, because it's being sunsetted with this clause.

What I'm suggesting is that when you're dealing with Parliament and it is uncertain, you have to give them the means to do their job, which is not to have a sunset clause.

Thank you.

Senator McPhedran: I have a supplementary question.

The Hon. the Speaker pro tempore: I'm sorry, Senator McPhedran, but her time has expired.

Senator Pupatello, are you — no. Okay.

Senator Housakos: Honourable senators, I also want to share my views on this issue. I've been listening quite attentively since yesterday on the series of amendments and now the sunset clause, and I want to reiterate our position. I think there have been a number of amendments now that have been improved, that put into place reasonable safeguards.

Everybody who has seen me go into debate in this chamber on a variety of issues through the years knows that I am one of the most ardent supporters of parliamentary review and never giving the government a blank cheque, but I think it's also imperative that we understand we're living under very existential circumstances and facing more than one crisis.

Immigration has finally become a crisis in Canada. It's something that countries in Europe have faced over the last decade and a half. We thought it was a problem for faraway states — that Canada would be buffered by the three oceans and the huge U.S. border. We've discovered over recent years that even that does not preclude us from having similar difficulties and problems with migration that our European friends and allies around the world are having.

We need to fix the system for credibility's sake. Canada, I do believe, has the best track record in the world when it comes to welcoming people from around the world. They did for my parents in the 1950s, and now, for decades, Canada has been the most welcoming country in the world. That is a testament to the kind of society that we have built: inclusive, diverse and one that recognizes the importance of giving people opportunities.

Also, right now, if we take the time to go out and consult people in the area of immigration — community groups, stakeholders, immigration lawyers, consultants, particularly in big centres like in Montreal where I am — they will tell you that there are special difficulties facing the industry of immigration. There is a high level of fraud that's never been seen before.

Nobody is really touching on that when it comes to all the various amendments. All the amendments we have put forward, and particularly this one, the sunset clause, just call into question the credibility of governments. As I said, we have never ever seen, at least in my lifetime, when governments have overstepped when it comes to accommodating new arrivals in this country. We haven't.

We know the history of Canada has had some dark moments, but by and large our history has been one of success. I can give you a long list of countries that have nothing but shame and fear when it comes to their immigration policies, both in letting people leave their country and letting people enter their country.

Canada does not deserve to be given lessons. As I've said, in the 1980s I started as a young intern on Parliament Hill working for the Honourable Gerry Weiner during the Mulroney government. Since 1984, I've seen successive governments increase immigration numbers, the scope of immigration and the areas of the world that we're welcoming people from. We all recognize that we have similar histories and similar challenges.

I don't want to reiterate all the valid points that Senator Pupatello put forward, but we cannot create amendments that are so prescriptive that we handcuff our governments from doing their job.

On the other side, there were many weeks of deliberations and consultations, and those started in the last general election, colleagues. It didn't start at some parliamentary committee over in the House of Commons. I know that for our political party this wasn't something that preoccupied our process in terms of our program in the last election prior to the campaign, but it struck all our candidates, all Conservative MPs on the other side who were knocking on doors, that Canadians recognized that we have a problem with our immigration system. It doesn't fulfill certain needs, and there is a wide level of corruption that is creating inequities and a lack of fairness. When a system is perceived as not being fair, particularly by immigrant groups themselves, you have to fix it.

After long consultation — you've had wordsmithing, amendments and subamendments tabled and debates back and forth that took place in the House of Commons — they landed on this particular bill. We have studied it for many hours in this chamber. We've brought stakeholders before the committee. Now, I think, we've accepted three amendments that allow for oversight on the part of Parliament that I think should be more than sufficient in giving us the guarantees we need. At some point in time, we have to show confidence in the elected side of the Parliament that we're a part of. We have to show confidence in our government and governments, whoever they may be, to be able to execute the will that they received from the Canadian people.

• (1900)

So now we have a case in point, I think, where, Senator Mohamed, with all due respect —

The Hon. the Speaker pro tempore: I am sorry to interrupt, Senator Housakos.

Senator Housakos: Please do.

[*Translation*]

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

Is it agreed to not see the clock?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

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

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

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

[*English*]

• (2000)

The Hon. the Speaker pro tempore: In amendment it was moved by Senator Mohamed:

That Bill C-12, as amended, be not now read a third time, but that it be further amended on page 35 by adding the following after line 16:

"**PART 8.1**

Immigration and Refugee Protection Act (Sunset Provision and Review)

75.1 The *Immigration and Refugee Protection Act* is amended by replacing the Part 5 main heading with "Transitional Provisions, Consequential and Related Amendments, Coordinating Amendments, Repeals, Sunset Provisions and Coming into Force".

75.2 The Act is amended by adding the following after section 274:

274.1 (1) The following provisions cease to have effect at the start of the sixth year after the day on which *An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures* receives royal assent unless, before the start of that year, the operation of those sections is extended by resolution — whose text is established under subsection (2) — passed by both Houses of Parliament in accordance with the rules set out in subsection (3):

(a) section 11.3;

(b) paragraph 14(2)(b.1);

(c) section 20.01;

(d) paragraph 26(1)(b.01);

(e) sections 87.3001 to 87.305;

(f) paragraphs 101(1)(b.1) and (b.2);

(g) subsections 101(1.1) and (1.2); and

(h) paragraphs 111.1(1)(b.1) and (b.2).

(2) The Governor in Council may, by order, establish the text of a resolution providing for the extension of the operation of the provisions identified in subsection (1) and specifying the period of the extension, which may not exceed five years from the first day on which the resolution has been passed by both Houses of Parliament.

(3) A motion for the adoption of the resolution may be debated in both Houses of Parliament but may not be amended. At the conclusion of the debate, the Speaker of the House of Parliament shall immediately put every question necessary to determine whether or not the motion is concurred in.

(4) The operation of the provisions identified in subsection (1) may be further extended in accordance with this section, in which case the reference to " at the start of the sixth year after the day on which the *An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures* receives royal assent unless, before the start of that year" in subsection (1) is to be read as a reference to "on the expiry of the most recent extension under this section unless, before that extension expires".".

All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker pro tempore: I see two senators rising. Do we have agreement on the length of the bell? Thirty minutes. Is leave granted?

An Hon. Senator: No.

Some Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Do we have an agreement on the bell? If we do not, it will be one hour.

Thirty minutes. Is leave granted?

Hon. Senators: Yes.

The Hon. the Speaker pro tempore: Leave is granted. The vote will take place at 8:38 p.m. Call in the senators.

• (2030)

Motion in amendment of the Honourable Senator Mohamed negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Adler	Mohamed
Al Zaibak	Moncion
Arnold	Moodie
Boudreau	Osler
Clement	Pate
Coyle	Petitclerc
Deacon (*Nova Scotia*)	Ross
Galvez	Senior
Hébert	Simons
Kingston	Wallin
McCallum	Woo
McPhedran	Youance—25
Miville-Dechêne	

NAYS
THE HONOURABLE SENATORS

Aucoin	McNair
Batters	Moreau
Burey	Muggli
Busson	Oudar
Cardozo	Patterson
Carignan	Petten
Dean	Pupatello
Francis	Ravalia
Fridhandler	Ringuette
Gignac	Saint-Germain
Greenwood	Smith
Harder	Sorensen
Hay	Surette
Housakos	Tannas
Klyne	Varone
LaBoucane-Benson	Wells (*Alberta*)
Loffreda	Wells (*Newfoundland and Labrador*)
MacDonald	White
Manning	Wilson
Marshall	Yussuff—41
Martin	

ABSTENTIONS
THE HONOURABLE SENATORS

Black	Henkel
Forest	Lewis
Gerba	Robinson—6

THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Dean, seconded by the Honourable Senator Boehm, for the third reading of Bill C-12, An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures, as amended.

(On motion of Senator Woo, debate adjourned, on division.)

• (2040)

CANADA-INDONESIA COMPREHENSIVE ECONOMIC PARTNERSHIP AGREEMENT IMPLEMENTATION BILL

FIRST READING

The Hon. the Speaker pro tempore informed the Senate that a message had been received from the House of Commons with Bill C-18, An Act to implement the Comprehensive Economic Partnership Agreement between Canada and Indonesia.

(Bill read first time.)

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

(On motion of Senator Moreau, bill placed on the Orders of the Day for second reading two days hence.)

BAIL AND SENTENCING REFORM BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Dalphond, seconded by the Honourable Senator Forest, for the second reading of Bill C-14, An Act to amend the Criminal Code, the Youth Criminal Justice Act and the National Defence Act (bail and sentencing).

Hon. Paula Simons: Honourable senators, I rise this evening to speak to Bill C-14, An Act to amend the Criminal Code, the Youth Criminal Justice Act and the National Defence Act (bail and sentencing). It is in relation to bail that I speak tonight — to the principle of bail itself — as I remand you here for another 15 minutes.

Bill C-14, among many other things, creates additional offences for which a reverse onus would apply when people are applying for bail. Those offences include human trafficking; violent and organized-crime-related auto theft; breaking and entering a dwelling house; extortion involving violence; and assault or sexual assault involving choking, suffocation or strangulation. As well, the existing reverse onus for an accused with a relevant prior conviction within the last 5 years would be expanded to the last 10 years.

The concept of bail itself, it must be said, flummoxes and even enrages a lot of people. After all, if a person is arrested and charged with a crime, the police and the Crown must believe that there is enough evidence to convict them. Then, we just let them out, usually asking for money in return. It's kind of a reverse ransom demand. The Crown says, in effect, "You give us some kind of financial guarantee that you'll be back for trial, and if you don't show up, we keep the cash."

Often, we don't just ask for money, though; we impose all kinds of conditions about how the person charged has to behave when they are back in the community. We might ask them not to drink, use drugs or go to certain places or be with certain people. We tell them that if they break those conditions, they can be charged again and remanded.

• (2050)

Now, a very narrowly logical person — a visitor from Vulcan, say — might ask, "Well, if you think this person committed a crime, why let them out at all? Shouldn't we invoke a precautionary principle and just lock everybody up until trial?"

There are, in fact, two very different answers to that question. The first is philosophical and ethical. In our criminal justice system, every person arrested and charged with a crime is considered innocent until proven guilty. If the Crown wishes to take away a person's liberty, it is up to the Crown, with all the massive resources it possesses, to make its case. The onus is on the state to justify why it is imprisoning you, not on you to justify why you should be free.

That is, in the words of Lord Sankey, "the golden thread" that runs through our justice system. It is a legal principle as old as the Magna Carta and as contemporary as our latter-day Charter of Rights and Freedoms. Indeed, section 11(e) of the Charter guarantees that a "person charged with an offence has the right . . . not to be denied reasonable bail without just cause." Section 11(e) enshrines a basic entitlement to pre-trial release for accused persons, rooted in the presumption of innocence and the right to liberty. Being arrested doesn't mean you're guilty. You can't take away that most fundamental of civil liberties — personal freedom — until trial, not without just cause.

Bail can be denied if there is a reasonable concern that the accused might try to flee. Bail can be denied for reasons of public safety, and bail can be denied if a court feels that granting bail in a specific case would undermine public confidence in the administration of justice.

Now, that's a tricky condition, since it can lead to bail being denied just because of public outrage and outcry, and we surely don't want judges making decisions about whether to grant bail on the basis of public opinion without regard to the facts. Nonetheless, Canadian judges and justices of the peace can and do calculate that calculus all the time. Those are the moral and metaphysical reasons we provide bail.

There is another more pragmatic reason why bail is essential to our criminal justice system. We simply don't have the remand space or the correctional resources to lock up every single person who's been arrested, pending trial. This is not a new phenomenon. Our common-law history of bail dates back to before the Magna Carta, to before the Norman Conquest, to the time of the Anglo-Saxons. The Anglo-Saxons found incarcerating people to be both "costly and troublesome," so they evolved a system to stop people from fleeing before trial without the bother and expense of imprisoning them. An accused could be released if he or she could find someone in the community to pledge a surety, guaranteeing both the appearance of the accused in court and payment of any fine upon conviction.

The amount or substantive worth of that pledge, called "bail," was identical to the amount or substantive worth of the penalty. Thus, if an accused were to flee, the responsible person would pay the entire amount.

In 2026, locking people up before trial is still costly and troublesome. Our remand centres are full. Our courts are backlogged. Provincial and federal governments simply haven't invested the resources to maintain huge numbers of people safely and securely in remand. Nor have they funded the necessary Crown prosecutors, legal aid duty counsels, judges or justices of the peace.

In the meantime, the number of people being denied bail is on the rise. According to the Canadian Civil Liberties Association, 72% of provincial and territorial prisoners were denied bail last year, compared to 59% in 2015. Our remand centres bear the brunt of that reality.

According to a recent investigation by the CBC, in Ontario, during the first six months of 2025, the jail population averaged 10,800 prisoners, while maximum capacity in the province's jails was 8,500 beds. Of those 10,800 prisoners, 82% were on remand,

awaiting trial and legally innocent. That percentage had jumped from 74% in 2019. In other words, there simply aren't enough beds in Ontario's jails to hold all the people already remanded there.

In my home province of Alberta, the numbers tell a different but still troubling tale. Edmonton's old remand centre, which stood near the courthouse, had a capacity of just 338 beds and had been constantly overcrowded with double and even triple bunking. In response, the province built the new, state-of-the-art Edmonton Remand Centre, which opened in 2013. The 60,000-square-metre facility, with a capacity of nearly 2,000 beds, is both the largest remand centre in Canada and the largest prison in Canada, and it cost nearly $600 million to build more than a decade ago. It's not yet at capacity, although we certainly seem to be headed that way.

In 2010-11, approximately 57% of people in Alberta's provincial correctional system were on remand. In 2018, 64% of Alberta inmates were remanded and awaiting trial. By last year, that number had jumped to 85%. Think about that.

Statistics Canada data showed that last year there was an average of 492 convicted prisoners in Alberta jails but 2,834 awaiting trial. We could debate how many of those remanded people are morally blameless, but, in fact, they are still legally innocent until proven guilty.

Now, Bill C-14 proposes to make it extremely difficult for whole new classes of accused to receive bail at all by applying a reverse onus to many more kinds of criminal offences. That means that the accused will have to prove that they deserve bail instead of asking the Crown to prove that they do not. That turns the principle of fundamental justice that underlies our legal system on its head.

Now, we already have reverse onus provisions for some of the most serious crimes in our Criminal Code, from first-degree murder to treason to piracy, but Bill C-14, as I mentioned, would dramatically expand that list, including for some rather mundane, non-violent offences.

Take break and enter of a dwelling house. That can encompass everything from a terrifying home invasion to a far more petty kind of crime of opportunity, say, if some greedy porch pirate spies a tempting looking parcel in your front foyer and decides to just grab it while you are out.

And, sure, organized crime related to auto theft sounds bad, but should we really want to make it extraordinarily difficult to get bail if you're a 19-year-old foot soldier who steals cars for a syndicate and not the mob boss?

Given that Statistics Canada records show that charges for car theft and break and enter are declining, not rising, I have to ask: Is the purpose of making the bail process so much harder really to keep Canadians safer, or is it more akin to a pre-trial punishment?

Such reverse onus provisions will clog up our courts and make remand overcrowding worse, and they won't make us much safer at all. If an accused actually poses a serious risk, a good Crown prosecutor shouldn't struggle to make the case to deny bail. And if a judge or a justice of the peace has all the necessary information, he or she should be able to make the right call.

If we actually care about making bail work and keeping Canadians safe, we need to make sure that we properly resource our courts and our justice system so that Crown prosecutors, legal aid defenders, judges and justices have the information and the time they need to make the right decisions for the right reasons for the right people. And when we do release people on bail, we need to be sure they have a proper release plan, especially if they are unhoused or dealing with addiction or mental health challenges.

But we are lying to Canadians and to ourselves if we think that whittling away at fundamental civil liberties and that making our justice system a little less just will protect anyone except those who want to pander to populist fears.

Will you allow me to tell you a story from my days as a journalist, one that has always haunted me?

Twenty years ago this month, Edmontonians were enraged when they heard the story of the death of a man named Stefan Conley. Initial news reports made it sound like a scene straight out of *A Clockwork Orange*: Four young thugs were accused of beating a passenger to death on a bus. Our letters page at the *Edmonton Journal* was filled with angry mail from Edmontonians demanding justice for Conley. The letters we didn't print were even angrier — calls to bring back the death penalty, calls to have the four teens tried as adults and jailed for life. Some 20,000 people signed a petition demanding that their bail be revoked.

Politicians and pundits chimed in, denouncing the judge for being so lenient. When the case finally went to court, it turned out that Conley, who had a history of violence, had begun the fight with the four boys. The autopsy found no broken bones and no injuries to Conley's skull or his internal organs. He had died of a subarachnoid hemorrhage, when a tiny artery at the base of his brain suffered a pinhole tear. Such hemorrhages are rare but far more common in people who are severely intoxicated, as Conley was that day.

The manslaughter charges against the four teens were all dropped, but imagine if they had spent a year or two in youth or adult remand, as the mob had demanded. Imagine what that would have meant to their young lives.

Every time I hear a tough-on-crime politician or pundit talking about so-called bail reform, I think of that case and the lessons it taught my entire city about putting fear before facts and rushing to judgment.

> An avidity to punish is always dangerous to liberty. It leads men to stretch, to misinterpret, and to misapply even the best of laws. He that would make his own liberty secure must guard even his enemy from oppression; for if he violates his duty he establishes a precedent that will reach to himself.

• (2100)

Thomas Paine wrote those words in 1795, in his *Dissertation on the First Principles of Government*. Let us guard ourselves against an avidity to punish — especially pre-emptively — before all the facts are in.

Thank you, *hiy hiy*.

(On motion of Senator Kingston, debate adjourned.)

BUSINESS OF THE SENATE

Senator LaBoucane-Benson: Honourable senators, with leave of the Senate, I move:

> That the Senate do now adjourn.

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

Hon. Senators: Agreed.

(*At 9:01 p.m., the Senate was continued until tomorrow at 1:30 p.m.*)

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