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OFFICIAL REPORT
(HANSARD)

Thursday, March 12, 2026

The Honourable RENÉ CORMIER,
Speaker pro tempore

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THE SENATE

Thursday, March 12, 2026

The Senate met at 1:30 p.m., the Speaker pro tempore in the chair.

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL WOMEN'S DAY

Hon. Paulette Senior: Honourable senators, I rise today on the unceded, unsurrendered territory of the Anishinaabe Algonquin Nation to mark International Women's Day 2026.

This year's theme is "Rights. Justice. Action. For ALL Women and Girls." Amidst a global backlash against gender equality, it is imperative that we speak up and act decisively.

Gender equality is a human right. Research demonstrates that it is also closely linked to prosperity, democracy and stability. Studies have shown that countries with higher levels of gender equality are generally more prosperous, democratic and peaceful. At the same time, we have seen that hard-fought advances in gender equality won over the past decades can be quickly wiped out without much notice. We've seen this with *Roe v. Wade* and subsequent backlash measures south of the border and similar cutbacks in several provincial jurisdictions right here at home.

We know that during economic downturns, crises or conflicts of various kinds, governments tend to steer away from commitments to gender equality priorities and investments. The lesson learned by many of us in the trenches who have fought for these gains is that they are fragile at best and that the struggle for intersectional gender equality is in no way over.

Advancing gender equality isn't just about closing gaps between men and women. People experience different barriers depending on many elements of their identities, including their sexuality, race, gender identity, ability and age. We need to always be thinking of intersectionality and applying that critical Gender-based Analysis Plus lens to initiatives that we take on.

Being an intersectional feminist ally means using our voice and privilege to advocate for inclusion and diversity, as well as supporting women, girls and gender-diverse folks who face barriers and discrimination that we may never face ourselves.

In the spirit of the International Women's Day theme, we can take some key actions.

We can declare gender-based violence and femicide global pandemics and take corresponding action to eradicate them; advocate for sustainable, reliable funding for crisis lines, shelters, safe and affordable housing, public education, prevention programs, trauma-informed training, safety protocols in workspaces, public institutions and the like; resolve to finally close the gender pay gap and provide livable incomes so that no one has to stay in an abusive relationship because of poverty; challenge power imbalance and abuse, domination and aggression; protect women, girls and gender-expansive individuals from AI-facilitated violence and harassment by promoting global standards and adopting legislation that promotes human rights.

Colleagues, we all know that when we support a woman and invest in her future, we are also investing in a family, a community and, ultimately, in Canada. Please join me in celebrating International Women's Day 2026. Thank you.

Hon. Senators: Hear, hear.

THE LATE GEORGINA FAITH PAPIN

Hon. Scott Tannas: Honourable senators, yesterday was Georgina Faith Papin's birthday. You may ask, "Who is Georgina Faith Papin?" She was one of the victims of the notorious Robert "Willie" Pickton. To many, she was another missing and murdered Indigenous woman. To me, she was someone I knew.

During summers in High River, I was a lifeguard at the local swimming pool, where I taught children to swim, a very Canadian picture. Georgina and her brother Ricky were both my students.

The Papins had a horrible home life on the reserve due to poverty and abuse. They became foster children in the system, away from their people and their culture. To be frank, the Papin kids never had a chance. They eventually ran away from their foster home and left High River forever.

I lost track of Georgina Papin until a friend told me he had seen her name in the newspaper. She had moved to Vancouver and vanished one night in 1999. She was one of 49 women murdered by that animal Robert Pickton. She lived as a vulnerable person and died a horrible death.

Georgina would be 62 years old today. The tragedy of missing and murdered Indigenous women and girls is not just a matter of degrees of separation from us. For many, there are no degrees of separation at all. These are people we knew and should have known much longer and in better circumstances.

I am not an Indigenous Canadian. I do not carry the burdens or lived experience of our Indigenous brothers and sisters. But I can remember a sweet child, smiling and happy in a swimming pool on a summer day. I can speak her name and resolve to keep the faith. We can and must do more to protect and uplift vulnerable Indigenous people in Canada.

Rest in peace, Faith.

Hon. Senators: Hear, hear.

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 Paul Goobie, husband of the Honourable Senator Arnold.

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

Hon. Senators: Hear, hear!

[*Translation*]

PANDEMIC OBSERVANCE DAY

Hon. Suze Youance: Honourable senators, March 11 is the National Day of Observance for COVID-19 in Canada. I would like to remind everyone of the importance of vigilance and preparedness. In the spirit of the well-known Scout motto, we must always be prepared.

• (1340)

Six years and one day ago today, the World Health Organization declared COVID-19 a global pandemic. This event had a profound impact on our country and continues to have repercussions, since COVID-19 still remains a leading cause of death in Canada.

Thanks to the work of our former colleague, the Honourable Marie-Françoise Mégie, March 11 is now a day to pause, reflect and take stock of our preparedness. It is an opportunity to recognize the efforts made, the lessons learned and the progress achieved since 2020.

We also remember the outpouring of solidarity that united communities, institutions and nations. The Canadian Armed Forces, who supported our long-term care facilities and helped deliver essential supplies, demonstrated the strength of our collective capacity to respond to crises.

Today, the significant resurgence in diseases such as measles and tuberculosis serves as a forceful reminder of the importance of maintaining high vaccination rates, combatting disinformation and continuing to value evidence and the expertise of our health care professionals.

It's often said that knowledge is power and forewarned is forearmed. That is just as true for the next pandemic. Let's hope that our governments will continue to invest in research, innovation and preparedness to ensure the well-being of the 42 million people living in Canada today and that of generations to come.

Thank you.

[*English*]

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 Aren Larette. She is the guest of the Honourable Senator Ince.

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

Hon. Senators: Hear, hear!

SENATE REFORM

Hon. Peter Harder: Honourable senators, next Wednesday marks the tenth anniversary of the first of the independent Senate appointments made under the then-new appointment process. Senator Petitclerc and Speaker Gagné, I'm sure, will remember the occasion of our subsequent swearing-in on April 12, 2016.

We entered a chamber comprised of 42 Conservatives, 26 Liberals and 14 non-affiliated, most of whom had left their previous party caucuses. Of the senators in the chamber at that time, only 17 continue to serve.

Then we all, old and new, began the effort to achieve a less partisan, more independent upper chamber. The government's approach to reform focused on meaningful, non-constitutional improvements — practical steps that could be taken within our existing constitutional framework.

Ten years later, we can see tangible results. A further 93 appointments were made during the Forty-second, Forty-third and Forty-fourth Parliaments.

This chamber has made remarkable progress toward gender parity, now comprising 53% women — an accomplishment that mirrors Canada's diversity and underscores the government's dedication to equal representation. We have also seen an increase in Indigenous senators, now representing 10% of this chamber, bringing vital perspectives from First Nations, Inuit and Métis communities to the centre of Parliament. The appointments have also reflected the broader diversity of Canada. Your contributions enrich our discussions and help ensure that national legislation reflects the lived experiences of Canadians.

The objective has always been clear: to enhance the Senate's credibility. An independent Senate strengthens Canada's parliamentary democracy in several vital ways. It acts as a chamber of sober second thought. It provides meaningful checks and balances on executive authority. It represents regional and minority interests within our federation. It conducts thorough, less partisan review of legislation, and it undertakes the study of complex or politically sensitive issues. It remains vigilant in protecting Charter rights and maintaining the balance at the heart of our federal system.

The Senate is not meant to compete with the House of Commons; it is meant to complement it. While the elected chamber carries the democratic mandate, this chamber offers

careful scrutiny, broader consultation and long-term perspective — free from the immediate pressures of electoral politics.

Ultimately, a newly independent Senate is not a departure from our constitutional tradition; it is a reaffirmation of it. After 10 years of reform, we see a Senate that is less partisan, more diverse, more representative, more credible and firmly grounded in our institutional role. In practising independence, we have strengthened not only this institution but, I would argue, Canadian democracy itself.

Finally, colleagues, if I have learned anything in the past 10 years, it is that we are but temporary and, indeed, fleeting custodians of this institution. May our efforts to be less partisan and more independent guide our deliberations.

Thank you.

Some Hon. Senators: Hear, hear.

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 James Gallant. He is the guest of the Honourable Senator White.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

NATIONAL STRATEGY FOR SOIL HEALTH BILL

THIRD REPORT OF AGRICULTURE AND FORESTRY COMMITTEE PRESENTED

Hon. Mary Robinson: Honourable senators, I have the honour to present, in both official languages, the third report of the Standing Senate Committee on Agriculture and Forestry, which deals with Bill S-230, An Act respecting the development of a national strategy for soil health protection, conservation and enhancement.

(*For text of report, see today's* Journals of the Senate*, p. 715.*)

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

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

THE SENATE

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE ANNETTE RYAN, PARLIAMENTARY BUDGET OFFICER NOMINEE ADOPTED

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

That, notwithstanding any provision of the Rules, usual practice or previous order:

1. at 4 p.m. on Tuesday, March 24, 2026, the Senate resolve itself into a Committee of the Whole in order to receive Annette Ryan respecting her appointment as Parliamentary Budget Officer;

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

3. the witness' introductory remarks last a maximum of five minutes;

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

5. if the bells are ringing for a vote at the time the committee is to meet, they be interrupted for the Committee of the Whole at that time, and resume once the committee has completed its work for the balance of any time remaining.

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

Hon. Senators: Agreed.

• (1350)

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator LaBoucane-Benson:

That, notwithstanding any provision of the Rules, usual practice or previous order:

1. at 4 p.m. on Tuesday, March 24, 2026, the Senate resolve itself into a Committee of the Whole in order to receive Annette Ryan respecting her appointment as Parliamentary Budget Officer;

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

3. the witness' introductory remarks last a maximum of five minutes;

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

5. if the bells are ringing for a vote at the time the committee is to meet, they be interrupted for the Committee of the Whole at that time, and resume once the committee has completed its work for the balance of any time remaining.

Are senators ready for the question?

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

PARLIAMENTARY BUDGET OFFICER

NOTICE OF MOTION TO APPROVE APPOINTMENT

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, in accordance with subsection 79.1(1) of the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, the Senate approve the appointment of Annette Ryan as Parliamentary Budget Officer.

[*Translation*]

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

SESSION OF THE AMERICA REGIONAL ASSEMBLY, SEPTEMBER 9-11, 2025—REPORT TABLED

Hon. Éric Forest: Honourable senators, I have the honour to table, in both official languages, the report of the Assemblée parlementaire de la Francophonie (APF) concerning the Fortieth Session of the APF America Regional Assembly, held in Quebec City, Quebec, from September 9 to 11, 2025.

LEADERSHIP WORKSHOP FOR PARLIAMENTARIANS WOMEN OF THE APF, NOVEMBER 3-7, 2025—REPORT TABLED

Hon. Éric Forest: Honourable senators, I have the honour to table, in both official languages, the report of the Assemblée parlementaire de la Francophonie (APF) concerning the Eighth Leadership Workshop for Parliamentarians Women of the APF, held in Paris, France, from November 3 to 7, 2025.

[*English*]

QUESTION PERIOD

FINANCE

COST OF FOOD

Hon. Michael L. MacDonald: Senator Moreau, on Tuesday, Senator Martin questioned you about Canada's food inflation, which you blamed on world supply chain issues. I looked at the food inflation numbers for the G7, and they don't support your argument. Canada's food inflation of 7.3% is two times that of Japan and the U.K., two and a half times that of the U.S., three times that of Germany and Italy and four times that of France. Since supply chains are obviously not the issue, to what should we attribute Canada's food inflation?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for your question. My answer to Senator Martin was that inflation is tied to global supply chains, climate-driven shocks and currency pressures that have been volatile in recent years. Currency pressure directly affects grocery prices. The fact is that what is happening here in Canada is happening elsewhere in the world because of a global disruption. When the United States totally changes the way they trade with the world, it has a ripple effect at the international level. That was my answer to Senator Martin.

There are other factors that contribute to problems we have in our grocery stores, such as climate change. Lettuce, tomatoes and everything else that we find on shelves —

[*Translation*]

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

[*English*]

Senator MacDonald: Well, Senator Moreau, of the G7 countries, Canada and the U.S. are the only net exporters of food. We get some fruit and vegetables in the winter but are more self-sufficient than any of the G7 countries. Japan only produces 38% of its food, but they — like the U.S. — do not have any carbon taxes on food production. When are you going to admit that the government's taxation policies are the source of our food inflation and get rid of the policies burdening Canadian consumers?

Senator Moreau: If you want to compare the position of Canada among the G7, let me share a few things with you. Canada has the lowest net debt-to-GDP ratio in the G7. Canada has the second-lowest deficit-to-GDP ratio in the G7. Canada is — among the G20 countries — the second-best country for doing business. It is not the government saying that; it is the Economist Intelligence Unit. I think we have a very strong fiscal position as well as a strong economy —

[*Translation*]

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

[*English*]

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

REGULATORY REFORM

Hon. Larry W. Smith: Senator Moreau, the Canadian Federation of Independent Business's latest Red Tape Report highlights that regulatory compliance now costs Canadian businesses $51.5 billion a year, with nearly $18 billion of that attributed to red tape. To put that in perspective, businesses spend 768 million hours annually navigating compliance requirements, with small businesses shouldering the majority of the costs.

Senator Moreau, small businesses are still bearing a disproportionate share of this burden, which raises this question: What concrete steps is your government taking to streamline regulations and demonstrate that improving Canada's economic competitiveness is a genuine priority?

Hon. Pierre Moreau (Government Representative in the Senate): The Government of Canada takes very seriously the situation of small businesses, Senator Smith, and I thank you for raising that question. The government recognizes the challenges that many small- and medium-sized enterprises face; that's why the government is helping small businesses by reducing red tape. The effects will probably not be immediate, but we are trying. We are working on it by improving access to financing, notably by expanding Business Development Bank of Canada, or BDC, loans to small- and medium-sized businesses to $5 million. We are providing $500 million to BDC for small- and medium-sized businesses to access resources and insight that will lead to their success as well as promoting the productivity super-deduction to small businesses to write off new equipment costs. We are helping small businesses because we think they are the backbone of the Canadian economy.

FINANCE

SMALL BUSINESS TAX REGIME

Hon. Larry W. Smith: The Fraser Institute estimates that personal income tax compliance costs have risen to $4.2 billion annually. The complexity and size of the tax system in Canada have continued to grow without any meaningful review.

Senator Moreau, will the government heed the calls from businesses as well as experts to review and simplify the tax system in order to reduce compliance costs, particularly for small businesses, which are already facing major financial pressures?

Hon. Pierre Moreau (Government Representative in the Senate): That is a good question, Senator Smith, and the government is aware of the pressure on small businesses in Canada. The government is making very important moves in order to help small businesses. My previous answer gave you a few cues on that, and the government is committed to continuing to help small- and medium-sized businesses in Canada.

NATIONAL DEFENCE

DEFENCE, SECURITY & RESILIENCE BANK

Hon. Tony Loffreda: Senator Moreau, the proposed defence, security and resilience bank, or DSRB, would be a new, multilateral financial institution designed to mobilize capital and provide affordable financing for defence, security and resilience projects among NATO members and allied nations. Recent initiatives led by partners such as Montréal International highlight Montreal's interest in hosting the future headquarters and note that the city already hosts nearly 70 international organizations and has a strong ecosystem with respect to finance, aerospace, artificial intelligence and defence.

Could the government inform the Senate about Canada's level of commitment to establishing the DSRB? What steps is Canada taking to advance the project, what timeline does the government foresee for the bank's establishment and what financial implications or contributions are anticipated for the Government of Canada?

• (1400)

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the question. The government is firmly committed to its establishment, and the project has received the support of the big six Canadian banks and other major financial players on the international stage.

I can confirm with you that the Prime Minister has been speaking to our international partners about it. That is a reason why the Prime Minister is travelling throughout the world — to ensure that we have strong economic alliances with other partners.

The government has emphasized the need to mobilize capital and strengthen defence supply chains in support of our collective security, which includes the Arctic, and such discussions include the founding of the bank.

Senator Loffreda: Thank you for that answer. Given Montreal's strong bid to host the headquarters, could the government clarify whether it is actively supporting Montreal's candidacy and engaging international partners to secure the outcome? I know that the Government of Ontario, for example, has publicly pitched Toronto as a possible location for the headquarters.

Furthermore, what diplomatic or financial discussions are under way with allied countries to ensure that the bank is established quickly and with meaningful Canadian participation?

Senator Moreau: From your question, I understand that no one is pushing Ottawa to host the bank. Well, there is a willingness among provinces to have the bank.

You know that while I cannot comment on international negotiations, I can confirm that those discussions are ongoing. The government is aware of the Quebec government's position, as well as the Ontario government's, regarding their bid. Once the government has more to share on this, I will be sure to share it with the Senate.

[*Translation*]

FINANCE

BUY CANADIAN

Hon. Martine Hébert: Government Representative, we know that the Government of Canada has strengthened its "Buy Canadian" policy to help Canadian businesses get through these turbulent times. We also know that it intends to use Canadian materials whenever possible to build certain major projects, such as the high-speed train.

I recently participated in meetings with representatives of the agricultural sector, and they were concerned. They want to know if the Government of Canada has a similar approach for public contracts to supply Canadian agri-food products to institutions under federal jurisdiction.

For example, for the food served in prisons and the army, does the government have a procurement policy for Canadian agri-food products and Canadian raw ingredients used to make those products?

Hon. Pierre Moreau (Government Representative in the Senate): That's a very specific question about food products, senator.

The policy applies to four types of procurement: construction, goods, services, and services related to goods, particularly for the agricultural sector. Last year, the government announced the "Buy Canadian" policy as part of a suite of measures to protect, develop and transform strategic Canadian industries. That includes the agricultural sector, where the focus is on biofuels.

Your question is much more specifically about processed foods. I will bring your question to the attention of the government officials responsible for agri-food products, including in the penitentiary system. I'll get back to you with more detailed information.

Senator Hébert: Thank you, Senator Moreau; it's much appreciated.

My question was about more than just prisons. I used prisons as an example. May I ask you to ensure that such a policy is a priority for the Canadian government, if that's not already the case, and if not, to suggest it to the government in order to support our industry? Thank you.

Senator Moreau: Thank you for the suggestion. Generally speaking, the idea behind the "Buy Canadian" policy is to favour Canadian products over a strictly price-based model. You know this area very well, so I don't need to go into detail.

Yes, I will pass on your suggestion, and I believe this policy should apply broadly across the government, which is one of the largest purchasers of Canadian products, in order to strengthen our economy.

[*English*]

EMPLOYMENT AND SOCIAL DEVELOPMENT

ACCESSIBILITY

Hon. Flordeliz (Gigi) Osler: Senator Moreau, last month the Chief Accessibility Officer released her annual report, which focuses on barriers to accessible transportation faced by people with disabilities. The officer notes that persistent barriers to accessible transportation are a significant obstacle to achieving the legislated goal of a barrier-free Canada by 2040. Will the government commit to placing accessible transportation on the agenda at federal-provincial-territorial meetings, as recommended by the officer?

[*Translation*]

Hon. Pierre Moreau (Government Representative in the Senate): I don't have an immediate answer to your question. I understand that your question is more a recommendation that you would like to make to the organizations that are preparing for the federal-provincial-territorial meetings.

I just realized that I'm answering your question in French.

[*English*]

I'm sorry. I should have answered your question in English.

I understand that your question is more a recommendation to the organizer of federal-provincial-territorial meetings. I will certainly ensure that your suggestion is taken into consideration.

TRANSPORT

TRAVELLERS WITH DISABILITIES

Hon. Flordeliz (Gigi) Osler: Thank you, Senator Moreau. It is a recommendation from the Chief Accessibility Officer.

The report notes that even though the federal transportation sector is highly regulated, there is little meaningful data about travellers with disabilities. What steps will the government take to ensure that federal transportation agencies collect data on users with disabilities?

Hon. Pierre Moreau (Government Representative in the Senate): I am sure that the Minister of Transport is aware of the recommendation. I will get in touch with him to see if there is something that I can bring to your attention or to answer your question on this more specifically.

You know that accessibility for those with disabilities in the transportation system is a multi-faceted system. It concerns not just the federal government but also the provincial and municipal governments as well.

PUBLIC SAFETY

CANADA COMMUNITY SECURITY PROGRAM

Hon. Andrew Cardozo: My question is for the Government Representative. Senator Moreau, I would like to follow up on the question and answer we had yesterday with regards to anti-Semitism. About the time we were talking, the government made a new announcement in response to the growing scourge of anti-Semitism in Canada. Could you tell us more about the announcement they made with regards to the Canada Community Security Program?

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

The government announced a dedicated investment of up to $10 million to be provided to eligible organizations through the Canada Community Security Program. This investment will assist Jewish communities in enhancing the security of their gathering spaces, including schools, daycares, overnight camps and places of worship.

As I mentioned yesterday, any hate-motivated violence, like what we saw in Toronto over the last week, is unacceptable and will not be tolerated anywhere in Canada. The government is working directly with Jewish community organizations to identify and support the specific needs in those communities as far as security is concerned.

COMBATTING HATE

Hon. Andrew Cardozo: Thank you, senator.

In a supplementary question, I would like to ask you to update us on a couple of other items with regard to combatting hate faced by Jewish and other communities. One is the status of Bill C-9, the combatting hate act, and the other is the status of the Advisory Council on Rights, Equality and Inclusion, which will report to the Minister of Canadian Identity and Culture, as was announced a few weeks ago.

Hon. Pierre Moreau (Government Representative in the Senate): You were referring to Bill C-9. Effectively, the government has made a strong commitment to protecting places of worship, schools and community centres by significantly increasing the budget of the Canada Community Security Program and with the combatting hate act, Bill C-9, which we will be studying. The government has also committed to making it a criminal offence to intentionally and wilfully obstruct access to places of worship, schools and community centres, which goes directly to combatting the —

[*Translation*]

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

[*English*]

FINANCE

AFFORDABILITY FOR SENIORS

Hon. Yonah Martin (Deputy Leader of the Opposition): Government leader, the latest Ageing in Canada Survey from the National Institute on Ageing paints a troubling picture for Canadian seniors. One third say the rising cost of living is their top concern. Twenty per cent of seniors now live below the poverty line, and 43% say they cannot afford to retire when they plan to do so. Canadians who have worked hard their entire lives should be able to retire with dignity and security, yet many are increasingly worried about how they will afford basic necessities.

Senator Moreau, after years of growing financial insecurity among seniors, why has the government still failed to deliver meaningful relief to ensure that Canadian seniors can live and retire with dignity?

• (1410)

Hon. Pierre Moreau (Government Representative in the Senate): The government takes the economic situation very seriously. We recognize that affordability, not only for seniors, but for all Canadians, is of the utmost importance. That is why the government is acting accordingly by lowering taxes for 22 million Canadians, cutting the consumer carbon tax, and protecting pharmacare, dental care and child care. Dental care and pharmacare go directly to seniors. The government is also lowering the requirements for accessing the disability tax credit and providing immediate relief on the cost of groceries.

This takes into account the situation of seniors as well. Affordability is a multi-faceted problem, and the government is taking it very seriously.

Senator Martin: Senator Moreau, I'm sorry, but the numbers do not lie. Roughly 1 in 10 food bank users is now a senior. Many are now forced to choose between paying for groceries or purchasing essential medicine.

Beyond the financial strain, this affordability crisis is also contributing to isolation among seniors who can no longer afford social and recreational activities.

When will the government acknowledge that its policies are making life less affordable for seniors, and what immediate relief will you give them?

Senator Moreau: Senator Martin, I don't intend to play politics with the situation of seniors in Canada. It is irresponsible to ask questions on how to relieve the painful situation seniors and Canadians are now in when your party at the House of Commons is voting against budget measures that would help those people. That is not responsible, and it is not the way we should discuss the matter in this chamber either.

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

TREASURY BOARD SECRETARIAT

INFORMATION TRANSPARENCY

Hon. Fabian Manning: Government leader, in your government's review of the Access to Information Act, the Treasury Board discussion papers are proposing changes that could delay responses, narrow what counts as an official record and allow departments to put requests on hold, effectively reducing Canadians' access to information.

Experts, including the Information Commissioner, have said that these proposals lack ambition and are a step backward for transparency.

Senator Moreau, can you share the rationale for supporting these changes or are these measures simply designed to shield the government from accountability under the guise of modernizing access to information?

Hon. Pierre Moreau (Government Representative in the Senate): My understanding, senator, is that the government is committed to transparency and modernizing the system of access to information.

We have many discussions in committees and in the chamber concerning those important issues. My understanding is that there is a very strong commitment by the government to improve transparency.

Senator Manning: Senator Moreau, these proposed changes ignore long-standing issues, like excessive delays and cabinet confidence exemptions.

Despite decades of warnings from transparency experts, how can Canadians trust that these changes are about improving transparency rather than creating loopholes to shield government decisions from public scrutiny?

Senator Moreau: I'm confident that there are no bad intentions behind the government's transparency measure, regardless of which party is governing at the time of the proposed legislation. I do not see any bad intentions. Quite the contrary, I reiterate that the government is committed to more transparency.

ENVIRONMENT AND CLIMATE CHANGE

2030 EMISSIONS REDUCTION PLAN

Hon. Mary Coyle: Senator Moreau, the Canadian Climate Institute recently released an independent assessment on the federal government's *2025 Progress Report on the 2030 Emissions Reduction Plan*. They found that the report presents a credible picture of the progress. However, the results do not align with Canada's climate targets, neither meeting our 2030 goals nor reaching net-zero emissions by 2050.

Senator Moreau, how will Canada address the growing gap between the country's expected emissions reduction and its targets?

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

The government remains committed to reaching the Paris target of net-zero emissions by 2050.

The *2025 Progress Report on the 2030 Emissions Reduction Plan* makes clear that earlier approaches were not sufficient, which is why the government is prioritizing results and concrete action, as outlined in Budget 2025.

The budget introduced several major measures to close the emission gap, including new methane regulations, the strengthening of industrial carbon pricing and nearly $90 billion in clean investment tax credits to accelerate the transition to a net-zero economy.

The government will continue working with provinces, territories, Indigenous partners and industry to drive innovation, reduce emissions and ensure that Canada remains competitive in the global net-zero economy.

Senator Coyle: Thank you. Senator Moreau, the report highlights that the electricity sector has led Canada's emissions reduction. Federal measures, including industrial carbon pricing, the coal phase-out, Clean Electricity Regulations and investment tax credits, all have important roles to play in the effort.

Will the upcoming Clean Electricity Strategy include these measures, and will Canada continue to build out our national electricity infrastructure with urgency?

Senator Moreau: As a former minister of energy in Quebec, I'm well aware of the importance of the electricity grid in reducing our emissions.

The electricity sector is, indeed, central to Canada's emission reduction and to achieving net zero by 2050.

In Budget 2025, the government committed to delivering the following: clean electricity investment tax credit enhancement to the tax credits that have already been implemented, including a 15% credit for investment in low-emitting generation —

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

NATIONAL DEFENCE

DEFENCE INDUSTRIAL STRATEGY

Hon. Colin Deacon: Senator Moreau, earlier this week, the government announced that the National Research Council would commit over $900 million to drone innovation as part of Canada's Defence Industrial Strategy. This is a welcome investment that provides a clear signal of support for the scaling of dual-use technologies in Canada.

However, the newly created Defence Investment Agency will only streamline procurement projects over $100 million, primarily benefiting large incumbents, including foreign entities. Meanwhile, Canada's SMEs continue to face significant barriers with programs such as the Innovative Solutions Canada, or ISC, Testing Stream and Innovation for Defence Excellence and Security, or IDEaS, contracting at a ceiling of $10 million. This leaves a substantial gap for companies trying to scale.

Does the government intend to introduce additional funding mechanisms under the Defence Industrial Strategy that specifically focus on Canadian SMEs seeking to scale their growth in that gap of $10 million to $100 million?

Hon. Pierre Moreau (Government Representative in the Senate): Senator Deacon, you are highlighting the important contribution that small- and medium-sized businesses and enterprises bring to our economy and defence procurement.

Your concern is actually answered by the Regional Defence Investment Initiative, which aims to support small- and medium-sized enterprises to integrate into our defence supply chain, enhance industrial and innovation capacity in support of Canada's defence and security needs, adapt dual-use technologies and capabilities for defence applications, and develop projects that improve the productivity and readiness of Canada's regional defence ecosystem.

The program is delivered by Canada's regional development agency but is in coordination with the Defence Industrial Strategy.

I have been informed that the funding under the Regional Defence Investment Initiative is available for activity undertaken between April 1, 2025, and March 31, 2028.

Senator C. Deacon: Thank you, Senator Moreau. The reality we have seen on the battlefield in Ukraine is that modern, agile, small-scale tech — which Canada has plenty of — is crucial to success and has dual-use benefits.

I'm pleased to hear your affirmation that this is a focus. I have not seen it as of yet, but I look forward to learning more. Perhaps your office, if they could be so kind, will make sure that we receive that documentation.

Senator Moreau: Yes. Let me reiterate that the government continues to work with industry and regional partners to ensure that Canadian small- and medium-sized enterprises can successfully scale up so that they can participate in the growing defence supply chain, with the massive investment that the government has made in that area.

CANADIAN HERITAGE

CBC/RADIO-CANADA

Hon. Yonah Martin (Deputy Leader of the Opposition): Government leader, recent testimony before a committee in the other place, from a former CBC anchor, raises deeply troubling allegations about Canada's public broadcaster. Travis Dhanraj, the former host of "Canada Tonight," told parliamentarians that he was repeatedly silenced and intimidated, and he described what he called a toxic culture within the CBC. He also spoke about instances where he was blocked from booking conservative voices on his program and even prevented from reaching out to Conservative parliamentarians for comment.

• (1420)

Canadian taxpayers expect their hard-earned dollars to fund a balanced and independent broadcaster. How can Canadians trust the CBC when these serious allegations suggest bias, mismanagement and a toxic workplace culture — over $1 billion?

Hon. Pierre Moreau (Government Representative in the Senate): You are well aware that the CBC is an independent Crown corporation.

You were not aware of that?

But it is a Crown corporation, and what you are referring to is a situation between an employer and an employee. There is no political involvement in that chain between the CBC as an employer and the gentleman to whom you are referring as an employee, as well as his testimony.

I think that it is exactly what it should be: no political involvement in the labour relations within a Crown corporation.

If the government were to do otherwise, you would be the first to criticize that, and you would be right. Whenever there is a situation where a Crown corporation is an employer, let them deal with it. If anything illegal has been done, the courts will settle the matter. That is where —

[*Translation*]

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

[*English*]

Senator Martin: It is a Crown corporation, but it is funded by taxpayers at $1.4 billion per year. Many people feel they are not getting value for their money nor a fair representation of the full range of views of this country.

Why does your government refuse to address the growing concerns about bias, mismanagement and the loss of public trust at the CBC?

Senator Moreau: What do you know about this specific case regarding the fact that there is mismanagement? I don't know the situation between that employee and his employer, and you probably do not know either.

It is one side. When you have testimony, it is one side of the matter. I would prevent any member of this chamber from interfering in the management between an employer and an employee. That is not the way it works in Canada.

HEALTH

PHARMACEUTICAL DRUGS

Hon. Marilou McPhedran: My question is about children and access to pediatric medicines.

Senator Moreau, Canada's drug approval system does not adequately meet children's needs because pediatric data and formulations are very often missing, and many medications are prescribed off-label. That means medications are used for indications that have not received regulatory approval from Health Canada for children. Pharmacists must modify adult drugs to treat young patients safely.

Is the government taking steps to ensure Canadian children have timely access to medications specifically approved and formulated for pediatric use?

Hon. Pierre Moreau (Government Representative in the Senate): I don't have a specific answer to that question. I will certainly raise it with the Minister of Health, and I will get back to you.

Senator McPhedran: Thank you. I look forward to receiving the answer.

Senator Moreau: I hope that I will be able to provide you with the answer as quickly as possible.

MESSAGES FROM THE HOUSE OF COMMONS

MAKING LIFE MORE AFFORDABLE FOR CANADIANS BILL

MESSAGE FROM COMMONS— DISAGREEMENT WITH SENATE AMENDMENT

The Hon. the Speaker pro tempore: Honourable senators, I have the honour to inform the Senate that a message has been received from the House of Commons which reads as follows:

Thursday, March 12, 2026

EXTRACT, —

That a message be sent to the Senate to acquaint Their Honours that, in relation to Bill C-4, An Act respecting certain affordability measures for Canadians and another measure, the House respectfully disagrees with the amendment made to the bill by the Senate because Parliament should be the body that decides the rules that govern communication by federal parties with Canadians, the amendment constitutes a substantive reversal of the principle of the proposed amendments to the Canada Elections Act in Part 4 of Bill C-4, the government intends to bring forward additional privacy provisions in legislative changes to the Canada Elections Act within this parliamentary session, and furthermore, there is a long tradition of the Senate deferring to the House of Commons on amendments to the Canada Elections Act, particularly those which have unanimous support of all recognized parties in the House and which govern the operations of candidates representing political parties seeking election to the House of Commons.

ATTEST

Eric Janse

Clerk of the House of Commons

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

Hon. Pierre Moreau (Government Representative in the Senate): Honourable senators, pursuant to rule 5-7(h), I move that the message be considered now.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

MESSAGE FROM COMMONS—MOTION FOR NON-INSISTENCE UPON SENATE AMENDMENT—DEBATE

The Senate proceeded to consideration of the message from the House of Commons.

Hon. Pierre Moreau (Government Representative in the Senate) moved:

> That, in relation to Bill C-4, An Act respecting certain affordability measures for Canadians and another measure, the Senate do not insist on its amendment with which the House of Commons has disagreed; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

He said: Honourable senators, I rise to speak to the message we received from the other place and to ask that we accept its decision.

I want to begin by thanking all senators for their work at every stage of this bill, including the Committee of the Whole last June, the meetings of the Legal and Constitutional Affairs Committee and the National Finance Committee, and the debates in this chamber.

The official opposition plays a critical role in our parliamentary system. I also want to thank Senator Carignan for his constructive input during this bill's development. Lastly, I want to thank Senator Cuzner for his excellent work as the sponsor of Bill C-4, and I sincerely hope that he won't completely rule out the possibility of sponsoring more bills in the future.

Honourable colleagues, you heard the message from the other place. Since our last discussion on Bill C-4, the Prime Minister has announced that by-elections will be held on April 13 in three ridings. This calls to mind two of the fundamental reasons for Part 4 of Bill C-4.

First of all, it is vital, logical and advisable for federal political parties to operate within a uniform federal electoral framework.

Second, it is essential to counter the effects of a ruling that would have subjected our electoral system to a patchwork of legal regimes, rendering it dysfunctional. At the Standing Senate Committee on National Finance, and again in this chamber, I presented the arguments that today's message reiterates.

Let's not forget that part of our role is to ensure that the democratic will respects constitutional principles. It is not our role to compete with that will when it is expressed clearly and without division. In the Patriation Reference, the Supreme Court recognized that Canada's constitutional architecture is not limited to the text itself, but includes other overarching principles, such as democracy and institutional balance.

In this case, the elected chamber has voted almost unanimously on the very rules that govern the electoral process, that is, on the normative infrastructure of democratic representation.

• (1430)

Part 4 of Bill C-4 has the unanimous support of all recognized parties in the House of Commons, including the Bloc Québécois. This unanimous support is certainly not a constitutional convention, but it is a constitutional fact with a very strong democratic impact.

Like Senator Harder, I also explained how the Senate must exercise virtue and restraint and respect the delicate balance of our parliamentary architecture.

Colleagues, I do not intend to repeat these arguments. I would rather focus on an aspect that, in my view, was not sufficiently explored in this debate.

As a complementary parliamentary body, the Senate sometimes has to work in solidarity with the elected representatives of Parliament. In this uncertain and divided world, at a time when the values of liberal democracies are under attack, this solidarity is all the more essential. Political parties are at the heart of Canada's style of governance. They are central to Canada's democratic process.

Canadians engaging with politics on a daily basis identify closely with the political parties that make up the House of Commons. At a time when our federation is facing separatist threats, we must recognize that federal political parties are also a uniting force for Canada.

To be clear, this does not mean that political parties are untouchable and that their work should remain unchecked and unchallenged. On the contrary, for democracy to function properly and be as representative as possible, we must accept that the various institutions within it can function differently.

For example, social movements operate outside of formal political processes. This chamber has achieved gender parity today thanks to women's movements in Canada and the momentum they generated for recognition of their rights.

Just a few days ago, Senator McBean spoke about the stigma that members of 2SLGBTQ+ communities still face today. It is hard to imagine such a speech being delivered in this chamber without recalling the social movements that, with good reason, continue to campaign for the recognition of their rights.

In other words, colleagues, in a liberal democracy, social movements, civil society, the courts, interest and advocacy groups, and Parliament itself, each in their own way, with their formal and informal rules, shape our democratic life. The ideas they promote influence political parties and, through them, sometimes even the composition of the House of Commons.

Political parties are often criticized for their lack of transparency. They're often portrayed as closed-minded organizations that impose their ideological brand on MPs and Canadians, just like private businesses. I can assure you, based on personal experience, that this is far from the truth. Even though we don't always see the inner workings of political parties, they do engage in healthy and often extremely robust

debate. In choosing their priorities, caucuses give voice to what Canadians want because they represent the communities that chose them. How else could they get elected?

Social media and traditional media often negatively influence our perception of political parties. Their often harsh and sometimes incomplete analyses fuel some of the cynicism that people feel for political parties.

In reality, in each of Canada's 343 ridings, recognized parties and smaller parties form more than a thousand riding associations run by tens of thousands of dedicated volunteers who in turn interact with hundreds of thousands of Canadians during every general election.

Colleagues, our political parties are much more firmly rooted in the daily realities of our constituents than even the most famous of our political commentators.

In his presidential address to the Canadian Political Science Association, Professor William Cross of Carleton University explained that they are passionate supporters of their favoured parties, engaging in activities that have profound implications for our politics. This is the secret garden of our politics.

Colleagues, as the message from the other place indicated, the government intends to bring forward additional privacy provisions in legislative changes to the Canada Elections Act within this parliamentary session.

Colleagues, I am not suggesting that this is a promise or that I have prophetic powers, but I expect the privacy provisions to reflect the realities I just described.

Political parties are unique entities in our political system and should be treated as such. While political parties do have national headquarters with paid employees, they are also, and more importantly, driven by tens of thousands of volunteers dedicated to serving democracy in Canada.

As a former elected member of a provincial legislature, I naturally feel a special connection to the elected parliamentarians in the other place. I also believe, especially in this time of crisis when the legitimacy of representative democracy is sometimes questioned, that it is also the duty of this chamber to support the work done by our elected representatives. I don't know a single elected member of a provincial legislature, or even of Parliament, who gets up in the morning thinking about how they can harm their voters. I don't know a single one.

We should have the utmost respect for the men and women who have the courage to put their face on some posters and ask their fellow citizens to support them. Those people are brave. In order to keep our democracy healthy, it is our duty to encourage men, women, young people and everyone who represents social groups in Canada to seek a democratic mandate and get themselves elected. That is how Canadian democracy will remain healthy, strong and an inspiration to the world.

I am absolutely sure the other place is listening, because the government's message about reviewing the privacy provisions in the Canada Elections Act is clear.

Nevertheless, once we get a chance to revisit this legislation, and after listening to the concerns of privacy advocates — legitimate as they are — we will also need to make sure that we hear from the political parties themselves, not only their lawyers, as well as from volunteers who work for riding associations, to ensure that our reports and recommendations better reflect how democracy works at the local level.

We have to listen more to the people who do the sometimes messy work of democratic politics and pay attention to the opinions of the men and women volunteering in the trenches.

In conclusion, honourable colleagues, the Senate protects constitutional democracy. It must not appear to stand against it when democracy has spoken with one voice.

I submit, out of respect for our duty of sober second thought and consideration, that institutional caution demands restraint commensurate with the democratic consensus voiced in the House of Commons.

I therefore ask that you accept the message sent to us by the other place so that we can get Royal Assent on Bill C-4 today. This bill contains many important measures, and Canadians are eager for them to be passed.

Thank you.

[*English*]

Hon. Leo Housakos (Leader of the Opposition): Honourable senators, I will try to be brief.

I, too, would like to thank Senator Cuzner and Senator Carignan for their work on Bill C-4. I would also highlight that they came into this particular project from a unique perspective. They both happened to have put their names on ballots, and they both happened to have been elected at various levels of government.

• (1440)

It is also important to highlight and consider that the Senate should be very diligent in picking its spots if we want to remain legitimate. You've heard me say many times that we have not only the responsibility but the obligation to be robust when it comes to reviewing legislation. I have also said many times in this chamber that it is clear in our Constitution that we have the same rights and privileges as parliamentarians in the House of Commons, but it doesn't take away from the fact that we are appointed. We always have to weigh and measure very carefully how we exercise those rights and privileges. They come with a huge responsibility.

I remember the gentleman who appointed me to this chamber, the Right Honourable Prime Minister Harper, who himself had deep reservations about an unelected chamber. He always used to say, "You are given a tremendous privilege, and if you are going to oppose a piece of legislation, make sure you have the full weight of the public and voices across this country who feel not heard legitimately in the other place." That means we have to really be tempered and carefully consider the steps we take when we oppose a piece of legislation.

In this case, we all know that this legislation was approved 100% by every single member of the other place. It was approved by five different political parties in the other place. I think that when you put together the composition of the votes of all those political parties, it comes out to close to 97% of the Canadian electorate.

Again, for those of us who have engaged in politics — and I'll reiterate what the government leader, Senator Moreau, said — I, too, have never met a politician who got up in the morning and said, "How can I deliberately contravene the rights of the people I represent in a representative democracy?" If you know any politician of that nature, they don't last in this business for very long.

When we take all these elements into consideration, we did more than a robust job that went above and beyond the duties and responsibilities of this chamber. On behalf of the official opposition, I want to say that we have to absolutely respect the message that has come back.

Thank you, colleagues.

[*Translation*]

Hon. Lucie Moncion: Honourable senators, allow me to thank my colleagues, Senator Moreau, Senator Housakos, Senator Cuzner and Senator Carignan, as well as all senators who spoke on Bill C-4. I believe it is important to hear everyone's voice.

I rise today to speak to the motion relating to the message from the other place rejecting the Senate amendment to Bill C-4, An Act respecting certain affordability measures for Canadians and another measure.

Despite this unfavourable outcome with regard to the Senate amendment, I welcome the fact that the government is officially confirming, through this message, that it intends to introduce additional provisions in the current parliamentary session aimed at strengthening privacy protection through amendments to the Canada Elections Act.

Colleagues, I would like to begin by sharing how proud I am of the work accomplished by the committees that studied Bill C-4, particularly the Standing Senate Committee on Legal and Constitutional Affairs. The committees worked in a condensed format of six hours of study in a single day, conducting a serious examination of Part 4 of this bill amending the Canada Elections Act. The testimony heard by that committee clearly showed that Part 4, on the protection of personal information by political parties, was seriously flawed. Academics, experts and rights organizations highlighted the considerable risks that Part 4 posed to democracy, digital sovereignty and national security.

Confronted with such serious issues, this chamber had a duty to examine and respond to them, which it did diligently by passing an amendment at third reading.

Today, honourable colleagues, we must decide whether to bow to the wishes of the other place to defeat this amendment, or to stand by our wish to pursue it. In the circumstances, I'm going to comment on the principles of deference. My goal is to offer a balanced view of the Senate's role in examining government bills, and then further reflect on the deference that the Senate owes the elected House.

I want to set the record straight on this because I believe that certain speeches, in the absence of adequate context, could damage public trust in our democratic institutions and in the consideration given to important bills like Bill C-4 and could equally damage many other bills.

The more we speak of deference without nuance, applying it to any and all situations, the more that context becomes meaningless. We have to approach the matter of deference in a way that protects the Senate's raison d'être while respecting the intent of the founding fathers.

Our bicameral system, which is the result of the constitutional compromise that gave rise to our country, consists of two separate but complementary chambers, contributing to the institutional balance of our democracy. The upper chamber's core mandate is to protect regional and minority interests, thus filling a democratic deficit that would be impossible to fill with a single elected chamber that represents the interests of the majority.

We cannot simply invoke deference to question whether the exercise of our duties is legitimate. Let's be clear: The principle of deference in no way reduces our institution's responsibility to conduct a rigorous and independent review of the legislation presented to us. Our sober second thought may lead us to propose and adopt amendments, as we did in the case of Bill C-4. That is perfectly legitimate.

[*English*]

Deference should not mean silence, and respect for the elected chamber should not mean abandoning responsibility to examine legislation carefully.

In a 2017 opinion piece in *Maclean's*, Professor of Political Science Emmett Macfarlane illustrated this perspective when discussing the newly reformed Senate:

> The Senate is not engaged in activism when it proposes amendments that are accepted by the House of Commons. The Senate is not engaged in obstructionism when it proposes amendments the House of Commons refuses and it then passes the original legislation. Instead, the Senate is merely exercising an advisory or complementary role consistent with its purpose. One might even argue that the record thus far suggests the new Senate has in fact acted with more principle than in the recent past.

This perspective reminds us that exchanges between the Senate and the House of Commons are not evidence of institutional conflict but part of the collaborative legislative process that strengthens public policy.

Sir John A. Macdonald, whose legacy remains complex, envisioned a healthy democratic dialogue between the two chambers. During the debates on Confederation in 1865, he argued that members of the upper chamber would represent the broader interests of the country and could legitimately challenge the elected chamber when necessary, reflecting what he described as the ". . . deliberate will of the people on general questions . . . ."

When speaking on the duty of deference, it is important to consider these views and provide a balanced perspective. Independence requires intellectual honesty and a principled approach based on evidence. The concept of deference must be understood in relation to our independence.

History demonstrates that deference in the upper chamber is usually triggered later in the parliamentary process, rather than at second reading, committee stage or third reading. If, upon review of the proposed legislation, the Senate deems it important to send a message to the other place, it should do so without constraints. This dialogue between the two chambers improves transparency and accountability to the public about what might be of concern with certain bills. Those exchanges are not evidence of institutional conflict; they are the constitutional design of our great democracy.

• (1450)

The Senate, even when highly partisan, actively shaped legislation across a wide range of policy areas. For example, the Senate influenced the outcome for a major borrowing bill in 1984, Bill C-11; proposed amendments on two pieces of controversial immigration legislation in 1987, Bill C-84 and Bill C-85; and proposed amendments for employment insurance reform in 1989, through Bill C-21.

It also intervened on measures with major economic or social implications, such as a copyright bill — Bill C-60 — in 1987 and the abortion bill in 1991, when the Senate famously defeated the bill in a tie vote.

As the late Queen's University political scientist Ned Franks observed during his testimony before the Special Senate Committee on Senate Reform, while disagreements between the chambers sometimes occur, claims of Senate obstruction are often ". . . greatly overrated . . . ." The modern Senate, more independent and diverse than at any other point in history, continues to play this role by bringing expertise and regional perspectives to the careful review of legislation.

These precedents show that, historically, the Senate has not automatically deferred to the other place while a bill is under study. It also calls into question alarmist narratives suggesting that amendments and dialogue between our two chambers are somehow new and specific to a modern Senate. In fact, more recent history reflects the continuation of this long-standing dynamic of dialogue between the two chambers.

For example, the Senate's consideration of the Cannabis Act in 2018 resulted in 5 substantive amendments that strengthened the government's approach; and, in the case of Bill C-69, which enacted the Impact Assessment Act in 2019, it led to a total of 99 Senate amendments.

I knew you would like that reference, Senator Housakos.

Deference should only be exercised after thorough, independent examination and when senators have fully considered the implications of the legislation. To defer prematurely would be neither intellectually honest nor in the best interests of Canadians. Participation in the legislative process free from partisan interests and electoral pressures should be recognized as a valuable and essential part of our democracy.

That brings us to a very simple reality: In a healthy democracy, scrutiny is not a problem to be avoided; it is a safeguard to be valued.

As the Senate has modernized over the past 10 years, it has demonstrated stability for Canadians. Senators' independent and evidence-based review of legislation enables the chamber to fulfill its purpose of safeguarding the long-term interests of Canadians. Moreover, this vision of the independent Senate is more aligned with the Supreme Court's interpretation of our Constitution.

In the 2014 reference by the Governor-in-Council concerning reform of the Senate, the Supreme Court of Canada stated the following in paragraph 57:

> . . . "[i]n creating the Senate in the manner provided in the Act, it is clear that the intention was to make the Senate a thoroughly independent body which could canvass dispassionately the measures of the House of Commons" . . . . The framers sought to endow the Senate with independence from the electoral process to which members of the House of Commons were subject, in order to remove senators from a partisan political arena that required unremitting consideration of short-term political objectives.

Since Confederation, the Senate has acted as an anchor for Canadians, especially amid changes in government and fluctuating short-term priorities. Whereas, governments may respond to immediate policy needs, partisan considerations and re-election pressures, the Senate contributes objectivity, continuity and a long-term view in the legislative process.

The Senate's study of Bill C-4 provides a clear example. The Senate fulfilled the role assigned to it by the Constitution by examining provisions that had received limited scrutiny and by raising legitimate questions about the protection of Canadians' privacy. By sending a message to the other place, this chamber ensured that these issues received the careful and impartial consideration they deserved, reinforcing Canadians' expectation of a transparent and accountable legislative process.

In conclusion, since my appointment to this chamber, I have witnessed the senators' commitment to examining legislation both thoroughly and efficiently in order to safeguard the interests

and values of Canadians. This work is carried out with a clear appreciation and genuine respect for the role of the elected chamber.

As we consider future legislation, let us bear in mind that deference must not become an excuse for abandoning our constitutional responsibilities. Respect between chambers does not mean silence; it means dialogue. When the Senate examines legislation carefully and proposes improvements, it strengthens both our laws and the democratic institutions Canadians rely on.

This is the fundamental principle: The Senate was not created to echo decisions but to examine them carefully, and that is exactly what we must continue to do.

Now, with respect to the message concerning Bill C-4, a legitimate question arises: Should we show deference to the will of the other place or reiterate our determination to maintain our position?

The Senate has already clearly expressed its view and fulfilled its role of careful scrutiny. Our position has been noted by the other place, and Canadians are aware of it as well: The Senate is determined to strengthen the protection of their personal data collected by political parties.

At this stage, however, the elected chamber has reaffirmed its position by rejecting our amendment. One option now before us is to show deference to that expression of democratic will, and that consideration should be taken into account as we prepare to vote on the motion before us.

[*Translation*]

Thank you for your attention.

[*English*]

Some Hon. Senators: Hear, hear.

Hon. Marilou McPhedran: Honourable senators, I would like to request to revert to ask a question. I need to say, as I have said so many times, that I am not a small person, and I am not a wallflower. It is not as if I blend into the wallpaper here.

I stood immediately after Senator Moreau made his speech. I stood and was not recognized. I stood immediately after Senator Housakos made his speech. I stood and was not recognized.

I have one question to ask, and I would like to ask for the support of the chamber in reverting so that I can ask my question.

The Hon. the Speaker pro tempore: Do Senator Moreau and Senator Housakos agree to take questions?

Senator McPhedran: I only need one.

The Hon. the Speaker pro tempore: Which one, Senator McPhedran? Do you want to ask a question of Senator Housakos?

Senator McPhedran: Yes.

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

Hon. Senators: Agreed.

Senator McPhedran: Thank you very much, colleagues.

I really want to say a big thank you to Senator Moncion. What was said on the record just now is very important, and we need to keep it in mind.

Senator Housakos, you made reference in your speech — along with Senator Moreau, over and over in the previous debate on Bill C-4 and again today — that this was a unanimous decision of the House.

My question to you is this: Did you know that there was a larger wrap-up motion that was itself passed unanimously but did not indicate unanimous support for the bills within it?

We've been told repeatedly — including in your speeches — that there was no division; however, inside that wrap-up motion, Bill C-4, Bill C-13 and Bill C-12 are all mentioned, and Bill C-4 and Bill C-12 are specifically described as a vote on division. Were you aware of that?

• (1500)

Senator Housakos: Yes, I was. Were you also aware that at second reading, there was a standing vote, and of the 343 MPs, not one voted against it. Were you aware of that?

Senator McPhedran: Not all the MPs in that chamber stood. On both occasions for Bill C-4 and Bill C-12, Elizabeth May registered on division. And in reference to the wrap-up motion, it names her explicitly in both of those.

Senator Housakos: My understanding is that at second reading, the Leader of the Green Party voted for the motion, then I believe at third reading, she had other reservations. But the bottom line, senator, is an overwhelming number of people in the chamber voted in favour of this bill.

What is even more important, which I did not mention in my remarks, is the following: At the end of the day, the Canadian democracy is the most respected democracy in the world. To be honest with you, as someone who has participated at a distance within it, I find it quite insulting the level of debate that took place in this chamber by senators like ourselves who were appointed by the elected prime ministers in-house to provide sober second thought. To somehow be disparaging about our electoral system — one that is respected around the world — quite frankly, I think we are doing a disservice to our democracy, our process and this very Parliament.

[*Translation*]

Hon. Pierre J. Dalphond: I would like to thank my colleagues, Senators Moreau, Housakos and Moncion, for contributing to the debate on the nature of the Senate and its role. I think that the three people who spoke before me provided some interesting and important input today.

However, I would like to focus on the message we received from the House of Commons and explain why we should accept it.

[*English*]

On February 26, this chamber adopted an amendment to Part 4 of Bill C-4. As you will remember, Part 4 amends the Canada Elections Act to assert exclusive federal jurisdiction over the activities of federal political parties, including in relation to their collection, use and storage of Canadians' personal information.

As I said in my speech leading to the adopted amendment, I totally support the assertion of exclusive federal jurisdiction over federal political parties and their interactions with the electorate, including in the collection of personal information about them.

Like many of you, my problem with Part 4 is that it creates a privacy framework with such limited content that it does not guarantee some of the basic privacy rights and protections for Canadians in connection with the use of their personal data collected by federal political parties.

The amendment that we adopted and sent to the House of Commons, including the government, was very simple: You should consider recognizing more privacy rights for Canadian voters within the next three years, failing which the parties should lose the protective shield granted to them by Part 4.

Put differently, we proposed a strong incentive to further amend the Canada Elections Act to improve the privacy rights and protections recognized by Canadian voters.

Let's look more closely at the content of the reply message read by the Speaker pro tempore. There are four distinct parts to the reply from the House of Commons. In the first part, the House declared that Parliament should be the body that decides the rules that govern communication by federal parties with Canadians. I fully agree with this statement.

Incidentally, Parliament includes the Senate whose approval is an essential component of enacting any law. There is no reason to disagree there. In the second part of the message, it states that our amendment risks exposing federal political parties to the loss of the protective shield that Part 4 proposes to grant them. Well, this is true: If there are no legislative amendments to the Canada Elections Act within three years to provide minimum privacy rights, the shield will cease to exist.

The third part of the message, and the most interesting for us, reads as follows:

> . . . the government intends to bring forward additional privacy provisions in legislative changes to the Canada Elections Act within this parliamentary session . . . .

That is a message that the session is going to be longer than some expected. This is exactly what we were asking the government to do by way of our amendment: to bring forward amendments to the Canada Elections Act by adding more substantive privacy provisions within the next three years. That will be the maximum length left in this Parliament, incidentally.

Colleagues, we have achieved the goal of our amendment. I think that we can be proud of it. We are proving once more that the Senate brings added value to the legislative process, and it is to the benefit of Canadians. In such a circumstance, there is no reason to insist on our amendment. I will, therefore, vote to accept the message.

Before concluding, I would like to briefly comment on the fourth part of the message, which says:

> . . . there is a long tradition of the Senate deferring to the House of Commons on amendments to the Canada Elections Act, particularly those which have unanimous support of all recognized parties in the House and which govern the operations of candidates representing political parties seeking election to the House of Commons.

I agree with the principle that the initiative to amend the Canada Elections Act, especially in a significant way, must belong to the elected chamber. That is one of the reasons why I have consistently opposed the adoption of the Senate bill amending the voting age. Sorry, Senator McPhedran, but this is my view.

However, it is our constitutional duty to review legislation carefully as the chamber of sober second thought, including any proposed amendments to the Canada Elections Act, even when adopted unanimously or almost unanimously in the other place. Unanimity should not deter us from fulfilling our constitutional duties.

I'm proud of the fact that this is exactly what our Standing Senate Committee on Legal and Constitutional Affairs did and, subsequently, what this whole chamber did.

Colleagues, considering the importance of the other measures contained in Bill C-4, it is time to vote to accept the message and send Bill C-4 to Rideau Hall for Royal Assent later today. Our work here is done and well done. Thank you for your attention.

Hon. Donna Dasko: Would Senator Dalphond take a question?

Senator Dalphond: Yes.

Senator Dasko: Senator, one of the phrases in the message is one that I don't agree with. It says that there is a long tradition of the Senate deferring to the House of Commons when it comes to the Canada Elections Act. In research that Senator McPhedran did, she found that the Senate amended the Canada Elections Act 15 times in the last 20 years. That suggests that this chamber does not show special deference with respect to the Canada Elections Act.

First of all, I would suggest that this phrase in the message is not factually correct, and I would like your view on that.

Second, I would also suggest that this chamber has a vital role in our democracy, as do the courts, the media and civil society. We all must play a role in the health of our democracy.

• (1510)

Surely, we should not defer to the political parties in the House of Commons. They play a vital role as well, but we should never accept the notion or the argument that we have a less substantial role to play in creating and maintaining a strong democracy. I would like to make that statement. Thank you for your comments.

Senator Dalphond: Thank you, Senator Dasko, for those two questions because I understand that there are two. I will start with the second one.

I agree that the Senate is an important institution. However, it has to be remembered that the last time a senator became prime minister was at the beginning of the 20th century. Policy evolves, politics evolve and institutions evolve. The ruling of the Supreme Court on the reform of the Senate was rendered not long ago. I was one of the people who drafted the Court of Appeal decision on that very issue, which was confirmed in the Supreme Court, expressing the view that the Senate is a complementary chamber.

Senator Harder's well-thought-out document that he used to send to us as new appointees when he was the Leader of the Government was a very interesting piece that explained the history of the Senate and the precedents where the Senate did stand its ground. But it also explained the principle that we are, first and foremost, a complementary chamber.

At the end of the day, we do our work, and when we get the reply message, we have to be deferent. If there was a huge mistake in the other place's reply or it was a blatant violation of the Charter of Rights, we should then stand our ground. However, I don't expect that this will ever happen in our democracy. That answers the second question.

The first one was about the 12 amendments that Senator McPhedran referred to in a previous speech. I have looked at these bills, and none of them could be seen as a significant amendment to the Canada Elections Act. Moreover, they were done at a time when political parties were well represented in this chamber, when the government of the day had ministers in this chamber and the government of the day was asking for amendments to the Canada Elections Act. The government of the day could not act without the consent of the political parties.

Our recent evolution has disconnected most of us from political parties. That evolution pushes us to understand that voices here are no longer the back doors of political parties or the back doors of elected members by those who sit with them at caucus and speak with them at partisan events. That is no longer the case.

What is related to the democratic process has to emerge or be initiated where elected officials and government representatives are. Perhaps it is no longer here.

We still review legislation carefully and try to improve it. When we had the review of the Canada Elections Act about Canadians living abroad voting by mail, there was a lot of useful discussion in the Senate, and we made some improvements to the text. That is what belongs to us, but the initiative to say whether Canadians living abroad can vote or not came from the government and from political parties in the House of Commons.

The Senate has evolved. We have to consider the fact that everything written 100 years ago was produced in a different context. We are in a different context now, and I stand by the principle that significant changes to the Canada Elections Act should be initiated in the House of Commons. Thank you.

Hon. Andrew Cardozo: Senator Dalphond, will you take one more question?

Senator Dalphond: Yes.

Senator Cardozo: Thank you. My question is on the issue of unanimity. Senator Moreau and Senator Housakos talked about the high degree of support. Senator McPhedran corrected us, saying that the language in the motion is particularly "those who have unanimous support of all the recognized parties." That is what we can agree on. Indeed, Elizabeth May has indicated that she was not in favour of this.

My main question is this: To me, it doesn't really matter that it was a unanimous vote or an almost-unanimous vote. The issue is that it was passed by the House of Commons by a majority of votes. If it was a near-unanimous vote or had the unanimous support of all the recognized parties, it strengthens the case, but it is not a necessary number. The number is 50% plus one. If they were to send the bill back to us with 50% plus one of the votes, it would be as legitimate as a unanimous vote. I want to make that point because, at another time, there may be a vote that is not a near-unanimous one, and, in my mind, it is as legitimate. I would like your view on that.

Senator Dalphond: In considering when to defer and what kinds of things we should defer to, unanimity certainly carries greater weight than when a majority government forces a bill through by using time allocations against two other parties that are opposed to it.

That said, you are right. A bill comes to us from the House of Commons. We review it. We do the work as thoroughly as necessary. Then, if we have proposals to make, we send it back to the House of Commons. If the message is refused by one vote, we might consider insisting, but we're not there yet.

The reason for that is because today we have a bill, and the message is coming back to us unanimously. Thank you.

[*Translation*]

The Hon. the Speaker pro tempore: I see that Senator McPhedran wanted to ask you a question. Do you want to ask for more time to answer Senator McPhedran's question?

Senator Dalphond: I think I answered the questions, Your Honour. Thank you.

The Hon. the Speaker pro tempore: Okay. Thank you.

[*English*]

Senator McPhedran: This will be brief, but I think it is important to put it on the record before we vote on Bill C-4.

I want to summarize what these sections dropped into a bill on affordability, which is very important for Canadians, and of course, senators will want to support and promote it.

However, in the middle of a bill on affordability for Canadians, we have slipped in this sneaky invasion of the privacy of Canadians.

In Part 4 of Bill C-4, there is a removal of any requirement on the part of any federal political party in this country to protect the personal, private information of Canadians.

In Part 4, clause 45, it says that any of the provisions for the protection of privacy are ". . . deemed never to have come into force and is repealed."

The bill then says that Part 4 of Bill C-4 will come into force in the year 2000. We are now in the year 2026, and this bill reverts to 26 years ago.

The Senate asked why amendments to the Canada Elections Act are buried in this affordability act. We asked thoughtfully and courteously, but we asked. It is a very legitimate question.

I want to quote member of Parliament Elizabeth May, who dissented on Bill C-4. It was not unanimous, and frankly, Senator Housakos, to claim unanimity at second reading, when the final vote on the bill was clearly not unanimous, is interesting, shall we say.

• (1520)

I'm quoting Elizabeth May:

> The government says it is sending this back to the Senate, that they have no business, and let it slap them on the wrist for thinking that they can presume to tell anybody in this place about the Canada Elections Act.
>
> Senators who have spoken in this house have claimed that Bill C-4 was carried unanimously in this place. My objections were recorded on the record even in the so-called unanimous consent motion. It says, ". . . noting the opposition of the member for Saanich—Gulf Islands" —

POINT OF ORDER—SPEAKER PRO TEMPORE'S RULING

Hon. Leo Housakos (Leader of the Opposition): I have a point of order.

We have received a message from the House of Commons on a bill that has been passed in this chamber. There has been a tradition, obviously, for the Speaker in the chair to show a great deal of flexibility, as you are showing in this particular instance, but the process of deliberations on receiving a message is not to relitigate and reopen debate on the actual bill. It is to give our opinion on the message at hand.

I think Senator McPhedran, with all due respect right now, is relitigating and redebating a process we have already been through on two different readings in this chamber. With all due respect, Your Honour.

The Hon. the Speaker pro tempore: Honourable senators, I wish to remind the chamber that the debate at present is on the motion in reply to the message from the House of Commons relating to Bill C-4, An Act respecting certain affordability measures for Canadians and another measure. While our practice has always been to be flexible and encourage debate, I would ask honourable senators to kindly focus their remarks on the matter before us.

MESSAGE FROM COMMONS—MOTION FOR NON-INSISTENCE UPON SENATE AMENDMENT ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Moreau, P.C., seconded by the Honourable Senator Petten:
>
> That, in relation to Bill C-4, An Act respecting certain affordability measures for Canadians and another measure, the Senate do not insist on its amendment with which the House of Commons has disagreed; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

Hon. Marilou McPhedran: Thank you, Your Honour. I also wish to remind us that the Senate amendment was at three years from when this bill will take effect. Three years from now, the government must have come up with a way of protecting the personal and private information of Canadians held by federal political parties.

There was a study topic before the Ethics Committee of the House of Commons back in 2018 entitled "Breach of Personal Information Involving Cambridge Analytica and Facebook." During that study, they pointed to the need to protect the personal information of Canadians held by federal political parties.

In closing, I want it to be on the record that in voting to support this bill, yes, we are expressing our concern for the affordability crisis in this country, but, in addition to that, Senator Housakos, we are setting back 26 years of the invasion of privacy and the lack of protection of privacy for the sole benefit of political parties in this country. I want that on the record. I'm not relitigating. I am just stating on the record what is actually included in this bill.

Hon. Paul (PJ) Prosper: Honourable senators, I would like to add some comments with regard to the message in light of the debate around the amendments.

I listened closely during third reading debate on this bill. I also sit as a member of the Legal Committee, which studied the infamous Part 4 of Bill C-4. Core questions arising from our debate were not just whether we pass Part 4 — we move it or amend it — but they also included certain foundational questions, such as, "What is our role? What is our constitutional duty?"

Since our vote on Part 4, many have weighed in from outside this chamber. Minister MacKinnon, for instance, made his views clear in a March 3 iPolitics article entitled "MacKinnon says C-4 amendment under consideration but Senate should be deferential on changing elections laws."

Of course, now, in the present moment, we are seized with this message from the other place. While I understand that position generally, I would like to also point out a few things. The first one is the fact that not a single question was posed to Treasury Board officials in committee on Part 4 of Bill C-4.

Second, the minister responsible for the Canada Elections Act, Minister MacKinnon, never appeared on this matter, since the minister responsible on paper is Minister Champagne, as this is ostensibly an affordability act plus another measure.

Third, I would also say, as a lawyer, that if the judge, prosecution and defence counsel in a case all have a vested interest in a certain outcome, they would all be in conflict. In this case, every elected member of Parliament belongs to a political party affected by this bill. These political parties have made it very clear that these are the changes they want. They said so in their letter as part of their ongoing appeal in the B.C. court case that led to this legislation in the first place.

At times, there are moments when an unelected chamber not relying on a political party for nominations, electoral support and war chests must weigh in. Yes, Canada is a democracy, so there are notions of restraint and deference to the elected house built into our role, but this restraint must have limits.

We recently heard the Pratte doctrine summarized aptly by Senator Colin Deacon. It was about when the Senate should insist on the House adopting Senate amendments, which:

> . . . should be reserved for relatively rare cases where the issue is of special importance related to our constitutional role, where we are prepared to lead a serious fight and see its completion, when a significant part of public opinion is or could be on our side, although there could be exceptions, and where there are realistic prospects of convincing or forcing the government to change its mind.

This is precisely the moment when sober second thought of an independent house is necessary. Election by plurality should not allow the major political parties to go over the heads of the public will and the public interest.

Last week, a so-called expense scandal came to light, which I believe epitomizes one side of public perception of our role. The Senate is using our relatively small hospitality budget to build ties and relationships with our communities and the regions we represent. The *National Post* and the Canadian Taxpayers Federation, or CTF, looked at the cumulative amounts spent between 2019 and present.

Let me be clear: I feel that this is a manufactured scandal, especially when you consider that many of the amounts were cumulative over six years or extremely reasonable when broken down into a per-person amount. The article notes that hospitality expenses have risen by 67% starting in 2019.

I would note in response that former prime minister Justin Trudeau appointed over 100 senators since launching the independent appointment process in 2016. Keep in mind as well that many of us were organizing events to present King Charles III's Coronation Medals, which would have incurred higher-than-normal usage of hospitality allowances.

All of this raised an interesting statement from the CTF Federal Director Franco Terrazzano, who said, ". . . I bet most Canadians don't think the Senate is providing 67 per cent more value."

What do we do in light of this criticism? Well, as I see it, we could either shrink from the public view, spend significantly less on hospitality expenses and, thus, engage with stakeholders and community members less. Or we could refuse to allow the public's impression of us to browbeat us into obscurity. We could, instead, continue to consistently and proudly do our jobs. We could exercise sober second thought and use our positions to communicate what we see as threats to the public interest.

Honourable senators, I think the true value of the Senate is precisely what is at issue today. This is a time to show how an unelected and independent Senate can protect the interests of Canadians. Under the *Rules of the Senate*, we have precedents and we have options.

• (1530)

Senator Downe rightly referenced John A. Macdonald when he pointed out:

> There would be no use of an Upper House, if it did not exercise, when it thought proper, the right of opposing or amending or postponing the legislation of the Lower House. It would be of no value whatever were it a mere chamber for registering the decrees of the Lower House.

This is not a power to be wielded lightly, but it would be an abdication of responsibility to say that it should never be wielded at all. Senator Downe gave many examples of when and how it has been properly wielded before, and I believe this should be added to the list. During the Thirty-ninth Parliament, on November 23, 2006, Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, was referred to the Standing Senate Committee on Legal and Constitutional Affairs and given a report-back date of December 7, 2006.

That advice proved useful in guiding how the Senate moved forward with that bill.

Colleagues, I have sat in this chamber when we have argued over language in bills that have forgotten to mandate that reports should be tabled in both houses of Parliament. If we want to be treated as equal and assert ourselves, does it strengthen our case to simply be deferential while naming it "self-restraint" when the Senate is, as we have so thoroughly debated here, uniquely positioned to meet this moment?

It's important to be clear what's at stake when we are dealing with the privacy rights of Canadians. With the advent of social media, privacy rights have faced a reckoning in recent years because we have realized how fundamentally valuable our personal information is. When our behavioural patterns and preferences can be weaponized with algorithms to change our beliefs and behaviour, we lose our personal and political agency.

The beneficiaries of this power are now calling on us to let them regulate themselves by allowing them to write their own privacy policies, leaving us with a potential patchwork of policies that have little to no minimum requirements or guardrails.

Time and time again, the Senate has identified issues in bills that were not contemplated by the other place because they were not studied. Time and time again, we have suggested changes and improvements to bills based on considered study and debate. Time and time again, the government has responded, "Thank you, but no thank you," along with platitudes that eventually they will do something later on — later, but not now.

Time and time again, there has been radio silence from the government after we acquiesce. We hold firm in our beliefs until the eventual letter or promise is relayed and, once again, the loyal institutionalists call for restraint before we defer.

I ask my colleagues: Is this the role we are meant to play?

That is why, on principle, I will insist on our amendment, and I will vote to that effect. *Wela'lioq*. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Bernadette Clement: Would Senator Prosper consider taking a question?

Hon. Paul (PJ) Prosper: Yes, I would.

Senator Clement: Thank you, Senator Prosper. I so appreciated your speech. I have a very specific question. Some of you may know that I spent some time in prisons last year talking about prisoners' right to vote. Many of you probably know that prisoners cannot vote from the prison that they are in. They can't use that address. They must use the address where they lived before committing the crime and before serving their sentence. In other words, they can't vote from where they may have lived for a long period of time: the prison. They can't then impact local elections and have access to local candidates.

My question to you follows up Senator Dasko's question to Senator Dalphond about the Canada Elections Act. What if a senator — maybe me — might want to propose an amendment to the Canada Elections Act to bring in the right for a prisoner to vote from where they actually reside, their prison? Would you consider that type of amendment to be properly discussed in this Senate Chamber and in a Senate process? Would you think that that's appropriate?

Senator Prosper: Thank you so much for the question. I certainly believe it is within our constitutional duty to consider such a question, especially in light of what Senator Dasko has mentioned and the research provided by Senator McPhedran as well. I certainly do believe it is within our constitutional competence to do such an amendment.

Hon. Colin Deacon: Honourable senators, I want to thank colleagues, starting with Senator Moreau and, most recently, my colleague Senator Prosper, for their speeches on this bill.

Colleagues, I want to just read the last part of the message:

> . . . a long tradition of the Senate deferring to the House of Commons on amendments to the Canada Elections Act, particularly those which have unanimous support of all recognized parties in the House and which govern the operations of candidates representing political parties seeking election to the House of Commons.

I don't see us as a thorn in the side of the House of Commons. We have a distinct constitutional role to represent voices that are not heard in the House of Commons, and on Part 4 of Bill C-4, that is particularly important because it was not studied in committee in the House. Those voices were not heard. They were ignored in the House. So, to me, that fact makes it more important than ever that we did our job in the Senate, and I challenge that last part of the sentence as, in my mind, not being appropriate.

Moreover, I have always respected Senator Tannas's observation that our role is not to be an off-Broadway version of the House of Commons. We have a distinct role that is separate from the House, and it is to make sure that voices are heard and that, as Parliament overall, we make a fulsome and clear-eyed decision on legislation. I think we did that job here, and I'm very proud of the job that we did here.

Additionally, I am concerned that the House historically has not prioritized the passage of privacy bills. I will just cite Bill C-11 in 2020, Bill C-27 in 2021 and Bill C-65 in 2021. That makes our work even more important because the work has not been done in the House.

As well, I still have no idea how Canadians benefit from Part 4 of Bill C-4. It was important that we looked at it to see whether or not there were benefits or problems. The witnesses showed us that there were very serious concerns. It was not that we were stepping out of our lane; we were very much in our lane. All of those concerns related to the issue of privacy.

I want to recognize the fact that the three political parties and the government have committed to bringing forward privacy provisions to the Canada Elections Act in this Parliament. I want to agree with Senator Dalphond that that's a win for us.

That's not where we were at. We were fighting to get time to appropriately study this bill. In the end, it was six hours in one day. Senator Moreau, thank you for working with this chamber to make sure we had the opportunity to do our job. When we did our job, even the witnesses who were supporting Part 4, the lawyers from the political parties, did an excellent job of arguing for our concerns, which we then put back to the House. They actually undermined their own position with the testimony, and I think that was, again, reflected.

• (1540)

I remain concerned that there is a lack of appreciation of the fact that Canadians are completely unprotected as it relates to the growing risk around privacy and cybersecurity. Minister MacKinnon's recent assurances in iPolitics that the Liberal Party ". . . essentially comply with PIPEDA. . ." don't reflect the prioritization of this issue in our debates and our comments to the House. So I'm really hoping that that has been internalized in ways that are not evident in the message.

The other part that was really troubling to me was the fact that the lawyers testifying in the Legal Committee dismissed the issues raised by other witnesses by saying that they were "bogeyman" issues. That shows a level of disregard toward facts and toward reality that, again, is concerning. However, I hope that the parties have internalized our concerns and those raised by witnesses in committee in ways that are not necessarily evident in the message from the House.

There is another element that I think is perhaps evidence that the House did not understand the severity of this issue: They did not even hear from officers of Parliament whose job it is to manage the Canada Elections Act and our privacy policies in this country, the Chief Electoral Officer and the Privacy Commissioner. They did not even hear from those parliamentary experts; we did, and what we heard was very concerning.

So, we were not a thorn in the side of the House of Commons; we were doing our job. It is a job that I think should have been done in the House. If they had done it in the House and heard those things, we would have needed less time to look at this bill because we would have understood that the decision had been made clear-eyed. When they made the votes that Senator Housakos spoke of, I don't know that it was.

The point has been made by others that there were unanimous votes in the House. But when MPs in the House had their chance to look at this issue on their own in 2018, the House Foreign Affairs Committee identified a report that talked about threats to democracy from the misuse of privacy, the lack of privacy controls or restraints and the cybersecurity risks in a modern world. We are six years on from that. Our Legal Committee heard from a former information and privacy commissioner of the U.K. Again, I hope that these facts have been internalized by the three parties and by the government because I think that reality is troubling. I don't get a sense, again, from this message that is necessarily the case, but I will trust that it is.

I will wrap up by saying that in anticipation of the bill that has been promised in this Parliament, I'm hoping it will be a stand-alone bill. I hope we're not put in the same situation of it being tagged onto the end of a making life more affordable for Canadians act. The reality is we should have the opportunity to study this bill properly. But in advance of that, I hope that our Legal and Constitutional Affairs Committee will consider taking up the issue of studying political party privacy regimes around the world and hearing from the presidents and privacy officers of the political parties on why political party privacy regimes should be different. Let's understand their assertion.

We have heard from Minister MacKinnon that there are effectively no differences, but there is resistance to putting in place a PIPEDA-like regime. We have heard they are actually already operating in that manner. Well, let's hear more about that. Certainly, there is a lot of muddle in communication around this issue. I expect and believe that our political parties want to see Canadians as protected as voters in any other democracy around the world.

The last thing I will say is that I believe we saw great progress in Budget 2025 in terms of the omnibus element of that bill. There were a lot fewer kitchen sinks put in Bill C-15 than we've seen in other bills in my time in the Senate. That was great progress, and I commend the government on that. Unfortunately, that has been undermined by what was done in Bill C-4. I hope we are making our point — that we have a constitutional role to properly study legislation — and when you get something like Part 4 slipped into something like Bill C-4, it really undermines our ability to do our job. In the future, I think we will be a little more of a stick-in-the-mud on this sort of issue because of how difficult it was to do our job in this situation.

I will leave it there. Personally, I have come to the conclusion that I will be accepting this message from the House. I feel that we had a win here. I don't think we would be at this point had we not done our job. That's good for Canadians. I think we are doing a proper job in the Senate. I think the very strategic amendment that we sent to them delivered what they wanted, and it delivered what we needed: privacy rights for Canadians. That is now coming back in a promise from the House. I trust they have internalized what we've all learned through this process and look forward to seeing an excellent piece of legislation come back to us within the next three years. Thank you, colleagues.

Some Hon. Senators: Hear, hear.

Hon. Paula Simons: I have a question for Senator Deacon, if he would take one.

Senator C. Deacon: I say — with a quiver in my voice — yes.

Senator Simons: Having listened to all of the debate this afternoon and to your thoughtful speech, something interesting occurred to me: When you read the last part of the message that talked about this long-standing tradition, up until 10 years ago, this was a partisan house and most members of this chamber, though not all, would have been members of political parties.

Over the past 10 years, we have evolved to the point where the majority of people here are not affiliated with a political party and are nonpartisan. I'm curious to know if you think that changes the responsibility and the prerogative we have to question the way political parties run themselves. I think it is important to stress — as you and Senator Prosper did — that this is not a bill about the other place. This is a bill about parties, which are entities that exist in the wild as opposed to in the chamber.

I am curious whether you think being nonpartisan gives us a unique view of how parties regulate themselves — and perhaps an enhanced duty to critique the way parties as organizations operate — as opposed to what is happening in the other place.

Senator C. Deacon: Thank you, Senator Simons, for your always thoughtful questions. In this situation, I go to my experience around this particular issue, be it two or three years ago — with Bill C-47 — or now. I have not met a Canadian who was initially aware that they do not have privacy protections as it relates to their voter data. They are horrified when they learn that if they have any knowledge of the risks related to the issue of privacy. There are a lot of people who don't care about it. They don't necessarily understand how they are putting themselves at risk and don't care. But I've not met anybody, period, who has understood this to be the case and been comfortable with it being the case.

I have not heard from anyone like that, other than the three lawyers in our Legal Committee when I watched the proceedings on TV. They are the only three people whom I have come across who firmly believe everything is just A-okay with it being as it is.

• (1550)

So we are in a different world with an independent Senate. I think it is great that the government is bringing forward a review. I commend Senator Moreau and the Government Representative's Office, or GRO, for doing that and looking at us 10 years on. But I think there is a place for us in this. There are a lot of traditions in Parliament that have not changed since 1867. One of them is how we vote in this chamber. It is the same as it was at Confederation.

I think there are parliamentary traditions that need to evolve, but they need to be debated as they evolve. Personally, I don't think Canadians understand the realities of this issue. That, to me, suggests that this issue could end up undermining our political parties and our democracy if it is not managed more transparently in the future.

So, for me, yes, I think there is a role for us. But we may have to fight for that role. Thank you.

Senator Simons: Great answer.

Hon. Krista Ross: Honourable senators, thank you for all of the excellent debate and interventions we've heard on the issues before us today.

I rise today to share a brief comment with my thoughts on the message that we've received from the House of Commons relating to the amendment to Bill C-4, Part 4. The message we received from the other place states, ". . . Parliament should be the body that decides the rules that govern communication by federal parties with Canadians . . . ." However, the other place should remember that Parliament includes the Senate and not just the House of Commons.

The received message also says:

> . . . there is a long tradition of the Senate deferring to the House of Commons on amendments to the Canada Elections Act . . . .

While that may or may not be so, given what we have heard from Senator McPhedran and Senator Dasko, it does not negate the legislative powers that the Senate has.

It is emphasized in the message from the House of Commons that Part 4 of Bill C-4 received the unanimous support of all recognized parties in the House. Well, that is no surprise because it protects them from the rigour of rules like PIPEDA, the Personal Information Protection and Electronic Documents Act, which all other organizations, businesses and not-for-profits must adhere to in the use of personal data. I believe there is a clear conflict of interest that members of Parliament belonging to political parties are legislating themselves out of a court case and out of the more rigorous oversight that everyone else must follow. In my opinion, the case of unanimous consent does not hold as strong of an argument when it comes to a perceived conflict like this.

As mentioned in the message received from the House of Commons, additional privacy provisions are coming in this parliamentary session. If I trust the government that they will bring forward privacy provisions in legislative changes to the Canada Elections Act in this Parliament, then I firmly believe that the sunset clause amendment we sent to the House is actually complementary to that. It does not constitute a reversal of the principle of the bill. It is just a fail-safe to ensure the government actually does what they say they intend to do.

My comments today do relate specifically to the message received from the House of Commons on the amendment that we made to Part 4 of Bill C-4 and reflect what I believe to be my duty of working in the best interest of Canada and Canadians. Thank you.

[*Translation*]

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division.)

[*English*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

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

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. Mary Coyle: Honourable senators, I rise today to speak at 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. I intend to make the case for a simple improvement through introducing an amendment related to eligibility timelines for people claiming asylum.

I am a senator who proudly represents my province of Nova Scotia and has the privilege of living in Mi'kma'ki. I have also lived and worked all over the world and am aware first-hand of the conditions of many asylum seekers.

My Mi'kmaq neighbours welcomed people from France, England, Ireland, Scotland, Spain, the Basque Country, people of African descent and many others seeking refuge and, with that, a better life, at various times over the last few centuries.

Today there is a friendship — *nitap* — relationship between Peace by Chocolate, established by Syrian Canadian Tareq Hadhad, and Senator Prosper's community of Paqtnkek.

Canada, my province and our Indigenous hosts have been extending a warm welcome to people from other places for many years and many reasons. This has contributed to our country's prosperity and to our rich identity.

Bill C-12 is an important bill that comes at an important time for Canada. It seeks to strengthen the security of Canada's borders and points of entry. It seeks to disrupt transnational organized crime, including fentanyl trafficking and money laundering. It seeks to enhance the integrity, efficiency and credibility of Canada's immigration and asylum systems. And it is designed to improve information sharing among federal, provincial and territorial partners.

These are all important for our country, for public safety, for public health and to ensure our highly valued immigration and asylum systems are operating in an optimal and fair manner.

I would like to thank the bill's sponsor, Senator Dean, for his thorough work on the bill and for his openness to discussions on concerns with the bill and ways it could be improved.

I would also like to thank Senator Dhillon for doing an exemplary job as the Independent Senators Group's legislative lead on this important piece of legislation. Your speech and back-and-forth exchange with Senator Woo on Tuesday helped us to grasp the severity and urgency of dealing with organized crime, how certain elements of this bill will address this and how adjustments to other aspects of the bill will not take away from these important public safety measures.

Senator Martin had wanted to raise a question yesterday about keeping the bill intact so that criminals, particularly those associated with transnational gangs involved in extortion, are not exploiting our system. Senators Dhillon and Woo had clarified that clauses 37, 43 and 44 are the ones addressing extortion and that the minister is able to deem a claimant ineligible for asylum if criminality has been flagged no matter when the claimant initiated their process.

I would also like to thank the Standing Senate Committee on National Security, Defence and Veterans Affairs and the Standing Senate Committee on Social Affairs, Science and Technology for your thorough work examining all aspects of this bill. Your work is essential and valued.

Colleagues, over the past weeks we have been having a healthy — in fact, for the last few minutes — and fruitful discussion on the role of the Senate and, in particular, our chamber's role in relation to that of the House of Commons.

We have had discussions on what being a chamber of sober second thought means; about being both thorough and efficient; about restraint; about deference; about two-eyed seeing; about our special duty to represent the interests of those most vulnerable in our society and in our world and about how we do that; about balance and making sure that if we do support amendments to legislation, they are well thought through, based on evidence and don't take away the bill's ability to succeed in meeting its objectives.

Colleagues, what I have observed in the debate on Bill C-12 and the amendments proposed to date is a combination of a recognition of the importance of representation and a commitment to rigour, to heeding the advice of a wide variety of credible expert witnesses, to fairness, to ensuring balance and, quite frankly, a very heavy dose of restraint.

I say a "heavy dose of restraint" because every amendment we have considered was carefully crafted in order to keep all core elements of the original bill intact and has proposed balanced improvements. In fact, the first recommendation of the report of the Social Affairs Committee's study of the bill said:

> Your committee recommends that Bill C-12 be amended to remove parts 5 to 8.

• (1600)

This recommendation would have caused the removal of those entire parts of Bill C-12, which amend the Department of Citizenship and Immigration Act and the Immigration and Refugee Protection Act. The Social Affairs Committee provided other recommendations in case that recommendation was not taken up by the National Security, Defence and Veterans Affairs Committee — and it was not.

The amendment that I will be proposing for your consideration today is a modification of the committee's Recommendation 8, which was to increase the ineligibility period for refugee claims from the one year indicated in Bill C-12 to five years from the most recent date of entry. Currently, for the In-Canada Asylum Program, there is no time limit for individuals making a refugee protection claim.

Colleagues, we have heard that Canada has a backlog of applicants in its system that is estimated to be around 300,000 — there's not much data available on what it is and why it is. It makes sense to support appropriate measures to address this situation. It is a situation that might actually be causing harm to those desperate to have their claims settled and their lives moved out of limbo and insecurity and onto a safe and secure track so that they can get on with their lives, provide for their families and contribute to Canada.

Colleagues, Recommendation 7 of the Social Affairs Committee report on this bill addressed this capacity issue in one way, which was by recommending:

> . . . that the Government of Canada direct greater resources to the Immigration and Refugee Board of Canada so that it can continue efficiently adjudicating refugee protection claims, including providing oral hearings and a right of appeal for claimants.

As Senator Mohamed mentioned yesterday, strengthening administrative capacity to deal with backlogs and surges in demand has been done by the government in other acute situations, such as the passport-issuing challenge a few years ago.

Colleagues, the pragmatic amendment I am proposing extends the one-year ineligibility bar to two years. It recognizes the need to address the backlog of asylum seekers while creating a more reasonable timeline, particularly for certain vulnerable applicants — those who will need more time to come forward and who should not be denied their rights to a fulsome consideration of their circumstances.

Our colleague Senator Al Zaibak spoke of his work and the work of our former colleague, the Honourable Ratna Omidvar, with Lifeline Syria. Senator Al Zaibak said:

> . . . I saw that rigid timelines affect vulnerable people the most. They need help to learn the system, help to understand the system and help to trust the system.

Senator McBean contributed to this discussion by saying:

> As someone who is part of the 2SLGBTQ community, I know that coming out is rarely immediate and can be difficult every time you do it.

She continued:

> For many 2SLGBTQ+ refugees, the stakes are higher. They were taught shame and fear and have spent their entire lives hiding their identity to avoid violence, imprisonment or death.

Latoya Nugent of Rainbow Railroad asked me today to tell you that LGBTQI+ refugees arrive in Canada carrying years of persecution and trauma. Justice demands more than one year to heal, prepare and safely claim protection. Latoya recommended the two-year time frame as a balanced compromise.

Our colleagues Senator Simons and Senator Henkel mentioned a number of potential claimants who would struggle to meet the one-year deadline. They include the people who had to rapidly flee their countries and had their lives turned upside down without the wherewithal to find legal counsel and complete the paperwork. They might also have a fear of authorities or difficulty understanding a complex legal system, and some have the added challenge of lacking language skills in either of our official languages. They could be individuals, including international students, for whom political upheaval, a coup d'état or other dangerous circumstances have emerged since they arrived in Canada. In other words, the circumstances causing their fear of persecution or fear for their personal safety may not have existed in their first year in Canada. They could be victims of gender-based violence and experiencing the complex trauma, health impacts and insecurity that come along with that reality. They may not have even been aware they were eligible for asylum.

Organizations presenting to the Social Affairs Committee and communicating with senators on this matter include the Canadian Bar Association, the David Asper Centre for Constitutional Rights at the University of Toronto, the Women's Legal Education and Action Fund, Rainbow Railroad, the Canadian Association of Refugee Lawyers, the Migrant Rights Network, the Canadian Council for Refugees, Amnesty International and the 164 migration scholars and experts from across Canada and internationally who sent our Prime Minister and all of us a letter on this matter. They have cogent arguments against the one-year bar for eligibility.

We also heard about the inadequacy of the pre-removal risk assessment, or PRRA, particularly for vulnerable groups. The PRRA lacks a guaranteed oral hearing. It does not offer the procedural protections granted by the Immigration and Refugee Board of Canada, including the right to appeal, and Immigration, Refugees and Citizenship Canada officials do not have the arm's-length independence needed to fairly assess the merits of a claim for these groups.

Honourable colleagues, the other elements of the bill we have before us are largely designed with a view to improving the public safety of Canadians and our communities. The amendment I am about to introduce is crafted to ensure we put forth our best efforts to protect the long-term safety of the most vulnerable groups seeking refuge in Canada. The two-year provision will provide a far more reasonable timeline for people in these groups to prepare their claims.

Colleagues, this is why I believe the following amendment is a fair and reasonable measure. It demonstrates our respect and the compassion that Canadians expect of us.

I also want you to know that in the eight years I have served Canadians in this chamber, this is the first time I have introduced an amendment at third reading. I do not have a case of "amendmentitis," but I do believe it is our collective duty to offer improvements to legislation, especially when they can protect the interests and lives of vulnerable people.

MOTION IN AMENDMENT NEGATIVED

Hon. Mary Coyle: 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,

(a) by replacing line 5 with the following:

"and made the claim more than two years after the day";

(b) by replacing line 17 with the following:

"24, 2020, the two-year period referred to in that para-".

Thank you.

Hon. Paula Simons: Honourable senators, I have spoken a lot about Bill C-12 — you're probably tired of hearing me speak to it — but I wanted to rise today to speak briefly to Senator Coyle's amendment because I love its elegant simplicity. I presented to you an amendment yesterday that was perhaps a little too baroque, but nothing could be simpler than this: a common-sense measure to deal with the fact that one year simply may not be long enough for many vulnerable people to pull together the wherewithal to file a refugee claim, as two years provides a little bit more elbow room in a country that likes to keep its elbows up.

• (1610)

I am cognizant of the fact that there will always be people who game the system. For any government system that we set up, there will always be a small minority of people who try to cheat the system, try to deke around the rules or try to play on our hospitality and generosity. But it is very dangerous to create a regime predicated on dealing with the worst of the worst, instead of recognizing the fact that most refugee claimants are making their claims in good faith.

Are there people who just ran out the clock on their work visas or student visas and are applying for refugee status as a last-ditch, Hail Mary pass? I'm sure there are, and I'm sure the numbers bear that out. However, I think the majority of refugee claimants — and that is for whom we are building a system — are people who require our support and our understanding that, sometimes, 12 months in a new country where you don't speak the language or have the wherewithal may not be enough to jump through every bureaucratic hoop.

It is a funny thing. In my experience as a journalist and a politician, people are often very worried about immigrants and refugees as faceless numbers. When you start telling people's individual, personal stories, though, it is my experience that the heart of the average Canadian, like that of the Grinch, grows several sizes.

As Senator Coyle was speaking today, I thought about a story I worked on at the *Edmonton Journal* in the last year I was with the paper. The year was 2018. At that time, you may recall, the first Trump government had cracked down on people who had been legally in the United States but had suddenly lost their status. There were stories that inflamed Canadian passions about thousands of people travelling from the United States and illegally crossing our borders.

Now, I live in Edmonton, which is pretty far from the border. It is not Roxham Road or White Rock, British Columbia. We didn't have thousands of people flooding over the border in Coutts, Alberta or Whitefish, Montana. That is not a big border crossing. Nonetheless, we absolutely had people coming to Edmonton who had landed in a different part of the country and were making a refugee claim.

I called the Edmonton Newcomer Centre and said, "I would like to put a face to this story." They introduced me to a remarkable family: Shuaieb Abara and his wife Malak Tantush. They were highly educated professionals who had come to the United States from Libya on student visas and had built a life there. Shuaieb had started a very successful travel agency and Malak was a scientific researcher. They had two little boys, Bashir and Adam, who were born in Trump's America and were American citizens by birthright. Then, Donald Trump said, "Libyans cannot be here anymore."

At that time, things in Libya were in chaos, and for Mr. Abara, it would have been tantamount to a death sentence to travel back to Libya. So the family fled across the border. They crossed at White Rock, British Columbia, and immediately made an asylum claim. Why did they immediately make an asylum claim? Because they were highly educated professionals who spoke fluent English, and they understood what they had to do. They

had family in Canada who had advised them on what to do. They made a refugee claim, their refugee claim was heard promptly and they were granted asylum.

I remember that I went to interview them, and I brought a photographer from the paper with me. They were — journalists love this — the most photogenic family you can imagine. He was handsome, she was beautiful and the two little boys were so cute with their curly hair and matching Mickey Mouse sweatshirts. My heart melted.

We put that picture on the front page of the *Edmonton Journal*, and all of those people who were grumpy about illegal people sneaking over the border — those bad, scary, illegal people — saw them. Look. There they were: This picture-perfect, beautiful family, an example of exactly the kind of people we want to welcome to this country. Not people who were going to be a drag on the economy. People who were going to be entrepreneurial, people who were going to be scientifically rigorous and who were going to add to the culture and the vibrancy of my city of Edmonton.

So when I hear all the debate that has transpired about Bill C-12, I think about the fact that, so often, we hear about this backlog of numbers. Numbers, numbers, numbers. Behind every one of those numbers is a story.

I think that we need to open ourselves to the possibility that maybe asking people to get their act together in 12 months is an unreasonable limitation. Twenty-four months doesn't solve the underlying systemic problems of the bill. It is the most modest of compromises. Yet, it does create that little extra bit of breathing room.

It will also send a message back to our dear friends in the other place. It will say to them that we did the study that this bill required. We thought long, hard and carefully about small improvements that would make this better, that would make it still palatable to people who are hardline on these issues, that would still make it possible for things to move more quickly and, at the same time, that would not betray the reputation for hospitality and generosity that has long underpinned our refugee system.

Yesterday, Senator Housakos was speaking passionately about the reputation of our immigration system and wondering why we were being so cynical and so skeptical about a system that has functioned so well and brought so much honour to this country.

Senator Harder reminded us, not forcibly, but eloquently, about the role he had personally played in building an immigration and refugee system that was functional, that worked and that honoured the history of his own Mennonite ancestors, who had come here as immigrants and refugees.

I don't want for one minute to besmirch the reputation of the people who work in our immigration and refugee system, some of whom are doing remarkable work to help build this country in the healthiest way possible, but as you think about Senator Coyle's amendment, her modest, simple, elegant, forthright amendment, and how much more breathing room it will give to people in need, and what a gentle, yet firm, message it will send to the House of Commons, to the other place, I invite you to consider what it will mean to all of the people who have been watching this debate if we do nothing, and if we don't say that there are problems with this bill and that we want you to think again about how to make them better.

I have not been in touch with Mr. Abara and Ms. Tantush and their little boys since I took up this job in 2018, but their story has stayed with me during all that time as an example, not just of one family and a story that moved me, but of the capacity we all have to think past statistics, to think past graphs and charts, and to remember that, for every single refugee claimant, there is a story that, if we were privileged to know, might change hearts and minds. Thank you, *hiy hiy*.

Hon. Flordeliz (Gigi) Osler: Will Senator Simons take a question?

Senator Simons: I would be delighted to take a question.

Senator Osler: Thank you, Senator Simons.

My question is about Senator Coyle's amendment, so I will get you to think about the amendment and possibly what you know about it, because the amendment does not touch Bill C-12's new ineligibility to claim asylum if the claim is made more than 14 days after an irregular crossing at the Canada-U.S. border. This amendment only looks at claims made while someone is in Canada after one year.

I know it is not your amendment, but perhaps you might shed some light on it to help us understand why the amendment only speaks to the one-year ineligibility and not the 14-day ineligibility period.

Senator Simons: I will do my best to channel Senator Coyle, who can send thought waves this way.

As you know, because of the time you spent in the Standing Senate Committee on Social Affairs, Science and Technology hearings, these are two separate parts of the legislation. As you correctly say, this would deal with a situation where, for example, someone has been in the country for a year on a work permit, a student visa or some other kind of visitor visa, and now they make a refugee claim.

• (1620)

That is the simpler thing to fix. The 14-day irregular problem is complicated because it's kind of a Catch-22, as I understood it from all of the experts with whom we spoke. It is not really easy to claim before 14 days, and now you cannot claim after 14 days. I think of the couple that I talked about. They're actually a better example of what you are talking about.

The problem is that there are a great number of weaknesses in this legislation that have been highlighted to us by civil society groups. When we made amendments — I think there will end up being seven or eight amendments in total — we each zeroed in on one issue. I think Senator Coyle chose to focus on this one in part because she had been dealing with the issue of rainbow refugees and hearing a lot from LGBTQ community leaders.

This does not fix every problem in the bill. I wish that we had world enough and time to mend it. When I speak to schoolchildren, I always say that we mend bills. I say, "Does your mom ever mend a hole in your pants or at your elbows or your socks? That's what we do. We mend the holes in legislation to the best of our ability." In this case, in a bill with many holes, there are only so many mends we can make.

Hon. Chantal Petitclerc: Honourable senators, I too would like to take some time to add my voice to those who have already spoken in support of the compromise amendment put forward by Senator Coyle.

[*Translation*]

As a member of the Standing Senate Committee on Social Affairs, Science and Technology, I participated in the study on Part 5 and Part 7 of this bill. Nearly all of the witnesses we heard from expressed serious concerns about the one-year ineligibility rule.

The Canadian Bar Association, for instance, denounced this measure for its overbreadth and arbitrariness and for the absence of a mechanism to differentiate between non-meritorious and entirely genuine claims. This one-year ban on applying for asylum is also much stricter than the one in effect in the United States, since it applies from the date of first entry into the country, whereas the U.S. system provides for numerous exemptions that fall into two categories: changed circumstances and extraordinary circumstances.

This second category includes things like serious illness, psychological trauma, disability and even cases of serious counsel incompetence.

[*English*]

I deliberately used the word "compromise" to describe Senator Coyle's amendment. I would also describe it as an amendment rooted in compassion for vulnerable individuals. I want to take a few moments to explain why I think those words are important.

The 1951 Refugee Convention neither requires nor encourages strict deadlines for making an asylum claim, and Senator Coyle is not asking that this new ineligibility measure be removed entirely — far from it.

One of the solutions suggested by several witnesses was that the proposed one-year ineligibility rule in Bill C-12 could be made more equitable if it were tied to the claimant's most recent date of entry rather than their first. This is, in fact, the recommendation we made in our report to the Social Affairs, Science and Technology Committee. Senator Coyle's amendment does not seek to change the entry date set out in this bill.

[*Translation*]

The recommendation that my Social Affairs, Science and Technology Committee colleagues and I supported would have changed the ineligibility period from one year to five years. Senator Coyle is responding by proposing a reasonable period of two years.

[*English*]

The approach our colleague is asking us to adopt is, therefore, very reasonable. The compromise she proposes offers an additional opportunity to potential claimants, particularly the most vulnerable, including people who have experienced trauma.

[*Translation*]

The one-year limit simply does not take into account the fact that personal and political situations can change. A person's rights, their safety and even their life may come under threat long after they enter Canada. We also heard that this deadline is even more likely to be detrimental to LGBTQIA+ people and survivors of gender-based violence, who might take years to disclose their situation or gather the information they need to claim asylum. Organizations reminded us that asylum claims are often delayed because of trauma, lack of legal knowledge, barriers to accessing a lawyer or circumstances that change over time. We were also told that a rigid one-year deadline could exclude genuine refugees in need.

By extending the deadline by an extra year — still an arbitrary deadline, of course — we can at least avoid excluding some particularly vulnerable individuals who may not be equipped to act rapidly as soon as they enter Canada.

[*English*]

Honourable colleagues, on the one hand, the government has not provided me with a clear explanation or with quantitative evidence and data showing that this measure would actually resolve the challenges it is addressing, namely, possible fraud and processing backlogs. On the other hand, the witnesses demonstrated rigorously and convincingly the potential unintended consequences of this provision.

Honourable senators, my colleagues and I sat through 13 hours of Social Affairs, Science and Technology Committee hearings, listened to 35 witnesses and, like most in this chamber, read everything that was sent our way.

What is clear to me is that the measures in Part 8 of this bill can be improved. They can better protect those who are most at risk while still achieving the bill's objectives, and this amendment does exactly that. It does not impede the objective of the bill. It does not dismantle the measure. It simply makes it more human and balanced.

Colleagues, this is a reasonable amendment. It is one of compromise and compassion, and I ask you to consider it through that lens and support it.

Thank you.

Hon. Tony Dean: First of all, thank you, Senator Coyle, Senator Simons and Senator Petitclerc for your interventions.

I am going to ask, as we consider these proposed amendments, a primary question, and that is whether we in Canada have the tools to keep Canada's immigration and asylum system working

effectively under sustained pressure while still maintaining the safeguards and due process that Canadians expect, all in the context in which we have a backlog of around 300,000 claims.

Canada's asylum system relies on credibility and timeliness. When claims are accumulating faster than they can be processed, delays grow and uncertainty intensifies for claimants, communities and the institutions responsible for delivering protection.

I now turn to Senator Coyle's amendment, which deals with the proposed ineligibilities in the asylum system.

Bill C-12 introduces new ineligibility rules under which claims would be ineligible for referral if they are made more than one year after an individual's first entry into Canada after June 24, 2020.

As you know, asylum claims are normally driven by urgency. They are driven by fear of repression or danger, so usually, and historically, are made soon after landing in Canada. There are exceptions to that, but the large majority get in there quickly and make their claim and want it to move as fast as it possibly can.

This has been consistent for decades, and our asylum processes have developed around it.

• (1630)

We started with the remnants of the pandemic backlog, which was worked down, and that's now been amplified again by what is now an unprecedented volume of claims: around 300,000. The massive backlog is in large part the result of a relatively recent but significant shift: A growing number of those applying for asylum have already been in Canada for two or three years, many on temporary work or study permits, and are now looking to the asylum process as a means of remaining in Canada.

It's important to acknowledge, as was mentioned earlier, that some of these claimants may have left stable and peaceful countries that might no longer be stable. We need to worry about those claimants. This is a cohort that would, in any event, be protected by Canada's non-refoulement policies.

We also heard mention of criminal enterprises, and I won't repeat what we already heard here. To protect the system from sudden surges in claims while respecting our international obligations, the measures in this provision aim to protect and preserve the integrity and efficiency of the asylum system by encouraging and incentivizing early asylum claims and discouraging misuse while maintaining access for those who are genuinely in need.

Those affected by this change would have access to the pre-removal risk assessment that's currently in place. While I understand the concerns addressed by Senator Coyle and others, they actually run contrary to the intention of the bill, which is based on the urgency usually associated with these claims and which also signals an incentive for potential applicants to file their claims within a year of entry. That is the important policy signal here. That's an intentional message that is being sent to those who are considering making claims.

On that basis, colleagues, I believe that this motion should not be supported, but I leave that in your capable hands. As a final note, we've talked about these claimants being referred to the pre-removal risk assessment process. That's been in place for 20 years. It is conducted by officers who have lengthy, long-term experience in the IRB and who received specialized training in working with vulnerable groups and meeting Canada's international obligations. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Rosemary Moodie: Would the honourable senator take a question?

Senator Dean: Yes.

Senator Moodie: I have to ask this question, Senator Dean, because I sat through 13 hours of testimony as well. At the end of those 13 hours, we asked, especially the officials, to provide information in the form of data to support their claim that there was a sudden, marked increase in applications by refugees. We never received that data.

We asked them to provide us with data on the one-, two-, three- or four-year periods before people claim refugee status. You talk about how it is normal for things to occur within a very short period after people arrive in Canada. Do you have substantive data on how you know that the one-year mark, the six-month mark and the three-month mark are the times within which people normally apply? If so, can you share that data with us now? We asked for that data. It was never supplied.

We are in a position where a lot of statements — some of which sound a lot like the ones you are giving us today — are not backed up by any data that we have seen. We have requested data. I hope you can help us, because this seems to be our last opportunity to consider it. Are these claims substantiated by data?

Senator Dean: I won't go shuffling through my binder to find the numbers you are looking for because I don't have them in front of me.

However, we know that those who arrive in Canada with the intention of seeking asylum are primarily here to do that. I was told, as you were, that the great majority do so within the first year. It makes intuitive sense to me that someone fleeing repression and danger would have an instinct to do that as quickly as possible. They are unlikely to wait two to three years. Some might, but I don't have the data in front of me.

Senator Moodie: Senator Dean, my follow-up question would be this: Is it intuitive to you that a person who has potentially suffered persecution in their country for being gay might come to Canada and seek other ways to become landed so that they don't have to declare that? That might, in and of itself, produce something of a delay in the time period in which they accept this is not going to happen, looking at the backlog of over 300,000 cases on the refugee asylum side and a much larger number on the immigration side.

People may finally realize that they will have to face admitting they are gay and coming out of the closet — something they hadn't been willing to do before and their parents, cousins, sisters, colleagues and so on may not know about. When they finally get there, is it intuitive to you that these cases might occur?

Senator Dean: Having sat through all of your hearings, I heard that point made a number of times. In fact, I heard the same points repeated a number of times. I also heard discussion within that context of an exemption for people who may find themselves in exactly the circumstances that you described. You will recall that these discussions came up at the committee. In that context, the question was raised about whether there could be tailored exemptions made under these provisions, and you know there is an exemption provision for this.

I heard that, indeed, exemptions are being considered for particular complex cases of the sort you described. So, yes, there will be such cases. That is not just intuition. We know it. I know it as well as you do. I know it as well as the witnesses before you did. I think that those exemptions will be responsive to precisely the sort of situation that you are describing. It wouldn't be possible to describe them all in the legislation, but you were in the same room as me. I think you heard the minister refer to this. She was pressed on it and was quite definitive about it.

That's the answer to your question.

• (1640)

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

In amendment, it was moved by the Honourable Senator Coyle, seconded by the Honourable Senator Petitclerc, that Bill C-12, as amended, be not now read a third time but that it be further amended in clause 73 — may I dispense?

Is it your pleasure, honourable senators, to adopt the motion in amendment?

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

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

Senator Petten: Fifteen minutes.

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

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Leave is granted, so the vote will take place at 4:55. Call in the senators.

• (1650)

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

YEAS
THE HONOURABLE SENATORS

Arnold	Mohamed
Black	Moncion
Boudreau	Moodie
Clement	Osler
Coyle	Pate
Dasko	Petitclerc
Gerba	Prosper
Ince	Ross
Kingston	Senior
McCallum	Simons
McPhedran	Woo
Miville-Dechêne	Youance—24

NAYS
THE HONOURABLE SENATORS

Aucoin	McNair
Batters	Moreau
Boehm	Oudar
Busson	Patterson
Cardozo	Petten
Carignan	Pupatello
Dalphond	Ravalia
Deacon (*Nova Scotia*)	Ringuette
Dean	Robinson
Dhillon	Saint-Germain
Forest	Smith
Francis	Sorensen
Greenwood	Surette
Harder	Tannas
Hébert	Varone
Housakos	Wells (*Alberta*)
LaBoucane-Benson	Wells (*Newfoundland and Labrador*)
Loffreda	White
MacAdam	Wilson
Marshall	Yussuff—41
Martin	

ABSTENTIONS
THE HONOURABLE SENATORS

Burey Muggli—3
Henkel

• (1700)

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. Yuen Pau Woo: Honourable senators, there has been a lot of debate and speaking from this corner of the chamber. I'm not competing with my colleagues to have more airtime. In fact, I'm pleased to tell you that this will be my last intervention. Do I get a "alleluia"? Maybe I will get an "amen" as well at the end of the presentation.

I am speaking to support and defend an amendment that I will be proposing at the end of my speech. This amendment would require mandatory oral hearings within the pre-removal risk assessment, or PRRA, process for individuals who are captured by the new ineligibility provisions in Bill C-12.

It is unfortunate that our colleague Senator Coyle's amendment was not approved. As a result, this amendment provides kind of the last protection, if I can put it that way, a modest safeguard to what could have been many other kinds of changes we might have proposed. I hope you will give it due consideration.

To stress again, the amendment does not remove the new ineligibility provisions contained in the bill. It also does not reopen access to the Immigration and Refugee Board, or IRB, for these claimants, and it does not alter the government's broader policy objectives in this legislation. It simply ensures that when a person is diverted to the PRRA process, they are guaranteed an opportunity to appear before a decision maker through an oral hearing before a final decision is made.

This amendment introduces a very basic standard, a best-practice procedural safeguard, one that has been requested by virtually every organization that testified at the Social Affairs Committee, including refugee and human rights organizations, civil liberties and legal advocacy organizations, academic and legal research centres, community and settlement organizations and, not least, the United Nations High Commissioner for Refugees, or UNHCR.

Safeguards matter because refugee protection decisions often depend heavily on credibility and personal testimony. In many cases, the key evidence is the claimant's own account of persecution or fear of return. Written submissions alone are often insufficient to properly assess trauma, context and credibility. An oral hearing allows decision makers to ask questions, clarify inconsistencies and assess the evidence directly. Without that opportunity, the risk of error increases.

The government has argued that the PRRA is an adequate alternative to a refugee hearing because it applies similar protection criteria, but many witnesses reminded the committee that the PRRA is not equivalent to a refugee determination hearing before the IRB.

Now, we did not receive an assessment from the government on the efficiency and effectiveness of the so-called file review process, which has been in place since 2019. The good news, colleagues, is that the C.D. Howe Institute did a study on the efficiency and effectiveness of this policy. This is a policy that is paper-based, one which may exempt entire categories of claims from the default requirement of an in-person adjudication, also known as oral hearings.

I believe our colleague Senator Simons will be telling you more about the C.D. Howe study, so let me jump to the conclusion, which is that they found no efficiency gains from the file review process. They found no effectiveness gains. The backlog was not reduced. The recommendation of the C.D. Howe? They state:

> . . . the report argues that the File Review policy should be brought to an end and the default requirement of questioning asylum claimants at a hearing should be restored.

There is another set of arguments for restoring oral hearings, and it has to do with the constitutionality of oral hearings for refugee claimants. Many of you have already heard that the *Singh* case established the IRB, to start with. We had this discussion with Senator Harder yesterday. While one couldn't say that the PRRA may well be constitutional, we heard from many experts, including the David Asper Centre for Constitutional Rights, that where a court concluded deportation could expose someone to serious harm, the principles of fundamental justice require a meaningful hearing process before a protection decision is made.

The Refugee Law Lab noted that the court also emphasized that administrative convenience cannot justify violating fundamental justice. Ensuring access to an oral hearing within the PRRA process, therefore, helps bring this legislation closer in line with those constitutional principles.

I mentioned earlier that the UN High Commissioner for Refugees has also weighed in on our bill. They have reminded us of the best practices that they've identified, drawing, actually, from Canadian practice. I'm quoting from a procedural standards document dated August 2020:

> All applicants undergoing individual RSD —

— refugee status determination —

> — procedures must have the opportunity to present their claims in person . . . with a qualified Eligibility Officer. As a general rule, a refugee status claim should not be determined in the first instance on the basis of a paper review alone.

A separate document from the UNHCR dated March 2020 states:

> The right to be heard with due process guarantees and within a reasonable time in a personal interview or otherwise is a core procedural standard. As a general rule, the right to be heard requires that an applicant should have the opportunity to present their claim in person, and a refugee status claim should not be determined in the first instance based on a paper review alone. . . .

The UNHCR has said that this guidance is based on experience in over 134 countries globally and that multiple courts in Canada have upheld this standard.

If I can be even more direct, what the UNHCR has said to us, all senators, is as follows:

> Senators, if there is one amendment you consider, this would be the one that UNHCR believes will be the most consequential and that will ensure minimum international standards are met.

There is yet another argument for this amendment. It is as institutional and as supportive and loyal to a framework perspective of legislation as one can get. When this exact same issue came before Parliament in 2019, Parliament reintroduced oral hearings into a bill that had taken them away.

• (1710)

In 2019, when Parliament introduced new refugee ineligibility provisions in the budget implementation act, MPs proposed and insisted that those ineligibility hearings should not be without the opportunity for oral hearings. In that case, the new ineligibility criteria had to do with asylum seekers who had already made a refugee claim in another country with which Canada shares biometric and immigration information, primarily the Five Eyes partners. Some of you will remember this debate from a few years ago.

Indeed, colleagues, the House of Commons Standing Committee on Citizenship and Immigration at that time studied the issue and recommended that Parliament guarantee a right to oral pre-removal risk assessment, or PRRA, hearings for asylum seekers affected by the new ineligibility provisions. This is taken from the House of Commons Standing Committee on Citizenship and Immigration report. The Liberal government obviously accepted their recommendation, which is the exact same recommendation that we're making today.

In other words, colleagues, this amendment does not introduce a new concept. It does not overturn the purpose of the bill. It does not remove the new ineligibilities that one can be upset about, but rather it simply applies the same safeguard that Parliament adopted in 2019 in the budget implementation act at that time.

Honourable senators, to reiterate, this amendment does not undermine the policy intent of the bill. It is, in many ways, the last safeguard that we, as the chamber of sober second thought, can inject into a bill that many have said is deeply flawed. None of the amendments that have been proposed until now have tried to be draconian. This one is, in some ways, the least draconian. It has been recommended by experts across the board. It conforms to constitutionality — indeed, the constitutionality that has been argued at the Supreme Court. It is consistent with the previous practice of this chamber and the other place, and, above all, it is consistent with the best practices of refugee protection.

Thank you.

MOTION IN AMENDMENT—DEBATE

Hon. Yuen Pau Woo: 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 34 by adding the following after line 27:
>
> "**74.1 Section 113.01 of the Act is replaced by the following:**
>
> **113.01** Unless the application is allowed without a hearing, a hearing must, despite paragraph 113(b), be held in the case of an applicant for protection whose claim for refugee protection has been determined to be ineligible solely under paragraph 101(1)(b.1), (b.2), or (c.1).".

Some Hon. Senators: Hear, hear.

Hon. Paula Simons: Honourable senators, I have to tell you that this is the most frightening speech I have ever given in the Senate because it requires me to say the words "pre-removal risk assessment" over and over again. I will not say "PRRA." I will say "pre-removal risk assessment" because I think that we need to understand what we're talking about here.

This is the challenge presented by this particular piece of legislation: We are told that there is a backlog, there are inefficiencies in the refugee system and there are 300,000 people waiting. Instead of hiring more people to clear that backlog, we will try to make fewer people eligible to get in the line.

We are also told there are risks to public safety and public security if people who are bad actors are applying for refugee status under false pretenses. As I understand it, part of the raison d'être of this bill is to increase efficiency and improve public safety. The argument is that if you deny people access to a full hearing before the Immigration and Refugee Board of Canada, or IRB, and simply do a paper assessment, you will speed things up and make sure there are fewer people who slip through the cracks.

Intuitively — we were using that word earlier — that may make sense. But when you look at the actual data, you will find something quite different.

Senator Woo alluded to a report recently completed in January of this year by the C.D. Howe Institute. The C.D. Howe Institute is not one of the usual suspects who testified before the Standing Senate Committee on Social Affairs, Science and Technology. The C.D. Howe Institute is a centre-right think tank not necessarily renowned for its wild, progressive views.

This report was completed by a lawyer named James Yousif, who is the former director of policy at Immigration, Refugees and Citizenship Canada and a former member of the IRB, and he has deep expertise in immigration law. What he was actually looking at was a pilot project that the IRB had been running to see if paper reviews could speed things up. I will quote a little bit from his report:

> Since 2019, the Immigration and Refugee Board of Canada (IRB) has accepted tens of thousands of asylum claims without an oral hearing through its "File Review" policy, using a paper-based process that may exempt entire categories of claims, defined by nationality and claim type, from the default requirement of in-person adjudication. . . .
>
> Although introduced as an efficiency measure to accelerate decision-making and reduce the asylum claims backlog, File Review has not achieved this goal. Between 2016 and 2024, annual claim finalizations rose substantially . . . . However, intake continued to exceed capacity, and the pending claims backlog grew dramatically to nearly 300,000, as Canada's overall asylum acceptance rate rose to roughly 80 percent . . . double that of peer jurisdictions.

Part of the challenge of paper review, of course, is that people who are writing these papers may not have access to a lawyer, or they may not speak or be able to write in English. The paper can be a bit of a mess. But it is not just that.

Think about this intuitively, if you like: If someone comes before you and does an interview, you may be much more able to determine whether they look shifty or whether their story holds up. If you can ask questions and not just look at what is written on a piece of paper, you could get a more thorough understanding of just how valid their claim is. I would put it to you that by defaulting to paper review, we may actually be letting in people who are precisely the ones we want to keep out.

In the words of Mr. Yousif:

> The policy raises significant concerns about adjudicative integrity, national security, and legal authority. By potentially dispensing with hearings, File Review may have undermined the integrity of the system by removing in-person questioning that tests credibility, detects fraud, and fulfills statutory security screening functions. . . .

Having piloted this, we already know it doesn't work. Why would we want to adopt it on an even larger scale?

The other issue flagged by Mr. Yousif — and this comes up especially in the kind of pre-removal risk assessment process that Bill C-12 envisions — and what we've been told by Senator Dean and other proponents of this bill is in a scenario, for example, where somebody has come to this country as a student and war has broken out in their country, then they are more likely to get a generous hearing in a pre-removal risk assessment because there will be a default understanding that the country to which they are returning is unsafe.

Mr. Yousif argues that this is precisely why you are increasing the degree of risk. Let me quote again from his analysis:

> The key issue is that the countries that can be expedited from [a] . . . point of view [of having a] (high acceptance rate for refugees often due to conflict) are also countries that represent the highest concerns in terms of the serious inadmissibilities and . . . exclusions for the Public Safety Portfolio.
>
> This is a crucial observation. File Review expedites claims from countries with the highest rates of acceptance. Countries with conditions that result in the highest rates of acceptance for asylum claims are, as a result of those same conditions, among the most dangerous countries in the world.

• (1720)

I remember — defaulting again to my days as a journalist — covering the case of a man who had claimed asylum with his family and was hiding in a church basement. The problem was that he came from a Latin American country that had death squads, and he said he was afraid of the death squads, the problem being that he had been a member of a death squad. So when you give a fast track to people from the countries that are the most chaotic, you may, in fact, be fast-tracking precisely the people we're trying to keep out. That, as I say, was the analysis of Mr. Yousif from the C.D. Howe Institute.

I'm also persuaded by the analysis of Dr. Nicholas A.R. Fraser, a research associate with the Global Migration Lab at the Munk School of Global Affairs and Public Policy at the University of Toronto. He also did his own independent analysis of paper-based claims, and I will quote again from some of Dr. Fraser's work.

> . . . empirical analysis of approximately 180,000 first-instance refugee applications adjudicated in Canada shows that rights-restrictive measures consistently fail to reduce the volume of withdrawn or abandoned . . . claims. Conversely, the data identifies a positive link between procedural rights and efficiency, where access to competent legal counsel serves as a vital lubricant for the system. . . .

Anyone who has had experience in our courts these days, whether you've been a lawyer, a judge or a litigant, knows that one of the things that is bogging down our court system in Canada is the problem of self-represented litigants, who are often vexatious litigants. Again, if you have people self-representing, even on paper, you are more likely to run into problems than if you have people who have proper legal counsel.

Dr. Fraser also found that:

> Shifting . . . claimants from the IRB to the Pre-Removal Risk Assessment . . . does not eliminate the burden; it moves it to a federal bureaucracy lacking the IRB's specialized expertise. Negative PRRA decisions and mass ministerial cancellations in the "public interest" are high-frequency sources of litigation that command significant judicial resources in the Federal Court.

This is because of what Dr. Fraser calls "procedural drag." He says:

> Policies that restrict procedural access do not speed up the system; they trigger an 11% increase in the time/cost required to resolve a file due to unrepresented claimants. . . .
>
> Implication:
>
> The proposed measures in Bill C-12 . . . will likely create a positive feedback loop of inefficiency, resulting in higher costs per file and a growing, rather than shrinking, backlog.

Now, many of the arguments that we have made — that I have made — have been appeals to the angels of your better nature, appeals for you to think nobly and with an open heart about the value of providing refuge for people in need.

I ask you now to put on your perhaps slightly more cynical, critical thinking caps and to see that moving to a system largely based on paper review — pre-removal risk assessment — may, on the basis of the expert evidence and the data, actually lead to greater inefficiencies and more admission of people who really ought not to be here.

The goal everyone in this room ought to share is to have a refugee system that is efficient and that keeps Canada safe by welcoming the most deserving and keeping out the people who will be the highest risk going forward.

I put it to you that a pre-removal risk assessment based on paper actually accomplishes neither of those goals. So I invite you to support Senator Woo's thoughtful amendment, first, because I believe that it fixes a constitutionality problem that the *Singh* decision points to; second, because I think that it will be fairer for refugee claimants with bona fide claims; third, because I also think that reverting to a pre-removal risk assessment process based on paper review could add more inefficiencies, increase the backlog and procedural drag and actually limit our ability to ask the tough, probing questions that would pick out the people who are, in fact, the bad actors, the people we don't want to have here, the people who do not deserve our hospitality and our welcome and the people who could present a risk to us for decades to come. Thank you very much.

[*Translation*]

ROYAL ASSENT

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

RIDEAU HALL

March 12, 2026

Madam Speaker,

I have the honour to inform you that the Right Honourable Mary May Simon, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 12th day of March, 2026, at 4:36 p.m.

Yours sincerely,

Ken MacKillop

Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bill Assented to Thursday, March 12, 2026:

An Act respecting certain affordability measures for Canadians and another measure (*Bill C-4, Chapter 2, 2026*)

[*English*]

STRENGTHENING CANADA'S IMMIGRATION SYSTEM AND BORDERS BILL

THIRD READING—MOTION IN AMENDMENT NEGATIVED—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.

And on the motion in amendment of the Honourable Senator Woo, seconded by the Honourable Senator Simons:

That Bill C-12, as amended, be not now read a third time, but that it be further amended on page 34 by adding the following after line 27:

"**74.1 Section 113.01 of the Act is replaced by the following:**

113.01 Unless the application is allowed without a hearing, a hearing must, despite paragraph 113(b), be held in the case of an applicant for protection whose claim for refugee protection has been determined to be ineligible solely under paragraph 101(1)(b.1), (b.2), or (c.1).".

Hon. Bernadette Clement: Honourable senators, I want to start by thanking Senator Dean for his thorough and elegant sponsorship of this bill. It is, indeed, big and challenging work. Thank you.

I am rising to support Senator Woo's amendment. I've supported all of the amendments raised so far because I'm concerned about Parts 5 to 8. We have heard call after call to remove those parts entirely from Bill C-12.

These amendments are a compromise. I can tell you that stakeholder groups would have preferred we remove these parts rather than amend them. They feel our amendments reduce harm but do not eliminate it. On the other hand, I know that many here would prefer we don't amend at all.

Most of us will be unhappy with the end result of our work on Bill C-12. Perhaps this is the very definition of a successful compromise.

Senators, this bill has already been amended. We are already sending this bill back to the House with amendments. This amendment is worthy of your attention.

I have big feelings about Bill C-12. I have been in this chamber long enough, spoken often enough that you likely know that I bring feelings and my experience to speeches about bills. I'll be speaking today about oral hearings, about the importance of having your voice heard, about why this matters and why we should support Senator Woo's amendment.

First I want to comment on process. What we're doing here at third reading is exactly what we were appointed to do. This is the expertise and the debating abilities we were appointed for. I'm so grateful to all those who have intervened so far, who have been diligent in bringing forward amendments at third reading.

At the same time, I am disappointed by the approach we took with this bill — sending controversial parts to be studied at the Social Affairs Committee and giving only the National Security Committee the power to amend. This doesn't work.

Incredible, powerful expert testimony was heard at the Social Affairs Committee. Committee members heard and understood the need for amendments to Parts 5 to 8. And then the National Security Committee members were asked to decide. This isn't respectful of our work as a whole, and I hope it doesn't become a pattern.

I will note that the Social Affairs Committee, in its report on Parts 5 to 8, wrote:

> Witnesses cautioned that the proposed change to a paper-based PRRA system for these claimants could significantly limit their ability to present their case, with the requirement for a credibility-based oral hearing being subject to a decision by IRCC officials. This could in turn result in fewer safeguards against "getting it wrong", in an increased risk of deportation, and in a disproportionate impact on people from vulnerable groups. Among other things, witnesses recommended that Part 8 be amended to allow those deemed ineligible under the proposed provisions to access a mandatory oral hearing and to retain the right to a full appeal at the Refugee Appeal Division of the IRB. . . .

This amendment deals specifically with recommendations made by our colleagues at the Social Affairs Committee.

Now, I feel for this amendment, particularly because I've done hearings for my entire career. As an administrative law lawyer with a focus on injured workers and workplace safety, I typically represent my clients before administrative tribunals.

Since the pandemic, we've been exclusively working via video conference. Nothing is better than in-person hearings, but we do make that work.

• (1730)

These hearings are crucial. They test the credibility of the witness and ensure due process. Participants feel that the system works and is based on listening to evidence and making decisions based on that evidence.

Administrative tribunals establish a workplace injury and its impacts. These hearings have a massive impact on the rest of a person's life and can validate the harms they have experienced. Immigration hearings and administrative tribunals have a major point in common: They give people the opportunity to use their voice. No document or form is more powerful than someone's testimony.

[*Translation*]

Senators are uniquely placed to understand the importance of oral testimony. We have an obligation to listen and to hear. This is central to our work in the Senate, in committee, during ministerial question period and in Committee of the Whole.

We are receiving briefs from witnesses and emails from Canadians, as our staff and inboxes can attest. They are pouring in by the hundreds, if not thousands. So far, we've received over 2,000 emails about Bill C-12, and there's no end in sight. However, there's no substitute for in-person meetings or for hearing a person speak in the room.

With that in mind, I think that we all understand the importance of oral hearings and why it is so crucial to guarantee this right to asylum claimants who fall under the ineligibility provisions.

[*English*]

There has been a conversation in this place about institutionalists, activists and cynics. Let me put it on the record now: I'm all three, and I'm not any of them. I'm a Black Franco-Ontarian daughter of an immigrant. I'm a lawyer and a politico. I'm both hopeful and fearful; I am both vigilant and serene. I am intersectional and complex, as all of us are.

None of us are one thing. All of us stand behind the principles and values we hold dear. I choose complexity, and I discard the idea that we must be one thing or another. I contain multitudes. I will live in the grey between black and white. I will hold my institutions dear, and I will hold them to a higher standard. I will be an advocate for change because this isn't a perfect country, this isn't a perfect bill and I have come to the Senate to do what I can to make them better.

There's another personal element to this for me, as well as for others in this place — senators and staff alike. Some of us are on alert. Many of us are immigrants or children of immigrants, and there's this feeling about Bill C-12 — the message it is sending — that is worrisome. It speaks of immigrants and refugees within the context of crime and criminal activity. The conversation must be broader than that.

Senator Pate reminded us yesterday that this is about procedural fairness and safety. This is about people who often have the least power to protect or defend themselves. Many in our communities are uneasy. There's a concern that the government doesn't have the best interests of asylum seekers and other immigrants at heart.

That is what we heard from stakeholders. We asked them for their advice and their expertise, and this is what they told us.

I've been in conversation with the Community Legal Services of Ottawa, CLSO, an incredible team of legal clinic advocates who were so grateful to be able to share their concerns. I am grateful to them for their insights. Here's what they want you to know: Access to oral hearings is not just a minor concern but rather a fundamental component of procedural fairness. The individuals we're talking about here are facing life-altering decisions. They deserve the opportunity to respond to concerns, clarify inconsistencies and provide testimony for a fair credibility assessment.

Bill C-12 creates a bifurcated system where some are directed to the pre-removal risk assessment, or PRRA, process and others to the Immigration and Refugee Board, or IRB, depending upon when they file their application.

I think it's safe to say that the CLSO is not satisfied with asylum claimants being diverted to the PRRA system. Pre-removal risk assessment officers and Immigration and Refugee Board decision makers do not receive the same training and do not operate under the same credibility assessment framework.

I'm going to get specific to illustrate the reality of what lawyers in this space, like those in the CLSO, are going to face.

The IRB has multiple accessible channels for communication and information. Registrars are assigned to files and can be reached by telephone or online form, and there's detailed public guidance on how to prepare for a hearing. There is no comparable level of accessibility in the PRRA system: no direct phone line or email, no readily available online forms and documents must be sent by courier or epost Connect. This creates accessibility barriers, especially for self-represented individuals.

I can tell you that this transition to epost Connect has even been challenging for me as a legal clinic lawyer. It's a barrier for my clients, too.

The CLSO's concerns about the PRRA system include insufficient transparency regarding decision maker qualifications, inconsistent treatment of documentary evidence and elevated evidentiary thresholds beyond those required by law.

A letter sent to Prime Minister Carney by 164 migration scholars described the PRRA process as deeply flawed, non-independent and having historically negligible approval rates. The Canadian Civil Liberties Association described the PRRA mechanism as "an inadequate and deeply limited substitute for a fair and full refugee determination." Oral hearings are the gold standard. In Canada, PRRA hearings are okay; IRB hearings are better.

What we're dealing with here is a major compromise, a word that Senator Petitclerc used several times in her speech. Stakeholders prefer the IRB process for oral hearings. This government bill is sending some asylum claimants to a paper-based PRRA process. Senator Woo's amendment would ensure that, at the very least, these claimants have access to an oral hearing through PRRA. This is the bare minimum.

Honourable senators, the Canada I know is welcoming and built on a foundation of openness, generosity, sharing and fairness.

[*Translation*]

The Canada I love is a Canada where marginalized people — the very people I fight tirelessly for — are treated fairly, a Canada where government legislation does not penalize the most vulnerable.

Stakeholders told us that the people this bill will impact include survivors of gender-based violence and LGBTQ+ individuals seeking asylum. It may take years for these people to reveal their trauma and disclose their identity. They deserve to be heard.

[*English*]

As Senator Henkel told us yesterday:

> 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 fair for asylum claimants who fall under new ineligibility provisions to be granted a mandatory oral hearing.

Colleagues, we have the authority, the mandate and the evidence to support this amendment. I ask that you join me in doing so.

Thank you, *nia:wen*.

[*Translation*]

Hon. Victor Boudreau: Honourable senators, I would like to take a few minutes of your time to speak in support of Senator Woo's proposed amendment. Please be patient with me. There's nothing new in what I'm about to tell you today that you haven't heard before, but this is the first time I've risen to talk about an amendment to a bill, because I believe in it and I believe it's important.

This is a somewhat technical amendment, but it's an important one. It directly addresses concerns that were raised throughout the study of this bill. More specifically, it addresses the concern that Bill C-12 is unconstitutional.

Senator Woo's amendment addresses the constitutional issue in the most restrictive manner possible. It is a proven amendment that was used once before, in 2019, to bring a similar process into line with the Constitution.

[*English*]

Let's get some things out of the way first. This amendment, as was mentioned, does not remove the new ineligibility provisions introduced by the bill. It does not reopen access to the Immigration and Refugee Board for those individuals. It does not create a new process that will have to be stood up by Immigration, Refugees and Citizenship Canada, or IRCC. It simply ensures that an oral hearing occurs before a final protection decision is made. In other words, it specifically addresses the question of procedural fairness.

During our committee study, witnesses explained that the pre-removal risk assessment, or PRRA, often happens without a hearing or the procedural safeguards available at the Immigration and Refugee Board. They noted that these decisions are often based on written submissions rather than oral testimony.

• (1740)

We heard that immigration officers, who are less trained than independent tribunal members with specialized expertise in refugee law, make these decisions at the pre-removal risk assessment, PRRA.

Importantly, there is no statutory right to appeal a negative PRRA decision and no automatic stay of removal during judicial review. This is a problem in itself, but not one addressed by this amendment.

When we put it all together, this means that without this amendment, individuals affected by these new ineligibility provisions are likely to face deportation without ever appearing before a decision maker in person.

During testimony, an International Civil Liberties Monitoring Group representative warned that expanding immigration enforcement powers should be coupled with safeguards for fundamental rights and to prevent arbitrary decision making.

To that point, this amendment is a step in the right direction.

[*Translation*]

I would now like to move on to another important reason this amendment deserves our support. It helps ensure that the legislation remains consistent with Canada's constitutional obligations.

We have heard repeatedly that the Supreme Court of Canada addressed the procedural rights of asylum seekers in the landmark case of *Singh v. Minister of Employment and Immigration*. In that decision, the court found that asylum seekers who are here in Canada are entitled to the protection of life, liberty and security of the person under section 7 of the Charter. Witnesses told us that Bill C-12 deprives asylum seekers of this right. They stressed that when decisions are made that could result in deportation and expose individuals to potentially serious harm, a fair hearing process is necessary. The David Asper Centre for Constitutional Rights reminded us of this, as did the Canadian Bar Association and many others. The amendment in question addresses this concern.

Finally, I want to remind my colleagues that this is not a new concept. Parliament introduced the same guarantees back in 2019 when the House was considering the budget bill. The bill created new refugee ineligibility provisions that barred certain persons from accessing the Immigration and Refugee Board. In that case, the government agreed to create a mechanism allowing for oral hearings during the advance risk assessment process for certain categories of inadmissible applicants.

The amendment before us today extends the same principle to people who trigger the new ineligibility provisions introduced by this bill. We know that Parliament clearly has the authority to introduce measures for managing the refugee system and to bring these measures in alignment with the Constitution. The question before us today is whether Parliament will reiterate the message that we sent the government back in 2019 and once again act to uphold the constitutional rights of persons living in Canada. Last time, the House of Commons was the one that took that step. Today, it's up to us to do exactly the same thing.

Before I wrap up, I'd like to share one final observation. I understand the various political and social pressures that have intensified around the issue of immigration in recent months and years. However, it makes me sad to think that a country like Canada, which has long defined itself as a welcoming refuge in a hostile world, is reacting so thoughtlessly to these new demands. Many witnesses told us that these new provisions could have negative repercussions on tens of thousands of people who are already in Canada. That is not the Canadian way. At a time when Canadian pride is at its peak, I would have hoped that our sense of empathy would follow suit.

Honourable senators, this amendment is a modest but important safeguard. For these reasons, I will support it, and I encourage you to do the same.

Thank you. *Meegwetch*.

[*English*]

Hon. Tracy Muggli: Honourable senators, being last on the list I risk being repetitive, but I will do my best to move through. I rise today as a member of the Standing Senate Committee on Social Affairs, Science and Technology to relay witness concerns on Bill C-12 and, specifically, this amendment, which stands out to me as fundamental. Thank you, Senator Simons and Senator Woo, for sharing the results of the pilot you had mentioned earlier. I was unaware of that work, but it has further convinced me to support this amendment.

Hearing from witnesses at the Social Affairs, Science and Technology Committee, I was struck by how many expressed deep concerns for the people who will ultimately have to navigate the system under Bill C-12. We reviewed the lived reality of some of those who will interact with the refugee claim system. We heard a lot of stories about survivors of torture, many coming from countries at war or fleeing gender-based violence. I won't go through that again because I think we understand the seriousness of it.

I will say that these people are not arriving as fully prepared litigants. As Amnesty International told us, they often mistrust authorities and are deeply frightened. Psychologists will tell us that these realities take time and courage to address, and how much time that takes is different for everyone. But the timeline, as we talked about earlier, outlined in Bill C-12 is the same — 12 months — regardless of circumstances.

I want to relay what we heard from many witnesses on this topic, which is that ". . . making a claim in a timely manner is irrelevant to whether . . . a person needs protection."

To quote the Canadian Council for Refugees, " . . . how or when a person arrived has no bearing on their need for protection."

This raises a broader question about the policy choices being made in Bill C-12. In my view, this provision sets aside individual circumstances and instead relies on a fixed timeline to decide who can access Canada's refugee determination system.

At the Social Affairs, Science and Technology Committee, we heard examples of how rigid timelines can produce deeply unfair outcomes. What happens when someone misses the one-year deadline? Bill C-12 would prevent them from having their claim heard before the Immigration and Refugee Board. Instead, they are diverted to the pre-removal risk assessment process, commonly referred to as a PRRA, housed inside Immigration, Refugees and Citizenship Canada, IRCC, a department that recently experienced significant budget cuts, similar to all federal departments.

Witnesses were remarkably consistent in their concerns about this substitution.

The Canadian Association of Refugee Lawyers warned that the bill would:

> . . . shift newly ineligible claims away from the Immigration and Refugee Board of Canada ("IRB") to a deficient paper-based process with no right to a hearing.

The David Asper Centre for Constitutional Rights went further, warning in their submission that moving to written submissions in the PRRA breaches the fair hearing aspect of the principles of fundamental justice.

And the CBA, Canadian Bar Association, said that ". . . constitutional compliance cannot be guaranteed given the fact there is not an embedded right to an oral hearing. . . ." in the PRRA process.

These concerns are not new in Canadian law. We heard that the Supreme Court of Canada, in the *Singh* decision, established that refugee claimants are entitled to a fair hearing when decisions affecting their lives and security are being made.

Several witnesses expressed concern that the legislation could result in fewer safeguards against "getting it wrong" for individuals who have come to Canada as a last hope. These decisions can carry life-and-death consequences for those seeking refuge.

I asked the chairperson of the Immigration and Refugee Board, IRB, whether they were concerned about the move toward the PRRA process. She explained that, right now, the IRB gives full oral hearings and issues extensive reasons for the decisions they make. Under Bill C-12, a fairly significant portion of cases will be put in front of the PRRA without the benefit of that information. As she said, "Whether that creates a Charter challenge will likely be argued in court, and we'll find out."

While I am concerned about constitutionality, the government has insisted the bill is constitutionally sound. I have a far simpler policy question I want to get on the record: Why are we diverting cases away from the IRB?

Some have suggested that these measures are necessary because the IRB wait times are too long. But diverting claims away from the board does not solve the underlying problem; it simply shifts the burden elsewhere.

The committee heard that there will be additional PRRA officers hired and that they will be well trained. As a former mental health therapist, I am trying to figure out what training they will receive that could possibly replace face-to-face interventions, where emotional reactions can be far better assessed and accounted for.

The committee was unable to get information related to hiring additional IRB officers to deal with the backlog versus hiring additional PRRA officers, so it is unknown whether this proposed system will be more efficient or accurate in its decision.

The committee also heard that a judicial review of PRRA decisions ". . . would likely increase the backlogs . . ." at the Federal Court. In other words, cases may simply reappear later in the system in a different form.

• (1750)

Several stakeholders argued that a more effective approach would be to strengthen the system we already have. Bellissimo Law Group recommended expanding the adjudicative capacity of the Immigration and Refugee Board of Canada, or IRB, so that it can address backlogs without sacrificing fairness.

Canada already has a credible refugee determination system. The challenge is to ensure that it has the resources necessary to do its work. But, colleagues, as a senator, I believe it is beyond the scope of work to amend the legislation before us simply because I may disagree with the policy's intent. This is a disagreement that reasonable folks can have, and I will defer to the elected House on that matter, having put my concerns on the record.

However, the amendment before us addresses something different than a policy disagreement. The amendment Senator Woo is proposing addresses the fair treatment of minority groups in Canada and this legislation's compliance with the Charter. It does this by guaranteeing an oral hearing for folks who end up in the new ineligibility streams created by Bill C-12.

This amendment responds directly to concerns about the constitutionality of this legislation raised by the Canadian Bar Association, the Canadian Association of Refugee Lawyers, the David Asper Centre for Constitutional Rights at U of T, the Canadian Muslim Lawyers Association and front-line clinics such as Community Legal Services of Ottawa. It aligns this bill with Canadian jurisprudence, and it responds to concerns we heard clearly from representatives on behalf of the United Nations Human Rights Council, or UNHRC, who said that the oral hearing requirement must be added to the legislation to ensure that Canada respects its international obligations and that asylum seekers have a right to be heard.

I support Senator Woo's amendment because it addresses both of those concerns. It is, in my view, a targeted amendment focused on issues that are central to our role as senators. Furthermore, as you have already heard tonight, my understanding is that it aligns with a similar amendment that, again, as we've heard, Liberal MPs made to their government's bill for the very same reasons in 2019 when similar ineligibility provisions were introduced in Bill C-97.

Put another way, I'm adding a little water to my wine tonight and doing my best to respond to voices in my region. I heard directly from Ali Abukar, chair of the Saskatchewan Association of Immigrant Settlement and Integration Agencies. He asked us to restore access to independent hearings by ensuring that all asylum seekers, regardless of their mode or timing of entry, have the right to a full oral hearing before the Immigration and Refugee Board.

While I am ultimately accepting the government's policy decision to move away from the IRB process, I will support this amendment that requires officials of the Immigration, Refugees and Citizenship Canada, or IRCC, to conduct an oral hearing and to make an assessment by looking people in the eyes, as it is a targeted improvement to protect minorities and secure Charter rights.

I want to leave you with the words of Harjit Kaur, executive director of the Vancouver & Lower Mainland Multicultural Family Support Services Society:

> The bill is framed as a measure to curb fraud and protect the integrity of the immigration system. However, when these measures disproportionately and severely impact those who are most vulnerable, it is difficult to see how the integrity of the system is being strengthened . . . . Protecting system integrity and protecting victims should not be mutually exclusive goals.

Thank you. *Meegwetch*. *Marsee*.

Hon. Tony Dean: Honourable senators, I'm not supportive of Senator Woo's amendment. If the bill is approved, individuals affected by the new ineligibility provisions may apply for a Pre-Removal Risk Assessment, or PRRA, which is a long-standing court-supported process that prevents removal to countries where they might face persecution, torture or other serious risks. The PRRA allows applicants to submit paper-based evidence and explanations of risks associated with a return to their home countries. A successful claim would see applicants granted protected-person status, making them eligible for permanent residence.

In place for 20 years, officers conducting these reviews are experienced, long-term IRCC staff and receive specialized training on handling sensitive cases from vulnerable groups. This meets our legal and international obligations. If a refugee's credibility is questioned, the Refugee Protection Division must generally hold an oral hearing to allow the claimant to testify and be evaluated in person.

Colleagues, the government's approach in Bill C-12 reflects the history, incorporation and impact of both the *Singh* decision, which would require a hearing where there is doubt about that applicant's claim, and the refugee experience in Canada.

Government representatives predict that positive outcomes for bona fide claims under the PRRA will be similar to those resulting from IRB-driven processes: somewhere in the range of 63% to 64%.

Some have asked whether there is any flexibility built into Bill C-12 with respect to the one-year and 14-day ineligibility periods. The answer is yes. Section 74 of the bill provides clear authority to establish regulatory exceptions to these time limits. This is intentional. That would, by the way, be responsive to some of the concerns that we've heard about the sensitivities associated with some of the people coming into our country who may have reasons for delaying their applications because they are going through change and turmoil. There are regulations expected, I heard the minister say, that would apply to some of those unique — or maybe not so unique — situations.

In short, these regulatory authorities are one of the important safeguards built into Bill C-12, ensuring that fairness and compassion remain central to our asylum system.

Colleagues, Bill C-12 does not take away from the ability of any refugee fearing repression, discrimination, violence or death to claim asylum in Canada. I know that we all want to keep it this way and to protect the best and most successful elements of the system and, in so doing, maintain the confidence of all people living here. The bill is designed to do that. I will, accordingly, seek your support in maintaining the existing language and intentions of the bill.

I would say briefly that, in response to the proposal that has been made, Senator Woo's amendment would do the following things: It would undermine the purpose of Bill C-12, which is intended to reduce backlogs and discourage late or strategic asylum claims by limiting access to full hearings. Requiring mandatory PRRA hearings for these cases would reintroduce a hearing requirement this bill is clearly designed to avoid, weakening the bill's effectiveness. It would significantly slow the system. Mandatory hearings would increase processing time and resource demands for the PRRA program, which is designed primarily as a streamlined and paper-based process.

There are existing safeguards already in place. Under the current law, PRRA officers already have discretion to hold a hearing when credibility is at issue or when fairness requires it. Making hearings mandatory is therefore unnecessary. It creates inconsistency with the PRRA's role. PRRA is intended to be a targeted risk review process before removal, not a substitute refugee determination hearing. The amendment would shift PRRA toward functioning as a second refugee tribunal, which is not its purpose.

Colleagues, the last point I would like to make is this: In terms of legislative history — we heard about legislation amended earlier — Bill C-12 was approved almost unanimously by the House of Commons on December 11, 2025.

I will leave it at that. Thank you.

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

Hon. Senators: Question.

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

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.

• (1800)

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Do we have an agreement on the bell?

Fifteen minutes. Is leave granted?

Some Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: The vote will take place at 6:15 p.m. Call in the senators.

• (1810)

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

YEAS
THE HONOURABLE SENATORS

Arnold	Muggli
Black	Osler
Boudreau	Pate
Clement	Petitclerc
Coyle	Prosper
Henkel	Ross
McPhedran	Simons
Miville-Dechêne	Woo
Mohamed	Youance—19
Moncion	

NAYS
THE HONOURABLE SENATORS

Aucoin	MacAdam
Batters	Marshall
Burey	Martin
Busson	Moreau
Cardozo	Oudar
Carignan	Patterson
Dalphond	Petten
Dean	Pupatello
Dhillon	Ravalia
Forest	Ringuette
Francis	Robinson
Greenwood	Saint-Germain
Harder	Sorensen
Hébert	Varone
Housakos	Wells (*Alberta*)
Ince	Wells (*Newfoundland and Labrador*)
Kingston	White
LaBoucane-Benson	Wilson
Loffreda	Yussuff—38

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1820)

[*Translation*]

MESSAGES FROM THE HOUSE OF COMMONS

BILL TO IMPLEMENT THE PROTOCOL ON THE ACCESSION OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP

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-13, An Act to implement the Protocol on the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership.

(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.)

[*English*]

ORDERS OF THE DAY

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. Marilou McPhedran: Honourable senators, I also want to acknowledge the level of debate on this very important bill. In addition, I want to share with you that I have a colleague in the United States who regularly watches the Senate on CPAC because she finds it to be such a great relief. I think that we have something to be proud of here in terms of the courtesy with which we conduct ourselves.

My amendment addresses the transitional provision of Bill C-12 in clause 75, which currently applies the one-year asylum application deadline retroactively to June 2025, which is when Bill C-2, the predecessor bill, was tabled in the House of Commons.

This amendment is based on procedural fairness and the rule of law.

My amendment adds a few words to clause 75 to bring it closer to procedural fairness and international obligations.

To bring this home, I offer this example of how humans would be affected if clause 75 is not changed. Think of a family from a conflict zone. They get through the rigorous Immigration, Refugees and Citizenship Canada review process, and they land in Canada in June 2024 when the deadline currently in clause 75 does not exist. They take the time to find a home, get their kids into school, start language classes and settle into employment and community.

About a year later, let's say in July 2025 — with still no clause 75 deadline in existence — they file for asylum. The retroactivity in clause 75 would impose a deadline of which this family would have had no knowledge because it didn't exist. The impact of an unchanged clause 75 would mean that they would receive no notice, creating an obstacle they can't overcome because the deadline did not exist.

Therefore, they have no chance of making their case in an oral hearing before Canada's renowned and respected Immigration and Refugee Board — a right that asylum seekers in Canada have had for many years. In other words, this family would be caught by this retroactive clause 75 without ever being given notice of the deadline because at the time they applied, the rule did not exist.

Honourable colleagues, this is contrary to how the law works in Canada. We have notice procedures and gazetting of laws and regulations so that the individuals and organizations impacted are aware of the laws that apply to them. To do otherwise is to act contrary to the rule of law, as well as contrary to Canadian values, and to undermine public trust.

When questioned today, the bill's sponsor, Senator Dean, referenced the backlog of 300,000 before the Immigration and Refugee Board, or IRB, as a justification for the new parallel pre-removal risk assessment system aggrandized by this bill. And to Senator Dean's credit, he did not try to claim that the Immigration, Refugees and Citizenship Canada employees who will run the pre-removal risk assessment review are better trained or better qualified than members of the Immigration and Refugee Board, because they are not, and they will not be.

Common sense would see adequate funding to the IRB to increase its capacity to process cases. The current funding to the IRB is for 60,000 cases, but, in fact, the IRB issued 102,000 decisions last year, of which 78,000 were for refugee protection cases. The IRB is immeasurably returning high value for investment, with a 42% productivity increase. If adequate funding were increased to the IRB, the backlog would steadily decrease in compliance with international law and the Canadian Charter of Rights and Freedoms.

Spending more money on an inferior parallel system with less qualified decision makers does nothing to address the volume of cases. It just moves the queue. You heard evidence from Senator Simons today that debunked the pre-removal risk assessment as a viable solution.

Senators have raised a concern regarding individuals involved in criminal extortion who then apply for asylum. Extortion is a criminal offence prosecuted under the Criminal Code of Canada, which also applies to asylum seekers. The criminal law system always takes precedence over immigration law, and issues of serious criminality can be raised at any point in the immigration/refugee process.

The current system makes people with "established links to organized criminal networks" inadmissible. There are clear processes in place for addressing criminality and organized crime through the inadmissibility provisions of the Immigration and Refugee Protection Act. These include powers that the government already has to suspend the consideration of eligibility in order to wait for the determination of inadmissibility or to wait for a court hearing on serious criminal charges; suspend the study of a claim by the Refugee Protection Division of the IRB in order to wait for the determination of inadmissibility or to wait for a court hearing on serious criminal charges; and redetermine eligibility of a claim that has already been referred to the Refugee Protection Division.

The B.C. extortion cases are the ones already being criminally investigated, so the government already has the tools to proceed, and the retroactivity in clause 75 does not add any new powers because they are not needed to deal with criminality.

Honourable senators, I hope you will join me in upholding confidence in our criminal justice system to do its job as well as to uphold procedural fairness and rule of law in Canada by removing the retroactivity in clause 75 and adopting this amendment which, like most laws in Canada, activates the deadline as of the date of Royal Assent of this bill.

• (1830)

Through this amendment, a few words replaced in clause 75 would result in a fair process consistent with the fundamental principles of justice and Charter-protected rights — life, liberty, security — and consistent with the title of the act being amended, the Immigration and Refugee Protection Act.

MOTION IN AMENDMENT NEGATIVED

Hon. Marilou McPhedran: 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 75, on page 35, by replacing lines 1 to 16 with the following:
>
> "**75 For greater certainty, paragraphs 101(1)(b.1) and (b.2) and subsection 101(1.1) of the *Immigration and Refugee Protection Act* do not apply to a claim for refugee protection made before the day on which this Act receives royal assent.**".

Hon. Tony Dean: Thank you, Senator McPhedran, for your amendment, the thought you've put into it and the persuasiveness with which you've so eloquently described it.

Honourable senators, as you've probably figured out by now, there's a lot of focus on case management and a lot of focus on making efforts to prevent surges in claims from individuals making claims ahead of the coming-into-effect date, which could result in yet another surge of claims when thousands of claimants are already not being heard in a timely manner. This is designed to help maintain a consistent approach to cases in the inventory and to help manage the asylum system effectively. On that basis, I believe this motion should not be supported, colleagues.

Thank you for your attention.

Hon. Paula Simons: Honourable senators, I had not intended to speak, but I felt, as I was listening, that there was a point that has to be made here, and it has to do with the premise of things that are *ex post facto*.

I'm going to say, on the record, that my daughter was recently accepted to the University of Oxford for her master's degree, and she's going to be studying ancient Roman law, which is why ancient Roman law is perhaps top of mind for me.

It is a principle dating back more than 2,000 years in the Western legal tradition that we do not change the rules on people *ex post facto* so that something comes afterwards. So if, for example, you're going to criminally charge someone, the thing you're charging them with must have been a crime at the time they allegedly committed the offence. You can't change the law and then go back in history and retcon things so that you can punish them for an action that wasn't a crime at the time it was performed.

This is known in law as retrograde temporal application, and we don't have a time machine that allows us to punish people for things they couldn't have foreseen. This is, I think, what Senator McPhedran's amendment points to.

I understand Senator Dean's point that you don't want people suddenly racing to file claims as this law is passed, although presumably, if they had been thinking about this, they would have done that months and months ago, as these changes have been in the offing for some time. It seems to me, though, that it would not be unreasonable to carve out an exception for people who made good faith applications months and months ago under the existing rules.

Ex post facto is a fancy Latin term. In English, we would say, "Pull the rug right out from under them." Changing the rules in the middle of the game is fundamentally unfair. It's why our Canadian Charter of Rights and Freedoms enshrines in section 11 protection against being criminally charged for an action — and I grant you that we're not talking about criminality here — that wasn't a crime at the time you performed it. It's also in Article 15 of the United Nations International Covenant on Civil and Political Rights.

It is understood as a fundamental underpinning of our legal system, dating back to the time of the Caesars, that it is unfair to change the rules on someone in the middle of legal proceedings, and that is what we're talking about.

The other small genius of Senator McPhedran's amendment is that it doesn't affect the application of the bill going forward. It only affects a very small number of people who have been caught in this time warp. In honour of a fundamental principle of justice, it is manifestly unfair — as any child in the schoolyard knows — to change the rules halfway through the game. That is why I will be supporting Senator McPhedran's amendment.

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

Hon. Senators: Question.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion the "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: Now.

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

Hon. Senators: Agreed.

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

YEAS
THE HONOURABLE SENATORS

Arnold	Osler
Black	Pate
Clement	Petitclerc
Coyle	Prosper
McPhedran	Ross
Mohamed	Simons
Moncion	Woo—14

NAYS
THE HONOURABLE SENATORS

Aucoin	Marshall
Batters	Martin
Burey	Oudar
Cardozo	Patterson
Carignan	Petten
Dalphond	Pupatello
Dean	Ravalia
Dhillon	Ringuette
Forest	Robinson
Francis	Saint-Germain
Greenwood	Sorensen
Harder	Varone
Housakos	Wells (*Alberta*)
Ince	Wells (*Newfoundland and Labrador*)
Kingston	White
LaBoucane-Benson	Wilson
Loffreda	Yussuff—35
MacAdam	

ABSTENTIONS
THE HONOURABLE SENATORS

Hébert	Youance—3
Miville-Dechêne	

• (1840)

THIRD READING

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. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today at 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 we soon conclude third reading debate on this important bill.

This legislation came to us at a moment of profound consequence for Canada, a moment that asked us to recalibrate one of the most delicate balances in our federation, between the compassion that defines us as a refuge for the persecuted and the control, orderly administration and sustainable governance that sustains public confidence in our immigration framework.

As the critic of Bill C-12, I would like to reiterate that Conservatives supported the bill that we received from the other house, amended and strengthened through the efforts of our House colleagues. Now in its further amended form, with Senator Dean's government amendment and Senator Senior's amendment adopted, we will soon have a final decision to make as the question on the main motion is called.

Honourable senators, allow me to look back on some of the key things that have transpired since the first time I spoke to Bill C-12 at second reading on February 5, 2026.

Since second reading, Bill C-12 has gone through intensive committee reviews by both the Standing Senate Committee on National Security, Defence and Veterans Affairs and the Standing Senate Committee on Social Affairs, Science and Technology. There, we benefited from the testimony of a wide array of witnesses, including senior officials from Public Safety Canada, the Canada Border Services Agency, or CBSA, and Immigration, Refugees and Citizenship Canada, or IRCC, as well as seasoned law enforcement professionals, academics and representatives from humanitarian organizations and civil liberty groups.

The Social Affairs Committee conducted a study of Parts 5 through 8: information sharing in Part 5; asylum-processing reforms, Part 6; public interest powers, Part 7; and asylum-ineligibility rules, Part 8. Meanwhile, the National Security Committee examined the full bill, with particular emphasis on national security components, like the Customs Act port enforcement, in Part 1; fentanyl precursor controls, Part 2; Coast Guard maritime security, Part 4; organized crime measures, Part 9; and sex offender registry modernization, Part 11. Clause by clause took place at that committee.

Although no amendments were ultimately adopted during the National Security Committee's clause-by-clause consideration of Bill C-12, the process proved immensely valuable in illuminating the urgency of the challenges before us.

Honourable colleagues, few policy areas so acutely test a government's competence, a public's patience and a nation's character as the intertwined realms of immigration and border integrity, where Canadians' profound generosity of spirit and our proud tradition of offering sanctuary to those fleeing persecution

must be reconciled with equally legitimate expectations of fairness, predictability and effective stewardship over systems that have grown perilously strained.

As I emphasized during my second reading speech, evidence suggests that our system today is under enormous strain. Long waits, insufficient coordination between agencies and mismatched intake targets have produced uncertainty for newcomers and continue to put pressure on our communities and erode public trust in the systems and people in place, including legislators and the government of the day.

Provinces, including my home province of B.C. — our province of B.C. for my B.C. colleagues — which bear much of the downstream burden, have sounded repeated alarms about the housing crisis, service overloads and rising social frictions for years, pressures that this Liberal government allowed to accumulate through wildly mismatched intake targets that chronically outpaced processing capacity and a chaotic pattern of reactive, ad hoc policy announcements substituting for coherent, strategic planning.

Honourable colleagues, Bill C-12 is, in many ways, a necessary repair to problems that should never have been allowed to reach this scale in the first place. At its core, Bill C-12 seeks to restore predictability and integrity to Canada's border and immigration operations, strengthening both administrative efficiency and enforcement credibility through practical and targeted measures.

At both committees, witnesses presented varied perspectives that collectively highlighted the scale of our immigration and border challenges.

First, government officials consistently described operational pressures, enforcement delays from procedural gaps and hearing schedules overwhelmed by ineligible cases.

Second, National Security witnesses, including government officials, highlighted operational capacity challenges facing IRCC and CBSA. While Social Affairs focused on rights protections, both committees confirmed our immigration system faces significant processing pressures requiring both legislative tools and administrative resources to restore effective operation.

Third, testimony across both committees underscored the vital need for robust oversight to balance security gains with safeguards. Privacy advocates voiced concerns over the scope of information-sharing provisions, urging strict limits to prevent misuse. Law enforcement witnesses called for precise enforcement metrics to track effectiveness, while humanitarian groups emphasized protections for vulnerable asylum seekers and refugees.

I wish to say this to all honourable senators who served on either of the committees — or both — during the study and scrutiny of Bill C-12: Thank you for your hours and days of listening, questioning and examining the testimonies and briefs presented to you.

[Senator Martin]

• (1850)

At the third reading stage of Bill C-12 this week, we have dedicated many hours over several days to debate. We have heard compelling speeches from all sides of this chamber and bells after bells.

Conservatives supported the amendment proposed by the bill's sponsor, Senator Dean, at third reading. The amendment introduced an important review and reporting mechanism concerning the application of the asylum ineligibility provisions. It strengthened parliamentary oversight and ensured that Parliament will have the opportunity to assess how these new measures operate in practice.

In addition to the reporting requirements that my Conservative colleagues in the House of Commons secured, the amendment added another meaningful layer of accountability. By requiring a ministerial report on the application of paragraph 101(1)(b.1) of the Immigration and Refugee Protection Act, along with a comprehensive parliamentary review of the legislation within five years, the amendment ensured that lawmakers will have the data and analysis necessary to determine whether the changes introduced by Bill C-12 are achieving their intended goals.

Though I did not support the other amendment that was adopted or the amendments that were defeated over the course of this week, I wish to recognize all my colleagues who intervened, listened and stood to be counted.

The question on the main motion will soon be asked, and Bill C-12, as further amended, will most likely be adopted and a message sent to the House, but the bill will not receive Royal Assent until both houses concur on a message.

As we near the end of a long and arduous legislative process, the urgency for necessary and important reforms should compel us to avoid delaying concurrence on the message from the House when it comes to us in a few weeks' time. Actually, I should have said "when and if," because we don't know what will happen when we send the message. But the bill is adopted as amended and further amended.

Let me be clear: Oversight never ends at Royal Assent. It must continue through ongoing review, tracking the usage of the new powers, assessing whether privacy safeguards are obeyed and insisting that ministerial reporting be timely and substantive.

The Senate's cherished duty of sober second thought demands exactly this: continuous, vigilant scrutiny rather than fleeting or episodic engagement. Only through such unwavering attention can we ensure Bill C-12 serves Canadians effectively and justly over the long term. Thank you.

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

Some Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to and bill, as amended, read third time and passed, on division.)

BAIL AND SENTENCING REFORM BILL

BILL TO AMEND—SECOND READING

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. Kim Pate: Honourable senators, the stated aim of Bill C-14 is to protect people from crime. All available evidence makes clear, however, that what this bill proposes — sweeping changes to make bail less accessible, make sentences harsher, and treat youth more like adults in the criminal legal system — will not only fail to meet this goal but actually make communities less safe.

Jails are already full to overflowing with people who have been failed and left behind by every other system: Indigenous and Black folks, youth and those who are poor, homeless or dealing with addictions or disabling mental health issues.

Bill C-14 proposes to incarcerate more of those most marginalized and easiest to catch for longer, both before and after they have been tried, and to drain more scarce resources to pay the costs of incarceration instead of allowing us to invest collectively in building up the safer and healthier communities that all deserve.

The Senate has a crucial role to play in reviewing Bill C-14, as, like too many bills of late, it received little study in the other place: only three committee hearings and no testimony from those experienced with its promise of mass incarceration.

Bill C-14 is supposed to be about addressing crime, including car thefts, retail thefts, breaking and entering and violence, but there is not one scintilla of evidence to support this approach.

I agree with and echo the sponsor of this bill in his emphasis that ". . . policy choices in criminal law should rest more on a factual basis than on the public mood of the day," as well as his call for more and better data.

As Senator Pupatello reminded us last night, ". . . we should be insisting on" data.

Through the sponsor's efforts, we now have on the record the extent of the data on which the government relies to support these legislative changes: data from Statistics Canada regarding crime rates. This data indicates that, contrary to the discussions around Bill C-14 that have fed off and fuelled Canadians' fears about safety in their homes and communities, crime is, in general, decreasing.

What is still crucially missing, however, is the evidence regarding what impact Bill C-14 will have on these crime rates and what concrete improvements the government expects as a result.

Bill C-14 marks the third time in seven years that senators have been asked to pass ever more restrictive bail legislation. Despite our requests for more and disaggregated data, why has none documenting the impact of Bill C-75 or Bill C-48 been collected and studied? Why are we not only doubling but tripling down on these same unsubstantiated approaches, which, if the rhetoric about spiralling crime rates is to be believed, have not worked?

Anthony Doob, a criminology expert and former chair of a ministerial advisory body on legislative implementation, notes:

> In most areas of life — whether it be medicine, finance, the environment, or anything else — when one is trying to develop policy to improve the situation or to "fix" something, one normally starts with an attempt to understand exactly what the problem is one is trying to fix. In criminal justice, however, this starting point often seems to be skipped. . . .

Howard Sapers, another former ministerial adviser, a former correctional investigator and current Director of the Canadian Civil Liberties Association, stresses that:

> People in Canada deserve to be safe, but they do not need to be made afraid first. Governments need to stick to the facts when proposing new ways to deny people their Charter rights. It is time to separate fear from fact.

In the absence of robust data, we are left with an information bias: If someone commits violence while on bail, we hear about it in the news, on social media, in this and the other place. We do not hear about the vast majority of people who are released on bail successfully and the exponential growth in the number of people who are jailed unjustly when they could be in community safely.

So what does the data tell us about bail?

First, despite political promises, while it is not clear whom Bill C-14 will actually benefit, we know whom it will disproportionately punish. The government's own GBA+ analysis acknowledges the "negative differential impacts on Indigenous, Black, and other marginalized communities."

Assembly of First Nations — or AFN — National Chief Cindy Woodhouse Nepinak has told us in no uncertain terms:

> The legislation will disproportionately harm First Nations people, who already face systemic barriers to meeting bail conditions. The proposed reforms would in practice punish our people for being poor, homeless, or in crisis — situations often rooted in colonial policies. . . .

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.)

• (2000)

Senator Pate: Honourable senators, continuing with the words of the National Chief:

> The proposed reforms would in practice punish our people for being poor, homeless, or in crisis — situations often rooted in colonial policies. We all want greater security, but we will not achieve that through punitive reforms that cause further harm. True safety comes from investing in community-led solutions . . . .

Bill C-14 broadens the use of pretrial detention, without the fair and public hearing to which they are entitled by the Charter before a sanction can be imposed.

Pretrial detention is supposed to be a last resort, where no other alternatives exist to address the risks of a person not showing up for trial, harm or loss of public confidence. And there are alternatives, colleagues.

Instead, discussions of Bill C-14 have adopted a punitive focus on types of charges — things people are alleged to have done.

The bill expands the charges and situations in which a reverse onus applies, whereby, instead of the Crown having to convince a judge to take the extraordinary step of imprisoning someone without a trial, jail is made the norm unless a person can convince a judge they should be released.

Those who cannot make this case — those whose families do not have a spare room for them, or bail, cannot take the time off work to attend court dates or cannot pledge a significant amount of money as a surety — are disproportionately affected by social and economic inequality.

Bill C-14 will also prevent those with criminal records from acting as sureties, further perpetuating intergenerational trauma and discrimination in families and communities that have already experienced mass incarceration. For Indigenous Peoples in the Prairie provinces, this means that as many as 90% of Indigenous men will be unable to assist even their immediate family members in this manner.

In 1990, Mr. Justice Cawsey found that by the age of 30, 90% of Indigenous men had criminal records.

Second, crime that does occur can hardly be blamed on lax bail policies.

As Dr. Doob notes, Canada is already too " . . . comfortable detaining large numbers of accused persons prior to trial."

Today, some 20,000 people in Canada are in pretrial detention, colleagues. That represents 4 out of 5, or 80%, of Canadians in provincial and territorial jails. That is an increase from an already shocking 67% in 2019. That is more than the total number of people, i.e., 14,000, currently serving federal prison sentences.

Court delays mean that people spend months and years awaiting trial in inhumane and overcrowded conditions, including triple bunking, inadequate health care, and ever more prevalent lockdowns and segregation.

I have spoken previously about the mass, retributive violence that guards inflicted on prisoners, at the direction of the administration, at Maplehurst jail in December 2023, for example.

Contrary to the claims of correctional authorities, sadly, such incidents are not outliers. Judges have repeatedly described conditions within jails as "disheartening, if not appalling"; "deeply concerning"; "punitive and cruel"; "wholly unacceptable"; and "consistently failing to meet minimum standards established by the United Nations."

Nobody, whether pretrial or sentenced, should be subjected to such human rights and Charter violations.

For too many, the quickest way to get out of these inhumane conditions is to plead guilty, even if they have a defence. The pressure to do so is ratcheted up by mandatory minimum penalties. Even a matter of days in pretrial detention can mean that people lose jobs, housing placements and, especially for single moms, their children through child welfare apprehensions.

When people eventually return to the community, even if they are not found guilty, too many find themselves homeless, without a way to earn income, further isolated and marginalized, and at infinitely greater risk of being exploited, criminalized and thrown back in jail.

Dr. Doob summarizes the evidence as follows:

> . . . it is almost certain that crime is *increased*, not decreased, by laws and procedures that increase the likelihood of pretrial detention. Simply put: unnecessary pretrial detention increases crime.

Despite all available data indicating that harsher sentences do not, in fact, deter crime, Bill C-14 encourages harsher sentences.

Indeed, in a brief to the House committee, a former senior bureaucrat indicated that, in previous decades, Justice and Solicitor General staff sought to remove references to deterrence in the Criminal Code given that they reflected outdated research, but — and here's the kicker, colleagues — they were precluded from doing so for political reasons.

In Bill C-14, this ineffective insistence on harsher sentences goes hand in hand with measures like mandatory consecutive sentencing, which experts, including the Canadian Bar Association and Barreau du Québec, have characterized as attacks on judicial independence.

Besides eroding judicial independence and feeding authoritarian-style narratives that those best placed to determine fit and fair sentences are dangerously overstepping their boundaries by simply doing what the law requires of them, what do these mandatory and reverse onus measures in Bill C-14 achieve?

Bill C-14 will increase the number of bail hearings, exacerbating existing crises of delay and lack of resources within the court system. It will also mean more time spent in prison, both before and after conviction, when provincial jails in Ontario are at 123% capacity right now.

The lack of data from the government means that we do not know how many additional bail hearings may result or how many additional people may be incarcerated. Keeping one person incarcerated pretrial costs some $118,000 per year.

At a time when resources are scarce and Bill C-16 asks us to accept measures to address court delays that endanger Charter-protected rights to timely trials, we must ask why we are pursuing such costly and unproven — except as ineffective — measures that are destined to fail to achieve the public safety outcomes they promise.

So what can we do instead? Research does exist that demonstrates that ensuring access to adequate health, housing, economic and social programming and supports deters and prevents crime.

One example is the Manitoba Mincome experiment, which saw that investment in a guaranteed livable income alone resulted in reduced victimization and crime by 17.5%.

As the Minister of Justice himself has emphasized:

> If we make the investments before violence happens, rather than focus exclusively on penalizing people after the crime has taken place, my view is that, in the long term, Canada can become a much safer place.

If we want to improve public safety, we owe it to Canadians to do so in an effective, evidence-based manner.

Colleagues, this is a case of the emperor having no clothes. It is our responsibility to push back. Bill C-14 will not prevent nor meaningfully address crime. We have a responsibility to not waste taxpayers' dollars in the name of performative legislation. We have a responsibility to not baselessly condemn people, especially Indigenous Peoples, Black Canadians, youth and people who are unhoused or dealing with mental health and addiction issues, to prison and mass incarceration for the sake of appearing tough on crime.

Let's fulfill our responsibilities and advocate for the investments needed to build up communities and support and empower people instead of leaving them behind. This is how we will meaningfully enhance public safety.

Meegwetch, colleagues. Thank you.

Hon. Paula Simons: Senator Pate, something that I was not able to touch on in my speech last night was the impact of pretrial incarceration on the eventual sentence. I wonder if you could explain what happens when somebody has been remanded for months and years before trial, and what impact that has, if they are found guilty, on their post-trial sentence.

• (2010)

Senator Pate: The quotes that I read from judges who have issued judgments are generally aware that they are reducing, or sometimes rejecting, the continuation of charges. A good example is the Maplehurst case. A number of people, including people who were being, or would have been, tried for murder, were released because they were incarcerated for so long and the conditions were so egregious.

Generally, it is taken into account at the time of sentencing if they are convicted.

What also happens, though, which I did mention, is that the rate of guilty pleas goes up exponentially, and the number of wrongful convictions increases. You are familiar with the report that a number of us were a part of, entitled *Injustices and Miscarriages of Justice Experienced by 12 Indigenous Women*. Those were all women who were in those kinds of situations.

Jamie Gladue, after whom we named subsection 718.2(e), as I have spoken about in this chamber, was one of those individuals. He had the defence of self-defence and defence of another but was offered a plea deal or the option of staying in jail longer. Not surprisingly, most lawyers, especially if you are talking about an Indigenous or Black woman or man — but particularly where the intersections of racism happen — will often encourage their client to take a guilty plea because they cannot guarantee they will receive a fair trial.

Hon. Marilou McPhedran: Senator Pate, would you take a question?

Senator Pate: Yes.

Senator McPhedran: Thank you.

You and I arrived in this place in 2016, and it is now 2026. You have the most expertise of anyone I have ever encountered on issues such as what we're dealing with in this bill.

My question is this: Are you aware of any credible research — peer-reviewed, with traceable sources, et cetera — that supports the basic premise of this bill? Are you aware of any research that shows that this is an effective way for society to deal with these issues?

Senator Pate: Sadly, no, there aren't any. In fact, the government itself, in 2016, was moving away from this. It is not even in the youth justice legislation. Although, perhaps we'll start to see it now. The presumption is that deterrence does not work unless you know what is going to happen and there is certainty of being caught. So, it was largely discredited even by the government's own research.

One of the challenges is that we have been asking for data. It is why I quoted some of our colleagues about the need for data. The provinces have been asked to provide this data. The last time that I was asked to comment on some of these sorts of bail issues, more than half of the jurisdictions have not provided the data to StatCan.

The fact that they then come, asking for these kinds of measures — the premiers and heads of our provincial and territorial governments — is indicative. It is a perception. Unfortunately, as government officials, we have an obligation to educate people and do the work that will actually address the issues.

Of course, there are real issues in the community about safety, and there are real issues about crime, but pretending that what we're doing is going to solve it is just that: pretending.

Thank you.

Hon. Bernadette Clement: Will you take a question, Senator Pate?

Senator Pate: Yes.

Senator Clement: Thank you.

I wanted to ask you about car theft. You just finished by saying that communities want to feel safe. I have had some preliminary conversations about Bill C-14 and safety. My car was stolen on January 4 of this year. I watched the video of that theft. It was perpetrated by three very young people in hoodies. It took them longer to brush the snow off my car than to get into my car with a laptop. Then, they drove off. I felt anger. I worked hard for that car. I understood some of the angst and the struggle we have around this.

But then I thought, "Okay. Is Bill C-14 going to address that?" That is what we're being told, are we not? We're being told that Canadians will feel safer, and this will address certain issues. Can you speak to that?

Are those three young people the problem? It felt weird watching that video and feeling conflicted about the car theft.

Senator Pate: You might remember when we were dealing with car theft in a budget bill previously that car companies came before the Standing Senate Committee on Legal and Constitutional Affairs and acknowledged that, in fact, there are other measures they could be taking —

The Hon. the Speaker pro tempore: Senator Pate, your time has expired. Are you requesting more time to answer the question?

Senator Pate: With the leave of the chamber, yes.

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

Hon. Senators: Yes.

Senator Pate: The car companies indicated there were other measures they could take that would interfere with the ignition. I suspect that when you reported your car stolen, you might have had the car company from which you bought the car offer to get you another car. There certainly isn't an incentive for car companies to put in different measures that would be far more effective in addressing car theft than these measures.

I want to deal with organized crime, and I want to see us go after the significant players who are the puppeteers. However, those who actually get caught are the very types of young people you just described. People recruit young people. They go to schools, shelters or sometimes places where people receive their social assistance checks. They recruit people and offer money to do things when those people have very little.

Now, they are even going to some of the encampments, offering options to people.

We have a huge problem with these kinds of measures encouraging enforcement but only on those who are easiest to catch. If we really wanted to address this, we would insist that car companies implement these kinds of measures. We would

insist that when we see a group of three such young people, we look for who is actually paying them. We would ask, who is organizing that ring of three people?

I'm not suggesting, in any way, that there aren't issues, but the fact that we are coming at them by pulling together what will predominantly be racialized young people in the case of car theft and, in the case of some of the other kinds of theft, they will be those who are the easiest to catch and who are the least privileged. On some of the reserves I have been to, people talk about the fact that there are only two ways to make money: sell your body or sell drugs. That is hideous.

We have to address the root issues and the fact that people have inadequate supports and income, don't have places to live and are struggling to survive.

Do not hear me as excusing any of these behaviours or saying there aren't issues, but we're coming at it in a way that will just fill up our jails instead of addressing who is actually engineering some of this.

We should ask: Who benefits? We should always follow the money. Who benefits from these kinds of approaches? It certainly isn't those who are likely to be picked up in this case.

Hon. Denise Batters: Honourable senators, I rise today as the opposition critic to speak to second reading of Bill C-14, the "Bail and Sentencing Reform Act."

This is yet another piece of Liberal legislation that does attempt to fix the colossal mess the Liberal government has made of Canada's criminal law regime since 2015. While Bill C-14 is a concrete step, this Liberal government bill still fails to make substantive changes, taking only incremental steps toward restoring public safety, fairness, justice and truth in sentencing, all of which are principles that our former Conservative government held dear under Prime Minister Stephen Harper.

All around us, we see the repercussions of more than a decade of the Liberal government's soft-on-crime approach. We see headlines daily of failed Liberal catch-and-release crime policies, which have resulted in an increase of serious criminals back out on the streets through lax bail and sentencing laws. Too often, we see news stories of horrendous crimes, and, seemingly in almost every story, it is revealed that the alleged perpetrator was out on bail. Some of those offenders commit a staggering number of repeat crimes, taking advantage of weak Liberal laws to create lawlessness and chaos on our streets.

The consequences are stark: Since the Trudeau Liberal government was first elected in 2015, violent crimes have increased 55%, firearms crimes have increased 130% and extortion has increased by a whopping 330%. Sexual assaults are up 76%. Homicides are up 29%.

At the same time as the rates of violent crimes have increased, the Liberal government dismantled most mandatory minimum penalties while subsequently making house arrest much more widely available.

• (2020)

All of this has resulted in disaster. Canadians do not feel safe in the spaces they did before: their homes, streets and neighbourhoods. A recent Leger survey found that more than half of Canadians polled worry about their general safety, with 54% agreeing that ". . . the justice system — the courts and the laws — is working against the interests of law-abiding citizens." And 87% of those respondents agreed with using reasonable force against an intruder. That is concerning, but it is an understandable response when only a year ago, Toronto police advised Torontonians to leave their keys near the front door to avoid conflict with thieves trying to steal their vehicles. What a sad state that is, honourable senators. And this lack of public confidence in our justice system can be traced back to the Trudeau Liberal government dismantling the tougher laws put in place by Conservative prime minister Stephen Harper's government. It is fundamental that the Canadian public has confidence in the criminal justice system.

Eventually, even the Trudeau government was forced to realize that they had to roll back some of their disastrous soft-on-crime measures that had not only proven to be ineffective but, in fact, had also made the problem significantly worse.

A public backlash prompted the Trudeau Liberal government to bring in some changes under Bill C-48. This bill established some reverse onuses and tightened bail for a small number of offences, largely those involving firearms. But as I stated then, it certainly fell far short of the comprehensive bail reform demanded by provincial and territorial premiers on behalf of Canadians.

Now in Bill C-14, the Carney Liberal government has continued to incrementally dismantle their erroneous criminal justice legislation. It's one step, but it doesn't go far enough. Many of the Liberal government ministers today were part of the cabinet that first enacted these lax crime policies, notably including the now-Minister of Justice Sean Fraser. It is no surprise their version of criminal law reform doesn't go far enough in this bill. As with so many other Liberal crime prevention initiatives, it is largely insufficient.

With that said, let us turn our attention to the content of Bill C-14. The bill attempts to strengthen the bail system by clarifying what is known as the principle of restraint. The Liberal government introduced this guiding principle for bail decisions in their omnibus justice legislation, Bill C-75. The principle of restraint mandates that primary consideration should be given to releasing an offender at the earliest opportunity and imposing the least onerous conditions required. Unsurprisingly, the government has found that courts and justices of the peace, at times, misapplied this principle, resulting in the inappropriate release of some offenders. Devastatingly, this has led to recidivism that has created additional victims of crime and undermined public confidence in our justice system.

Bill C-14 aims to clarify that this principle should not be interpreted to mean that an accused must be released automatically. It underlines that courts and justices of the peace must detain where justified for safety or for the legal grounds for detention. Further, it clarifies that several hybrid offences should be treated as indictable offences at the bail stage unless and until the Crown elects to proceed summarily.

Bill C-14 tightens bail in three ways. First, it specifies factors that a judge must consider when making a bail decision, including whether the alleged offence involved random and unprovoked violence. Second, it expands release conditions for certain offences, including organized crime, extortion, motor vehicle theft and breaking and entering of a dwelling-house. Third, in more serious cases, the court is not required to apply the ladder principle, whereby the prosecution must justify why a less onerous level of release is inadequate before arriving at a level that is more restrictive. Effectively, this means that the prosecution can propose a more restrictive level from the outset.

Bill C-14 expands the situations where a reverse onus is required, meaning that in those cases the accused bears the burden to justify why they should not be detained. A reverse onus demonstrates Parliament's intention that bail should be more difficult to obtain. It is an important signal sent from Parliament to the courts. In Bill C-14, reverse onus offences are expanded to include certain serious violent situations — for example, where strangling, choking or suffocating is alleged — as well as human trafficking, aggravated motor vehicle theft, extortion with violence, breaking and entering of a dwelling-house and certain immigration-related offences.

Bill C-14 directs courts to place greater emphasis on denunciation and deterrence in cases of motor vehicle theft accompanied by violence, repeat breaking and entering and offences committed in association with organized crime.

Furthermore, the bill restricts the availability of house arrest for certain sexual offences, including those which involve bodily harm, assault or exploitation of a person with a disability, and sexual offences against a minor when prosecuted by indictment.

For a small number of offences, Bill C-14 allows consecutive sentencing. In particular, this would apply in cases of aggravated motor vehicle theft and for extortion committed in the same event as arson.

Bill C-14 expands aggravating factors for sentencing to include what is termed commercial theft, meaning the resale, barter or fraudulent return of goods, or where an offence disrupts essential infrastructure, such as the theft of copper wire from infrastructure, which can jeopardize safety. Other aggravating factors would be whether a victim is providing services in the course of their duties, including first responders, and whether an offence involved the use, attempted use or threatened use of violence and whether an offender has a recent violent conviction within the last five years.

Bill C-14 amends the definition of "violent offence" under the Youth Criminal Justice Act to also include an offence which results in bodily harm. As well, this bill allows police to publish identifying information about a young person without a court order in emergency cases where this is an imminent risk of serious harm or to facilitate arrest.

It should be noted that after Bill C-14 was introduced in the House of Commons late last October, the Liberal government then did not call it for debate for more than three months. Once the bill was sent to the House of Commons Standing Committee on Justice and Human Rights, this committee was able to hold only two meetings of witnesses, besides the minister and departmental officials, before reporting back to the House.

Even within a compressed time frame, our Conservative members of Parliament significantly amended Bill C-14. Conservatives strengthened protections for front-line transit workers by ensuring that all transit employees and contractors are covered, not just operators. They tightened the bail system by preventing serious offenders convicted of an indictable offence within the last 10 years from acting as surety for another accused's release. That one strikes me as a no-brainer. It would be a little bit like the fox guarding the henhouse. But this is what we have come to expect of this Liberal government's crime policies, so I'm glad the Conservatives have amended this bill to avoid that in the future.

Another Conservative amendment created a reverse onus in situations where serious repeat violent offenders commit new crimes while already on release. And another called upon the justice minister to table annual reports on the bail system, including rates of recidivism and compliance. Conservative members of the committee also supported measures to classify serious firearms and weapons offences as violent offences under youth justice law, reinforcing that gun crime is violent crime regardless of age.

Many of these amendments, and thereby some of the best parts of Bill C-14, stem from Conservative private members' bills. I want to highlight some of those because in many cases, private members' bills are the result of years of parliamentarians' efforts.

Many of you will remember our esteemed Senate colleague, the Honourable Bob Runciman, former chair of the Senate Legal Committee. His Bill S-221 was the impetus for the provision in the Criminal Code that made assault of a transit operator an aggravating factor for the purpose of sentencing. Bill S-221 received Royal Assent in February 2015 — only 17 of us in this chamber were sitting senators at that time. My current Conservative MP colleague Roman Baber brought forward the amendment to Bill C-14 that expands this provision to include public transit employees.

Then there was private member's Bill C-321, the initiative my Conservative colleague and friend Todd Doherty has advocated for many years. Mr. Doherty's bill would have required judges to consider the fact that the victim of an assault is a person who provides health services or a first responder to be an aggravating circumstance for sentencing. He worked tirelessly and collaboratively to pass that bill unanimously in the House of Commons, and it had progressed here in the Senate, where it was awaiting third reading when Prime Minister Trudeau prorogued Parliament in January 2025. The bill died on the Order Paper.

Our Conservative Senate opposition leader, Senator Housakos, revived that bill in this Parliament as Bill S-233. He shepherded it through the Senate and back into the House of Commons in October 2025, where it recently had second reading debate in February. It is interesting that the Liberal government did not just expedite passage of that bill instead of absorbing its content into Bill C-14, but I guess they wanted the credit for the good idea. We've seen this happen many times before, including with our Conservative election platform in the last election.

• (2030)

My national caucus colleague MP Arpan Khanna has proposed Bill C-242, known as the "Jail Not Bail" bill. This comprehensive private member's bill is much stronger than Bill C-14. It would replace the Liberals' "principle of restraint" with public safety as the primary consideration for release decisions. Rather than just reversing the onus for bail for certain serious crimes, as we see in Bill C-14, the Jail Not Bail Bill would ensure that chronic repeat offenders and those charged with major reverse-onus offences would start from a presumption of the accused being detained rather than a presumption of the accused being released. And where Bill C-14 encourages "consideration" of the number and gravity of the accused's outstanding charges, Mr. Khanna's bill would mandate that an accused's full record and list of outstanding charges be taken into account for bail decisions.

Bill C-242 was the genesis of the Conservative amendment for Bill C-14 which prohibits criminals with a recent conviction from standing as the surety for an accused. Mr. Khanna's bill also proposes that the Minister of Justice table an annual report on judicial interim release, including recidivism, outcomes and effectiveness, which was also accepted as an amendment to Bill C-14.

Conservative MP Frank Caputo has proposed a private member's bill, Bill C-225, which would prosecute murder of an intimate partner as murder in the first degree whether or not it was premeditated. The bill would also prohibit release if an accused was at large on a release order regarding an intimate partner offence, or if the accused was convicted on an intimate partner offence in the five years preceding the arrest.

Mr. Caputo titled his private member's bill "Bailey's Law," in honour of Bailey McCourt. Bailey was a young woman from Kamloops, British Columbia, who was the tragic victim of intimate partner violence. In his House of Commons speech, Mr. Caputo explained her situation this way:

> . . . Bailey was a young woman, a mother and a survivor of intimate partner violence. This summer, her former partner was convicted of abusing her, and within hours, he left the courtroom and murdered her. That allegation is before the court. Along with her was one of her friends, a relatively new friend, who survived.

Bailey's ex-partner James Plover was on bail at the time of the alleged attack. Plover was originally charged with second-degree murder in the killing, but the Crown has since upgraded that charge to first-degree murder and dangerous operation of a motor vehicle resulting in bodily harm.

Bailey's family has been impassioned advocates for Mr. Caputo's bill. I was fortunate to meet Bailey's aunt Debbie Henderson in late January at the national Conservative Convention.

Bill C-225 would allow a court to create a risk assessment period for up to seven days in cases involving intimate partner violence or threats. This would give time for a judge to adequately evaluate the level of risk for an offender's potential release.

Bill C-14 does somewhat attempt to address the post-conviction/pre-sentence release that had such devastating consequences for Bailey McCourt. Bill C-14 stipulates that the Crown can contest release upon conviction in cases of intimate partner violence. In that situation, a reverse onus would apply, where the burden would be on the offender to sufficiently justify why he or she should not remain detained. However, a reverse onus is not a presumption of detention; it only shifts the burden and is not a true safety default. As Peter Copeland of the Macdonald-Laurier Institute told the House of Commons Justice Committee:

> . . . when we focus just on bail through the creation of reverse onuses, you can end up swelling the remand population and not affecting sentencing. . . .

I'm sure there are many of us here whose lives, whose friends or family have been profoundly affected by crimes of intimate partner violence. In my case, it was my legal assistant when I was a lawyer in Regina. Her name was Michelle Lenius. At 32 years old and a mother of three, Michelle was a smart, dynamic, hard-working and resilient woman. On October 17, 2003, Michelle's estranged husband, Kevin Lenius, attacked her. Kevin had been lying in wait in Michelle's home while she was out. When she came in, he assaulted her, including by choking, until she blacked out, and he raped her. He threatened to kill her if she went to the police. Yet somehow, Michelle did find the courage to report Kevin's terrible crimes.

After spending a single night in jail, Kevin was released on an undertaking to keep the peace and be on good behaviour. At the time of release, in an extremely quick court proceeding, the judge had not heard all the facts of the case. I believe if he had, things might have turned out very differently.

There was a restraining order imposed, but Kevin and Michelle still had contact because of their children. Two weeks later, Kevin insisted Michelle had to pick up their two youngest children, aged 5 and 3, from Kevin's house. When she arrived, the kids were in a bedroom. Kevin grilled Michelle about her new relationship and, enraged, he strangled her for two minutes until she was dead. He took their children to a neighbour's house, returned to Michelle's body, washed her face and called the police.

I attended the closing statements of Kevin Lenius's murder trial. Crown prosecutor Al Johnston delivered an extremely compelling address to the jury. He poignantly expressed the absolute brutality of two minutes of strangulation by telling the jury, "And Kevin started to strangle her." And then the Crown prosecutor paused. "He's still strangling her." And he paused. "And he's still strangling her." He continued to do this until two minutes had expired in the courtroom, at which point he said, "And now she's dead."

Kevin Lenius was convicted of second-degree murder and sentenced to life without parole eligibility for 12 years.

Michelle's family, friends and co-workers at our law firm were devastated by her tragic death.

Michelle's murder was a primary reason my late husband, former MP Dave Batters, decided to run for political office a few months later. In 2008, Dave introduced, as his first private member's bill, Bill C-519, which would have required Crown prosecutors to present all the facts of a case to the judge when he or she is ruling on bail for a serious personal injury offence. When he gave his second reading speech on the bill, Dave said he also wanted to include a reverse onus for these serious offences. It was the last speech Dave gave in Parliament, and it was widely supported on all sides.

I believe if Dave's bill had been enacted at that time, there could have been a very different outcome for Michelle Lenius.

After 11 years of Liberal governments dismantling the serious tough-on-crime laws Conservatives put in place, Canadians are still suffering with the consequences of some of the same significant, dangerous holes in our justice system. The Liberal government's Bill C-5 removed many mandatory minimum penalties, even some that were not struck down by the courts. It dramatically widened the number of offences to which house arrest or conditional sentences could potentially apply. Some of these crimes were serious: criminal harassment, sexual assault and forcible confinement, to name only a few.

In Bill C-14, the Liberal government has had to restrict conditional sentence orders — house arrest — from being available for certain sexual offences, including child sexual offences. I would certainly hope so. Conditional sentences should be prohibited in cases where sexual crimes involve children, period. For most Canadians, that is not even a debatable question.

Even if Bill C-14 limits the application of conditional sentence orders in certain sexual offences, the core problem the Liberal government created in Bill C-5 still exists: the broadening of eligibility for serving "custody at home" in the community.

During third reading debate on Bill C-5 in 2022, I warned:

> Removing mandatory minimum sentences and making serious offences eligible for conditional sentences will only create more vulnerable female victims by returning abusers and criminals into the communities where their victims live and work. This bill is absolutely going in the wrong direction.

Tragic cases like Bailey McCourt's or my friend Michelle's show exactly the repercussions of releasing violent offenders back into their communities. Frankly, too often it ends up being women who pay the price for these reckless policy decisions.

That's why I was shocked to discover that the Carney Liberal government's own Gender-based Analysis Plus document for Bill C-14 doesn't even specifically mention the impact this bill will have on female victims of crime. I think that's very telling, and I think it's shameful.

International Women's Day was earlier this week. In celebration, Prime Minister Carney put out a press release to once again affirm just how much this Liberal government cares about women. In it, he wrote, "There can be no equality — and no prosperity — without safety. . . ." It's high time for this Prime Minister to back up that talk with some action.

• (2040)

The Liberal government has spent the past decade out of touch with the Canadian public's concerns about a lax justice system. However, now that it is an unavoidable issue at the polls, the Carney government has decided it needs to do something — anything — to make itself look relevant on this issue.

While Bill C-14 moves toward tightening up the bail system, reversing the onus for certain serious offences and creating some new aggravating factors for sentencing, it still falls short of what is needed to repair our criminal justice system. While the bill clarifies that early release should not be automatic, it fails to direct that dangerous repeat criminal offenders should remain in custody. The safety of the community should be prioritized over the convenience of the accused.

And while the title of Bill C-14 is the "Bail and Sentencing Reform Act," precious little in the bill increases criminal sentences. Only one offence — contempt of court — carries an increased sentence in the bill. It seems that the use of the term "sentencing" in the title is to make it seem as if the Liberal government is doing something, even when it really isn't.

When Bill C-14 was introduced in the House of Commons last October, the crime of extortion had already been increasing at an incredible rate. Cities like Surrey, British Columbia, and Brampton, Ontario, have been fighting a rising tide of extortion crime. What once was extortion aimed at businesses by organized crime has become increasingly personal, with transnational gangs aiming their attacks at individuals and families.

Bill C-14 contains only minimal measures to deal with this issue, including a reverse onus for extortion involving violence, a weapons ban as a bail condition for extortion and consecutive sentencing when both extortion and arson occur in the same event.

Many of the changes in Bill C-14 are similarly incremental. My colleague Conservative MP Tamara Kronis asked Minister Sean Fraser at the House of Commons Justice Committee what difference this bill will really make. Even he had a hard time telling her.

She said:

> I'm wondering if you think you could identify a category of offender who will now be detained, under Bill C-14, who wouldn't have been detained under the existing law.

Minister Fraser replied:

> One thing that's really important is that we don't categorize offenders. Criminal law is uniquely individualistic, as is sentencing and as are bail hearings. It's really important to me that we maintain the ability of the court to dig into the facts of an individual case.

He continued, saying:

> I think that categorizing offenders as groups of people would be a dangerous prediction to make.

When Ms. Kronis asked one of the Justice Department officials a similar question later in that same meeting, the official replied:

> No one can automatically be denied bail, and we can't guarantee that certain provisions are going to result in the detention of anyone, because judges will always have discretion at the bail stage of proceedings, to be consistent with the charter . . .

It is small wonder the Canadian legal system has become "release by default" — and it seems that even though the government is saying Bill C-14 will change that, it is clearly not really its intention to do so. Further proof was the Liberal government's refusal to vote for a Conservative amendment at committee that would have made public safety and security the primary considerations for release, rather than the principle of restraint. But the government had no interest in that.

Liberal MPs also rejected several other Conservative amendments on Bill C-14. They voted against requiring consecutive sentences for repeat human traffickers, meaning these serious repeat offenders would not automatically face stacked penalties for human trafficking crimes. Liberals voted against mandatory detention in certain cases involving serious repeat offenders who reoffend while on release, choosing discretion over clear safeguards. They voted against strengthening passport surrender requirements for high-risk accused individuals, even in reverse onus situations. And Liberals voted against expanding ineligibility for house arrest for serious offences such as human trafficking, robbery and weapons trafficking, leaving open the possibility of conditional sentences in cases many Canadians believe warrant jail time.

The Liberals have made a definite start with Bill C-14, but they remain unwilling to make more changes that will protect Canadians and return justice to our justice system. This bill doesn't restore the mandatory minimum penalties Liberal soft-on-crime legislation has repealed. The very limited restrictions it places on conditional sentencing orders don't go far enough, meaning some people committing robbery, gun and trafficking offences can still access house arrest.

Bill C-14 goes some distance but still leaves a high degree of discretion with respect to sentencing. This bill gives judicial guidance for "consideration" in release decisions but stops short of setting bars that will say that enough is enough.

Honourable senators, Canadians have had enough. The public has lost confidence in a justice system that too often seems to favour the rights of serious criminals over the protection of victims. In real time, we're watching the consequences of Liberal catch-and-release policies unfold. You'll have a hard time convincing me — or, frankly, millions of Canadians — that the weakening of deterrence has been to the benefit of our society.

Even the Liberal government must recognize this on some level. They've introduced Bill C-14 to attempt, if half-heartedly, to fix the problem they themselves helped to engineer. How many more bills will this Liberal government need to pass to try to dig themselves out of this hole? We've had Bill C-48 and now Bill C-14; Bill C-16 will come here soon.

Honourable senators, in the meantime, I ask you to send Bill C-14 to be studied — and, hopefully, improved — at the Standing Senate Committee on Legal and Constitutional Affairs so that we can begin to examine ways we can improve this bill to restore Canadians' confidence in our criminal justice system and return safety to our streets.

Thank you.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

[*Translation*]

REFERRED TO COMMITTEE

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

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

[*English*]

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I ask for leave of the Senate that order no. 2 under the rubric Senate Public Bills – Third Reading, order no. 5 and no. 19 under the rubric Senate Public Bills – Second Reading and orders No. 86 and No. 88 on the Notice Paper, be brought forward and called now.

CANADA REVENUE AGENCY ACT

BILL TO AMEND—THIRD READING

Hon. Robert Black moved, for Senator Downe, third reading of Bill S-217, An Act to amend the Canada Revenue Agency Act (reporting on unpaid income tax).

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.)

SPECIAL ECONOMIC MEASURES ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Dasko, seconded by the Honourable Senator Simons, for the second reading of Bill S-214, An Act to amend the Special Economic Measures Act (disposal of foreign state assets).

Hon. Donna Dasko: Honourable senators, I rise today to speak to Bill S-214, An Act to amend the Special Economic Measures Act (disposal of foreign state assets). This bill would amend the Special Economic Measures Act, or SEMA, to create a legal pathway to seize and repurpose the state assets, including central bank reserves, of perpetrators who breach international peace and security. More specifically, it creates a pathway to seize these assets through executive order. These assets can then be redirected to the victims who have suffered at the hands of these perpetrators.

• (2050)

This bill was previously introduced as Bill S-278 by former Senator Omidvar, and I took stewardship of the bill when she left the Senate just before Parliament dissolved in 2025. I want to thank Senator Housakos, Senator Patterson and Senator Kutcher for their excellent interventions on that bill in the last Parliament. I especially want to commend Senator Omidvar for her far-sighted leadership in advancing these concepts through this bill and through an earlier bill, which served as the inspiration for government legislation in 2022.

Bill S-214 rests on the widely shared belief that foreign leaders and nations who violate international human rights through violence, oppression, corruption or war must be held accountable for their actions, and asset forfeiture can be a powerful option to help achieve this and to assist the victims of these actions.

A good way to introduce Bill S-214 is to describe the situation with respect to Russia's invasion of Ukraine in February 2022. After this invasion, Western countries, including the EU, the U.S., the U.K., Canada and other countries, froze hundreds of billions of dollars in Russian state assets, primarily the Russian central bank's foreign reserves — around €210 to €300 billion total — as well as the private assets of oligarchs such as planes, yachts and real estate. The bulk of the frozen state assets sit in Europe today, with Belgium's Euroclear holding the largest share.

Soon after these events, Canada took a bold leap. In the budget implementation act of June 2022, the government amended the Special Economic Measures Act to permit not only the freezing of the assets of sanctioned individuals and entities but to also permit the seizure and forfeiture of such assets. With this move, Canada became the first G7 nation with the power to not only freeze but also to permanently confiscate and redistribute the assets of sanctioned individuals and entities.

The concept of asset seizure was also the basis of Senator Omidvar's earlier bill, which was Bill S-217, as I mentioned earlier, and this bill was the inspiration for the government's move. Canada became the first G7 nation with the power to confiscate and redistribute these assets.

As currently drafted, however, SEMA can permit the seizure of individual and private assets through a process involving the courts, but it cannot authorize the seizure of state assets. The bill debated here today extends this by creating a legal pathway for state assets to be seized.

Let me explain: As it currently operates, SEMA does not permit the seizure of state assets through court process. That is because state assets are bound by the principle of sovereign immunity, which is a precedent under international law which says, ". . . one sovereign state cannot be sued before the courts of another sovereign state without its consent."

In Canada, this principle is embodied in the State Immunity Act, which limits court action with respect to seizing the assets or property of a foreign state which are located in Canada. This immunity applies broadly unless specific exceptions are met.

While the State Immunity Act limits court action against another state, its reach does not extend to executive actions such as cabinet orders. As such, state assets are shielded from legal proceedings in court, but they are not shielded from executive actions. The bill before you amends SEMA to allow for the confiscation of state assets by executive action, thereby creating two paths for seizure: one through the courts for individual assets and another through executive action by the Governor-in-Council. We can think of it as two highways with different routes but the same destination.

Of course, SEMA can only be used if any of its four underlying conditions have been met. Thus, there must be a grave breach of international peace and security, gross and systematic human rights violations, acts of significant corruption and/or requests for action from an international group which Canada belongs to.

To be clear, SEMA already provides for the seizure of state assets, but the mechanism is flawed. This bill simply provides for amending the mechanism so that the law can fulfill its stated purposes, should Canada choose to seize and repurpose sovereign state assets.

Colleagues, why are we contemplating such extraordinary actions as seizing the state assets of a foreign country? We are contemplating extraordinary actions because we are faced with extraordinary circumstances, in particular the illegal and immoral invasion by Russia of the free, independent and democratic nation of Ukraine. As a matter of justice and based on our values and our interests, we must continue to take action. The funds seized under this act and similar actions by other Western nations can assist Ukraine in rebuilding after the devastation of war.

Let's consider the destruction that Russia has perpetrated with its illegal invasion of Ukraine. First, there are the lives lost. According to a report published on January 27 of this year from the Center for Strategic and International Studies, Russia has lost 1.2 million troops through deaths, wounded and missing, including approximately 325,000 troop deaths since the full-scale invasion of Ukraine began in February 2022. In fact, NATO Secretary General Mark Rutte recently noted that Russia was losing 1,000 people every day as of December 2025.

The same study estimated that Ukraine has suffered very high losses as well, with Ukrainian forces suffering between 500,000 and 600,000 troop casualties, including between 100,000 and 140,000 fatalities since February 2022.

And then there are the civilian casualties. According to the UN Human Rights Office, 15,000 Ukrainian civilians have been killed and 40,000 have been wounded — as of last December — since the war began.

As of early 2026, Russia's invasion has triggered Europe's largest forced migration since World War II, with over 10 million Ukrainians displaced — about 7 million as refugees globally, while the remainder have been displaced internally.

There is also evidence of multiple crimes and violations committed by Russia and Russian troops. A paper prepared by investigator Rodrigue Demeuse for the NATO Parliamentary Assembly examined these violations and presented evidence in three areas.

First, there are violations of international humanitarian law — the so-called laws of war — established by the Geneva Conventions, the Hague Convention and others. Russia has violated these laws. It has deliberately killed civilians and used arbitrary detentions, torture, forced disappearances and human shields, and it has used sexual violence, especially against women. Russia has targeted or destroyed civilian infrastructure, including energy sources, especially this winter. It has denied humanitarian assistance and perpetrated the forced deportation of civilians, including children.

In March of last year, Ukraine alleged 150,000 possible Russian war crimes. The UN — through December of last year — has been reporting on Russia's systematic torture of Ukrainian prisoners of war.

Russia has also violated international human rights law, based on several international treaties and covenants. These include violations of the right to life, freedom, security, expression and assembly, as well as economic, social and cultural rights, such as the right to education, the right to health care, food and water rights and many others.

• (2100)

Finally, there are breaches of international criminal law. There is the crime of aggression committed when Russia invaded the sovereign and independent nation of Ukraine with no justification, which is a clear violation of the UN charter. There is even evidence of genocide.

The destruction brought about by Russia in Ukraine has been massive. The humanitarian losses, including deaths, injuries and displacements, will deeply affect the physical and mental health of the Ukrainian people for years to come.

On November 14, 2022, the UN General Assembly adopted Resolution ES-11/5, recognizing that Russia must bear the legal consequences, including reparations, for its internationally wrongful acts and aggression against Ukraine.

The World Bank's updated damage assessment as of December 31 estimated that Ukraine requires US$588 billion for recovery over the next decade, and this figure is considered to be an underestimation.

The UN report also highlights a 93% surge in damage in the energy sector this winter, where damaged or destroyed assets now include power generation.

So, recognizing that Russia must bear consequences and pay reparations for their illegal acts, the frozen Russian assets represent an important potential source of funds for Ukraine. As I mentioned at the beginning of my comments, after the Russian invasion of Ukraine, Western nations moved quickly to freeze Russian assets held abroad, including Russian state assets and the property of Russian oligarchs. These frozen assets are currently valued at approximately €210 billion of Russia's state assets and approximately €28 billion of privately held assets. Euroclear, a Belgian financial securities depository, holds around €180 billion of these state assets.

Since all of these funds were frozen in 2022, there has been an active international debate concerning the viability and legality of seizing and transferring these assets to Ukraine, either to fund its current needs or to fund post-war reconstruction.

Canada has taken concrete steps already toward seizing and forfeiting privately held assets to support Ukraine, including seizing the Antonov cargo plane in 2023, which still sits at Pearson Airport. I see it as I drive home. It has done this using its sanction powers, which were legislated by the government here in 2022.

But it's the frozen state assets that have attracted the most attention and debate. That's where the big money lies.

In 2024, instead of direct seizure, the G7 countries agreed to use the interest from frozen Russian state assets for a $50-billion loan to Ukraine, not touching the principal assets.

Throughout 2025, Western nations debated the legality of outright confiscation, largely fearing legal challenges and instability in the global financial system if they were to confiscate the funds outright. But just last December, there was finally movement on Russian state assets. The EU states agreed to indefinitely freeze the assets. They were having difficulty doing so, but they were able to freeze the assets in December, which, in turn, paved the way for a loan arrangement of €90 billion to Ukraine, backed by these assets, without undertaking actual outright confiscation.

It will work the following way: Ukraine will repay the loan to the Europeans if Russia pays war reparations to Ukraine. But if Russia does not pay reparations — and most observers think it will not — then the EU maintains the right to use the frozen Russian assets to repay this loan. The funds that are to be forwarded to Ukraine, apparently within the next month, will be used for Ukraine's military and budgetary needs.

While Canada is not party to this particular initiative, the federal government has taken important steps in a related direction. In the budget implementation act, Bill C-15, Division 18 of Part 5 — which is in debate in this chamber even as we speak — the government proposes amendments to SEMA that would require Canadian financial institutions to provide information to the government on any property they control that is owned or controlled by a sanctioned person or foreign state, and on any profits the institution may have realized from this property. The Minister of Finance may then direct the financial institution to pay the government the profits generated from the foreign property.

Among other benefits, these amendments to SEMA in the current budget implementation act may help us to unlock the location of approximately $22 billion that Euroclear is holding related to Russian frozen assets, which Euroclear has reported.

We are building these arrangements piece by piece. Now the only piece that is missing is to provide the government with the ability to seize foreign state assets under the SEMA sanction, which was intended in the 2022 legislation but not fully realized for reasons that I have explained.

Bill S-214 provides a clear domestic legal framework permitting the seizure of state assets. It's a framework that allows us to act with allies or independently if multilateral arrangements falter or are delayed. It is another mechanism to hold Russia to account for its actions. Canada can, if needed, repurpose frozen assets directly for Ukrainian support or reparations without waiting for unanimous international agreement. And it's there to hold other nations — not just Russia — to account for their illegal actions. It is country-agnostic. It is not specifically intended for Russia. It can be used for other related situations as well.

By advancing this bill, Canada strengthens the broader global sanctions architecture and provides a model for other countries should they wish to take this step. We will create a legal avenue for Canada to seize state assets, and we will create a legal precedent that can be followed by other like-minded jurisdictions. We can again show leadership in this area.

Certainly, Canadians are onside with this initiative. In a national public opinion survey commissioned by myself and Senator Omidvar and conducted in October 2023, we found that a strong majority of Canadians support Canada seizing the Canadian assets of foreign states that are violating human rights and using these assets to help victims. The poll shows that 81% of Canadians support Canada seizing the state assets of the Russian government that are held in Canada and using those assets to help the victims of the war against Ukraine.

From the beginning, Canada has shown leadership on these issues, and by moving ahead with this legislation, we can continue to lead by example. I ask for your support for this bill.

• (2110)

To conclude, I want to thank my advisory group of international and Canadian experts who have assisted me on this very demanding subject matter. They are academics, foreign policy experts and international lawyers.

As a third-generation Ukrainian Canadian, I'm especially motivated to see this bill pass, and I'm especially proud of Canada's vast and steadfast embrace of Ukraine in its time of greatest need. I know that this support will continue into the future, however long it takes.

Colleagues, thank you.

Some Hon. Senators: Hear, hear.

Hon. Paula Simons: Senator Dasko, will you take a question?

Senator Dasko: Yes, senator, I will take a question.

Senator Simons: I am just curious: Are there actually Russian state assets in Canada, and do we know what kinds of assets they are?

Senator Dasko: That is an excellent question, senator.

According to testimony at our Foreign Affairs Committee in December with respect to the budget implementation act, or BIA, that is now on the table, which I mentioned earlier, the RCMP has reported C$185 million that has been frozen or immobilized in Canada, and those are Russian assets. However, they will not break out the state assets from the privately immobilized assets, so we don't actually know the number of Russian state assets in Canada.

We do know, however, that just before the invasion of Ukraine, the Central Bank of the Russian Federation actually reported $16 billion of Russian state assets in Canada. Those disappeared after the war. Presumably, they removed them from Canada and put them in Europe or wherever. So there is a bit of a mystery.

The RCMP will not — I'm not sure why — break out the private assets from the state assets, so we don't actually know the value of Russian state assets in Canada today.

(On motion of Senator Housakos, debate adjourned.)

CRIMINAL CODE
INDIAN ACT

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Osler, for the second reading of Bill S-241, An Act to amend the Criminal Code and the Indian Act.

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?

Hon. Robert Black: Honourable senators, with leave of the Senate, I move, on behalf of the Honourable Senator Tannas, seconded by the Honourable Senator Patterson:

That,

1. the bill stand referred to the Standing Senate Committee on Legal and Constitutional Affairs;

2. the Standing Senate Committee on Indigenous Peoples be authorized to examine and report on the subject matter of the bill; and

3. the Standing Senate Committee on Legal and Constitutional Affairs be authorized to take into account any report from the Standing Senate Committee on Indigenous Peoples on the subject matter of the bill tabled in the Senate during its consideration of the bill.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF NEWFOUNDLAND AND LABRADOR'S OFFSHORE PETROLEUM INDUSTRY

Hon. Joan Kingston, pursuant to notice of March 10, 2026, moved:

> That, notwithstanding the order of the Senate adopted on Wednesday, October 8, 2025, the date for the final report of the Standing Senate Committee on Energy, the Environment and Natural Resources in relation to its study on Newfoundland and Labrador's offshore petroleum industry be extended from March 31, 2026, to June 30, 2026; and
>
> That the committee be permitted, notwithstanding usual practices, to deposit reports on this study with the Clerk of the Senate if the Senate is not then sitting, and that the reports be deemed to have been tabled in the Senate.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

NATIONAL SECURITY, DEFENCE AND VETERANS AFFAIRS

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

Hon. Tony Ince, pursuant to notice of March 11, 2026, moved:

> 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.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

ADJOURNMENT

MOTION ADOPTED

Leave having been given to revert to Government Business, Motions, Order No. 58:

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of March 11, 2026, moved:

> 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.

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

Hon. Senators: Agreed.

(Motion agreed to.)

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): 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 9:18 p.m., the Senate was continued until Tuesday, March 24, 2026, at 2 p.m.*)

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